

ANALYSIS

Item 24: Public Defense Commission

Agency Status

Analyst: John Borden

Request: Acknowledge receipt of a report on the status of the Public Defense Commission.

Analysis: The budget report for HB 5031 (2025), the primary budget measure for the Public Defense Commission (PDC), included the following budget note:

The Public Defense Commission is directed to report to the Interim Joint Committee on Ways and Means in January 2026, and then subsequently to the Legislative Emergency Board on September 2026, on the unrepresented defendant/persons crisis, including the implementation of the Commission's "12-month plan to address the number of unrepresented Oregonians". The reports shall also include information on Commission efforts to restructure agency operations, as well as intermediate and long-term planning efforts. The reports are also to include information on changes to service delivery models, by provider type, forecasted versus actual caseloads, cost factors, including cost per case, and a biennial financial forecast.

The budget note continues the extensive reporting to the Legislature that occurred in the prior biennium, as the Legislature seeks the resolution of Oregon's unrepresented defendant/persons crisis and improvements to agency operations and delivery of the state's public defense services.

PDC has reported progress along most major areas of concern. Governance of the agency has improved, and the agency has successfully transitioned to the executive branch of government. The interim executive director has developed a 12-month plan to address the unrepresented defendant/persons crisis with seven initiatives: (1) allowing experienced attorneys to exceed maximum caseload caps on a voluntary basis; (2) expanding collection and analysis of caseload and workload data; (3) revising contract terms to increase system capacity; (4) facilitating cohort hiring of new attorneys at nonprofit defender offices; (5) investing in public defense law clinics; (6) expanding the use of special resolution dockets; and (7) strategically deploying the Oregon Trial Division to assist in crisis jurisdictions.

These initiatives have been implemented to improve the state's public defense services delivery with a focus on resolving the unrepresented defendant/persons crisis. The plan, along with other initiatives that had been in place, have produced the first materially significant reductions to the level of the unrepresented defendant/persons crisis since 2022. PDC reports that as of

October 2025, the state has experienced a 23% reduction in the number of unrepresented persons compared to November 2024. Beyond the statewide reduction, improvements have occurred across all six crisis jurisdictions, with Coos County, Marion County, and Jackson County experiencing the most significant reductions. At the same time, progress in Douglas, Multnomah, and Washington Counties has been more modest.

PDC reports engaging in more intermediate and long-term planning efforts for the agency, largely focused on developing an alternative to the Maximum Attorney Caseload (MAC) model. The agency is also undertaking efforts to restructure agency operations with a primary focus on the Compliance, Audit, and Performance Management Division, which will be important for the development of the 2027-29 biennial budget.

PDC's report also includes a biennial financial forecast, which projects an overall surplus of \$18.8 million total funds out of a 2025-27 legislatively adopted budget of \$725.4 million total funds. However, six of 12 programs are projected to be overbudget, although some of that is attributable to recent cost-of-living allowance changes.

Finally, the agency has developed a cost-per case analysis that, while further analysis and input is required to validate the analysis, is of vital importance to developing a better undertaking of agency cost-drivers and budget development. A 2023 legislative reform requires the Department of Administrative Services - Office of Economic Analysis (DAS-OEA) to conduct caseload forecasting of future public defense services. The spring 2025 forecast was produced and used to develop the PDC's 2025-27 adopted budget. With each forecast, the forecast methodology has been refined and improved by DAS-OEA. However, pricing the forecast has been a challenge, specifically related to pricing the caseload by service provider type (e.g., contract provider, state attorneys, hourly providers, etc.). At present, there exists a high degree of uncertainty surrounding PDC's forecast pricing methodology, which continues to be less-than-well documented and replicable. Therefore, PDC's development of this preliminary cost-per case analysis is expected to improve understanding of the agency's budget drivers.

While there are still major areas of concern that this report was not able to address, and no update was provided on the agency's acquisition of a Financial and Case Management System (FCMS), which is seen as vital to providing PDC with a comprehensive information technology application to provide oversight and financial accountability over the state's public defense system, the 2026 Legislature can expect to receive another report from PDC on making available \$22 million General Fund that is currently unscheduled, pending the submission of a detailed comparison between budgeted and actual attorney capacity.

Recommendation: The Legislative Fiscal Office recommends that the Joint Interim Committee on Ways and Means acknowledge receipt of the report.

Request: Report on the unrepresented defendant/persons crisis as requested by a budget note in House Bill 5031 (2025).

Recommendation: Acknowledge receipt of the report.

Discussion: The Oregon Public Defense Commission (OPDC) submitted a report updating the Legislature on the status of the unrepresented persons crisis as well as the implementation of its 12-month plan to reduce the number of unrepresented persons across the state, in compliance with the following budget note associated with House Bill 5031 (2025):

The Public Defense Services Commission is directed to report to the Interim Joint Committee on Ways and Means in January 2026, and then subsequently to the Legislative Emergency Board in September of 2026, on the unrepresented defendant/persons crisis, including the implementation of the Commission's "12-month plan to address the number of unrepresented Oregonians." The reports shall also include information on the Commission's efforts to restructure agency operations, as well as its intermediate- and long-term planning efforts. The reports are also to include information on changes to service delivery models, by provider type, forecasted versus actual caseloads, cost factors, including cost per case, and a biennial financial forecast.

Unrepresented persons crisis: The number of unrepresented persons peaked at over 4,000 in February of 2025 but has since seen a 30 percent reduction to just under 3,000 at the end of October. The unrepresented crisis is concentrated in six "crisis counties" (Coos, Douglas, Jackson, Marion, Multnomah, and Washington). The levels of improvement has varied between these counties with progress being more modest in Douglas, Washington, and Multnomah counties.

12-month plan implementation: In June 2025, the agency released a [12-month plan](#) focused on ending the unrepresented crisis, which included seven key interventions. To date, the agency has made progress on each intervention, although it is too early to gauge the status of them all, primarily those related to changes in 2025-27 provider contracts, which did not go into effect until October 1, 2025.

Restructuring of agency operations: The agency has focused recent organizational change efforts on creating a more accountable, transparent, and effective agency. Key areas include further development of the Compliance, Audit, and Performance Division (CAP) to enhance compliance monitoring, data integrity, and performance management. The agency has also focused on expanding and enhancing its policy infrastructure through the creation of over 60 new policies. In the longer term, the agency is planning a transition from the Maximum Attorney Caseload (MAC) model with the goal of moving towards a workload model grounded in time and resource analysis and currently plans to implement the new model for the 2029-31 biennium. The agency

is also working on a cost-per-case model, but it is a work in progress that is complicated by the agency's various service delivery models.

Service Delivery Costs and Caseload: The report concludes with an overview of the agency's service delivery models, comprising a combination of capacity contracted providers, hourly contracted providers, and state-employed attorneys in the Oregon Trial Division. As of October 1, 2025, the vast majority of the agency's capacity is provided through capacity contracts. For the 2025-27 biennium, the agency currently projects a total caseload of 208,112, slightly lower than the most recent Office of Economic Analysis projection. The agency is also currently projecting total biennial costs of \$706.7 million, \$18.8 million less than their 2025-27 Legislatively Adopted Budget. The agency notes that these savings are from improvements to the agency's contracts for 2025-27.

OPDC is required to submit another interim report to the September 2026 Emergency Board providing updated information on the unrepresented persons crisis and the other required elements included in the budget note in House Bill 5031 (2025).



Oregon

Oregon Public Defense Commission

198 Commercial St. SE, Suite 205

Salem, Oregon 97301-3489

Telephone: (503) 378-2478

Fax: (503) 378-4463

www.oregon.gov/opdc

December 8, 2025

The Honorable Senator Kate Lieber, Co-Chair
The Honorable Representative Tawna Sanchez, Co-Chair
Interim Joint Committee on Ways and Means
900 Court Street NE
H-178 State Capitol
Salem, OR 97301

Dear Co-Chairs Lieber and Sanchez:

Nature of the Request

This request is related to a report submitted by the Oregon Public Defense Commission as required by a budget note in House Bill 5031 (2025), which reads:

The Public Defense Services Commission is directed to report to the Interim Joint Committee on Ways and Means in January 2026, and then subsequently to the Legislative Emergency Board in September of 2026, on the unrepresented defendant/persons crisis, including the implementation of the Commission's "12-month plan to address the number of unrepresented Oregonians." The reports shall also include information on the Commission's efforts to restructure agency operations, as well as its intermediate- and long-term planning efforts. The reports are also to include information on changes to service delivery models, by provider type, forecasted versus actual caseloads, cost factors, including cost per case, and a biennial financial forecast.

Agency Action

This report provides data and analysis regarding unrepresented persons in Oregon, as well as on the Commission's implementation of the 12-month plan to reduce the number of unrepresented persons across the state. The report also includes updates on agency operations and planning efforts, as well as information on service delivery, including data on contract providers, caseloads, and a biennial financial forecast. The Commission voted to approve this report at the December 5, 2025 Commission meeting.

Action Requested

The Oregon Public Defense Commission requests acknowledgment of receipt of the attached report.

Legislation Affected

No legislation is affected.

Sincerely,



Ken Sanchagrin
Executive Director

cc:

Amanda Beitel, Legislative Fiscal Officer
John Borden, Principal Legislative Analyst, LFO
Kate Nass, Chief Financial Officer
Jonathan Bennett, Budget and Policy Analyst, CFO



**Oregon
Public
Defense
Commission**

Interim Status Report
Per House Bill 5031 (2025)

Report I
December 5, 2025

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NATURE OF THE REPORT

A budget note included with HB 5031 (2025) states:

The Public Defense Services Commission is directed to report to the Interim Joint Committee on Ways and Means in January 2026, and then subsequently to the Legislative Emergency Board in September of 2026, on the unrepresented defendant/persons crisis, including the implementation of the Commission's "12-month plan to address the number of unrepresented Oregonians." The reports shall also include information on the Commission's efforts to restructure agency operations, as well as its intermediate- and long-term planning efforts. The reports are also to include information on changes to service delivery models, by provider type, forecasted versus actual caseloads, cost factors, including cost per case, and a biennial financial forecast.

This report responds to the above budget note. The Commission approved this report on December 5, 2025.

EXECUTIVE SUMMARY

This report was created in response to a budget note included in House Bill 5031 (2025), which is the Oregon Public Defense Commission's (OPDC) legislative funding bill for the 2025-2027 biennium. The budget note required OPDC to report on several items, which are summarized below.

Unrepresented Defendant/Persons Crisis. During the first half of 2025, the number of unrepresented individuals statewide increased, continuing an upward trend that began the previous year. Starting in May 2025, however, the number of unrepresented persons across the state began to fall. As of October 31, 2025, the state has experienced a 23 percent reduction in the number of unrepresented persons compared to November 1, 2024. Beyond the statewide reduction, improvements have occurred across all six crisis jurisdictions, with Coos County, Marion County, and Jackson County experiencing the most significant reductions. At the same time, progress in Douglas, Multnomah, and Washington Counties has been more modest.

Implementation of the Commission's 12-month Plan to Address the Number of Unrepresented Oregonians. OPDC has made progress in implementing all seven interventions identified in its June 2025 [12-month plan](#), which focused on ending the unrepresented crisis in Oregon. These interventions included: (1) allowing experienced attorneys to exceed maximum caseload caps on a voluntary basis; (2) expanding collection and analysis of caseload and workload data; (3) revising contract terms to increase system capacity; (4) facilitating cohort hiring of new attorneys at nonprofit defender offices; (5) investing in public defense law clinics; (6) expanding the use of special resolution dockets; and (7) strategically deploying the Oregon Trial Division to assist in crisis jurisdictions. Although the timing of this report limits the availability of data for several of these interventions, early indicators suggest that they have contributed to more stability within the public defense system and improved access to counsel across much of the state.

Agency Efforts to Restructure Agency Operations. OPDC is working toward internal restructuring designed to strengthen governance, accountability, and oversight. The Compliance, Audit, and Performance (CAP) Division is being further refined to serve as the agency's centralized framework for monitoring contract compliance, data integrity, and performance management. The agency has also expanded its policy infrastructure, created over 60 new policies, and established its first Rules Advisory Committee to support administrative rulemaking and stakeholder engagement.

Intermediate and Long-Term Planning. OPDC is engaged in long-term planning to transition from a Maximum Attorney Caseload (MAC) system to a workload-based model grounded in time and resource analysis. This shift, with the support of stakeholders and legislators, will enable a more equitable, data-driven allocation of resources statewide.

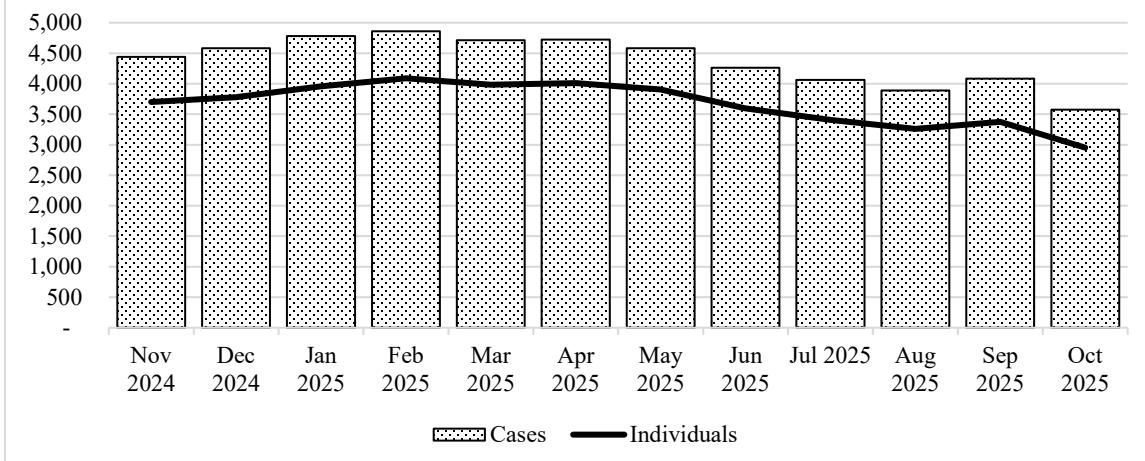
Caseload and Financial Forecasting. OPDC's biennial financial forecast will support data-informed budgeting and ensure fiscal alignment with caseload demands. Additionally, the 2025-27 contract cycle, effective October 1, 2025, is expected to yield overall cost efficiencies through improved resource targeting, expanded capacity, and reduced reliance on hourly contracting.

Through these combined efforts, OPDC is addressing Oregon's constitutional obligations while building a more sustainable, accountable, and data-driven public defense system. Continued legislative partnership will be essential to maintaining this trajectory and ensuring that every eligible Oregonian receives timely and effective legal representation.

UNREPRESENTED PERSONS NUMBERS AND TRENDS

As of October 31, 2025, there were 2,952 indigent individuals statewide who needed an attorney but could not be provided with one who were not in warrant status. While the number of unrepresented persons remains unacceptably high, current figures show a significant decrease over the past 12 months. As shown in Figure 1, in November 2024, the number of unrepresented individuals statewide stood at just over 3,700, and at its peak in February of this year, over 4,000 indigent Oregonians were in need of an attorney. As it stands today, the state has experienced a 23 percent reduction over the past 12 months or a 30 percent reduction since the February 2025 peak. Further, it is encouraging that the downward trajectory has been nearly constant since February, except for a brief increase in September 2025, which occurred as OPDC's 2023-25 contracts expired and the new 2025-27 contracts went into effect. The driver of this bump was a lack of capacity, as many public defense providers approached the ends of their 2023-25 contracts, having exhausted their MAC. Based on these promising trends, it is clear that progress is being made statewide. This progress, however, should not obscure the fact that much work remains to fully address the unrepresented crisis.

Figure 1. Unrepresented Cases and Individuals by Month (Excluding Active Warrants; Source: OJD Unrepresented Data



It is important to note, however, that an analysis of statewide trends conceals important differences and trends at the county level. Further, the geographic concentration of unrepresented individuals in certain areas has led to the informal designation of six jurisdictions as “crisis counties:” Coos, Douglas, Jackson, Marion, Multnomah, and Washington. In some of these jurisdictions, significant positive progress is being made consistent with the overall statewide trends discussed above. In other crisis jurisdictions, however, progress has been slower.

Crisis County-by-County Analysis

As shown by the overall statewide unrepresented numbers, progress is being made in addressing the unrepresented crisis in Oregon. Similarly, positive momentum can be found in each of the six crisis counties, although the magnitude of the progress varies from jurisdiction to jurisdiction.

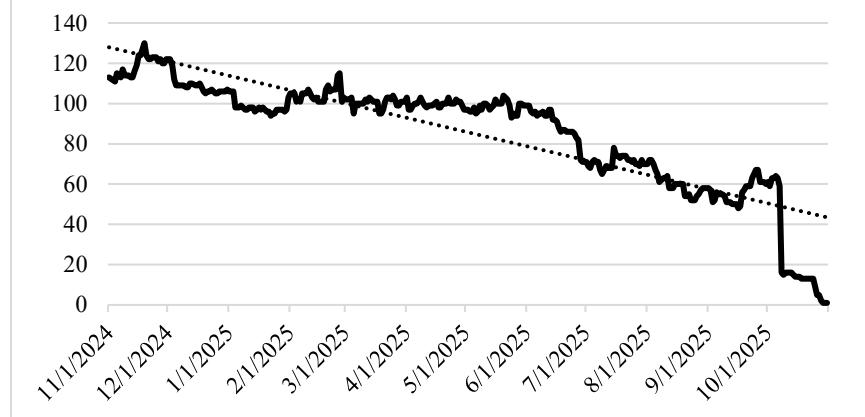
Coos County

As shown in Table 1, as of October 31, 2025, Coos County reported the following unrepresented individuals: one out-of-custody, zero in-custody, one probation violation, and one non-criminal. The total number of unrepresented individuals, therefore, stands at three, representing a 98 percent reduction over the past year and placing Coos County in the lower third of jurisdictions by the size of their unrepresented population.

Table 1. Unrepresented Individuals Year Over Year Change (Coos)

Category	11/1/2024	10/31/2025
Out-of-Custody	113	1
In-Custody	11	0
Probation Violation	5	1
Non-Criminal	2	1
Total	131	3

Figure 2. Coos County Out-of-Custody Pretrial Unrepresented Individuals (11/1/24-10/31/25)



Practice Portfolio Examination (SPPE) program. While an important recruitment tool and investment in future attorney capacity, SPPE attorneys typically cannot handle a full caseload as they pursue their bar license. The loss of capacity, followed by the hiring of individuals who could not fully replace previous levels of productivity, led to a quadrupling of the number of unrepresented individuals between May and October of 2024.

In response to the increase, the OPDC Central Valley Trial Division stationed one of its attorneys locally in Coos County in November 2024 to provide additional capacity. As shown in Figure 2, following that placement, the number of unrepresented individuals began to decrease, albeit slowly. To provide further relief, in May 2025, the OPDC Central Valley Trial region office began staffing monthly special resolution dockets, resulting in hearings for 127 cases over approximately six months. Of those 127 cases, 49 cases were successfully resolved (see Intervention Six for more details). Finally, in October 2025, a second contract provider was funded in Coos County via the 2025-27 contracts: a new consortia, Coos Defense Alliance, LLC. The impact of this addition is clearly evident in the data. With Coos County largely stabilized, OPDC intends to bring its Trial Division attorney back to Marion County at the end of this year.

The challenge in Coos County was always one of capacity. In the spring and summer of 2024, the sole provider in the jurisdiction, Southwestern Oregon Public Defender Services Inc., lost four attorneys. This represented a nearly 50% reduction in countywide attorney capacity. The departed attorneys were mainly replaced by new attorneys pursuing licensure through the Supervised

Douglas County

As shown in Table 2, Douglas County reported a total of 223 unrepresented individuals, 202 of whom were out-of-custody and 9 of whom were in-custody as of the end of October 2025. Year over year, this represents a 33 percent reduction in unrepresented individuals and suggests that progress is being made in addressing the unrepresented persons crisis within the Jurisdiction.

Table 2. Unrepresented Individuals Year Over Year Change (Douglas)

Category	11/1/2024	10/31/2025
Out-of-Custody	314	202
In-Custody	8	9
Probation Violation	11	7
Non-Criminal	2	5
Total	335	223

Figure 3. Douglas County Out-of-Custody Pretrial Unrepresented Individuals (11/1/24-10/31/25)



A simple year-over-year comparison, however, masks important trends in Douglas County. Figure 3, which presents trend lines for out-of-custody pretrial unrepresented individuals, demonstrates the complexities in assessing the progress in Douglas County. Overall, the county experienced a significant reduction in unrepresented individuals between November 2024 and the end

of March 2025, before experiencing a rebound that did not abate until the end of June. Numbers declined over the summer, only to stagnate in the fall. Most recently, Douglas County experienced an increase in unrepresented individuals at the end of September, followed by a sharper decline that coincided with the start of the 2025-27 contracts in October 2025.

The primary engagement OPDC has had with Douglas County concerning the unrepresented crisis has been through its use of attorneys from the OPDC Trial Division through its Central Valley and Southern regional offices. Since the crisis began, the OPDC Trial Division has taken 122 Douglas County cases in total: 90 by attorneys from the Central Valley region and 32 by attorneys from the Southern region. These cases have included 5 Jessica's Law cases, 19 Measure 11 cases, and 21 major felony cases. Beyond providing direct representation to unrepresented individuals in the county, OPDC also increased its contracted MAC in the jurisdiction by 1.15 MAC for the 2025-27 contract cycle. Finally, OPDC plans to conduct additional outreach to local system partners to gauge the feasibility of interventions, such as creating a special docket, which could have a positive impact similar to that in Coos County.

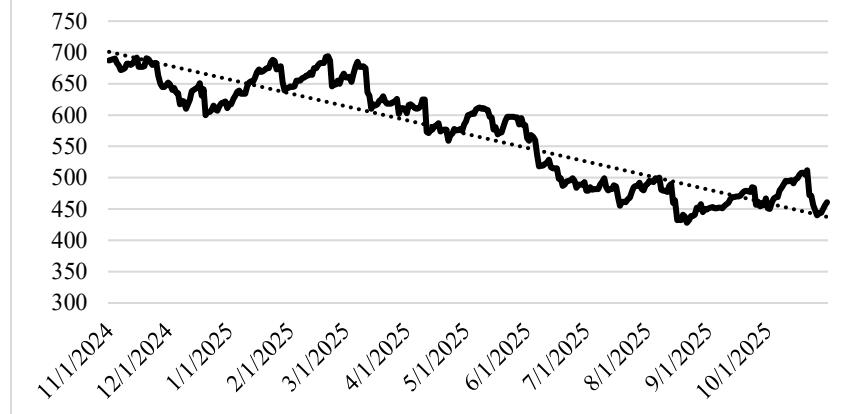
Jackson County

Table 3 reports the year-over-year change in the unrepresented population in Jackson County. The jurisdiction reported a total of 574 unrepresented individuals as of the end of October 2025, 461 of which were out-of-custody and 29 of which were in-custody unrepresented individuals. Compared to November 2024, this represents an overall decline of just over 32 percent. Figure 4 provides a more detailed examination of the trend in the out-of-custody pretrial population in Jackson County. As shown in the figure, Jackson County has seen a downward trend in the number of out-of-custody unrepresented individuals over the past 12 months. Much of the fluctuation in in-custody numbers can be tied to provider MAC capacity issues, particularly at the end of each month.

Table 3. Unrepresented Individuals Year Over Year Change (Jackson)

Category	11/1/2024	10/31/2025
Out-of-Custody	687	461
In-Custody	34	29
Probation Violation	84	55
Non-Criminal	42	29
Total	874	574

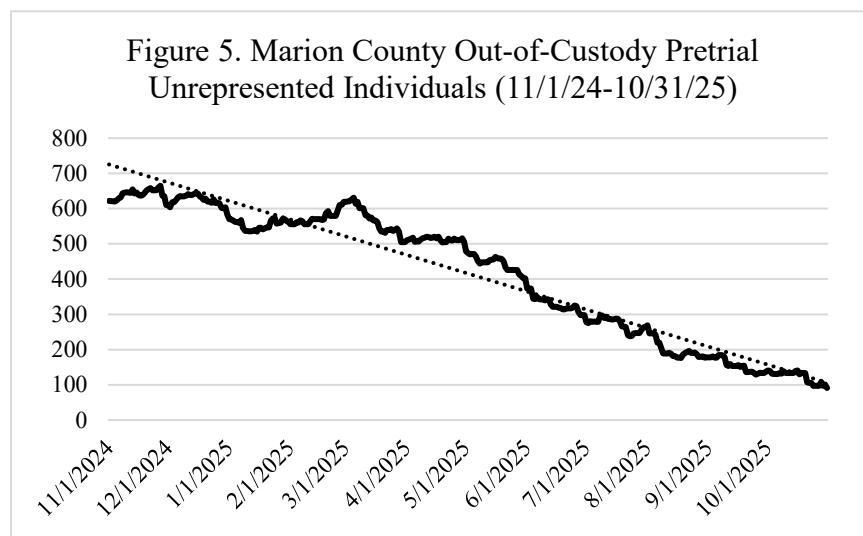
Figure 4. Jackson County Out-of-Custody Pretrial Unrepresented Individuals (11/1/24-10/31/25)



Some of the progress in Jackson County can be attributed to its Early Disposition Program, a special docket in which the district attorney identifies low-level and diversion-eligible cases at arraignment that could be resolved through up-front plea offers. Once those plea offers have been communicated to clients and they indicate a willingness to participate, the case is added to the EDP docket, which is staffed by OPDC attorneys from the Southern regional division. Since this docket began in May of 2025, the EDP has resulted in the resolution of 147 cases, all of which would have been placed on the unrepresented list had they not been resolved. The OTD Southern Regional Division also staffs the arraignment docket once a week and handles all in-custody cases on the docket that day, preventing them from becoming unrepresented. OPDC anticipates the positive momentum in Jackson County will continue, along with the continued work of the OTD Southern Regional Division via the EDP. Five attorneys within the local consortia elected to participate in OPDC's 115% program, which offers additional capacity to the county.

Marion County

Over the last 12 months, Marion County has made significant progress in addressing the unrepresented crisis. As shown in Table 4, Marion County reported 199 unrepresented individuals as of October 31, 2025, a nearly 75 percent reduction from the same time last year, when the county reported 795 unrepresented individuals. The reduction has been particularly pronounced in the out-of-custody population, as shown in Figure 5, which fell from 622 on November 1, 2024, to 91 on October 31, 2025, an over 85 percent reduction in that specific population.



assignment of more cases at arraignment and can accelerate case resolution. The OPDC Trial Division's ability to take cases off the unrepresented list also helped reduce the need to conserve MAC at the beginning of the month. Indeed, the OPDC Trial Division has taken over 600 cases in Marion County, and it has partnered with the Marion County Circuit Court and the Marion County District Attorney to establish a weekly special resolution docket. This effort, which started in October 2025, aims to resolve approximately 20 cases per week. In addition, local providers have also been taking more cases within the jurisdiction. In early 2025, for instance, OPDC increased capacity within Marion County Association of Defenders Ltd. (MCAD) by adding 1.5 FTE to their contract. Further, as the end of the 2023-25 contract cycle approached, Public Defender of Marion County (PDMC) increased its case appointment rate in March, April, May, and June of 2025, exceeding their past case assignment rates by nearly 66%. Finally, Marion has relied on an increased utilization of hourly providers to fill gaps.

Table 4. Unrepresented Individuals Year Over Year Change (Marion)

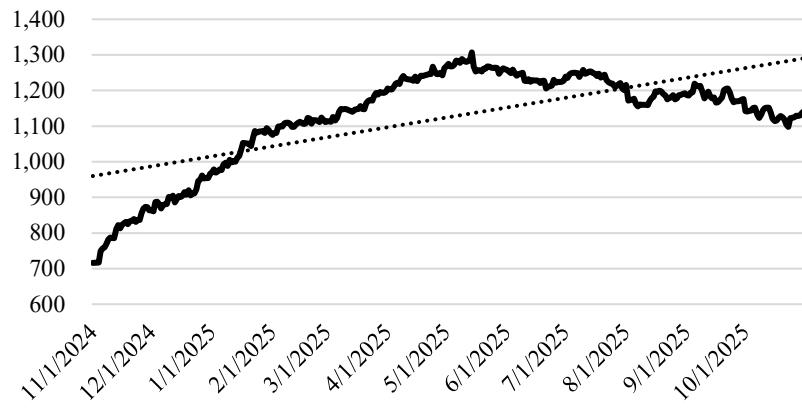
Category	11/1/2024	10/31/2025
Out-of-Custody	622	91
In-Custody	9	12
Probation Violation	154	86
Non-Criminal	10	10
Total	795	199

Several factors are driving the positive momentum in Marion County. A combination of improved coordination between providers and the local court's shift to assigning cases at arraignment contributed to the decrease in the number of unrepresented individuals. Specifically, the jurisdiction was able to return to a previously used "attorney of the day" arraignment model, which facilitates the

Multnomah County

As shown in Table 5, Multnomah County reported 1,137 out-of-custody and 74 in-custody unrepresented individuals as of October 31, 2025. Approaching the end of 2024, Multnomah County experienced a period of relative stability. As shown in Figure 6, however, the number of unrepresented individuals within the jurisdiction grew steadily starting in November 2024. On November 1, 2024, there were 716 out-of-custody, 67 in-custody, 12 probation violations, and seven non-criminal unrepresented individuals in Multnomah County, for a total of 802 unrepresented individuals. By mid-May 2025, those numbers had grown to almost 1,400, with the vast majority of that growth among the out-of-custody unrepresented population (which, on its own, rose by a little over 170% between November 2024 and mid-May 2025).

Figure 6. Multnomah County Out-of-Custody Pretrial Unrepresented Individuals (11/1/24-10/31/25)



over the last two months. The number of unrepresented persons with out-of-custody probation violations has also grown, increasing from 10 to 24 between mid-May and the end of October 2025.

Significant positive progress in Multnomah County has been difficult to achieve. As described in greater detail in Intervention Six, OPDC is working to establish a special resolution docket in the jurisdiction staffed by attorneys from the OPDC Northwest Trial Division. While an important piece of the puzzle, a single special docket is not the solution on its own, given the size of the issue in Multnomah County. OPDC believes that increased capacity across the jurisdiction as a whole will provide some relief. Initial contracts with Multnomah County public defense providers for adult criminal cases included 87.40 FTE. Following the swearing-in of recent law graduates, OPDC will fund an additional 9 FTE by the beginning of December (see *Intervention Four*). Three attorneys will participate in OPDC's Exceed Caseload Program, which compensates attorneys for caseloads exceeding 100% MAC (see *Intervention One*). Finally, OPDC leadership has been meeting with the Multnomah County courts and the district attorney to develop additional strategies to address the crisis in Oregon's largest county.

Table 5. Unrepresented Individuals Year Over Year Change (Multnomah)

Category	11/1/2024	10/31/2025
Out-of-Custody	716	1,137
In-Custody	67	74
Probation Violation	12	24
Non-Criminal	7	3
Total	802	1,238

Since mid-May 2025, the number of out-of-custody pretrial unrepresented individuals in Multnomah County has fallen, albeit at a slower rate than in other crisis counties. Since May 15, 2025, the number of out-of-custody pretrial unrepresented persons has fallen by just over 13% to 1,137. During the same period, however, in-custody numbers have grown, due primarily to an upward trend

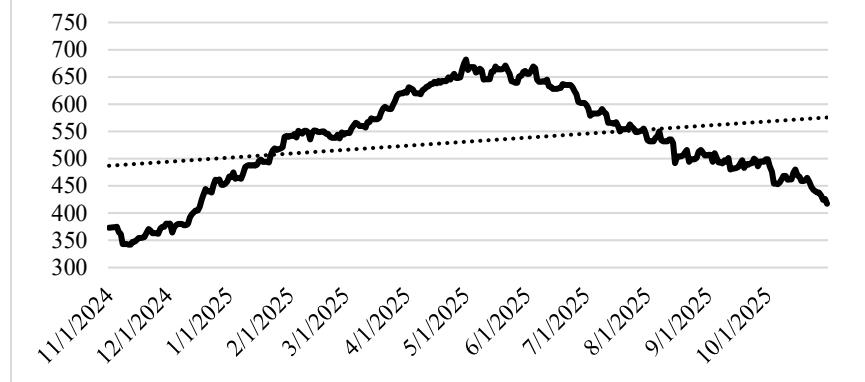
Washington County

As shown in Table 6, Washington County reported 417 out-of-custody, unrepresented defendants, 18 in-custody unrepresented individuals, 49 out-of-custody probation violation unrepresented individuals, and five unrepresented individuals with non-criminal cases as of October 31, 2025, for a total of 489. As shown in Figure 7, like Multnomah County, Washington County experienced substantial growth in its total unrepresented population through the first half of 2025, peaking at 738 in May 2025 before falling again to the numbers reported at the end of October. Thus, while Washington County has seen a reduction over the last half of 2025 from its May peak of approximately 33 percent, overall, the county has slightly more unrepresented individuals than twelve months ago. As is the case in most crisis jurisdictions, the primary driver of the unrepresented numbers is out-of-custody pretrial unrepresented individuals. The dominance of this group, however, obscures patterns found elsewhere. Among in-custody unrepresented individuals, for instance, progress has been difficult to measure due to frequent fluctuations within that population. Perhaps most concerning was an upward trend in the number of in-custody unrepresented individuals through the late summer and fall as the end of the 2023-25 contract approached. That trajectory, however, was reversed once the new contract cycle began on October 1, 2025. Recent months have also seen growth in unrepresented out-of-custody probation violations.

Table 6. Unrepresented Individuals Year Over Year Change (Washington)

Category	11/1/2024	10/31/2025
Out-of-Custody	373	417
In-Custody	29	18
Probation Violation	41	49
Non-Criminal	12	5
Total	455	489

Figure 7. Washington County Out-of-Custody Pretrial Unrepresented Individuals (11/1/24-10/31/25)



As discussed in the 12-month plan, the primary issue in Washington County has been insufficient capacity. With the start of the 2025-27 contracts, OPDC believes that some of these capacity concerns will be addressed. First, four attorneys elected to participate in OPDC's Exceed Caseload Program, which allows attorneys to be compensated for caseloads in excess of 100% MAC (see Intervention

One below for more details). Initial contracts with Washington County public defense providers for adult criminal cases included 51.80 FTE for the jurisdiction. Following the swearing-in of recent law graduates, however, OPDC will fund an additional 8 FTE in the county by the beginning of December (see Intervention Four).

12-Month Plan Implementation

The Oregon Public Defense Commission released a plan in June 2025 to significantly reduce the number of unrepresented defendants, focusing on counties with the highest numbers of unrepresented defendants. The multipronged proposal outlined strategies to increase the public defense system's capacity to take cases, including actions that would facilitate the hiring of newly graduated lawyers, strengthen oversight of contracts, encourage collaboration with public safety partners, and compensate experienced attorneys for voluntarily taking cases beyond 100% MAC if they have the ethical capacity to do so.

Below is an update on the proposed interventions within the plan. It should be noted that it is too early to provide data on some of the interventions contained in the plan, as the 2025-27 contracts began on October 1, 2025, and the first data reports from the new contracts won't be submitted until mid-November 2025. Due to the timing of this report, OPDC will not have data on every intervention. OPDC will submit another Status Report in September 2026, at which time sufficient data will be available to report on all interventions.

Intervention One: Exceeding Maximum Attorney Caseload Caps

For the 2025-27 contract cycle starting on October 1, 2025, OPDC revised its contract terms to facilitate the appointment and compensation of sufficiently experienced attorneys with the necessary ethical capacity to take cases exceeding current MAC limits, up to 115%, on a voluntary basis.¹ Table 7 reports the number of attorneys participating in this program, broken out by county, along with the additional MAC added to each county. As of October 1, 2025, 40 attorneys

Table 7. Participants in the Exceed Caseload Program by County

County	Participants	Additional MAC
Clackamas	18	2.10
Jackson	5	0.65
Klamath	8	1.10
Malheur	1	0.15
Multnomah	3	0.45
Statewide	1	0.15
Washington	4	0.35
Total	40	4.95

are participating in the program, and while some attorneys elected to take up to the 115 percent maximum, others did not. All participating attorneys are compensated based on the degree to which they exceed 100 percent MAC. Cumulatively, across the state, the 40 participating attorneys will provide the equivalent of nearly five additional full caseloads in the public defense system.

While the additional MAC in the crisis counties (Jackson, Multnomah, and Washington) will not solve the crises in those jurisdictions, the increased capacity will help alleviate the unrepresented numbers. This program will also benefit non-crisis counties. In Klamath County, for example, the general dearth of attorneys often leads to spikes in the number of unrepresented when a single attorney in the county leaves or has to reduce MAC for various reasons. The additional MAC capacity will help bring stability to rural areas like Klamath County.

¹ To qualify for inclusion in this program, the following criteria were used: an attorney must (i) have at least four years of public defense experience; (ii) be at least lesser felony qualified or Criminal Attorney Level 2 or greater; (iii) have been actively accepting appointments in felony level Cases for at least two (2) years; (iv) have at least a 0.90 FTE across all public defense contracts with at least 0.50 FTE devoted to criminal cases; (v) have no open investigations by bar ethics counsel; (vi) agree to comply with OPDC data and reporting requests, as needed; (vii) affirm that they have, and will review, all available discovery in all cases; and (viii) affirm that they have the ethical capacity to take on the additional MAC.

Finally, increasing the MAC in Clackamas County via this program will help prevent unrepresented cases and should also lead to cost savings. To avoid an unrepresented crisis in Clackamas County, local attorneys have resorted to taking on hourly cases once they reach their monthly MAC limits. By taking this hourly work, the local bar has prevented defendants from becoming unrepresented, but this has come via one of the more costly ways to provide defense services. By increasing contracted MAC and paying for cases under the provider contract model, OPDC should see lower expenses on hourly cases, although it is too early to quantify those savings.

Intervention Two: Expand the Collection and Analysis of Data

OPDC is committed to collecting and analyzing data regarding public defense services being provided within the state, consistent with the American Bar Association's Ten Principles of a Public Defense Delivery System. Data gathered from numerous sources, including the public defenders themselves and the Oregon Judicial Department, will allow OPDC to identify and communicate important data points on the changing nature of public defense and the quality of public defense services across the state. Over the past biennium, OPDC has significantly expanded its data collection and analysis to understand better and improve the services provided to clients. One example of this is the development of prorated MAC established in the 2023-25 contract cycle, which allows OPDC to gain a more accurate picture of statewide capacity. Additionally, the Oregon Trial Division's use of a case management system enables OPDC to access real-time caseload and timekeeping data, improving visibility into workload and resource needs. The agency has also launched public-facing dashboards displaying criminal contract and OTD caseload data. It will expand those dashboards in the 2025-27 cycle to include data from the Juvenile and Parent Child Representation Program (PCRP).

Communication of this information has likewise improved, with OPDC presenting data to the Commission more frequently, incorporating information from unrepresented defendants into public monthly reports, and working closely with the Oregon Judicial Department and the Office of Economic Analysis on forecasting. Looking ahead, the Financial Case Management System (FCMS) will provide near-real-time data on costs and timekeeping, greatly enhancing OPDC's data analysis capabilities.

Finally, OPDC has wholly changed how it uses data in decision-making. OPDC has integrated data into its planning and decision-making processes, including budget decisions, resource allocations, and programmatic work. While becoming a data-driven agency is an ongoing process and the agency will need additional resources to reach true maturity in this area, OPDC believes it has established a data-driven culture and will continue to expand and refine its data use.

Intervention Three: Implement Contract and Policy Adjustments

OPDC implemented contract and policy adjustments for the 2025-27 contracts to increase MAC capacity across the state by changing the agency's approaches in several areas. First, the agency changed the method for assigning MAC weights to cases in which attorneys withdraw early during the legal process. Second, refinements were made to policies regarding the assignment of partial MAC weighting for second or subsequent attorneys on a case within a single firm. Third, the agency passed new policies regarding contractor compliance with contractual terms and conditions related to MAC performance and data reporting. Finally, the agency created reduced caseload requirements for new first-year attorneys.

When the Commission adopted these policy adjustments in mid-April 2025, it estimated they would result in additional capacity of 30.59 MAC at full implementation. Given that the 2025-27 contracts began on October 1, 2025, it is too early to report on the impact of the first two policy adjustments on statewide MAC capacity. In the agency's next status report, however, it will provide data regarding the impacts of these policy adjustments.

While OPDC cannot yet report on the impact of the contractual compliance terms, it can report on their implementation. Under the 2025-27 contract, if there are two distinct occurrences during the term in which the contractor's monthly caseload increases or decreases by 15%, OPDC staff will meet with the contractor to discuss the circumstances surrounding the increase or decrease. These discussions would aim to bring the contractor back toward 90% MAC utilization. Thus, while consideration of caseload variance is built into the contracts, MAC is still treated as a ceiling, as the contracts state that no provider is expected to exceed those case limits. Exact language about the 15% variance can be found on page 5 of the 2025-27 contract under section 10, "Contract Modification and Adjustments."

Table 8. Participants in the Reduced MAC Program as of 10/31/25²

County	Participants	MAC Reduction
Clackamas	3	0.99
Grant/Harney	1	0.34
Lane	2	0.50
Marion	3	0.79
Multnomah	2	0.66
Union	1	0.29
Total	12	3.57

The agency can provide an updated estimate of the MAC impact of the final policy adjustment, a program that allows new attorneys to have a reduced caseload for one year. To be eligible, the attorney must be in their first year of licensure by the Oregon State Bar or have less than one year of experience representing public defense clients if the attorney was licensed in another state; be part of a mentoring or supervision program that OPDC has approved; and be qualified as a level one attorney by OPDC. Qualified applicants for the program are held to a caseload equivalent of 200 misdemeanors for one year, rather than the standard

300 misdemeanor MAC. As shown in Table 8, as of October 1, 2025, 12 first-year lawyers have elected to participate in this program across six jurisdictions. These 12 participants represent a 3.57 reduction in MAC. While it initially reduces MAC, OPDC believes this program will decrease burnout and turnover among new attorneys; it also sets more realistic and accurate expectations for MAC, enabling improved capacity planning.

Intervention Four: Facilitate the Hiring of Cohorts of New Attorneys

In its 12-month plan, OPDC recognized the need for improved, streamlined contract terms to facilitate better the hiring practices of the state's non-profit public defense providers. For the 2025-27 contract cycle, these efforts have focused more on process than on specific changes to contract terms due to the complexities of implementing an entirely new contract template in partnership with the Oregon Department of Justice for the 2025-27 biennium. OPDC, however, remains committed to helping non-profit public defense firms better compete for top legal talent, both locally and nationwide.

² In future reports, the data reported for participation in the new reduced MAC program could change substantially, as the data reported in Table 9 does not include the newest cohort of attorneys who joined the Oregon Bar in mid-to-late October 2025.

For the present contract cycle, when bar results were posted in October, OPDC amended several non-profit public defenders' contracts to bring in their new cohort hires of newly licensed attorneys starting November 1, 2025. As the 2025-27 contracts are finalized, OPDC plans to immediately shift to planning and stakeholder engagement for the 2027-29 contracts, including discussions with a smaller group of providers on the cohort hiring process. OPDC hopes that by the next contracting cycle, structural changes in the contract will better support this need and pave the way for new generations of public defenders within the state.

Intervention Five: Public Defense Law Clinics

The Oregon Legislature allocated funding for the creation of public defense clinical programs at Oregon's three law schools: Lewis & Clark Law School, the University of Oregon School of Law, and the Willamette University College of Law. The goals for these clinics were twofold: (1) create a targeted response to the state's public defense crisis, and (2) help stabilize the public defense workforce by improving recruitment, retention, and capacity. Each program is designed to provide students with hands-on training under the supervision of clinical professors and public defenders while actively representing indigent clients in court proceedings. Each program also includes a classroom component.

Initial funding for this effort was provided through HB 5204 (2024) § 35 for the 2024-25 academic year, which encompassed the fall semester of 2024 and the spring and summer semesters of 2025. OPDC received \$3.4M in funding to continue support for the three law school clinics for the 2025-27 biennium via the agency's budget bill, HB 5031 (2025). OPDC is finalizing agreements with each of the three law schools for the 2025-26 academic year; clinics are continuing while these contracts are finalized. In all, OPDC anticipates that the clinics will handle over 1,000 misdemeanor cases during this biennium.

Below is an overview of the law school clinics' structure and performance during the 2024-25 academic year. OPDC will submit a full report on the legislative investment in law schools for the 2027 Legislative Session.

Lewis & Clark Law School/Metropolitan Public Defender

Lewis & Clark Law School currently partners with the Metropolitan Public Defender (MPD) to train law student cohorts to be practice-ready upon graduation. To be eligible, students must meet the requirements of the Oregon State Bar Law Student Appearance Program (under RFA 13.5(2)), although preference is given to third-year students. Participating students commit to working 20 hours per week over two 13-week semesters during the academic year, while summer students commit to 40 hours per week over 10 weeks. Clinic participants begin their work with an intensive three-week training at MPD (two weeks for summer clinic participants) before they can be assigned to cases. As students progress through the clinic, they gain greater independence, moving from being closely supervised at the outset to handling client meetings and court appearances independently.

Willamette University College of Law/Public Defender of Marion County

Willamette University College of Law employs an "in-house" model, in which all core components of the clinic program take place on campus. Misdemeanor cases from the unrepresented defendant list are

assigned directly to the clinical professor in charge and then assigned to law students. Participating students commit to 12 hours per week, though higher hourly commitments are available for additional course credit. Students are assigned a single case at the outset of the program and build their caseload slowly over time, focusing intently on each case to learn the nuances of public defense practice. Each week, they attend court hearings and client meetings, perform case-related work, and also attend a two-hour seminar, meetings with their supervisor, and mentor meetings. In partnership with the Public Defender of Marion County (PDMC), students also attend trainings and case staffing meetings at PDMC.

University of Oregon School of Law/Public Defender Services of Lane County

The University of Oregon School of Law partners with two different public defense providers for its clinic. The first partner is Public Defender Services of Lane County, which operates as the home for the Eugene-based arm of the University of Oregon clinic program. Each semester begins with an intensive “bootcamp” training program, after which students attend weekly two-hour class sessions for the remainder of the semester. Coursework covers critical substantive content and helps participants develop their legal skills. Students are also responsible for attending court hearings, holding client meetings, performing case work, and attending weekly supervision meetings, training sessions, and case roundtable meetings at the Public Defender Services of Lane County.

University of Oregon School of Law/Multnomah Defender Inc.

The University of Oregon School of Law has a second clinical partnership with Multnomah Defender, Inc. (MDI). In this program, students are fully integrated into MDI's daily operations and have the opportunity to work with several members of the MDI staff. Students enrolling in the clinic begin with an intensive training period before building a caseload under the supervision of the Lead Clinical Instructor. In addition to working with the lead instructor, students are paired with two mentors from MDI who provide ongoing support as they progress through the program. Weekly, students are expected to attend a class seminar, meet with their supervising attorney, and participate in misdemeanor case meetings and monthly caseload updates. Students also attend MDI weekly sessions devoted to moot case preparation, where they either watch experienced attorneys moot their cases in preparation for trial or have the opportunity to moot their own cases before hearings and/or trials.

Law School Clinic Reporting for the 2024-25 Academic Year

Table 9 reports high-level data on the three law school clinics and their four partnerships during the 2024-25 academic year, including the fall 2024 semester and the spring and summer 2025 terms. In all, 62 law students participated in the clinics. These students took 535 cases, 394 of which, or almost 75%, were closed during the academic year. Cases that remain open past the end of the summer term are still assigned to the clinics and will be included in future clinic data for the 2025-2026 academic year.

Table 9. Law School Clinic Reporting for the 2024-2025 Academic Year Cases

Law School	# Students	Opened	Closed	Partner Organization
Lewis & Clark	15	281	208	Multnomah Public Defender
University of Oregon	10	67	45	Multnomah Defenders, Inc.
University of Oregon	17	78	72	Public Defender Services of Lane County
Willamette Univ	20	109	69	Marion County Public Defender
Total	62	535	394	

Future data tracking will include gathering information on employment choices and outcomes for program participants to gauge whether the clinics are working as effective pipelines into the public defense profession. It is important to remember that the programs accept both 2L and 3L law students, which means that, of the 62 participants, only a portion have graduated and are currently entering the legal profession. Through reporting from OPDC's law school partners, some anecdotal information has been acquired regarding clinic participants transitioning into the profession. For instance, two recent graduates who participated in a clinic are reportedly now employed in the mid-Willamette Valley region. Other graduates have and continue to apply for public defense work, both in Oregon and elsewhere.

Intervention Six: Special Resolution Dockets

Since the release of the 12-month plan, OPDC's Trial Division has partnered with district attorneys and courts in Coos, Jackson, Marion, and Multnomah counties to pilot or create special resolution dockets. While each special docket has a similar goal—the quick resolution of cases—how they resolve, as well as the stage at which resolution occurs, varies across jurisdictions. Some special dockets, such as the Early Disposition Program in Jackson County, aim to intervene early in a case, immediately after arraignment, so that cases resolved by the program never go on the unrepresented list. This approach can lead to an overall reduction in the number of unrepresented individuals within a given jurisdiction by reducing the inflow of cases onto the unrepresented list. Alternatively, some special dockets aim to remove individuals who have already been placed on local unrepresented lists. In Coos County, for example, the district attorney would identify cases for resolution and make plea offers to defendants who had been unrepresented. This approach reduces the number of unrepresented individuals directly by removing them from the rolls as their cases resolve.

While these efforts have included many of the attorneys from the OPDC trial team across its three regions, this work has been strengthened by the addition of a dedicated special resolution docket attorney on the trial team, a position allocated to the agency in its 2025-27 budget. Currently, this attorney resides within the OTD Central Valley office, spearheads the Marion County Early Resolution Docket, and works on an additional special docket called Restore Court, as well as expanding special resolution efforts in Multnomah County (see below).

In this report, the subsections that follow focus on special dockets created in crisis jurisdictions since the release of the 12-month plan. It should be noted, however, that other special dockets have existed and continue to exist elsewhere in the state and can lead to beneficial outcomes in non-crisis jurisdictions as well. There are also efforts to establish special dockets in other crisis jurisdictions not listed below, although it is too early to report on them.

Coos County

The Coos County Early Resolution Docket was a monthly special docket staffed by the OPDC Central Valley Trial Division, where the district attorney identified cases on the unrepresented defendant list for possible resolution. Following the identification of eligible cases, the district attorney provided discovery to the Trial Division, which reviewed the information, along with the plea offer, with clients in advance of the docket date. As shown in Table 10, a total of 127 cases were included on this docket between May and October 2025. Of those cases, 49 were resolved, removing them from the unrepresented list. A total of 41 cases involved individuals who failed to appear in court, resulting in the issuance of bench warrants for those defendants. In cases where clients were unwilling to accept the plea bargains offered by the district attorney, those cases were temporarily added back to the unrepresented list before being removed in early October once the new 2025-27 public defense contracts were signed. As of the writing of this report, the current iteration of this docket has concluded because Coos County no longer has a lengthy list of unrepresented defendants. Conversations between the local court and providers are ongoing to determine whether this or other special docket types should be continued.

Table 10. Case Outcome Data for the Coos County Early Resolution Docket

Case Outcomes	May	June	July	Aug	Sep	Oct	Total
Cases on the Docket‡	20	28	17	19	20	23	127
<i>Removed from Unrepresented List</i>							
Resolved	9	12	6	7	7	8	49
<i>Not Removed from Unrepresented List</i>							
Failed to Appear	3	13	7	6	5	7	41
Set Over‡	6	1	3	3	3	2	18
Declined Plea	2	2	0	3	4	6	17
Total	11	16	10	12	12	15	76

‡ Cases set over in one week remain on the ERD docket into the weeks that follow. Some cases, therefore, may be counted twice.

Jackson County

Table 11. Case Outcome Data for Jackson County EDP

EDP Outcome	Number	Percent
Assigned Atty	39	24.2%
Resolved	108	67.1%
Failed to Appear	14	8.7%
Total	161	100%

The Jackson County Early Disposition Program (EDP) is a special docket in which the district attorney identifies low-level, diversion-eligible cases at arraignment that can be resolved quickly through up-front plea offers. Plea offers for qualifying cases are communicated to defendants at arraignment. If a defendant indicates a willingness to participate, the case is added to the EDP docket, which is

staffed by OTD Southern Regional Division attorneys. Importantly, because these cases are identified at the outset and routed into the special docket so quickly, they do not have the chance to be added to the unrepresented list. Since its inception in May 2025, this effort has included 158 unique cases, with 15-20 new cases added to the docket every two weeks. Of the 158 cases, 105, or around two-thirds, have been resolved via dismissal, a guilty plea, or some other outcome such as DUII diversion. Of those cases that did not resolve, the majority resulted in counsel being assigned to the case. In contrast, a smaller

percentage, less than 10 percent of the total cases, failed to appear, which resulted in the issuance of a bench warrant.

Marion County

The Marion County Early Resolution Docket, which began operations in October 2025, was developed in partnership with the Marion County District Attorney and the presiding judge. This early resolution docket starts with the court identifying individuals on the unrepresented list who may have cases appropriate for quick resolution. The proposed docket is sent to the district attorney and the OPDC Central Valley Trial Division to schedule approximately 20 cases per week for resolution. Thus far, as shown in Table 12, the goal of 20 cases per week has been met over the initial five weeks the docket has been in operation. Over those five weeks, a total of 106 cases have been scheduled, with 36 reaching a resolution and 22 resulting in a declined plea. Importantly, within the Marion County ERD program, defendants who elect not to settle their cases during the special docket are immediately assigned counsel, so even though their cases do not resolve, they are removed from the unrepresented list.

Table 12. Case Outcome Data for the Marion County Early Resolution Docket

Case Outcomes	2-Oct	9-Oct	16-Oct	23-Oct	30-Oct	Total
Cases on Docket‡	20	20	22	20	24	106
<i>Removed from Unrepresented List</i>						
Resolved	6	8	4	10	8	36
Declined Plea†	6	3	6	1	6	22
Total	12	11	10	11	14	58
<i>Not Removed from Unrepresented List</i>						
Failed to Appear	5	4	5	5	4	23
Set Over‡	0	3	6	1	6	16
Other/Removed	3	2	1	1	2	9
Total	8	9	12	7	12	48

† Cases involving defendants who decline plea offers are assigned counsel.

‡ Cases set over in one week remain on the ERD docket into the weeks that follow. In some cases, therefore, may be counted twice.

Multnomah County

In Multnomah County, a partnership between the Multnomah County Circuit Court, the Multnomah County District Attorney's Office, and OPDC is in the early stages of developing a special resolution docket focused on identifying cases for resolution among those on the unrepresented list. On August 27, OPDC Northwest Trial Division attorneys participated in the initial "pilot day" for this docket, which consisted of 41 C felony cases (some with additional, lower severity charges) for defendants who had been out of custody and awaiting appointment of an attorney and who did not have a history of failing to appear in court. All offers made during this pilot were for probationary terms. On the docket date, 19 cases were resolved. An additional 11 cases were resolved in the months that followed. This represents a case resolution rate of 73.2%.

Since this initial pilot day, OPDC has continued to collaborate with local system partners to build on this early success and is working to streamline the process to include additional offense types in future dockets. This collaboration has also been working to develop a process for identifying similarly situated defendants at the point of arraignment so they can be quickly transitioned to an early resolution docket. The Trial Division's new early resolution attorney, based at the Central Valley Regional office, has been integrated into these negotiations, to eventually take over OTD's Multnomah County special docket development process.

Intervention Seven: OPDC Trial Division

The OPDC Oregon Trial Division (OTD) is a key resource the state can leverage in addressing the number of unrepresented Oregonians. OTD comprises state-employed attorneys and support staff who provide trial-level

defense services. The division has offices in three regions, (i) the Northwest Region, covering two offices, which primarily serves the Portland metropolitan area, including Clackamas, Multnomah, and Washington counties; (ii) the Central Valley Region, which primarily serves Marion County as well as acting as the source of statewide capacity when needed, and (iii) the Southern Region, which primarily serves Jackson County. OTD currently has 17 attorneys and three chief deputy attorneys, who manage the regional offices.

While the Trial Division maintains only four offices in the state, it has handled nearly 3,200 cases in 25 of Oregon's 36 counties. As shown in Table 12, as of October 31 of this year, both the Central Valley and Southern Regions have taken over 1,000 cases each, with the Northwest Region not far behind. As shown in Figure 8, the Trial Division has taken more cases in some counties than others. Indeed, in 12 of the 25 counties in which the Trial Division has provided representation, the number of cases assigned is less than 10 (lighter-shaded counties in Figure 9). In the other counties, however, case assignments have been much higher, particularly in Jackson County (1,181 cases assigned), Marion County (674 cases assigned), Multnomah County (495 cases assigned), and Washington County (348 cases assigned).

The breadth of coverage shown in Figure 8 demonstrates one of the trial division's unique strengths—its flexibility to respond to local needs and mitigate emerging or existing unrepresented crises. In Coos County, for example, the Trial Division has handled more than 150 cases. In mid-2024, the only contract provider in Coos County lost around half of its attorney capacity, leading to an unrepresented crisis and prompting the jurisdiction to

Table 12. Oregon Trial Division Caseload Summary

Region	Attys [†]	Open	Pending	Closed	Total	MAC
Central Valley	6	337	133	511	1,021	109.14%
Northwest	6	493	51	312	856	98.54%
Southern	5	279	85	934	1,298	115.23%
Total	17	1,109	269	1,757	3,175	106.92%

[†] Each regional office employs one chief deputy attorney

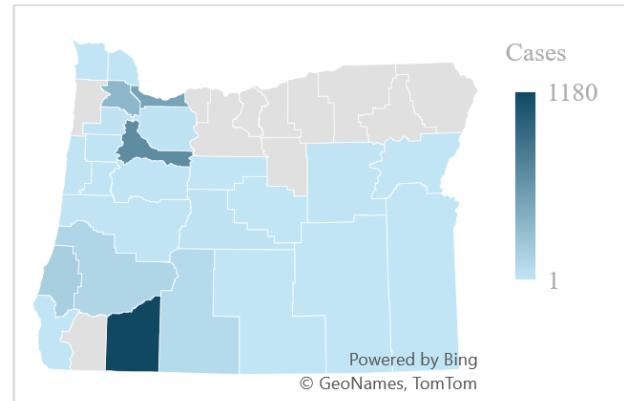


Figure 8. Locations of OTD Cases by County

be added to the crisis county list. In November 2024, OPDC assigned one of its Central Valley Region attorneys to Coos County for a one-year rotation. In addition to handling their normal caseload, including *Betschart* cases, this attorney worked with the court and the DA's office to establish a special resolution docket. As discussed in the preceding section of this report, the monthly special docket, staffed by both the local Trial Division attorney and other attorneys from the OPDC Central Valley Region office, has been crucial in effectively eliminating Coos County's unrepresented pretrial backlog.

Similarly, in the summer of 2024, attorney attrition in Deschutes County led to the development of an unrepresented list there, which peaked at over 150 in August 2024. The OPDC Central Valley office sent attorneys to Deschutes to assist with special resolution dockets, which led to the elimination of the backlog. Finally, as shown in Figure 8, the Trial Division has been able to address small numbers of cases outside its normal jurisdiction, including Measure 11, Jessica's Law, and murder cases. For example, in the fall of 2025, the Northwest Region took a murder case in Crook County to assist the local bar there.

Data about the Trial Division can be found under Caseload Summary on the [Trial Division Dashboard](#). The trial team prioritizes *Betschart* and other in-custody cases, with a secondary focus on out-of-custody clients with serious charges, those who have been on the unrepresented list for extended periods, and cases that are particularly complex due to clients' mental health needs, language barriers, and other factors. As shown in Table 12, the staff at the Trial Division offices are collectively working at over 100% of MAC.

AGENCY OPERATIONS

OPDC has undergone significant leadership, structural, and operational changes over the past five years. At the same time, it has been navigating significant statutory and budgetary changes as it has transitioned into the Executive Branch of state government. Part of that development has been a focus on creating an accountable, transparent, and effective agency. OPDC continues to work towards a unified goal: to restore credibility in the Commission as an efficient and effective administrator of Oregon's public defense system by stabilizing agency administration; thereby ensuring constitutionally competent and effective legal representation for persons eligible for a public defender.

Compliance, Audit, and Performance

OPDC is continuing to develop its Compliance, Audit, and Performance (CAP) Program, which was created to provide a central framework within the agency designed to strengthen oversight, accountability, and transparency across the state's public defense system. The structure of CAP aligns with nationally recognized standards, including the American Bar Association's Ten Principles of a Public Defense Delivery System. It formalizes a governance model that integrates monitoring, evaluation, and data-driven performance management into agency operations. The CAP program consists of three sections: (1) Compliance, (2) Data and Research, and (3) Internal Audit. Each section has a distinct but interconnected role in promoting high-quality representation and effective agency operations.

Compliance. This section, under the Compliance Manager, ensures that providers adhere to their contracts. If contractors do not meet their contractual obligations, program analyst staff will work with them to identify the causes, develop solutions, and document interventions. This process is crucial for ensuring contractor compliance and recording any necessary agency actions. Future compliance work will incorporate the recently adopted performance standards, ensuring that providers meet both qualitative and quantitative expectations.

The agency's Case Assignment Coordinators also report to the Compliance Manager. While these coordinators are currently focused on finding representation for unrepresented persons, the goal, once the crisis has abated, is to utilize them in a quality-control function. They will review case assignments and provider reports to ensure that reported cases match assigned cases and to reconcile submitted provider data with OJD data.

Data and Research. This section supports CAP functions by collecting and analyzing data. For instance, the Data and Research section is currently working with the Compliance section to develop more effective systems for monitoring provider capacity and to automate certain compliance and case assignment tasks. They also collaborate with other parts of the agency to provide information and demonstrations to stakeholders on how data is utilized and to improve data input.

Internal Audit. As of November 1, 2025, the sole auditor within the agency will shift from an internal agency auditor focused on agency risk to an auditor within CAP performing financial and spot-check audits of the agency's payment systems. The auditor, which was moved from the Executive Division back to CAP through HB 5031, will report to the CAP manager, with a secondary reporting structure directly to the Commissioners and the agency's Audit Committee.

CAP is also where the agency's Key Performance Measures (KPMs) are developed, as these measures of agency performance span many sections of CAP. CAP, in partnership with agency leadership, is currently working with Commissioners to update the agency's KPMs for the 2027-29 biennium.

The next addition to CAP's responsibilities is the establishment of a formal structure to handle and resolve external complaints. This work is currently in progress and has included updates to reconsideration policies for preauthorized expense requests, the establishment of a more formal structure for awarding extraordinary case credit, and the establishment of structural oversight for the granting of co-counsel. Additionally, work is underway on an automation system to route complaints to the appropriate division. The aim is to create a process that allows complaints- whether about a provider, internal agency customer service, or other internal or external issues- to be acknowledged and addressed promptly, with a transparent and efficient escalation pathway.

Finally, the agency is currently working to move some functions out of CAP that previously fell under its purview to ensure that CAP aligns with the original legislative intent behind its creation. As such, as of November 2025, staff engaged in policy development have been removed from the CAP division and now report directly to the agency's Deputy Director. Similarly, the Trial Support and Development section has also been removed from CAP, as its placement there was intended to be temporary. Like policy, Trial Support and Development will report directly to the agency Deputy Director. By aligning with the original legislative intent behind CAP's creation, these changes will ensure that the CAP Division does not engage in programmatic work, allowing it to focus on its core functions.

Policies and Rulemaking

Policy Development

OPDC has invested substantial effort in establishing and drafting policies and procedures across the agency, to create a high-functioning agency as it emerges from its transition from the Judicial Branch to the Executive Branch. The agency's policy team developed an organizational structure for its policies that mirrors the agency's budget structure, using the same division and section categories and numbering to ensure consistency between policy and budget.

In 2024, the agency developed and approved 12 policies. As of October 2025, OPDC added 49 newly developed and adopted policies and updated or revised 39 additional agency policies. OPDC has also created three process manuals. As for future policy development, the agency's policy team has prioritized 41 pending policy projects, all of which are currently under development. In addition to creating the policy itself, the policy team also aims to develop toolkits for each policy to support staff training and ensure consistent implementation.

Some of the key policies approved in 2025 include:

- Customer Service
- Policy Development
- Personnel Records
- Pre-Authorized Expenses
- Citizenship and Immigration Rights
- Risk Assessment
- Public Records
- Co-Counsel

Rulemaking

In support of the policy work, OPDC is also working on its first Oregon Administrative Rules (OARs). As part of the Judicial branch, OPDC was not subject to rulemaking. Since the transition, the first Rules Advisory Committee (RAC) has been established. The RAC includes stakeholders representing providers, people with lived experience, and subject matter experts. The RAC is currently completing its first set of rules, which are expected to be filed and take effect in early 2026. Planned early rule filing includes topics such as:

- Rulemaking Authority
- Agency Acronyms
- Agency Definitions
- Agency Responsibilities

Public Records

Another way the policy team is enhancing transparency and customer service is through its public records processes and policies. There is now a simple request form on the agency's website. All requests are routed through the same streamlined process, ensuring statutory timelines are met. The process was changed in October 2024, and as of October 2025, the agency has received and responded to 184 public record requests. These requests are for information, including:

- Invoices and payment authorization on individual cases
- Emails and Internal Communication
- Data or Reports
- Historical documents used to support agency decisions
- Contracts and Supporting Documentation

Long-Term Planning

While the Commission's immediate focus remains on resolving the ongoing unrepresented persons crisis and stabilizing service delivery statewide, OPDC is committed to a future transition away from the current MAC model to an approach that more accurately reflects the time and resources required to provide constitutionally effective representation. This transition, however, will take time, as any workload model employed by OPDC has a direct effect on its budget. Due to this relationship, the timing of transitioning to a new workload model must be coordinated with preexisting state budget development timelines, as well as the legislative calendar. As such, the earliest that OPDC could effectuate a transition away from MAC to a new workload approach would be during the 2029 Legislative Session.

For much of its history, OPDC employed a case credit model, where compensation was tied to the number of cases attorneys were assigned during a given contract period. This approach incentivized high caseloads, as volume was the primary way that attorneys could ensure they were adequately compensated for their work. In 2021, OPDC began moving away from the case credit model toward a model based on full-time equivalent employment with caseload limits. These limits, termed the "maximum attorney caseload," or MAC, is the model that is still employed today.

Since its inception, however, the MAC model has come under significant criticism. This criticism has come from multiple angles, whether from public defenders themselves or from court staff, judges, prosecutors, legislators, and budget writers. The Commission itself intended the MAC to be a temporary fix for an unconstitutional pay-per-case system and did not plan for it to be a long-term solution. One of the primary limitations of the MAC model is that it is caseload-driven, rather than workload-driven,

because once contractors meet their MAC caseload requirements, there is little to no ability or incentive to take additional cases. Under other models, such as an open workload model or hourly compensation model, lawyers are compensated for time spent on cases, not merely the number of cases assigned to them.

Since 2019, the Commission has sought to adopt an alternative workload model. In that time, the COVID-19 pandemic occurred, the unrepresented crisis developed, OPDC experienced multiple leadership changes, the Commission was reconstituted entirely, and the agency transitioned from the Judicial to the Executive branch of government. All of these factors made thoroughly socializing and implementing a workload plan difficult. While the Commission did adopt a workload plan in 2024, it was not funded in the 2025 Legislative Session.

Although a shift to a new workload model has yet to occur, prior efforts have resulted in a foundation the agency can build on. A significant amount of data collection and analysis utilizing hourly data from the Oregon Trial Division and hourly attorneys has provided invaluable data about the time it takes to provide representation in different types of cases. OPDC has also collaborated with the DAS Office of Economic Analysis forecasting team to examine average case lengths and how open workload impacts forecasted caseloads. Finally, national experts have offered feedback and built a framework that could be used to develop future workload models.

2026				2027				2028				2029	
Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
2027 Budget Development		Gov Budget	2027 Legislative Session		2029 Budget Development				Gov Budget	2029 Legislative Session			
Initiation Phase and Project Planning	Model Development & Ongoing Stakeholder Engagement				Incorporation of New Model into 2029 Budget Development								

Figure 10. Tentative Timeline for Transition to a New Workload Model

Figure 10 provides a high-level timeline for a transition to a new workload model. A robust stakeholder engagement process will be necessary to adequately develop, vet, and refine a workload model that more accurately reflects the time and resources required to provide constitutionally effective representation, while also fitting into a constrained budget environment and not disrupting the functioning of the legal system. Unfortunately, the time necessary to engage in a robust development process does not exist if the goal is to make this transition during the upcoming 2027 Legislative Session. As shown in Figure 3, agency efforts concerning budget development for the 2027 Legislative Session will begin in January of 2026. Due to these time constraints, OPDC plans to lead a stakeholder-driven process beginning in 2026 that will continue through 2027 and will involve a wide range of system partners, including public defense providers, the courts, and district attorneys, as well as other essential stakeholders, including Legislators, the Governor's Office, and individuals who receive public defense services.

As shown in Figure 10, the first stage in this effort will include project initiation and planning, which will entail identifying critical stakeholders, collaborating with stakeholders and partners to define project success criteria, determine which resources within OPDC will be available to oversee and contribute to the process, scope, and set a more detailed project timeline and expected deliverables. The second stage

will involve the challenging work necessary to develop a new workload model that accommodates the intricacies and nuances of the Oregon public defense system and the broader criminal justice system. While much of this work will be focused on internal agency policy, research, and budget staff, it is essential that stakeholders be brought along in parallel, so that essential feedback can be gained as the model is developed and refined through an iterative process. The overarching goal of this effort is to have a fully vetted proposed model available for inclusion in the budget development process, which is scheduled to begin in early 2028 for the 2029 Legislative Session.

SERVICE DELIVERY COSTS AND CASELOADS

To determine the number of attorneys needed to cover projected caseloads across the state, OPDC staff began by using the DAS Office of Economic Analysis (OEA) forecast, broken down by county, and converting those figures into estimates of the MAC needed in each jurisdiction. To supplement the forecast, staff also reviewed data reported by providers and incorporated local knowledge to add qualitative context to the quantitative analysis. Using this information, OPDC staff developed jurisdiction-level proposals to guide planning for the 2025–27 contract cycle. Contractors then worked with OPDC staff to refine these proposals and submitted plans outlining their anticipated staffing levels and resource needs for the upcoming biennium. The result of this process is the 2025-27 contracts that went into effect on October 1, 2025.

The following sections provide information on OPDC's service delivery model, including who provides public defense services, caseload information, and cost factors. This information is combined to create the biennial financial forecast.

Providers

Public defense in Oregon is organized through three main channels: capacity contracts with external providers, hourly contracts with lawyers outside of OPDC, and the OPDC Trial Division. Capacity contract providers are organizations that have a contract with OPDC to provide public defense using the MAC model. Contract providers include non-profits, consortia, and individuals or law firms. Hourly providers take cases on an ad hoc basis and submit bills for the hours they work on each case. The OPDC Trial Division began in December 2023 and consists of full-time public defenders employed by the state who also operate under the same MAC model as contract providers.

Table 13 reports attorney MAC by provider type. This table combines MAC for services on adult cases, juvenile cases, and PCRP cases, and only includes attorney MAC that is providing public defense representation. It excludes supervision, the reduced caseload program and SPPE FTE that is non-caseload, investigation, or other non-MAC contracts. In addition to contract providers and the Oregon Trial Division, OPDC has also signed hourly agreements with 180 hourly attorneys.

Table 13. Total MAC by Provider Type as of 10/1/2025

Provider Type	MAC
Non-Profit	227.26
Consortia	310.18
Individuals/Law Firms	102.22
Oregon Trial Division	17.00
Total	656.66

Tables 14, 15, and 16 offer detailed breakdowns of contracted providers for the 2025-27 contracts as of October 1, 2025. These tables display both MAC, which refers to attorneys providing direct representation to clients, and FTE, which includes attorney time not directly tied to client representation, such as supervision, along with non-attorney contracted services like investigators and case managers. SPPE participants and attorneys working under the OPDC Reduced Caseload Program are categorized by MAC and FTE, to clearly show the portion of the 1.0 FTE dedicated to case coverage (MAC) and the portion that is not (FTE).

Table 14. 2025-27 Adult Trial Division Provider Contracts as of 10/1/2025

Contract Providers (Adult Trial Division)	Position Classifications	Contracted Amounts
<i>Contracted MAC for Direct Representation</i>		
Reduced Caseload Program (Atty MAC caseload)†	Attorney 1	6.31
SPPE (Atty MAC caseload)‡	Attorney 1	2.93
Misdemeanor	Attorney 1	46.18
Minor Felony, Civil Commitment	Attorney 2	85.06
Major Felony	Attorney 3	162.44
Murder	Attorney 4	122.11
		425.03
<i>Statewide Contracted MAC for Direct Representation</i>		
Post Conviction Relief/Habeas Corpus	Attorney 4	16.50
Post Conviction Relief appeals	Attorney 4	4.42
Civil Commitment Appeals	Attorney 4	2.60
Civil Commitment Appeals, PSRB, and <i>Padilla</i> Referral Contracts	Attorney 3	3.19
PSRB Requiring Supervision	Attorney 2	0.60
Murder	Attorney 4	12.82
		40.13
Total Contract Provider Attorney MAC		465.16
<i>Reduced Caseload and SPPE FTE</i>		
Reduced Caseload Program (FTE non-caseload)†	Attorney 1	3.42
SPPE (FTE non-caseload)‡	Attorney 1	12.32
		15.74
<i>Supervision FTE^a</i>		
Standard Provider Supervision	Supervisor-2	0.26
Standard Provider Supervision	Supervisor-3	1.24
Standard Provider Supervision	Supervisor-4	12.64
Statewide Supervision	Supervisor-4	1.2
		15.34
<i>Investigation FTE</i>		
	Investigators	55.92
		55.92
Total Contract Provider FTE		87.00
TOTAL CONTRACT PROVIDER ATTORNEY MAC AND FTE		552.16

† Reduced Caseload Program attorneys operate under a MAC limit of 200 weighted misdemeanors. For this table, the portion of effort devoted to representation is denoted as “Atty MAC.”

‡ In 2023-25 OPDC funded SPPE candidates at full rates, but starting with the 2025-27 contracts, only the MAC portion of an SPPE position is funded. T

^a Supervision FTEs are attorneys who are compensated for supervising other attorneys under contract. OPDC funds supervisors at a rate of 0.1 supervisor FTE for every 1.0 Attorney.

Table 15. 2025-27 Juvenile Trial Division Provider Contracts as of 10/1/2025

[†] Reduced Caseload Program attorneys operate under a MAC limit of 200 weighted misdemeanors. For this

[†] In 2023-25 OPDC funded SPPE candidates at full rates, but starting with the 2025-27 contracts, only the M

Supervision: ETEs are attorneys who are compensated for supervising other attorneys under contract. OPDC

- o Supervision FTEs are attorneys who are compensated for supervising other attorneys under contract. OPDC funds supervisors at a rate of 0.1 supervisor FTE for every 1.0 Attorney.

Table 16. 2025-27 Parent Child Representation Program Provider Contracts as of 10/1/2025

Contact Providers (Parent Child Representation Program)	Position Classifications	Contracted Amounts
<i>Contracted Direct Representation</i>		
Juvenile Delinquency	PCRP Attorney	0
Dependency	PCRP Attorney	8.93
Delinquency / Dependency /Termination of Parental Rights	PCRP Attorney	69.62
		<u>78.55</u>
Total Contracted Direct Representation		78.55
<i>Reduced Caseload and SPPE FTE</i>		
SPPE (FTE non-caseload)†	PCRP Attorney	0.37
		<u>0.37</u>
<i>Supervision FTE‡</i>		
Standard Provider Supervision	Supervisor-4	2.78
		<u>2.78</u>
<i>Case Managers</i>		
Case Managers		26.67
		<u>26.27</u>
<i>Investigation FTE</i>		
Investigators		3.00
		<u>3.00</u>
Total Contract Provider FTE		32.82
TOTAL PCRP		111.37

† In 2023-25, OPDC funded SPPE candidates at full rates, but starting with the 2025-27 contracts, only the direct representation portion of an SPPE position is funded.

‡ Supervision FTEs are attorneys who are compensated for supervising other attorneys under contract.

Caseload Reporting

SB 337 (2023) requires the Department of Administrative Services Office of Economic Analysis (DAS OEA) to issue a state public defense population forecast, including expected populations of adults and juveniles eligible for appointed counsel. Similar to other forecasts, including forecasts related to Department of Corrections and Oregon Youth Authority populations, DAS OEA is required to release the forecasts twice per year on April 15 and October 15. Also similar to other forecasts, the data provided by DAS OEA is then to be used in budget development for the agency.

OPDC signed an interagency agreement with DAS OEA in late 2023 for this work. OPDC, the Criminal Justice Commission (CJC), the Oregon Judicial Department (OJD), and other partners collaborate with DAS OEA to review the forecast methodology, data inputs, and how the forecast informs contracting and budgeting. Although this forecast is still new, it will become more precise with each iteration. OEA released the first public defense forecast on April 15, 2024 and its most recent forecast was released on October 15, 2025. The next forecast will be published on April 15, 2026 and will be used to build OPDC's Agency Request Budget (ARB) as it moves toward the 2027 Legislative Session.

Table 17. Reproduction of Public Defense New Eligibles Summary from the October 2025 Public Defense Forecast

		Apr 2025 Fcst	Oct 2025 Fcst	Change	Percent
Adult	Felony	46,340	45,308	-1,032	-2.2%
	Murder	285	232	-53	-18.6%
	Jessica's Law	222	178	-44	-19.8%
	Measure 11	3,948	3,963	15	0.4%
	Major Felony	7,967	8,192	225	2.8%
	Minor Felony	33,919	32,744	-1,175	-3.5%
	Misdemeanor	93,243	95,597	2,354	2.5%
	Probation Violation	27,343	27,906	563	2.1%
	Treatment Court	1,866	1,850	-16	-0.8%
	Appellate	3,565	3,516	-49	-1.4%
	Post-Conviction Relief	672	572	-100	-14.9%
	Habeas Corpus	210	370	160	76.0%
	Civil Commitment	5,496	5,453	-43	-0.8%
Total		178,735	180,571	1,836	1.0%
Juvenile	Dependency†	17,726	18,890	1,163	6.6%
	Delinquency‡	6,718	6,140	-578	-8.6%
	Probation Violation	42,523	4,118	-135	-3.2%
	Treatment Court	338	353	15	4.4%
	Appellate	683	629	-54	-7.9%
	Total	29,718	30,130	411	1.4%
Total New Eligible Cases		208,453	210,701	372	1.1%

† Includes Parents and Guardians

‡ Includes Measure 11, Murder, and All Others

According to the most recent forecast, released in October 2025, adult eligibility for public defense services is projected to increase through FY 2031, primarily due to House Bill 4002 (2024), which

recriminalized possession of user amounts of controlled substances. Impacts are most visible in misdemeanor and probation violation case categories. OPDC's 2025-27 budget was based on projections from the April 2025 forecast. Table 17 presents data from the latest eligibility forecast in October 2025 compared to the prior forecast from earlier in the year. Overall, as shown in Table 17, there is a 1.1 percent increase in projected cases compared to the previous forecast, which is largely attributable to increases in misdemeanor (2.5 percent) and probation violation (2.1 percent) cases, as well as a projected decrease in felonies (-2.2 percent).

While case credits under the MAC funding model are awarded at the time of appointment, public defense cases do not open and close on a biennial schedule. For instance, a case that is filed on the last day of a biennium will continue into the next. In this case, the MAC credit will be assigned to the biennium in which the case was filed and assigned to a public defender, even though the vast majority of the work will occur in the following biennium. As of the close of the 2023-25 biennium, OPDC providers reported 41,874 cases that remained open at the start of the 2025-27 biennium. While these cases are not counted towards 2025-27 MAC, they do represent an existing workload and thus impact attorneys' ability to take new cases. Similarly, OPDC will continue to incur Preauthorized Expenses (PAE) and/or Court-Managed Expenses (CME) on cases assigned in the previous biennium, as the work on those cases spans biennia.

Table 18. Forecasted vs. Actual Appointments Estimate

Case Type	Oct 2025 DAS OEA Forecast	Contract Distinct Cases	OPDC† Distinct Cases	Hourly Distinct Cases	2025 Q1 Cases Reported	2025-27 Projection
		FY26 Q1	FY26 Q1	FY26 Q1	Total	
Adult	Felony	45,308	4,542	253	862	5,657
	Murder	178	25	4	7	36
	Jessica's Law	232	20	1	16	37
	Measure 11	3,963	474	25	88	587
	Major Felony	8,192	819	53	198	1,070
	Minor Felony	32,744	3,204	170	553	3,927
	Misdemeanor	95,597	10,837	263	1,314	12,414
	Probation Vio	27,906	3,043	44	205	3,292
	Treatment Court	1,850	955	6	4	965
	Appellate	4,149	63	343	11	417
	Post-Conviction	572	47	-	5	52
	Habeas Corpus	190	33	-	10	43
	Civ Commitment	5,453	908	-	20	928
Total		180,571	20,428	909	2,431	23,768
						190,144
Juvenile	Dependency	18,890	1,167	-	39	1,206
	Delinquency	6,140	653	-	147	800
	Probation Vio	4,118	133	-	5	138
	Treatment Court	353	6	-	-	6
	Appellate	629	24	72	-	96
	Total	30,130	1,983	72	191	2,246
						17,968
Total Adult & Juv		210,701	22,411	981	2,622	26,014
						208,112

†OPDC denotes both the Oregon Trial Division and the Appellate Division. Appellate cases were handled by the Appellate Division; all other OPDC cases were taken by the Oregon Trial Division.

Table 18 compares DAS OEA forecasted statewide caseload numbers to OPDC caseload data, which consists of case data reported to OPDC by various types of providers during the first quarter of the 2025-27 biennium. It is important to note that Table 18 compares data from different sources that do not necessarily align in all respects; however, the comparison is useful as it provides an initial examination of how actuals compare to forecasted values.³ As such, this data should be considered supplementary to the DAS OEA forecast and should not be used to make formal caseload predictions, as the table and its results are merely an internal tracking tool used by the agency to provide indications of instances where there may be a departure from the DAS OEA forecast that the agency may need to address from a capacity standpoint.

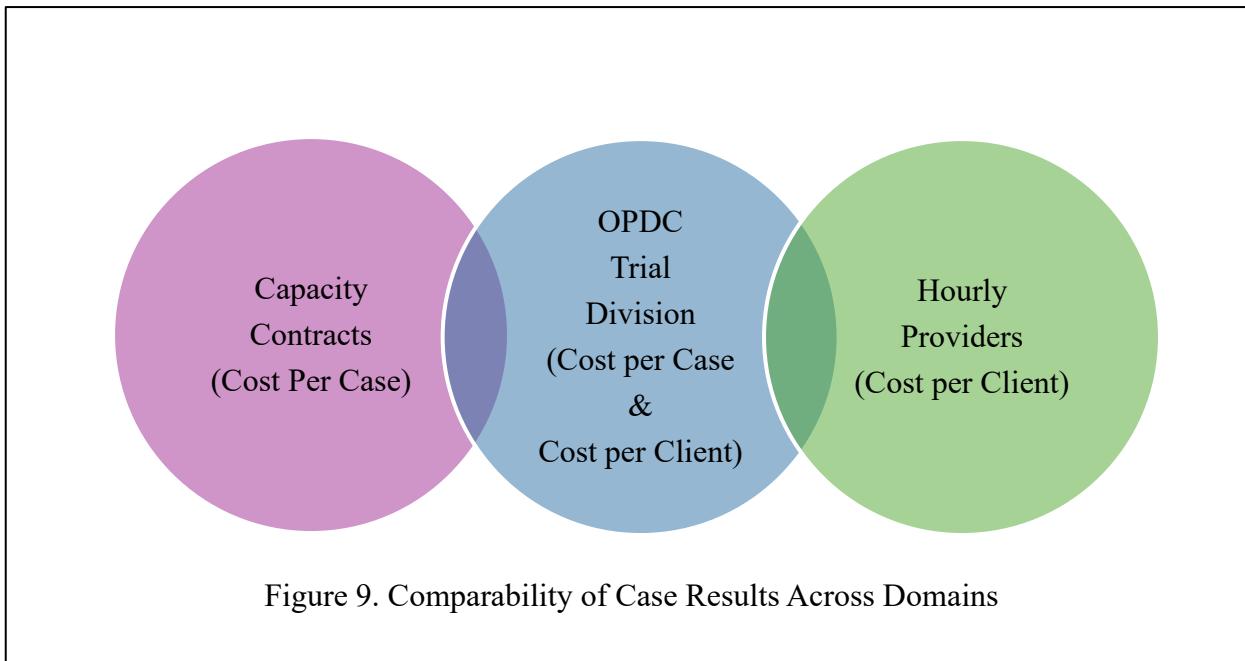
The data in Table 18 indicate that, at least for adult cases, new appointment projections are similar to those found in the DAS OEA forecast, with the most significant points of departure being found for misdemeanors, treatment court cases, and civil commitment cases. At least some of these incongruencies, however, are likely due to the reliance on different data sources. There is a larger variance for juvenile cases overall. This, as previously noted, is likely due to the undercounting of juvenile hourly cases. As OPDC gains more experience with the forecast and internal OPDC data collection improves (see *Intervention Two* above), these comparisons will become more accurate and valuable for tracking whether and how the case filings align with the forecast.

Cost Per Case

In October, OPDC agency staff presented preliminary results of a cost per case analysis to its Commissioners, with the goal of socializing initial efforts to estimate these costs and to solicit feedback from Commissioners and providers on the underlying methodologies and results of the preliminary analysis. The report detailed the methodologies used to develop the cost per case results, the myriad challenges and data concerns identified by agency researchers, and reported the initial cost estimates for capacity contractors, hourly providers, and the OPDC Trial Division. More specifically, across those three domains, costs were broken down into attorney costs, investigation costs, preauthorized expenses, and court-mandated expenses. The analysis relied on provider-reported data, billing data, and data from the April 2025 DAS OEA Caseload Forecast. Following substantial feedback on this presentation, OPDC agency staff are working to refine the analysis and update the data sources used, particularly by using the October 2025 DAS OEA Caseload Forecast.

³ The following methods were used to populate this data: (i) for *provider contracts* analysts determined the distinct count of cases as reported to OPDC for the months of July, August, and September 2025 with an appointment date (open date for PCRP) between 7/1/25 and 9/30/25. If a case was reported by multiple attorneys, then the case is counted once and categorized by the first case type it was reported as; (ii) *Oregon Trial Division* data is the distinct count of cases assigned to Oregon Trial Division attorneys between 7/1/25 and 9/30/25 as recorded in Clio based on the recorded case type as of 9/30/25. OTD does not currently accept appellate or juvenile cases; (iii) *hourly* case data utilizes three data sources: (a) cases assigned by OPDC assignment coordinators with an effective date between 7/1/25 and 9/30/25, (b) cases billed to OPDC for hourly attorney fees with an appointment date between 7/1/25 and 9/30/25 that were not assigned by OPDC assignment coordinators, and (c) OJD case data to identify any additional hourly cases taken by attorneys that do not show up in (a) or (b). The final source of hourly case data has been shown to slightly undercount the number of hourly cases, so the overall total of hourly cases in Table 17 should be viewed with some caution. This is particularly true for juvenile and criminal hourly cases.

While effort in this area has been substantial and initial estimates have been developed, significant data issues may affect the usefulness of this endeavor as it progresses. First, based on historical data-collection practices, comparisons across all three domains —capacity contractors, hourly providers, and the OPDC Trial Division —are not yet possible. Specifically, for capacity contractors, current data supports only the calculation of *cost per case*, while billing data for hourly providers supports only the calculation of *cost per client*. Importantly, the cost per client may include more than a single case, making direct comparisons between capacity contracts and hourly providers not possible. As shown in Figure 9, the agency possesses data for its Trial Division that permits it to calculate both cost per case and cost per client. So, while comparisons between capacity contracts and hourly providers are not possible, each could be compared—through different analytical assessments—with the OPDC Trial Division.



The leading cause of this incongruence is that the agency currently relies on historical data that was not originally designed to calculate cost per case. Rather, the data used was created for other purposes and driven by different motivations before the commencement of this effort. Bearing this challenge in mind—which cannot be resolved until data collection practices change—the agency is continuing to refine its cost per case analyses based on the feedback received and will continue to report results in future legislative reports.

BIENNIAL FINANCIAL FORECAST

Table 19 provides the biennial financial forecast for OPDC. The forecast column shows the projections if current spending continues for the remainder of the biennium. Also provided is an assessment of divisions with significant variances.

Table 19. OPDC Biennial Financial Forecast by Agency Division

Division	LAB	Forecast	Variance
1. Administrative Services Division	\$38,380,364	\$43,044,778	(\$4,664,414)
2. Adult Trial Division	\$330,688,123	\$312,055,890	\$18,632,233
3. Juvenile Trial Division	\$52,810,615	\$55,246,701	(\$2,436,086)
4. Parent Child Representation Program	\$58,422,417	\$56,975,199	\$1,447,218
5. Appellate Division	\$28,826,029	\$30,723,651	(\$1,897,622)
6. Compliance, Audit, Performance	\$8,645,518	\$9,683,647	(\$1,038,129)
7. Court Mandated Expenses	\$69,942,027	\$60,937,604	\$9,004,423
8. Debt Service	\$2,392,223	\$2,392,223	\$0
9. Executive	\$3,356,449	\$3,505,352	(\$148,903)
10. Preauthorized Expenses	\$102,459,670	\$100,126,144	\$2,333,526
11. Special Programs	\$11,414,014	\$11,414,014	\$0
12. Trial Representation	\$18,090,808	\$20,552,995	(\$2,462,187)
Total	\$725,428,257	\$706,658,198	\$18,770,059

- Administrative Services.** Presently, the Administrative Services Division is projected to be over budget due to (i) unbudgeted Oregon Department of Justice (DOJ) charges for legal services following the shift from internal general counsel to reliance on the DOJ as the agency's counsel on all legal matters; (ii) unbudgeted enterprise IT charges; (iii) a built-in cost-of-living increase impacting staff salaries, and (iv) the temporary coverage of expenditures associated with the Financial Case Management System (FCMS). The final source of the overage will be resolved once FCMS receives bond funding in the spring of 2026, as at that time all appropriate FCMS expenditures will be moved from this budget to the FCMS "other fund" budget resulting from the bond sale.
- Adult Trial Division.** Projections in this budget category rely on three assumptions: (i) that the DAS OEA Public Defense Caseload Forecast as of April 2025 is accurate; (ii) that OPDC appropriately contracted with providers to meet the DAS OEA forecast; and (iii) that contract providers meet a 90 percent MAC utilization threshold. This division currently forecasts a large amount of unallocated funds based on the three preceding assumptions. Additional needs, however, have been identified and will result in contract adjustments going forward. For instance, caseload impacts to Civil Commitments tied to House Bill 2005 (2025) were not included in the April 2025 forecast, so a portion of the unallocated funds will be shifted to this area. Additional flexibility will also be beneficial as the agency moves through the biennium to meet changing needs in representation. This area continues to be monitored through monthly reassessments and quarterly revisions as warranted by the forecast and provider-reported caseload data. As of the release of this report, the agency has only benefited from one reporting period under the revamped 2025-27 contracts.

3. **Juvenile Trial Division.** Projections in this budget category rely on three assumptions: (i) that the DAS OEA Public Defense Caseload Forecast as of April 2025 is accurate; (ii) that OPDC appropriately contracted with providers to meet the DAS OEA forecast; and (iii) that contract providers meet a 90 percent MAC utilization threshold. The Juvenile Trial Division is currently projecting an overage. The DAS OEA forecast projected a significant reduction in juvenile cases, particularly in a few jurisdictions across the state. Due to the substantial changes in OPDC's 2025-27 contracts, the agency took a more moderate approach to those caseload reductions to ensure that an unrepresented crisis in the juvenile sector does not materialize. Further, OPDC elected to use provider contracts for some attorneys who previously handled hourly cases, aiming to shift those cases away from the more expensive hourly program. Finally, federal Title IV-E reimbursements have fallen short of projections, suggesting fewer qualifying expenditures to date. It is important to note, however, that as of the release of this report, the agency has only benefited from one reporting period under the revamped 2025-27 contracts, as well as only one quarter of data on federal Title IV-E reimbursements.
4. **Parent Child Representation Program.** Projections in this budget category rely on three assumptions: (i) that the DAS OEA Public Defense Caseload Forecast as of April 2025 is accurate; (ii) that OPDC appropriately contracted with providers to meet the DAS OEA forecast; and (iii) that contract providers meet a 90 percent MAC utilization threshold. The Parent Child Representation Program projection currently shows a small amount of unallocated funds, but, as stated above, it is too early in the contracting period to draw concrete conclusions. Also, similar to the Juvenile Trial Division discussion above the first draw of federal Title IV-E funds were lower than expected, indicating fewer qualifying expenditures.
5. **Appellate Division:** The Appellate Division budget projection reports an overage, which is attributable to built-in cost-of-living increases impacting staff salaries.
6. **Compliance, Audit, and Performance.** The Compliance, Audit, and Performance Division is forecasting an overage due to unprojected Oregon Department of Justice expenditures, increased staff position expenditures from new hires at a rate higher than the current budget, and a built-in cost-of-living increase impacting staff salaries.
7. **Court Mandated Expenses.** The Court Mandated Expenses budget shows a modest amount of unallocated funding. Currently, hourly contractor invoices are growing at a modest pace, and the rate of growth does not appear concerning from a budget perspective. The agency is still incurring expenses attributable to the Temporary Hourly Increase Program (THIP), which stopped taking new cases after June 30, 2025. Initially, invoices for THIP expenditures came in at a very high rate during the first few months of the biennium but have since trailed off and appear to be decreasing at a consistent rate. Invoice submission rates are actively being monitored, and agency researchers are utilizing DAS OEA forecast data to project the expected wind-down of this program.
8. **Debt Service.** Current projects are consistent with the LAB.

- 9. Executive Division.** The Executive Division currently projects an overage attributable to unbudgeted attorney general expenditures and a built-in cost-of-living increase impacting staff salaries.
- 10. Preauthorized Expenses.** The Preauthorized Expenses budget currently projects a modest amount of unallocated funding relative to the program's size. Notably, THIP expenditure was initially incurred at a very high rate for the first few months of the biennium. This initial trend has abated, and invoice submissions tied to THIP cases have been decreasing at a consistent rate, which has since figured into budget projections in this area.
- 11. Special Programs.** Current projects are consistent with the LAB.
- 12. Trial Representation Division.** The Trial Representation Division budget currently projects an overage, primarily due to built-in cost-of-living increases and higher personnel expenses tied to hiring positions at rates above budget.