

Oregon Public Defense Commission

Response to Roberts Decision

Ken Sanchagrin
Interim Executive Director

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OPDC Roberts Analysis

1. The primary focus of OPDC's Roberts response should be Multnomah County, followed by Washington County.
2. Urban counties may have higher case refiling rates due to more capacity in district attorneys' offices compared to rural areas.
3. The assignment of cases by OPDC must happen at a faster rate.
4. The assignment of cases by OPDC from a functional perspective will be similar to the process developed for Betschart cases, given the timeline requirements set by the court.

Multnomah

Felonies

- Oregon Trial Division (OTD), courts, DA working on early resolution docket.
100-150 felonies per month.
Resolve cases prior to indictment.
Trial Division will keep unresolved cases.

Misdemeanors

- Normal process, contractors, hourly, OTD.
- Prioritizing domestic violence.

To meet the increased need in Multnomah County, OPDC will need to do the following:

Add 3 MAC to Multnomah contracts: If current contract providers can expand, OPDC should increase MAC by at least three caseloads for misdemeanor cases subject to Roberts. OPDC has the necessary resources in its Adult Trial Division budget.

Staff ERD docket with OTD attorneys: With current resources, the OPDC Trial Division Northwest Office can staff 20% of the new docket using its early resolution attorney. To fully staff this docket, five additional attorneys and four non-attorney support staff will be required.

Washington County

- 1. Add 3 MAC to Washington Contracts:** If current contract providers are willing and able to expand through the addition of new attorneys, OPDC should increase contracted MAC within Washington County by three caseloads initially to handle cases subject to Roberts. OPDC has the resources needed for this expansion within its current Adult Trial Division budget.
- 2. Add 1 OTD Attorney:** To ensure additional capacity within Washington County and to assist the local bar when conflicts arise, the OPDC Trial Division should dedicate one attorney to taking cases in this jurisdiction.

Southern Oregon

- Southern Oregon counties with significant Roberts cases include Douglas, Jackson, and Klamath.
- Contractors in these counties were at or above 99% MAC utilization as of the end of 2025.

To meet the increased need in southern Oregon, OPDC will need to do the following:

Add 4 new attorneys in the fall: Prior to the release of Roberts, OPDC committed to allowing Southern Oregon Public Defender to hire up to four additional, newly licensed attorneys. These attorneys, however, will not be licensed and available until the fall.

Add 2 OTD attorneys: To provide immediate relief, OPDC proposes adding two OPDC Trial Division attorneys.

OPDC Trial Division Expansion

Currently in HB 5204: 6 OTD attorneys beginning July 1, 2026. Paid for by a transfer between CME (hourly) and OTD.

Proposal: Move the start date for these attorneys to March 1, 2025, to quickly respond to Roberts.

- 5 would go north, 1 south.

Cost: \$511,502

- This is in addition to the \$1,570,484 attorney costs and \$50,000 recruitment costs that are already in HB 5204.

OPDC Trial Division Expansion

Proposal: 2 additional attorneys starting March 1.

Cost: \$652,356

Plan: OPDC needs 8 additional attorneys to address Roberts. Combined with the 6 attorneys in HB 5204, OPDC would allocate:

- 6 to the northwest Office: 5 in Multnomah and 1 in Washington;
- 2 to the southern office to add capacity in Jackson, Douglas and Klamath counties.

Proposal: 5 non-lawyer staff to support this expansion, starting March 1, 2025.

Southern office: One legal secretary

Northwest office: One legal secretary, one investigator, one paralegal, and one case manager.

Cost: \$867,819

Case Assignment Needs

OPDC's three case assignment coordinators identify counsel for cases on the unrepresented list.

They assign an average of 705 cases per month.

They've played an essential role in managing Betschart and eliminating Coos' and Marion's list.

Cases Assigned by OPDC Assignment Coordinators

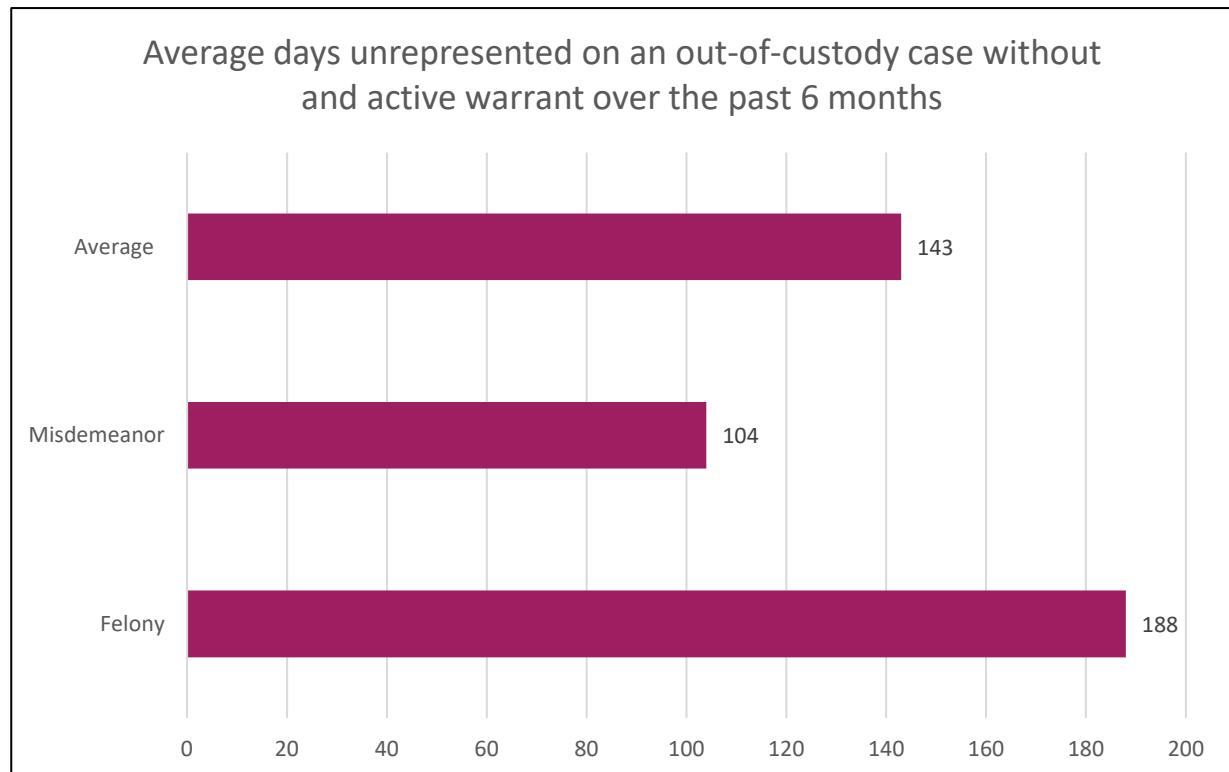
Month	Betschart		Total
	Count	Percent	Assigned
Aug 2025	216	27%	802
Sep 2025	201	18%	1,108
Oct 2025	157	25%	634
Nov 2025	119	23%	511
Dec 2025	145	26%	554
Jan 2026	123	20%	620
6 mo. average	160	23%	705

Case Assignment Needs

Proposal: To improve case assignment speed in response to Roberts, OPDC needs **two additional coordinators** for the Portland metro region.

Cost: \$391,820

Roberts shortens timelines for OPDC case assignment coordinators to locate counsel.



*Data Source as of 2/17/2026: OJD's OPDS Unrepresented Power BI Dashboard.
3/1/2025 - 2/17/2026*

Thank You

