

Public Defense Commission

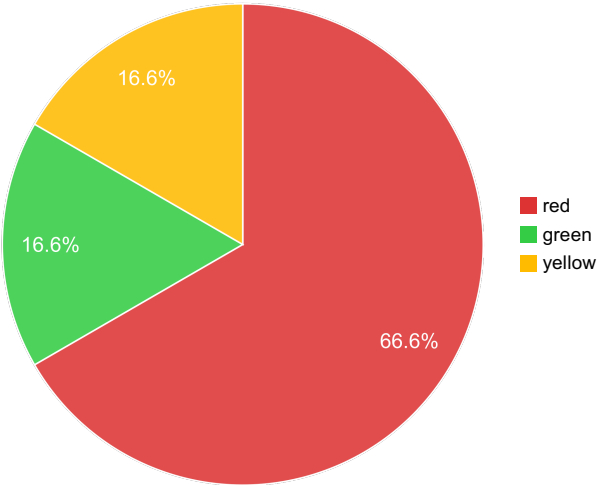
Annual Performance Progress Report

Reporting Year 2026

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KPM #	Approved Key Performance Measures (KPMs)
1	APPELLATE CASE PROCESSING - Median number of days to file opening brief.
2	CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.
3	BEST PRACTICES FOR BOARDS AND COMMISSIONS - Percentage of total best practices met by Commission.
4	TRIAL LEVEL REPRESENTATION - During the term of the OPDS contract, percent of attorneys who obtain at least 12 hours per year of continuing legal education credit in the area(s) of law in which they provide public defense representation.[1] [1] Case types listed in the 2014-2015 Public Defense Legal Services Contract General Terms are: criminal cases, probation violations, contempt cases, civil commitment cases, juvenile cases, and other civil cases.
5	PARENT CHILD REPRESENTATION PROGRAM (PCRP) - Percent of PCRP attorneys who report spending approximately 1/3 of their time meeting with court appointed clients in cases which the attorney represents a parent or child with decision-making capacity.[1] [1] For a discussion on determining decision-making capacity, see The Obligations of the Lawyer for Children in Child Protection Proceedings with Action Items and Commentary, Oregon State Bar, Report of the Task Force on Standards of Representation in Juvenile Dependency Cases (2014).
6	PROVISIONING OF PUBLIC DEFENSE - The percentage of financially eligible defendants/persons receiving a public defender.

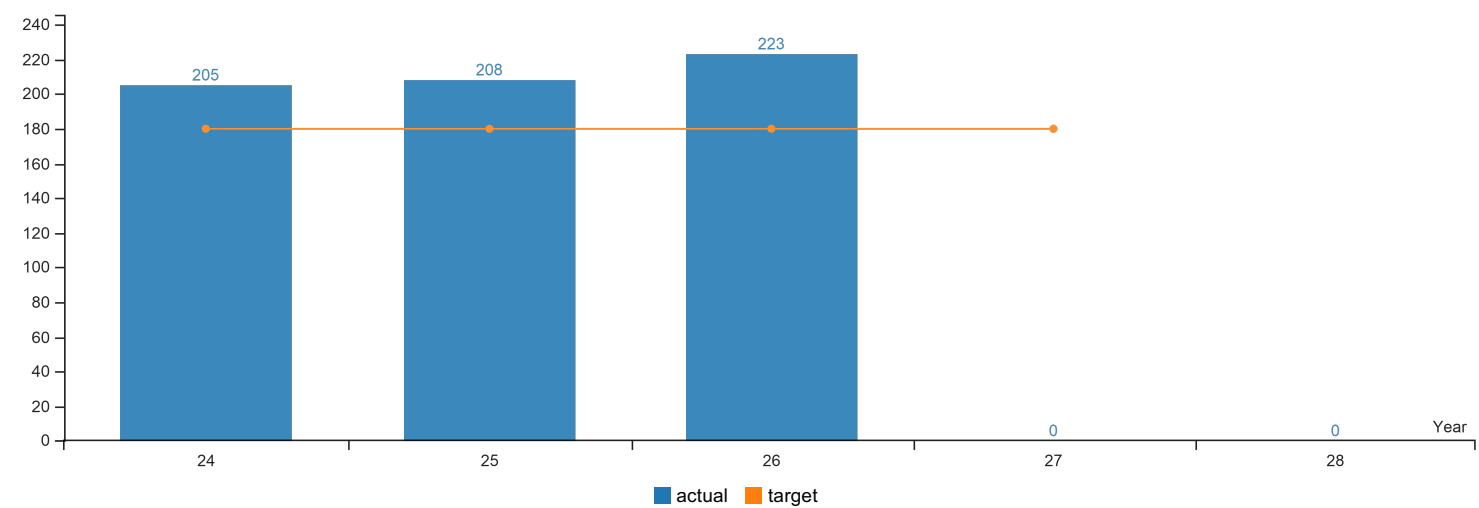
Proposal	Proposed Key Performance Measures (KPMs)
Delete	TRIAL LEVEL REPRESENTATION - During the term of the OPDS contract, percent of attorneys who obtain at least 12 hours per year of continuing legal education credit in the area(s) of law in which they provide public defense representation.[1] [1] Case types listed in the 2014-2015 Public Defense Legal Services Contract General Terms are: criminal cases, probation violations, contempt cases, civil commitment cases, juvenile cases, and other civil cases.
New	Maintain High Retention Rates for Appellate and State Trial Level Attorneys - The percentage of Appellate and Oregon Trial Division attorney workforce retained on an annual basis, with a target rate of 85%
New	Maintain High Retention Rates for Capacity Contract Attorneys - The percentage of Capacity Contract Attorney workforce retained on an annual basis, with a target rate of 85% of FTE.
New	Ensure Timely Payments to Providers - The percentage of invoices reviewed, and payments processed, within forth-three (43) days of receipt, with a target rate of 100%
New	Ensure Timely Processing of Pre-Authorized Expense (PAE) Requests - The percentage of PAE reviewed within ten (10) business days of receipt, with a target of 95%
New	Policies, Procedures, Standards, and Guidelines Align with Agency Priorities - The percentage of agency policies and procedures that are in alignment with statute, the agency strategic plan, and DAS policy and procedure, with a target of 95%
New	Capacity Contractors Meet or Exceed Performance Expectations - The Percentage of providers meeting at least 90% of their contractual obligations throughout the term of the agreement, with a target of 90% providers
New	Case outcome less than highest charge - The percentage of criminal cases that result in either an acquittal or conviction of an offense less than the highest crime charged, including dismissals with a target rate of 22%
New	Attorney case withdrawals - The percentage of criminal cases where a non-mandatory withdraw occurs, with a target rate of 5%.



Performance Summary	Green	Yellow	Red
	= Target to -5%	= Target -5% to -15%	= Target > -15%
Summary Stats:	16.67%	16.67%	66.67%

KPM #1	APPELLATE CASE PROCESSING - Median number of days to file opening brief.
	Data Collection Period: Jan 01 - Dec 31

* Upward Trend = negative result



Report Year	2024	2025	2026	2027	2028
Median Number of Days to File Opening Brief					
Actual	205	208	223		
Target	180	180	180	180	

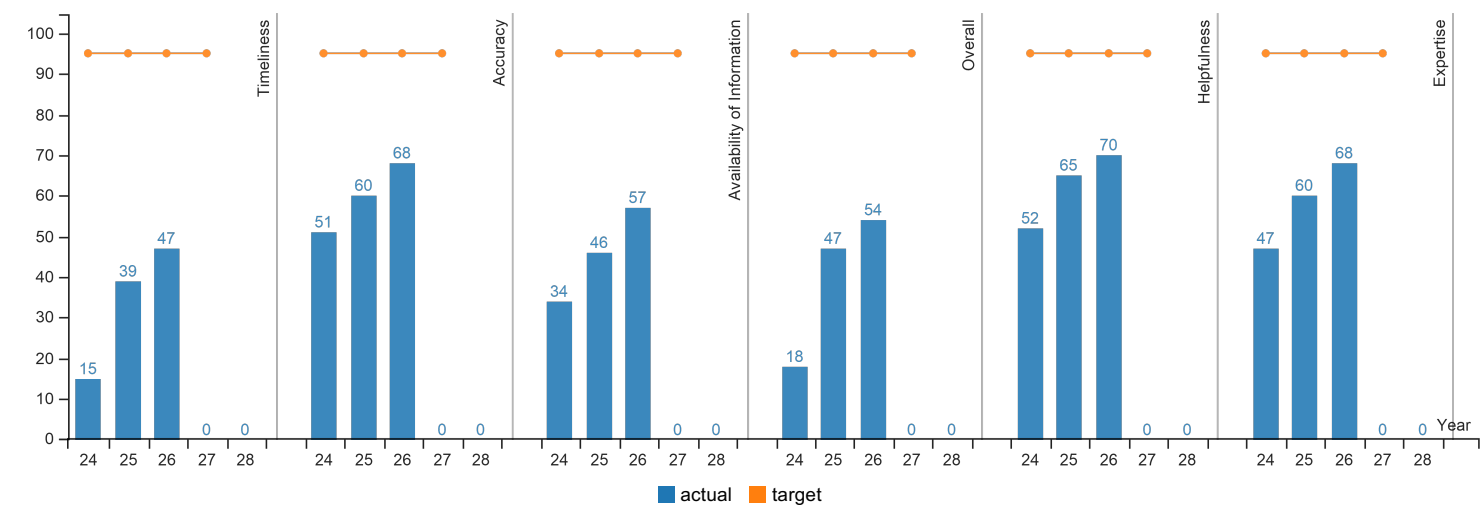
How Are We Doing

The Appellate Division lost ground during the 2025-26 fiscal year in its effort to file opening briefs in 180 days or less in at least half of its cases. The median filing date climbed to 223 days, whereas the median filing date ranged between 210 and 205 during the last four fiscal years. The number of case referrals has modestly increased during that time while the number of attorneys in the Criminal Appellate Section has not.

Factors Affecting Results

The ability to meet and exceed the goal correlates positively to the number of experienced attorneys and negatively to the number of cases and the complexity of cases referred. Attracting, training, and retaining competent attorneys affect progress toward the goal. The agency does not control the number or type of referred cases.

KPM #2	CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.
	Data Collection Period: Jul 01 - Jun 30



Report Year	2024	2025	2026	2027	2028
Timeliness					
Actual	15%	39%	47%		
Target	95%	95%	95%	95%	
Accuracy					
Actual	51%	60%	68%		
Target	95%	95%	95%	95%	
Availability of Information					
Actual	34%	46%	57%		
Target	95%	95%	95%	95%	
Overall					
Actual	18%	47%	54%		
Target	95%	95%	95%	95%	
Helpfulness					
Actual	52%	65%	70%		
Target	95%	95%	95%	95%	
Expertise					
Actual	47%	60%	68%		
Target	95%	95%	95%	95%	

How Are We Doing

The survey asked 15 questions based on provider type. The survey was sent via email to 2096 people, which included all active public defense attorneys, contract administrators, experts and vendors. There were 353 responses for a 17% response rate.

Of the 353 respondents, attorneys made up just over a third of the respondents. Amongst the 122 attorneys, most (64%) spend most of their time as a contract attorney and 34% as an hourly attorney.

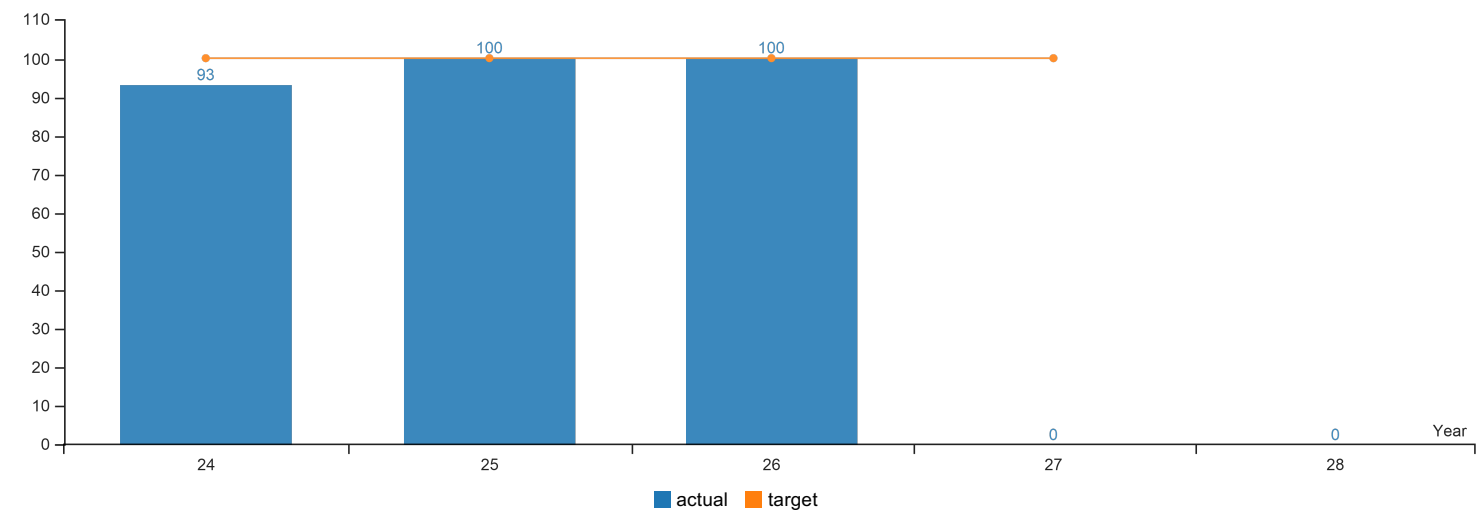
Additionally, most of the respondents have been in public defense for more than 5 years with almost half more than 10 years.

Factors Affecting Results

The survey was disseminated in June 2026, at which time the agency was 41 days behind in processing accounts payable invoices. Again, this year OPDC was rated the highest in terms of helpfulness of the staff, knowledge and expertise of staff and the ability to provide services correctly the first time.

KPM #3	BEST PRACTICES FOR BOARDS AND COMMISSIONS - Percentage of total best practices met by Commission.
	Data Collection Period: Jul 01 - Jun 30

* Upward Trend = positive result



Report Year	2024	2025	2026	2027	2028
Percentage of total best practices met					
Actual	93%	100%	100%		
Target	100%	100%	100%	100%	

How Are We Doing

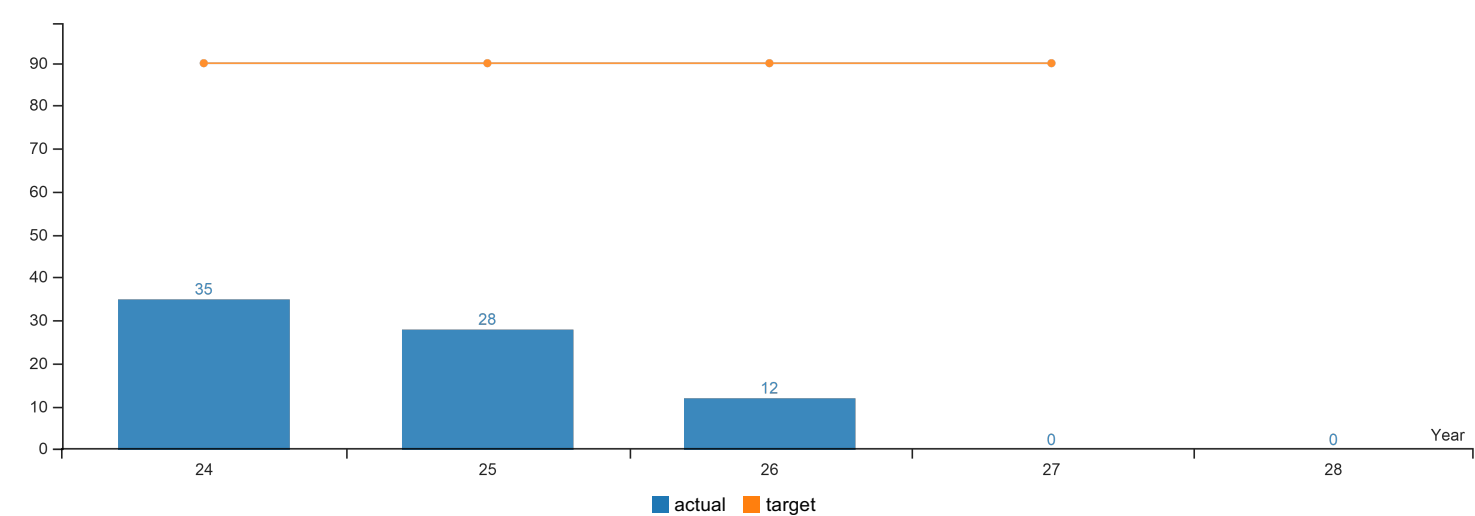
The Commission conducted a Best Practices for Boards and Commission survey, in which 8 out of 12 commissioners responded. Prior to engaging in the survey, Board members received a summary of actions taken by the Board over the previous year. This summary was based on published agendas and materials for monthly Commission meetings. Board members also had the opportunity to discuss the KPM survey at the August 2026 Commission meeting. OPDC staff generated a report that shows the number of people responding at each scale level, the percentage of respondents who give each scale response, and the written comments. The Governance, Policy, and Standards subcommittee will be comparing the 2025 results with the 2026 results to better understand the dynamics affecting Commission performance.

Factors Affecting Results

The Governance, Policy, Standards sub-committee has been discussing the Best Practices for Boards and Commission survey questions, along with making recommendations to the Commission for clarity and changes to some of the survey questions. This was the first year the Commission received an annual summary of the work the Commission has been engaged with and completed.

KPM #4	TRIAL LEVEL REPRESENTATION - During the term of the OPDS contract, percent of attorneys who obtain at least 12 hours per year of continuing legal education credit in the area(s) of law in which they provide public defense representation.[1] [1] Case types listed in the 2014-2015 Public Defense Legal Services Contract General Terms are: criminal cases, probation violations, contempt cases, civil commitment cases, juvenile cases, and other civil cases.
	Data Collection Period: Oct 01 - Jun 30

* Upward Trend = positive result



Report Year	2024	2025	2026	2027	2028
Percent of Attorneys with 12 CLE Credits Annually					
Actual	35%	28%	12%		
Target	90%	90%	90%	90%	

How Are We Doing

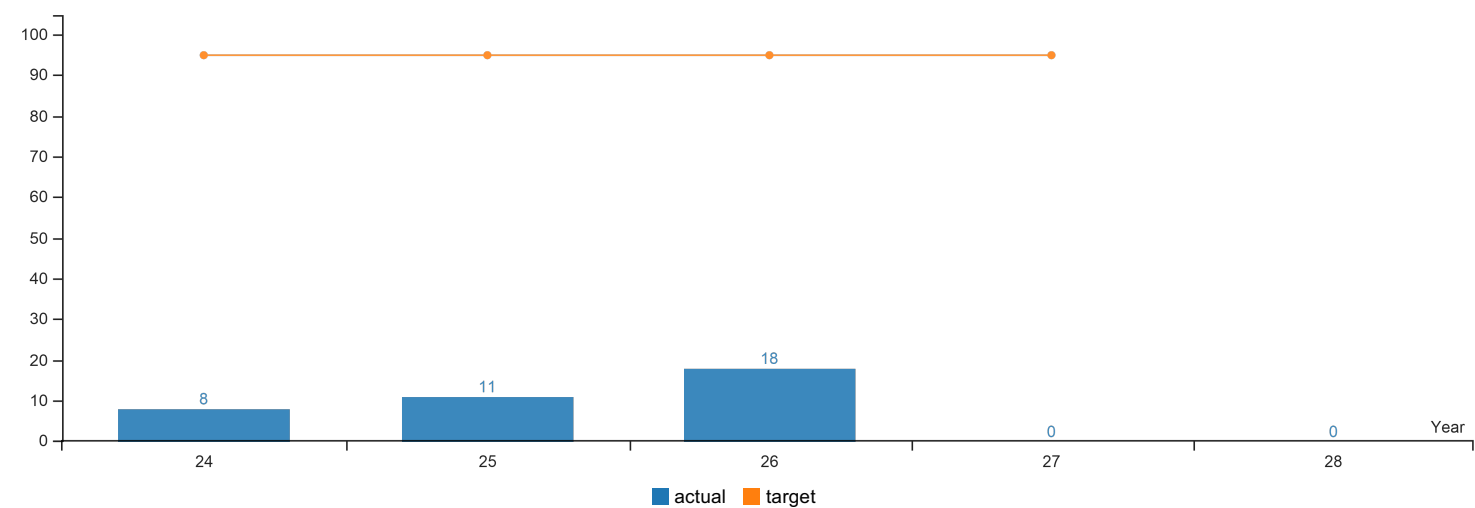
All contracted attorneys received an email survey to answer 1 question: Did you complete 12 hours of Continuing Learning Education (CLE) from October 1, 2025 - June 30, 2026. The survey was distributed to 799 contract attorneys, with 99 or 12% of those attorneys responded. The criminal contract attorneys reported 86% along with Juvenile contract attorneys at 89% of meeting the CLE.

Factors Affecting Results

The criminal and juvenile capacity contracts require 12 CLE during the 2-year contract cycle. This KPM is measured at 12 months, which has always caused confusion with our providers. The CLE requirement is administered through the Oregon State Bar (OSB) which is 45 hours of CLE within 3 years. This will be the last year OPDC reports on this KPM.

KPM #5	PARENT CHILD REPRESENTATION PROGRAM (PCRP) - Percent of PCRP attorneys who report spending approximately 1/3 of their time meeting with court appointed clients in cases which the attorney represents a parent or child with decision-making capacity.[1] [1] For a discussion on determining decision-making capacity, see The Obligations of the Lawyer for Children in Child Protection Proceedings with Action Items and Commentary, Oregon State Bar, Report of the Task Force on Standards of Representation in Juvenile Dependency Cases (2014).
	Data Collection Period: Jul 01 - Jun 30

* Upward Trend = positive result



Report Year	2024	2025	2026	2027	2028
Percent of PCRP Attorneys Spending 1/3 Time Meeting With Clients					
Actual	8%	11%	18%		
Target	95%	95%	95%	95%	

How Are We Doing

This performance measure tracks the time PCRP attorneys self-reported time spent with clients in the ten PCRP counties. Specifically, it tracks how much time PCRP attorneys spend with parents and with children who are old enough to make decisions about their case.

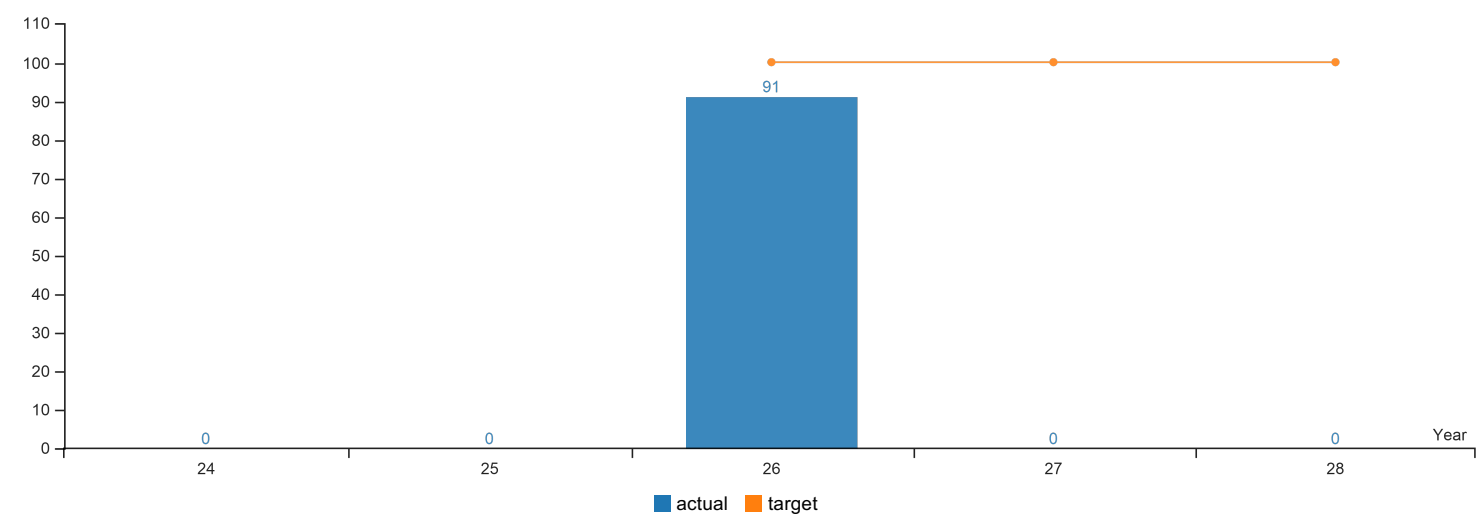
During this contract cycle, 18% of the PCRP attorneys report spending one-third or more of their time meeting with clients, an increase from the 11% of PCRP attorneys who met the KPM previously. Additionally, the overall average time PCRP attorneys spent with clients also improved from 22.3% of time with clients to 25.2%.

Factors Affecting Results

This KPM relies entirely attorneys self-reporting their time in the “client time” category. Last year, OPDC identified many attorneys who were under reporting “client time”. The agency issued additional guidance on what constitutes “client time” and held a virtual meeting with providers in November 2025 to ensure “client time” was being accurately reported. Since November 2025, 24.8% of attorneys are meeting the KPM. OPDC will continue to engage on reporting during the biannual meetings with PCRP providers.

KPM #6	PROVISIONING OF PUBLIC DEFENSE - The percentage of financially eligible defendants/persons receiving a public defender.
	Data Collection Period: Jul 01 - Jun 30

* Upward Trend = positive result



Report Year	2024	2025	2026	2027	2028
Percent of financially eligible defendants/persons receiving a public defender					
Actual		0%	91%		
Target			100%	100%	100%

How Are We Doing

This is the first year for this KPM. The data for this measurement is derived from Oregon Judicial Department (OJD). The methodology was determined by OPDC data team and verified with OJD to ensure accurate reflection of this KPM.

Factors Affecting Results

The factors to determine this metric include defendants/persons in and out of custody, exclude warrants, first time unrepresented and unrepresented no more than 7calendar days.