

Oregon Public Defense Commission

Capacity Report

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Agenda

Capacity Report Presentation



01

Review

MAC
utilization and
review
process



02

Monitor

Providers
being
monitored for
utilization



03

Intervene

OPDC
intervening to
increase MAC
utilization



04

Update

Update since
report
submission



05

Exceed

Exceed
Caseload
Program
reporting

Overall MAC

MAC utilization statewide ranges from 80% for juvenile contracts to nearly 97% for the Parent Child Representation Program (PCRCP).

Public Defense MAC by Provider Type October-November 2025			
Provider Type	Prorated MAC	Reported MAC	MAC Utilization
Adult Criminal	74.606	71.389	95.69%
Juvenile (non-PCRCP)	15.517	12.555	80.91%
OPDC Trial Division†	7.558	6.934	91.75%
	Expected Caseload	Reported Caseload	Utilization Percentage
PCRCP Providers‡	6,306.4	6,109.3	96.87%
† OPDC Trial Division MAC is measured from 7/1/25-12/31/25. ‡ PCRCP does not operate under a MAC model, but rather an open workload model of 80 open cases for a 1.0 FTE attorney. The percentage shown is the percent of workload used, with the expected number of open cases per month based on FTE being the denominator.			

Review and Categorize

- **60%** of public defense providers are at or above 90% MAC utilization.
- Providers below 90% were sorted into two tiers:
 - Monitor: **26%**
 - Intervention: **14%**

Providers by MAC Utilization Tier					
Tier	Adult			OTD	Total
	Criminal	Juvenile	PCRPT†	Office‡	
1 >90%	60	27	18	2	107
2 <90% Monitor	29	15	2	0	46
3 <90% Intervention	13	7	3	1	24
Total	102	49	23	3	177

† PCRPT does not operate under a MAC model, but rather an open workload model of 80 open cases for a 1.0 FTE attorney. The percentage shown is the percent of workload used, with the expected number of open cases per month based on FTE being the denominator.

‡ OPDC Trial Division MAC is measured from July 1, 2025 to December 31, 2025.

Tier 2: Monitor

Tier 2 providers were sorted into the following five categories:

Tier 2 Category	Adult Crim	Juv/PCRP	Total
Specialty and Statewide Contracts	12	1	13
Contractors Impacted by MAC Reset	6	3	9
Contracts too Small for Reliable Analysis	0	5	5
Intentional Jurisdictional Capacity Planning	11	2	13
Full Representation Jurisdictions	0	6	6
Total	29	17	46

Tier 3: Intervention

Tier 3 providers do not fall into a tier 2 category, and OPDC is working directly with them to identify contributing factors, develop corrective strategies, and document agency interventions. Tier 3 providers fall into the following categories:

Tier 2 Category	Adult Crim	Juv/PCRP	Total
Operational Barriers	3	2	5
Operational Barriers: MAC Previously Adjusted	4	4	8
Vacancies	1	1	2
Caseload Assignment Plans	6	3	9
Total	14	10	24

UPDATE

Updated MAC

Since the submission of the report:

- 48 Tier 2/3 providers increased their MAC utilization, while 11 decreased and 6 remained the same.
- 10 providers moved to Tier 1
- 15 providers moved from Tier 1 to Tier 2/3

Public Defense MAC by Provider Type October-December 2025				
Provider Type	Prorated MAC	Reported MAC	MAC Utilization	Chg
Adult Criminal	113.068	108.444	95.63%	-.06
Juvenile (non-PCRPP)	23.526	20.027	84.61%	+3.7
OPDC Trial Division†	8.768	7.679	87.58%	-4.17
	Expected Caseload	Reported Caseload	Utilization Pct	Chg
PCRPP Providers‡	6,293.3	6,016.8	95.61%	-1.26

† OPDC Trial Division MAC is measured from 7/1/25-1/29/25.

‡ PCRPP does not operate under a MAC model, but rather an open workload model of 80 open cases for a 1.0 FTE attorney. The percentage shown is the percent of workload used, with the expected number of open cases per month based on FTE being the denominator.

UPDATE

Updated MAC

Tier	Category	Oct-Nov Avg MAC	Oct-Dec Avg MAC	# with Increase	Avg Pct Increase	# with Decrease	Avg Pct Decrease
2	Specialty and Statewide Contracts	36.59%	52.5%	5	+51.9%	5	-10.5%
2	Contractors Impacted by MAC Reset	68.26%	74.8%	7	+10.6%	2	-7.7%
2	Contracts too Small for Reliable Analysis	45.78%	57.9%	5	+9.1%	0	--
2	Intentional Jurisdictional Capacity Planning	60.32%	73.3%		+13.0%	0	--
2	Full Representation	62.08%	66.4%	5	+5.3%	1	-5.9%
3	Operational: MAC Previously Adjusted	70.23%	84.6%	5	+19.5%	1	-0.8%
3	Operational Barriers	68.63%	76.70%	4	+8.1%	0	--
3	Vacancy Challenges	46.49%	58.7%	1	+12.3%	0	--
3	Case Pick-up Plan	47.61%	57.1%	5	+20.7%	2	-9.1%

Exceed Caseload Program

Participants in the Enhance Capacity Program are exceeding even their enhanced MAC amounts.

Through the EPC, the equivalent of 379 additional misdemeanors were represented in October and November 2025. That's more than an entire MAC in just two months.

MAC Utilization of the Exceed Caseload Program Participants			
ECP %	Prorated MAC	MAC Reported	MAC Utilization
5%	0.334	0.347	103.9%
10%	2.930	3.294	112.4%
15%	3.912	3.998	102.2%
Total	7.176	7.639	106.5%

Thank you.

Specialty and Statewide Contracts

County/ Region	Provider	Contract Type	Oct-Nov Reported MAC	Oct-Nov Prorated MAC	Oct-Nov MAC	Oct-Dec MAC	Diff
Clack	Law Office of Amanda J. Marshall	(AC) Civil Commit	0.157	0.192	81.44%	87.00%	+5.6%
Clack	The Law Offices of Mary Tongel	(AC) Civil Commit	0.170	0.192	88.23%	96.00%	+7.8%
State	Christopher M. Clayhold	(AC) Murder	0.000	0.167	0.00%	0.00%	--
State	Equal Justice Law	(AC) PCR Appeals	0.360	0.739	48.74%	41.29%	-7.5%
State	Law Office of Alsept & Ellis	(AC) PCR Murder	0.000	0.167	0.00%	0.00%	--
State	Liza Langford	(AC) Appeals	0.050	0.100	49.86%	33.06%	-16.8%
State	Multnomah Defenders, Inc.	(AC) Appeals, CivCom	0.233	0.334	69.81%	62.81%	-7.0%
State	Richard L. Wolf, P.C.	(AC) Murder	0.000	0.167	0.00%	0.00%	--
State	Teena M. Killian	(AC) PCR Murder	0.022	0.192	11.56%	57.50%	45.9%
State	Youth, Rights & Justice	(JC) Appeals	0.097	0.468	20.62%	15.73%	-4.9%
Multnomah	Disability Rights Oregon	(AC) Civil Commit	0.283	0.501	56.37%	74.49%	+18.1%
Multiple	Hollingsworth Law Office	(AC)	0.074	0.15	49.04%	32.52%	-16.5%
Multiple	Johnstone & Obert	(AC) Jessica's Law	0.000	0.125	0.00%	181.93%	+181.9%

MAC Impacted by Biennial Reset

County/ Region	Provider	Contract Type	Oct-Nov Reported MAC	Oct-Nov Prorated MAC	Oct-Nov MAC	Oct-Dec MAC	Diff
Baker	Elkhorn Public Defender	AC	0.138	0.169	81.84%	74.89%	-7.0%
Colum	Columbia County Indigent Defense	AC	0.518	0.585	88.52%	98.98%	+10.5%
Grant/Harney	Steens Mountain Defenders	JC	0.039	0.057	68.61%	96.23%	27.6%
Jack	Megan B. Annand	AC	0.070	0.084	83.25%	86.25%	+3.0%
Jose	Josephine County Defense Lawyers	JC	0.340	0.510	66.67%	67.73%	+1.1%
Klam	Philip Studenberg	AC	0.014	0.160	8.69%	25.4%	16.7%
Lane	Public Defender Services of Lane Co.	AC	2.471	3.719	66.43%	71.90%	5.5%
Mult	Portland Defense Consortium	AC	1.890	2.408	78.49%	88.6%	+10.1%
Wash	Cornerstone Law Group	JC	0.240	0.284	71.81%	63.27%	-8.5%

Appendix

Small Contractors

County/ Region	Provider	Contract Type	Oct-Nov Reported MAC	Oct-Nov Prorated MAC	Oct-Nov MAC	Oct-Dec MAC	Diff
Baker	Whitnah Law	JC	0.012	0.047	26.55%	41.57%	+15.0%
Grant/Harney	Whitnah Law	JC	0.029	0.074	39.42%	52.27%	+12.9%
Union/Wallowa	Law Office of Jeffrey C. MacNeilly	JC	0.014	0.043	33.35%	37.37%	+4.0%
Union/Wallowa	James A. Schaeffer	JC	0.032	0.042	76.75%	85.39%	+8.6%
Union/Wallowa	Rick Dall Attorney at Law	JC	0.022	0.042	52.82%	58.02%	+5.02%

Intentional Jurisdictional Planning

County/ Region	Provider	Contract Type	Oct-Nov Reported MAC	Oct-Nov Prorated MAC	Oct-Nov MAC	Oct-Dec MAC	Diff
Baker	Yervasi Law, P.C. - Adult Criminal	AC	0.025	0.084	30.10%	38.47%	+8.4%
Columbia	Justice Alliance of Columbia County	AC	0.141	0.234	60.47%	101.23%	+40.8%
Josephine	Southern Oregon Public Def	AC	0.267	0.345	77.17%	89.63%	+12.5%
Lake	Spencer Law	AC	0.086	0.167	51.38%	52.10%	+0.07%
Malheur	Elkhorn Public Defender	AC	0.374	0.449	83.24%	101.49%	+18.3%
Malheur	Frontier Legal	AC	0.038	0.150	25.57%	34.05%	+8.5%
Tillamook	Tillamook County Defense Consortium	AC	0.263	0.393	66.97%	70.72%	+3.8%
Union/Wall	Elkhorn Public Defender	AC	0.051	0.102	50.23%	65.83%	+15.6%
Union/Wall	James A. Schaeffer	AC	0.101	0.125	80.92%	84.09%	+3.2%
Union/Wall	LJ Legal Solutions	AC	0.104	0.120	86.11%	102.66%	+16.6%
Union/Wall	Rick Dall Attorney at Law	AC	0.062	0.120	51.35%	66.39%	+15.0%
<i>Parent Child Representation Program Providers</i>							
Bent/Polk	Jarvis Bridge Halttunen and Weyer	PCRCP	89.3	128.8	89.3%	47.49%	-21.8%
Clatsop/Colum	Columbia County Indigent Defense Corp	PCRCP	45.5	80.0	45.5%	57.08%	+0.2%

Full Representation Jurisdictions

County/ Region	Provider	Contract Type	Oct-Nov Reported MAC	Oct-Nov Prorated MAC	Oct-Nov MAC	Oct-Dec MAC	Diff
Lane	Lane County Juvenile Lawyers Association	JC	1.464	2.198	66.63%	67.91%	+1.3%
Lane	Public Defender Services of Lane County	JC	0.341	0.627	54.40%	62.90%	+8.5%
Marion	Juvenile Advocacy Collective	JC	1.487	2.385	62.36%	73.32%	+11.0%
Wash	Hillsboro Law Group	JC	0.130	0.167	78.05%	77.62%	-0.4%
Wash	Oregon Defense Attorney Consortium	JC	0.181	0.334	54.20%	56.06%	+1.9%
Wash	Metropolitan Public Defender Services, Inc.	JC	0.356	0.627	56.82%	60.62%	+3.8%

Appendix

Providers with Operational Barriers

County/ Region	Provider	Contract Type	Oct-Nov Reported MAC	Oct-Nov Prorated MAC	Oct-Nov MAC	Oct-Dec MAC	Diff
<i>Operational Barriers</i>							
Curry	Curry County Public Defense	AC	0.257	0.371	69.30%	74.39%	+5.1%
Deschutes	Deschutes Defenders	JC	0.205	0.354	57.73%	75.08%	+17.4%
Douglas	Arneson, Stewart & Styarfyr	AC	0.261	0.343	76.17%	83.91%	+7.7%
Lane	Lane County Defense Consortium	AC	0.989	1.387	71.30%	73.36%	+2.1%
<i>Providers whose MAC was Previously Adjusted</i>							
7th District	7th District Consortium	AC	0.346	0.475	72.82%	72.04%	-0.8%
7th District	Columbia Gorge Defenders	AC	0.843	1.263	66.70%	83.21%	+16.5%
7th District	Columbia Gorge Defenders	JC	0.074	0.102	72.37%	86.55%	+14.2%
Benton	Benton County Legal Def Corp	AC	1.168	1.414	82.59%	90.40%	+7.8%
Malheur	Five Rivers Law	AC	0.191	0.368	51.84%	68.22%	+16.4%
Malheur	Five Rivers Law	JC	0.138	0.184	75.07%	117.73%	+42.7%
<i>Parent Child Representation Program Providers</i>							
Douglas	Arneson, Stewart & Styarfyr	PCRPP	328.5	392	83.80%	82.65%	-1.2%
Multnomah	Metropolitan Public Defender Services	PCRPP	826	921.6	89.63%	90.46%	+0.8%
Multnomah	Multnomah Defenders, Inc	PCRPP	482	553.6	87.07%	88.39%	+1.3%

Appendix

Vacancy Challenges

County/ Region	Provider	Contract Type	Oct-Nov Reported MAC	Oct-Nov Prorated MAC	Oct-Nov MAC	Oct-Dec MAC	Diff
Jackson	Southern Oregon Public Defender	JC	0.102	0.501	20.37%	44.50%	+24.1%
Marion	Central Valley Regional Trial Office	AC	1.558	2.147	72.60%	73.00%	+0.4%

Appendix

Providers with Pick Up Plans

County/ Region	Provider	Contract Type	Oct-Nov Reported MAC	Oct-Nov Prorated MAC	Oct-Nov MAC	Oct-Dec MAC	Diff
Clackamas	Hupy Law	JC	0.073	0.167	43.95%	52.40%	+8.5%
Crook/Jeff	22nd Circuit Defenders	AC	0.540	1.170	46.19%	51.49%	+5.3%
Crook/Jeff	22nd Circuit Defenders	JC	0.278	0.359	77.28%	71.36%	-5.9%
Klamath	Dougherty Law	AC	0.073	0.137	53.06%	115.81%	+62.8%
Marion	Public Defender of Marion County	AC	0.143	2.49	5.75%	19.09%	+13.3%
Polk	Jarvis Bridge Halttunen and Weyer	AC	0.567	0.819	69.23%	82.93%	+13.7%
Union/Wall	LJ Legal Solutions	JC	0.000	0.042	0.00%	0.00%	--
Yamhill	Scott A. Hodgess	AC	0.110	0.167	66.00%	53.74%	-12.3%
Yamhill	Yamhill Defense Consortium	AC	1.121	1.671	67.05%	67.07%	--