

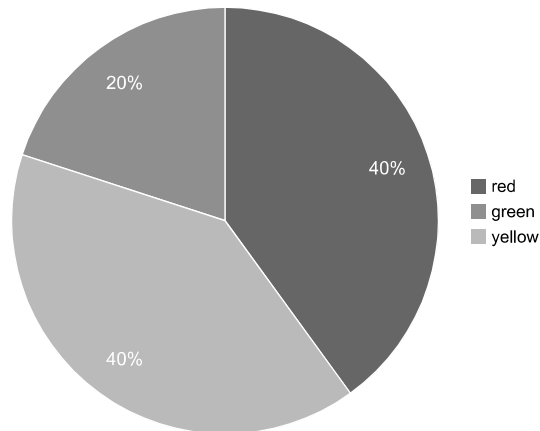
# **Public Defense Services Commission**

Annual Performance Progress Report

Reporting Year 2018

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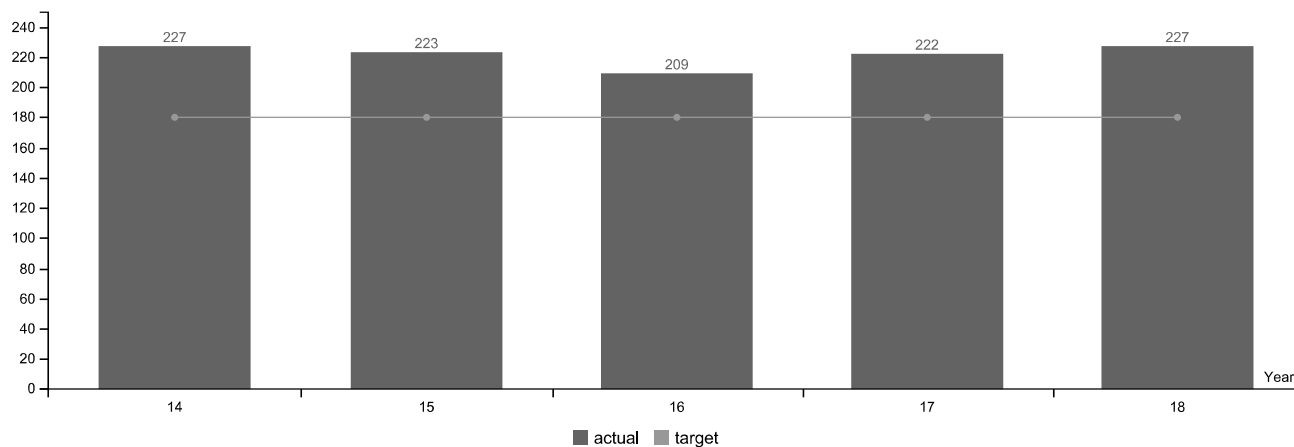
KPM #	Approved Key Performance Measures (KPMs)
1	APPELLATE CASE PROCESSING - Median number of days to file opening brief.
2	CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, 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. ( <a href="http://www.oregon.gov/OPDS/docs/CBS/ModelContractTerms/documents/ModKJan2014.pdf">http://www.oregon.gov/OPDS/docs/CBS/ModelContractTerms/documents/ModKJan2014.pdf</a> )
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).



Performance Summary	Green	Yellow	Red
	= Target to -5%	= Target -5% to -15%	= Target > -15%
Summary Stats:	20%	40%	40%

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	2014	2015	2016	2017	2018
<b>Median Number of Days to File Opening Brief</b>					
Actual	227	223	209	222	227
Target	180	180	180	180	180

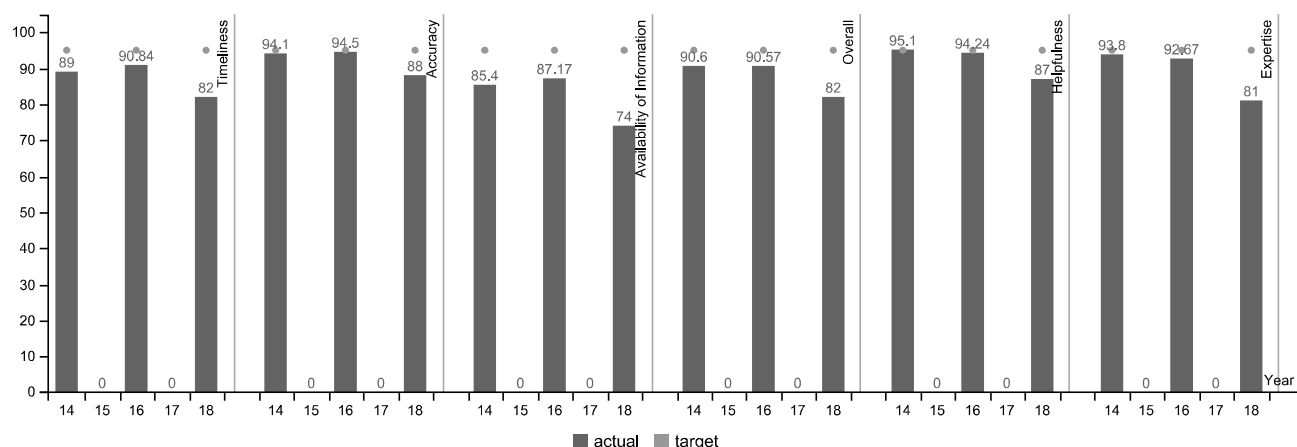
#### How Are We Doing

The Appellate Division yielded ground gained in recent years under the pressure of an increasing caseload and attorney vacancies. The median number of days to file the opening brief in 2014 was 227, when the Appellate Division reduced its target median from 210 to 180 days. By 2016, the Appellate Division had reduced the median to 209 days. The median increased to 222 days in 2017; and it returned to 227 days in 2018. The loss in progress is primarily attributable to two causes. First, the number of new cases increased. Case referrals increased 10% in both 2017 and 2018. Second, the Criminal Section held an attorney vacancy for five months of the 2017 fiscal year and 10 months of the 2018 fiscal year. Assuming adequate resources to fill attorney vacancies, the retention of experienced attorneys, and a stabilization of the number of case referrals, the agency anticipates making significant strides toward its 180-day goal.

#### 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. The agency does not control the number of referred cases. Attracting, training, and retaining competent attorneys affect progress toward the goal.

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: Jan 01 - Dec 31



Report Year	2014	2015	2016	2017	2018
<b>Timeliness</b>					
Actual	89%	No Data	90.84%	No Data	82%
Target	95%	TBD	95%	TBD	95%
<b>Accuracy</b>					
Actual	94.10%	No Data	94.50%	No Data	88%
Target	95%	TBD	95%	TBD	95%
<b>Availability of Information</b>					
Actual	85.40%	No Data	87.17%	No Data	74%
Target	95%	TBD	95%	TBD	95%
<b>Overall</b>					
Actual	90.60%	No Data	90.57%	No Data	82%
Target	95%	TBD	95%	TBD	95%
<b>Helpfulness</b>					
Actual	95.10%	No Data	94.24%	No Data	87%
Target	95%	TBD	95%	TBD	95%
<b>Expertise</b>					
Actual	93.80%	No Data	92.67%	No Data	81%
Target	95%	TBD	95%	TBD	95%

#### How Are We Doing

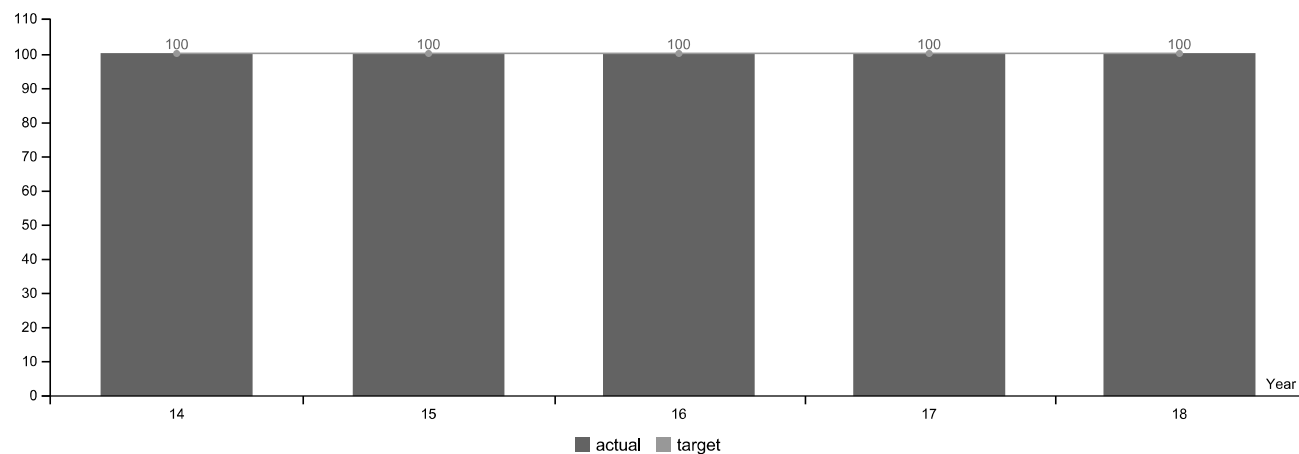
The most recent survey was conducted in July 2018. The survey results indicated a lower level of satisfaction with customer service than the last time the survey was administered in 2016. The overall service provided by OPDS was rated as good or excellent by 82% of the respondents. The standard reporting measure for state agencies groups both "good" and "excellent" into one category. In the categories of helpfulness of OPDS employees, 87% of respondents rated the agency's service as "good" or "excellent." The lowest rating was in the category of availability of information, where 74% of the respondents rated the agency's service as "good" or "excellent."

#### Factors Affecting Results

The ratings in three categories were lower in 2018 than the most recent survey in 2016. There are several factors which contribute to this lower rating, including turnover in Accounts Payable staff and discontent with the availability of funding for trial-level providers during the contracting process. Between 2013 and 2017, the agency lost more than half of its staff to retirements and resignations. This change naturally required considerable training and mentoring of several new staff members which resulted in some processing delays. In addition to the staff turnover, trial-level attorney providers have been repeatedly under-funded for their work on public defense cases. This contract cycle was particularly difficult, and many of the survey comments reveal a general displeasure with both OPDS' funding model and the level of funding received for trial-level attorney providers.

KPM #3	BEST PRACTICES FOR BOARDS AND COMMISSIONS - Percentage of total best practices met by Commission.
	Data Collection Period: Jan 01 - Dec 31

\* Upward Trend = positive result



Report Year	2014	2015	2016	2017	2018
Percentage of total best practices met					
Actual	100%	100%	100%	100%	100%
Target	100%	100%	100%	100%	100%

#### How Are We Doing

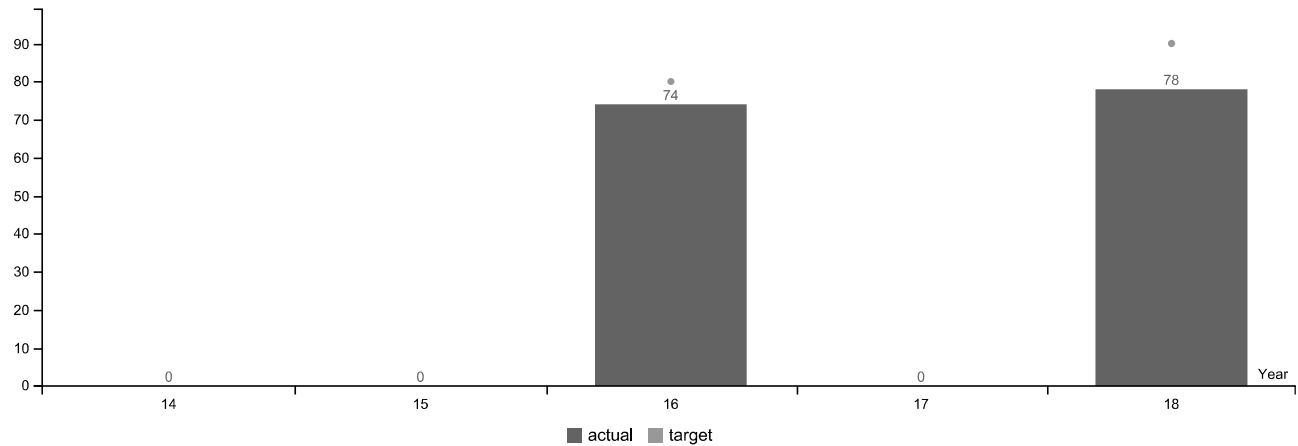
At the Commission's September 20, 2018 meeting, Commission members reviewed the self-assessment in detail and confirmed that the agency met all of the best practices for boards and commissions.

#### Factors Affecting Results

There are no factors that would prohibit the agency from meeting all the best practices.

KPM #4	<p>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. (<a href="http://www.oregon.gov/OPDS/docs/CBS/ModelContractTerms/documents/ModKJan2014.pdf">http://www.oregon.gov/OPDS/docs/CBS/ModelContractTerms/documents/ModKJan2014.pdf</a>)</p>
	Data Collection Period: Jan 01 - Dec 31

\* Upward Trend = positive result



Report Year	2014	2015	2016	2017	2018
<b>Percent of Attorneys with 12 CLE Credits Annually</b>					
Actual	No Data	No Data	74%	No Data	78%
Target	TBD	TBD	80%	TBD	90%

#### How Are We Doing

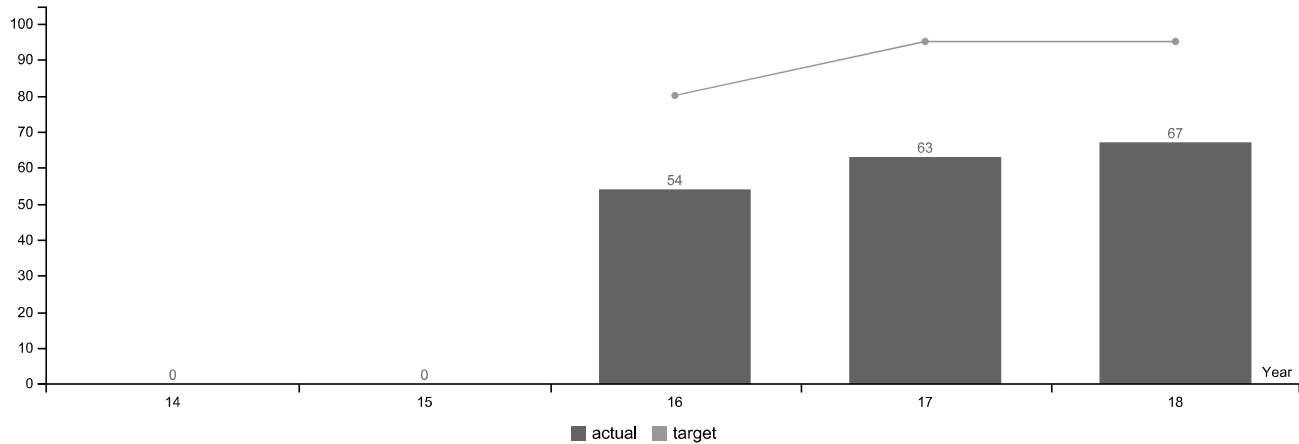
The survey was sent to 698 attorneys, with a 70% response rate. Of the 491 respondents, 78% report obtaining at least 12 CLE credits annually.

#### Factors Affecting Results

This was the second time this agency requested all public defense lawyers across the state to report CLE information. Because attorneys are accustomed to reporting to the Oregon State Bar every three years, this request was outside of their normal reporting period, and required them to take additional steps to report CLE activities. Additionally, the contract provision requiring lawyers to earn at least 12 CLE hours each year in their areas of public defense practice didn't go into effect until January 2016. This survey was structured to collect information from 2017.

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	2014	2015	2016	2017	2018
Percent of PCRP Attorneys Spending 1/3 Time Meeting With Clients					
Actual	No Data	No Data	54%	63%	67%
Target	TBD	TBD	80%	95%	95%

#### How Are We Doing

This Key Performance Measure separates representation of clients with decision-making capacity from representation of clients with diminished capacity (typically young children). However, data gathered by the PCRP program does not distinguish based on decision-making capacity. Therefore, the data reported for this KPM includes time spent with all clients.

From July 2017-June 2018, 67% of the PCRP attorneys report spending approximately one-third of their time meeting with clients. During this time period, the 21 PCRP attorneys spent an average of 35% of their time meeting with clients.

#### Factors Affecting Results

The Parent Child Representation Program was launched in August 2014 in Linn and Yamhill counties and in Columbia County in January 2016. In 2017, the Oregon Legislature provided funding to expand the PCRP into Coos and Lincoln Counties in 2018. The PCRP has consistently shown that improved legal advocacy leads to promising results such as a reduction in the use of foster care, an increase in family reunification, and expedited permanency for children.[1]

The Parent Child Representation Program includes case managers, who are social service professionals and work as part of the legal representation team in 10-15% of the cases. The use of case managers who work with attorneys to address non-legal barriers to sensible case resolution is a best practice and a critical component of the success of the PCRP. The PCRP case managers are required to spend at least 85% of their time in direct service work. If the time case managers spend in direct service is added to the time attorneys spend with clients, an average of 48% of the time invested by the defense team from July 2017-June 2018 is spent with clients or in direct client service. Other factors include the complexity of the case, the age and capacity of the client, and the direction of the client with respect to case objectives.

The agency needs to continue to monitor the quality of work provided by lawyers in the Parent Child Representation Program. Because the PCRP is just four years old, additional consideration should be given to which metrics are most sensible to measure and which are indicative of quality effective legal representation. In addition, data should be used to establish benchmarks which are indicative of competent and effective legal representation.

[1] Annual Report 2016-2017, Parent Child Representation Program.  
[https://www.oregon.gov/opds/commission/reports/PCRP\\_Report\\_PDSC\\_Jan\\_2018.pdf](https://www.oregon.gov/opds/commission/reports/PCRP_Report_PDSC_Jan_2018.pdf)