



POLICY NAME: 15% VARIANCE

**Number: 404-070-002**

DIVISION: ADMINISTRATIVE SERVICE DIVISION

**Effective Date: 10/1/2023**

RESPONSIBLE SECTION: TRIAL DIVISION

APPROVED: Executive Team

**Approval Date: 10/24/2023**

**PURPOSE:** Establish criteria for reaching contracted caseload and application of the 15% variance to annual caseload limits.

**AUTHORITY:** ORS 151.216 and 151.219

**APPLICABILITY:** This policy applies to Contracts for Public Defense Services, **except** those under the Parent Child Representation Program (PCRP).

**DEFINITIONS FOR PURPOSES OF THIS POLICY**

**Caseload:** The number of cases assigned to a FTE Attorney on an annual basis.

**Full Time Equivalent (FTE) Attorney:** A FTE Attorney is an attorney under contract with the PDSC to provide representational services.

**Maximum Attorney Caseload (MAC):** The measurement in Exhibit B of the Contract for Public Defense Services that defines the caseload and workload limits for FTE attorneys.

**POLICY**

Contractor shall distribute case appointments accepted under the contract relatively evenly over the contract period while allowing for fluctuations and flexibility in caseloads from month to month. A contractor may reserve the 15% variance above their monthly, prorated caseload to ensure availability to provide representation to existing clients in circumstances such as cases coming back after a warrant, increases in highest charge, and probation violations.

Contractor shall notify OPDS that it has exhausted the MAC capacity associated with its contracted FTE attorneys by submitting a shut-off form when contractor has taken 100% of its to-date pro-rated MAC.

Approved by: Executive Team

Prepared by: Trial Division

Reviewed by: Policy Division

Publish:  Internally  
 Externally