



Core Staff  
Role Definitions,  
Qualification Standards  
and  
Performance Standards

January 2025

# Table of Contents

<b>Performance Standards for All Core Staff Roles .....</b>	<b>1</b>
Standard 1.1: Unauthorized Practice of Law .....	1
Standard 1.2: Functions Exclusive to Attorneys, Provisional Licensees, and Certified Law Students.....	1
Standard 1.3: Client Relationships.....	1
Standard 1.4: Client Confidences .....	1
Standard 1.5: Conflicts of Interest .....	2
Standard 1.6: Compensation .....	2
<b>Legal and Administrative Support.....</b>	<b>3</b>
Role Definitions.....	3
Office Support Staff.....	3
Legal Assistant.....	3
Paralegal .....	4
Qualification Standards .....	5
Office Support Staff.....	5
Legal Assistants .....	5
Paralegals.....	5
Performance Standards .....	6
Standard 2.1: Familiarity with Rules of Professional Conduct .....	6
Standard 2.2: Clarity of Role.....	6
Standard 2.3: Delegated Legal Work to Paralegals.....	6
<b>Fact Investigators.....</b>	<b>7</b>
Role Definition.....	7
Qualification Standards .....	7
Fact Investigator 1 .....	7
Fact Investigator 2 .....	8
Fact Investigator 3 .....	8
Fact Investigator 4.....	8
Performance Standards .....	9

Standard 3.1: Professionalism.....	9
Standard 3.2: Opening of Case .....	9
Standard 3.3: Understanding the Themes and Theories of the Case .....	10
Standard 3.4: Immediate Investigative Needs.....	10
Standard 3.5: Records .....	10
Standard 3.6: Working with Correctional Facilities .....	11
Standard 3.7: Client Interviews.....	11
Standard 3.8: Testing the Government’s Case.....	11
Standard 3.9: Working with Witnesses .....	12
Standard 3.10: Background Checks.....	12
Standard 3.11: Proffers .....	12
Standard 3.12: Working with Expert Witnesses.....	13
Standard 3.13: Memorialization and Exhibit Preparation .....	13
Standard 3.14: Trial and Hearing Assistance .....	13
Standard 3.15: Sentencing .....	14
<b>Mitigation Specialists.....</b>	<b>15</b>
Role Definition.....	15
Qualification Standards .....	15
Mitigation Specialist 1 .....	15
Mitigation Specialist 2 .....	16
Mitigation Specialist 3 .....	16
Performance Standards .....	16
Standard 4.1: Professionalism.....	16
Standard 4.2: Thoroughness of Investigation.....	17
Standard 4.3: Timeliness.....	17
Standard 4.4: Accuracy of Information .....	17
Standard 4.5: Effective Communication .....	18
Standard 4.6: Collaboration.....	18
Standard 4.7: Creativity and Resourcefulness.....	18
Standard 4.8: Attention to Detail.....	18
Standard 4.9: Courtroom Presentation.....	19

Standard 4.10: Continuous Learning:.....	19
Standard 4.11: Client Advocacy .....	19
<b>Case Managers .....</b>	<b>20</b>
Role Definition.....	20
Qualification Standards .....	20
Minimum Standards .....	20
Additional Preferred Criteria for Case Managers.....	21
Performance Standards .....	21
Standard 5.1: Continuing education .....	21
Standard 5.2: Case Manager Orientation.....	21
Standard 5.3: Case Manager Workload.....	22
Standard 5.4: Conflict of Interest .....	22
Standard 5.5: Professional Liability Insurance.....	22
Standard 5.6: Communication with Persons Represented by Counsel .	22
Standard 5.7: Record Keeping .....	22
<b>Interpreters .....</b>	<b>23</b>
Role Definitions.....	23
Qualification Standards .....	23
Minimum Standards .....	23
Additional Preferred Criteria for Interpreters.....	23
Performance Standards .....	24
Standard 6.1: Impartiality and Neutrality .....	24
Standard 6.2: Conflicts of Interest .....	24
Standard 6.3: Competency.....	24
Standard 6.4: Accuracy.....	24
Standard 6.5: Professionalism.....	24
Standard 6.6: Continuing Education .....	24
<b>Information Technology Staff .....</b>	<b>25</b>
Role Definition.....	25
IT Systems and Software .....	25
Data Security.....	25

User Support and Training.....	25
Issue Resolution.....	25
New Technology Integration.....	25
Qualification Standards .....	26
Minimum Standards .....	26
Performance Standards .....	26
Standard 7.1: System Reliability and Uptime .....	26
Standard 7.2: Confidentiality.....	26
Standard 7.3: Response Time and Issue Resolution .....	27
Standard 7.4: Data Security Compliance.....	27
Standard 7.5: User Satisfaction and Feedback .....	27
Standard 7.6: Training and Professional Development.....	27
Standard 7.7: Communication .....	27
<b>Provisional Licensees.....</b>	<b>28</b>
Role Definition.....	28
Provisional Licensee .....	28
SPPE Supervising Attorney .....	28
Qualification Standards .....	28
Provisional Licensees.....	28
SPPE Supervising Attorneys.....	28
Performance Standards .....	29
<b>Certified Law Students .....</b>	<b>30</b>
Role Definition.....	30
Certified Law Student.....	30
CLS Supervising Attorney.....	30
Qualification Standards .....	30
Certified Law Students .....	30
CLS Supervising Attorneys.....	30
Performance Standards .....	31
<b>Appendix A: Workgroup Participants .....</b>	<b>A-1</b>
Legal and Administrative Support.....	A-1

Investigators and Mitigation Specialists.....	A-1
Case Managers.....	A-1
Interpreters.....	A-2
Information Technology Staff.....	A-2
Law Students and Provisional Licensees .....	A-2
<b>Appendix B: Sources Reviewed .....</b>	<b>B-1</b>
All Workgroups .....	B-1
Legal and Administrative Support.....	B-1
Investigators and Mitigation Specialists.....	B-1
Case Managers.....	B-2
Interpreters.....	B-3
Certified Law Students and Provisional Licensees.....	B-3

# Performance Standards for All Core Staff Roles

## Standard 1.1: Unauthorized Practice of Law

No one in a Core Staff role may engage in, encourage, or contribute to the unauthorized practice of law.

## Standard 1.2: Functions Exclusive to Attorneys, Provisional Licensees, and Certified Law Students

No person engaged in a Core Staff Role other than an appropriately supervised Provisional Licensee or Certified Law Student shall:

- Establish an attorney-client relationship, except that legal and administrative support staff may communicate to an appointing court as directed by their supervising attorney that the supervising attorney is accepting appointment to a case;
- Provide legal opinions or advice; or
- Represent a client before the court.

## Standard 1.3: Client Relationships

Core Staff should support and strengthen the relationship between the attorney and the client and, when appropriate, help the attorney to build trust with the client and manage cultural competence issues and difficult clients. When authorized by the attorney and the client, Core Staff may also help maintain a client's relationships with family by providing updates on the case.

## Standard 1.4: Client Confidences

Consistent with the ethical and legal responsibilities of the attorneys with whom they are working, all persons engaged in a Core Staff role must protect information relating to representation of a client and information relating to the prospective representation of an applicant for public defense services. Before disclosing any protected information, the Core Staff member shall communicate with the attorney to determine whether disclosure is authorized.

In particular, there may be tension between the obligations of an individual in a Core Staff role as an agent of an attorney and their obligations to report child or elder abuse under ORS 419B.010. Individuals with such mandatory reporting obligations must disclose those obligations to any attorney with whom they intend to work prior to joining the defense team. Should an individual working in a Core Staff role determine that they have an obligation to make a report of child or elder abuse, they shall also promptly communicate the information to the attorney.

## Standard 1.5: Conflicts of Interest

Each person engaged in a Core Staff role has a duty to disclose to the Attorney with whom they are working on a case the existence of a perceived or actual conflict of interest. A conflict of interest may exist when:

- a person in a Core Staff role participates in the legal representation of an individual whose interests are adverse to a current or former client; or
- when a person in a Core Staff role has personal interests or responsibilities to another client, former client, or third party that would materially limit the person's ability to provide services to a client.

## Standard 1.6: Compensation

Individuals engaged in a Core Staff role must not accept additional compensation through money or gifts with a value in excess of \$50 aside from their regular compensation or fees they are paid by the Oregon Public Defense Commission for the services they render.

# Legal and Administrative Support

## Role Definitions

### Office Support Staff

Office Support Staff are administrative personnel within a law office who do not meet the qualification standards for either Legal Assistant or Paralegal. Office Support Staff may cover several discrete roles within a firm supporting an attorney who provides public defense services. Some roles may be entry level and others may require specialized knowledge and experience that are not governed by these Standards. Tasks that may be performed by Office Support Staff include:

- Routine discovery communication, intake, logging, and filing
- Routine client communication, such as assisting with client intake and hearing reminders
- Calendar management for attorneys and other office staff
- Reception

This is not intended as an exhaustive list, however, tasks explicitly associated with the Legal Assistant and/or Paralegal roles under these standards should not be performed by Office Support Staff without those qualifications.

### Legal Assistant

Legal Assistants carry a combined administrative and legal support role within a law office, and they frequently interface more directly with clients, system partners, and courts. Legal Assistants have obtained experience by working in the legal field and may leverage that experience to assist attorneys with the following tasks in addition to administrative tasks associated with Office Support Staff:

- Operate as a point of contact with clients, system partners, the court, and opposing counsel on routine matters not requiring legal research or discretion, or as directed by the attorney
- Draft routine legal documents requiring minimal legal analysis for attorney approval
- Format, edit, and file documents with the court, subject to attorney approval
- Prepare preauthorized expense (PAE) requests, subpoenas, and exhibits, as directed by an attorney
- Assemble trial notebooks

## Paralegal

A Paralegal is a person qualified by education, training, or work experience who is employed or retained by a lawyer, law office, corporation, government agency, or other entity to perform delegated substantive legal work for which a lawyer is responsible.

Paralegals leverage their substantial experience and training to assist attorneys with a wider range of tasks that are likely to require them to exercise professional judgment and research. In addition to the tasks associated with Office Support Staff and Legal Assistants, Paralegals may:

- Conduct client interviews and maintain general contact with the client after the establishment of the attorney-client relationship, so long as the client is aware of the status and function of the Paralegal, and the client contact is under the supervision of the attorney
- Locate and interview witnesses, so long as the witnesses are aware of the status and function of the Paralegal
- Conduct statistical and documentary research for review by the attorney
- Educate clients on upcoming procedural requirements
- Redact discovery
- Under the supervision of an attorney, draft documents and correspondence requiring substantial legal research or discretion
- Author and sign letters, so long as the Paralegal's status is clearly indicated and the correspondence does not contain independent legal opinions or legal advice
- Review, summarize, and highlight significant events in discovery
- Research and identify expert witnesses
- Ensure expert witnesses have relevant materials as needed, as determined or approved by the Supervising Attorney
- Exercise professional judgment about how to pursue tasks delegated by an attorney
- Attend court or administrative hearings and trials with the attorney

## Qualification Standards

### Office Support Staff

Any individual serving as Office Support Staff funded by the Oregon Public Defense Commission (OPDC) must:

1. Be at least 18 years old;
2. Acknowledge an awareness of the types of cases handled by the law office and the types of information to which they may be exposed; and
3. Understand the obligation, as a member of the defense team, to protect privileged communications and confidential information related to the representation of a client or to a prospective client.

### Legal Assistants

In addition to the requirements for the Office Support Staff role, any individual serving as a Legal Assistant must:

1. Have one of the following:
  - a. One year experience working in the legal field; or
  - b. Three months of in-house training;
2. Demonstrate an understanding of the basic procedural framework of the types of cases in which attorneys in the organization are appointed;
3. Be able to produce a portfolio of routinely drafted motions and other documents; and
4. Have observed at least five hours of court, at least one hour of which was of a substantive hearing.

### Paralegals

In addition to the requirements for Office Support Staff, any individual serving as a Paralegal funded by OPDC must have:

1. Successfully completed a Paralegal certificate examination from a national association such as NALA, The Paralegal Association or the National Federation of Paralegal Associations;
2. Graduated from an American Bar Association-approved Paralegal program;
3. Graduated from an accredited Paralegal program requiring not less than 60 semester hours of study;
4. Graduated from a Paralegal program and six months of in-house training;
5. A bachelor's degree in any field and six months of in-house training in a law firm;

6. Three years of law-related experience, including six months of in-house Paralegal training; or
7. Two years of in-house Paralegal training.

## Performance Standards

### Standard 2.1: Familiarity with Rules of Professional Conduct

Paralegals and Legal Assistants must understand the Oregon Rules of Professional Conduct for attorneys to avoid any action which would involve the attorney in a violation of those rules or give the appearance of professional impropriety.

### Standard 2.2: Clarity of Role

The Paralegal or Legal Assistant shares responsibility with their Supervising Attorney to ensure that a client is aware of the Paralegal or Legal Assistant's role and that the Paralegal or Legal Assistant is not an attorney and cannot give legal advice.

Paralegals and Legal Assistants should disclose their status at the outset of any professional relationship with a client, other attorneys, a court or administrative agency or personnel thereof, and members of the general public.

A Paralegal may author and sign letters, provided that the Paralegal's status is clearly indicated and the correspondence does not contain independent legal opinions or legal advice.

### Standard 2.3: Delegated Legal Work to Paralegals

Paralegals should work with the attorneys supervising them to ensure that:

- The Paralegal understands their and the attorney's professional responsibility, local rules and practices, and the firm's policies;
- The Paralegal's work is substantively correct and performed in a timely manner;
- The Paralegal engages in continuing education in substantive matters related to public defense through courses, institutes, workshops, seminars, and in-house training; and
- The Paralegal is engaged and actively participates in professional development.

# Fact Investigators

## Role Definition

A Fact Investigator is a non-lawyer legal professional who guides and executes the defense investigation of the facts in a client's case. Defense Fact Investigators perform substantive work that requires broad knowledge of court proceedings, court rules, and Oregon law. A defense Fact Investigator's review of case evidence and discovery requires an understanding of government investigative procedures and regulations, a familiarity with forensic disciplines, the aptitude to stay current with advancements in technology, and an ability to ascertain factual discrepancies.

A defense Fact Investigator's preservation of evidence is critical to trial preparations because, unlike an attorney, they can testify to lay the foundation for that evidence, as well as explain case details and assist with impeachment of witnesses. The use of a defense Fact Investigator is not limited to criminal cases; they are also important advocates in juvenile dependency and delinquency cases and any other proceedings that affect a client's liberty or other constitutionally protected interests. National standards for defense attorneys require investigation in every case before advising a client to accept a plea or go to trial. National standards suggest a ratio of one investigator for every three attorneys.

Fact Investigators may:

- Interview witnesses identified by police investigations;
- Identify, locate, and interview witnesses identified by the defense;
- Gather evidence by:
  - Recording witness statements;
  - Conducting field investigation;
  - Writing reports;
  - Photographing the crime scene; and
  - Gathering records and online materials; and
- Build rapport with the client and bridge any communication gaps between the attorney and the client.

## Qualification Standards

### Fact Investigator 1

Any individual funded by OPDC to provide fact investigation services in criminal misdemeanor cases or juvenile misdemeanor-level cases must:

1. Be licensed by the Department of Public Safety Standards and Training (DPSST); and
2. Have completed an OPDC-approved entry-level fact investigation training program.

## Fact Investigator 2

Any individual funded by OPDC to provide fact investigation services in criminal lesser felony cases; post-conviction relief (PCR) lesser felony cases; juvenile delinquency lesser felony-level cases; or juvenile post-adjudication relief (JPAR) lesser felony-level cases must:

1. Be licensed by DPSST; and
2. Have a minimum of 1,000 hours of experience performing fact investigation in public defense cases.

## Fact Investigator 3

Any individual funded by OPDC to provide fact investigation services in criminal major felony cases; PCR major felony cases; juvenile delinquency major felony-level cases, excluding waiver cases (those cases in which the state moves or is likely to move to waive juvenile court jurisdiction); JPAR major felony-level cases, excluding waiver cases; juvenile dependency cases; habeas corpus cases; or civil commitment cases must:

1. Be licensed by DPSST; and
2. Have a minimum of 1,500 hours of experience performing fact investigation and/or mitigation investigation services in public defense cases. This minimum number of hours
  - a. is *in addition to* hours used to qualify for previous fact or mitigation investigation certification levels; and
  - b. must include a mix of hours performing fact investigation and basic mitigation investigation tasks.

## Fact Investigator 4

Any individual funded by OPDC to provide fact investigation services in criminal murder, Jessica's Law (JLAW), and equivalent life sentence cases; PCR murder, JLAW, and equivalent life sentence cases; juvenile delinquency Murder-level and waiver cases (those cases in which the state moves or is likely to move to waive juvenile court jurisdiction); JPAR murder-level cases; and/or Termination of Parental Rights (TPR) Cases must:

1. Be licensed by DPSST;

2. Have a minimum of 2,000 hours of experience performing fact investigation on public defense cases. This minimum number of hours
  - a. is *in addition to* hours used to qualify for previous fact or mitigation certification levels; and
  - b. must not include hours spent performing mitigation specialist services; and
3. Provide three letters of recommendation from persons attesting to experience with the Fact Investigator's performance of fact investigation within the previous year.

## Performance Standards

### Standard 3.1: Professionalism

A Fact Investigator must:

- At all times demonstrate respect and sensitivity towards clients, witnesses, and other individuals involved in the case, regardless of their background or circumstances;
- Adhere to the Investigator Code of Ethics adopted by the Oregon Department of Public Safety, Standards, and Training (DPSST);
- Maintain confidentiality and discretion when handling sensitive information;
- Be aware of the Oregon Rules of Professional Conduct for Attorneys to avoid any action that would involve the attorney in a violation of those rules or give the appearance of professional impropriety; and
- Conduct themselves in a manner that reflects positively on the profession and promotes trust and credibility with clients, attorneys, and colleagues.

### Standard 3.2: Opening of Case

A Fact Investigator should confirm receipt of a request for investigation from an attorney within 24 hours of receiving the request and communicate with the attorney to address questions or concerns about the request, convey the investigator's schedule, and determine the priority of investigation requests. The Fact Investigator should have an initial meeting with the attorney to define roles, discuss the needs of the investigation, and determine preferences regarding communication, note-taking, investigation requests, witness interviews, preauthorized expense requests which may be needed, and any other issues that may arise. The Fact Investigator should then begin work on the following tasks:

- Have an initial meeting with the client;
- Contact client's close family members if necessary and approved;
- Begin review of discovery;

- Create a list of persons of interest; and
- Create a timeline of potentially relevant events.

### Standard 3.3: Understanding the Themes and Theories of the Case

Investigators should work with the attorney to develop an understanding of the themes and theories of the case to effectively investigate and adjust investigative efforts as needed.

### Standard 3.4: Immediate Investigative Needs

A Fact Investigator should begin the following tasks early in the case:

- Search for and obtain information on any open court cases or arrest warrants for the client;
- Contact the client's community ties (family, employers, programs, medical personnel etc.);
- Gather hardship information regarding the client's family;
- Begin preliminary fact investigation tasks including:
  - Contacting witnesses;
  - Visiting and evaluating the crime scene;
  - Verifying any alibis;
  - Securing surveillance video that is likely to be overwritten; and
  - Determining if any other information, discovery, or evidence has time-sensitive collection issues.
- Assist attorney in communicating with other government agencies connected to the case; and
- Assist the defense team in identifying referrals for programs and services, such as substance abuse, psychological evaluation and services, halfway houses, and other services the client may need.

### Standard 3.5: Records

Fact Investigators shall perform the following tasks related to records:

- Review discovery materials to check for missing and incomplete documents, discrepancies, and inaccuracies;
- Collect items to preserve such as social media postings and surveillance video;
- Locate additional supporting written, audio, video, and document sources;
- Submit records requests as needed; and
- Run records searches for the client and persons of interest, including searches for court documents in databases such as Oregon eCourt Case Information

(OECI) and Public Access to Court Electronic Records (PACER) and obtain plea and judgment documents from court proceedings as needed.

### Standard 3.6: Working with Correctional Facilities

Fact Investigators should be familiar with the procedures to make calls and arrange for video and in-person visits at jails and correctional facilities they are likely to interact with. Fact Investigators should follow all procedures and directives at each facility they call or visit, and they should notify the attorney immediately with any concerns about the facility in which a client is housed.

### Standard 3.7: Client Interviews

Fact Investigators should review discovery material with the client, as directed by the attorney; receive the client's input and ask specific follow-up questions pertinent to the ongoing investigation; and communicate investigative findings directly to the client after discussion with the attorney. Fact Investigators should also collect signed releases of information from the client and gather biographical information for sentencing and mitigation. They should assist the attorney or the attorney's evaluator in obtaining documentation of any competency or other mental health issues.

### Standard 3.8: Testing the Government's Case

As directed by the attorney with whom they are working, Fact Investigators shall retrace the steps of the government's case to establish the reliability and veracity of evidence relating to:

- Crime scenes by
  - Confirming the locations of physical structures, traffic controls, and lighting;
  - Canvassing the area for known and unknown witnesses;
  - Canvassing the area for cameras and still or video images of the event from both fixed devices and smartphones; and
  - Measure, photograph, video record and/or create diagrams of an area;
- Witnesses by
  - Investigating the government's case by questioning anyone who was contacted during the government's investigation;
  - Locating and developing additional witnesses not contacted by government; and
  - Developing strategies for obtaining records that undermine the government's case, including using public records requests and subpoenas;
- Information obtained online or through other technology by

- Confirming social media posts and identifying possible alternate interpretations to the government's claims, particularly with respect to assertions regarding gang and drug lingo;
  - Confirming the source and status of images asserted to be child pornography, if applicable, especially in cases where the subject is unknown or where the age of the subject will be in question;
  - Reviewing the metadata of digital files, documents, and images;
  - Locating experts to evaluate the government's case; and
  - Extracting data from certain case-related devices, using an expert as needed in limited situation.
- Audiovisual discovery by reviewing it to evaluate the government's interpretation of the contents.

### Standard 3.9: Working with Witnesses

Fact Investigators shall locate witnesses identified by the attorney or through other investigation, conduct witness interviews, and memorialize those interviews subject to the direction of the attorney. Fact Investigators shall obtain background information on witnesses for impeachment purposes and, as appropriate, obtain signed declarations, affidavits, or other statements. Fact Investigators shall assist the attorney in establishing and maintaining rapport with defense witnesses, navigating cultural competence considerations, and managing difficult and/or reluctant witnesses.

### Standard 3.10: Background Checks

Fact investigators shall identify and interview persons knowledgeable of any testifying witnesses to inform potential concerns for truthfulness. Additionally, Fact Investigators shall collect relevant background records on testifying witnesses, such as:

- Law Enforcement training records and materials; and
- Convictions, arrest reports, and other related records regarding confidential informants and co-defendants.

### Standard 3.11: Proffers

Fact Investigators shall:

- Prepare for proffer by gathering additional information to help with client's direct knowledge;
- Take notes during the meeting; and
- Follow up with collection of additional information and maintain contact with law enforcement as needed.

### Standard 3.12: Working with Expert Witnesses

Fact Investigators should be knowledgeable about the variety and availability of potential Expert Witnesses and assist the attorney in identifying Expert Witnesses relevant to the issues of the client's case. To assist an Expert Witness as a part of the defense team, a Fact Investigator should collect materials such as witness declarations, records, and photographs relevant to the Expert Witness' evaluation, report, and/or testimony.

A Fact Investigator shall assist the attorney in vetting each Expert Witness by locating:

- Transcripts of prior testimony given by the Expert Witness;
- Articles and other materials written by or about the Expert Witness;
- Previous challenges to testimony given by the Expert Witness;
- License violations or discipline by a licensing agency;
- Civil suits against the Expert Witness;
- Criminal convictions against the Expert Witness; and
- Any other information relevant to the qualifications or suitability of the Expert Witness to provide testimony.

### Standard 3.13: Memorialization and Exhibit Preparation

Throughout the course of the investigation, the Fact Investigator should consult with the attorney and determine which of the following to develop in preparation for hearings or trial:

- Memoranda of witness interviews;
- Declarations, affidavits, or other signed sworn statements;
- Certified records;
- Audiovisual court presentation materials; and/or
- Testimony.

### Standard 3.14: Trial and Hearing Assistance

During hearings or trials, a Fact Investigator should be prepared to:

- Serve subpoenas for witnesses identified by the attorney;
- Assist with voir dire as requested by the attorney;
- Respond to factual developments and investigate new facts and persons as they are revealed;
- Assist with scheduling and managing defense witnesses; and
- Testify as needed.

## Standard 3.15: Sentencing

Fact Investigators should coordinate with all members of the defense team to prepare for sentencing and mitigation by:

- Interviewing family members, friends, and school and/or work associates of the client;
- Gathering relevant educational, employment, medical, mental health, and incarceration records;
- At the direction of the attorney, creating video recordings of close family members and other witnesses; and
- Creating and/or procuring other documents and exhibits for sentencing.

# Mitigation Specialists

## Role Definition

A Mitigation Specialist is a non-lawyer legal professional who is an expert at gathering and investigating historical data, clients' background and personal history, and circumstances that could potentially mitigate or lessen their culpability in a case. The background research done by a Mitigation Specialist includes investigation into a client's formative experiences, including, but not limited to, the following:

- Traumas;
- Cognitive functioning;
- Mental health;
- Physical health;
- Addiction;
- Religious background;
- Traumatic brain injuries;
- Exposure to substances and toxins in utero and during life;
- Genetics;
- Environmental factors; and
- Family health histories.

A Mitigation Specialist assists the attorney by documenting these factors through records and interviews to integrate this information into the client's defense. Like Fact Investigators, Mitigation Specialists preserve evidence and may testify to lay the foundation for the information that they gather—something that the attorney cannot do. The goal of a Mitigation Specialist is to present a comprehensive and *compelling* portrait of the client as a person.

## Qualification Standards

### Mitigation Specialist 1

Any individual funded by OPDC to provide mitigation investigation services in any type of case must be:

1. Licensed by DPSST; and
2. Certified to provide fact investigation services on lesser felony-level cases.

## Mitigation Specialist 2

Any individual funded by OPDC to provide mitigation investigation services in criminal major felony cases, excluding waiver cases (those cases in which the state moves or is likely to move to waive juvenile court jurisdiction); PCR major felony cases; juvenile delinquency major felony-level cases, excluding waiver cases; JPAR major felony-level cases; juvenile dependency cases; habeas corpus cases; or civil commitment cases must:

1. Be licensed by DPSST;
2. Have completed an OPDC-approved mitigation investigation training program; and
3. Have a minimum of 1,500 hours of experience performing fact investigation and/or mitigation services on public defense cases. This minimum number of hours
  - a. is *in addition to* hours used to qualify for previous certification levels; and
  - b. must include a mix of hours performing fact investigation and basic mitigation investigation tasks.

## Mitigation Specialist 3

Any individual funded by OPDC to provide mitigation investigation services in criminal murder, JLAWS, and equivalent life sentence cases; PCR murder, JLAWS, and equivalent life sentence cases; juvenile delinquency murder-level and waiver cases (those cases in which the state moves or is likely to move to waive juvenile court jurisdiction); JPAR murder-level cases; or TPR cases must:

1. Be licensed by DPSST;
2. Have a minimum of 2,000 hours of experience performing mitigation services on public defense cases. This minimum number of hours
  - a. is *in addition to* hours used to qualify for previous certification levels; and
  - b. Cannot include hours spent performing fact investigation; and
3. Provide three letters of recommendation from people attesting to experience with the Mitigation Specialist's performance within the previous year.

## Performance Standards

### Standard 4.1: Professionalism

A Mitigator must:

- At all times demonstrate respect and sensitivity towards clients, witnesses, and other individuals involved in the case, regardless of their background or circumstances;

- Adhere to the Oregon Department of Public Safety, Standards, and Training (DPSST)'s Investigator Code of Ethics;
- Maintain confidentiality and discretion when handling sensitive information;
- Be aware of the Oregon Rules of Professional Conduct for Attorneys to avoid any action which would involve the attorney in a violation of those rules or give the appearance of professional impropriety;
- Conduct themselves in a manner that reflects positively on the profession and promotes trust and credibility with clients, attorneys, and colleagues.

## Standard 4.2: Thoroughness of Investigation

A Mitigation Specialist shall:

- Conduct in-depth interviews with the client and their family members, friends, employers, and other relevant individuals to gather comprehensive information regarding the client's formative experiences;
- Scrutinize legal documents, court records, police reports, medical records, and any other relevant materials with meticulous attention to detail.
- Employ a variety of investigative techniques, including background checks, record searches, and site visits, to uncover relevant information.

## Standard 4.3: Timeliness

A Mitigation Specialist shall:

- Establish clear timelines and deadlines for completing investigative tasks and providing reports to the defense team;
- Prioritize tasks effectively to ensure that critical information is obtained and presented in a timely manner, particularly in preparation for court proceedings; and
- Communicate proactively with the defense team regarding any potential delays or obstacles that may impact the investigation timeline.

## Standard 4.4: Accuracy of Information

A Mitigation Specialist shall:

- Verify the accuracy and reliability of all information obtained through multiple sources and cross-referencing techniques;
- Exercise caution when interpreting and presenting information, ensuring that it is factually correct and free from bias or inaccuracies; and
- Maintain meticulous records and documentation to support the validity of information presented to the court.

## Standard 4.5: Effective Communication

A Mitigation Specialist shall:

- Communicate clearly and concisely with defense attorneys, clients, witnesses, and other experts, using appropriate language and tone;
- Listen actively and empathetically during interviews to ensure that all relevant information is captured and understood; and
- Provide regular updates and reports to the defense team, conveying information in a format that is easy to understand and utilize.

## Standard 4.6: Collaboration

A Mitigation Specialist shall:

- Foster a collaborative working relationship with members of the defense team, contributing insights, ideas, and expertise to develop effective defense strategies;
- Communicate openly and transparently with colleagues, sharing information and coordinating efforts to achieve common goals; and
- Be receptive to feedback and constructive criticism, actively seeking opportunities for improvement and professional growth.

## Standard 4.7: Creativity and Resourcefulness

A Mitigation Specialist shall:

- Think creatively and strategically when identifying potential mitigation factors and developing defense strategies tailored to the unique circumstances of each case;
- Utilize a variety of resources and techniques, including expert consultations, alternative sentencing options, and community-based programs, to advocate for favorable outcomes; and
- Anticipate challenges and obstacles and proactively seek innovative solutions to address them within the constraints of the legal system.

## Standard 4.8: Attention to Detail

A Mitigation Specialist shall:

- Pay close attention to detail when reviewing documents, transcripts, and reports, identifying inconsistencies, discrepancies, and areas requiring further investigation;
- Document their findings and observations accurately and comprehensively, ensuring that all relevant information is captured and properly documented for use in legal proceedings; and

- Exercise diligence and precision in all aspects of the investigative process to minimize errors and oversights that could impact the defense strategy.

## Standard 4.9: Courtroom Presentation

A Mitigation Specialist shall:

- Prepare thoroughly for court appearances, familiarizing themselves with relevant case law, statutes, and procedural rules;
- Present information and testimony in a clear, organized, and persuasive manner, adapting communication style and delivery to the audience and context; and
- Demonstrate confidence and professionalism when presenting evidence and arguments, responding effectively to questions and challenges from opposing counsel and the court.

## Standard 4.10: Continuous Learning:

A Mitigation Specialist shall:

- Stay abreast of developments in the legal field, including changes in laws, regulations, and precedent related to mitigation strategies and techniques;
- Seek out opportunities for professional development and continuing education, such as attending seminars, workshops, and conferences relevant to the role of a mitigation specialist; and
- Engage in self-reflection and critical analysis of their own performance, identifying areas for improvement and actively pursuing growth opportunities to enhance skills and knowledge.

## Standard 4.11: Client Advocacy

A Mitigation Specialist shall:

- Advocate zealously for the client's interests and rights throughout all stages of the legal process, serving as a dedicated and committed ally in their defense;
- Empower clients to actively participate in their defense, providing them with information, guidance, and support to make informed decisions about their case; and
- Uphold the principles of fairness, justice, and due process, ensuring that the client's voice is heard and their concerns are addressed effectively within the legal system.

# Case Managers

## Role Definition

Case Managers play an integral role in interdisciplinary public defense representation. They can be assigned in both juvenile and criminal cases at the request of the appointed attorney. Case Managers serve as agents of the attorney and are members of the defense team. These roles offer a social work perspective to the interdisciplinary defense team and provide client-driven advocacy at the direction of the assigned attorney.

Essential functions of these roles:

- Practice client engagement strategies to build trust and rapport with clients.
- Provide direct service focused work in the client's community.
- Support clients in identifying strengths and barriers.
- Identify client needs and develop case plans driven by client goals and case strategy.
- Connect clients with services and community resources.
- Gather information to strengthen case advocacy and court preparation.
- Collaborate with system partners and community providers to support client goals.
- Licensed Social Workers or other mental health professionals may approach this work from a clinical perspective offering clinical assessment, consultation, or education when appropriate.

## Qualification Standards

### Minimum Standards

Any individual serving as a Case Manager must have one of the following:

1. A bachelor's or higher-level degree in social work, human services, or a closely related field;
2. A bachelor's degree in a field not closely related to social work or human services plus two years of human services-related experience (e.g., work providing advocacy assistance to individuals and groups experiencing issues around poverty, employment, abuse and neglect, substance abuse, aging, disabilities, prevention, health, cultural competencies, inadequate housing, etc.); or
3. A combination of equivalent experience and education in related fields:

- a. Lived experience in the criminal and juvenile systems may qualify as equivalent experience;
- b. Applicants applying based on lived experience in recovery must have a minimum of three years documented sobriety. Such an applicant is also required to be, or become within six months, a Certified Recovery Mentor (CRM) or Peer Wellness Specialist (PWS). Other certificates or programs that offer similar training around peer support may also meet this criteria.

## Additional Preferred Criteria for Case Managers

1. Familiarity and/or lived experience in the criminal and juvenile justice systems
2. Familiarity with trauma-informed care and the impacts of vicarious trauma
3. Familiarity with mental illness and drug addiction and appropriate treatment plans
4. Experience working with diverse client populations and culturally responsive practice
5. Knowledge of local community services and resources
6. Bilingual language proficiency
7. Ability to access jails and other secure facilities, with exceptions possible for those with lived experience.

## Performance Standards

### Standard 5.1: Continuing education

Case Managers shall participate in at least 10 hours of continuing education annually and are responsible for documenting that continuing education and providing such records to OPDC as requested.

Continuing education includes trainings identified by the Oregon Public Defense Commission (OPDC), trainings conducted by the Oregon Criminal Defense Lawyers Association or the American Bar Association that are relevant to the Case Manager's practice area, and trainings approved by the Oregon Board of Licensed Social Workers, the subject matter of which is related to practice in criminal and/or juvenile public defense. Other trainings relevant to this work may be approved by OPDC.

### Standard 5.2: Case Manager Orientation

All Case Managers shall participate in a program and practice introductory training with OPDC or its designee(s) within 30 days of beginning work with or through the Commission.

### Standard 5.3: Case Manager Workload

A Case Manager should not accept a workload that, by reason of size or complexity, interferes with the ability of the Case Manager to meet their professional obligations to each client.

### Standard 5.4: Conflict of Interest

Case Managers shall not accept cases or continue to provide services for a client with whom they have a conflict of interest. A conflict of interest exists if the Case Manager's work with a current or former client would adversely impact their work with a new client. A conflict also exists if the Case Manager has confidential information about a client or the case gained from prior employment or work with a different client. If a Case Manager believes they have a conflict or if one arises during their work with a client, they must consult with the attorney to determine whether the conflict exists or can be resolved.

### Standard 5.5: Professional Liability Insurance

Case Managers must carry and maintain professional liability insurance if working outside of an office or firm that provides insurance for employees.

### Standard 5.6: Communication with Persons Represented by Counsel

A Case Manager shall not communicate with a party who is represented by an attorney regarding the subject of the representation.

There may be limited circumstances where communication with a represented party is permitted. However, before communicating with a represented party, the Case Manager shall communicate with the supervising attorney to determine whether such communication is permitted by the Oregon Rules of Professional Conduct. The supervising attorney makes the final decision regarding communication with represented parties.

### Standard 5.7: Record Keeping

Case Managers must maintain client records throughout their work with each client. At the close of the case or at the supervising attorney's request, the Case Manager should provide all records to the attorney. The Case Manager may not destroy their records until they have been received by the supervising attorney.

# Interpreters

## Role Definitions

Interpreters convert information from one spoken or signed language to another. Their primary role is to facilitate clear and accurate communication in real time between parties who speak different languages.

## Qualification Standards

*It is the lawyer's affirmative responsibility to ensure the client understands the lawyer's communications and that the lawyer understands the client's communications. This obligation is especially critical when using uncertified interpreters in client communication.*

## Minimum Standards

Any individual serving as an Interpreter funded by OPDC must:

1. Complete a language assessment for both native and target language, where available;
2. Complete an OPDC-approved language-neutral training and orientation; and
3. Have knowledge of interpretation ethics, including the Code of Professional Responsibility for Interpreters in the Oregon Courts.

## Additional Preferred Criteria for Interpreters

1. Certified
  - a. Oregon Judicial Department certification: completed written, oral, and ethics examinations, orientation, a criminal history check, court observation, and application process;
  - b. Certified by other state court;
  - c. Certified in federal court; or
  - d. Professionally qualified in federal court.
2. Registered
  - a. Oregon Registered Court Interpreter Credential;
  - b. Classified as Language Skilled by federal court; or
  - c. Employed by OPDC-approved language service provider.

## Performance Standards

### Standard 6.1: Impartiality and Neutrality

Interpreters shall clearly express the original speaker's views or opinions on any issue, in any discussion, without allowing their own views to interfere. The content of the message belongs to the speaker, not to the interpreter. The interpreter is responsible for rendering the entire message with the greatest accuracy, regardless of their own position on the matter.

### Standard 6.2: Conflicts of Interest

Interpreters must disclose any real or perceived conflicts of interest that might affect their professional objectivity. For example, interpreting for family members or friends may violate those individuals' right to confidentiality or otherwise compromise the interpreter's neutrality.

### Standard 6.3: Competency

Interpreters shall not knowingly accept assignments that are beyond their skill level or understanding of the subject matter. To avoid violating this standard, interpreters must request information about the subject to be discussed and the type of setting where the work will be performed.

### Standard 6.4: Accuracy

The interpreter conveys the content and spirit of the original message, taking into consideration its cultural context. They must:

1. Omit or add nothing.
2. Conserve the tone and spirit of the source message.

### Standard 6.5: Professionalism

Interpreters are expected to be punctual and prepared for the occasion and to report any obstacles that might keep them from performing their interpreting duties successfully.

### Standard 6.6: Continuing Education

Interpreters must regularly participate in relevant OPDC-approved workshops, trainings, and education.

# Information Technology Staff

## Role Definition

Information Technology Staff are administrative personnel utilized by a law office who function in one or more of the following roles:

## IT Systems and Software

- Managing and predicting hardware and software needs
- Evaluating emerging technologies for use in the law office
- Assuring that needed information is accessible either physically or remotely.

## Data Security

- Ensuring the security and accessibility of a law office's data, including:
  - Discovery
  - Client information
  - Practice aids
  - Research tools
  - Case management information
- Meeting the Oregon State Bar requirements for information storage.

## User Support and Training

- Integrating state software as needed for:
  - Case management
  - Case reporting
  - Billing
- Utilizing available technologies to further advocacy
- Collaborating with defense experts.

## Issue Resolution

- Responding to Attorney and Core Staff reports of operational issues relating to technology
- Triaging and managing technical issues.

## New Technology Integration

- Training attorneys and their Core Staff to use the technology within the law office including:

- IT safety
- Video conferencing and remote appearance systems used by the firm, the court, and/or OPDC, such as Teams, Webex, Zoom, etc.
- Software necessary for viewing discovery or investigation, including videos, and
- Any other training that is necessary to meet the technology needs of the law office.

## Qualification Standards

### Minimum Standards

Any Individual serving in any IT Support Staff role funded by OPDC must:

1. Be at least 18 years of age;
2. Acknowledge an awareness of the types of cases handled by the law office and the types of information to which they may be exposed;
3. Understand the obligation, as a member of the defense team, to protect privileged communications and confidential information related to the representation of a client or to a prospective client;
4. Be familiar with the software needs of the law office within the broader legal community;
5. Be able to patiently work with employees at various levels of technology familiarity and, if the problem in question cannot be readily or rapidly solved, have the ability to document the issue and involve technical contractors; and
6. Have one year of experience in the field of information technology; or equivalent education; or equivalent experience.

### Performance Standards

#### Standard 7.1: System Reliability and Uptime

IT Staff shall maintain the firm's IT systems to maximize uptime, or the time those systems are continuously working and available. IT Staff shall also ensure that critical legal software applications and network services are available and functioning optimally.

#### Standard 7.2: Confidentiality

Consistent with the ethical and legal responsibilities of their supervising attorneys, IT Staff must protect information relating to representation of a client and information relating to the prospective representation of an applicant for public defense services.

### Standard 7.3: Response Time and Issue Resolution

IT Staff shall respond to all tech support requests within a reasonable amount of time as determined between the attorney and IT staff. They shall also attempt to resolve the majority of technical issues on first contact, ensuring minimal disruption to legal proceedings.

### Standard 7.4: Data Security Compliance

IT Staff shall ensure that all client data and case files are stored and transmitted securely in compliance with legal regulations and ethical standards.

IT Staff shall conduct quarterly security checks to identify vulnerabilities and implement necessary safeguards.

### Standard 7.5: User Satisfaction and Feedback

IT Staff shall solicit feedback from legal professionals and support staff to identify areas for improvement and implement proactive measures to enhance the user experience.

### Standard 7.6: Training and Professional Development

IT Staff shall provide ongoing training and support to legal staff on the use of existing and new legal software tools and technology platforms relevant to criminal defense practice.

IT Staff shall complete professional development annually as needed to stay updated on industry best practices and emerging technologies.

### Standard 7.7: Communication

IT Staff shall work with employees at various levels of technology familiarity.

IT Staff shall document technical issues effectively.

IT Staff shall interact with people involved with the criminal or juvenile legal system with respect.

# Provisional Licensees

## Role Definition

### Provisional Licensee

A Provisional Licensee has graduated from an ABA-accredited law school, has not been admitted to the Oregon State Bar, but has been issued a provisional license through the Supervised Practice Portfolio Examination (SPPE) program. Provisional Licensees are subject to the same court appearance rules as Certified Law Students, but have met the curriculum, employment, good moral character and fitness, and professional liability insurance requirements of the SPPE program.

Provisional Licensees may only appear on behalf of a client with the client's informed, written consent as well as approval by the Supervising Attorney and the court. Client consent must be filed with the court as a part of the case record. Provisional Licensees may not appear without a Supervising Attorney in civil commitment proceedings, in any case where the client may be subject to a felony conviction, or in any case where a juvenile is facing adjudication for an act that, if committed by an adult, would constitute a felony.

### SPPE Supervising Attorney

An SPPE Supervising Attorney is an active member of the Oregon State Bar who has committed to supervising a Provisional Licensee under SPPE Rules 2.4-2.5; or an active member of the Oregon State Bar to whom the supervising attorney has delegated responsibility under SPPE Rule 5.4.

## Qualification Standards

### Provisional Licensees

A Provisional Licensee funded by OPDC must:

1. Meet all requirements under SPPE Rule 2.1;
2. Have been accepted by the Oregon State Bar into the Supervised Practice Portfolio Examination program; and
3. Have secured employment with an organization, firm, or attorney who provides legal representation as appointed counsel funded by OPDC.

### SPPE Supervising Attorneys

An SPPE Supervising Attorney providing supervision for a Provisional Licensee funded by OPDC must:

1. Meet the qualifications for Supervising Attorneys under SPPE 2.4;

2. Have submitted an application form for SPPE Supervising Attorneys to the Oregon State Bar; and
3. Have practiced criminal defense, juvenile delinquency, or juvenile dependency representation for at least three years, and whose qualifications are certified by OPDC as follows corresponding with the Provisional Licensee's practice area:
  - a. Criminal: major felony
  - b. Delinquency: juvenile major felony
  - c. Dependency: termination of parental rights

## Performance Standards

Provisional Licensees are subject to OPDC's Performance Standards for Attorneys relevant to the cases to which they are appointed and the standards of the Oregon State Bar's Supervised Practice Portfolio Examination.

# Certified Law Students

## Role Definition

### Certified Law Student

Certified Law Students are law students or recent law school graduates certified under Oregon Supreme Court rules for the Law Student Appearances Program (RFA 13.05-13.30) to represent clients on behalf of a public defender office or attorney in private practice. They have not been admitted to the bar, do not have a bar number, and are at all times subject to supervision by a Supervising Attorney.

Certified Law Students may only appear on behalf of a client with the client's informed, written consent as well as approval by the Supervising Attorney and the court. Client consent must be filed with the court as a part of the case record. Certified Law Students may not appear without a Supervising Attorney in civil commitment proceedings, or for any case where the client may be subject to a felony conviction, or in any case where a juvenile is facing adjudication for an act that, if committed by an adult, would constitute a felony.

### CLS Supervising Attorney

Member of the Oregon State Bar personally assuming professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work (RFA 13.30)

## Qualification Standards

### Certified Law Students

A Certified Law Student funded by OPDC must be certified by the State Court Administrator under Oregon Supreme Court rules for the Law Student Appearances Program.

### CLS Supervising Attorneys

A CLS Supervising Attorney providing supervision for a CLS must be a member of the Oregon State Bar in good standing who has been actively engaged in the practice of criminal defense, juvenile delinquency, or juvenile dependency representation for at least the immediately preceding three years, and whose qualifications are certified by OPDC as follows corresponding with the Certified Law Student's practice area:

1. Criminal: major felony
2. Delinquency: juvenile major felony
3. Dependency: termination of parental rights

## Performance Standards

Certified Law Students are subject to OPDC's Performance Standards for Attorneys and the Law Student Appearances Program chapter of the Oregon State Bar's Rules for Admission.

## Appendix A: Workgroup Participants

OPDC appreciates the time and expertise that public defense stakeholders contributed to define non-attorney roles within the public defense system and develop qualification standards for these roles.

### Legal and Administrative Support

Kevin Hupy, OPDC

Aimi Vansyckle, OPDC

Megan Doak, OPDC

S. Amanda Marshall, Marshall Advocacy Center (MAC Law)

Bobi Jo Ousnamer, Kaitlin Kelly Law

Dawn Hartwell, Hart 2 Hart Investigations

Beth Knudson, Arneson Stewart & Styarfy

Janine Hollingsworth, Los Abogados

Kelly Davidson, Metropolitan Public Defender Services, Inc

Nathan Law, Cornerstone Law Group

### Investigators and Mitigation Specialists

K.O. Berger, OPDC

Troy Hartwell, Investigator

Carla Curran, Member of the public

Carin Connell, Mitigation Specialist

Laura Rittall, Mitigation Specialist

Krystal Daniel, Investigator

Kristina Mann, OPDC

Alice Ellis Gaut, Mitigation Specialist

Cameron Taylor, Attorney

Spencer Todd, Attorney

James Comstock, Investigator and Mitigation Specialist

Steve Wilson, Investigator

### Case Managers

Annie Borton, OPDC

Jordon Huppert, OPDC

Dana Brandon, Senior Parent Child Representation Program (PCRP) Case Manager Administrator

Shannon Getman, PCRP Case Manager Administrator

Tara Prince, Case manager

Patrick Fenner, Case manager

Melissa Riddell, PCRP attorney

Lee Wachocki, Criminal attorney  
Mikayla Avery, PCRCP case manager social worker  
Rebecca Menda, Social worker

## Interpreters

Christine Breton, OPDC  
Adrian Arias, Spanish Interpreter  
Cameron Coval, Executive Director, Pueblo Unido  
Melanie Deleon, ASL Interpreter, Coordinator of Transcribing and Interpreting Services at Portland Community College  
Helen Eby, Spanish Interpreter  
Amine El Fajri, Arabic Interpreter  
Barbara Hua Robinson, Mandarin Interpreter  
John Schlosser, Criminal Attorney  
Sonja Trigo, Spanish Interpreter  
Puma Tzoc, Maya K'iche' Interpreter, Coordinator for Collective of Indigenous Interpreters of Oregon  
Esmeralda Zavala, Legal Assistant

## Information Technology Staff

Jordon Huppert, OPDC  
Kevin Hupy, OPDC  
Wes Baker, OPDC  
Cody Wingard, OPDC  
Steve Gorham, Marion County Association of Defenders  
Griffin Thomas, Public Defense Services of Lane County  
Russ Bretan, Court Discovery Management  
Allyx Pershing, Oregon Justice Resource Center  
Lindsay Carlson, Public Defender of Marion County

## Law Students and Provisional Licensees

Christine Breton, OPDC  
Kevin Hupy, OPDC  
Jo Perini-Abbot, Professor of Practice and Director of the Center for Advocacy, Lewis & Clark Law School  
Jana Baker, CLS/SPPE Applicant, Public Defender of Marion County  
Spencer Todd, Attorney at Law  
Connor McDermott, Columbia Gorge Defenders  
Shannon Wilson, Executive Director, Public Defender of Marion County  
Grant Cole, Chief Attorney and Manager of Training, Metropolitan Public Defender, Inc

Kim Davis, Misdemeanor Attorney Manager, Multnomah Defenders, Inc.

## Appendix B: Sources Reviewed

### All Workgroups

Moss Adams LLP, *Six-Year Plan to Reduce Representation Deficiency* (DRAFT Mar 15, 2024).

Oregon Public Defense Commission, *Quality Management Plan* (DRAFT April 8, 2024).

### Legal and Administrative Support

Oregon State Bar, *Oregon Rules of Professional Conduct for Licensed Paralegals* (2022).

Oregon State Bar and the Supreme Court of the State of Oregon, *Rules for Licensing Paralegals in Oregon* (2023).

American Bar Association Standing Committee on Paralegals, *ABA Model Guidelines for the Utilization of Paralegal Services* (2018).

NALA - The Paralegal Association, *Model Standards and Guidelines for Utilization of Paralegals* (2020).

NALA - The Paralegal Association, *Paralegal Core Competencies*.

National Federation of Paralegal Associations, Inc., *Position Statement on Regulation of the Paralegal Profession* (2016).

National Federation of Paralegal Associations, Inc., *Code of Ethics and Professional Responsibility* (May 2022).

National Federation of Paralegal Associations, Inc., *Position Statement on Non-Lawyer Practice* (2022).

National Federation of Paralegal Associations, Inc., *Position Statement on Legal Paraprofessionals*.

Texas Board of Legal Specialization, *Standards for Paralegal Certification* (Dec 2012).

### Investigators and Mitigation Specialists

ORS 703.450.

OAR ch 259, div 61.

RCW 18.165.160

The Private Detective Act of 1953, 1953, Aug 21, Pa. P.L. 1273, No. 361.

Oregon Public Defense Commission, *Trial Division Job Description: Investigator*

Oregon State Bar, *New Lawyer Mentoring Program Manual* (March 2024).

Portland Investigators, *Letter to Lisa Hay RE: Federal Defender Mentorship Proposal* (May 2021).

Metropolitan Public Defender, *Responsibilities and Expectations: Investigator Standards for Mitigation Specialists in Capital Cases*

*Supplementary Guidelines for the Mitigation Function of Defense Teams in Death Penalty Cases*, 36 HOFSTRA LAW REVIEW 677 (Spring 2008).

Paul J. Bruno, *The Mitigation Specialist*, THE CHAMPION, (June 2010).

National Association for Public Defense, *NAPD Policy Statement on Public Defense Staffing* (May 2020).

California Department of Consumer Affairs, Bureau of Security and Investigative Services, *Private Investigator License Factsheet* (Jan 2022).

Private Investigators Association of Idaho, *CPI Certification*, <https://piai.us/cpi-certification/> (last visited May 23, 2024).

Florida Department of Agriculture and Consumer Services, *Private Investigator Handbook* (Aug 2019).

Texas Association of Licensed Investigators, *Texas Licensing Requirements*, [https://www.tali.org/content.aspx?page\\_id=22&club\\_id=864903&module\\_id=556603](https://www.tali.org/content.aspx?page_id=22&club_id=864903&module_id=556603) (last visited May 23, 2024).

## Case Managers

ORS 40.250

ORS 675.523

Oregon Office of Public Defense Services, *PCRPP Attorney-Case Manager Practice Routines to Enhance Interdisciplinary Legal Representation*.

Oregon Office of Public Defense Services, *PCRPP Case Manager Description*

Oregon Office of Public Defense Services, *Parent Child Representation Program Case Manager Practice Principles* (Oct 2017).

Oregon Office of Public Defense Services, *Case Managers & Client Confidentiality*.

Public Defense Services Commission, *Qualification Standards for Court-Appointed Counsel to Represent Financially Eligible Persons at State Expense* (Dec 2019).

Board of Licensed Social Workers, *Social Work Licenses*, <https://www.oregon.gov/blsw/Pages/LicenseDescriptions.aspx> (last visited May 23, 2024).

Metropolitan Public Defender Multnomah County Section, *Multnomah County Justice Reinvestment Program (MCJRP) Defense Based Social Work Program Manual* (June 2021).

National Association for Public Defense, *Formal Ethics Opinion Addressing the Confidentiality of Client Information when Defense Team Representation includes Social Workers and Other Non-Lawyer Professionals whose Licensure is Affected by Statutory or Professional Mandatory Reporting Obligations* (Dec 2014).

## Interpreters

Oregon Judicial Department, *State Court Administrator Policies for the Oregon Judicial Department's Oregon Certified Court Interpreter Program* (Nov 2022).

Oregon Judicial Department, *Job Listing: Staff Interpreter (Interpreter 2/Interpreter 2 Underfill)* (July 2022).

United States Courts, *Standards for Performance and Professional Responsibility for Contract Court Interpreters in the Federal Courts*, [https://www.uscourts.gov/sites/default/files/standards\\_for\\_performance.pdf](https://www.uscourts.gov/sites/default/files/standards_for_performance.pdf) (last visited May 23, 2024).

Administrative Office of the United States Courts, *Federal Court Interpreter Orientation Manual and Glossary* (Sep 2020).

Oregon Judicial Department, *Languages Available for Registration* (Nov 2023).

U.S. Department of Homeland Security, *Guidelines for Interpreters* (Sep 2021).

Oregon Judicial Department, *Oregon Registered Court Interpreter Process* (Aug 2023).

Oregon Judicial Department, *Oregon Court Interpreter Certification Overview Summary* (Mar 2024).

## Certified Law Students and Provisional Licensees

Supreme Court of the State of Oregon, *Rules for Admission of Attorneys* (Jan 2023).

Oregon State Bar and the Supreme Court of the State of Oregon, *The Oregon Supervised Practice Portfolio Examination*.

Oregon Public Defense Commission, Policy 404-070-001 (Oct 2023).

Public Defense Services Commission, *Qualification Standards for Court-Appointed Counsel to Represent Financially Eligible Persons at State Expense* (Dec 2019).