



# Oregon

## Office of Public Defense Services

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July 10, 2020

To: Public Defense Providers  
From: Heather Pate, Contracts Manager  
Re: Mitigator Billing Practices

OPDS is changing the way mitigators will bill for their time spent on public defense work, changes will be implemented October 1, 2020. In the meantime, please continue with the process that is currently in place.

- Beginning on October 1, 2020 the rate for mitigation work will be \$65 per hour.
- OPDS will be sending out a survey to mitigators, requesting input on the hours worked per month on mitigation services.
- OPDS is working toward defining “mitigation” to have a better understanding of the work performed under this term.

Billing for mitigation will change to the Non-Routine Expense (NRE) process. There are several reasons this change is needed. With changes to statutes on Aggravated Murder, Murder 1 and Murder 2, plus juvenile waiver hearings as well as a host of emerging best practices around criminal law advocacy we believe the way in which we have thought about mitigation is changing. We haven't seen the increase in Juvenile waiver hearings that was originally anticipated. While we are attempting to recognize and resource mitigation appropriately, we will be looking at what constitutes mitigation work as well as trying to determine the level of resources we need in our system. For now, as we are evolving away from contracts we will be using the NRE process, with an equalized rate and segmented authorizations to functionally allow for interim billing.

NRE process questions please email Amanda Deyerle-Olney at [Amanda.Deyerle-Olney@opds.state.or.us](mailto:Amanda.Deyerle-Olney@opds.state.or.us)

For Billing and Processing questions please contact Accounts Payable at (503) 378-2478 or at [accounts.payable@opds.state.or.us](mailto:accounts.payable@opds.state.or.us).