



## PRESS RELEASE

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## OPDC looks forward to working with Governor's Office and Legislature to expand trial division

*State trial public defenders play an important role in reducing the number of unrepresented defendants*

Salem, OR – On July 24, Gov. Tina Kotek signed [House Bill 5031](#), the Oregon Public Defense Commission's primary budget bill, and she sent a letter to the Secretary of State, encouraging investment in the state's trial division to reduce the number of unrepresented defendants.

OPDC's top priority remains ending the unrepresented crisis, and we appreciate the Legislature's and the governor's continued work towards this shared goal. We look forward to working with the Governor's Office and the Legislature to expand the trial division in order to reduce the number of unrepresented defendants, ensure that they receive timely access to legal counsel, and meet legislatively mandated hiring requirements.

OPDC's trial division currently employs 17 public defenders, three chief deputy defenders (one for each region), one attorney focused on expedited resolutions, and 25 other staff members, who include investigators, paralegals, discovery clerks, receptionists, case managers and legal secretaries. The total number of employees in the trial division is 46. They are based at our offices in Portland, Salem, and Medford.

Together, these three offices have provided representation in more than 2,500 cases since the trial division hired its first public defender in December 2023. Combined, these offices are surpassing caseload limits known as maximum attorney caseload (MAC). As of July 25, their total MAC use rate was nearly 106%.

OPDC's trial division represents clients in all six jurisdictions with the largest numbers of unrepresented individuals. It 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 or other factors. (Betschart refers to a federal court ruling requiring the appointment of an attorney within seven days of an in-custody defendant's initial appearance. Failure to do so results in the defendant's release, with some exceptions.)

Funding for expansion of the trial division would support one of the seven key components of the [action plan](#) that OPDC unveiled in June. The plan envisions expanding the trial division's capacity to deploy its attorneys to counties with the most need. The additional funding would build on OPDC's success in this area. For example, to offset a shortage of public defenders, in November 2024, OPDC sent one of its Salem-based lawyers to Coos County for a yearlong assignment. Coos County has subsequently seen the number of out-of-custody, pretrial unrepresented individuals decrease by nearly half.

Additional positions would also enable the agency to expand its involvement in the creation and use of special resolution dockets, thereby resolving cases efficiently and quickly. For example, in Jackson County, the trial division staffs arraignments one day per week. During the hearings, it works with the district attorney to identify cases that can be transferred to the court's early disposition program docket the following week. Since the beginning of April, the trial division has resolved approximately seven cases per week in this manner.

Additional funding could also support the hiring of an additional case assignment coordinator. OPDC's coordinators assigned more than 1,100 cases in June and have assigned about 7,000 cases so far this year. These positions play a crucial role in efforts to reduce the number of unrepresented defendants. Under normal circumstances, the court will assign an available attorney upon arraignment. However, when no attorney is available due to lack of capacity or conflicts of interest, the court will assign OPDC as a placeholder. This puts the defendant on the unrepresented list and notifies OPDC of the need to locate counsel. OPDC's assignment coordinators do this work. They contact hourly lawyers in the area, or contracted attorneys and state attorneys if there is known capacity, and work to assign those attorneys to unrepresented cases.