



Oregon

Oregon Public Defense Commission

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August 3, 2026

The Honorable Senator Rob Wagner, Co-Chair
The Honorable Representative Julie Fahey, Co-Chair
Emergency Board
900 Court Street NE, H-178
Salem, OR 97301

Dear Senator Wagner and Representative Fahey:

Nature of the Request

This request is related to a report submitted by the Oregon Public Defense Commission as required by a budget note in House Bill 5031 (2025), which reads:

The Public Defense Services Commission is directed to report to the Interim Joint Committee on Ways and Means in January 2026, and then subsequently to the Legislative Emergency Board in September of 2026, on the unrepresented defendant/persons crisis, including the implementation of the Commission's "12-month plan to address the number of unrepresented Oregonians." The reports shall also include information on the Commission's efforts to restructure agency operations, as well as its intermediate- and long-term planning efforts. The reports are also to include information on changes to service delivery models, by provider type, forecasted versus actual caseloads, cost factors, including cost per case, and a biennial financial forecast.

Agency Action

The report entitled *Interim Status Report II Per House Bill 5031 (2025)* provides data and analysis regarding unrepresented persons in Oregon, as well as on the Commission's implementation of the 12-month plan, updates on agency operations, and information on service delivery, including data on contract providers, caseloads, and a biennial financial forecast.

Action Requested

The Oregon Public Defense Commission requests acknowledgment of receipt of the attached report.

Legislation Affected

No legislation is affected.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Sanchagrin", with a long horizontal flourish extending to the right.

Ken Sanchagrin
Executive Director

cc:

Amanda Beitel, Legislative Fiscal Officer
Steve Robbins, Principal Legislative Analyst, LFO
Kate Nass, Chief Financial Officer
Jonathan Bennett, Policy and Budget Analyst, CFO



**Oregon
Public
Defense
Commission**

**Interim Status Report II
Per House Bill 5031 (2025)**

August 3, 2026

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NATURE OF THE REPORT

A budget note included with HB 5031 (2025) states:

The Public Defense Services Commission is directed to report to the Interim Joint Committee on Ways and Means in January 2026, and then subsequently to the Legislative Emergency Board in September of 2026, on the unrepresented defendant/persons crisis, including the implementation of the Commission's "12-month plan to address the number of unrepresented Oregonians." The reports shall also include information on the Commission's efforts to restructure agency operations, as well as its intermediate- and long-term planning efforts. The reports are also to include information on changes to service delivery models, by provider type, forecasted versus actual caseloads, cost factors, including cost per case, and a biennial financial forecast.

This report responds to the above budget note.

EXECUTIVE SUMMARY

This report was created in response to a budget note included in House Bill 5031 (2025). This is the second Status Report submitted by the Oregon Public Defense Commission (OPDC); the first was submitted in December 2025 and is available on the [OPDC website](#). This report provides an update to the original report.

Unrepresented Defendant/Persons Crisis. From late 2025 to early 2026, the number of unrepresented individuals across the state continued to decline, with a 10.75% decrease in out-of-custody pretrial individuals between November 1, 2025, and January 31, 2026. Such significant progress was made in Marion and Coos counties that they were no longer considered “crisis counties” as they had nearly eliminated and maintained low numbers of unrepresented individuals during this time. Then, on February 5, 2026, the *State v. Roberts* opinion was released, in which the Oregon Supreme Court ruled that cases must be dismissed without prejudice when the state fails to provide counsel to an eligible defendant for more than 60 consecutive days for misdemeanors and 90 consecutive days for felonies. This resulted in nearly 1,300 cases being dismissed under *Roberts* in February. Since the initial February wave, *Roberts* dismissals have leveled off at an average of 190 per month. As of June 30, 2026, the number of out-of-custody pretrial unrepresented individuals is down by 70.6% compared to June 30, 2025, while in-custody unrepresented individuals are down by 26.5%.

Implementation of the Commission’s 12-month Plan to Address the Number of Unrepresented Oregonians. OPDC has implemented all seven interventions identified in the June 2025 [12-month plan](#), which focused on ending the unrepresented crisis in Oregon. These interventions included: (1) allowing experienced attorneys to exceed maximum caseload caps on a voluntary basis; (2) expanding collection and analysis of data; (3) revising contract terms to increase system capacity; (4) facilitating cohort hiring of new attorneys; (5) investing in public defense law clinics; (6) expanding the use of special resolution dockets; and (7) the strategic use of the Oregon Trial Division in crisis jurisdictions. This report provides updated data, where available, on the impact of these changes. These interventions have contributed to more stability within the public defense system and improved access to counsel across much of the state.

Efforts to Restructure Agency Operations. The agency has grown and changed substantially over the past decade, whether in the funding it receives to support public defense services across the state, the number of programs it administers, or the number of divisions it has. The agency has therefore realigned its structure to more appropriately reflect its core services in a simpler, more straightforward way.

Intermediate and Long-Term Planning. OPDC is engaged in long-term planning to transition from a Maximum Attorney Caseload (MAC) system to a workload-based model grounded in time and resource analysis. This shift, with the support of stakeholders and legislators, will enable a more equitable, data-driven allocation of resources statewide.

Caseload and Financial Forecasting. The biennial financial forecast will support data-informed budgeting and ensure fiscal alignment with caseload demands. Additionally, the 2025-27 contract cycle, effective October 1, 2025, led to overall cost efficiencies through improved resource targeting, expanded capacity, and reduced reliance on hourly contracting.

Through these combined efforts, OPDC is addressing Oregon’s constitutional obligations while building a more sustainable, accountable, and data-driven public defense system. Continued legislative partnership will be essential to maintaining this trajectory and ensuring that every eligible Oregonian receives timely and effective legal representation.

UNREPRESENTED PERSONS NUMBERS AND TRENDS

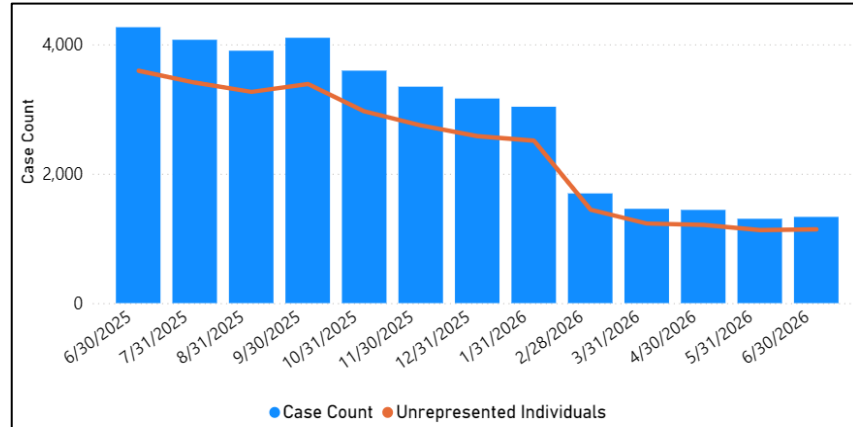
As of June 30, 2026, there were 1,138 indigent individuals statewide who needed an attorney but could not be provided with one and were not in warrant status. While the number of unrepresented persons remains unacceptably high, there has been a significant decrease over the past 12 months. As shown in Figure 1, on June 30, 2025, the number of unrepresented individuals statewide stood at just over 3,500. As of June 30,

2026, the state has experienced a 68.2% reduction over the past 12 months. Though a portion of this decrease can be attributed to the *Roberts* decision, the majority of the decline is due to non-*Roberts* factors, such as identifying counsel or other non-*Roberts*-related dismissals.

Further, it is encouraging that the downward trajectory has been nearly constant since July 2025, except for a brief increase in September 2025, which occurred as the 2023-25 external provider contracts expired and the new 2025-27 contracts went into effect. The driver of this bump was a lack of capacity, as many public defense providers approached the ends of their 2023-25 contracts, having exhausted their MAC. Based on these promising trends, it is clear that progress is being made statewide. This progress, however, should not obscure the fact that much work remains to fully address the unrepresented crisis.

Figure 1. Unrepresented Cases & Individuals Excluding Active Warrants

Source: OJD Unrepresented Data

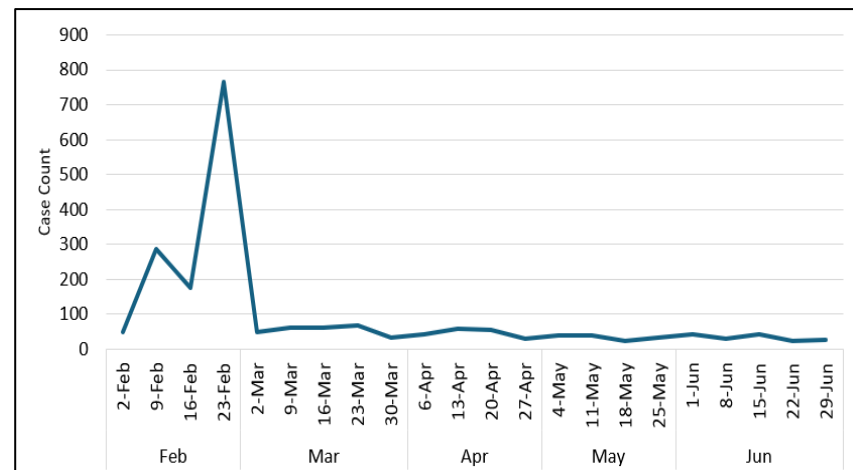


State v. Roberts Impact

On February 5, 2026, the Oregon Supreme Court ruled in *State v. Roberts* that trial courts must dismiss – without prejudice – criminal cases against defendants who have been unrepresented for more than 60 consecutive days in a misdemeanor and 90 consecutive days in a felony. Since the ruling, through the end of June, 2,035 unrepresented cases were dismissed due to *Roberts* statewide. As shown in Figure

Figure 2. Roberts Dismissals by Week

Source: OJD Unrepresented Data



2, there were a large number of *Roberts* dismissals in February, culminating during the week of February 23. The number of *Roberts* dismissals has significantly decreased since then and appears to have leveled out at an average of around 190 dismissals per month.

Roberts dismissal data is only available at the case level, not the individual level. There is no 1:1 relationship, therefore, between *Roberts* case

dismissals and unrepresented individuals, as an individual may have multiple cases for which they are unrepresented. For instance, one individual may have three misdemeanors dismissed under *Roberts* but remain on the list for a felony count. Due to disconnect between cases and individuals, examining the number of entries and exits from the unrepresented list allows OPDC to better assess *Roberts'* impact on unrepresented cases. This includes all cases that come on and off the unrepresented list for any amount of time. Figure 3 shows entries and exits for the past 12 months. Notably, there have been more exits than entries in 11 of the past 12 months, corresponding with the downward trajectory of the overall number of unrepresented individuals in Figure 1.

Figure 4 reports entries and exits from the unrepresented list since the *Roberts* decision and shows the breakdown, by month, of cases exiting due to *Roberts* compared to cases exiting the list for other reasons (e.g., the individual was assigned an attorney, the case was dismissed for a non-*Roberts* reason). Figure 4 demonstrates that while approximately half of February's exits were due to *Roberts*, the share of *Roberts* dismissals have since declined significantly. Indeed, as shown in Figure 4, the share of case dismissals in March, April, May, and June of this year was 15%, 13%, 10%, and 13%, respectively. Further, over the past 12 months, 17,891 cases entered unrepresented status, and 21,748 cases exited the unrepresented list. Of those exits over the past year, a total of 9% were due to *Roberts* dismissals. Thus, while *Roberts* unquestionably has had an impact on the

Figure 3. Unrepresented Cases Entries & Exits July 2025 – June 2026

Source: OJD Unrepresented Data

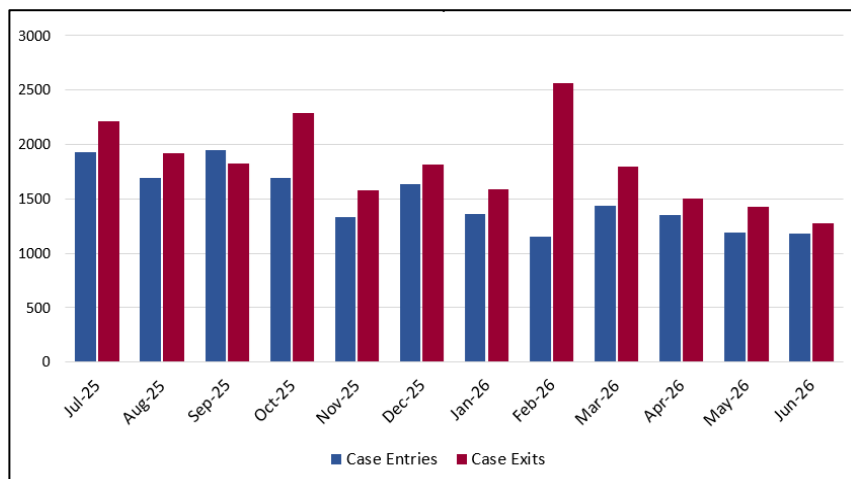
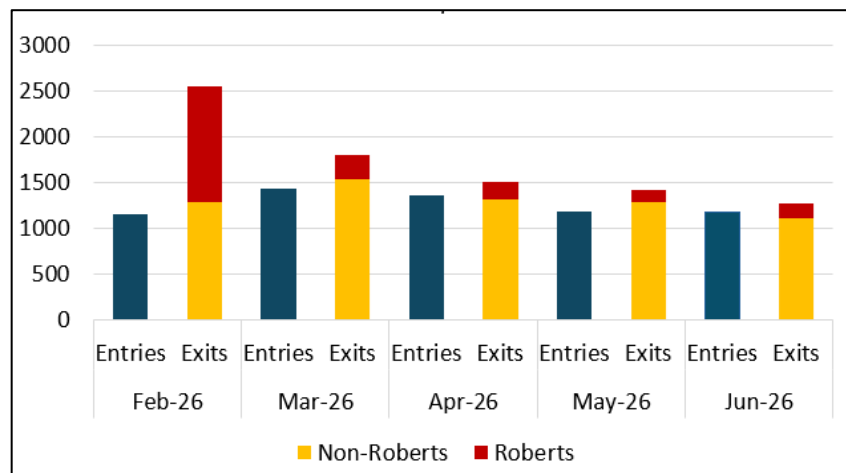


Figure 4. Monthly Case Entries & Exits After Roberts

Source: OJD Unrepresented Data

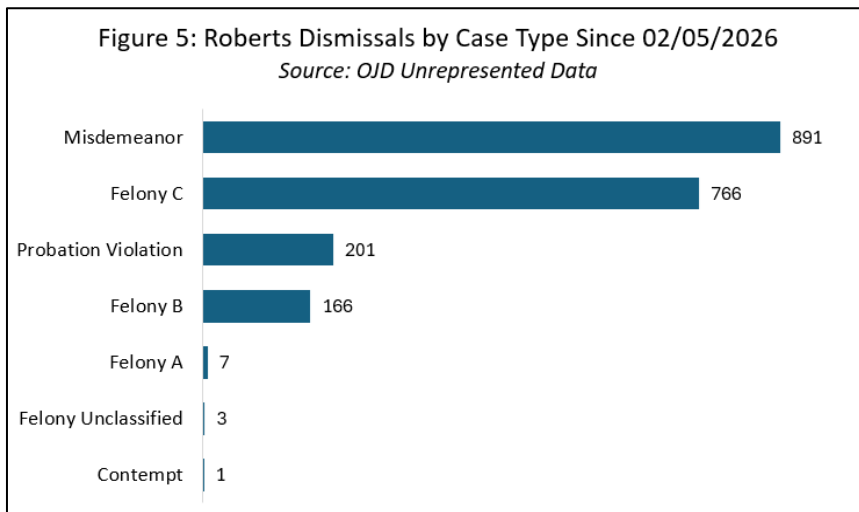


reduction of unrepresented cases and individuals statewide, the majority of the decline can be attributed to non-Roberts factors.

To further understand the impact of *Roberts*, Figure 5 reports the breakdown of *Roberts* dismissals by case type. Of the 2,035 dismissed cases, 44% were misdemeanors, 38% were C felonies, 10% were probation violations, and 8% were B felonies. Less than one percent were A felonies, unclassified felonies, or contempt charges. This breakdown is consistent with the distribution of case types on the unrepresented list across the state.

Figure 5. Roberts Dismissals by Case Type Since 02/05/2026

Source: OJD Unrepresented Data

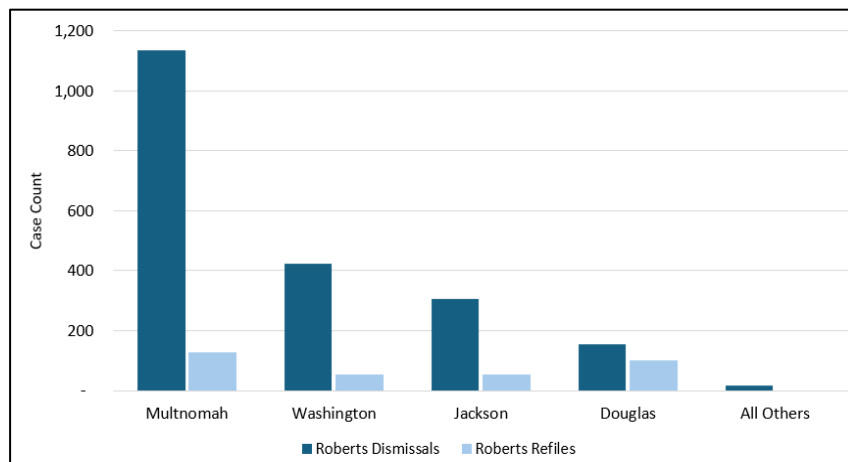


A key aspect of *Roberts* is that cases are dismissed without prejudice, meaning district attorneys can refile charges if they choose. Five months after the ruling, OPDC is now able to see the impact of those refiles. This data is important for understanding both the impact of *Roberts* on case outcomes, as well as the impact on public defense workloads going forward. If 200 cases are dismissed and refiled the next day, those cases would likely just return to the unrepresented list. However, if 200 cases are dismissed and 16 cases per month over the next year are refiled, the system may be better positioned to absorb those cases rather than have them return to the unrepresented list.

Data regarding cases refiled after being dismissed due to *Roberts* is reported in Figure 6 and Table 1. Figure 6 presents a graphical representation of the share of dismissed *Roberts* cases that have been refiled by county. Table 1 reports the specific numbers and percentages related to *Roberts* dismissals and refilings. As shown in Table 1, of the 2,035 *Roberts* dismissals, 332 have since been refiled as of June 30, 2026, statewide.

Figure 6. Roberts Dismissals and Refiles by County

Source: OJD Unrepresented Data



Unsurprisingly, the largest number of cases refiled is in Multnomah County. As a share of *Roberts*

dismissals, however, Douglas County stands out relative to the other crisis jurisdictions. Indeed, while Multnomah County has refiled 126 cases dismissed due to *Roberts*, this represents a refile rate of only 11%. Douglas County, on the other hand, has refiled 99 cases, which represents 65% of all *Roberts* dismissals. In addition, Table 1 also reports on the share of cases that have been refiled that have ended up on the unrepresented list. Statewide, as of June 30, 2026, 20% of cases refiled following a *Roberts* dismissal have gone back onto the unrepresented list.

Table 1. *Roberts* Dismissals and Refiles by Case Type

County	Total <i>Roberts</i> Cases		<i>Roberts</i> Refiles by Case Type				% of <i>Roberts</i> Refiled	Refiles Unrep as of 6/30/2026	
	Dismiss	Refiled	Mis	C Fel	A/B Fel	Other		Count	Percent
Multnomah	1,134	126	5	89	32	-	11%	19	15%
Washington	424	54	6	42	6	-	13%	0	0%
Jackson	307	53	40	5	5	3	17%	2	4%
Douglas	153	99	70	22	4	3	65%	45	45%
All Others	17	-	-	-	-	-	0%	0	-
Total	2,035	332	121	158	47	6	16%	66	20%

Crisis County-by-County Analysis

As shown by the overall statewide unrepresented numbers, progress is being made in addressing the unrepresented crisis in Oregon. However, it is important to consider differences and county-level trends. The geographic concentration of unrepresented individuals in certain areas led to the informal designation of six jurisdictions as “crisis counties:” Coos, Douglas, Jackson, Marion, Multnomah, and Washington. Positive momentum can be found in each of the six crisis counties, although the magnitude of the progress varies from jurisdiction to jurisdiction.

Two counties previously identified as crisis counties have demonstrated sustained improvement. As of June 30, 2026, Coos County had 0 unrepresented individuals, down from 80 a year earlier, while Marion County had 14 unrepresented individuals, a 96 percent reduction from 342; all remaining Marion County cases are non-criminal matters. These results reflect the combined impact of targeted OPDC interventions, increased provider capacity, stronger coordination with local courts and justice partners, and operational improvements that expanded the timely assignment and resolution of cases. Both counties have maintained low unrepresented numbers for several months, demonstrating that targeted investments and local operational improvements can produce lasting results. OPDC continues to closely monitor these and all jurisdictions to identify emerging issues early and respond quickly when additional support is needed.

Douglas County

As shown in Table 2, as of the end of June 2026 Douglas County reported a total of 178 unrepresented individuals, 162 of whom were out-of-custody and six of whom were in-custody. Year over year, this represents a 34% reduction in unrepresented individuals and suggests that progress is being made in addressing the unrepresented persons crisis within the jurisdiction.

A simple year-over-year comparison, however, masks important trends in Douglas County. Figure 7, which reports the trend line for out-of-custody pretrial unrepresented individuals, demonstrates the complexities in assessing the progress in Douglas County. Overall, the county experienced a steady decline in the number of unrepresented individuals between July 2025 and the end of January 2026. The *Roberts*

decision then led to 78 case dismissals in February, which can be seen in the steep downward slope of the trend line during that time period. Although the number of unrepresented individuals remains below pre-*Roberts* rates, some of the *Roberts* reduction was lost in May and June 2026. As discussed in the previous section, Douglas County is only behind Multnomah County in the total number of refiles, and it has the highest refiling rate in the state.

The agency's primary engagement with Douglas County regarding the unrepresented crisis has been through its Trial Division attorneys in its Central Valley and Southern regional offices. Since its formation, the OPDC Trial Division has taken 144 Douglas County cases: 103 by attorneys from the Central Valley region and 41 by attorneys from the Southern region. These cases include seven Jessica's Law cases, 26 Measure 11 cases, and 27 major felony cases. Beyond providing direct representation to unrepresented individuals in the county, OPDC also increased contracted MAC in the jurisdiction by 1 FTE between October 2025 and June 2026, including two participants in the Exceed Caseload Program (see *Intervention One*) for the 2025-27 contract cycle.

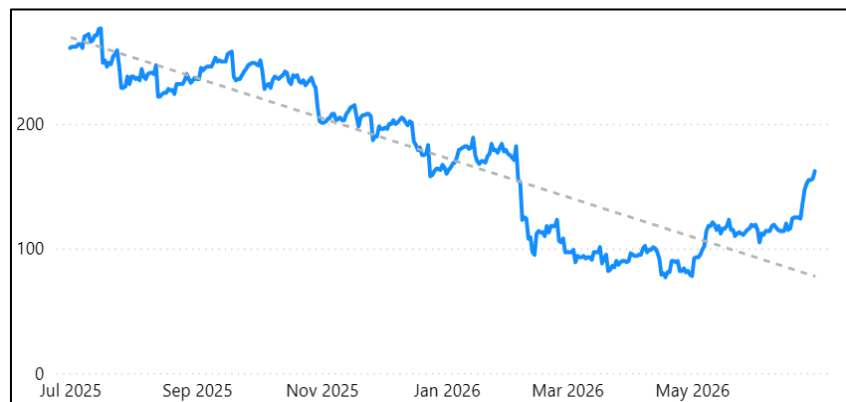
Douglas County would likely benefit from an early resolution docket (ERD) or resolutions at arraignment (similar to the program in Jackson County), as a program of this type could impact both new cases and *Roberts* refilings. For instance, rather than allow refiled cases to go unrepresented, a resolution at the arraignment program could resolve the refiled *Roberts* misdemeanors at first appearance.

Table 2. Unrepresented Individuals Year Over Year Change (Douglas)

Category	06/30/2025	06/30/2026
Out-of-Custody	256	162
In-Custody	11	6
Probation Violation	1	9
Non-Criminal	2	1
Total	270	178

Figure 7. Douglas County Out of Custody Pretrial – Unrepresented Individuals

Source: OJD Unrepresented Data



Jackson County

Table 3 reports the year-over-year change in the unrepresented population in Jackson County. The jurisdiction had 201 unrepresented individuals as of the end of June 2026, 152 of whom were out-of-custody and 11 of whom were in-custody unrepresented individuals. Year over year, this represents an overall decline of just over 65%.

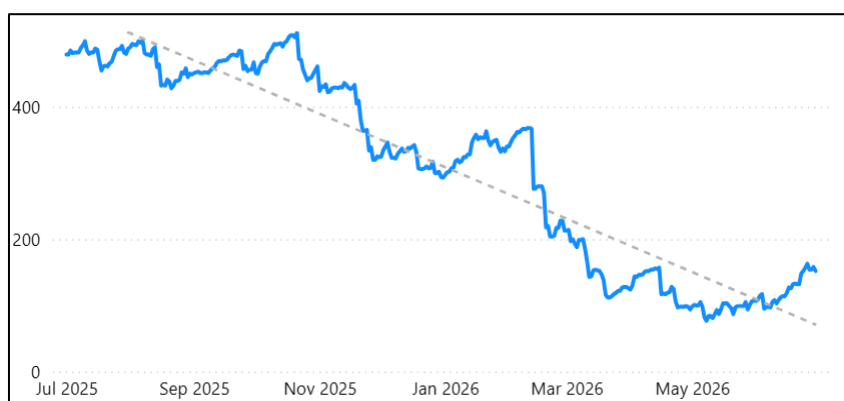
Table 3. Unrepresented Individuals Year Over Year Change (Jackson)

Category	06/30/2025	06/30/2026
Out-of-Custody	493	152
In-Custody	9	11
Probation Violation	62	24
Non-Criminal	11	14
Total	575	201

Figure 8 provides a more detailed examination of the trend of the out-of-custody pretrial population in Jackson County. Jackson County has seen a downward trend in the number of out-of-custody unrepresented individuals over the past 12 months, though numbers began increasing slightly in June 2026. Further, Jackson County has had 307 cases dismissed due to *Roberts*, or 20% of all case exits since February.

Figure 8. Jackson County Out of Custody Pretrial – Unrepresented Individuals

Source: OJD Unrepresented Data



Some of the progress in Jackson County can be attributed to its Early Disposition Program (EDP), a special docket in which the district attorney identifies low-level and diversion-eligible cases at arraignment that could be resolved through up-front plea offers. Once those plea offers have been communicated to clients and they indicate a willingness to participate, the case is added to the EDP docket, which is staffed by OPDC attorneys from the Southern regional division. Since this docket began in May 2025, the EDP has handled 398 cases and resolved 246, all of which would otherwise have been placed on the unrepresented list (see *Intervention Six*). The Southern regional division also staffs the arraignment docket once a week and handles all in-custody cases on that day's docket, preventing them from becoming unrepresented.

Multnomah County

As shown in Table 4, Multnomah County reported 451 out-of-custody and 52 in-custody unrepresented individuals as of June 30, 2026. While this is a significant decrease from a year ago, as the jurisdiction with the largest unrepresented population, the *Roberts* decision had the largest impact on Multnomah County.

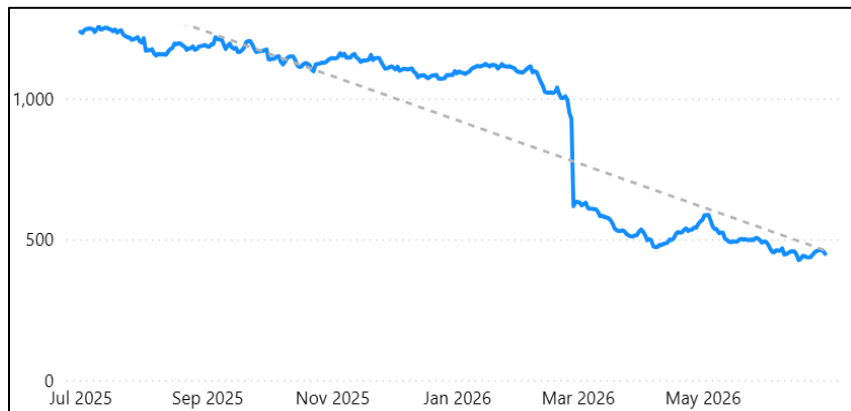
Table 4. Unrepresented Individuals Year Over Year Change (Multnomah)

Category	06/30/2025	06/30/2026
Out-of-Custody	1,226	451
In-Custody	52	52
Probation Violation	18	11
Non-Criminal	2	0
Total	1,298	514

While the out-of-custody population was slowly declining pre-*Roberts*, see Figure 9, the decision resulted in a very large initial wave of case dismissals. In February, 736 cases were dismissed, followed by an additional 128 in March. In fact, 44% of all cases exiting unrepresented status since February have been due to *Roberts* dismissals, which is well above the statewide average of 24%.

Figure 9. Multnomah County Out of Custody Pretrial – Unrepresented Individuals

Source: OJD Unrepresented Data



Significant positive progress in Multnomah County has been difficult to achieve. As described in greater detail in *Intervention Six*, OPDC helped establish a special resolution docket in the jurisdiction staffed by attorneys from the Central Valley Trial Division, which has so far taken 236 cases (see *Intervention Six*). While an important piece of the puzzle, a single special docket is not the solution on its own, given the size of the issue in Multnomah County. OPDC believes that increased capacity across the jurisdiction will provide some relief. Initial contracts with Multnomah County public defense providers for adult criminal cases included 87.40 FTE. Between October 2025 and June 2026, OPDC added 13.83 FTE to Multnomah contracts, much of which came from the addition of recent law school graduates (see *Intervention Four*). Three attorneys are participating in the Exceed Caseload Program, which compensates attorneys for caseloads exceeding 100% MAC (see *Intervention One*). The Northwest Trial Division has five attorneys who are primarily handling cases in Multnomah County. Additionally, one attorney from the Central Valley Trial Division is solely dedicated to early-resolution dockets and is focused on Multnomah County. Furthermore, one Central Valley Trial Division attorney is exclusively taking cases in Multnomah’s East County Courthouse. Four more attorneys, all from outside the current public defense workforce, have accepted offers and will be joining the Northwest Trial Division in September and October. Finally, OPDC leadership has been meeting with the Multnomah County courts and the district attorney to develop additional strategies to address the crisis in Oregon’s largest county.

Washington County

As shown in Table 5, Washington County reported 155 out-of-custody, unrepresented defendants and 18 in-custody unrepresented individuals, as of June 30, 2026. The county has seen a 72.5% decrease in overall unrepresented individuals in the past 12 months.

Table 5. Unrepresented Individuals Year Over Year Change (Washington)

Category	06/30/2025	06/30/2026
Out-of-Custody	601	155
In-Custody	17	18
Probation Violation	23	2
Non-Criminal	0	1
Total	641	176

Figure 10 shows that Washington County has experienced a steady decline in unrepresented people since July 2025, with numbers temporarily rising in

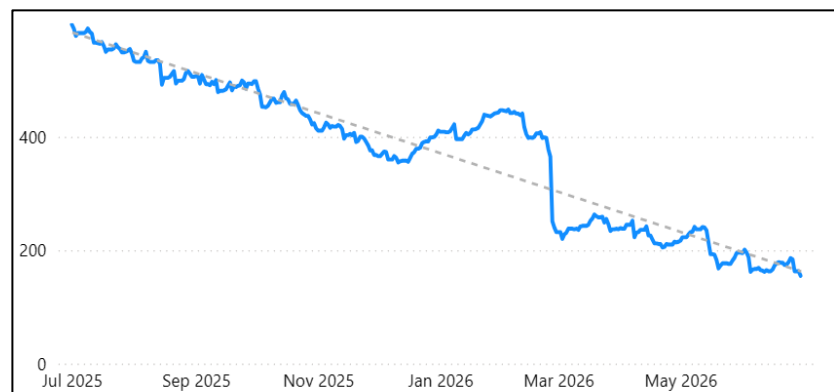
mid-December through February 2026. *Roberts* then resulted in a steep decline, with an initial 232 case dismissals in February. Since that time, the steady decline seen before December 2025 has resumed.

As discussed in the 12-month plan, the primary issue in Washington County has insufficient capacity. The 2025-27 contracts added capacity. Contracts with Washington

County public defense providers for adult criminal cases include 63.61 FTE for the jurisdiction, 11.81 more than in October 2025. Additionally, seven attorneys are participating in the Exceed Caseload Program, which allows attorneys to be compensated for caseloads in excess of 100% MAC (see *Intervention One*). OPDC has also had an attorney primarily dedicated to Washington County since September 2024.

Figure 10. Washington County Out of Custody Pretrial – Unrepresented Individuals

Source: OJD Unrepresented Data



12-Month Plan Implementation

OPDC [released a plan](#) in June 2025 to significantly reduce the number of unrepresented defendants, focusing on counties with the highest numbers of unrepresented individuals. The multipronged proposal outlined strategies to increase the public defense system's capacity to take cases, including actions that would facilitate the hiring of newly graduated lawyers, strengthen oversight of contracts, encourage collaboration with public safety partners, and compensate experienced attorneys for voluntarily taking cases beyond 100% MAC if they have the ethical capacity to do so.

Below is an update on the proposed interventions within the plan. The 2025-27 contracts began on October 1, 2025, and contract data reporting is submitted on the 15th of the month for the prior month. Due to the timing of this report, OPDC is reporting on provider contracts from October 2025-May 2026.

Intervention One: Exceeding Maximum Attorney Caseload Caps

For the 2025-27 contract cycle starting on October 1, 2025, OPDC revised provider contract terms to facilitate the appointment and compensation of sufficiently experienced attorneys with the necessary ethical capacity to take cases exceeding current MAC limits, up to 115%, on a voluntary basis. Table 6 reports the number of attorneys participating in this program, broken out by county, along with the additional MAC added to each county as well as the MAC utilization for these attorneys from October 2025-May 2026. As of July 1, 2026, 55 attorneys were participating in the program. While some attorneys elected to take up to the 115% maximum, others did not. All participating attorneys are compensated based on the degree to which they exceed 100% MAC. Cumulatively, across the state, the 55 participating attorneys are providing the equivalent of nearly seven additional full caseloads in the public defense system.

While the additional MAC in the crisis counties (Douglas, Jackson, Multnomah, and Washington) will not solve the crises in those jurisdictions, the increased capacity will continue to help alleviate the unrepresented numbers. This program also benefits non-crisis counties. In Klamath County, for example, the general lack of attorneys often leads to spikes in the number of unrepresented persons when a single attorney

in the county leaves or has to reduce MAC for various reasons. The additional MAC capacity, therefore, brings added stability to rural areas like Klamath County.

Table 6. Participants in the Exceed Caseload Program by County as of July 2026

County	Participants	Additional MAC	Utilization as of May 2026
Clackamas	16	1.85	99.8%
Coos	1	0.15	43.2%
Douglas	4	0.60	111.1%
Jackson	9	1.25	97.5%
Klamath	9	1.20	110.5%
Lincoln	1	0.15	107.4%
Malheur	3	0.35	90.4%
Morrow/Umatilla	2	0.30	98.9%
Multnomah	2	0.30	141.1%
Statewide	1	0.15	87.1%
Washington	7	0.55	104.9%
Total	55	6.85	102.4%

Finally, increasing the MAC in Clackamas County via this program helps prevent unrepresented cases and contributes to cost savings. To avoid an unrepresented crisis in Clackamas County, local attorneys have resorted to taking hourly cases once they reach their monthly MAC limits. By taking on this hourly work, the local bar has prevented defendants from becoming unrepresented, but it has done so through one of the more costly means of providing defense services. Clackamas should see long-term cost savings by increasing contracted MAC and paying for cases under the provider contract model rather than hourly.

Intervention Two: Expand the Collection and Analysis of Data

OPDC is committed to collecting and analyzing data on public defense services provided within the state, consistent with the American Bar Association's Ten Principles of a Public Defense Delivery System. Data gathered from numerous sources, including public defenders and the Oregon Judicial Department, enables OPDC to identify and communicate key data points on the evolving nature of public defense.

OPDC has significantly expanded data collection and analysis to better understand and improve the services provided to clients. Examples include: the development of prorated MAC, which provides a more accurate picture of statewide capacity at different points in time; public-facing [dashboards](#) showing criminal capacity contracts and Trial Division caseload data; an internal caseload reporting dashboard to monitor caseload report submission due dates and send automated responses to capacity contract providers when caseload reports are overdue; monthly unrepresented defendant reports; and collaboration with the Oregon Judicial Department and the Office of Economic Analysis on forecasting.

Looking ahead, the agency's Financial and Case Management System (FCMS) will provide near-real-time data on costs and timekeeping, greatly enhancing OPDC's data analysis capabilities. This system will allow the data team to work with Compliance, Audit, and Performance (CAP) Research Section (see *Agency Realignment*) to identify potential areas of concern or anomalies within the system. This data-driven approach will enable OPDC to spot emerging issues and course-correct in real time.

OPDC has fundamentally changed how data is used in decision-making. Data has been integrated into the agency's planning and decision-making processes, including budget decisions, resource allocations, and programmatic work. While becoming a data-driven agency is an ongoing process, and the agency will need additional resources to reach true maturity in this area, OPDC has established a data-driven culture and will continue to expand and refine the use of data.

Intervention Three: Implement Contract and Policy Adjustments

OPDC adjusted policies and 2025-27 contracts to increase MAC capacity across the state by changing the agency's approaches in several areas. First, the method for assigning MAC weights to cases in which attorneys withdraw early during the legal process was changed. Second, policies regarding the assignment of partial MAC weighting for second or subsequent attorneys on a case within a single firm were refined. Third, a new process to ensure compliance with contractual terms and conditions related to MAC performance and data reporting was developed. Finally, a reduced caseload requirement for first-year attorneys was implemented

OPDC now estimates that the first two policies, changing MAC weights for early withdrawal and second attorneys, will likely save 10.25 MAC throughout the contracts spanning from October 2025 to June 2027. This is less than the initial estimate of 19.1 MAC savings made at the time the new policy was passed, although this still represents an important savings in MAC capacity.

While the first two interventions change how MAC is credited, the contract compliance policy informs how OPDC communicates with contractors and holds them to the contract standard. Under the 2025-27 contract, if there are two distinct occurrences in which the contractor's monthly caseload increases or decreases by 15% above or below MAC, agency staff will meet with the contractor to discuss the circumstances surrounding the increase or decrease. These discussions aim to bring the contractor back toward 90% MAC utilization. While consideration of caseload variance is built into the contracts, MAC is still treated as a ceiling as the contracts state that no provider is expected to exceed those case limits. The exact language regarding the 15% variance can be found on page 5 of the [2025-27 contract](#), under section 10, "Contract Modification and Adjustments."

Many factors affect a provider's MAC, not just how OPDC enforces contracts. The 2023-25 contracts ended with a MAC utilization rate of 89.23% for all adult criminal providers. As of May 2026, under the new compliance policy, adult criminal providers were at 93.19%. This policy intervention is paired with Intervention Two: Expand the Collection and Analysis of Data. The data team, in collaboration with the contract compliance analysts, created an internal dashboard to monitor caseload report submission due dates and create automated responses to capacity-based contract providers when caseload reports are not received by the due dates. Since implementing the new compliance system, OPDC has seen an improvement in the timeliness of data reporting.

The final policy change is a program that allows new attorneys to have a reduced caseload for one year. To be eligible, the attorney must be in their first year of licensure by the Oregon State Bar or have less than one year of experience representing public defense clients if the attorney was licensed in another state; be part of a mentoring or supervision program that OPDC has approved; and be qualified as a level one attorney

by OPDC. Qualified applicants for the program are held to a caseload equivalent of 200 misdemeanors for one year, rather than the standard 300-misdemeanor MAC. Fifty-six first-year lawyers elected to participate in this program across fourteen jurisdictions as of July 1, 2026 (the fourteen jurisdictions were Clackamas, Coos, Deschutes, Grant/Harney, Jackson, Josephine, Lane, Malheur, Marion, Multnomah, Polk, Umatilla, Union, and Washington), which led to a reduction of 16.87 MAC. While it initially reduces MAC, OPDC believes this program will decrease burnout and turnover among new attorneys; it also sets more realistic and accurate expectations for MAC, enabling improved capacity planning. This program pairs with others, such as cohort hiring (see *Intervention Four*), law school clinics (see *Intervention Five*), and the Supervised Practice Portfolio Examination, to build a public defense pipeline. This pipeline provides law students with a clear pathway from law school to the bar to the profession. Building and strengthening this pipeline will shape the future of public defense.

Intervention Four: Facilitate the Hiring of Cohorts of New Attorneys

The 12-month plan recognizes the need for improved, streamlined contract terms to better facilitate the hiring practices of the state's non-profit public defense providers. Many third-year law students are recruited and accept employment in other areas of the legal profession in the spring and begin providing defense services once licensed. The contracting process has historically hindered public defense providers from securing cohorts prior to their licensure as they were unable to guarantee future funding for positions. Once bar results were released in October, OPDC would amend providers' contracts to bring in cohort hires of newly licensed attorneys, but this delay made it difficult for public defense firms to compete for top legal talent, both locally and nationwide. Larger non-profits were hiring cohorts in August and paying for them until bar licensure to secure newly graduated law students.

The agency is working with stakeholders to alleviate this problem. Beginning in fall 2026, OPDC will provide bridge funding for up to six weeks to facilitate non-profits hiring cohorts. This bridge funding allows soon-to-be licensed attorneys to onboard and train in advance, so they can begin immediately after receiving their license to practice law. This plan is being finalized, but initial numbers indicate 23 cohort members and a cost of \$191,818.

This change will not only recognize the financial expenses incurred by non-profit public defense providers as they bring in cohorts, but it's also an important part of building the public defense career pipeline. OPDC is working to make sure the path from law school to public defense is as smooth as possible. OPDC will continue working with stakeholders on structural changes to better support this need and pave the way for new generations of public defenders across the state.

Intervention Five: Public Defense Law Clinics

The Oregon Legislature allocated funding for the creation of public defense clinical programs at Oregon's three law schools: Lewis & Clark Law School, the University of Oregon School of Law, and Willamette University School of Law. The goals for these clinics were twofold: (1) create a targeted response to the state's public defense crisis, and (2) help stabilize the public defense workforce by improving recruitment, retention, and capacity. Each program is designed to provide students with hands-on training under the

supervision of clinical professors and public defenders while actively representing indigent clients in court proceedings. Each program also includes a classroom component.

Initial funding for this effort was provided through HB 5204 (2024) § 35 for the 2024-25 academic year, which covered the fall 2024 semester and the spring and summer 2025 semesters. OPDC received \$3.4 million to continue supporting the three law school clinics for the 2025-27 biennium via the agency’s budget bill, HB 5031 (2025). Finalized agreements with each of the three law schools for the 2025-27 academic year anticipate that the clinics will handle over 1,000 misdemeanor cases during this biennium.

Below is a summary of the law school clinics. Separately, OPDC has been directed to report on the full program and outcomes to the 2027 Legislature and will provide more detailed information in that report. In brief, *Lewis & Clark Law School* partners with Metropolitan Public Defender to place students in immersive clinical experiences where they commit significant weekly hours during the academic year or summer term. Students begin with intensive training and gradually take on greater independence, including handling client meetings and court appearances. *Willamette University School of Law* operates an “in-house” clinic in partnership with Public Defender of Marion County. Students work on misdemeanor cases assigned through the clinic, building caseloads gradually while participating in seminars, mentorship, training, and court proceedings. Finally, the *University of Oregon School of Law* maintains two separate partnerships: one with Public Defender Services of Lane County and another with Multnomah Defenders Inc. Both programs emphasize intensive introductory training, weekly coursework, supervision, client representation, and participation in provider case staffing and trial preparation activities. Students in the Multnomah Defenders partnership are also integrated into the organization’s daily operations and receive mentorship from practicing attorneys.

Law School Clinic Reporting for the 2025-26 Academic Year

Table 7 reports high-level data on the three law school clinics and their four partnerships during the 2025-26 academic year. These numbers are preliminary and may change in the forthcoming law school clinic report, as some programs hold summer clinics. In all, 63 law students have participated in the clinics. These students took 513 new cases, 327 of which, or almost 64%, were closed during the academic year. Cases that remain open past the end of the summer term are still assigned to the clinics and will be included in future clinic data for the 2026-27 academic year.

Table 7. Law School Clinic Reporting for the 2025-26 Academic Year Cases

Law School	# Students	Total Cases	Closed	Partner Organization
Lewis & Clark	12	174	131	Multnomah Public Defender
University of Oregon	10	134	65	Multnomah Defenders, Inc.
University of Oregon	19	138	79	Public Defender Services of Lane County
Willamette University	22	67	52	Marion County Public Defender
Total	63	513	327	

Future data tracking will include gathering information on employment choices and outcomes for program participants to gauge whether the clinics are working as effective pipelines into the public defense profession. The programs accept 2L and 3L law students, which means that of the 63 participants, only a portion are slated to graduate and enter the legal profession at the end of each academic year. Based on

reports from law school partners, anecdotal information has been gathered regarding participants transitioning into the profession. Two recent graduates who participated in a clinic are reportedly now employed in the mid-Willamette Valley region. Other graduates continue to apply for public defense work, both in Oregon and elsewhere.

Intervention Six: Special Resolution Dockets

Since the release of the 12-month plan, the Trial Division has partnered with district attorneys and courts in Coos, Jackson, Marion, and Multnomah counties to create and staff special resolution dockets. As of the end of June 2026, these dockets had handled almost 900 cases, about 559 of which were either resolved on the day of the docket or were assigned to a lawyer for continued representation. About 500 of the roughly 900 cases were misdemeanors. While these efforts have included many of the attorneys from the OPDC trial team across its three regions, this work has been strengthened by the creation of a dedicated special resolution docket team within the OPDC Trial Division. This team consists of three attorneys and three support staff.

While each special docket has, or had, a similar goal—the quick resolution of cases—how they resolve, as well as the stage at which resolution occurs, varies across jurisdictions. Some special dockets aim to intervene early in a case so that cases resolved by the program never go on the unrepresented list. This approach can lead to an overall reduction in the number of unrepresented individuals within a given jurisdiction by reducing the inflow of cases onto the unrepresented list. Alternatively, some special dockets aim to remove individuals who are already on local unrepresented lists.

This report mainly focuses on special dockets created in crisis jurisdictions since the release of the 12-month plan. It should be noted, however, that other special dockets have existed and continue to exist elsewhere in the state and can lead to beneficial outcomes in crisis and non-crisis jurisdictions. Washington County is an example of an ongoing special docket and is covered below.

Coos County

The Coos County Early Resolution Docket was a monthly special docket staffed by the Central Valley Trial Division that operated in mid-2025. In this program, the district attorney identified cases on the unrepresented persons list for possible resolution. Following the identification of eligible cases, the district attorney provided discovery to the OPDC Trial Division, which reviewed the information and the plea offer with clients in advance of

Table 8. Case Outcome Data for the Coos County Early Resolution Docket

Case Outcomes	May	June	July	Aug	Sep	Oct	Total
Cases on the Docket‡	20	28	17	19	20	23	127
<i>Removed from Unrepresented List</i>							
Resolved	9	12	6	7	7	8	49
<i>Not Removed from Unrepresented List</i>							
Failed to Appear	3	13	7	6	5	7	41
Set Over‡	6	1	3	3	3	2	18
Declined Plea	2	2	0	3	4	6	17
Total	11	16	10	12	12	15	76

Cases set over in one week remain on the ERD docket through the following weeks. Some cases, therefore, may be counted twice.

the docket date. As shown in Table 8, a total of 127 cases were included on this docket between May and October 2025. Of those cases, 49 were resolved, removing them from the unrepresented list. A total of 41 cases involved individuals who failed to appear in court, resulting in the issuance of a bench warrant. When clients were unwilling to accept the plea bargains offered by the district attorney, their cases were temporarily added back to the unrepresented list before being assigned to attorneys in early October once the 2025-27 public defense contracts were signed. The docket ran on six Fridays from May to October 2025 and concluded when Coos County no longer had a lengthy list of unrepresented defendants.

Jackson County

The Jackson County Early Disposition Program (EDP) is a special docket in which the district attorney identifies low-level, diversion-eligible cases at arraignment that can be resolved quickly through up-front plea offers. Plea offers for qualifying cases are communicated to defendants at arraignment. If a defendant is willing to participate, the case is added to the EDP docket, which is staffed by Southern Regional Division attorneys. Because these cases are identified at the outset and routed into the special docket so quickly, they do not have the chance to be added to the unrepresented list. If the defendant rejects the offer, they are placed on the list until they are assigned another attorney. In some cases, the defendant is eligible for drug or alcohol treatment, in which case the attorney explains the benefits and consequences of entering treatment so they can make an informed decision on whether to accept an offer that requires it. However, many of the offers are for cases that are not eligible for treatment. These are often negotiated and resolved with dismissals, community service, reduced fines, less jail time or by reducing criminal charges to non-criminal outcomes.

Since its inception in May 2025, this effort has included 398 unique cases, with 15-20 new cases added to the docket every two weeks. As shown in Table 9, of the 398 cases, 246, or 62%, have been resolved via dismissal, a guilty plea, or some other outcome such as DUII diversion. There were 116 cases where the defendant rejected the offer and opted to wait for a court-appointed attorney, and 12 cases where a Trial Division attorney was assigned to the case outside of the EDP.

Marion County

The Marion County Early Resolution Docket, which ran on nine Thursdays from October to December 2025, was developed in partnership with OPDC, the Marion County District Attorney, and the Marion County Presiding Judge. The court, OPDC and the DA's office identified cases on the unrepresented list that could be resolved with non-prison offers. On most weeks, the DA's office sent a representative an hour before the docket's start time to negotiate with Trial Division attorneys or make offers, if one had not yet been provided. Clients who did not accept the offers were either appointed an attorney at that time

Table 9. Case Outcome Data for Jackson County EDP

Outcome	Number	Percent
Assigned OTD Atty	12	3%
Resolved	246	62%
Declined/CAA	116	29%
Open EDP	24	6%
Total	398	100%

Table 10. Case Outcome Data for Marion County ERD

Outcome	Number	Percent
Assigned OTD Atty	9	7%
Resolved	65	53%
Declined/CAA	44	36%
Open	4	3%
Total	122	100%

or, in a handful of cases, returned to the unrepresented list. As shown in Table 10, 122 cases were scheduled, with 65 reaching a resolution and 9 being assigned to a Trial Division attorney.

Multnomah County

In Multnomah County, the circuit court, District Attorney’s Office, and OPDC developed a special docket focused on identifying cases on the unrepresented list that are eligible for resolution. On August 27, 2025, Northwest Trial Division attorneys participated in an initial pilot day for this docket, which consisted of 41 C felony cases (some with additional, lower-severity charges) for defendants who had been out of custody and awaiting appointment of an attorney and who did not have a history of failing to appear in court. All offers made during this pilot were for probationary terms. On the docket date, 19 cases were resolved. An additional 11 cases were resolved in the months that followed. This represents a case resolution rate of 73.2%.

In February 2026, the OPDC Trial Division staffed a one-time docket for defendants who had failed to register as a sex offender. After a hiatus, the docket resumed on April 14, 2026, and now focuses on low-level felonies. Similar to the Jackson County docket, this docket prevents cases from becoming unrepresented, rather than taking cases directly off the unrepresented list. If clients decline the offer and decide to go to trial, an OPDC attorney is assigned to represent them. As seen in Table 11, these dockets have included a total of 236 cases. The docket takes place every Tuesday and runs on a four-week cycle. OPDC, and occasionally contracted attorneys, are assigned cases at or after arraignment.

Table 11. Case Outcome Data for Multnomah County ERD

Outcome	Number	Percent
Assigned OTD Atty	64	27%
Resolved	114	48%
Declined/CAA	5	2%
Open ERD	53	22%
Total	236	100%

Washington County

An early case resolution program has been operating in Washington County since 2007. It lets eligible defendants resolve their cases by accepting plea offers, often at the initial arraignment hearing or shortly thereafter. Qualifying crimes include many misdemeanors, drug possession charges, and certain lower-level felonies. In late June 2026, the docket expanded to include cases that had been dismissed because of the *State v. Roberts* ruling but were later refiled.

Historically, the Metropolitan Public Defender (MPD) and the Oregon Defense Attorney Consortium (ODAC) have taken the cases. In June 2026, OPDC amended its contracts with two firms, Ridehalgh & Associates and KN Defense Corp., to allow them to also take cases on the docket. According to caseload reports submitted to OPDC, 1,310 cases were assigned to the docket between the start of the 2025-27 contract cycle on Oct. 1, 2025, and May 31, 2026. Fifty-eight percent of them have been successfully resolved.

Washington County also offers a diversion early case resolution program, which dismisses certain charges if eligible participants complete the year-long program. Defendants are informed at arraignment if their case is eligible. Qualification criteria include not having ever been convicted of any offense in any jurisdiction. If defendants enter the program, they must plead guilty to the crime at or near arraignment. To

complete the program, the individual must remain crime-free during the diversion term; have no contact with the victim; complete community service; and pay any requested restitution.

Intervention Seven: Oregon Trial Division

The Oregon Trial Division (OTD) is a key resource the state can leverage to address the number of unrepresented Oregonians. OTD comprises state-employed attorneys and support staff who provide trial-level defense services. The division has offices in three regions: (i) the Northwest Region, consisting

of two offices and primarily serving the Portland metropolitan area; (ii) the Central Valley Region, which primarily serves Marion County and acts as the source of statewide capacity when needed; and (iii) the Southern Region, which serves Jackson, Douglas, and Klamath Counties. OTD is comprised of three chief deputy defenders, who manage operations throughout Oregon; 26 public defenders (20 were filled as of July 20, and 6 will start by the end of the year); and 30 other staff members consisting of investigators, paralegals, discovery clerks, receptionists, case managers and legal secretaries.

Data about the Trial Division can be found under Caseload Summary on the [Trial Division Dashboard](#). The trial team prioritizes *Betschart* and other in-custody cases, with a secondary focus on out-of-custody clients with serious charges; those who have been on the unrepresented list for extended periods; and cases that are particularly complex due to clients' mental health needs, language barriers, and other factors. As shown in Table 12, the staff at the Trial Division offices are collectively working at 92.9% of MAC.

While the Trial Division maintains only four offices in the state, it has handled over 4,600 cases since beginning in December 2023. As shown in Table 12, OTD has taken over 2,300 cases this biennium. While OTD is most active in Jackson County (877 cases assigned), Marion County (375 cases assigned), Multnomah County (588 cases assigned), and Washington County (143 cases assigned), it has taken cases in 22 of Oregon's 36 counties this biennium.

This breadth of coverage demonstrates one of the Trial Division's unique strengths: its flexibility to respond to local needs and mitigate emerging or existing unrepresented crises. This was seen in the resolution of Coos County's crisis (see *Coos County* and *Intervention Six*). It was also the case in 2024 when the Central Valley office sent attorneys to Deschutes County to assist with special resolution dockets to clear their unrepresented backlog. More recently, as the crisis in Marion County has abated, the Central Valley Regional office began to reallocate resources to Multnomah County. Figure 11 shows how resources within the Central office were shifted from Marion County to Multnomah County between January 1, 2026, and June 30, 2026.

**Table 12. Oregon Trial Division Caseload Summary
July 2025 – June 2026[↓]**

Region	Attys [†]	Open	Pending	Closed	Total	MAC
Central Valley	9	403	91	329	823	90.7%
Northwest	7	353	41	114	508	88.2%
Southern	7	236	62	682	980	100.7%
Total	23	992	194	1,125	2,311	92.9%

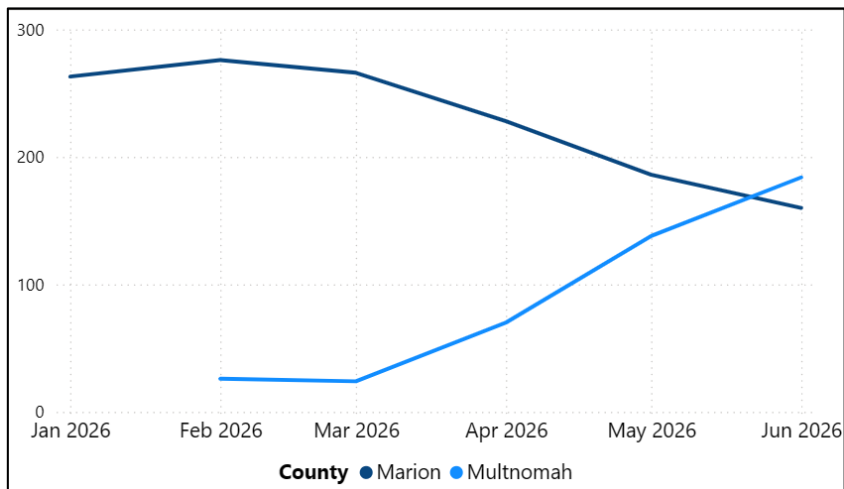
[†] Attorney count includes filled positions for staff attorneys and chief deputy attorneys.

[↓] Excludes 663 cases appointed prior to July 2025 that were worked on in the biennium.

The OPDC Trial Division is also working to assist in the development of the next generation of public defenders. Over the summer of 2026, ten law students participated in the newly created OPDC Trial Division clerkship program. They researched law, drafted memoranda, supported early resolution dockets, participated in case strategy sessions, reviewed police reports and body-camera footage, watched court proceedings, and shadowed attorneys during visits with clients in jail.

The program incurs no fiscal cost to OPDC, as students are either working as volunteers, earning class credit, or receiving stipends from charitable entities.

Figure 11. OTD Central Valley Regional Division Open Cases: January – June 2026



AGENCY OPERATIONS

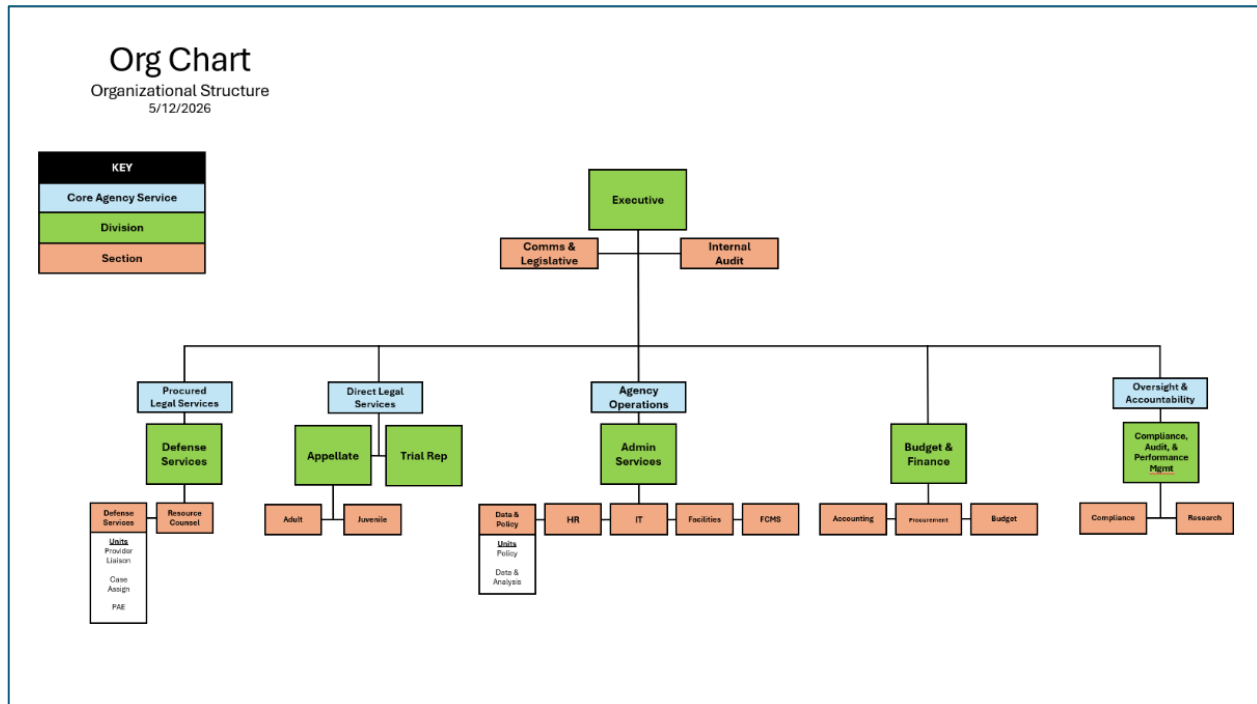
OPDC has undergone significant leadership, structural, and operational changes over the past five years. At the same time, the agency has been navigating significant statutory and budgetary changes as it has transitioned to the executive branch of state government. Part of that change has been a focus on creating an accountable, transparent, and effective agency. The Interim [Status Report](#), which was submitted to the Legislature in December 2025, outlined plans for realignment of the Compliance, Audit, and Performance (CAP) Division. Following the release of the report, and based on feedback from the Legislature, the Legislative Fiscal Office, and other stakeholders, OPDC continued to work internally and with the Legislative Fiscal Office to further refine plans for CAP while also considering broader structural changes within the agency across multiple divisions.

Agency Realignment

OPDC has significantly expanded and evolved in terms of funding for public defense services statewide, the variety of programs it manages, and the number of divisions within the agency. This iterative growth has led to an overly complex agency structure that lacks logical alignment across different programs and levels. The agency's goal in its structural realignment was to envision an ideal agency structure based on OPDC's core services and designed in a simpler, more straightforward way.

Figure 12 provides a graphical representation the new organizational chart that assigns divisions, sections, and units more appropriately across the agency in alignment with the four core services provided by OPDC: (1) the procurement of legal services, (2) the provision of direct legal services, (3) agency operations, and (4) oversight and accountability.

Figure 12. New Organizational Chart for OPDC



The first core service provided by the agency is the *procurement of legal services*, which occurs through contracts with public defenders external to the agency as well as through the investigators, interpreters, and other experts who support the attorneys as they seek to provide a vigorous defense for their clients. To meet the needs of this essential function, OPDC is creating the Defense Services Division, which will act as a single point of contact for individuals providing services to the agency. It will contain three units: the Provider Liaison Unit, which will work with contractors; the Case Assignment Unit, which will aim to ensure that all individuals charged with a crime are provided a lawyer in a timely manner; and the Pre-Authorized Expenses Unit, which will ensure that attorneys obtain the adjacent services needed to defend their clients, including investigation, mitigation, interpretation, and expert services. This division will also house the Resource Counsel Section, which will be comprised of attorneys who collaborate with their colleagues in the Defense Services Division on legal matters and ensure that attorneys meet qualifications and standards. Overall, this division will be responsible for the day-to-day operations of public defense in Oregon: securing attorneys for individuals who qualify; ensuring attorneys and providers are paid in a timely manner; managing contracts to appropriately resource jurisdictions across the state; and responding to and resolving complaints about and from providers related to contractual and billing matters.

The second core service is the provision of *direct legal services*, through the agency's appellate and adult trial divisions. The Appellate Division provides constitutionally and statutorily mandated representation to financially eligible individuals in criminal, parole, juvenile delinquency, juvenile dependency, and termination of parental rights cases on appeal or judicial review. The Trial Division provides direct representation in Oregon's trial courts to eligible adults in criminal cases through three offices located in the Portland metro region, Salem, and Medford.

The third core service is the support of *agency operations*, which is accomplished through the agency's Administrative Services Division. This division contains many sections and units, including the data and policy unit, human resources, information technology, facilities, and will be the eventual home of the agency's financial and case management system.¹ Many of these sections are already well-established, as they are essential to create a high-functioning agency.

The final core service provided by OPDC is *oversight and accountability*, delivered by the Compliance, Audit, and Performance (CAP) Division. The primary focus of this division is on satisfying OPDC's statutory responsibility to ensure that high-quality defense services are provided to all eligible individuals across the state. To accomplish this end, the CAP Division is tasked with conducting system- and jurisdictional-level reviews of the public defense system, staff assistance visits, and conducting research and data analysis regarding the quality of public defense services as well as system-wide programs and

¹ The agency's Financial and Case Management System will modernize the management of public defense services by improving four foundational areas of operations: case management, finances, timekeeping, and reporting. The system will improve external providers' experience by creating a single, centralized portal for all OPDC-related activities. By replacing several legacy systems with a single platform, FCMS will help the agency work more efficiently, improve data quality, strengthen reporting, and better support public defense services across Oregon. In June 2026, OPDC selected Aeon Nexus as the vendor, marking the start of the implementation phase of the project. In the coming months, OPDC will work with the company to develop the new system and ensure it fits user requirements. The system will then be thoroughly tested with staff and stakeholders. All users will be trained on the new system, workflows, and business processes before the system goes live, which is anticipated to begin in fall 2027. External users will be using FCMS by spring 2028. More [information about the project](#) can be found on the OPDC website.

initiatives related to public defense. Thus, while the Defense Services Division will focus on daily operations and policy adherence, CAP will serve a more qualitative function, ensuring a public defense system that provides competent and effective legal counsel.

Falling outside of the general structure described above is the budget and finance division. In most state agencies, budget and finance are located within administrative services. OPDC has elected to keep budget and finance independent, which allows the division to report directly to the executive director for greater oversight and control over the agency's budget.

Long-Term Planning

While the immediate focus remains on resolving the ongoing unrepresented persons crisis and stabilizing service delivery statewide, OPDC is committed to a future transition away from the current MAC model to an approach that more accurately reflects the time and resources required to provide constitutionally effective representation. This transition, however, will take time as any workload model employed by OPDC directly affects its budget. Due to this relationship, the timing of the transition to a new workload model must be coordinated with preexisting state budget development timelines and the legislative calendar. As such, the earliest a transition could be effectuated away from MAC to a new workload approach would be during the 2029 legislative session.

Figure 13 provides a high-level timeline for a transition to a new workload model. A robust stakeholder engagement process will be necessary to adequately develop, vet, and refine a workload model that more accurately reflects the time and resources required to provide constitutionally effective representation, while also fitting into a constrained budget environment and not disrupting the functioning of the legal system. OPDC plans to lead a stakeholder-driven process beginning in 2026 that will continue through 2027 and will involve a wide range of system partners, including public defense providers, the courts, and district attorneys, as well as other essential stakeholders, including legislators, the Governor's Office, and individuals who receive public defense services.

Figure 13. Tentative Timeline for Transition to a New Workload Model

2026				2027				2028				2029	
Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
2027 Budget Development			Gov Budget	Legislative Session				2029 Budget Development			Gov Budget	Legislative Session	
Initiation Phase and Project Planning			Model Development & Ongoing Stakeholder Engagement					Incorporation of New Model into 2029 Budget Development					

As shown in Figure 13, the first stage in this effort involves project initiation and planning, which includes identifying critical stakeholders, collaborating with stakeholders and partners to define project success criteria, and setting a more detailed project timeline and expectations for deliverables. The second stage will involve the challenging work necessary to develop a new workload model that accommodates the intricacies and nuances of the Oregon public defense system and the broader criminal justice system. While much of this work will be focused on internal agency policy, research, and budget staff, it is essential that stakeholders be brought along in parallel, so that essential feedback can be gained as the model is developed and refined through an iterative process. The overarching goal of this effort is to have a fully vetted proposed

model available for inclusion in the budget development process, which is scheduled to begin in early 2028 for the 2029 legislative session.

SERVICE DELIVERY COSTS AND CASELOADS

To determine the number of attorneys needed to cover projected caseloads across the state, staff began by using the DAS Office of Economic Analysis forecast, broken down by county, and converting those figures into estimates of the MAC needed in each jurisdiction. To supplement the forecast, staff also reviewed data reported by providers and incorporated local knowledge to add qualitative context to the quantitative analysis. Using this information, OPDC developed jurisdiction-level proposals to guide planning for the 2025–27 contract cycle. Contractors then worked with staff to refine these proposals and submitted plans outlining their anticipated staffing levels and resource needs for the upcoming biennium. The result of this process is the 2025-27 contracts that went into effect on October 1, 2025.

The following sections provide information on OPDC’s service delivery model, including who provides public defense services and caseload information.

Providers

Public defense in Oregon is organized through three main channels: capacity contracts with external providers, hourly contracts with lawyers outside of OPDC, and Trial Division. Capacity contract providers are organizations that contract with OPDC to provide public defense under the MAC model. Contract providers include non-profits, consortia, and individuals or law firms. Hourly providers take cases on an ad-hoc basis and submit bills for the hours they work on each case. Trial Division began in December 2023 and consists of full-time public defenders employed by the state who operate under the same MAC model as contract providers.

Table 13 reports attorney MAC by provider type. This table combines MAC for services on adult, juvenile, and Parent Child Representation Program cases and includes only attorney MAC providing public defense representation. It excludes specialty court, supervision, the

Table 13. Total MAC by Provider Type

Provider Type	10/1/2025	7/1/2026
Non-Profit	227.26	231.97
Consortia	310.18	310.36
Individuals/Law Firms	102.22	111.37
Oregon Trial Division	17.00	19.00
Total	656.66	672.70

reduced caseload program, SPPE FTE that is non-caseload, investigation, and other non-MAC contracts. As shown in the table, 16.04 MAC has been added to the public defense system since the 2025-27 contracts began on October 1, 2025, in response to changing dynamics in various jurisdictions across the state.

In addition to contracting non-profits, consortia and law firms, OPDC also contracts with 313 attorneys who provide representation on an hourly basis.

Tables 14, 15, and 16 offer detailed breakdowns of contracted providers for the 2025-27 contracts as of July 1, 2026. These tables display both MAC and specialty court FTE, which refers to attorneys providing direct representation to clients. They also display non-caseload FTE, which includes attorney time not directly tied to client representation, such as supervision, along with non-attorney contracted experts like investigators and case managers. SPPE participants and attorneys working under the Reduced Caseload Program are categorized by MAC and FTE, to clearly show the portion of the 1.0 FTE dedicated to case coverage (MAC) and the portion that is not (FTE).

Table 14. 2025-27 Adult Trial Division Provider Contracts as of 7/1/2026

Contract Providers (Adult Trial Division)	Position Classifications	Contracted Amounts
<i>Contracted MAC & Specialty Court FTE for Direct Representation</i>		
Reduced Caseload Program (Atty MAC caseload)†	Attorney 1	31.27
SPPE (Atty MAC caseload)‡	Attorney 1	2.29
Misdemeanor	Attorney 1	39.25
Minor Felony, Civil Commitment	Attorney 2	94.64
Major Felony	Attorney 3	152.65
Murder	Attorney 4	159.58
		<u>479.68</u>
<i>Statewide Contracted MAC & Specialty Court FTE for Direct Representation</i>		
Post Conviction Relief/Habeas Corpus	Attorney 4	19.81
Post Conviction Relief appeals	Attorney 4	4.42
Civil Commitment Appeals	Attorney 4	2.60
Civil Commitment Appeals, PSRB, and Padilla Referral Contracts	Attorney 3	3.19
Psychiatric Security Review Board (PSRB) Requiring Supervision	Attorney 2	1.60
Murder	Attorney 4	11.61
		<u>43.23</u>
Total Contract Provider Attorney MAC & Specialty Court FTE		522.91
<i>Reduced Caseload and SPPE FTE</i>		
Reduced Caseload Program (FTE non-caseload)†	Attorney 1	15.57
SPPE (FTE non-caseload)‡	Attorney 1	7.26
		<u>22.83</u>
<i>Supervision FTE^α</i>		
Standard Provider Supervision	Supervisor-3	4.15
Standard Provider Supervision	Supervisor-4	14.56
Statewide Supervision	Supervisor-4	1.4
		<u>20.11</u>
<i>Investigation FTE</i>		
	Investigators	60.27
		<u>60.27</u>
Total Contract Provider FTE		103.21
TOTAL CONTRACT PROVIDER ATTORNEY MAC AND FTE		626.12

† Reduced Caseload Program attorneys operate under a MAC limit of 200 weighted misdemeanors. For this table, the portion of effort devoted to representation is denoted as “Atty MAC.”

‡ In 2023-25, OPDC funded SPPE candidates at full rates, but starting with the 2025-27 contracts, only the MAC portion of an SPPE position is funded.

α Supervision FTEs are attorneys who are compensated for supervising other attorneys under contract. OPDC funds supervisors at a rate of 0.1 supervisor FTE for every 1.0 attorney.

Table 15. 2025-27 Juvenile Trial Division Provider Contracts as of 7/1/2026

Contract Providers (Juvenile Trial Division)	Position Classifications	Contracted Amounts
<i>Contracted MAC& Specialty Court for Direct Representation</i>		
SPPE (Atty MAC caseload)	Attorney 1	0.08
Delinquency	Attorney 2	0.95
Reduced Caseload Program (Atty MAC caseload)	Attorney 3	1.84
Delinquency / Dependency /Termination of Parental Rights	Attorney 3	79.99
Murder	Attorney 4	6.86
		<u>89.72</u>
<i>Statewide Contracted MAC & Specialty Court for Direct Representation</i>		
Juvenile Appeals	Attorney 4	0.46
Murder	Attorney 4	3.0
		<u>3.46</u>
Total Contracted Attorney MAC & Specialty Court FTE		93.18
<i>Reduced Caseload and SPPE FTE</i>		
SPPE (FTE non-caseload) ‡	Attorney 1	0.22
Reduced Caseload Program (FTE non-caseload) †	Attorney 3	0.96
		<u>1.18</u>
<i>Supervision FTE^α</i>		
Standard Provider Supervision	Supervisor-3	0.06
Standard Provider Supervision	Supervisor-4	1.25
Statewide Supervision	Supervisor-4	0.2
		<u>1.51</u>
<i>Investigation FTE</i>		
	Investigators	0.92
		<u>0.92</u>
Total Contract Provider FTE		3.61
TOTAL JUVENILE ATTORNEY MAC AND FTE		96.79

† Reduced Caseload Program attorneys operate under a MAC limit of 200 weighted misdemeanors. For this table, the portion of effort devoted to representation is denoted as “Atty MAC.”

‡ In 2023-25, OPDC funded SPPE candidates at full rates, but starting with the 2025-27 contracts, only the MAC portion of an SPPE position is funded.

α Supervision FTEs are attorneys who are compensated for supervising other attorneys under contract. OPDC funds supervisors at a rate of 0.1 supervisor FTE for every 1.0 attorney.

Table 16. 2025-27 Parent Child Representation Program Provider Contracts as of 7/1/2026

Contract Providers (Parent Child Representation Program)	Position Classifications	Contracted Amounts
<i>Contracted Direct Representation</i>		
Juvenile Delinquency	PCRPP Attorney	0
Dependency	PCRPP Attorney	10.06
Delinquency / Dependency /Termination of Parental Rights	PCRPP Attorney	69.22
		<u>79.28</u>
Total Contracted Direct Representation		79.28
<i>Reduced Caseload and SPPE FTE</i>		
SPPE (FTE non-caseload)†	PCRPP Attorney	0.34
		<u>0.34</u>
<i>Supervision FTE‡</i>		
Standard Provider Supervision	Supervisor-4	2.78
		<u>2.78</u>
<i>Case Managers</i>		
	Case Managers	26.17
		<u>26.17</u>
<i>Investigation FTE</i>		
	Investigators	3.00
		<u>3.00</u>
Total Contract Provider FTE		32.29
TOTAL PCRPP		111.57

† In 2023-25, OPDC funded SPPE candidates at full rates, but starting with the 2025-27 contracts, only the direct representation portion of an SPPE position is funded.

‡ Supervision FTEs are attorneys who are compensated for supervising other attorneys under contract.

Caseload Reporting

Senate Bill 337 (2023) requires the Department of Administrative Services' Office of Economic Analysis (DAS OEA) to issue a state public defense population forecast, including expected populations of adults and juveniles eligible for appointed counsel. As with other forecasts, including forecasts related to Department of Corrections and Oregon Youth Authority populations, DAS OEA is required to release the forecasts twice a year on April 15 and October 15. The data is to be used in OPDC's budget development.

OPDC signed an interagency agreement with DAS OEA in late 2023 for this work. OPDC, the Criminal Justice Commission, the Oregon Judicial Department, and other partners collaborate with DAS OEA to review the forecast methodology, data inputs, and how the forecast informs contracting and budgeting. Although this forecast is still new, it will become more precise with each iteration. OEA released its first public defense forecast on April 15, 2024, and its most recent on April 15, 2026. [This forecast](#) was used to build the Agency Request Budget. The next forecast will be published on October 15, 2026, and will be used to build the Governor's Request Budget as it moves toward the 2027 legislative session.

Table 17. Reproduction of Public Defense Forecast – 2025-27 Eligibility Comparison
Difference from budgetary baseline

	Case Type	April 2025 Fcst	April 2026 Fcst	Change	Percent
Adult	Felony	46,340	44,453	-1,888	-4.1%
	Murder	285	231	-54	-18.9%
	Jessica's Law	222	251	29	13.1%
	Measure 11	3,948	3,813	-135	-3.4%
	Major Felony	7,967	8,033	66	0.8%
	Minor Felony	33,919	32,124	-1,795	-5.3%
	Misdemeanors	93,243	96,089	2,846	3.1%
	Probation Violation	27,343	27,402	60	0.2%
	Treatment Court	1,866	1,744	-122	-6.5%
	Appellate	3,565	3,529	-36	-1.0%
	Post-Conviction Relief	672	593	-78	-11.7%
	Habeas Corpus	210	384	174	82.6%
	Civil Commitment	5,496	7,386	1,890	34.4%
	Total	178,735	181,579	2,845	1.6%
Juvenile	Dependency*	17,726	19,522	1,796	10.1%
	Delinquency**	6,718	5,554	-1,165	-17.3%
	Probation Violation	4,253	3,913	-340	-8.0%
	Treatment Court	338	388	50	14.9%
	Appellate	683	584	-98	-14.4%
	Total	29,718	29,961	243	0.8%
	Total New Eligible Cases	208,453	211,541	3,087	1.5%
* Includes Parents and Guardians					
** Includes Measure 11, Murder, and All Others					

According to the April 2026 forecast, adult eligibility for public defense services is projected to increase through fiscal year 2031, primarily due to House Bill 4002 (2024), which recriminalized possession of user amounts of controlled substances. Impacts are most visible in misdemeanor and probation violation case

categories. There is also an increase in civil commitments from HB 2005 (2026). The 2025-27 budget was based on projections from the April 2025 forecast. Table 17 presents data from the April 2026 forecast compared to the April 2025 forecast. Overall, as shown in Table 17, there is a 1.6% increase in projected adult cases compared to the previous forecast, which is largely attributable to an expected increase in misdemeanor cases (3.1%) as well as a projected decrease in felonies (-4.1%).

While case weight under the MAC funding model is awarded at the time of appointment, public defense cases do not open and close on a biennial schedule. For instance, a case that is filed on the last day of the biennium will continue into the next. In this case, the MAC weight will be assigned to the biennium in which the case was assigned to a public defender, even though the vast majority of the work will occur in the following biennium. As of the close of the 2023-25 biennium, OPDC providers reported 41,874 cases that remained open at the start of the 2025-27 biennium. While these cases are not counted towards 2025-27 MAC, they do represent an existing workload and thus impact attorneys' ability to take new cases. Similarly, OPDC will continue to incur preauthorized expenses and court-mandated expenses on cases assigned in the previous biennium because the work on those cases spans biennia.

Table 18 compares DAS OEA forecasted statewide caseload numbers to OPDC's caseload data, which was reported to OPDC by public defense providers between July 2025 and May 2026. Although Table 18 compares data from different sources that do not necessarily align in all respects, the comparison is useful as it provides an initial examination of how actuals compare to forecasted values.² As such, this data should be considered supplementary to the DAS OEA forecast and should not be used to make formal caseload predictions. The table and its results are merely an internal tracking tool used to provide indications of instances where there may be a departure from the DAS OEA forecast that may be needed to address from a capacity standpoint.

The data in Table 18 indicate that, at least for adult cases, new appointment projections are similar to those in the DAS OEA forecast, with the most significant points of departure being misdemeanors, treatment court cases, and civil commitment cases. At least some of these incongruencies, however, are likely due to the reliance on different data sources. There is a larger variance for juvenile cases overall. This is likely due to the undercounting of juvenile hourly cases. As OPDC gains more experience with the forecast and internal data collection improves (see *Intervention Two* above), these comparisons will become more accurate and valuable for tracking whether and how the case filings align with the forecast.

² The following methods were used to populate this data: (i) for *provider contracts*, analysts determined the distinct count of cases as reported to OPDC for the months of July 2025-May 2026 with an appointment date (open date for PCRP) between 7/1/25 and 5/31/26. If a case was reported by multiple attorneys, then the case is counted once and categorized by the first case type it was reported as; (ii) *Oregon Trial Division* data is the distinct count of cases assigned to Oregon Trial Division attorneys between 7/1/25 and 6/30/26 as recorded in Clío. OTD does not currently accept appellate or juvenile cases; (iii) *hourly* case data utilizes three data sources: (a) cases assigned by OPDC assignment coordinators with an effective date between 7/1/25 and 6/30/26, (b) cases billed to OPDC for hourly attorney fees with an appointment date between 7/1/25 and 6/30/26 that were not assigned by OPDC assignment coordinators, and (c) OJD case data to identify any additional hourly cases taken by attorneys that do not show up in (a) or (b). The final source of hourly case data has been shown to slightly undercount the number of hourly cases because OPDC does not have access to appellate data from OJD. The overall total of hourly cases in Table 18 should be viewed with some caution.

Table 18. Forecasted vs. Actual Appointments Estimate

Case Category		April 2026 DAS OEA Forecast	Capacity Contract Cases Jul 25-May 26	OPDC† Cases FY26	Hourly Cases FY26	Total Cases Reported	2025-2027 Projected Cases
Adult	Felony	44,452	16,659	1,003	3,123	20,785	44,599
	Murder	231	115	7	47	169	359
	Jessica Law	251	162	12	26	200	429
	Measure 11	3,813	1,730	92	332	2,154	4,623
	Major Felony	8,033	2,902	222	705	3,829	8,186
	Minor Felony	32,124	11,750	670	2,013	14,433	31,002
	Misdemeanor	96,089	39,621	1,056	5,652	46,329	99,862
	Probation Vio	27,402	11,309	236	781	12,326	26,708
	Treatment Court	1,744	5,003	42	7	5,052	11,014
	Appellate	3,529	222	1,349	47	1,618	3,276
	Post-Conviction	593	303	-	58	361	777
	Habeas Corpus	384	146	-	44	190	407
	Civ Commitment	7,386	2,902	-	180	3,082	6,692
	Total	181,579	76,165	3,686	9,892	89,743	193,334
Juvenile	Dependency	19,522	5,520	-	728	6,248	13,500
	Delinquency	5,554	3,033	-	228	3,261	7,073
	Probation Vio	3,913	586	-	13	599	1,305
	Treatment Court	388	56	-	-	56	122
	Appellate	584	77	386	24	487	988
	Total	29,961	9,272	386	993	10,651	22,988
Total Adult & Juv		211,540	85,437	4,072	10,885	100,394	216,322

†OPDC denotes both the Oregon Trial Division and the Appellate Division. Appellate cases were handled by the Appellate Division; all other OPDC cases were taken by the Oregon Trial Division.

BIENNIAL FINANCIAL FORECAST

Table 19 provides an updated biennial financial forecast for OPDC. An assessment of each program is provided. The Budget amount includes actions from the 2026 session. The variance is the projected amount above or below the agency's Legislatively Approved Budget (LAB). A negative amount indicates the program is projected to spend beyond the LAB.

Table 19. Budget to Actuals with Biennial Projections

Program	Budget	Actuals	Projections	Variance
Executive Division	\$3,784,400	\$1,725,594	\$1,692,435	\$366,371
Compliance, Audit & Performance Div	\$5,516,341	\$3,512,481	\$2,436,361	\$(432,501)
Resource Counsel Division	\$3,152,704	\$481,363	\$2,525,515	\$145,826
Appellate Division	\$30,275,988	\$14,749,727	\$15,848,621	\$(322,360)
Adult Trial Division	\$328,788,128	\$147,676,268	\$159,769,245	\$21,342,615
Juvenile Trial Division (GF)	\$45,417,129	\$21,816,330	\$22,993,453	\$607,346
Juvenile Trial Division (OF) IV-E	\$7,393,486	\$4,226,513	\$3,166,973	-
Preauthorized Expenses Div (GF)	\$101,422,313	\$55,074,485	\$54,358,315	\$(8,010,487)
Preauthorized Expenses Div (OF) IV-E	\$1,037,357	\$327,540	\$709,817	-
Court Mandated Expenses Divi (GF)	\$61,262,103	\$45,245,395	\$34,444,831	\$(18,428,123)
Court Mandated Expenses Div (OF) IV-E	\$2,098,261	\$1,347,794	\$750,467	-
Court Mandated Expenses Div (OF) ACP	\$3,497,604	\$1,586,974	\$1,910,630	-
Trial Representation Division	\$22,157,152	\$8,865,270	\$12,658,943	\$632,939
Parent Child Rep Prgm (GF)	\$46,737,940	\$23,350,916	\$19,305,640	\$4,081,384
Parent Child Rep Prgm (OF) IV-E	\$11,684,477	\$4,825,997	\$6,858,480	-
Administrative Services Division	\$24,809,091	\$11,812,767	\$13,219,183	\$(222,859)
ASD - FCMS Non-Bondable Costs (GF)	\$381,095	\$43,644		\$337,451
ASD - FCMS Bond Funding (OF)	\$14,042,903	\$1,666,668	\$12,376,235	\$ -
Special Programs, Contracts, And Distr.	\$11,092,599	\$5,108,194	\$5,405,489	\$578,916
Debt Service	\$2,392,223		\$2,392,223	-
Total	\$726,943,294	\$353,443,920	\$372,822,856	\$676,518

- 1. Administrative Services.** The Administrative Services Division, which houses agency operational units, is projected to be over budget due to (i) unbudgeted Oregon Department of Justice (DOJ) charges for legal services following the shift from internal general counsel to reliance on the DOJ as the agency's counsel on all legal matters; (ii) unbudgeted enterprise IT charges; (iii) a cost-of-living increase impacting staff salaries, and (iv) the temporary coverage of expenditures associated with the Financial and Case Management System (FCMS) prior to bond issuance. The overage may be mitigated or resolved following the June 2026 bond sale, as all appropriate FCMS expenditures will be directed to the FCMS "other fund" account during July 2026. These transfers will be reflected in the July 2026 month close, completed in August 2026.
- 2. Adult Trial Division.** This division currently forecasts a large amount of unallocated funds. During development of the 2025–2027 budget, OPDC anticipated that contracted providers would require additional funding to absorb forecasted caseload during the transition from one contract cycle to the next. Instead, providers maintained higher-than-expected utilization under their existing contracts throughout the transition. As a result, the Adult Trial Division required less funding than originally projected. The projected unallocated funds will be utilized in the agency's September 2026 Emergency Board request to rebalance existing funds. This area continues to be monitored through monthly reassessments and quarterly revisions as warranted by the forecast and provider-reported caseload data.

3. **Juvenile Trial Division.** The Juvenile Trial Division funds external non-PCRP juvenile providers across the state. Projections in this budget category rely on three assumptions: (i) that the DAS OEA public defense caseload forecast as of April 2026 is accurate; (ii) that OPDC appropriately contracted with providers to meet the DAS OEA forecast; and (iii) that contract providers meet a 90% MAC utilization threshold. The Juvenile Trial Division is currently operating in line with current projections.
4. **Parent Child Representation Program.** The Parent Child Representation Program Division funds external PCRP juvenile providers across the state. Projections in this budget category rely on three assumptions: (i) that the DAS OEA Public Defense Caseload Forecast as of April 2026 is accurate; (ii) that OPDC appropriately contracted with providers to meet the DAS OEA forecast; and (iii) that contract providers meet a 90% MAC utilization threshold. The Parent Child Representation Program projection currently shows a small amount of unallocated funds; however, it is too early in the contracting period to draw concrete conclusions, as the overage relies on receiving full federal reimbursement for Federal Title IV-E expenditures.
5. **Appellate Division:** The Appellate Division budget is projecting an overage, which is attributable to built-in cost-of-living increases that are impacting staff salaries. At the end of the last biennium, the results of a legal bargaining matter resulted in an upward adjustment of a certain attorney's salary, bypassing the 2025-2027 ORPICS freeze, and were therefore not accounted for in the current biennium's funding. The agency's transition to the Executive Branch is also contributing to the overage as the current budget did not include the increased cost of IT charges for phones, internet services, and other enterprise charges.
6. **Compliance, Audit, and Performance.** The Compliance, Audit, and Performance Division is forecasting an overage due to unprojected Oregon Department of Justice expenditures, increased staff position expenditures for new hires at a rate higher than the current budget, and a built-in cost-of-living increase impacting staff salaries. The agency's transition to the Executive Branch did not include existing IT charges for phones, internet services, and other enterprise charges
7. **Court Mandated Expenses.** The Court Mandated Expenses Division funds hourly attorneys providing defense services across all crime types. The program currently displays an estimated negative variance of (\$18,000,000). The agency continues to pay for expenditures attributable to the previous biennium, as well as expenses attributable to the Temporary Hourly Increase Program (THIP), which ended on June 30, 2025. The agency was given \$11,121,931, which was allocated to account for the program wind-down and has been fully expended as of January 2026. There is a notable decrease in the amount of enhanced attorney fees (THIP) paid, with a rolling 3-month average of \$824,053 (as of June 2026), compared to the average of \$1,950,641 in Q1. However, the regular attorney fees for all other hourly cases have increased from a rolling 3-month average of Q1 \$1,237,464 to \$2,041,645, as of June 2026. The agency is working with its DAS analyst for a rebalance of existing funds at the September 2026 E-Board to address the needs of the program.
8. **Debt Service.** Projections are consistent with the LAB.
9. **Executive Division.** The Executive Division projects slight savings.

- 10. Preauthorized Expenses.** The Preauthorized Expenses Division funds trial-related expenses including investigation, expert testimony, psychological evaluations, and other trial-related items. This program's budget displays a negative variance of approximately \$8,000,000. Notably, the average THIP expenditure for Q1 was \$419,838, and the current 3-month average (June 2026) is \$261,350. The agency continues to monitor the downward trend in the average of enhanced investigator fees. However, investigator fees for all other cases have increased from an average of \$1,118,668 for Q1 to a 3-month rolling average (June 2026) of \$1,449,590. The agency is working with its DAS analyst for a rebalance of existing funds at the September 2026 E-Board to address the needs of the program.
- 11. Special Programs.** This Division includes funding for discovery reimbursements, the agency's Law School Clinic Program, and guardianship cases. Projections are consistent with the LAB.
- 12. Trial Representation Division.** The Trial Representation Division houses the agency's trial-level attorneys providing direct representation in Oregon's circuit courts. The budget projections for this division are currently consistent with LAB. However, absorbing pay equity for new attorney hires against services and supplies is becoming challenging to balance.