

OPDC Commission Workgroup March Meeting

Proposed Contract Policy Changes

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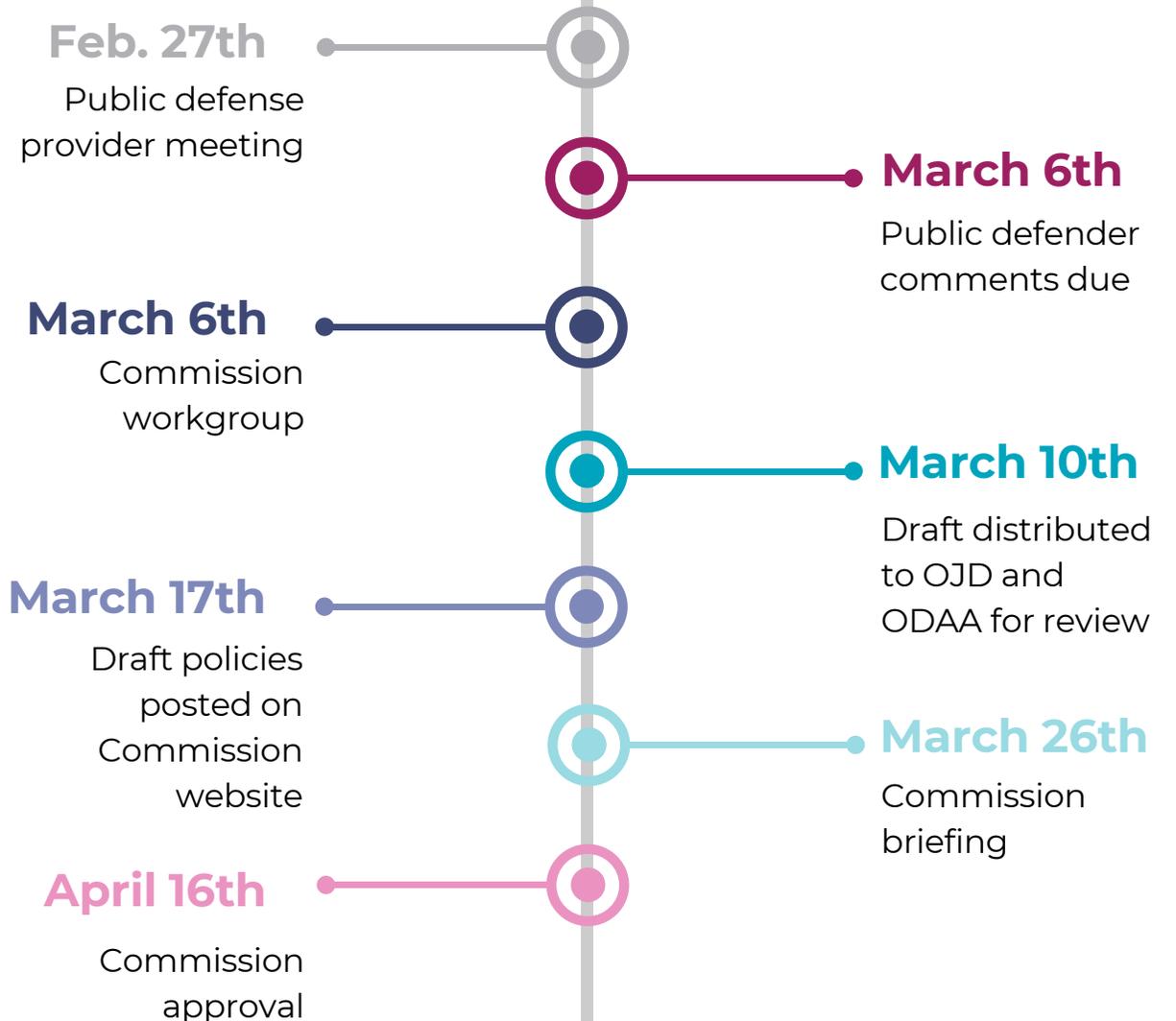
PROPOSED CONTRACT POLICY CHANGES

Proposed Contractor Modifications

Updating contract policies

- Partial weighting early withdraw
- Warrant removal
- Co-counsel
- Partial weighting subsequent attorneys
- Contract Compliance
- Reduced caseload for first year attorneys
- Vacancy funding

Time Frame:



Partial Weighting for Early Withdraw

Current:

Partial Representation weighting

- 0-5 days: no credit
- 6-30 days: 50%
- 31+ days: 100%

Proposed:

Time periods vary by case type

Misdemeanor	Felony	Murder
24 hours: no credit	24 hours: no credit	24 hours: no credit
1-15 days: 50%	1-60 days: 50%	1-180 days: 50%
15-40 days: 75%	61-120 days: 75%	181-365 days: 75%
40+ days: 90%	121+ days: 90%	366+ days: 90%

Warrant Removal

Current

MAC

MAC model assigns case weight at the time of appointment and only uses partial weighting within 30 days of appointment.

180

Lawyers remain on cases for 180 days following the issuance of a bench warrant.

Proposed Change

%

Partial case weighting of 50%, 75%, or 90% applies based on the date the warrant issued.

90

Lawyers remain on case for 90 days following issuance of a bench warrant.

Co-Counsel

Current:

Contract does not provide guidance on when to assign co-counsel. Every lawyer on a case gets equal MAC credit.



Proposed:

Co-counsel required for murder, Jessica Law, life sentences, and Juvenile waiver.

Co-counsel in other instances must be approved by OPDC and could be appropriate based on severity of charges, novel issues, attorney development, mentorship, and local counsel

Second or Subsequent Attorney

Current

Every attorney appointed to a case receives full case weight under MAC model

Proposed

A subsequent attorney within the same firm will receive 50% of the case weight

Prioritization assigning new counsel:

- Within the same firm
- Within the same entity
- Within the same judicial district

PROPOSED CONTRACT POLICY CHANGES

Contract Compliance

Current:

- OPDC notifies contractor when it reasonably believes there has been a breach and develops a corrective action plan.
- ODPC reserves the right to withhold a portion of subsequent payments.
- If a contractor's caseload varies by more than 15% above or below MAC for six consecutive months, OPDC may adjust the number of FTE unless an exception applies.

Proposed:

2.

Process for notifying contractor of a breach

4.

Corrective action including withholding 1-5% of funds, reducing FTE, reducing qualification, requiring additional mentoring/oversight, and termination of the contract

1.

Clarifies expectations on caseload

3.

Performance Plan

Reduced Caseload for 1st Year Attorneys

Current



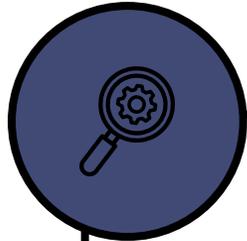
Lawyers are contracted to take a Maximum Attorney Caseload of 300 misdemeanors regardless of how long they have been practicing law.

Proposed



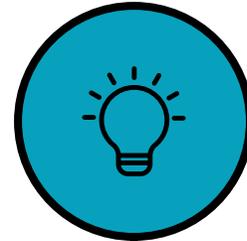
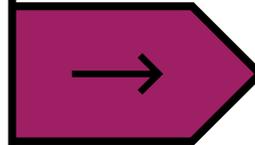
Attorneys in their first year of Oregon State Bar licensing are eligible for the reduced caseload program which lowers their maximum attorney caseload to 150 misdemeanors while they meet program requirements

Vacancy Funding



CURRENT

- Full compensation for 60 days with position authority to fill
- Extended vacancies may be partially funded for an additional 60 days with position authority to fill



PROPOSED

- 50% compensation for 60 days with authority to fill

Thank you

