

Oregon Public Defense Commission

Unrepresented Persons Update

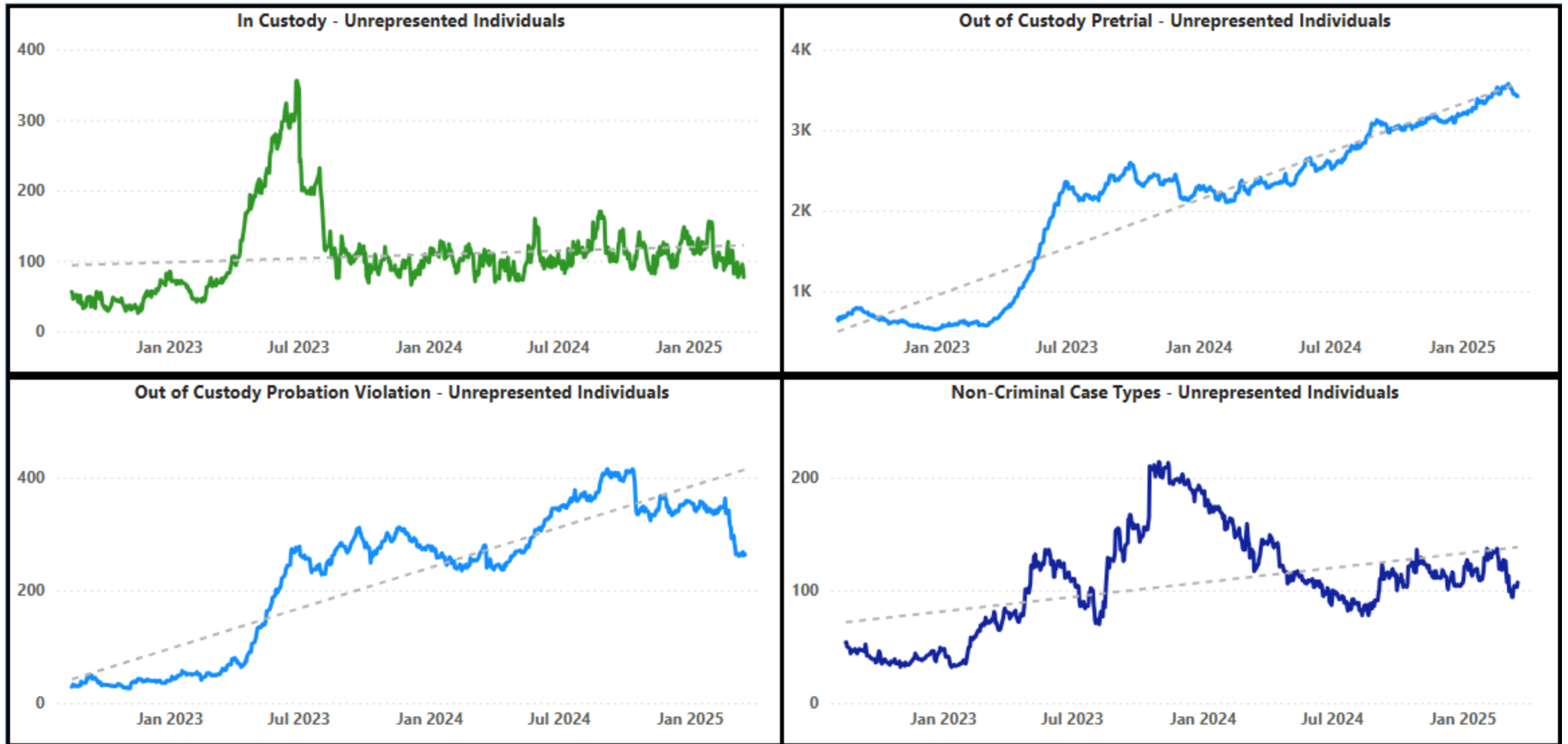
March 26, 2025

Jessica Kampfe, Executive Director

Maddy Ferrando, OPDC Research Analyst

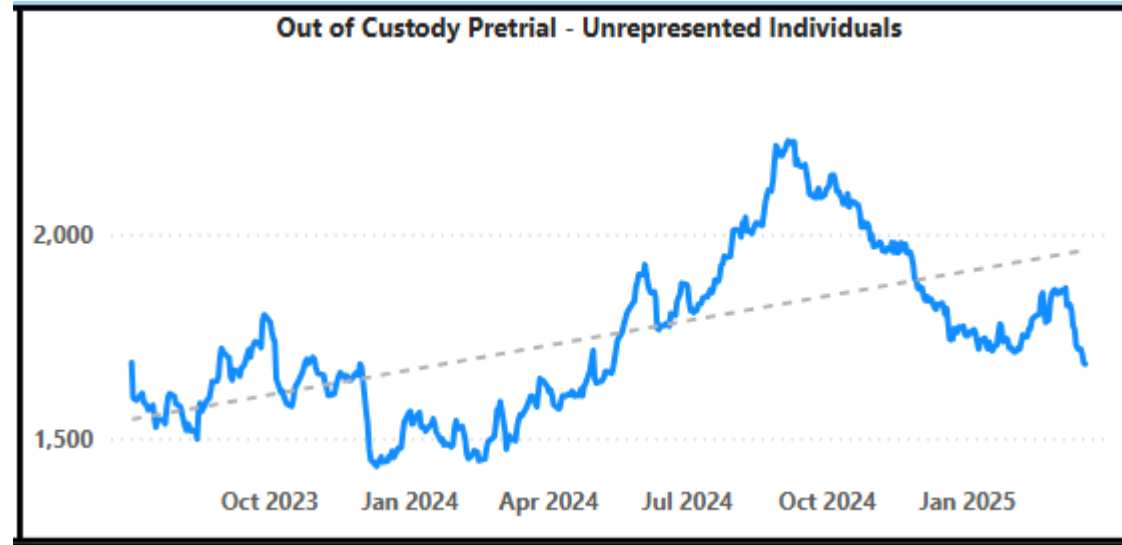


Unrepresented Population Statewide Trends (8/1/22 – 3/20/25)

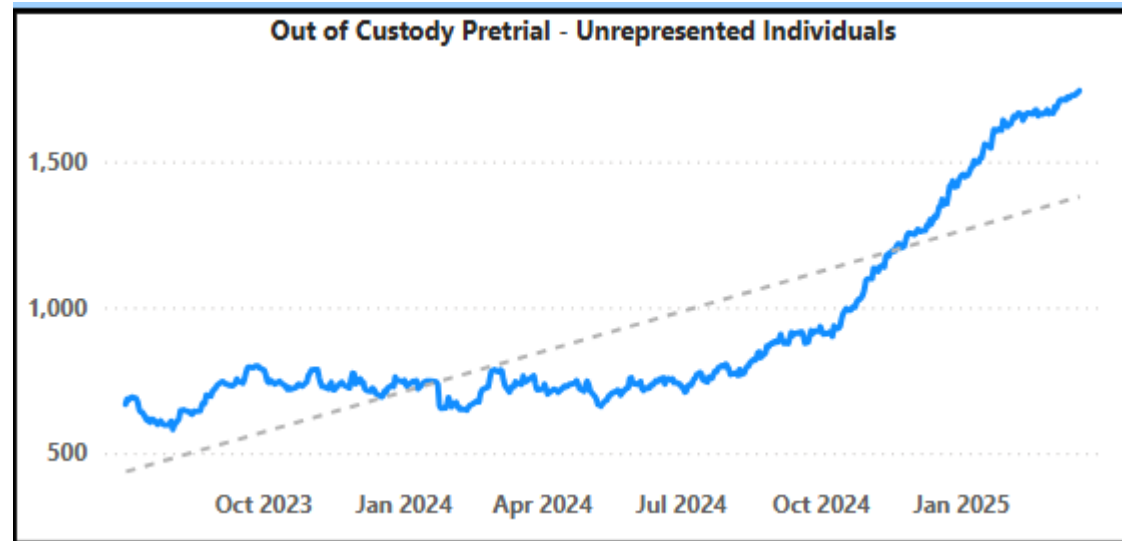


Unrepresented Population Trends (7/1/23 – 3/20/25)

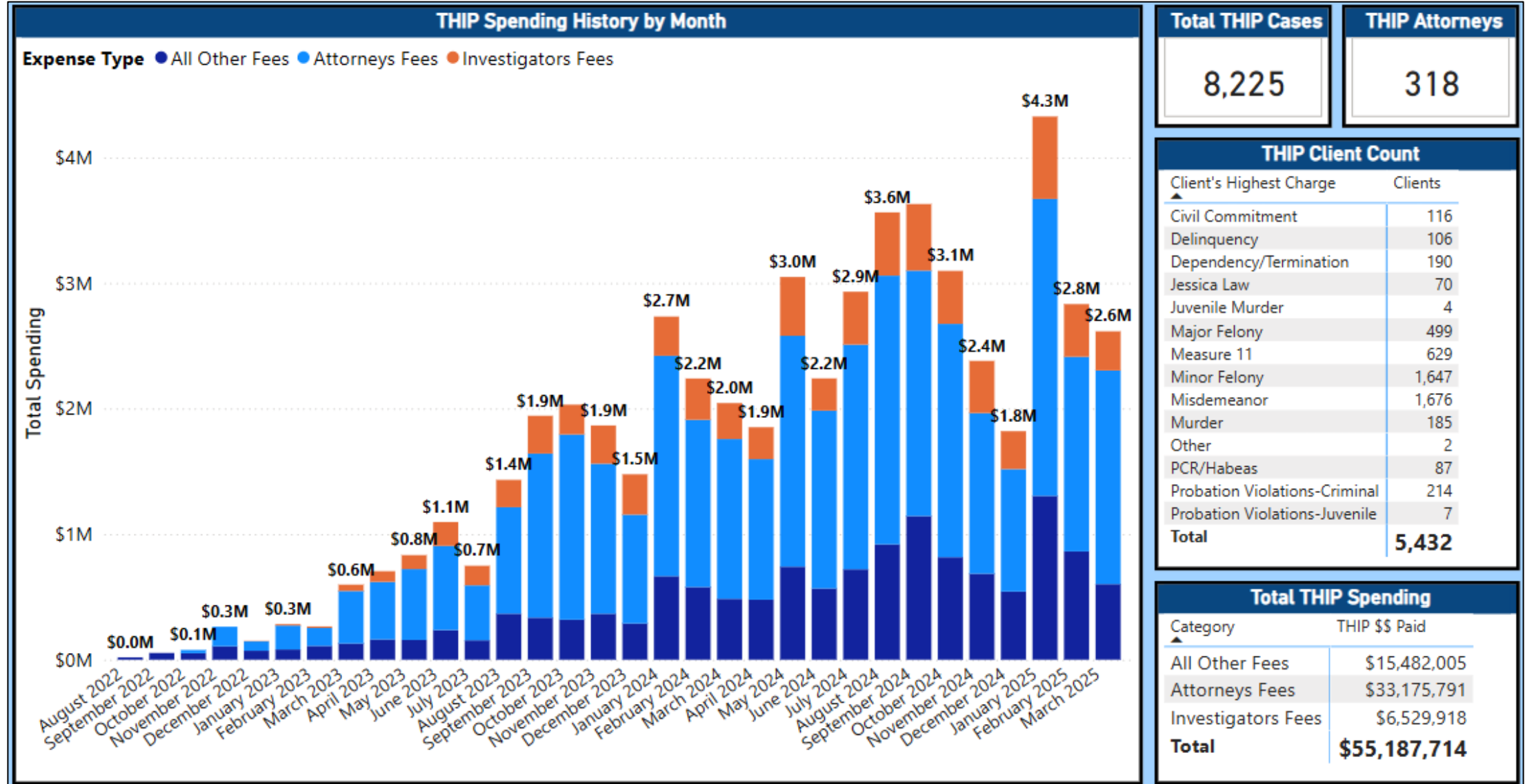
All counties excluding
Multnomah & Washington



Only Multnomah &
Washington counties



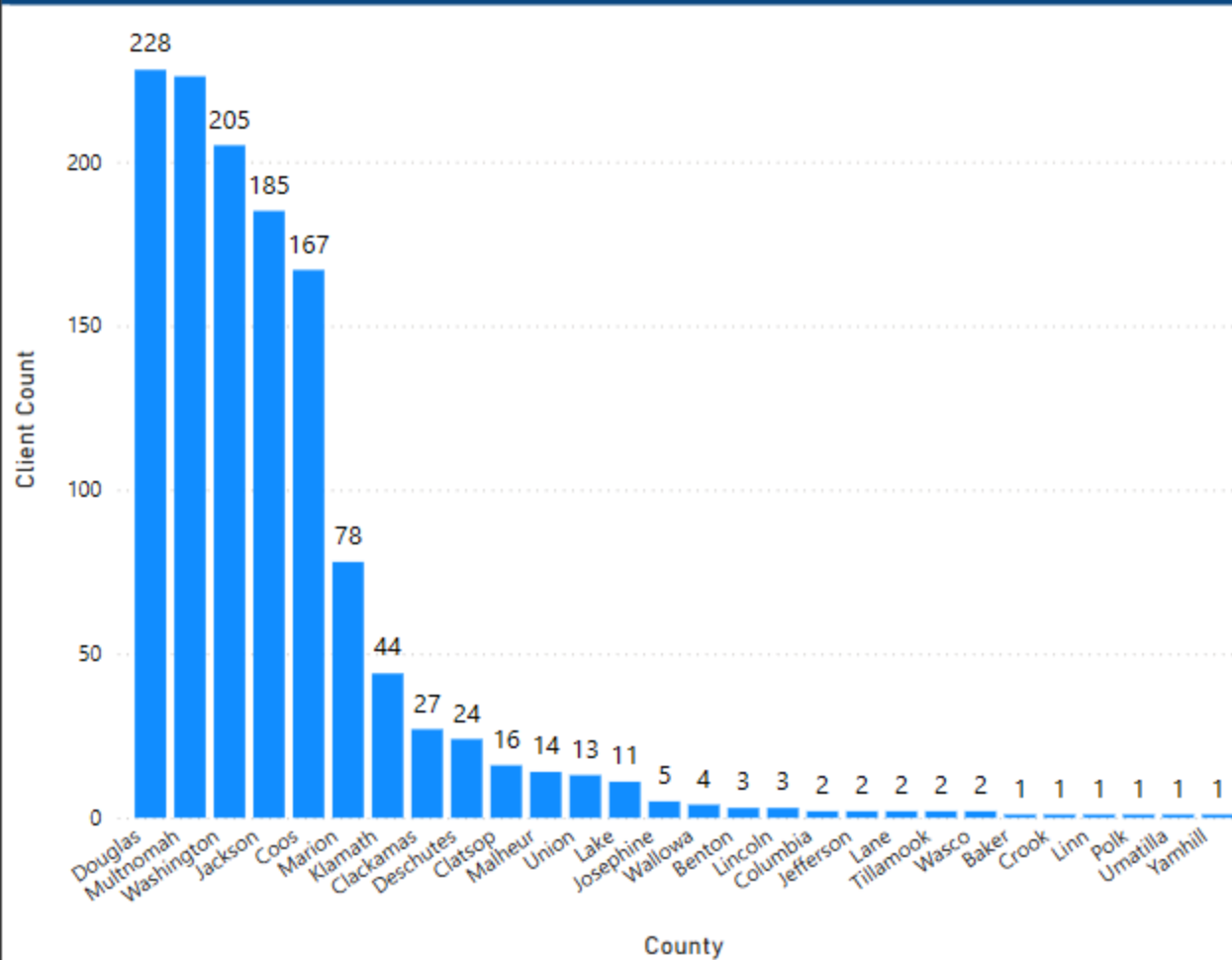
THIP Program Overview (8/1/22 – 3/24/25)



* THIP Attorneys is a count of active Hourly Agreements as of 3/24/2025

Betschart Assignments Coordinated by OPDC Analysts

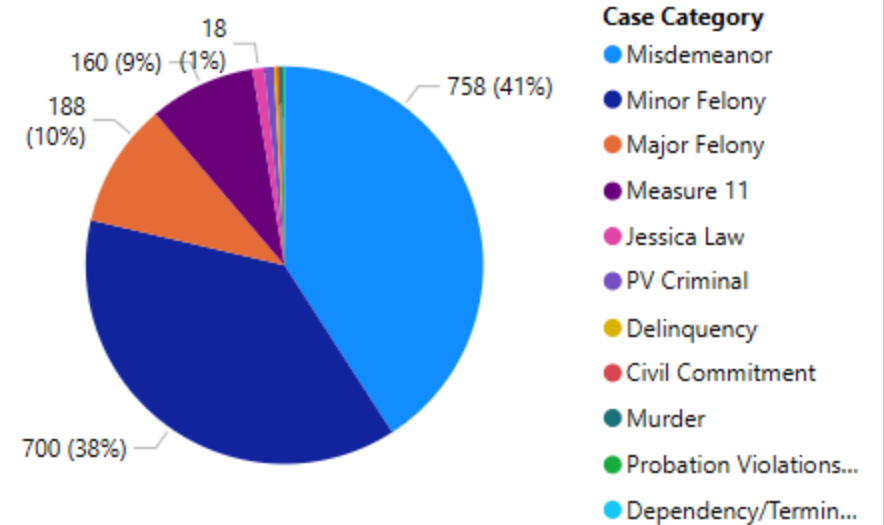
Betschart Assignment Client Count by Case County



Betschart Assignments by Program

Assignment	Attorney Count	Client Count	Case Count
Contract	79	201	255
Hourly	150	813	1194
Trial Division	20	262	407
Total	231	1259	1853

Betschart Assignments by Count of Clients



Thank you



Oregon Public Defense Commission

Update: Proposed Contract Policy Changes

March 26, 2025

Jessica Kampfe, Executive Director
Jessica.kampfe@opdc.state.or.us



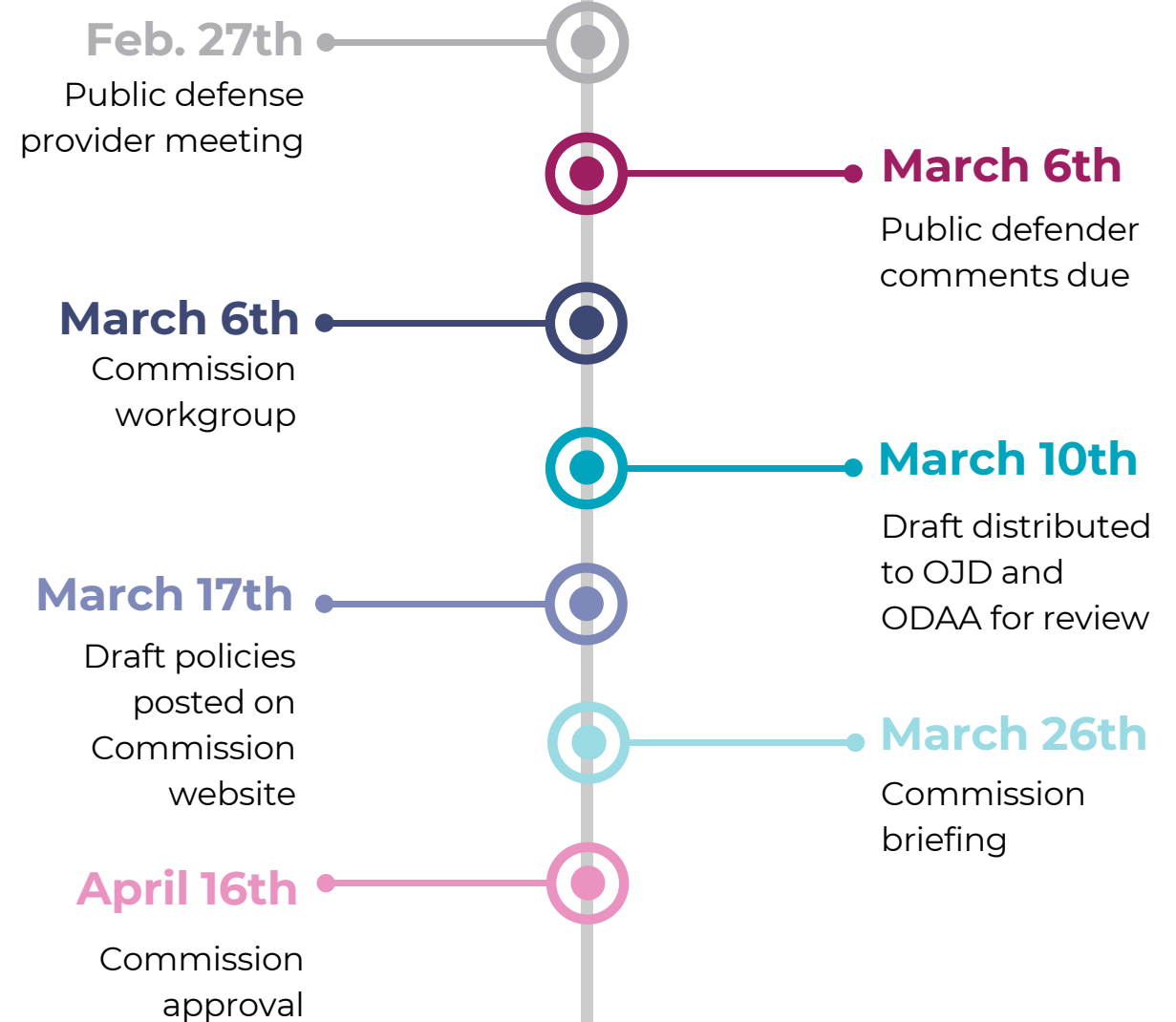
PROPOSED CONTRACT POLICY CHANGES

Proposed Contract Modifications

Policy and practice changes include:

- Partial weighting early withdraw
- Warrant removal
- Co-counsel
- Second or subsequent attorneys
- Contract Compliance
- Reduced caseload for 1st 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%

Partial Weighting for Early Withdraw – Data Considerations

There will be a need to utilize existing logic for withdraws and adjust for the new timelines and case types.

There is a limitation in that full credit will be given during the appointment month but if a withdraw occurs, partial weight will be applied. This will cause a retroactive reduction in monthly MAC utilization.

Possible reduction in MAC by 19 (3% reduction) resulting in an increased capacity and reduction in utilization rates.

Greatest impact will be for Minor Felony and M11 cases.

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.

Warrant Removal – Data Considerations

Cases appointed after July 1 st , 2023 with a bench warrant:	
Civil Commitment	2
Major Felony	71
Measure 11	22
Minor Felony	474
Misdemeanor	1,124
Murder	1
Probation Violations	234
Specialty Court	181



This may lead to slight increase in MAC capacity.

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

Co-Counsel – Data Considerations



This relies on contractors using the “co-counsel” column of the caseload report correctly.

There are concerns about how the verification process will work; currently, emails are used for notification, but there are no verification requirements.

Second or Subsequent Attorney

Current

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

Proposed

A subsequent attorney following the withdrawal of the prior lawyer 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

Second or Subsequent Attorney – Data Considerations

01

Will require new logic to identify cases reassigned within the same firm, which should be possible except for firms within consortia, as we do not currently track these.



02

The agency is currently working to identify how many attorneys report an appointment on the same case, within the same contractor, in the same report month.



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:

1. Clarifies expectations on caseload
2. Process for notifying contractor of a breach
3. Performance Plan
4. Corrective action including withholding 1-5% of funds, reducing FTE, reducing qualification, requiring additional mentoring/oversight, and termination of the contract

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 200 misdemeanors while they meet program requirements.

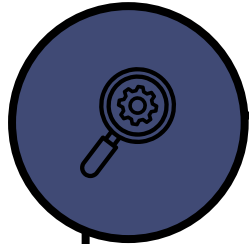
Reduced Caseload for 1st Year Attorneys – Data Considerations

Will require new logic to identify and track these attorneys, as well as the start and end date of the eligibility for the reduced caseload.

Currently, for attorneys in their first year (24 bar number and AQ level 1):

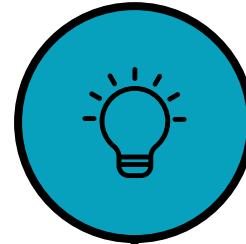
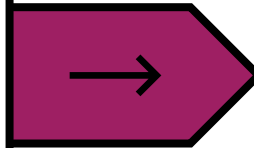
- 8 have a utilization rate at or below 60%
- 11 have a utilization rate over 100%
- 1 has a utilization rate below 50%

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
- No compensation for days 61-90, but authorization to fill retained with active recruitment

Additional Thoughts

In an effort to address the unrepresented persons crisis, OPDC is looking at eliminating the 15% capacity variance from criminal and juvenile contracts.

- PCRP contracts remain unchanged

OPDC contracts should assume 100% utilization

- Contractors above or below 100% utilization fall within contract compliance policy
- Corrective action for contractors above 100% utilization would enable the agency to contract for more than 100% MAC

Thank you

