

Members:

Robert Harris, Chair
Susan Mandiberg, Vice Chair
Stephanie Engelsman
Alton Harvey, Jr.
Leslie Kay
Philippe Knab
Tom Liningner



Nonvoting Members:

Rep. Paul Evans
Haley Olson
Caitlin Plummer
Sen. Floyd Prozanski

Executive Director:

Kenneth Sanchagrin

Oregon Public Defense Commission

*Meeting will occur virtually via Zoom.**

Wednesday, April 15, 2026

9:00 AM – approx. 11:15 AM PST

Administrative Announcement

This is a public meeting, subject to the public meeting law and it will be recorded. Deliberation of issues will only be conducted by Commission members unless permitted by the Chair. Individuals who engage in disruptive behavior that impedes official business will be asked to stop being disruptive or leave the meeting. Additional measures may be taken to have disruptive individuals removed if their continued presence poses a safety risk to the other persons in the room or makes it impossible to continue the meeting.

AGENDA

Approx. Time	Item	Lead(s)
9:00-9:05	Welcome – Call to Order	Chair Harris
9:05-9:20	Public Comment	
9:20-9:35	Update: Unrepresented Persons in Oregon Courts: Attorney Shortage	Ken Sanchagrin
9:35-9:45	Update: Director's Update <ul style="list-style-type: none"> Financial Case Management System (FCMS) Budget Update 	Ken Sanchagrin
9:45-10:00	Action Item: Key Performance Measures	Kim Freeman
10:00-10:10	**Break**	
10:10-10:40	Action Item: Guardianship Billing Policy	Steve Arntt

10:40-10:45	Briefing: OPDC Audit Committee	Chair Harris Ken Sanchagrin
10:45-11:15	Update: Policy Option Packages and Legislative Concepts	Lisa Taylor
11:15 (Approximately)	Adjourn	

**To join the Zoom meeting, click this link: <https://zoom.us/j/99060107126>. This meeting is accessible to persons with disabilities or with additional language service needs. Our Zoom virtual meeting platform is also equipped with Closed Captioning capabilities in various languages, which agency staff can assist you with setting up ahead of meetings.*

Requests for interpreters for the hearing impaired, for other accommodations for persons with disabilities, or for additional interpreter services should be made to info@opdc.state.or.us. Please make requests as far in advance as possible, and at least 48 hours in advance of the meeting, to allow us to best meet your needs.

Listed times are an estimate, and the Chair may take agenda items out of order and/or adjust times for agenda items as needed.

The Commission welcomes public comment. Please [click here](#) to review the guidelines for providing public comment on our website, and [click here](#) to sign up to provide public comment.

*Next meeting: **May 20, 2026, 9am – 2pm via Zoom.** Meeting dates, times, locations, and agenda items are subject to change by the Commission; future meetings dates are posted at: <https://www.oregon.gov/opdc/commission/Pages/meetings.aspx>.*

Unrepresented Numbers

Statewide, there were 1,231 unrepresented individuals as of March 31, 2026, including adults and juveniles in- and out-of-custody, post-disposition, and non-criminal cases. This is a decrease of 207, or 14.4%, since February 28, 2026.

Category	3/31/25	2/28/26	3/31/26
Out-of-Custody	3,424	1,218	1,024
In-Custody	192	99	85
Probation Viol.	213	70	68
Non-Criminal	145	51	54
Total	3,974	1,438	1,231

Out-of-custody individuals **decreased by 194, or 15.9%**, and in-custody individuals **decreased by 14, or 14.1%**, in March compared to February.

Caseload Capacity

2025-27 provider contracts started on October 1, 2025. Case counts and MAC utilization for contractors have reset as of that date. As the Oregon Trial Division is not on a contract cycle, its data is reported for the 25-27 biennium. OPDC's real-time OTD data is current as of March 31, while contractors' data is current as of February 28.

Provider Type	Total Cases	Monthly Cases	MAC Utilization
Contractors¹	37,023	7,300	94.7%
Consortia	16,360	3,120	95.2%
Non-Profits	14,565	3,006	92.4%
Individuals/Firms	6,098	1,174	99.1%
OPDC Trial Div²	1,571	129	94.1%
Northwest	351	23	93.4%
Central Valley	516	22	87.9%
Southern	704	85	102.7%

¹ OPDC Criminal Contract Data, February 2026

² Oregon Trial Division, MAC excludes Chiefs, July 2025-March 2026

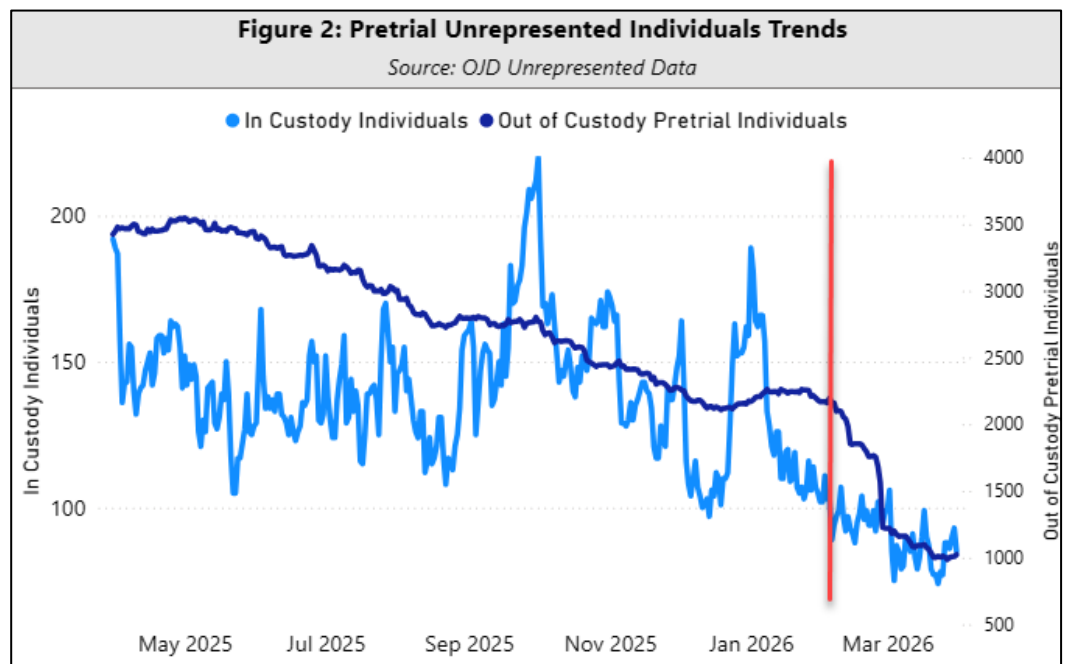
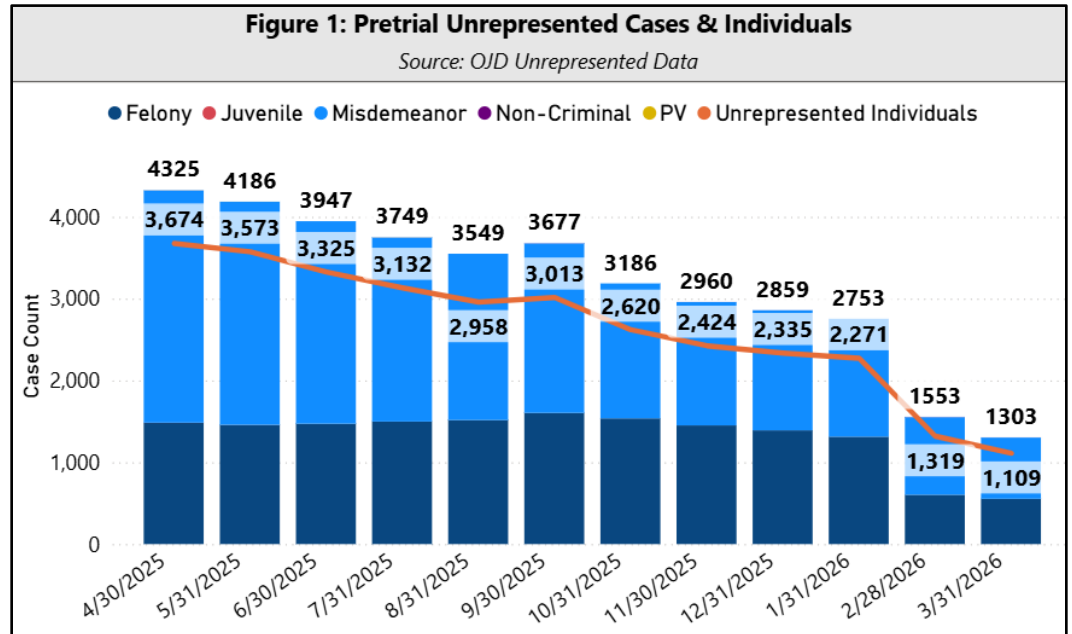
Case Assignments

OPDC assignment coordinators identified counsel for 712 unrepresented cases statewide, including 156 cases subject to *Betschart*, in March. Below are case assignments made by OPDC staff for unrepresented cases in March 2026.

Provider	Feb	March	Total Since 7/1/25
Contractor	90	78	1,005
Hourly	518	583	4,864
OTD	73	55	576
Total	681	712	6,393

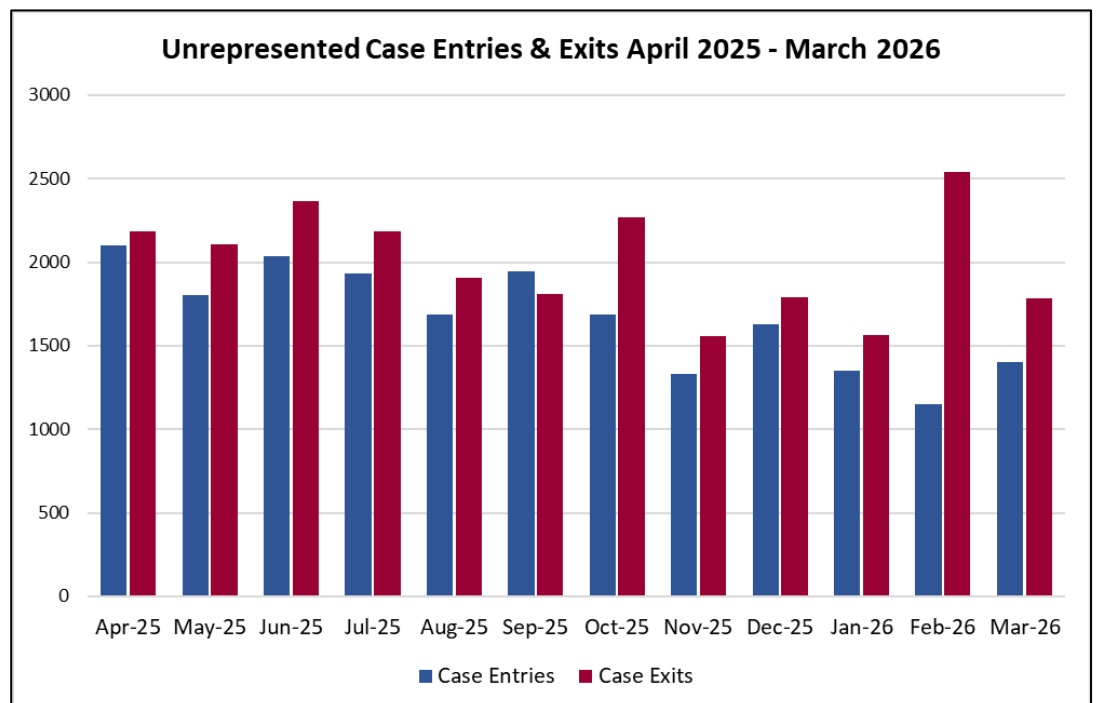
Unrepresented Trends

Figure 1 shows the number of unrepresented individuals in custody and out of custody over the past 12 months, broken into case categories. **Figure 2** shows the trend line for both in-custody and out-of-custody pretrial individuals over the past 12 months. The red line indicates when the *Roberts* decision was released.



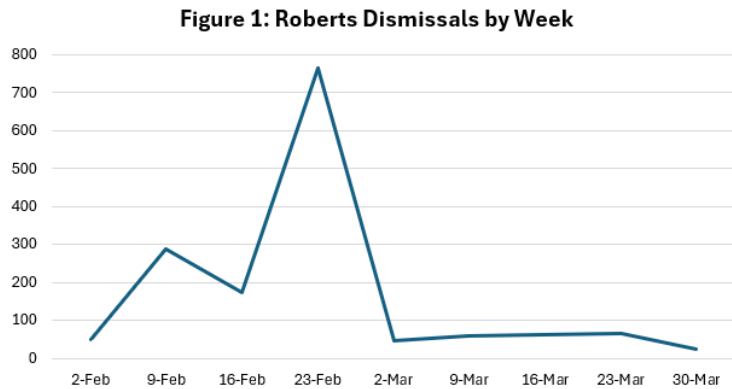
Entries and Exits

In the past 12 months 20,055 cases entered unrepresented status and 24,054 cases exited unrepresented status. Cases can enter and exit unrepresented status multiple times. There have been more exits than entries in 11 of the past 12 months.



ROBERTS IMPACT

On February 5, 2026, the Oregon Supreme Court ruled in *State v. Roberts* that trial courts must dismiss – without prejudice – criminal cases against defendants who have been unrepresented for more than 60 consecutive days in a misdemeanor and 90 consecutive days in a felony. In February and March, 1,534 unrepresented cases were dismissed due to *Roberts* statewide. As seen in Figure 1, there were a large number of *Roberts* dismissals in February, culminating during the week of February 23. Since the initial wave of *Roberts* dismissals, the impact appeared to be normalizing in March.



Impact on Unrepresented Cases

During February and March of 2026, 4,323 unrepresented cases exited the unrepresented list. As shown in Figure 2, the statewide share of *Roberts* cases comprised 35.5% of those exits, although higher proportions of *Roberts* exits were found in crisis counties, particularly Multnomah County. 2,789 cases exited for other reasons, such as identifying counsel or other non-*Roberts* related dismissals. Figure 2 shows *Roberts* Dismissals statewide by case type.

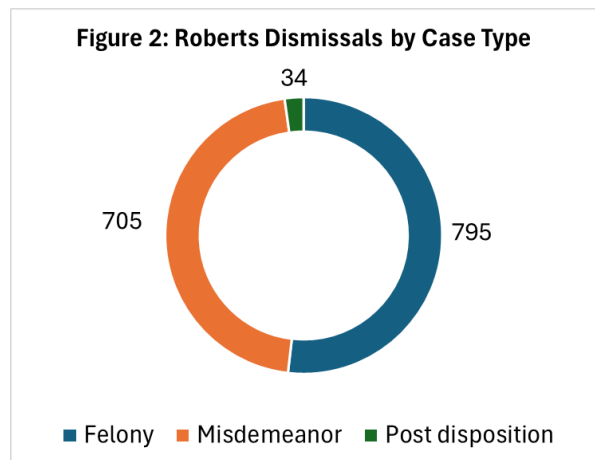
Table 1. Cases Exiting the Unrepresented List between 2/1/26-3/31/26

County	Total Exits since 2/01/26	<i>Roberts</i> Dismissals	Non- <i>Roberts</i> Exits	% of Exits Due to <i>Roberts</i>
Multnomah	1,409	860	549	61.0%
Washington	791	313	478	39.6%
Jackson	833	251	582	30.1%
Douglas	541	95	446	17.6%
All others	749	15	734	2.0%
Total	4,323	1,534	2,789	35.5%

Roberts Data

At this time, *Roberts* dismissal data is only at the case level, not the individual level. There is no 1:1 relationship between *Roberts* case dismissals and unrepresented individuals.

It is OPDC’s goal to provide a clear picture of which cases and individuals are exiting unrepresented status due to *Roberts*, and which are due to other factors, such as being appointed an attorney, dismissals for non-*Roberts* reasons, or other resolutions. As more data becomes available, we anticipate being able to link *Roberts* dismissals to individual outcomes.



Unrepresented Numbers

Between February and March, the number of in-custody individuals increased by 3, and out-of-custody pretrial individuals decreased by 7.

Category	3/31/25	2/28/26	3/31/26
Out-of-Custody	232	97	90
In-Custody	9	7	4
Probation Viol.	7	6	1
Non-Criminal	3	2	1
Total	251	112	96

Providers

Providers took 184 cases in February and are currently at 93.1% MAC utilization.

Provider Type	MAC Utilization
Consortia	93.5%
Non-Profits	101.1%
Other	69.2%
All	93.1%

Oregon Trial Division

Since July 1, 2025, OTD has taken 37 cases in Douglas County.

Region	February	March	Total Since 7/1/25
Central	2	2	34
Southern	0	0	3
Total	2	2	37

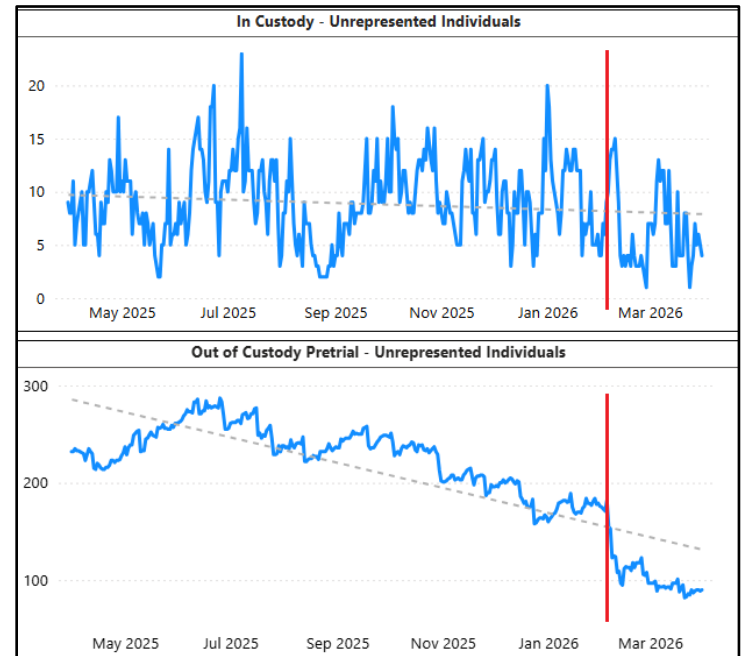
Case Assignments

In February, OPDC assignment coordinators identified counsel for 92 unrepresented cases, including 14 cases subject to *Betschart*. Below are unrepresented case assignments made by OPDC assignment coordinators in March.

Provider Type	February	March	Total Since 7/1/25
Contractor	25	14	285
Hourly	42	77	402
OTD	1	1	28
Total	68	92	701

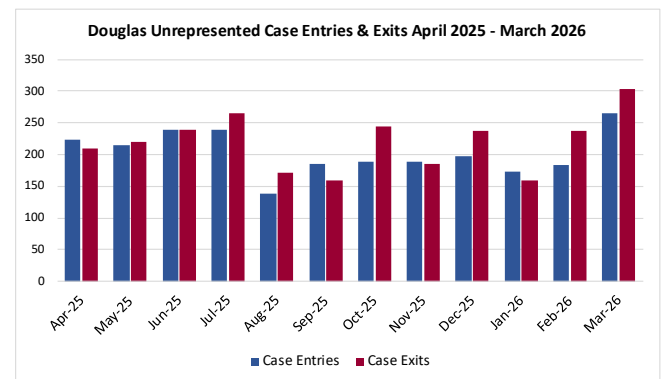
Unrepresented Trend Lines

The total number of unrepresented individuals is down 61.8% compared to March 31, 2025. The red line indicates the date the *Roberts* decision was released.



Entries and Exits

In the past 12 months in Douglas County, 2,438 cases entered unrepresented status, and 2,631 cases exited unrepresented status. The county has seen more exits than entries in 7 of the past 12 months.



Unrepresented Numbers

Between February and March, the number of in-custody individuals decreased by 2, and out-of-custody pretrial individuals decreased by 87, or 40.8%.

Category	3/31/25	2/28/26	3/31/26
Out-of-Custody	610	213	126
In-Custody	25	9	7
Probation Viol.	44	30	28
Non-Criminal	19	4	5
Total	698	256	166

Providers

Jackson County has five attorneys participating in the Exceed MAC Program. Contractors took 343 cases in March and are at 96.5% MAC utilization.

Provider Type	MAC Utilization
Consortia	99.6%
Non-Profits	91.1%
Other	109.3%
All	96.5%

Oregon Trial Division

Since July 1, 2025, OTD has taken 640 cases in Jackson County.

Region	February	March	Total Since 7/1/25
Southern	30	67	640
Total	30	67	640

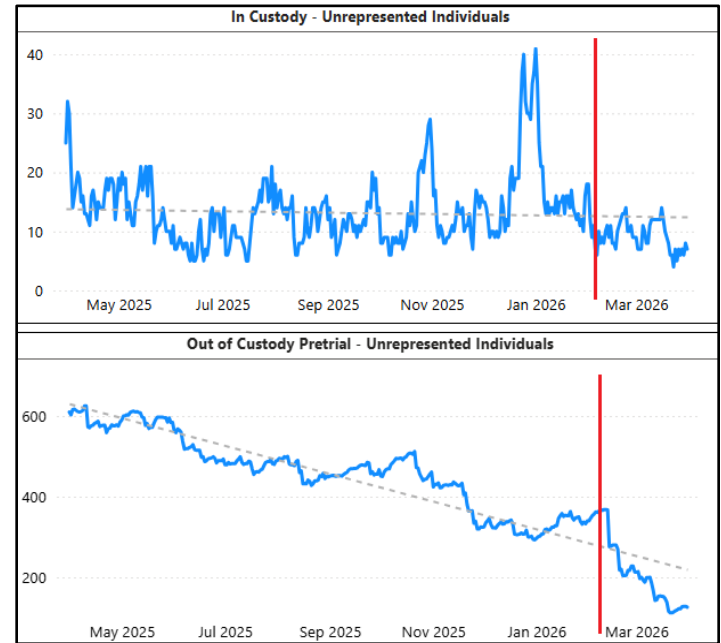
Case Assignments

In March, OPDC assignment coordinators identified counsel for 54 unrepresented cases, including 6 cases subject to *Betschart*. Below are unrepresented case assignments made by OPDC.

Provider Type	February	March	Total Since 7/1/25
Contractor	3	1	116
Hourly	22	53	232
OTD	0	0	73
Total	25	54	414

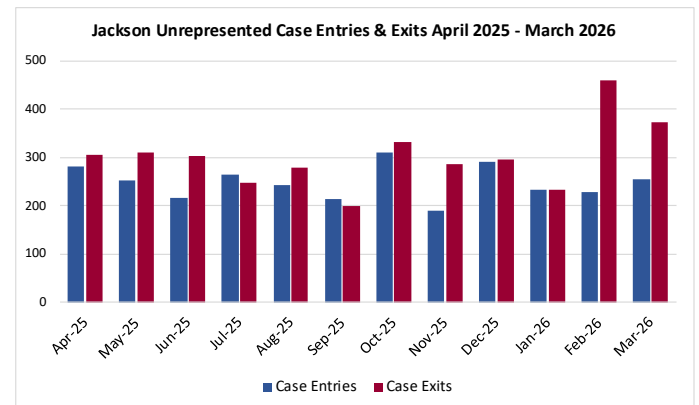
Unrepresented Trend Lines

The total number of unrepresented individuals is down 76.2% compared to March 31, 2025. The red line indicates the date the *Roberts* decision was released.



Entries and Exits

In the past 12 months in Jackson County, 2,979 cases entered unrepresented status, and 3,621 cases exited unrepresented status. The county has seen more exits than entries in 9 of the past 12 months.



MULTNOMAH

Unrepresented Report

March 2026

Between February and March, the number of in-custody individuals decreased by 1, and out-of-custody pretrial individuals decreased by 106, or 16.7%.

Category	3/31/25	2/28/26	3/31/26
Out-of-Custody	1,194	635	529
In-Custody	76	49	48
Probation Viol.	17	9	8
Non-Criminal	6	1	1
Total	1,293	694	586

Providers

Multnomah County has three attorneys participating in the Exceed MAC Program with the 2025-2027

Provider Type	MAC Utilization
Consortia	88.9%
Non-Profits	104.2%
All	101.2%

contracts. Contractors took 1,134 cases in January and are at 101.2% MAC utilization.

Oregon Trial Division

Since July 1, 2025, the OTD has taken 297 cases in Multnomah County.

Region	February	March	Total Since 7/1/25
Northwest	34	19	266
Central	26	5	31
Total	60	24	297

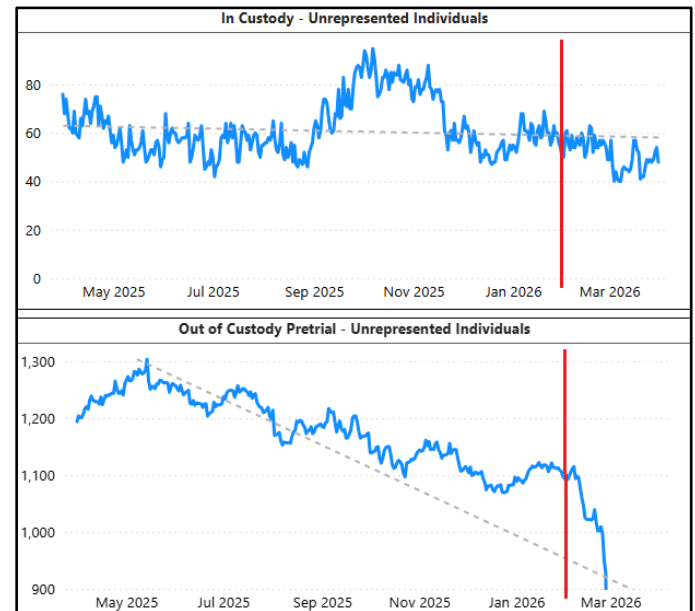
Case Assignments

In March, OPDC assignment coordinators identified counsel for 177 unrepresented cases, including 82 cases subject to *Betschart*. Below are unrepresented case assignments made by OPDC assignment coordinators in March.

Provider Type	February	March	Total Since 7/1/25
Contractor	7	7	72
Hourly	87	152	841
OTD	43	18	156
Total	137	177	1,065

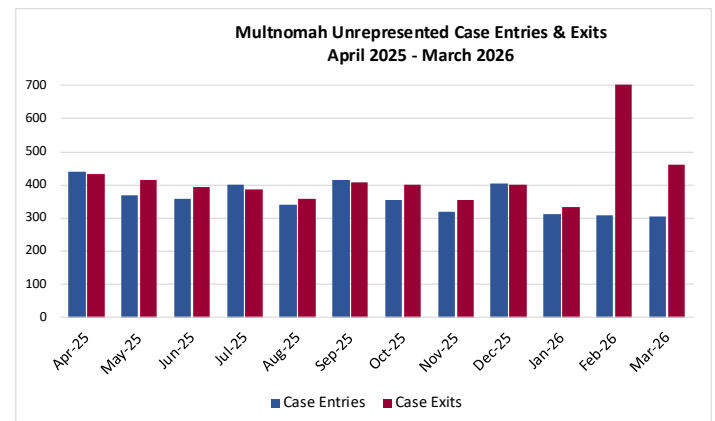
Unrepresented Trend Lines

The total number of unrepresented individuals is down 54.7% compared to March 31, 2025. The red line indicates the date the *Roberts* decision was released.



Entries and Exits

In the past 12 months in Multnomah County, 4,319 cases entered unrepresented status, and 5,291 cases exited unrepresented status. The county has seen more exits than entries in 8 of the past 12 months.



WASHINGTON

Unrepresented Report

March 2026

Between February and March, the number of in-custody individuals increased by 4, and out-of-custody pretrial individuals increased by 7, or 3.0%.

Category	3/31/25	2/28/26	3/31/26
Out-of-Custody	623	232	239
In-Custody	30	15	19
Probation Viol.	24	19	25
Non-Criminal	9	5	3
Total	686	271	286

Providers

Washington County has four attorneys participating in the Exceed MAC Program with the 2025-2027

Provider Type	MAC Utilization
Consortia	114.1%
Non-Profits	109.5%
Other	102.9%
All	108.0%

contracts. Contractors took 1,065 cases and are at 108.0% MAC utilization.

Oregon Trial Division

Since July 1, 2025, OTD has taken 85 cases in Washington County.

Region	February	March	Total Since 7/1/25
Northwest	5	3	64
Central	12	3	20
Southern	0	1	1
Total	17	7	85

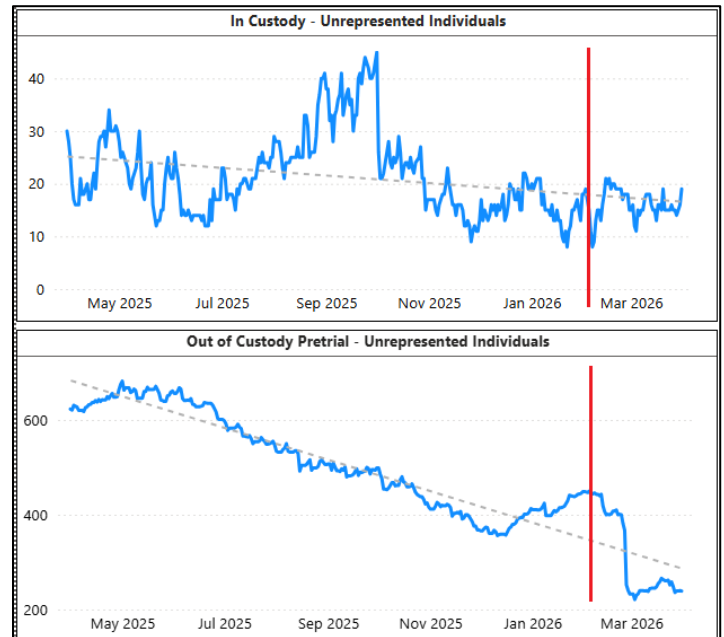
Case Assignments

In March, OPDC assignment coordinators identified counsel for 137 unrepresented cases, including 39 cases subject to *Betschart*. Below are unrepresented case assignments made by OPDC assignment coordinators in March.

Provider Type	February	March	Total Since 7/1/25
Contractor	15	14	117
Hourly	90	110	845
OTD	17	13	82
Total	122	137	1,042

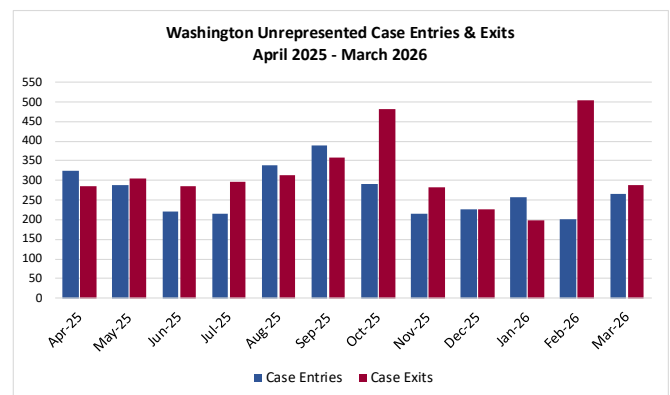
Unrepresented Trend Lines

The total number of unrepresented individuals is down 58.3% compared to March 31, 2025. The red line indicates the date the *Roberts* decision was released.



Entries and Exits

In the past 12 months in Washington County, 3,231 cases entered unrepresented status, and 3,829 cases exited unrepresented status. The county has seen more exits than entries in 7 of the past 12 months.



Oregon Public Defense Commission

**Financial & Case
Management System
Update**

Kenneth Sanchagrin, Executive Director
kenneth.sanchagrin@opdc.state.or.us

David Martin, CIO, FCMS

April 15, 2026



Implementation Planning Phase Approval & Procurement Status



Procurement:

Contract Negotiations resume with the development of the Statement of Work, Contract, Budget, and Schedule. Progress is moving towards final reviews and will then move into approval rounds with anticipated Contract Execution by May 29th, 2026.



Implementation Planning:

Documents for implementation planning such as the project management plan for OPDC and the apparent successful proposer, along with the Scope document, Budget, and Schedule are all in the final rounds of review and completion. Stage Gate (Implementation Planning) resumes with anticipated approval and Stage Gate acceptance by June 15th, 2026.

Procurement Schedule

Phase 2: Potential for Judicial Review of Contract Award Protest Disposition

Protesting proposer has the *option* to seek judicial review until the contract is approved by the Office of the Attorney General and executed by OPDC. Began October 2025.



Phase 3: Contract Negotiations

Contract negotiations began in November 2025

Contract Review

Nov 5, 2025, thru May 15, 2026

Contract Execution

Nov 5, 2025, thru May 29, 2026



Cost Negotiations

Feb 4 thru Apr 7, 2026



SOW Development Completion May 5, 2026

Project Management plan included



Schedule Development

Jan 14 thru May 13, 2026



Licensing, Maintenance, and Hosting Agreements

Nov 2025 thru April 20, 2026

✓
Today



JANUARY
2026

FEBRUARY
2026

MARCH
2026

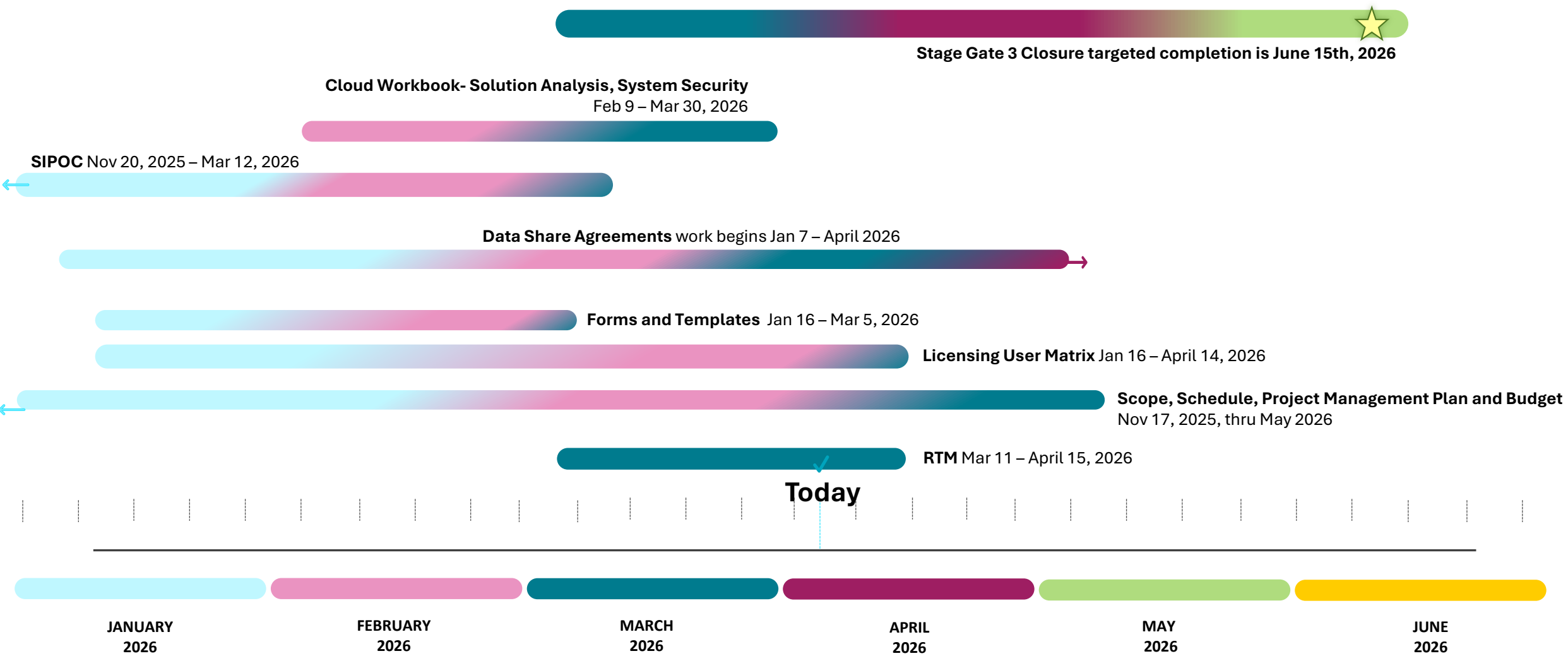
APRIL
2026

MAY
2026

JUNE
2026

FCMS April 2026

Implementation Planning Timeline



Accomplishments



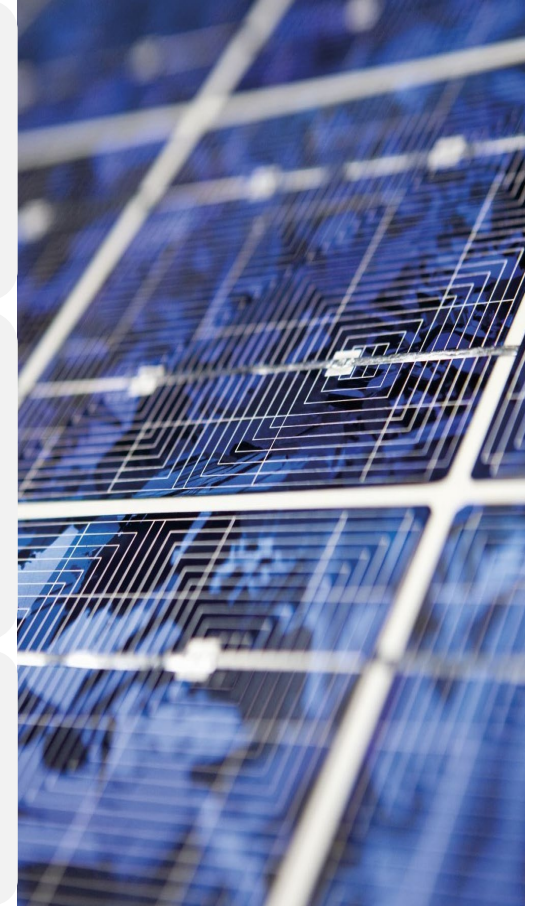
Implementation: External User Portal Framework completed 66% of the documentation so far. The following project tasks were completed in March 2026: Compliance User Stories-Use Cases, Forms and Template collection, and Data and Reporting SIPOC documentation. Also, Appellate Balfour process documentation completed Mid-March 2026 with User Story – Use Case creation and Peer / IT reviews due to complete by April 9, 2026.



Procurement Phase 3: Contract negotiations began following the protest disposition and are in Round 4. Statement of Work and Project Management Plan are in Round 7. The apparent successful proposer provided a walk-through of the cost structures for licenses, hosting, and options for integration/migration, alternate storage, and roll out waves. Leadership discussed schedule and roll out options and updated cost proposals with the apparent successful proposer. Final decision-making on these contract items is anticipated on April 3, 2026.



Change Management: Set up a quarterly connect with Change Champions and Sponsors to align on tasks and answer any questions. Communicated next steps to the internal providers interested in serving as change champions. Created FCMS Change Champion/Sponsor Tool Kit. Held virtual kickoff meetings with change champions to explain roles and responsibilities.



Upcoming Milestones

01

FCMS 7th round draft of SOW and FCMS Project Management Plan (pre-SOW development) continues through April alongside the Budget and Schedule final reviews.

02

Contract execution
May 29.

03

Implementation Planning document revision continues for Scope, Schedule, Budget Alignment. Training Strategy in development through April.

04

Documentation of the final 33% of the External Provider Portal Framework and related process flows continues through April.

Budget

SOW Cost estimates being developed for Final Cost Exhibit.

Finance, Vendor and Contractor Deliverable Approval Process being implemented for FCMS in April.

Hosting/Licensing Cost Review nearing completion.

Thank You





Date: April 15, 2026

To: Rob Harris, Chair of OPDC
Susan Mandiberg, Vice Chair of OPDC
OPDC Commissioners

Cc: Kenneth Sanchagrin, Executive Director

From: Kim Freeman, CAP Manager

Re: 2027-2029 Proposed KPM Changes

Nature of Presentation: Action Item

Background:

The Commission was directed to report in the 2026 session on agency Key Performance Measures and targets, as well as to evaluate the agency's current KPMs and consider whether there should be adjustments/updates to the agency's KPMs. During the 2025 Legislative Session, the Legislature mandated that the agency add at least one new KPM, which is required to measure the percentage of financially eligible defendants/persons receiving a public defender with a target of 100%.

The agency created an internal workgroup involving agency staff and board members to craft initial KPM proposals. The Commission has considered various KPM refinements at meetings over the past several months.

The agency is proposing ten KPMs for 2027-2029 which were approved during the January 21, 2026, commission meeting:

- 1. Appellate Case Processing:** Median number of days to file an opening brief with a target of 180 days.
- 2. Customer Service:** Percent of customers rating their satisfaction with the agency's customer service, timeliness, accuracy, helpfulness, expertise, and availability of information as satisfactory or better, with a target of 95% in each service area
- 3. Best Practices for Boards and Commissions:** Percentage of total best practice met by the Commission with a target of 100%

- 4. 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 in which the attorney represents a parent or child with decision-making capacity, with a target of 95%
- 5. Percent of Financially Eligible Individuals Receiving a Public Defender:** The percentage of financially eligible defendants/persons receiving a public defender, with a target of 100%
- 6. Maintain High Retention Rates for State Trial Level Attorneys:** The percentage of Oregon Trial Division attorney workforce retained on an annual basis, with a target of 85%
- 7. Ensure Timely Payments to Providers:** The percentage of invoices reviewed, and payments processed, within forty-five (43) days of receipt, with a target of 100%
- 8. Ensure Timely Processing of Pre-Authorized Expense (PAE) Requests:** The percentage of PAE reviewed within ten (10) business days of receipt, with a target of 95%.
- 9. Policies, Procedures, Standards, and Guidelines Align with Agency Priorities:** The percentage of agency policies and procedures that are in alignment with statute, the agency strategic plan, and DAS policy and procedure, with a target of 95%.
- 10. Capacity Contractors Meet or Exceed Performance Expectations:** The Percentage of providers meeting at least 90% of their contractual obligations throughout the term of the agreement, with a target of 90% of providers.

During the Commission meeting on March 18th, we discussed additional external KPM's needed based on Legislative Fiscal Office feedback and asked the Commission to discuss what Quality Representation means. The Commission provided the following suggestions:

- Outcome data – Client outcomes
- Time Spent with clients
- Measure Zealous representation
- Attorney Retention of Capacity Contracts
- Contract Language to comply with ABA
- Standards agency adopted

The agency is proposing an additional three KPMs:

- 11. Maintain High Retention Rates for Capacity Contract Attorneys** -The percentage of Capacity Contract Attorney workforce retained on an annual basis, with a target rate of 85% of FTE.

12. Case outcome less than highest charge – The percentage of criminal cases that result in either an acquittal or a conviction for an offense less than the highest crime charged, including dismissals with a target rate of 22%.

13. Attorney case withdrawals– The percentage of criminal cases where a non-mandatory withdraw occurs, with a target rate of 5%.

The agency has been in contact with Andrew Davies, Research Director of the Deason Criminal Justice Reform Center – SMU Dedman School of Law, in reference to our proposed 2027-2029 KPMs and other KPMs the agency could explore. Mr. Davies shared he likes our current KPMs, which reflect quality, and good measurements with the current data collection.

Quality KPMs

- KPM #4 PCRCP 1/3 time spent with client
- KPM #5 Appointment of counsel in 7 days
- KPM #7 Timely payments to providers
- KPM # 9 Policies, Procedures, Standards and Guidelines – this establishes a good foundation for our internal operations which will guide our work in providing quality representation in public defense.

Suggestions for additional KPMs with our FCMS system

- Quality
 - Look at each case type
 - What services are requested/utilized for each case type for effective representation
 - Investigation
 - Case managers
 - How often clients are visited
 - Ensure all parts of the case are looked at
 - If Oregon could define Quality, we would be the first state in the country to do so
- Cost per Case
- Look at Early Resolution Docket (ERD)
- How many people receive counsel quickly vs. quality
- Client touch points
- Time keeping for attorneys, investigators, and case managers

Agency Recommendation:

The agency is recommending approval of the three additional KPMs for a total of thirteen KPMs for the 2027-2029 biennium. The agency will submit the final approved KPMs to the Chief Financial Officer (CFO)/ Legislative Fiscal Officer (LFO) by April 30, 2026, for review with additional feedback due to the agency by June 30, 2026. This version will be presented to the Commission for final approval prior to the submission of the Annual Performance Progress Report (APPR) in September 2026. The final approved KPMs will be presented to the Joint Committee on Ways and Means in 2027 and incorporated into the agency's final budget report. If approved, the new KPMs would be effective for the 2027-2029 biennium.

Fiscal Impact:

None

Agency Proposed Motion:

Agency is recommending approval for the three additional KPMS for a total of thirteen KPMs to be presented to the Chief Financial Officer/Legislative Fiscal Officer for approval. The final approved KPMs will be incorporated into the agency's final budget report. The thirteen KPMs would be effective for the 2027-2029 biennium.

Month Ending February 2026

Appropriation	Funding Purpose	Original Budget Total Appropriation	Available Appropriation	February 2026 Expenditures	Planned Expenditures	Unused Appropriation
General Funds						
Executive Division	Main Appn	\$ 3,356,449	\$ 3,356,449	\$ 1,007,732	\$ 2,910,064	\$ (561,347)
Compliance, Audit, and Performance Division	Main Appn	\$ 8,645,518	\$ 8,645,518	\$ 2,665,051	\$ 4,069,380	\$ 1,911,087
Appellate Division	Main Appn	\$ 28,826,029	\$ 28,826,029	\$ 9,702,539	\$ 20,822,095	\$ (1,698,605)
Adult Trial Division	Main Appn	\$ 329,576,667	\$ 329,576,667	\$ 96,619,617	\$ 227,544,422	\$ 5,412,628
Adult Trial Division	Civil Commitment	\$ 1,111,456	\$ 1,111,456	\$ -	\$ -	\$ 1,111,456
Juvenile Trial Division	Main Appn	\$ 45,417,129	\$ 45,417,129	\$ 16,472,160	\$ 30,809,317	\$ 4,607,455
Preauthorized Expenses Division	Standard-Main Appn	\$ 94,115,182	\$ 94,115,182	\$ 28,547,499	\$ 66,186,810	\$ 418,230
Preauthorized Expenses Division	THIP	\$ 7,307,131	\$ 7,307,131	\$ 6,866,898	\$ 1,493,398	\$ (1,053,165)
Court Mandated Expenses Division	Standard-Main Appn	\$ 52,272,158	\$ 52,272,158	\$ 17,174,633	\$ 41,759,392	\$ (4,563,606)
Court Mandated Expenses Division	THIP	\$ 11,121,931	\$ 11,121,931	\$ 13,064,560	\$ 3,223,918	\$ (5,166,547)
Trial Representation Division	Main Appn	\$ 18,090,808	\$ 18,090,808	\$ 5,750,190	\$ 17,581,405	\$ (5,240,787)
Parent Child Representation Program	Main Appn	\$ 46,737,940	\$ 46,737,940	\$ 18,810,611	\$ 38,805,147	\$ (322,237)
Administrative Services Division	Main Appn	\$ 23,771,498	\$ 23,771,498	\$ 9,444,878	\$ 18,598,759	\$ (4,272,139)
Administrative Services Division	FCMS	\$ 693,866	\$ 693,866	\$ -	\$ -	\$ 693,866
Special Programs, Contracts and Distributions Division	Guardianship	\$ 1,627,594	\$ 1,627,594	\$ 215,520	\$ 1,412,260	\$ (186)
Special Programs, Contracts and Distributions Division	County Discovery	\$ 6,348,960	\$ 6,348,960	\$ 1,787,501	\$ 4,561,459	\$ -
Special Programs, Contracts and Distributions Division	Law School Program	\$ 3,437,460	\$ 3,437,460	\$ 1,514,450	\$ 1,923,010	\$ -
Debt Service	Capital Debt Service	\$ 2,392,223	\$ 2,392,223	\$ -	\$ 2,392,223	\$ -
Total General Funds		\$ 684,849,999	\$ 684,849,999	\$ 229,643,839	\$ 484,093,059	\$ (8,723,897)
Other Funds						
Juvenile Trial Division	Title IV-E	\$ 7,393,486	\$ 7,393,486	\$ 921,683	\$ 6,471,803	\$ -
Preauthorized Expenses Division	Title IV-E	\$ 1,037,357	\$ 1,037,357	\$ -	\$ 1,037,357	\$ -
Court Mandated Expenses Division	ACP	\$ 4,449,677	\$ 4,449,677	\$ 635,689	\$ 3,924,479	\$ (110,491)
Court Mandated Expenses Division	Title IV-E	\$ 2,098,261	\$ 2,098,261	\$ -	\$ 2,098,261	\$ -
Parent Child Representation Program	Title IV-E	\$ 11,684,477	\$ 11,684,477	\$ 1,128,896	\$ 10,555,581	\$ -
Administrative Services Division	FCMS	\$ 13,769,781	\$ 13,769,781	\$ -	\$ 13,769,781	\$ -
Administrative Services Division	FCMS	\$ 145,219	\$ 145,219	\$ -	\$ 145,219	\$ -
Total Other Funds		\$ 40,578,258	\$ 40,578,258	\$ 2,686,268	\$ 38,002,481	\$ (110,491)
Total All Funds		\$ 725,428,257	\$ 725,428,257	\$ 232,330,107	\$ 522,095,540	\$ (8,834,388)



Date: April 15, 2026

To: Robert Harris, Chair of OPDC
Susan Mandiberg, Vice Chair of OPDC
OPDC Commissioners

Cc: Kenneth Sanchagrin, Executive Director

From: Steve Arntt, Trial Support & Development Manager

Re: 404.200.04.013 Guardianship Billing Policy

Nature of Presentation: Action Item

Background:

Judges have traditionally appointed lawyers to guardianship cases without knowing whether the attorney would be paid. ORS 155.080(7)(a) provides that a judge reviews the appointed attorney's billing in order to determine if the bill is reasonable and necessary. If the protected person's estate has funds, then the judge authorizes payment from the estate.

When legislature authorized OPDC funding for guardianship it enacted ORS 125.080(7)(b), a process to determine when OPDC is the responsible party for legal fees in guardianship cases. The statute requires a judge to "determine that a respondent or protected person is financially eligible for appointed counsel at state expense." Absent such a finding, OPDC is not responsible for payment. After meeting with OJD and probate judges, the attached policy was developed to ensure that bills sent to the agency have been reviewed and there is a finding that OPDC is responsible for payment.

OPDC has had providers submit bills where there is no finding as described in (7)(b). This has led to confusion as to whether the agency can pay those bills.

Fiscal Impact:

OPDC has a limited budget for guardianship representation. This policy ensures that OPDC is only reimbursing for services that are eligible for reimbursement.

Recommendation:

Approve the 404.200.04.013 Guardianship Billing Policy.

Proposed Motion:

The agency requests the Board to approve 404.200.04.013 Guardianship Billing Policy with an effective date of May 1, 2026.

Policy Name: Guardianship Billing Policy	Number: 404.200.04.013
Division: Compliance, Audit and Performance	Effective Date:
Responsible Section: Trial Support and Development	
Approved by: The Board	Approval Date:

PURPOSE: The Oregon Public Defense Commission (OPDC) issues this policy to address payment due from the agency for costs of fees of case work for appointed counsel appointed to protected persons.

AUTHORITY: ORS 125.080(7)(b); 135.055

Pursuant to ORS 125.080, a Court shall appoint counsel to protected persons under enumerated circumstances. If the Court appoints counsel, fees and costs for the representations are paid by the estate of the respondent unless a Court determines that the protected person is eligible for appointed counsel at State expense, in which case OPDC determines and pays those expenses.

APPLICABILITY: This policy applies to bills submitted by counsel appointed pursuant to ORS 125.080 in cases where OPDC has been determined by a court to be responsible for costs and fees. This policy is effective on the date it is approved by the Commission.

Payments under this policy are subject to the availability and appropriation or allotment of funds or other expenditure authority from the Oregon Legislative Assembly (including its Emergency Board).

POLICY: It is OPDC’s policy that, to receive payment for eligible incurred costs and fees after appointment to a protected person pursuant to ORS 125.080, appointed counsel must submit:

- 1) An appointment order;
- 2) a Court approved judgment or order certifying reasonableness of costs and fees; and
- 3) an order that OPDC is the source of funds pursuant to ORS 125.080(7)(b).

If the total bill for a case will exceed \$5,000, the provider must email OPDC at guardianship@opdc.state.or.us 10 business days prior to submitting their proposed judgment or order to the court. OPDC will have an opportunity to object. Rates of payment are established by OPDC and updated periodically. Rates are published in OPDC’s Hourly Service and Expense Rates Policy.

Approved by:
Prepared by: Trial Support and Development
Reviewed by: Policy
Publish: Internally and Externally

Oregon Public Defense Commission

2027 POP and Legislative Concept Discussion

April 15, 2026

Lisa Taylor, Government Relations Manager

Lisa.Taylor@opdc.state.or.us



BUDGET REALITIES

The Governor's office and CFO has provided direction to agencies for developing 27-29 POPs

Executive Branch Direction

Excerpts from the Governor's office letter to agency heads, 2/10/2026

"...prepare for...no funding [to be] available for program expansions or new programs in 2027-29."

"...policy packages should be net neutral and not require new revenue."

"Understand...not going to reflect overall needs or vision for agency programs."

- > **STABILIZE**
Maintain core programs and services related to the agency's mission
- > **SELF FUND**
Identify ways to self-fund strategic investments
- > **SAVE**
Scrutinize operational efficiencies
- > **EDIT**
Carefully evaluate new spending proposals
- > **PLAN**
Prepare for potential limitations on growth or expansion

Tier 1 Policy Option Packages

These POPs are the continuation of already existing programs.

01

FCMS

As FCMS transitions to go-live, sustained funding will be required into the next biennium to support system stabilization, completion of remaining implementation activities, and continuity of operations. Cost TBD.



Exceed Caseload Program

This would continue the ECP, which allows providers to voluntarily take up to 115% of MAC. The estimated cost would be about \$2.5 million.

02

Tier 2 Policy Option Packages

These are new programs or policies.

PCRCP Study

Conduct a study with an outside organization or university on the impacts of PCRCP on outcomes for children and families, and potential cost savings to the child welfare and court system. Estimated cost: \$250,000.

03

ERD Funding

Request funding for Early Resolution Dockets that could resolve cases more quickly. This would be paired with OPDC's work creating ERD templates, which are easily replicated across courts. Estimated cost: Variable; in 2023 we received \$360k for an ERD in Multnomah.

04

Rate Increases

Providers of all types, including attorneys, investigators, and PAE services, have highlighted the importance of increasing rates. OPDC is working with CFO to determine inflationary increases and what, if any, additional increase would be possible.

05

SPPE

Investigating ways to make SPPE part of the public defense pipeline, including determining how it would be funded and measured. Estimated cost: TBD.

06

Legislative Concepts

If approved, these would become the agency's bills for session.

1

Procurement Exemption

Provide an exemption from the Public Contracting Code for legal services. Contracts would still be subject to legal sufficiency review.

2

PAE Appeal Response

Ensure that OPDC is able to respond to a PAE appeal before a judge before a final order is made.

3

Grant Making Authority

Provide OPDC with the authority to distribute grants.



Thank you.

Lisa Taylor
Lisa.Taylor@opdc.state.or.us