

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2614**

1 On page 1 of the printed A-engrossed bill, delete line 3 and insert “,
2 151.216 and 151.219 and sections 92 and 102, chapter 281, Oregon Laws 2023;
3 and declaring an emergency.”.

4 Delete lines 5 through 18 and delete pages 2 through 16 and insert:

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

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

10 **“(b)** The amendments to ORS 151.213 [*and 151.216*] by [*sections 100 and*
11 *101 of this 2023 Act*] **section 100, chapter 281, Oregon Laws 2023**, become
12 operative on [*July 1, 2027*] **January 1, 2026**.

13 **“(c) The amendments to ORS 151.216 by section 101, chapter 281,**
14 **Oregon Laws 2023, become operative on July 1, 2033.**

15 **“(2)(a)** A person who is a member of the Oregon Public Defense Commis-
16 sion on [*July 1, 2027*] **January 1, 2026**, may finish the person’s term as a
17 commission member and is eligible for reappointment, but, beginning [*July*
18 *1, 2027*] **January 1, 2026**, may be removed by the Governor only for **just**
19 **cause or, if the Governor has removed three or more members of the**
20 **commission within the 12-month period preceding the removal, only**
21 **for** inefficiency, neglect of duty or malfeasance in office.

1 “(b) The person serving as executive director of the Oregon Public De-
2 fense Commission on [*July 1, 2027*] **January 1, 2026**, may finish the person’s
3 term as executive director and is eligible for reappointment, but, beginning
4 on [*July 1, 2027*] **January 1, 2026**, [*serves at the pleasure of the voting mem-*
5 *bers of the commission*] **may be removed by the Governor only for just**
6 **cause.**

7 “(3) The Oregon Public Defense Commission, the Oregon Department of
8 Administrative Services and the Governor may take any action before the
9 operative dates specified in subsection (1) of this section that is necessary
10 to enable the commission to exercise, on and after the operative dates spec-
11 ified in subsection (1) of this section, all of the duties, functions and powers
12 conferred on those entities by the amendments to ORS 151.211, 151.213,
13 151.216 and 151.219 by sections 93 to 95, 100 and 101, [*of this 2023 Act*]
14 **chapter 281, Oregon Laws 2023.**

15 **“SECTION 2.** ORS 151.213, as amended by section 77, chapter 281, Oregon
16 Laws 2023, is amended to read:

17 “151.213. (1) The Oregon Public Defense Commission is established in the
18 executive branch of state government. [*Except for the appointment or removal*
19 *of commission members, the commission and employees of the commission are*
20 *not subject to the exercise of administrative authority and supervision by the*
21 *Governor.*]

22 “(2)(a) Nine voting members and four nonvoting members shall be ap-
23 pointed to the commission by the Governor as follows:

24 “(A) The Governor shall appoint:

25 “(i) One voting member who has been represented by a public defense
26 provider.

27 “(ii) Two additional voting members, one of whom has experience as a
28 public defense provider in juvenile delinquency or dependency cases.

29 “(iii) Two nonvoting members who are currently employed as public de-
30 fense providers in this state, one of whom is from an urban area and one of

1 whom is from a rural area.

2 “(B) The Governor shall appoint, from among persons recommended by the
3 Chief Justice of the Supreme Court:

4 “(i) One voting member who [*is a retired judge*] **previously served as a**
5 **judge and who is not currently engaged in judicial functions, including**
6 **service as a senior judge under ORS 1.300 or in any similar capacity.**

7 “(ii) Two additional voting members, one of whom has experience as a
8 public defense provider in criminal cases.

9 “(C) The Governor shall appoint, from among persons recommended by the
10 President of the Senate:

11 “(i) One voting member who is a current dean or faculty member of an
12 Oregon law school.

13 “(ii) One nonvoting member who is a member of the Senate at the time
14 of appointment.

15 “(D) The Governor shall appoint, from among persons recommended by
16 the Speaker of the House of Representatives:

17 “(i) One voting member who has expertise in juvenile law and criminal
18 defense, or who is a juvenile justice or criminal justice reform advocate.

19 “(ii) One nonvoting member who is a member of the House of Represen-
20 tatives at the time of appointment.

21 “(E) The Governor shall appoint one voting member from among persons
22 jointly recommended by the President of the Senate and the Speaker of the
23 House of Representatives.

24 “(b) When recommending and appointing members of the commission, the
25 Governor, Chief Justice, President of the Senate and Speaker of the House
26 of Representatives shall:

27 “(A) Consider input from individuals and organizations with an interest
28 in the delivery of public defense services.

29 “(B) Consider geographic, racial, ethnic and gender diversity.

30 “(C) Ensure that members appointed to the commission have significant

1 experience with issues related to public defense or in the case types subject
2 to representation by public defense providers.

3 “(D) Ensure that members appointed to the commission have demon-
4 strated a strong commitment to quality public defense representation.

5 “(c) **Unless the person is a member of the Legislative Assembly ap-**
6 **pointed as a nonvoting member of the commission under paragraph**
7 **(a)(C)(ii) or (a)(D)(ii) of this subsection,** the following persons may not
8 be appointed to and may not serve as members of the commission:

9 “(A) A prosecuting attorney.

10 “(B) A judge, magistrate or other person who performs judicial functions.

11 “(C) An employee of a law enforcement agency or the Department of
12 Human Services.

13 “(d) A person who is primarily engaged in providing public defense ser-
14 vices and who has a financial interest in the delivery of public defense ser-
15 vices at the state level may not serve as a voting member of the commission.

16 “(e) As used in this subsection, ‘law enforcement agency’ means an entity
17 that employs corrections officers, parole and probation officers, police offi-
18 cers, certified reserve officers or reserve officers, as those terms are defined
19 in ORS 181A.355.

20 “(3) The term of a member is four years beginning on the effective date
21 of the Governor’s appointment, but members serve at the pleasure of the
22 Governor. A member is eligible for reappointment if qualified for membership
23 at the time of reappointment, but may serve no more than two consecutive
24 four-year terms. The Governor may remove any member of the commission
25 at any time. If a vacancy occurs for any cause before the expiration of the
26 term of a member, the Governor shall make an appointment to fill the va-
27 cancy, in the same manner as an appointment to a full term, to become im-
28 mediately effective for the unexpired term.

29 “(4) A chairperson and a vice chairperson shall be elected by the voting
30 members of the commission every two years with such functions as the

1 commission may determine. A member is eligible for reelection as chair-
2 person or vice chairperson.

3 “(5) A majority of the voting members constitutes a quorum for the
4 transaction of business.

5 “(6)(a) All members of the commission shall:

6 “(A) Review the policies, procedures, standards and guidelines required
7 by ORS 151.216 and provide input before the approval vote described in par-
8 agraph (b) of this subsection.

9 “(B) Review the **agency request** budget of the commission and provide
10 input before the approval vote described in paragraph (b) of this subsection.

11 “(C) Meet as needed to carry out the duties described in this subsection.

12 “(b) The voting members of the commission shall:

13 “(A) Approve by majority vote the policies, procedures, standards and
14 guidelines required by ORS 151.216 before those policies, procedures, stan-
15 dards and guidelines may take effect.

16 “(B) Approve by majority vote the **agency request** budget of the com-
17 mission before submission to the [*Legislative Assembly*] **Oregon Department**
18 **of Administrative Services**.

19 “(7) The members of the commission may not:

20 “(a) Make any decision regarding the handling of any individual case;

21 “(b) Have access to any case file; or

22 “(c) Interfere with the executive director or any member of the staff of
23 the executive director in carrying out professional duties involving the legal
24 representation of public defense clients.

25 “(8) A member of the commission is entitled to compensation for services
26 as a member, and to expenses, as provided in ORS 292.495.

27 “(9)(a) The Governor shall appoint an executive director of the commis-
28 sion, subject to confirmation by the Senate in the manner prescribed by ORS
29 171.562 and 171.565. The person appointed as executive director must be well
30 qualified by training and experience to perform the functions of the office.

1 “(b) The term of office of the executive director is four years, but the
2 executive director serves at the pleasure of the Governor.

3 “(c) Before the expiration of the executive director’s term, the Governor
4 shall appoint a successor to take office upon the date of the expiration. The
5 executive director is eligible for reappointment. If there is a vacancy for any
6 cause, the Governor shall make an appointment to become immediately ef-
7 fective for the unexpired term.

8 **“SECTION 3.** ORS 151.213, as amended by sections 77 and 100, chapter
9 281, Oregon Laws 2023, is amended to read:

10 “151.213. (1) The Oregon Public Defense Commission is established in the
11 executive branch of state government. [*Except for the appointment or removal*
12 *of commission members, the commission and employees of the commission are*
13 *not subject to the exercise of administrative authority and supervision by the*
14 *Governor.*]

15 “(2)(a) Nine voting members and four nonvoting members shall be ap-
16 pointed to the commission by the Governor as follows:

17 “(A) The Governor shall appoint:

18 “(i) One voting member who has been represented by a public defense
19 provider.

20 “(ii) Two additional voting members, one of whom has experience as a
21 public defense provider in juvenile delinquency or dependency cases.

22 “(iii) Two nonvoting members who are currently employed as public de-
23 fense providers in this state, one of whom is from an urban area and one of
24 whom is from a rural area.

25 “(B) The Governor shall appoint, from among persons recommended by the
26 Chief Justice of the Supreme Court:

27 “(i) One voting member who [*is a retired judge*] **previously served as a**
28 **judge and who is not currently engaged in judicial functions, including**
29 **service as a senior judge under ORS 1.300 or in any similar capacity.**

30 “(ii) Two additional voting members, one of whom has experience as a

1 public defense provider in criminal cases.

2 “(C) The Governor shall appoint, from among persons recommended by the
3 President of the Senate:

4 “(i) One voting member who is a current dean or faculty member of an
5 Oregon law school.

6 “(ii) One nonvoting member who is a member of the Senate at the time
7 of appointment.

8 “(D) The Governor shall appoint, from among persons recommended by
9 the Speaker of the House of Representatives:

10 “(i) One voting member who has expertise in juvenile law and criminal
11 defense, or who is a juvenile justice or criminal justice reform advocate.

12 “(ii) One nonvoting member who is a member of the House of Represen-
13 tatives at the time of appointment.

14 “(E) The Governor shall appoint one voting member from among persons
15 jointly recommended by the President of the Senate and the Speaker of the
16 House of Representatives.

17 “(b) When recommending and appointing members of the commission, the
18 Governor, Chief Justice, President of the Senate and Speaker of the House
19 of Representatives shall:

20 “(A) Consider input from individuals and organizations with an interest
21 in the delivery of public defense services.

22 “(B) Consider geographic, racial, ethnic and gender diversity.

23 “(C) Ensure that members appointed to the commission have significant
24 experience with issues related to public defense or in the case types subject
25 to representation by public defense providers.

26 “(D) Ensure that members appointed to the commission have demon-
27 strated a strong commitment to quality public defense representation.

28 “(c) **Unless the person is a member of the Legislative Assembly ap-**
29 **pointed as a nonvoting member of the commission under paragraph**
30 **(a)(C)(ii) or (a)(D)(ii) of this subsection,** the following persons may not

1 be appointed to and may not serve as members of the commission:

2 “(A) A prosecuting attorney.

3 “(B) A judge, magistrate or other person who performs judicial functions.

4 “(C) An employee of a law enforcement agency or the Department of
5 Human Services.

6 “(d) A person who is primarily engaged in providing public defense ser-
7 vices and who has a financial interest in the delivery of public defense ser-
8 vices at the state level may not serve as a voting member of the commission.

9 “(e) As used in this subsection, ‘law enforcement agency’ means an entity
10 that employs corrections officers, parole and probation officers, police offi-
11 cers, certified reserve officers or reserve officers, as those terms are defined
12 in ORS 181A.355.

13 “(3)(a) The term of a member is four years beginning on the effective date
14 of the Governor’s appointment. A member is eligible for reappointment if
15 qualified for membership at the time of reappointment, but may serve no
16 more than two consecutive four-year terms. The Governor may remove any
17 member of the commission at any time [*for inefficiency, neglect of duty or*
18 *malfeasance in office*] **for just cause, subject to paragraph (b) of this**
19 **subsection.** If a vacancy occurs for any cause before the expiration of the
20 term of a member, the Governor shall make an appointment to fill the va-
21 cancy, in the same manner as an appointment to a full term, to become im-
22 mediately effective for the unexpired term.

23 “(b) **In a given 12-month period, if the Governor has removed three**
24 **members of the commission within the period, the Governor may only**
25 **remove a fourth or subsequent member for inefficiency, neglect of**
26 **duty or malfeasance in office.**

27 “(4) A chairperson and a vice chairperson shall be elected by the voting
28 members of the commission every two years with such functions as the
29 commission may determine. A member is eligible for reelection as chair-
30 person or vice chairperson.

1 “(5) A majority of the voting members constitutes a quorum for the
2 transaction of business.

3 “(6)(a) All members of the commission shall:

4 “(A) Review the policies, procedures, standards and guidelines required
5 by ORS 151.216 and provide input before the approval vote described in par-
6 agraph (b) of this subsection.

7 “(B) Review the **agency request** budget of the commission and provide
8 input before the approval vote described in paragraph (b) of this subsection.

9 “(C) Meet as needed to carry out the duties described in this subsection.

10 “(b) The voting members of the commission shall:

11 “(A) Appoint an executive director of the commission **from among can-**
12 **didates submitted to the commission by the Governor under subsection**
13 **(9) of this section.** [*The term of office of the executive director is four years,*
14 *but the executive director serves at the pleasure of the voting members of the*
15 *commission.*]

16 “(B) Approve by majority vote the policies, procedures, standards and
17 guidelines required by ORS 151.216 before those policies, procedures, stan-
18 dards and guidelines may take effect.

19 “(C) Approve by majority vote the **agency request** budget of the com-
20 mission before submission to the [*Legislative Assembly*] **Oregon Department**
21 **of Administrative Services.**

22 “(7) The members of the commission may not:

23 “(a) Make any decision regarding the handling of any individual case;

24 “(b) Have access to any case file; or

25 “(c) Interfere with the executive director or any member of the staff of
26 the executive director in carrying out professional duties involving the legal
27 representation of public defense clients.

28 “(8) A member of the commission is entitled to compensation for services
29 as a member, and to expenses, as provided in ORS 292.495.

30 “(9)(a) **Prior to the expiration of an executive director’s term, or if**

1 **there is a vacancy in the office for any cause, the Governor shall**
2 **submit the names of three candidates for executive director to the**
3 **commission. The candidates must be well qualified by training and**
4 **experience to perform the functions of the office.**

5 **“(b) If the commission does not select an executive director within**
6 **60 days of the date the Governor submits candidate names as described**
7 **in paragraph (a) of this subsection, the Governor shall appoint an**
8 **executive director from among the candidates.**

9 **“(c) The term of office of the executive director is four years, but**
10 **the Governor may remove the executive director at any time for just**
11 **cause. If an executive director is appointed to fill a vacancy in the**
12 **office, the appointment is effective for the unexpired term.**

13 **“(d) The executive director is eligible for reappointment.**

14 **“SECTION 3a.** Section 92, chapter 281, Oregon Laws 2023, is amended to
15 read:

16 **“Sec. 92.** (1)(a) The Oregon Public Defense Commission is transferred
17 from the judicial branch to the executive branch on January 1, 2025.

18 **“(b) The amendments to ORS 8.105, 42.125, 84.064, 151.213, 151.216, 171.133,**
19 **190.490, 283.110, 291.002, 291.030, 291.045, 291.227, 293.300, 293.590 and 293.875**
20 **by sections 77 to 91, [of this 2023 Act] chapter 281, Oregon Laws 2023, be-**
21 **come operative on January 1, 2025.**

22 **“(2) The Oregon Public Defense Commission, the Judicial Department, the**
23 **Oregon Department of Administrative Services and the Governor may take**
24 **any action before the operative date specified in subsection (1) of this section**
25 **that is necessary to:**

26 **“(a) Facilitate the transfer of the commission to the executive branch.**

27 **“(b) Enable those entities to exercise, on and after the operative date**
28 **specified in subsection (1) of this section, all of the duties, functions and**
29 **powers conferred on those entities by the amendments to ORS 8.105, 42.125,**
30 **84.064, 151.213, 151.216, 171.133, 190.490, 283.110, 291.002, 291.030, 291.045,**

1 291.227, 293.300, 293.590 and 293.875 by sections 77 to 91, [*of this 2023 Act*]
2 **chapter 281, Oregon Laws 2023.**

3 “(3)(a) A person who is a member of the Oregon Public Defense Commis-
4 sion on January 1, 2025, may finish the person’s term as a commission
5 member and is eligible for reappointment if the person meets the require-
6 ments described in ORS 151.213 (2), but, beginning on January 1, 2025, and
7 continuing until [*July 1, 2027*] **January 1, 2026**, serves at the pleasure of the
8 Governor.

9 “(b) The person serving as executive director of the Oregon Public De-
10 fense Commission on January 1, 2025, may finish the person’s term as exec-
11 utive director and is eligible for reappointment, but, beginning on January
12 1, 2025, and continuing until [*July 1, 2027*] **January 1, 2026**, serves at the
13 pleasure of the Governor.

14 **“SECTION 4.** ORS 151.216, as amended by section 78, chapter 281, Oregon
15 Laws 2023, is amended to read:

16 “151.216. (1) The Oregon Public Defense Commission shall:

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

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

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

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

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

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

1 insurance and other insurance and other reasonable and usual operating
2 costs.

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

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

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

13 “(f) Submit [*the budget of the commission to the Legislative Assembly after*
14 *the budget is submitted to the commission by the executive director and ap-*
15 *proved by the voting members of the commission. The chairperson of the com-*
16 *mission shall present the budget to the Legislative Assembly] **an agency**
17 **request budget to the Oregon Department of Administrative Services**
18 **as described in ORS 291.208.***

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

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

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

25 “(B) The appointment of counsel, including the appointment of counsel
26 at state expense regardless of financial eligibility in juvenile delinquency
27 matters;

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

30 “(D) Appointed counsel compensation disputes;

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

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

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

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

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

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

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

30 “(n) At least once every two years, report to the interim committees of

1 the Legislative Assembly related to the judiciary, in the manner provided in
2 ORS 192.245, and to the Governor and Chief Justice, concerning compliance
3 metrics for the minimum standards described in this subsection and recom-
4 mendations for legislative changes.

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

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

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

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

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

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

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

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

30 “(c) The ability, training and experience of appointed counsel must match

1 the nature and complexity of the case to which the counsel is appointed.

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

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

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

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

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

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

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

30 “(7) The commission may accept gifts, grants or contributions from any

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

6 “[8] *With the approval of a majority of the voting members of the com-*
7 *mission, the commission may advocate for or against legislation before the*
8 *Legislative Assembly or policies or budgets being considered by the Legislative*
9 *Assembly.*]

10 “[9] (8) The commission shall request that the Governor include in the
11 Governor’s requested budget, for each fiscal period, at a minimum, the
12 amount of funds identified by the commission as being necessary to carry out
13 the duties and activities of the commission.

14 “[10] (9) The commission may adopt rules pursuant to ORS chapter 183.

15 **“SECTION 5.** ORS 151.216, as amended by sections 78 and 94, chapter
16 281, Oregon Laws 2023, is amended to read:

17 “151.216. (1) The Oregon Public Defense Commission shall:

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

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

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

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

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

29 “[D] (C) Recognize the need to consider overhead costs that account for
30 the cost of living and business cost differences in each county or jurisdiction,

1 including but not limited to rent, professional membership dues, malpractice
2 insurance and other insurance and other reasonable and usual operating
3 costs.

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

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

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

14 “(f) Submit [*the budget of the commission to the Legislative Assembly after*
15 *the budget is submitted to the commission by the executive director and ap-*
16 *proved by the voting members of the commission. The chairperson of the com-*
17 *mission shall present the budget to the Legislative Assembly] **an agency**
18 **request budget to the Oregon Department of Administrative Services**
19 **as described in ORS 291.208.***

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

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

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

26 “(B) The appointment of counsel, including the appointment of counsel
27 at state expense regardless of financial eligibility in juvenile delinquency
28 matters;

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

1 “(D) Appointed counsel compensation disputes;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 “(b) The payment of panel counsel:

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

30 “(B) Shall be adjusted to reflect the same percentage amount of any pos-

1 itive cost of living adjustment granted to employees in the management ser-
2 vice in other executive branch agencies.

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

6 “(6)(a) The commission may enter into contracts for the provision of
7 public defense services with nonprofit public defense organizations **and pri-
8 vate law firms.**

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

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

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

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

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

29 “[10) *With the approval of a majority of the voting members of the com-
30 mission, the commission may advocate for or against legislation before the*

1 *Legislative Assembly or policies or budgets being considered by the Legislative*
2 *Assembly.]*

3 “[~~(11)~~] (10) The commission shall request that the Governor include in the
4 Governor’s requested budget, for each fiscal period, at a minimum, the
5 amount of funds identified by the commission as being necessary to carry out
6 the duties and activities of the commission.

7 “[~~(12)~~] (11) The commission may adopt rules pursuant to ORS chapter 183.

8 **“SECTION 6.** ORS 151.216, as amended by sections 78, 94 and 101, chap-
9 ter 281, Oregon Laws 2023, is amended to read:

10 “151.216. (1) The Oregon Public Defense Commission shall:

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

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

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

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

20 “[~~(C)~~] (B) Ensure funding and resources to support required data col-
21 lection and training requirements; and

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

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

30 “(d) Review the caseload policies described in paragraph (b)(A) of this

1 subsection annually, and revise the policies as necessary and at least every
2 four years.

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

7 “(f) Submit [*the budget of the commission to the Legislative Assembly after*
8 *the budget is submitted to the commission by the executive director and ap-*
9 *proved by the voting members of the commission. The chairperson of the com-*
10 *mission shall present the budget to the Legislative Assembly]* **an agency**
11 **request budget to the Oregon Department of Administrative Services**
12 **as described in ORS 291.208.**

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

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

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

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

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

24 “(D) Appointed counsel compensation disputes;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 “(b) The payment of panel counsel:

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

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

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

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

1 **vate law firms.**

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

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

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

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

19 “[~~(10)~~ *With the approval of a majority of the voting members of the com-
20 mission, the commission may advocate for or against legislation before the
21 Legislative Assembly or policies or budgets being considered by the Legislative
22 Assembly.*]

23 “[~~(11)~~ **(10)** The commission shall request that the Governor include in the
24 Governor’s requested budget, for each fiscal period, at a minimum, the
25 amount of funds identified by the commission as being necessary to carry out
26 the duties and activities of the commission.

27 “[~~(12)~~ **(11)** The commission may adopt rules pursuant to ORS chapter 183.

28 **“SECTION 7.** ORS 151.219 is amended to read:

29 “151.219. (1) The executive director of the Oregon Public Defense Com-
30 mission shall:

1 “(a) Designate a deputy director of the commission who serves at the
2 pleasure of the executive director.

3 “(b) Hire necessary staff for the commission.

4 “(c) Recommend to the commission how to establish and maintain, in a
5 cost-effective manner, the delivery of legal services to persons entitled to,
6 and, where applicable, financially eligible for, appointed counsel at state
7 expense under Oregon statutes, the Oregon Constitution, the United States
8 Constitution and consistent with Oregon and national standards of justice.

9 “(d) Implement and ensure compliance with contracts, policies, proce-
10 dures, standards and guidelines adopted by the commission or required by
11 statute.

12 “(e) Prepare and submit to the commission for its approval the biennial
13 budget of the commission.

14 “(f) Negotiate contracts, as appropriate, for providing legal services to
15 persons eligible for appointed counsel at state expense.

16 “(g) Employ personnel or contract for services as necessary to carry out
17 the responsibilities of the executive director and the commission.

18 “(h) Supervise the personnel, operation and activities of the commission.

19 “(i) Provide services, facilities and materials necessary for the perform-
20 ance of the duties, functions and powers of the commission.

21 “(j) Pay the expenses of the commission.

22 “(k) Prepare and submit to the members of the commission an annual re-
23 port of the activities of the commission.

24 “(L) Provide for legal representation, advice and consultation for the
25 commission, its members, the executive director and staff of the commission
26 who require such services or who are named as defendants in lawsuits aris-
27 ing from their duties, functions and responsibilities. If requested by the
28 executive director, the Attorney General may also provide for legal repre-
29 sentation, advice and consultation for the commission, its members, the
30 executive director and staff of the commission in litigation.

1 “(m) Maintain an accurate and current list of all attorneys provid-
2 ing public defense services in this state under the supervision, em-
3 ployment or contractual authority of the commission, and the
4 qualifications for each attorney.

5 “(2) The executive director may:

6 “(a) Designate persons as representatives of the executive director for the
7 purposes of determining and paying bills submitted to the commission and
8 determining preauthorization for incurring fees and expenses under ORS
9 135.055.

10 “(b) Establish an external advisory group to assist in developing the
11 standard operating expectations for persons and entities providing public
12 defense services.

13 “**SECTION 8.** ORS 151.219, as amended by section 95, chapter 281, Oregon
14 Laws 2023, is amended to read:

15 “151.219. (1) The executive director of the Oregon Public Defense Com-
16 mission shall:

17 “(a) Designate a deputy director of the commission who serves at the
18 pleasure of the executive director.

19 “(b) Hire necessary staff for the commission.

20 “(c) Recommend to the commission how to establish and maintain, in a
21 cost-effective manner, the delivery of legal services to persons entitled to,
22 and, where applicable, financially eligible for, appointed counsel at state
23 expense under Oregon statutes, the Oregon Constitution, the United States
24 Constitution and consistent with Oregon and national standards of justice.

25 “(d) Implement and ensure compliance with contracts, policies, proce-
26 dures, standards and guidelines adopted by the commission or required by
27 statute.

28 “(e) Prepare and submit to the commission for its approval the biennial
29 budget of the commission.

30 “(f) Negotiate contracts, as appropriate, for providing legal services to

1 persons eligible for appointed counsel at state expense in accordance with
2 ORS 151.216 (5) and (6).

3 “(g) Employ personnel or contract for services as necessary to carry out
4 the responsibilities of the executive director and the commission.

5 “(h) Supervise the personnel, operation and activities of the commission.

6 “(i) Provide services, facilities and materials necessary for the perform-
7 ance of the duties, functions and powers of the commission.

8 “(j) Pay the expenses of the commission.

9 “(k) Prepare and submit to the members of the commission an annual re-
10 port of the activities of the commission.

11 “(L) Provide for legal representation, advice and consultation for the
12 commission, its members, the executive director and staff of the commission
13 who require such services or who are named as defendants in lawsuits aris-
14 ing from their duties, functions and responsibilities. If requested by the
15 executive director, the Attorney General may also provide for legal repre-
16 sentation, advice and consultation for the commission, its members, the
17 executive director and staff of the commission in litigation.

18 “**(m) Maintain an accurate and current list of all attorneys provid-**
19 **ing public defense services in this state under the supervision, em-**
20 **ployment or contractual authority of the commission, and the**
21 **qualifications for each attorney.**

22 “(2) The executive director may:

23 “(a) Designate persons as representatives of the executive director for the
24 purposes of determining and paying bills submitted to the commission and
25 determining preauthorization for incurring fees and expenses under ORS
26 135.055.

27 “(b) Establish an external advisory group to assist in developing the
28 standard operating expectations for persons and entities providing public
29 defense services.

30 “**SECTION 9. Section 10 of this 2025 Act is added to and made a part**

1 of ORS 151.211 to 151.221.

2 **“SECTION 10. (1) The Oregon Public Defense Commission may en-**
3 **ter into a contract with an entity that subcontracts with other entities**
4 **or persons for the provision of public defense services only if the entity**
5 **operates in accordance with standards and requirements established**
6 **by the commission either through adopted policies or contract lan-**
7 **guage approved by the Department of Justice.**

8 **“(2) The standards and requirements described in subsection (1) of**
9 **this section must include, but are not limited to:**

10 **“(a) A requirement that the entity have a designated administrator**
11 **with authority to manage case distribution, address concerns and**
12 **complaints and serve as the point contact for external matters;**

13 **“(b) A requirement that the entity have defined policies concerning**
14 **membership structure, including policies on admission criteria, par-**
15 **ticipation expectations and decision-making authority;**

16 **“(c) A requirement that the entity have internal policies and pro-**
17 **cedures for conflict resolution, ethical compliance and the removal of**
18 **members due to misconduct or nonparticipation;**

19 **“(d) A requirement that the entity comply with commission over-**
20 **sight, reporting requirements and other applicable policies and proce-**
21 **dures of the commission; and**

22 **“(e) A requirement that the entity hold regular meetings among its**
23 **members or governing body, as appropriate for its size and structure.**

24 **“(3) The standards and requirements described in subsection (1) of**
25 **this section for an entity with five or more attorney members must**
26 **additionally include a requirement that the entity have a board of di-**
27 **rectors or a steering committee with responsibilities that include but**
28 **are not limited to the following:**

29 **“(a) The approval of entity policies, budgets and initiatives;**

30 **“(b) Ensuring attorney performance and compliance with legal and**

1 **financial obligations;**

2 **“(c) Oversight of the administrator; and**

3 **“(d) Resolving disputes among members of the entity.**

4 **“SECTION 11. Section 10 of this 2025 Act becomes operative on July**
5 **1, 2027.**

6 **“SECTION 12. Section 10 of this 2025 Act is repealed on July 1, 2033.**

7 **“SECTION 13. This 2025 Act being necessary for the immediate**
8 **preservation of the public peace, health and safety, an emergency is**
9 **declared to exist, and this 2025 Act takes effect on its passage.”.**

10
