

**Members:**

Jennifer Nash, Chair  
 Susan Mandiberg, Vice Chair  
 Peter Buckley  
 Robert Harris  
 Alton Harvey, Jr.  
 Tom Lininger  
 Paul Lipscomb

**Nonvoting Members:**

Brook Reinhard  
 Rep. Paul Evans  
 Sen. Floyd Prozanski

**Interim Executive Director:**

Kenneth Sanchagrin

**Oregon Public Defense Commission**

*Meeting will occur virtually via Zoom.\**

Wednesday, May 21, 2025

9:00 AM – approx. 1:00 PM 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	Chair Nash
9:05-9:20	Public Comment	
9:20-9:30	<b>Update:</b> <a href="#">Unrepresented Persons in Oregon Courts: Attorney Shortage</a>	Ken Sanchagrin Madeline Ferrando
9:30-9:45	<b>Briefing:</b> Local Court Spotlight: Union/Wallowa Counties	Presiding Judge Thomas Powers
9:45-10:00	<b>Update:</b> Budget	Ralph Amador
10:00-11:00	<b>Action Item:</b> <a href="#">Approval of 2025-2027 Contract Extensions</a>	Ken Sanchagrin
11:00-11:10	<b>**Break**</b>	
11:10-11:55	<b>Action Item:</b> <a href="#">Commission Response to Governor's Letter of Expectations</a>	Chair Nash
11:55-12:05	<b>Briefing:</b> Rules Advisory Committee (RAC) Membership	Jennifer Bell
12:05-12:15	<b>Briefing:</b> Introduction to Steve Arntt, Trial Support & Development Manager	Steve Arntt

12:15-12:45	<b>Update:</b> <a href="#">Legislative</a>	Lisa Taylor
12:45-1:00	<b>Update:</b> Director's Update	Ken Sanchagrin
1:00pm (Approximately)	<b>**Adjourn**</b>	

*\*To join the Zoom meeting, click this link: <https://zoom.us/j/99118503484>. 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](mailto: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. Verbal and written comments must be directly related to agenda items. Please [click here](#) to review the guidelines for providing public comment on our website.*

*Next meeting: **June 12, 2025, 9am – 1pm in-person at Deschutes County and 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>*



# Oregon Judicial Department

## Unrepresented Crisis – April 2025

### Key Insights

#### [Unrepresented Trends](#)

The total number of unrepresented persons and unrepresented cases *decreased* for the first time in the past 12 months, to 4,355 unrepresented persons and 4,739 unrepresented cases ([Figure 1](#) and [Figure 2](#)). There were 141 fewer unrepresented cases (2.9%) and 104 fewer unrepresented persons (2.3%).

Daily updates are available on the [Unrepresented Dashboard](#) on the OJD website.

More cases exited the unrepresented list than entered for the first time since October 2024. ([Figure 3](#)). A large increase in the number of attorney appointments in March contributed to the increase in exits from the unrepresented list.

Unrepresented persons appeared in court an average of five times and waited an average of 62 days (a 5% increase since January 2025) before an attorney was assigned ([Figure 4](#) and [Figure 5](#)).

#### [Unrepresented – Out-of-Custody](#)

The average number of days an out-of-custody person in a felony case is unrepresented continues to increase, to an average of 122 days in March 2025 -- a 28% increase since September 2024 ([Figure 6](#)).

#### [Unrepresented – In-Custody](#)

The average number of days a person is in custody and is unrepresented on any case decreased to 19 days in March 2025, a 24% decrease from February 2025 ([Figure 7](#)).

#### [Criminal Case Filing and Disposition Trends](#)

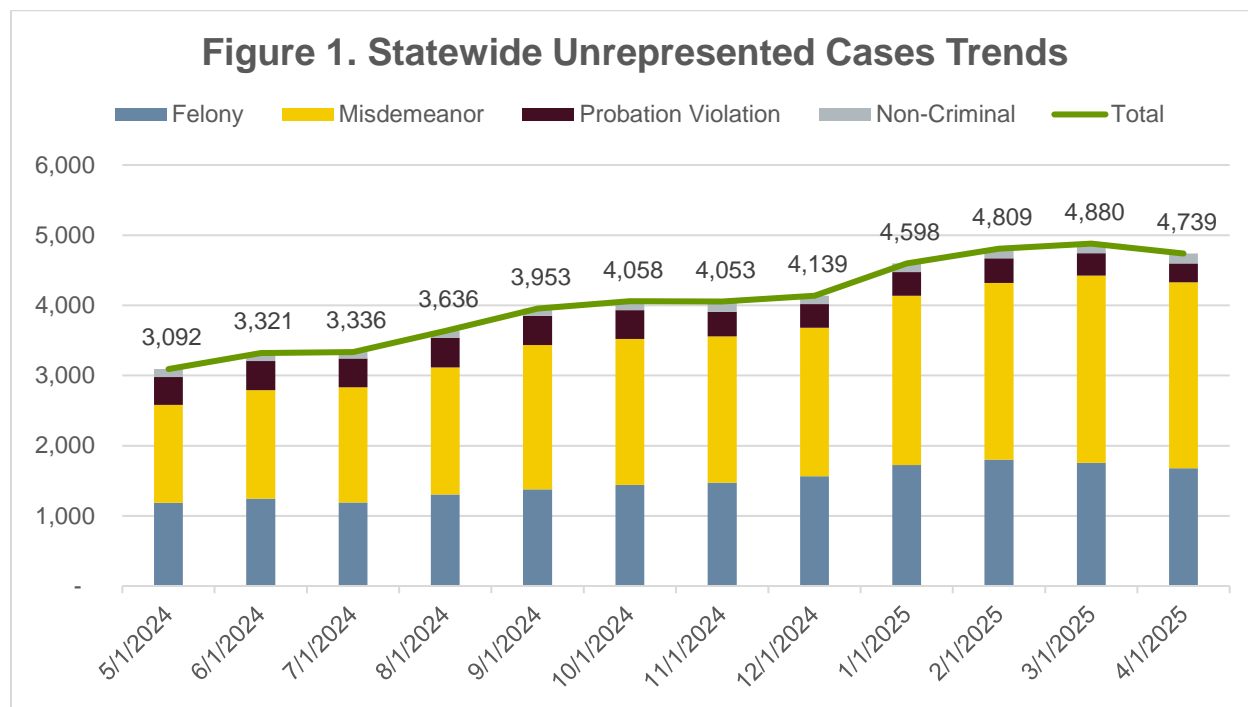
The number of criminal cases filed increased by 9.5% in March 2025 to 5,775 cases filed ([Figure 8](#)). The number of cases disposed of in March 2025 also increased by 10.7% compared to February 2025 ([Figure 9](#)).

#### [Unrepresented by County](#)

Multnomah, Jackson, Washington, Marion, Douglas, Coos, Klamath, and Union counties continue to have the highest number of unrepresented persons in Oregon ([Figure 11](#)). Multnomah and Washington saw increases in the number of unrepresented people between March 1 and April 1, 2025; but the other counties saw decreases. The largest decreases were in Klamath (-25.6%) and Marion (-19.1%).

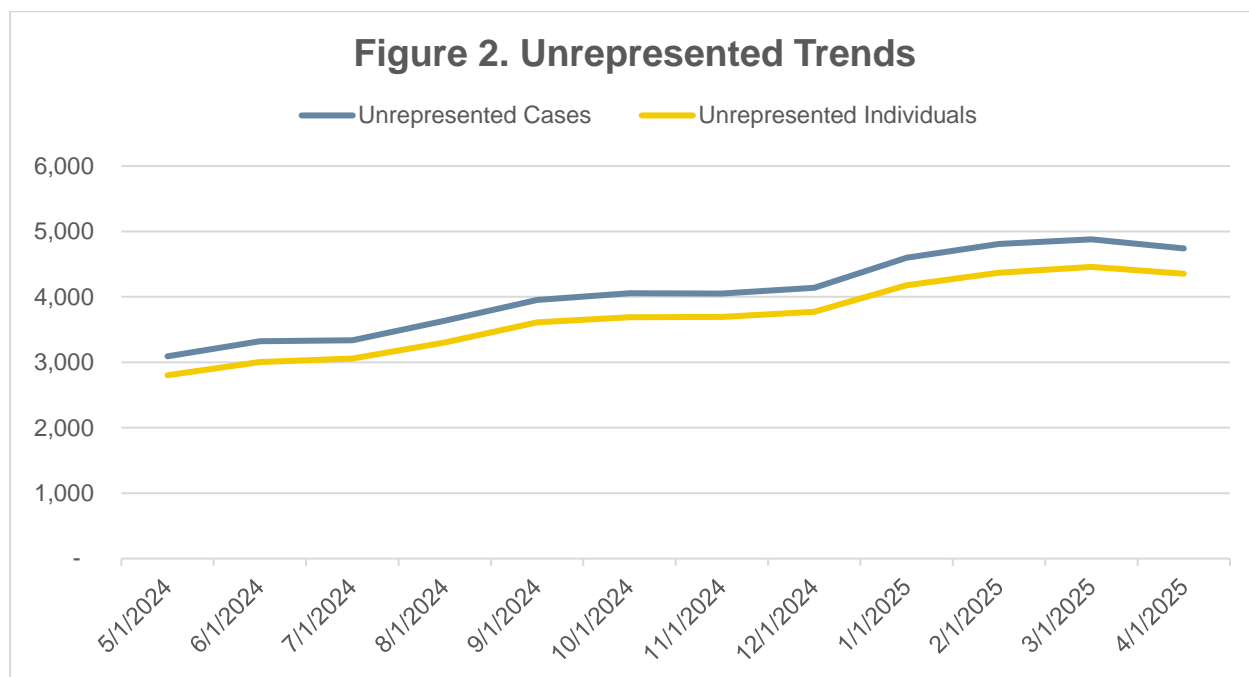
## Unrepresented Trends

**Figure 1** shows the number of unrepresented cases by case type. **The number of unrepresented cases decreased for the first time in the past 12 months.** On April 1, 2025, there were 4,739 unrepresented cases, down 141 cases (2.9%) between March 1 and April 1, primarily from fewer unrepresented felony and probation violation cases.



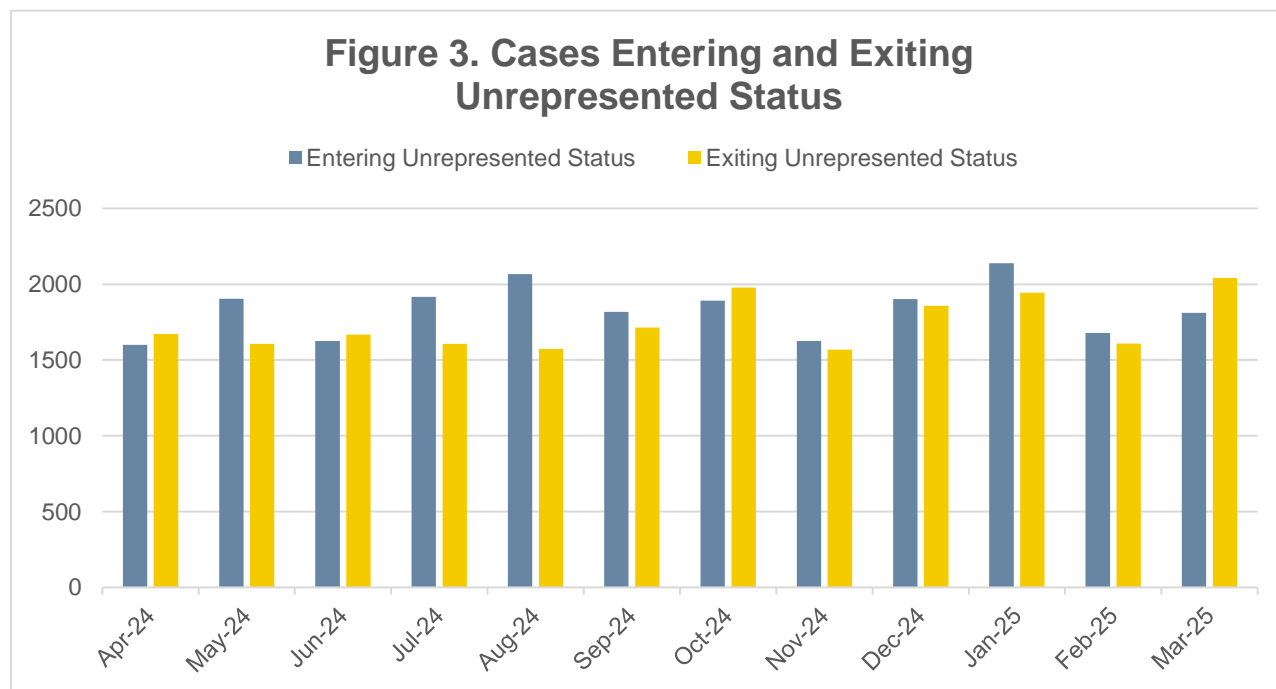
Source: OJD Odyssey Data (eCourt).

**Figure 2** shows the number of unrepresented cases and unrepresented individuals. **The number of unrepresented persons decreased between March 1 and April 1**, with a total of 4,355 unrepresented persons on April 1, 2025, which is 104 (2.3%) fewer than the previous month.



Source: OJD Odyssey Data (eCourt).

**Figure 3** shows the number of cases entering and exiting the unrepresented list each month. In March 2025, more cases exited the unrepresented status than entered, reversing a four-month trend.



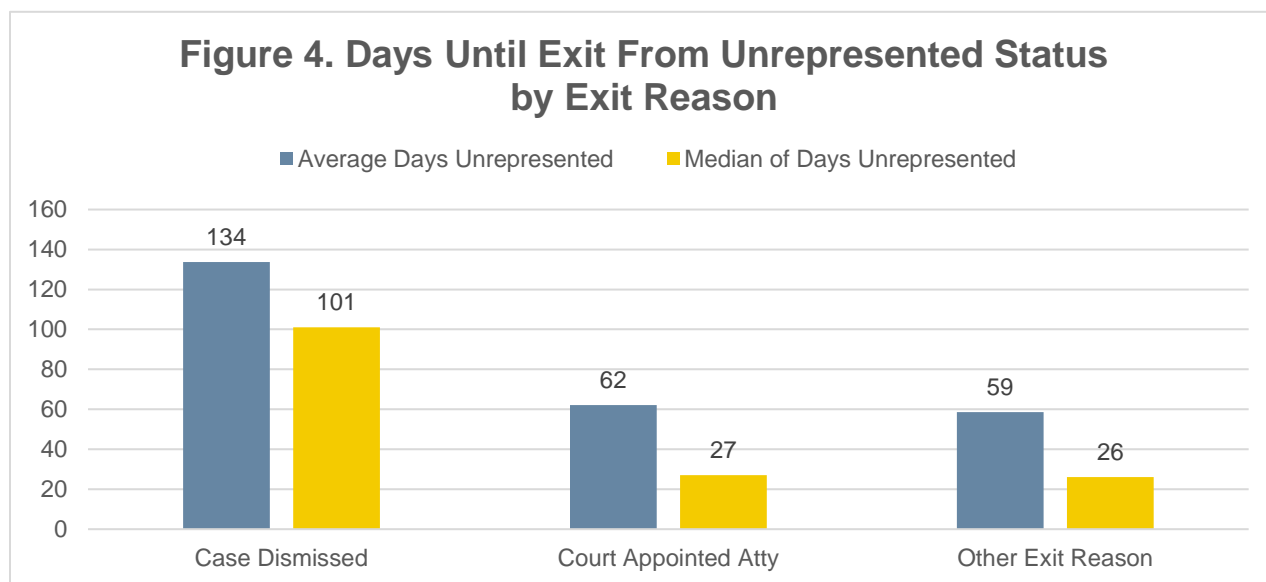
Source: OJD Odyssey Data (eCourt).

**Figure 4** shows the *average number of days* until a case exits the unrepresented list based on the exit reason. **Figure 5** shows the *average number of appearances* in an unrepresented

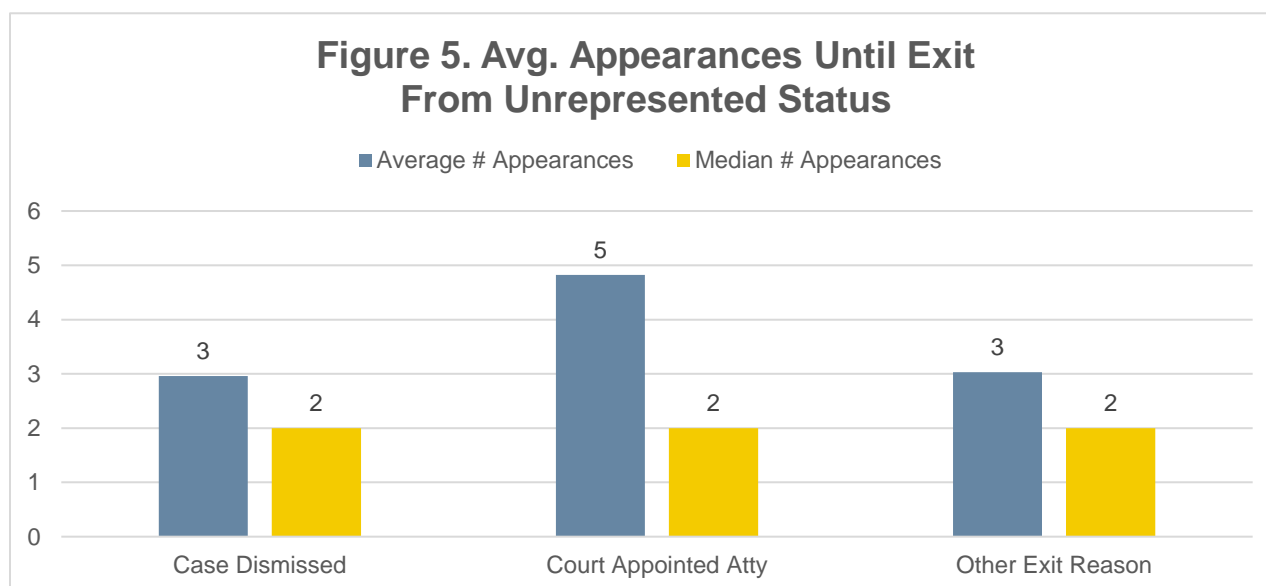
case before exiting the unrepresented list by exit reason. These charts include both in-custody and out-of-custody cases.

Cases exit unrepresented status because the case was dismissed, an attorney was appointed, or “other exit reason.” In March 2025, cases exiting unrepresented status because an attorney was appointed were on the unrepresented list for an average of 62 days and involved an average of five court appearances. In January 2025, the average days before a case exited unrepresented status because an attorney was assigned was 59 days.

Some courts require unrepresented persons to appear in court, either physically or remotely. Other courts require unrepresented persons to check-in with the court’s release assistance office and are documenting those check-ins as “appearances” for tracking purposes.



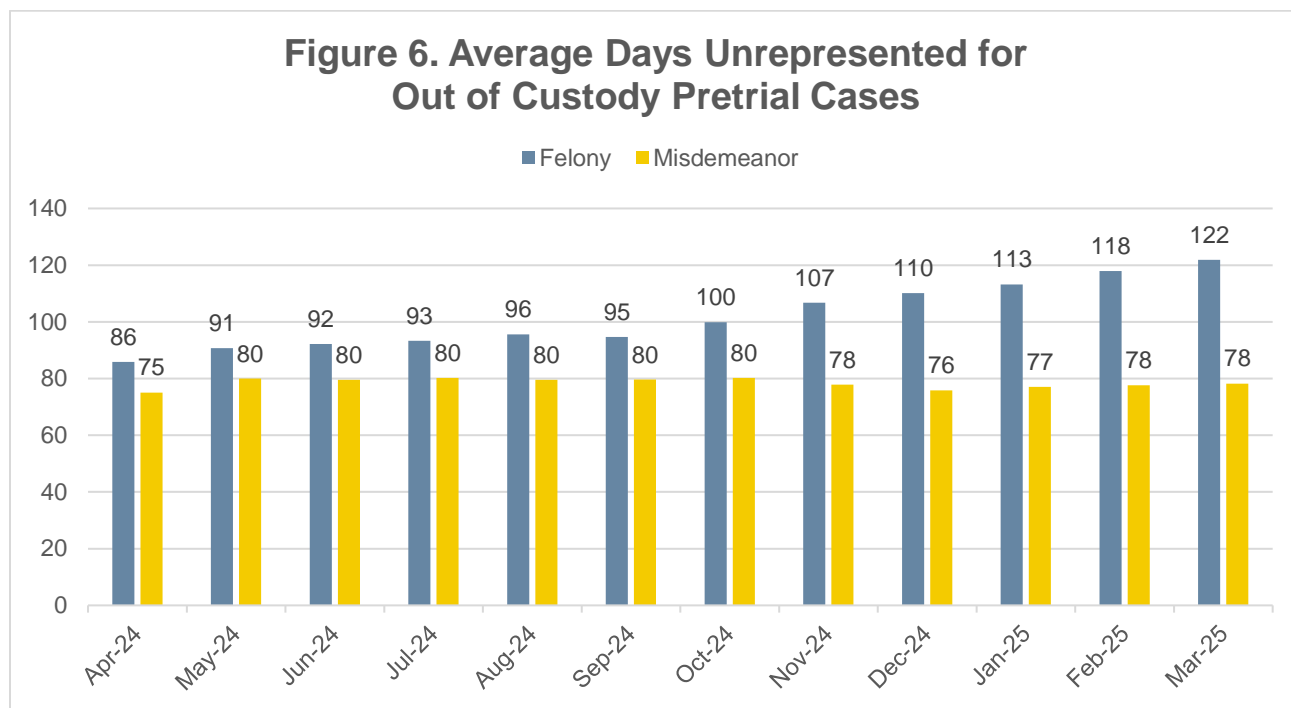
Source: OJD Odyssey Data (eCourt).



Source: OJD Odyssey Data (eCourt).

## Unrepresented – Out-of-Custody

**Figure 6** shows monthly data on the average days an out-of-custody felony or misdemeanor case is unrepresented. The average days an out-of-custody felony case is unrepresented continues to increase, reaching an average of 122 days in March 2025. The average time an out-of-custody misdemeanor case is unrepresented continues to remain relatively stable.

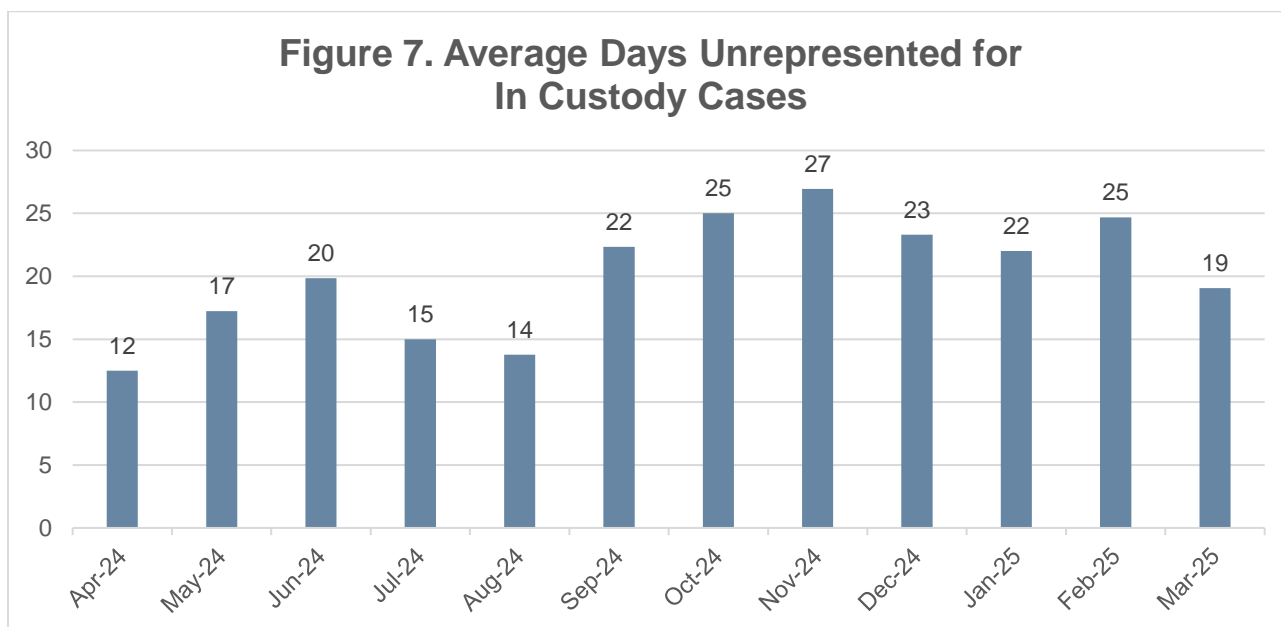


Source: OJD Odyssey Data (eCourt).

## Unrepresented – In Custody

**Figure 7** shows trends in the average number of days a person is both in custody and is unrepresented in any case. The average days a person is unrepresented and in custody on any case decreased sharply in March 2025 to an average of 19 days.

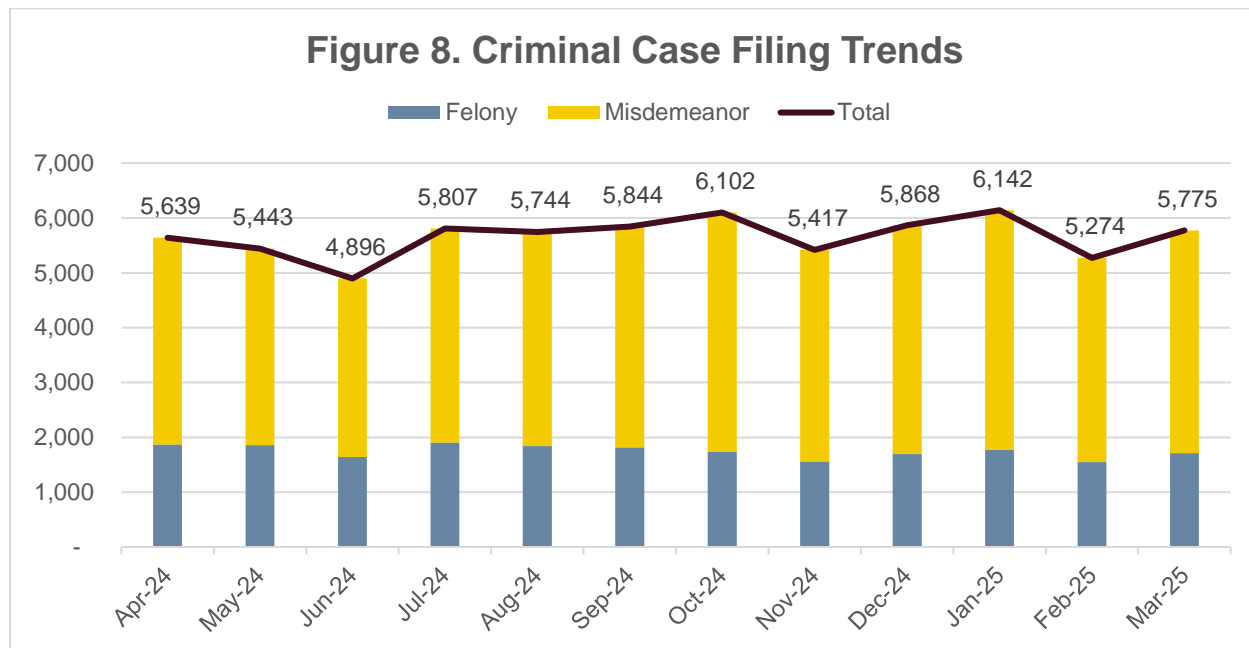
This chart primarily consists of people who are in custody and are unrepresented either on that in-custody case, another in-custody case, or an out-of-custody case. Because of the variety of circumstances in which being represented and unrepresented in different cases can occur while a person is in custody, this creates complexity in ensuring a person has appointed counsel on all their pending cases. If a person is being held in custody for reasons other than the unrepresented case, they may not be prioritized for appointment of counsel by OPDC because they will remain in custody for those other reasons.



Source: OJD Odyssey Data (eCourt).

## Criminal Case Filing and Disposition Trends

**Figure 8** shows the criminal case filing trends since April 2024. Criminal case filings increased 9.5% in March 2025 compared to February 2025.

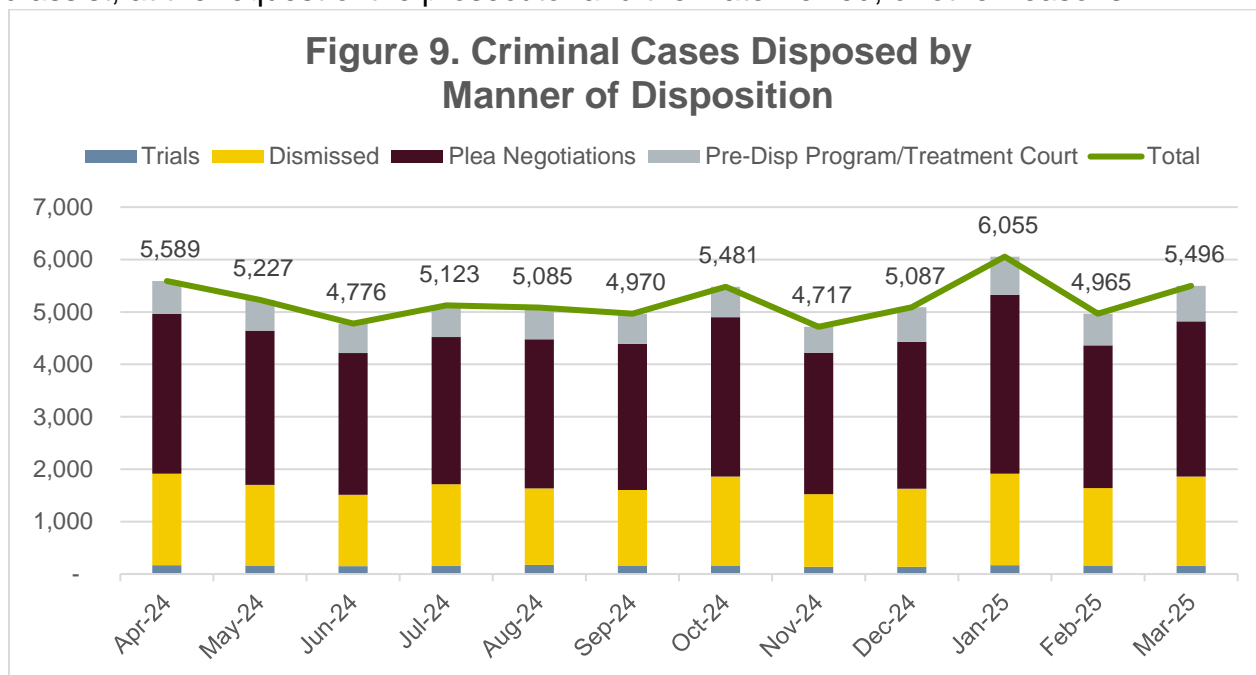


Source: OJD Odyssey Data (eCourt).

**Figure 9** shows the number of criminal cases disposed each month, by manner of disposition. Most criminal cases resolve through plea negotiations, followed by being dismissed. Over the past 12 months, on average 55.6% of cases resolved through plea negotiations and 29.7% of cases were dismissed. Dismissed cases includes cases where the parties negotiated a global

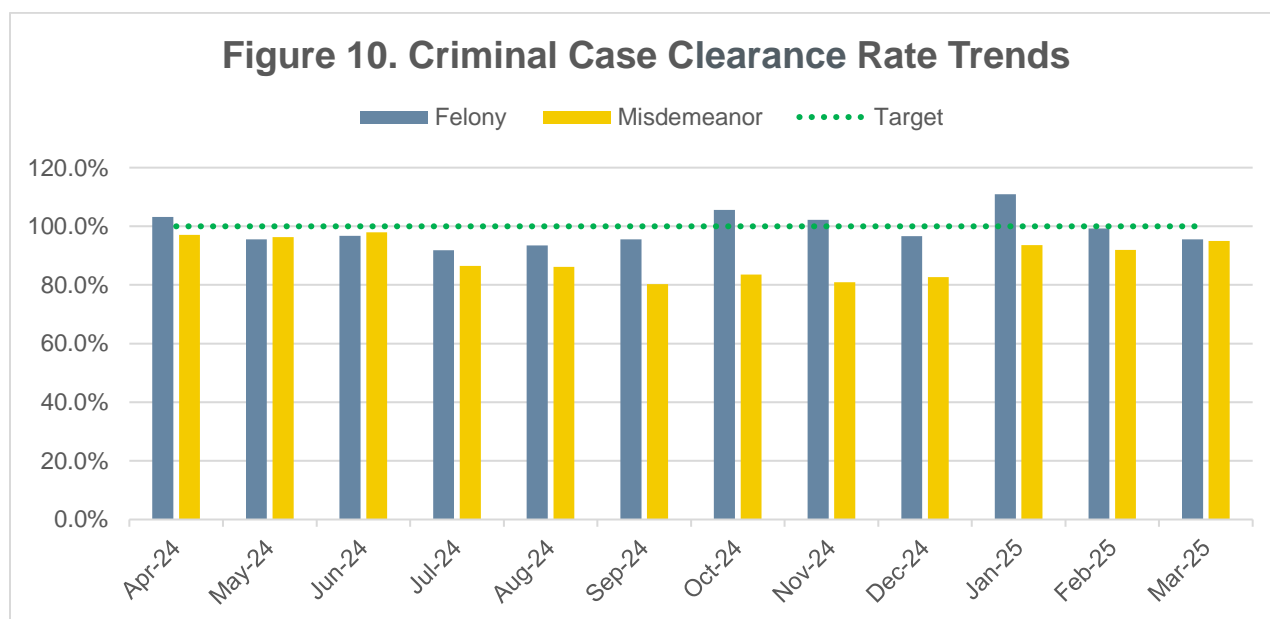


resolution and in exchange for the defendant pleading guilty in one or more cases, another case was dismissed. Cases also could be dismissed when a defendant is found not able to aid and assist, at the request of the prosecutor and then later refiled, or other reasons.



Source: OJD Odyssey Data (eCourt).

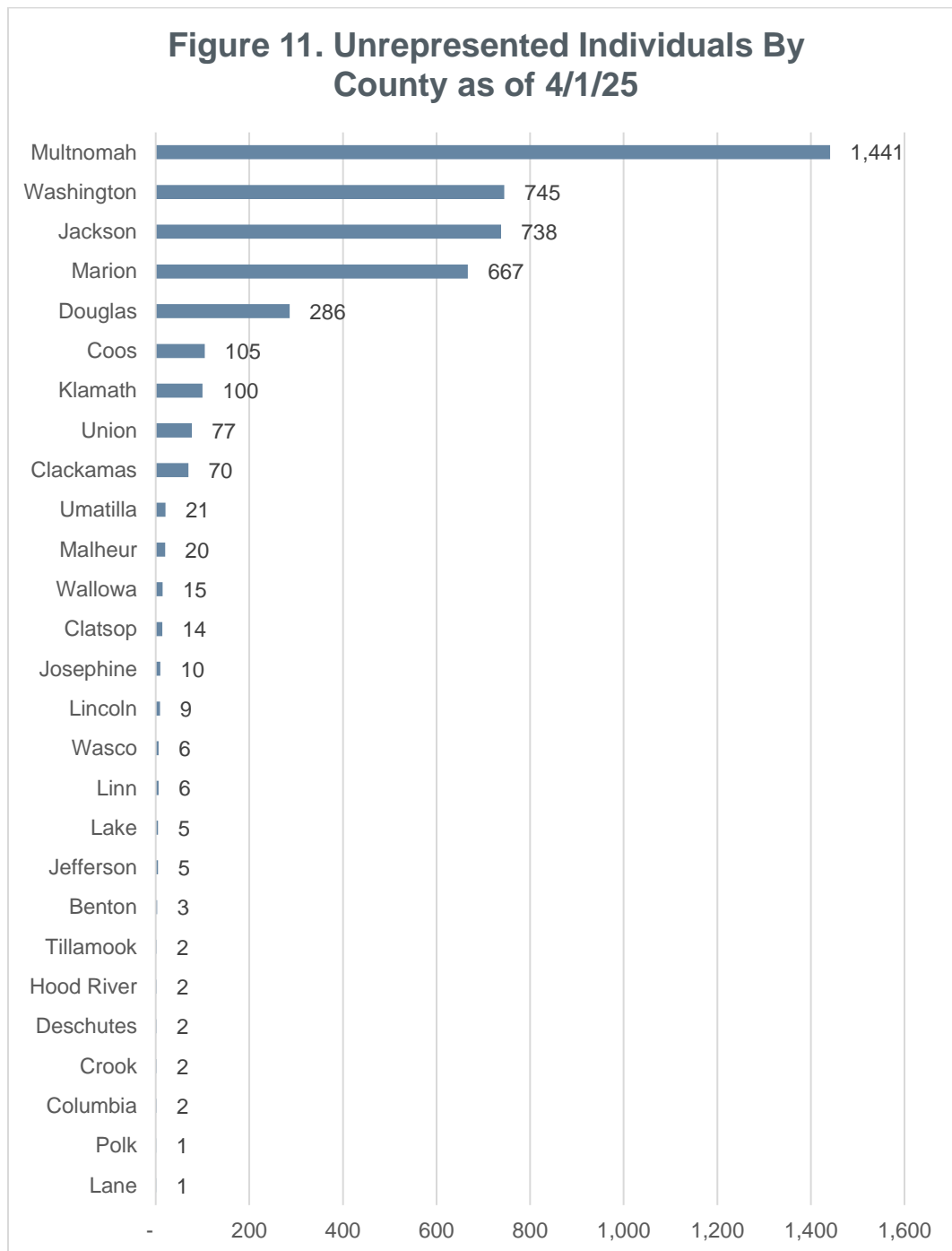
**Figure 10** shows criminal case clearance rate trends for the past 12 months. The statewide average in March for felony cases was 95.5% and the average for misdemeanor cases was 95%. When clearance rates are above 100%, courts are reducing the number of pending criminal cases. When clearance rates are below 100%, the number of pending cases is increasing. In the past 12 months, felony clearance rates generally have been higher than misdemeanor clearance rates.



Source: OJD Odyssey Data (eCourt).

## Unrepresented by County

**Figure 11** shows the number of unrepresented persons by county as of April 1, 2025. Multnomah, Washington, Jackson, Marion, Douglas, Coos, Klamath, and Union counties continue to have the highest number of unrepresented persons in Oregon. The number of unrepresented persons increased in Multnomah and Washington counties but decreased in the other counties between March 1 and April 1, 2025.



Source: OJD Odyssey Data (eCourt).



**Date:** 15 May 2025

**To:** Jennifer Nash, Chair of OPDC  
OPDC Commissioners

**From:** Ken Sanchagrin, Interim OPDC Director

**Re:** Extension of 2023-2025 Contracts

**Nature of Presentation:** Action Item

**Background:**

A new biennium will begin on 1 July 2025 and with it, expectations regarding new contracts for public defense providers. OPDC, however, faces substantial challenges to the development, evaluation, and deployment of contracts for the 2025-2027 biennium. These challenges include: (i) the need to shift to new contract terms and templates that satisfy Oregon Public Contracting Code, (ii) the need to incorporate new contract changes made at the conclusion of the 2023-2025 biennium, (iii) the need to provide contractors with an opportunity to review and provide feedback on the new contract terms and policies; and (iv) uncertainty surrounding the amount of funding available for contractors.

**Agency Recommendation:**

The Agency recommends that the Commission vote to extend current 2023-2025 biennium contracts until 30 September 2025.

**Fiscal Impact:**

None

**Agency Proposed Motion:**

I move the Commission approve extending current 2023-2025 provider contracts until 30 September 2025.



**Date:** 15 May 2025

**To:** Jennifer Nash, Chair of OPDC  
OPDC Commissioners

**From:** Ken Sanchagrin, Interim OPDC Director

**Re:** Response to Letter of Expectations from Gov. Kotek

**Nature of Presentation:** Action Item

**Background:**

As of 17 April 2025, Gov. Tina Kotek appointed me as the Interim Executive Director of the Oregon Public Defense Commission. When this appointment was made, Gov. Kotek also issued a letter outlining her expectations for me as Director, which, among other things, required the following:

*By June 1, 2025, provide me with a timeline for when OPDC believes the unrepresented crisis will end in the six crisis counties and statewide.*

Since assuming my role, I have been developing a framework that includes a collection of proposals, some of which are new and many of which have been proposed in various forms by the Commission and OPDC staff in the past, including recent Commission meetings and workgroups. This framework is intended to be the foundation upon which my timeline for the Governor will sit and proposes changes that will provide OPDC with additional tools for addressing the unrepresented crisis. Specifically, the framework includes the following items, broken into short- and long-term interventions and goals:

***Short-term (to be implemented in the 2025-2027 Contract Cycle):***

1. Broaden OPDC policy and contract terms to facilitate the appointment and compensation of sufficiently experienced attorneys with ethical capacity, on a voluntary basis, to take cases above current Maximum Attorney Caseload (MAC) limits, up to 115%. This action will allow OPDC to maximize attorney capacity within local jurisdictions, allowing current providers to help reduce the number of unrepresented defendants in the state.

2. Expand the collection and analysis of data regarding representation being provided to clients. This action will allow OPDC to better understand, assess, and communicate the quality of public defense work being provided in Oregon consistent with ABA Public Defense Principle Three.
3. Implement the contract adjustments approved in the 16 April 2025, OPDC meeting. The net result of these contract changes will result in additional attorney capacity, thus helping to reduce the number unrepresented defendants in the state.
4. Implement contract adjustments for non-profit public defender offices that provide greater hiring predictability and stability. Evidence suggests that lawyers brought into non-profit public defense firms as classes are retained at a higher rate than lawyers brought in individually. In addition, hiring classes allows organizations to better and more efficiently leverage scarce training and mentoring resources.
5. Develop policies and procedures to ensure that OPDC is closely monitoring contract compliance and enforcing contract terms. Direct OPDC staff to actively work with providers reporting low MAC utilization to address identified issues with contractors to ensure that lawyers are available for case assignments. This action will allow OPDC to maximize attorney capacity, allowing current providers to help reduce the number of unrepresented defendants in the state.

***Short-term (to be implemented over the next six months):***

6. Continue to develop and support the Public Defense Law Clinics at Oregon's three law schools. This action will help solidify the establishment of pipelines into public defense and help stabilize the public defense workforce in counties reliant on non-profit public defense firms.
7. Collaborate with system partners to organize and expand the usage of alternative resolution dockets in crisis counties. To the extent that alternative resolution dockets are able to dispose of cases quickly, or numerous cases at a single point in time, they will lead to reductions in the number of unrepresented defendants across the state.

***Long-term Goals (to be pursued during the 2025-2027 Biennium):***

8. Support the continued careful and thoughtful expansion of the State Trial Division while providing geographic flexibility for case appointments when and where necessary. Each addition to the trial team represents additional system capacity and when done so at the Trial Division, that capacity can be deployed where needed as needed to address current crises and to prevent future crises from happening.
9. Take a leadership role to help convene and facilitate discussions with system

partners to develop strategies to address systemic issues contributing to the unrepresented crisis. To truly reach and maintain long term stability, it is incumbent upon all system partners to collaborate on reducing system inefficiencies, which will lead to greater capacity and lower operating costs across the criminal justice system.

10. Promote hourly rates that provide adequate incentives to motivate private bar attorneys and investigators to fill gaps needed to address the unrepresented crisis. Current contract provider capacity cannot, and likely will never be able to meet the needs of our public defense system. By continuing to bring private bar lawyers into the system, we gain essential capacity that can be used to help address the public defense crisis.
11. Continue advocating for adequate resources needed to address recruitment and retention issues within public defense. Turnover within public defense reduces system capacity. To the extent that resources and programming can be developed to improve provider turnover, there will be increased capacity within the public defense system.
12. In collaboration with the Oregon Judicial Department and Oregon State Bar, explore the feasibility of having retired, Plan B judges perform public defense work. If additional, highly experienced capacity is brought into the system, it will be possible to help address the unrepresented defendant crisis more quickly.
13. In collaboration with the Oregon Judicial Department, explore methods for improving coordination of case assignments within public defense, particularly in crisis counties. If government agencies can collaborate to reduce bureaucratic hurdles to lawyers being assigned to and taking cases, capacity within the system will be increased.

**Agency Recommendation:**

The Agency recommends that the Commission endorse the items outlined in this memorandum so that Director Sanchagrin can include them in the timeline due to Gov. Kotek on 1 June 2025.

**Agency Proposed Motion:**

I move the Commission approve the adoption of Director Sanchagrin's framework as outlined in the meeting materials.



TINA KOTEK  
GOVERNOR

April 17, 2025

Ken Sanchagrin, Interim Director  
Oregon Public Defense Commission  
198 Commercial Street SE, Suite 205  
Salem, OR 97301

Dear Director Sanchagrin,

Thank you for agreeing to serve as the Interim Director of the Oregon Public Defense Commission (OPDC). You will face several immediate challenges, but I believe your collaborative leadership style, record of successfully working with a diverse group of interests, and commitment to transparency has prepared you for this responsibility. I have also been impressed with your work using data and the tools of the criminal justice system to examine sentencing, recidivism, and other important policy issues in Oregon.

Public defense is a core component of our community's safety. Oregon has a constitutional and moral duty to ensure that persons charged with a crime are represented by competent legal counsel. Victims of crime deserve to have timely resolution to criminal proceedings. Unfortunately, there are about 4,000 Oregonians currently waiting to have defense attorneys appointed to them, delaying justice for both the accused and victims.

If this crisis is to be addressed, the immediate answers lie in Oregon's most impacted counties - Multnomah, Jackson, Washington, Marion, Douglas, and Coos. The unrepresented crisis is years in the making and will take concerted action by everyone to solve. However, it is my expectation that OPDC will lead and make tangible progress quickly in ensuring that criminal defendants have adequate legal representation.

As you take leadership of OPDC, I am asking you to do the following:

- Conduct an organizational review to assess what is currently working well at the agency and what could be improved upon. The organizational review should include the views of OPDC employees, commissioners, defense providers, judges, prosecutors, and other groups.
- Meet regularly with the presiding judge, local defense providers, and the district attorney in each of the six crisis counties to identify local solutions, such as unimplemented recommendations from the Senate Bill 337 local crisis plan recommendations, process improvements, and identifying where additional attorneys are necessary.

254 STATE CAPITOL, SALEM OR 97301-4047 (503) 378-3111 FAX (503) 378-8970

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Ken Sanchagrin  
April 17, 2025  
Page 2

- By June 1, 2025, provide me with a timeline for when OPDC believes the unrepresented crisis will end in the six crisis counties and statewide.
- Develop a plan for how best to utilize OPDC's trial division in the crisis counties.
- Increase transparency and improve communication to the public on how OPDC spends state dollars.

The public, lawmakers, and the judicial community must be able to trust OPDC's ability to lead and collaborate to resolve the unrepresented crisis and the other challenges the agency faces. OPDC's ability to fulfill its constitutional and statutory duties, including resolving the unrepresented crisis, hinges on rebuilding faith in the agency. We are counting on your work to rebuild this trust.

You have my support, and the Governor's Office is here to be a partner in moving the agency forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Tina Kotek", with a stylized, cursive script.

Governor Tina Kotek

TK:smg



## A-Engrossed House Bill 2614

Ordered by the House April 15  
Including House Amendments dated April 15

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of House Interim Committee on Judiciary for Representative Jason Kropf)

### SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

**Digest: The Act makes various changes to the OPDC. The Act takes effect when the Governor signs it. (Flesch Readability Score: 92.9).**

*[Digest: The Act tells the OPDC to do a study. (Flesch Readability Score: 100.0).]*

*[Directs the Oregon Public Defense Commission to study ways to improve the provision of public defense services within this state, and to provide the results of the study to the appropriate interim committees of the Legislative Assembly no later than December 31, 2026.]*

*[Sunsets January 2, 2027.]*

**Directs the Oregon Public Defense Commission to submit an agency request budget to the Oregon Department of Administrative Services after approval by commission members. Modifies the requirements for policies concerning compensation and caseloads. Removes the authority of the commission to advocate for or against legislation.**

**Modifies the authority of the Governor, beginning July 1, 2027, over the appointment and removal of the executive director of the commission and the removal of commission members.**

**Extends the authority of the commission to contract with entities that subcontract with other entities or persons for the provision of public defense services until July 1, 2033. Specifies requirements for subcontracting entities.**

**Declares an emergency, effective on passage.**

### A BILL FOR AN ACT

Relating to the Oregon Public Defense Commission; creating new provisions; amending ORS 151.213 and 151.216 and section 102, chapter 281, Oregon Laws 2023; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** Section 102, chapter 281, Oregon Laws 2023, is amended to read:

**Sec. 102.** (1)(a) The amendments to ORS 151.211, 151.216 and 151.219 by sections 93 to 95, *[of this 2023 Act]* **chapter 281, Oregon Laws 2023**, become operative on July 1, 2025.

(b) The amendments to ORS 151.213 *[and 151.216]* by *[sections 100 and 101 of this 2023 Act]* **section 100, chapter 281, Oregon Laws 2023**, become operative on July 1, 2027.

**(c) The amendments to ORS 151.216 by section 101, chapter 281, Oregon Laws 2023, become operative on July 1, 2033.**

(2)(a) A person who is a member of the Oregon Public Defense Commission on July 1, 2027, may finish the person's term as a commission member and is eligible for reappointment, but, beginning July 1, 2027, may be removed by the Governor only for *[inefficiency, neglect of duty or malfeasance in office]* **cause**.

(b) The person serving as executive director of the Oregon Public Defense Commission on July 1, 2027, may finish the person's term as executive director and is eligible for reappointment, but, beginning on July 1, 2027, *[serves at the pleasure of the voting members of the commission]* **may be**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **removed by the Governor only for cause.**

2 (3) The Oregon Public Defense Commission, the Oregon Department of Administrative Services  
3 and the Governor may take any action before the operative dates specified in subsection (1) of this  
4 section that is necessary to enable the commission to exercise, on and after the operative dates  
5 specified in subsection (1) of this section, all of the duties, functions and powers conferred on those  
6 entities by the amendments to ORS 151.211, 151.213, 151.216 and 151.219 by sections 93 to 95, 100  
7 and 101, *[of this 2023 Act]* **chapter 281, Oregon Laws 2023.**

8 **SECTION 2.** ORS 151.213, as amended by section 77, chapter 281, Oregon Laws 2023, is  
9 amended to read:

10 151.213. (1) The Oregon Public Defense Commission is established in the executive branch of  
11 state government. *[Except for the appointment or removal of commission members, the commission and*  
12 *employees of the commission are not subject to the exercise of administrative authority and supervision*  
13 *by the Governor.]*

14 (2)(a) Nine voting members and four nonvoting members shall be appointed to the commission  
15 by the Governor as follows:

16 (A) The Governor shall appoint:

17 (i) One voting member who has been represented by a public defense provider.

18 (ii) Two additional voting members, one of whom has experience as a public defense provider in  
19 juvenile delinquency or dependency cases.

20 (iii) Two nonvoting members who are currently employed as public defense providers in this  
21 state, one of whom is from an urban area and one of whom is from a rural area.

22 (B) The Governor shall appoint, from among persons recommended by the Chief Justice of the  
23 Supreme Court:

24 (i) One voting member who is a retired judge.

25 (ii) Two additional voting members, one of whom has experience as a public defense provider in  
26 criminal cases.

27 (C) The Governor shall appoint, from among persons recommended by the President of the Sen-  
28 ate:

29 (i) One voting member who is a current dean or faculty member of an Oregon law school.

30 (ii) One nonvoting member who is a member of the Senate at the time of appointment.

31 (D) The Governor shall appoint, from among persons recommended by the Speaker of the House  
32 of Representatives:

33 (i) One voting member who has expertise in juvenile law and criminal defense, or who is a ju-  
34 venile justice or criminal justice reform advocate.

35 (ii) One nonvoting member who is a member of the House of Representatives at the time of ap-  
36 pointment.

37 (E) The Governor shall appoint one voting member from among persons jointly recommended  
38 by the President of the Senate and the Speaker of the House of Representatives.

39 (b) When recommending and appointing members of the commission, the Governor, Chief Justice,  
40 President of the Senate and Speaker of the House of Representatives shall:

41 (A) Consider input from individuals and organizations with an interest in the delivery of public  
42 defense services.

43 (B) Consider geographic, racial, ethnic and gender diversity.

44 (C) Ensure that members appointed to the commission have significant experience with issues  
45 related to public defense or in the case types subject to representation by public defense providers.

(D) Ensure that members appointed to the commission have demonstrated a strong commitment to quality public defense representation.

(c) The following persons may not be appointed to and may not serve as members of the commission:

(A) A prosecuting attorney.

(B) A judge, magistrate or other person who performs judicial functions.

(C) An employee of a law enforcement agency or the Department of Human Services.

(d) A person who is primarily engaged in providing public defense services and who has a financial interest in the delivery of public defense services at the state level may not serve as a voting member of the commission.

(e) As used in this subsection, "law enforcement agency" means an entity that employs corrections officers, parole and probation officers, police officers, certified reserve officers or reserve officers, as those terms are defined in ORS 181A.355.

(3) The term of a member is four years beginning on the effective date of the Governor's appointment, but members serve at the pleasure of the Governor. A member is eligible for reappointment if qualified for membership at the time of reappointment, but may serve no more than two consecutive four-year terms. The Governor may remove any member of the commission at any time. If a vacancy occurs for any cause before the expiration of the term of a member, the Governor shall make an appointment to fill the vacancy, in the same manner as an appointment to a full term, to become immediately effective for the unexpired term.

(4) A chairperson and a vice chairperson shall be elected by the voting members of the commission every two years with such functions as the commission may determine. A member is eligible for reelection as chairperson or vice chairperson.

(5) A majority of the voting members constitutes a quorum for the transaction of business.

(6)(a) All members of the commission shall:

(A) Review the policies, procedures, standards and guidelines required by ORS 151.216 and provide input before the approval vote described in paragraph (b) of this subsection.

(B) Review the **agency request** budget of the commission and provide input before the approval vote described in paragraph (b) of this subsection.

(C) Meet as needed to carry out the duties described in this subsection.

(b) The voting members of the commission shall:

(A) Approve by majority vote the policies, procedures, standards and guidelines required by ORS 151.216 before those policies, procedures, standards and guidelines may take effect.

(B) Approve by majority vote the **agency request** budget of the commission before submission to the [Legislative Assembly] **Oregon Department of Administrative Services**.

(7) The members of the commission may not:

(a) Make any decision regarding the handling of any individual case;

(b) Have access to any case file; or

(c) Interfere with the executive director or any member of the staff of the executive director in carrying out professional duties involving the legal representation of public defense clients.

(8) A member of the commission is entitled to compensation for services as a member, and to expenses, as provided in ORS 292.495.

(9)(a) The Governor shall appoint an executive director of the commission, subject to confirmation by the Senate in the manner prescribed by ORS 171.562 and 171.565. The person appointed as executive director must be well qualified by training and experience to perform the functions of the

office.

(b) The term of office of the executive director is four years, but the executive director serves at the pleasure of the Governor.

(c) Before the expiration of the executive director's term, the Governor shall appoint a successor to take office upon the date of the expiration. The executive director is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

**SECTION 3.** ORS 151.213, as amended by sections 77 and 100, chapter 281, Oregon Laws 2023, is amended to read:

151.213. (1) The Oregon Public Defense Commission is established in the executive branch of state government. *[Except for the appointment or removal of commission members, the commission and employees of the commission are not subject to the exercise of administrative authority and supervision by the Governor.]*

(2)(a) Nine voting members and four nonvoting members shall be appointed to the commission by the Governor as follows:

(A) The Governor shall appoint:

(i) One voting member who has been represented by a public defense provider.

(ii) Two additional voting members, one of whom has experience as a public defense provider in juvenile delinquency or dependency cases.

(iii) Two nonvoting members who are currently employed as public defense providers in this state, one of whom is from an urban area and one of whom is from a rural area.

(B) The Governor shall appoint, from among persons recommended by the Chief Justice of the Supreme Court:

(i) One voting member who is a retired judge.

(ii) Two additional voting members, one of whom has experience as a public defense provider in criminal cases.

(C) The Governor shall appoint, from among persons recommended by the President of the Senate:

(i) One voting member who is a current dean or faculty member of an Oregon law school.

(ii) One nonvoting member who is a member of the Senate at the time of appointment.

(D) The Governor shall appoint, from among persons recommended by the Speaker of the House of Representatives:

(i) One voting member who has expertise in juvenile law and criminal defense, or who is a juvenile justice or criminal justice reform advocate.

(ii) One nonvoting member who is a member of the House of Representatives at the time of appointment.

(E) The Governor shall appoint one voting member from among persons jointly recommended by the President of the Senate and the Speaker of the House of Representatives.

(b) When recommending and appointing members of the commission, the Governor, Chief Justice, President of the Senate and Speaker of the House of Representatives shall:

(A) Consider input from individuals and organizations with an interest in the delivery of public defense services.

(B) Consider geographic, racial, ethnic and gender diversity.

(C) Ensure that members appointed to the commission have significant experience with issues related to public defense or in the case types subject to representation by public defense providers.

(D) Ensure that members appointed to the commission have demonstrated a strong commitment to quality public defense representation.

(c) The following persons may not be appointed to and may not serve as members of the commission:

(A) A prosecuting attorney.

(B) A judge, magistrate or other person who performs judicial functions.

(C) An employee of a law enforcement agency or the Department of Human Services.

(d) A person who is primarily engaged in providing public defense services and who has a financial interest in the delivery of public defense services at the state level may not serve as a voting member of the commission.

(e) As used in this subsection, "law enforcement agency" means an entity that employs corrections officers, parole and probation officers, police officers, certified reserve officers or reserve officers, as those terms are defined in ORS 181A.355.

(3) The term of a member is four years beginning on the effective date of the Governor's appointment. A member is eligible for reappointment if qualified for membership at the time of reappointment, but may serve no more than two consecutive four-year terms. The Governor may remove any member of the commission at any time *[for inefficiency, neglect of duty or malfeasance in office]* **for cause**. If a vacancy occurs for any cause before the expiration of the term of a member, the Governor shall make an appointment to fill the vacancy, in the same manner as an appointment to a full term, to become immediately effective for the unexpired term.

(4) A chairperson and a vice chairperson shall be elected by the voting members of the commission every two years with such functions as the commission may determine. A member is eligible for reelection as chairperson or vice chairperson.

(5) A majority of the voting members constitutes a quorum for the transaction of business.

(6)(a) All members of the commission shall:

(A) Review the policies, procedures, standards and guidelines required by ORS 151.216 and provide input before the approval vote described in paragraph (b) of this subsection.

(B) Review the **agency request** budget of the commission and provide input before the approval vote described in paragraph (b) of this subsection.

(C) Meet as needed to carry out the duties described in this subsection.

(b) The voting members of the commission shall:

*[(A) Appoint an executive director of the commission. The term of office of the executive director is four years, but the executive director serves at the pleasure of the voting members of the commission.]*

*[(B)]* (A) Approve by majority vote the policies, procedures, standards and guidelines required by ORS 151.216 before those policies, procedures, standards and guidelines may take effect.

*[(C)]* (B) Approve by majority vote the **agency request** budget of the commission before submission to the *[Legislative Assembly]* **Oregon Department of Administrative Services**.

(7) The members of the commission may not:

(a) Make any decision regarding the handling of any individual case;

(b) Have access to any case file; or

(c) Interfere with the executive director or any member of the staff of the executive director in carrying out professional duties involving the legal representation of public defense clients.

(8) A member of the commission is entitled to compensation for services as a member, and to expenses, as provided in ORS 292.495.

(9)(a) The Governor shall appoint an executive director of the commission after consultation with the commission. The appointment is subject to confirmation by the Senate in the manner prescribed by ORS 171.562 and 171.565. The person appointed as executive director must be well qualified by training and experience to perform the functions of the office.

(b) As used in this subsection, “consultation with the commission” must include, but is not limited to, consulting with the chairperson of the commission prior to the recruitment of a new executive director, allowing the chairperson or another commission member designated by the chairperson to participate in the interview process, and allowing commission members to review and provide comment on the top three candidates prior to the final appointment.

(c) The term of office of the executive director is four years, but the Governor may remove the executive director at any time for cause.

(d) Before the expiration of the executive director’s term, the Governor shall appoint a successor to take office upon the date of the expiration. The executive director is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

**SECTION 4.** ORS 151.216, as amended by section 78, chapter 281, Oregon Laws 2023, is amended to read:

151.216. (1) The Oregon Public Defense Commission shall:

(a) Establish and maintain a public defense system that ensures the provision of public defense services consistent with the Oregon Constitution, the United States Constitution and Oregon and national standards of justice.

(b) Adopt policies for public defense providers that:

(A) Ensure compensation, resources and caseloads are in accordance with *[national and regional best practices]* **the requirements of the Oregon and United States Constitutions;**

*[(B) Ensure all public defense provider contracts provide for compensation that is commensurate with the character of service performed;]*

*[(C)]* **(B)** Ensure funding and resources to support required data collection and training requirements; and

*[(D)]* **(C)** Recognize the need to consider overhead costs that account for the cost of living and business cost differences in each county or jurisdiction, including but not limited to rent, professional membership dues, malpractice insurance and other insurance and other reasonable and usual operating costs.

(c) Establish operational and contracting systems that allow for oversight, ensure transparency and stakeholder engagement and promote equity, inclusion and culturally specific representation.

(d) Review the caseload policies described in paragraph (b)(A) of this subsection annually, and revise the policies as necessary and at least every four years.

(e) Adopt a statewide workload plan, based on the caseload policies described in paragraph (b)(A) of this subsection, that takes into account the needs of each county or jurisdiction, practice structure and type of practice overseen by the commission.

(f) Submit *[the budget of the commission to the Legislative Assembly after the budget is submitted to the commission by the executive director and approved by the voting members of the commission. The chairperson of the commission shall present the budget to the Legislative Assembly]* **an agency request budget to the Oregon Department of Administrative Services as described in ORS 291.208.**

1 (g) Adopt a compensation plan, classification system and affirmative action plan for the com-  
2 mission that are commensurate with other state agencies.

3 (h) Adopt policies, procedures, standards and guidelines regarding:

4 (A) The determination of financial eligibility of persons entitled to be represented by appointed  
5 counsel at state expense;

6 (B) The appointment of counsel, including the appointment of counsel at state expense regard-  
7 less of financial eligibility in juvenile delinquency matters;

8 (C) The fair compensation of counsel appointed to represent a person financially eligible for  
9 appointed counsel at state expense;

10 (D) Appointed counsel compensation disputes;

11 (E) The costs associated with the representation of a person by appointed counsel in the state  
12 courts that are required to be paid by the state; and

13 (F) The types of fees and expenses subject to a preauthorization requirement.

14 (i) Reimburse the State Court Administrator from funds deposited in the Public Defense Services  
15 Account established by ORS 151.225 for the costs of personnel and other costs associated with lo-  
16 cation of eligibility verification and screening personnel pursuant to ORS 151.489 by the State Court  
17 Administrator.

18 (j) Develop, adopt and oversee the implementation, enforcement and modification of policies,  
19 procedures, minimum standards and guidelines to ensure that public defense providers are providing  
20 effective assistance of counsel consistently to all eligible persons in this state as required by statute  
21 and the Oregon and United States Constitutions. The policies, procedures, standards and guidelines  
22 described in this paragraph apply to employees of the commission and to any person or entity that  
23 contracts with the commission to provide public defense services in this state.

24 (k) Set minimum standards by which appointed counsel are trained and supervised.

25 (L) Establish a system, policies and procedures for the mandatory collection of data concerning  
26 the operation of the commission and all public defense providers.

27 (m) Enter into contracts and hire attorneys to bring the delivery of public defense services into  
28 and maintain compliance with the minimum policies, procedures, standards and guidelines described  
29 in this subsection. All contracts for the provision of public defense services to which the commission  
30 is a party must include a requirement for collection by the commission of data determined by the  
31 commission to be qualitatively necessary for any report required to be submitted to the Legislative  
32 Assembly.

33 (n) At least once every two years, report to the interim committees of the Legislative Assembly  
34 related to the judiciary, in the manner provided in ORS 192.245, and to the Governor and Chief  
35 Justice, concerning compliance metrics for the minimum standards described in this subsection and  
36 recommendations for legislative changes.

37 (o) Develop standard operating expectations for persons and entities providing public defense  
38 services.

39 (p) In consultation with the Judicial Department, ensure the existence of policies that create a  
40 standardized process for determining and verifying financial eligibility for appointed counsel under  
41 ORS 151.485.

42 (q) Ensure access to systematic and comprehensive training programs for attorneys for the  
43 purpose of meeting statewide standards set by the commission.

44 (r) Enter into contracts or interagency agreements with the Oregon Department of Administra-  
45 tive Services for the purpose of supporting state public defense population forecasts and other re-

lated forecasts.

(s) Establish any other policies, procedures, standards and guidelines for the conduct of the commission's affairs and promulgate policies necessary to carry out all powers and duties of the commission.

(2) When establishing the minimum policies, procedures, standards and guidelines described in this section, the commission shall adhere to the following principles:

(a) Appointed counsel shall be provided sufficient time and a space where attorney-client confidentiality is safeguarded for meetings with clients.

(b) The workload of appointed counsel must be controlled to permit effective representation. Economic disincentives or incentives that impair the ability of appointed counsel to provide effective assistance of counsel must be avoided. The commission may develop workload controls to enhance appointed counsel's ability to provide effective representation.

(c) The ability, training and experience of appointed counsel must match the nature and complexity of the case to which the counsel is appointed.

(d) The same appointed counsel shall continuously represent a client throughout the pendency of the case and shall appear at every court appearance other than ministerial hearings.

(e) The commission shall establish continuing legal education requirements for public defense providers who are employed by or contract with the commission that are specific to the subject matter area and practice of each type of court-appointed counsel.

(f) The commission and public defense providers shall systematically review appointed counsel for efficiency and for effective representation according to commission standards.

(3) The commission shall be organized in a manner for the effective delivery of public defense services as prescribed by the policies and procedures created pursuant to statute to financially eligible persons and consistent with the budgetary structure established for the commission by the Legislative Assembly.

(4) The commission shall hire attorneys to serve as appointed counsel, including at the trial level in Oregon circuit courts, and may establish a trial division within the commission consisting of attorneys employed by the commission who are trial-level public defense providers.

(5) The policies, procedures, standards and guidelines adopted by the commission must be made available in an accessible manner to the public on the commission's website.

(6) Policies, procedures, standards and guidelines adopted by the commission supersede any conflicting rules, policies or procedures of the Public Defender Committee, State Court Administrator, circuit courts, the Court of Appeals, the Supreme Court and the Psychiatric Security Review Board related to the exercise of the commission's administrative responsibilities under this section and transferred duties, functions and powers as they occur.

(7) The commission may accept gifts, grants or contributions from any source, whether public or private. However, the commission may not accept a gift, grant or contribution if acceptance would create a conflict of interest. Moneys accepted under this subsection shall be deposited in the Public Defense Services Account established by ORS 151.225 and expended for the purposes for which given or granted.

*[(8) With the approval of a majority of the voting members of the commission, the commission may advocate for or against legislation before the Legislative Assembly or policies or budgets being considered by the Legislative Assembly.]*

**(8) The commission shall maintain an accurate and current list of all attorneys providing public defense services in this state and the qualifications for each attorney.**



(9) The commission shall request that the Governor include in the Governor's requested budget, for each fiscal period, at a minimum, the amount of funds identified by the commission as being necessary to carry out the duties and activities of the commission.

(10) The commission may adopt rules pursuant to ORS chapter 183.

**SECTION 5.** ORS 151.216, as amended by sections 78 and 94, chapter 281, Oregon Laws 2023, is amended to read:

151.216. (1) The Oregon Public Defense Commission shall:

(a) Establish and maintain a public defense system that ensures the provision of public defense services consistent with the Oregon Constitution, the United States Constitution and Oregon and national standards of justice.

(b) Adopt policies for public defense providers that:

(A) Ensure compensation, resources and caseloads are in accordance with *[national and regional best practices]* **the requirements of the Oregon and United States Constitutions;**

*[(B) Ensure all public defense provider contracts provide for compensation that is commensurate with the character of service performed;]*

*[(C)]* (B) Ensure funding and resources to support required data collection and training requirements; and

*[(D)]* (C) Recognize the need to consider overhead costs that account for the cost of living and business cost differences in each county or jurisdiction, including but not limited to rent, professional membership dues, malpractice insurance and other insurance and other reasonable and usual operating costs.

(c) Establish operational and contracting systems that allow for oversight, ensure transparency and stakeholder engagement and promote equity, inclusion and culturally specific representation.

(d) Review the caseload policies described in paragraph (b)(A) of this subsection annually, and revise the policies as necessary and at least every four years.

(e) Adopt a statewide workload plan, based on the caseload policies described in paragraph (b)(A) of this subsection, that takes into account the needs of each county or jurisdiction, practice structure and type of practice overseen by the commission.

(f) Submit *[the budget of the commission to the Legislative Assembly after the budget is submitted to the commission by the executive director and approved by the voting members of the commission. The chairperson of the commission shall present the budget to the Legislative Assembly]* **an agency request budget to the Oregon Department of Administrative Services as described in ORS 291.208.**

(g) Adopt a compensation plan, classification system and affirmative action plan for the commission that are commensurate with other state agencies.

(h) Adopt policies, procedures, standards and guidelines regarding:

(A) The determination of financial eligibility of persons entitled to be represented by appointed counsel at state expense;

(B) The appointment of counsel, including the appointment of counsel at state expense regardless of financial eligibility in juvenile delinquency matters;

(C) The fair compensation of counsel appointed to represent a person financially eligible for appointed counsel at state expense;

(D) Appointed counsel compensation disputes;

(E) The costs associated with the representation of a person by appointed counsel in the state courts that are required to be paid by the state; and

(F) The types of fees and expenses subject to a preauthorization requirement.

(i) Reimburse the State Court Administrator from funds deposited in the Public Defense Services Account established by ORS 151.225 for the costs of personnel and other costs associated with location of eligibility verification and screening personnel pursuant to ORS 151.489 by the State Court Administrator.

(j) Develop, adopt and oversee the implementation, enforcement and modification of policies, procedures, minimum standards and guidelines to ensure that public defense providers are providing effective assistance of counsel consistently to all eligible persons in this state as required by statute and the Oregon and United States Constitutions. The policies, procedures, standards and guidelines described in this paragraph apply to employees of the commission and to any person or entity that contracts with the commission to provide public defense services in this state.

(k) Set minimum standards by which appointed counsel are trained and supervised.

(L) Establish a system, policies and procedures for the mandatory collection of data concerning the operation of the commission and all public defense providers.

(m) Enter into contracts and hire attorneys to bring the delivery of public defense services into and maintain compliance with the minimum policies, procedures, standards and guidelines described in this subsection. All contracts for the provision of public defense services to which the commission is a party must include a requirement for collection by the commission of data determined by the commission to be qualitatively necessary for any report required to be submitted to the Legislative Assembly.

(n) At least once every two years, report to the interim committees of the Legislative Assembly related to the judiciary, in the manner provided in ORS 192.245, and to the Governor and Chief Justice, concerning compliance metrics for the minimum standards described in this subsection and recommendations for legislative changes.

(o) Develop standard operating expectations for persons and entities providing public defense services.

(p) In consultation with the Judicial Department, ensure the existence of policies that create a standardized process for determining and verifying financial eligibility for appointed counsel under ORS 151.485.

(q) Ensure access to systematic and comprehensive training programs for attorneys for the purpose of meeting statewide standards set by the commission.

(r) Enter into contracts or interagency agreements with the Oregon Department of Administrative Services for the purpose of supporting state public defense population forecasts and other related forecasts.

(s) Establish any other policies, procedures, standards and guidelines for the conduct of the commission's affairs and promulgate policies necessary to carry out all powers and duties of the commission.

(2) When establishing the minimum policies, procedures, standards and guidelines described in this section, the commission shall adhere to the following principles:

(a) Appointed counsel shall be provided sufficient time and a space where attorney-client confidentiality is safeguarded for meetings with clients.

(b) The workload of appointed counsel must be controlled to permit effective representation. Economic disincentives or incentives that impair the ability of appointed counsel to provide effective assistance of counsel must be avoided. The commission may develop workload controls to enhance appointed counsel's ability to provide effective representation.

(c) The ability, training and experience of appointed counsel must match the nature and complexity of the case to which the counsel is appointed.

(d) The same appointed counsel shall continuously represent a client throughout the pendency of the case and shall appear at every court appearance other than ministerial hearings.

(e) The commission shall establish continuing legal education requirements for public defense providers who are employed by or contract with the commission that are specific to the subject matter area and practice of each type of court-appointed counsel.

(f) The commission and public defense providers shall systematically review appointed counsel for efficiency and for effective representation according to commission standards.

(3) The commission shall be organized in a manner for the effective delivery of public defense services as prescribed by the policies and procedures created pursuant to statute to financially eligible persons and consistent with the budgetary structure established for the commission by the Legislative Assembly.

(4) The commission shall hire attorneys to serve as appointed counsel, including at the trial level in Oregon circuit courts, and shall establish a trial division within the commission consisting of attorneys employed by the commission who are trial-level public defense providers.

(5)(a) The commission shall establish, supervise and maintain a panel of qualified counsel who contract with the commission and are directly assigned to cases. The commission shall develop a process for certification of attorneys to the panel with periodic eligibility and case review. Panel attorneys are not employees of the commission.

(b) The payment of panel counsel:

(A) May not be lower than the hourly rate established by the commission.

(B) Shall be adjusted to reflect the same percentage amount of any positive cost of living adjustment granted to employees in the management service in other executive branch agencies.

(C) May not provide a financial conflict of interest or economic incentives or disincentives that impair an attorney's ability to provide effective representation.

(6)(a) The commission may enter into contracts for the provision of public defense services with nonprofit public defense organizations **and private law firms**.

(b) The commission may enter into contracts with entities that subcontract with other entities or persons for the provision of public defense services.

(c) The commission may not enter into a contract or agreement that pays appointed counsel a flat fee per case.

(7) The policies, procedures, standards and guidelines adopted by the commission must be made available in an accessible manner to the public on the commission's website.

(8) Policies, procedures, standards and guidelines adopted by the commission supersede any conflicting rules, policies or procedures of the Public Defender Committee, State Court Administrator, circuit courts, the Court of Appeals, the Supreme Court and the Psychiatric Security Review Board related to the exercise of the commission's administrative responsibilities under this section and transferred duties, functions and powers as they occur.

(9) The commission may accept gifts, grants or contributions from any source, whether public or private. However, the commission may not accept a gift, grant or contribution if acceptance would create a conflict of interest. Moneys accepted under this subsection shall be deposited in the Public Defense Services Account established by ORS 151.225 and expended for the purposes for which given or granted.

[(10) With the approval of a majority of the voting members of the commission, the commission may

1 *advocate for or against legislation before the Legislative Assembly or policies or budgets being con-*  
2 *sidered by the Legislative Assembly.]*

3 **(10) The commission shall maintain an accurate and current list of all attorneys provid-**  
4 **ing public defense services in this state and the qualifications for each attorney.**

5 (11) The commission shall request that the Governor include in the Governor's requested budget,  
6 for each fiscal period, at a minimum, the amount of funds identified by the commission as being  
7 necessary to carry out the duties and activities of the commission.

8 (12) The commission may adopt rules pursuant to ORS chapter 183.

9 **SECTION 6.** ORS 151.216, as amended by sections 78, 94 and 101, chapter 281, Oregon Laws  
10 2023, is amended to read:

11 151.216. (1) The Oregon Public Defense Commission shall:

12 (a) Establish and maintain a public defense system that ensures the provision of public defense  
13 services consistent with the Oregon Constitution, the United States Constitution and Oregon and  
14 national standards of justice.

15 (b) Adopt policies for public defense providers that:

16 (A) Ensure compensation, resources and caseloads are in accordance with [*national and regional*  
17 *best practices*] **the requirements of the Oregon and United States Constitutions;**

18 **[(B) Ensure all public defense provider contracts provide for compensation that is commensurate**  
19 **with the character of service performed;]**

20 **[(C)] (B) Ensure funding and resources to support required data collection and training re-**  
21 **quirements; and**

22 **[(D)] (C) Recognize the need to consider overhead costs that account for the cost of living and**  
23 **business cost differences in each county or jurisdiction, including but not limited to rent, profes-**  
24 **sional membership dues, malpractice insurance and other insurance and other reasonable and usual**  
25 **operating costs.**

26 (c) Establish operational and contracting systems that allow for oversight, ensure transparency  
27 and stakeholder engagement and promote equity, inclusion and culturally specific representation.

28 (d) Review the caseload policies described in paragraph (b)(A) of this subsection annually, and  
29 revise the policies as necessary and at least every four years.

30 (e) Adopt a statewide workload plan, based on the caseload policies described in paragraph  
31 (b)(A) of this subsection, that takes into account the needs of each county or jurisdiction, practice  
32 structure and type of practice overseen by the commission.

33 (f) Submit [*the budget of the commission to the Legislative Assembly after the budget is submitted*  
34 *to the commission by the executive director and approved by the voting members of the commission.*  
35 *The chairperson of the commission shall present the budget to the Legislative Assembly]* **an agency**  
36 **request budget to the Oregon Department of Administrative Services as described in ORS**  
37 **291.208.**

38 (g) Adopt a compensation plan, classification system and affirmative action plan for the com-  
39 mission that are commensurate with other state agencies.

40 (h) Adopt policies, procedures, standards and guidelines regarding:

41 (A) The determination of financial eligibility of persons entitled to be represented by appointed  
42 counsel at state expense;

43 (B) The appointment of counsel, including the appointment of counsel at state expense regard-  
44 less of financial eligibility in juvenile delinquency matters;

45 (C) The fair compensation of counsel appointed to represent a person financially eligible for

1 appointed counsel at state expense;

2 (D) Appointed counsel compensation disputes;

3 (E) The costs associated with the representation of a person by appointed counsel in the state  
4 courts that are required to be paid by the state; and

5 (F) The types of fees and expenses subject to a preauthorization requirement.

6 (i) Reimburse the State Court Administrator from funds deposited in the Public Defense Services  
7 Account established by ORS 151.225 for the costs of personnel and other costs associated with lo-  
8 cation of eligibility verification and screening personnel pursuant to ORS 151.489 by the State Court  
9 Administrator.

10 (j) Develop, adopt and oversee the implementation, enforcement and modification of policies,  
11 procedures, minimum standards and guidelines to ensure that public defense providers are providing  
12 effective assistance of counsel consistently to all eligible persons in this state as required by statute  
13 and the Oregon and United States Constitutions. The policies, procedures, standards and guidelines  
14 described in this paragraph apply to employees of the commission and to any person or entity that  
15 contracts with the commission to provide public defense services in this state.

16 (k) Set minimum standards by which appointed counsel are trained and supervised.

17 (L) Establish a system, policies and procedures for the mandatory collection of data concerning  
18 the operation of the commission and all public defense providers.

19 (m) Enter into contracts and hire attorneys to bring the delivery of public defense services into  
20 and maintain compliance with the minimum policies, procedures, standards and guidelines described  
21 in this subsection. All contracts for the provision of public defense services to which the commission  
22 is a party must include a requirement for collection by the commission of data determined by the  
23 commission to be qualitatively necessary for any report required to be submitted to the Legislative  
24 Assembly.

25 (n) At least once every two years, report to the interim committees of the Legislative Assembly  
26 related to the judiciary, in the manner provided in ORS 192.245, and to the Governor and Chief  
27 Justice, concerning compliance metrics for the minimum standards described in this subsection and  
28 recommendations for legislative changes.

29 (o) Develop standard operating expectations for persons and entities providing public defense  
30 services.

31 (p) In consultation with the Judicial Department, ensure the existence of policies that create a  
32 standardized process for determining and verifying financial eligibility for appointed counsel under  
33 ORS 151.485.

34 (q) Ensure access to systematic and comprehensive training programs for attorneys for the  
35 purpose of meeting statewide standards set by the commission.

36 (r) Enter into contracts or interagency agreements with the Oregon Department of Administra-  
37 tive Services for the purpose of supporting state public defense population forecasts and other re-  
38 lated forecasts.

39 (s) Establish any other policies, procedures, standards and guidelines for the conduct of the  
40 commission's affairs and promulgate policies necessary to carry out all powers and duties of the  
41 commission.

42 (2) When establishing the minimum policies, procedures, standards and guidelines described in  
43 this section, the commission shall adhere to the following principles:

44 (a) Appointed counsel shall be provided sufficient time and a space where attorney-client  
45 confidentiality is safeguarded for meetings with clients.

(b) The workload of appointed counsel must be controlled to permit effective representation. Economic disincentives or incentives that impair the ability of appointed counsel to provide effective assistance of counsel must be avoided. The commission may develop workload controls to enhance appointed counsel's ability to provide effective representation.

(c) The ability, training and experience of appointed counsel must match the nature and complexity of the case to which the counsel is appointed.

(d) The same appointed counsel shall continuously represent a client throughout the pendency of the case and shall appear at every court appearance other than ministerial hearings.

(e) The commission shall establish continuing legal education requirements for public defense providers who are employed by or contract with the commission that are specific to the subject matter area and practice of each type of court-appointed counsel.

(f) The commission and public defense providers shall systematically review appointed counsel for efficiency and for effective representation according to commission standards.

(3) The commission shall be organized in a manner for the effective delivery of public defense services as prescribed by the policies and procedures created pursuant to statute to financially eligible persons and consistent with the budgetary structure established for the commission by the Legislative Assembly.

(4) The commission shall hire attorneys to serve as appointed counsel, including at the trial level in Oregon circuit courts, and shall establish a trial division within the commission consisting of attorneys employed by the commission who are trial-level public defense providers.

(5)(a) The commission shall establish, supervise and maintain a panel of qualified counsel who contract with the commission and are directly assigned to cases. The commission shall develop a process for certification of attorneys to the panel with periodic eligibility and case review. Panel attorneys are not employees of the commission.

(b) The payment of panel counsel:

(A) May not be lower than the hourly rate established by the commission.

(B) Shall be adjusted to reflect the same percentage amount of any positive cost of living adjustment granted to employees in the management service in other executive branch agencies.

(C) May not provide a financial conflict of interest or economic incentives or disincentives that impair an attorney's ability to provide effective representation.

(6)(a) The commission may enter into contracts for the provision of public defense services with nonprofit public defense organizations **and private law firms**.

(b) The commission may not enter into a contract or agreement that pays appointed counsel a flat fee per case.

(7) The policies, procedures, standards and guidelines adopted by the commission must be made available in an accessible manner to the public on the commission's website.

(8) Policies, procedures, standards and guidelines adopted by the commission supersede any conflicting rules, policies or procedures of the Public Defender Committee, State Court Administrator, circuit courts, the Court of Appeals, the Supreme Court and the Psychiatric Security Review Board related to the exercise of the commission's administrative responsibilities under this section and transferred duties, functions and powers as they occur.

(9) The commission may accept gifts, grants or contributions from any source, whether public or private. However, the commission may not accept a gift, grant or contribution if acceptance would create a conflict of interest. Moneys accepted under this subsection shall be deposited in the Public Defense Services Account established by ORS 151.225 and expended for the purposes for

which given or granted.

*[(10) With the approval of a majority of the voting members of the commission, the commission may advocate for or against legislation before the Legislative Assembly or policies or budgets being considered by the Legislative Assembly.]*

**(10) The commission shall maintain an accurate and current list of all attorneys providing public defense services in this state and the qualifications for each attorney.**

(11) The commission shall request that the Governor include in the Governor's requested budget, for each fiscal period, at a minimum, the amount of funds identified by the commission as being necessary to carry out the duties and activities of the commission.

(12) The commission may adopt rules pursuant to ORS chapter 183.

**SECTION 7. Section 8 of this 2025 Act is added to and made a part of ORS 151.211 to 151.221.**

**SECTION 8. (1) The Oregon Public Defense Commission may enter into a contract with an entity that subcontracts with other entities or persons for the provision of public defense services only if the entity operates in accordance with this section.**

**(2) An entity described in subsection (1) of this section shall:**

**(a) Designate an administrator who:**

**(A) Actively manages the distribution of cases within the entity;**

**(B) Has the authority and the responsibility to address concerns and complaints about representation by attorney members of the entity raised by the court, public defense clients and the commission; and**

**(C) Serves as the point contact for external and administrative matters.**

**(b) Have a defined policy concerning membership structure, including eligibility and admission criteria concerning attorneys who may join the entity and how entity members are admitted, and the voting rights, participation expectations and financial contributions required of members.**

**(c) Have a policy concerning conflict resolution that:**

**(A) Establishes professional and ethical expectations for attorney members in accordance with the requirements of the Oregon State Bar and the commission;**

**(B) Contains a dispute resolution mechanism that is a structured process for handling internal conflicts; and**

**(C) Sets clear criteria and conditions for voluntary withdrawal from the entity and grounds for removal of an attorney member due to misconduct or nonparticipation.**

**(d) Ensure compliance with commission oversight, data reporting requirements and all other policies and procedures of the commission.**

**(e) Hold regular meetings of the governing structure of the entity, if the entity has five or more attorney members, or with all attorney members of the entity, if the entity has fewer than five attorney members.**

**(3) An entity described in subsection (1) of this section with five or more attorney members shall additionally have a board of directors or a steering committee with responsibilities that include but are not limited to the following:**

**(a) The approval of entity policies, budgets and initiatives;**

**(b) Ensuring attorney performance and compliance with legal and financial obligations;**

**(c) Oversight of the administrator; and**

**(d) Resolving disputes among members of the entity.**

1        **SECTION 9.** Section 8 of this 2025 Act becomes operative on January 1, 2026.

2        **SECTION 10.** Sections 7 and 8 of this 2025 Act are repealed on July 1, 2033.

3        **SECTION 11.** This 2025 Act being necessary for the immediate preservation of the public  
4        peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect  
5        on its passage.  
6

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Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 2614**

On page 1 of the printed A-engrossed bill, delete line 3 and insert “, 151.216 and 151.219 and sections 92 and 102, chapter 281, Oregon Laws 2023; and declaring an emergency.”.

Delete lines 5 through 18 and delete pages 2 through 16 and insert:

**“SECTION 1.** Section 102, chapter 281, Oregon Laws 2023, is amended to read:

**“Sec. 102.** (1)(a) The amendments to ORS 151.211, 151.216 and 151.219 by sections 93 to 95, [*of this 2023 Act*] **chapter 281, Oregon Laws 2023**, become operative on July 1, 2025.

“(b) The amendments to ORS 151.213 [*and 151.216*] by [*sections 100 and 101 of this 2023 Act*] **section 100, chapter 281, Oregon Laws 2023**, become operative on [*July 1, 2027*] **January 1, 2026**.

**“(c) The amendments to ORS 151.216 by section 101, chapter 281, Oregon Laws 2023, become operative on July 1, 2033.**

“(2)(a) A person who is a member of the Oregon Public Defense Commission on [*July 1, 2027*] **January 1, 2026**, may finish the person’s term as a commission member and is eligible for reappointment, but, beginning [*July 1, 2027*] **January 1, 2026**, may be removed by the Governor only for **just cause or, if the Governor has removed three or more members of the commission within the 12-month period preceding the removal, only for** inefficiency, neglect of duty or malfeasance in office.

1 “(b) The person serving as executive director of the Oregon Public De-  
2 fense Commission on *[July 1, 2027]* **January 1, 2026**, may finish the person’s  
3 term as executive director and is eligible for reappointment, but, beginning  
4 on *[July 1, 2027]* **January 1, 2026**, *[serves at the pleasure of the voting mem-*  
5 *bers of the commission]* **may be removed by the Governor only for just**  
6 **cause.**

7 “(3) The Oregon Public Defense Commission, the Oregon Department of  
8 Administrative Services and the Governor may take any action before the  
9 operative dates specified in subsection (1) of this section that is necessary  
10 to enable the commission to exercise, on and after the operative dates spec-  
11 ified in subsection (1) of this section, all of the duties, functions and powers  
12 conferred on those entities by the amendments to ORS 151.211, 151.213,  
13 151.216 and 151.219 by sections 93 to 95, 100 and 101, *[of this 2023 Act]*  
14 **chapter 281, Oregon Laws 2023.**

15 **“SECTION 2.** ORS 151.213, as amended by section 77, chapter 281, Oregon  
16 Laws 2023, is amended to read:

17 “151.213. (1) The Oregon Public Defense Commission is established in the  
18 executive branch of state government. *[Except for the appointment or removal*  
19 *of commission members, the commission and employees of the commission are*  
20 *not subject to the exercise of administrative authority and supervision by the*  
21 *Governor.]*

22 “(2)(a) Nine voting members and four nonvoting members shall be ap-  
23 pointed to the commission by the Governor as follows:

24 “(A) The Governor shall appoint:

25 “(i) One voting member who has been represented by a public defense  
26 provider.

27 “(ii) Two additional voting members, one of whom has experience as a  
28 public defense provider in juvenile delinquency or dependency cases.

29 “(iii) Two nonvoting members who are currently employed as public de-  
30 fense providers in this state, one of whom is from an urban area and one of

1 whom is from a rural area.

2 “(B) The Governor shall appoint, from among persons recommended by the  
3 Chief Justice of the Supreme Court:

4 “(i) One voting member who [*is a retired judge*] **previously served as a**  
5 **judge and who is not currently engaged in judicial functions, including**  
6 **service as a senior judge under ORS 1.300 or in any similar capacity.**

7 “(ii) Two additional voting members, one of whom has experience as a  
8 public defense provider in criminal cases.

9 “(C) The Governor shall appoint, from among persons recommended by the  
10 President of the Senate:

11 “(i) One voting member who is a current dean or faculty member of an  
12 Oregon law school.

13 “(ii) One nonvoting member who is a member of the Senate at the time  
14 of appointment.

15 “(D) The Governor shall appoint, from among persons recommended by  
16 the Speaker of the House of Representatives:

17 “(i) One voting member who has expertise in juvenile law and criminal  
18 defense, or who is a juvenile justice or criminal justice reform advocate.

19 “(ii) One nonvoting member who is a member of the House of Represen-  
20 tatives at the time of appointment.

21 “(E) The Governor shall appoint one voting member from among persons  
22 jointly recommended by the President of the Senate and the Speaker of the  
23 House of Representatives.

24 “(b) When recommending and appointing members of the commission, the  
25 Governor, Chief Justice, President of the Senate and Speaker of the House  
26 of Representatives shall:

27 “(A) Consider input from individuals and organizations with an interest  
28 in the delivery of public defense services.

29 “(B) Consider geographic, racial, ethnic and gender diversity.

30 “(C) Ensure that members appointed to the commission have significant

1 experience with issues related to public defense or in the case types subject  
2 to representation by public defense providers.

3 “(D) Ensure that members appointed to the commission have demon-  
4 strated a strong commitment to quality public defense representation.

5 “(c) **Unless the person is a member of the Legislative Assembly ap-**  
6 **pointed as a nonvoting member of the commission under paragraph**  
7 **(a)(C)(ii) or (a)(D)(ii) of this subsection,** the following persons may not  
8 be appointed to and may not serve as members of the commission:

9 “(A) A prosecuting attorney.

10 “(B) A judge, magistrate or other person who performs judicial functions.

11 “(C) An employee of a law enforcement agency or the Department of  
12 Human Services.

13 “(d) A person who is primarily engaged in providing public defense ser-  
14 vices and who has a financial interest in the delivery of public defense ser-  
15 vices at the state level may not serve as a voting member of the commission.

16 “(e) As used in this subsection, ‘law enforcement agency’ means an entity  
17 that employs corrections officers, parole and probation officers, police offi-  
18 cers, certified reserve officers or reserve officers, as those terms are defined  
19 in ORS 181A.355.

20 “(3) The term of a member is four years beginning on the effective date  
21 of the Governor’s appointment, but members serve at the pleasure of the  
22 Governor. A member is eligible for reappointment if qualified for membership  
23 at the time of reappointment, but may serve no more than two consecutive  
24 four-year terms. The Governor may remove any member of the commission  
25 at any time. If a vacancy occurs for any cause before the expiration of the  
26 term of a member, the Governor shall make an appointment to fill the va-  
27 cancy, in the same manner as an appointment to a full term, to become im-  
28 mediately effective for the unexpired term.

29 “(4) A chairperson and a vice chairperson shall be elected by the voting  
30 members of the commission every two years with such functions as the

1 commission may determine. A member is eligible for reelection as chair-  
2 person or vice chairperson.

3 “(5) A majority of the voting members constitutes a quorum for the  
4 transaction of business.

5 “(6)(a) All members of the commission shall:

6 “(A) Review the policies, procedures, standards and guidelines required  
7 by ORS 151.216 and provide input before the approval vote described in par-  
8 agraph (b) of this subsection.

9 “(B) Review the **agency request** budget of the commission and provide  
10 input before the approval vote described in paragraph (b) of this subsection.

11 “(C) Meet as needed to carry out the duties described in this subsection.

12 “(b) The voting members of the commission shall:

13 “(A) Approve by majority vote the policies, procedures, standards and  
14 guidelines required by ORS 151.216 before those policies, procedures, stan-  
15 dards and guidelines may take effect.

16 “(B) Approve by majority vote the **agency request** budget of the com-  
17 mission before submission to the [Legislative Assembly] **Oregon Department**  
18 **of Administrative Services**.

19 “(7) The members of the commission may not:

20 “(a) Make any decision regarding the handling of any individual case;

21 “(b) Have access to any case file; or

22 “(c) Interfere with the executive director or any member of the staff of  
23 the executive director in carrying out professional duties involving the legal  
24 representation of public defense clients.

25 “(8) A member of the commission is entitled to compensation for services  
26 as a member, and to expenses, as provided in ORS 292.495.

27 “(9)(a) The Governor shall appoint an executive director of the commis-  
28 sion, subject to confirmation by the Senate in the manner prescribed by ORS  
29 171.562 and 171.565. The person appointed as executive director must be well  
30 qualified by training and experience to perform the functions of the office.

1 “(b) The term of office of the executive director is four years, but the  
2 executive director serves at the pleasure of the Governor.

3 “(c) Before the expiration of the executive director’s term, the Governor  
4 shall appoint a successor to take office upon the date of the expiration. The  
5 executive director is eligible for reappointment. If there is a vacancy for any  
6 cause, the Governor shall make an appointment to become immediately ef-  
7 fective for the unexpired term.

8 “**SECTION 3.** ORS 151.213, as amended by sections 77 and 100, chapter  
9 281, Oregon Laws 2023, is amended to read:

10 “151.213. (1) The Oregon Public Defense Commission is established in the  
11 executive branch of state government. [*Except for the appointment or removal*  
12 *of commission members, the commission and employees of the commission are*  
13 *not subject to the exercise of administrative authority and supervision by the*  
14 *Governor.*]

15 “(2)(a) Nine voting members and four nonvoting members shall be ap-  
16 pointed to the commission by the Governor as follows:

17 “(A) The Governor shall appoint:

18 “(i) One voting member who has been represented by a public defense  
19 provider.

20 “(ii) Two additional voting members, one of whom has experience as a  
21 public defense provider in juvenile delinquency or dependency cases.

22 “(iii) Two nonvoting members who are currently employed as public de-  
23 fense providers in this state, one of whom is from an urban area and one of  
24 whom is from a rural area.

25 “(B) The Governor shall appoint, from among persons recommended by the  
26 Chief Justice of the Supreme Court:

27 “(i) One voting member who [*is a retired judge*] **previously served as a**  
28 **judge and who is not currently engaged in judicial functions, including**  
29 **service as a senior judge under ORS 1.300 or in any similar capacity.**

30 “(ii) Two additional voting members, one of whom has experience as a

1 public defense provider in criminal cases.

2 “(C) The Governor shall appoint, from among persons recommended by the  
3 President of the Senate:

4 “(i) One voting member who is a current dean or faculty member of an  
5 Oregon law school.

6 “(ii) One nonvoting member who is a member of the Senate at the time  
7 of appointment.

8 “(D) The Governor shall appoint, from among persons recommended by  
9 the Speaker of the House of Representatives:

10 “(i) One voting member who has expertise in juvenile law and criminal  
11 defense, or who is a juvenile justice or criminal justice reform advocate.

12 “(ii) One nonvoting member who is a member of the House of Represen-  
13 tatives at the time of appointment.

14 “(E) The Governor shall appoint one voting member from among persons  
15 jointly recommended by the President of the Senate and the Speaker of the  
16 House of Representatives.

17 “(b) When recommending and appointing members of the commission, the  
18 Governor, Chief Justice, President of the Senate and Speaker of the House  
19 of Representatives shall:

20 “(A) Consider input from individuals and organizations with an interest  
21 in the delivery of public defense services.

22 “(B) Consider geographic, racial, ethnic and gender diversity.

23 “(C) Ensure that members appointed to the commission have significant  
24 experience with issues related to public defense or in the case types subject  
25 to representation by public defense providers.

26 “(D) Ensure that members appointed to the commission have demon-  
27 strated a strong commitment to quality public defense representation.

28 “(c) **Unless the person is a member of the Legislative Assembly ap-**  
29 **pointed as a nonvoting member of the commission under paragraph**  
30 **(a)(C)(ii) or (a)(D)(ii) of this subsection,** the following persons may not

1 be appointed to and may not serve as members of the commission:

2 “(A) A prosecuting attorney.

3 “(B) A judge, magistrate or other person who performs judicial functions.

4 “(C) An employee of a law enforcement agency or the Department of  
5 Human Services.

6 “(d) A person who is primarily engaged in providing public defense ser-  
7 vices and who has a financial interest in the delivery of public defense ser-  
8 vices at the state level may not serve as a voting member of the commission.

9 “(e) As used in this subsection, ‘law enforcement agency’ means an entity  
10 that employs corrections officers, parole and probation officers, police offi-  
11 cers, certified reserve officers or reserve officers, as those terms are defined  
12 in ORS 181A.355.

13 “(3)(a) The term of a member is four years beginning on the effective date  
14 of the Governor’s appointment. A member is eligible for reappointment if  
15 qualified for membership at the time of reappointment, but may serve no  
16 more than two consecutive four-year terms. The Governor may remove any  
17 member of the commission at any time [*for inefficiency, neglect of duty or*  
18 *malfeasance in office*] **for just cause, subject to paragraph (b) of this**  
19 **subsection.** If a vacancy occurs for any cause before the expiration of the  
20 term of a member, the Governor shall make an appointment to fill the va-  
21 cancy, in the same manner as an appointment to a full term, to become im-  
22 mediately effective for the unexpired term.

23 “(b) **In a given 12-month period, if the Governor has removed three**  
24 **members of the commission within the period, the Governor may only**  
25 **remove a fourth or subsequent member for inefficiency, neglect of**  
26 **duty or malfeasance in office.**

27 “(4) A chairperson and a vice chairperson shall be elected by the voting  
28 members of the commission every two years with such functions as the  
29 commission may determine. A member is eligible for reelection as chair-  
30 person or vice chairperson.



1 “(5) A majority of the voting members constitutes a quorum for the  
2 transaction of business.

3 “(6)(a) All members of the commission shall:

4 “(A) Review the policies, procedures, standards and guidelines required  
5 by ORS 151.216 and provide input before the approval vote described in par-  
6 agraph (b) of this subsection.

7 “(B) Review the **agency request** budget of the commission and provide  
8 input before the approval vote described in paragraph (b) of this subsection.

9 “(C) Meet as needed to carry out the duties described in this subsection.

10 “(b) The voting members of the commission shall:

11 “(A) Appoint an executive director of the commission **from among can-**  
12 **didates submitted to the commission by the Governor under subsection**  
13 **(9) of this section.** [*The term of office of the executive director is four years,*  
14 *but the executive director serves at the pleasure of the voting members of the*  
15 *commission.*]

16 “(B) Approve by majority vote the policies, procedures, standards and  
17 guidelines required by ORS 151.216 before those policies, procedures, stan-  
18 dards and guidelines may take effect.

19 “(C) Approve by majority vote the **agency request** budget of the com-  
20 mission before submission to the [*Legislative Assembly*] **Oregon Department**  
21 **of Administrative Services.**

22 “(7) The members of the commission may not:

23 “(a) Make any decision regarding the handling of any individual case;

24 “(b) Have access to any case file; or

25 “(c) Interfere with the executive director or any member of the staff of  
26 the executive director in carrying out professional duties involving the legal  
27 representation of public defense clients.

28 “(8) A member of the commission is entitled to compensation for services  
29 as a member, and to expenses, as provided in ORS 292.495.

30 “(9)(a) **Prior to the expiration of an executive director’s term, or if**

1 there is a vacancy in the office for any cause, the Governor shall  
2 submit the names of three candidates for executive director to the  
3 commission. The candidates must be well qualified by training and  
4 experience to perform the functions of the office.

5 “(b) If the commission does not select an executive director within  
6 60 days of the date the Governor submits candidate names as described  
7 in paragraph (a) of this subsection, the Governor shall appoint the  
8 executive director of the commission.

9 “(c) The term of office of the executive director is four years, but  
10 the Governor may remove the executive director at any time for just  
11 cause. If an executive director is appointed to fill a vacancy in the  
12 office, the appointment is effective for the unexpired term.

13 “(d) The executive director is eligible for reappointment.

14 “**SECTION 3a.** Section 92, chapter 281, Oregon Laws 2023, is amended to  
15 read:

16 “**Sec. 92.** (1)(a) The Oregon Public Defense Commission is transferred  
17 from the judicial branch to the executive branch on January 1, 2025.

18 “(b) The amendments to ORS 8.105, 42.125, 84.064, 151.213, 151.216, 171.133,  
19 190.490, 283.110, 291.002, 291.030, 291.045, 291.227, 293.300, 293.590 and 293.875  
20 by sections 77 to 91, [*of this 2023 Act*] **chapter 281, Oregon Laws 2023**, be-  
21 come operative on January 1, 2025.

22 “(2) The Oregon Public Defense Commission, the Judicial Department, the  
23 Oregon Department of Administrative Services and the Governor may take  
24 any action before the operative date specified in subsection (1) of this section  
25 that is necessary to:

26 “(a) Facilitate the transfer of the commission to the executive branch.

27 “(b) Enable those entities to exercise, on and after the operative date  
28 specified in subsection (1) of this section, all of the duties, functions and  
29 powers conferred on those entities by the amendments to ORS 8.105, 42.125,  
30 84.064, 151.213, 151.216, 171.133, 190.490, 283.110, 291.002, 291.030, 291.045,

291.227, 293.300, 293.590 and 293.875 by sections 77 to 91, [*of this 2023 Act*]  
**chapter 281, Oregon Laws 2023.**

“(3)(a) A person who is a member of the Oregon Public Defense Commission on January 1, 2025, may finish the person’s term as a commission member and is eligible for reappointment if the person meets the requirements described in ORS 151.213 (2), but, beginning on January 1, 2025, and continuing until [*July 1, 2027*] **January 1, 2026**, serves at the pleasure of the Governor.

“(b) The person serving as executive director of the Oregon Public Defense Commission on January 1, 2025, may finish the person’s term as executive director and is eligible for reappointment, but, beginning on January 1, 2025, and continuing until [*July 1, 2027*] **January 1, 2026**, serves at the pleasure of the Governor.

**“SECTION 4.** ORS 151.216, as amended by section 78, chapter 281, Oregon Laws 2023, is amended to read:

“151.216. (1) The Oregon Public Defense Commission shall:

“(a) Establish and maintain a public defense system that ensures the provision of public defense services consistent with the Oregon Constitution, the United States Constitution and Oregon and national standards of justice.

“(b) Adopt policies for public defense providers that:

“(A) Ensure compensation, resources and caseloads are in accordance with [*national and regional best practices*] **the requirements of the Oregon and United States Constitutions;**

“[*(B) Ensure all public defense provider contracts provide for compensation that is commensurate with the character of service performed;*]

“[*(C)*] **(B)** Ensure funding and resources to support required data collection and training requirements; and

“[*(D)*] **(C)** Recognize the need to consider overhead costs that account for the cost of living and business cost differences in each county or jurisdiction, including but not limited to rent, professional membership dues, malpractice

1 insurance and other insurance and other reasonable and usual operating  
2 costs.

3 “(c) Establish operational and contracting systems that allow for over-  
4 sight, ensure transparency and stakeholder engagement and promote equity,  
5 inclusion and culturally specific representation.

6 “(d) Review the caseload policies described in paragraph (b)(A) of this  
7 subsection annually, and revise the policies as necessary and at least every  
8 four years.

9 “(e) Adopt a statewide workload plan, based on the caseload policies de-  
10 scribed in paragraph (b)(A) of this subsection, that takes into account the  
11 needs of each county or jurisdiction, practice structure and type of practice  
12 overseen by the commission.

13 “(f) Submit [*the budget of the commission to the Legislative Assembly after*  
14 *the budget is submitted to the commission by the executive director and ap-*  
15 *proved by the voting members of the commission. The chairperson of the com-*  
16 *mission shall present the budget to the Legislative Assembly] **an agency**  
17 **request budget to the Oregon Department of Administrative Services**  
18 **as described in ORS 291.208.***

19 “(g) Adopt a compensation plan, classification system and affirmative  
20 action plan for the commission that are commensurate with other state  
21 agencies.

22 “(h) Adopt policies, procedures, standards and guidelines regarding:

23 “(A) The determination of financial eligibility of persons entitled to be  
24 represented by appointed counsel at state expense;

25 “(B) The appointment of counsel, including the appointment of counsel  
26 at state expense regardless of financial eligibility in juvenile delinquency  
27 matters;

28 “(C) The fair compensation of counsel appointed to represent a person  
29 financially eligible for appointed counsel at state expense;

30 “(D) Appointed counsel compensation disputes;

1       “(E) The costs associated with the representation of a person by appointed  
2 counsel in the state courts that are required to be paid by the state; and

3       “(F) The types of fees and expenses subject to a preauthorization re-  
4 quirement.

5       “(i) Reimburse the State Court Administrator from funds deposited in the  
6 Public Defense Services Account established by ORS 151.225 for the costs of  
7 personnel and other costs associated with location of eligibility verification  
8 and screening personnel pursuant to ORS 151.489 by the State Court Ad-  
9 ministrator.

10       “(j) Develop, adopt and oversee the implementation, enforcement and  
11 modification of policies, procedures, minimum standards and guidelines to  
12 ensure that public defense providers are providing effective assistance of  
13 counsel consistently to all eligible persons in this state as required by stat-  
14 ute and the Oregon and United States Constitutions. The policies, proce-  
15 dures, standards and guidelines described in this paragraph apply to  
16 employees of the commission and to any person or entity that contracts with  
17 the commission to provide public defense services in this state.

18       “(k) Set minimum standards by which appointed counsel are trained and  
19 supervised.

20       “(L) Establish a system, policies and procedures for the mandatory col-  
21 lection of data concerning the operation of the commission and all public  
22 defense providers.

23       “(m) Enter into contracts and hire attorneys to bring the delivery of  
24 public defense services into and maintain compliance with the minimum  
25 policies, procedures, standards and guidelines described in this subsection.  
26 All contracts for the provision of public defense services to which the com-  
27 mission is a party must include a requirement for collection by the commis-  
28 sion of data determined by the commission to be qualitatively necessary for  
29 any report required to be submitted to the Legislative Assembly.

30       “(n) At least once every two years, report to the interim committees of

1 the Legislative Assembly related to the judiciary, in the manner provided in  
2 ORS 192.245, and to the Governor and Chief Justice, concerning compliance  
3 metrics for the minimum standards described in this subsection and recom-  
4 mendations for legislative changes.

5 “(o) Develop standard operating expectations for persons and entities  
6 providing public defense services.

7 “(p) In consultation with the Judicial Department, ensure the existence  
8 of policies that create a standardized process for determining and verifying  
9 financial eligibility for appointed counsel under ORS 151.485.

10 “(q) Ensure access to systematic and comprehensive training programs for  
11 attorneys for the purpose of meeting statewide standards set by the commis-  
12 sion.

13 “(r) Enter into contracts or interagency agreements with the Oregon De-  
14 partment of Administrative Services for the purpose of supporting state  
15 public defense population forecasts and other related forecasts.

16 “(s) Establish any other policies, procedures, standards and guidelines for  
17 the conduct of the commission’s affairs and promulgate policies necessary to  
18 carry out all powers and duties of the commission.

19 “(2) When establishing the minimum policies, procedures, standards and  
20 guidelines described in this section, the commission shall adhere to the fol-  
21 lowing principles:

22 “(a) Appointed counsel shall be provided sufficient time and a space  
23 where attorney-client confidentiality is safeguarded for meetings with cli-  
24 ents.

25 “(b) The workload of appointed counsel must be controlled to permit ef-  
26 fective representation. Economic disincentives or incentives that impair the  
27 ability of appointed counsel to provide effective assistance of counsel must  
28 be avoided. The commission may develop workload controls to enhance ap-  
29 pointed counsel’s ability to provide effective representation.

30 “(c) The ability, training and experience of appointed counsel must match

1 the nature and complexity of the case to which the counsel is appointed.

2 “(d) The same appointed counsel shall continuously represent a client  
3 throughout the pendency of the case and shall appear at every court ap-  
4 pearance other than ministerial hearings.

5 “(e) The commission shall establish continuing legal education require-  
6 ments for public defense providers who are employed by or contract with the  
7 commission that are specific to the subject matter area and practice of each  
8 type of court-appointed counsel.

9 “(f) The commission and public defense providers shall systematically re-  
10 view appointed counsel for efficiency and for effective representation ac-  
11 cording to commission standards.

12 “(3) The commission shall be organized in a manner for the effective de-  
13 livery of public defense services as prescribed by the policies and procedures  
14 created pursuant to statute to financially eligible persons and consistent  
15 with the budgetary structure established for the commission by the Legisla-  
16 tive Assembly.

17 “(4) The commission shall hire attorneys to serve as appointed counsel,  
18 including at the trial level in Oregon circuit courts, and may establish a  
19 trial division within the commission consisting of attorneys employed by the  
20 commission who are trial-level public defense providers.

21 “(5) The policies, procedures, standards and guidelines adopted by the  
22 commission must be made available in an accessible manner to the public  
23 on the commission’s website.

24 “(6) Policies, procedures, standards and guidelines adopted by the com-  
25 mission supersede any conflicting rules, policies or procedures of the Public  
26 Defender Committee, State Court Administrator, circuit courts, the Court of  
27 Appeals, the Supreme Court and the Psychiatric Security Review Board re-  
28 lated to the exercise of the commission’s administrative responsibilities un-  
29 der this section and transferred duties, functions and powers as they occur.

30 “(7) The commission may accept gifts, grants or contributions from any

1 source, whether public or private. However, the commission may not accept  
2 a gift, grant or contribution if acceptance would create a conflict of interest.  
3 Moneys accepted under this subsection shall be deposited in the Public De-  
4 fense Services Account established by ORS 151.225 and expended for the  
5 purposes for which given or granted.

6 “[~~(8)~~ *With the approval of a majority of the voting members of the com-*  
7 *mission, the commission may advocate for or against legislation before the*  
8 *Legislative Assembly or policies or budgets being considered by the Legislative*  
9 *Assembly.*]

10 “[~~(9)~~] (8) The commission shall request that the Governor include in the  
11 Governor’s requested budget, for each fiscal period, at a minimum, the  
12 amount of funds identified by the commission as being necessary to carry out  
13 the duties and activities of the commission.

14 “[~~(10)~~] (9) The commission may adopt rules pursuant to ORS chapter 183.

15 **“SECTION 5.** ORS 151.216, as amended by sections 78 and 94, chapter  
16 281, Oregon Laws 2023, is amended to read:

17 “151.216. (1) The Oregon Public Defense Commission shall:

18 “(a) Establish and maintain a public defense system that ensures the  
19 provision of public defense services consistent with the Oregon Constitution,  
20 the United States Constitution and Oregon and national standards of justice.

21 “(b) Adopt policies for public defense providers that:

22 “(A) Ensure compensation, resources and caseloads are in accordance  
23 with [*national and regional best practices*] **the requirements of the Oregon**  
24 **and United States Constitutions;**

25 “[~~(B)~~ *Ensure all public defense provider contracts provide for compensation*  
26 *that is commensurate with the character of service performed;*]

27 “[~~(C)~~] (B) Ensure funding and resources to support required data col-  
28 lection and training requirements; and

29 “[~~(D)~~] (C) Recognize the need to consider overhead costs that account for  
30 the cost of living and business cost differences in each county or jurisdiction,



1 including but not limited to rent, professional membership dues, malpractice  
2 insurance and other insurance and other reasonable and usual operating  
3 costs.

4 “(c) Establish operational and contracting systems that allow for over-  
5 sight, ensure transparency and stakeholder engagement and promote equity,  
6 inclusion and culturally specific representation.

7 “(d) Review the caseload policies described in paragraph (b)(A) of this  
8 subsection annually, and revise the policies as necessary and at least every  
9 four years.

10 “(e) Adopt a statewide workload plan, based on the caseload policies de-  
11 scribed in paragraph (b)(A) of this subsection, that takes into account the  
12 needs of each county or jurisdiction, practice structure and type of practice  
13 overseen by the commission.

14 “(f) Submit *[the budget of the commission to the Legislative Assembly after*  
15 *the budget is submitted to the commission by the executive director and ap-*  
16 *proved by the voting members of the commission. The chairperson of the com-*  
17 *mission shall present the budget to the Legislative Assembly]* **an agency**  
18 **request budget to the Oregon Department of Administrative Services**  
19 **as described in ORS 291.208.**

20 “(g) Adopt a compensation plan, classification system and affirmative  
21 action plan for the commission that are commensurate with other state  
22 agencies.

23 “(h) Adopt policies, procedures, standards and guidelines regarding:

24 “(A) The determination of financial eligibility of persons entitled to be  
25 represented by appointed counsel at state expense;

26 “(B) The appointment of counsel, including the appointment of counsel  
27 at state expense regardless of financial eligibility in juvenile delinquency  
28 matters;

29 “(C) The fair compensation of counsel appointed to represent a person  
30 financially eligible for appointed counsel at state expense;

1 “(D) Appointed counsel compensation disputes;

2 “(E) The costs associated with the representation of a person by appointed  
3 counsel in the state courts that are required to be paid by the state; and

4 “(F) The types of fees and expenses subject to a preauthorization re-  
5 quirement.

6 “(i) Reimburse the State Court Administrator from funds deposited in the  
7 Public Defense Services Account established by ORS 151.225 for the costs of  
8 personnel and other costs associated with location of eligibility verification  
9 and screening personnel pursuant to ORS 151.489 by the State Court Ad-  
10 ministrator.

11 “(j) Develop, adopt and oversee the implementation, enforcement and  
12 modification of policies, procedures, minimum standards and guidelines to  
13 ensure that public defense providers are providing effective assistance of  
14 counsel consistently to all eligible persons in this state as required by stat-  
15 ute and the Oregon and United States Constitutions. The policies, proce-  
16 dures, standards and guidelines described in this paragraph apply to  
17 employees of the commission and to any person or entity that contracts with  
18 the commission to provide public defense services in this state.

19 “(k) Set minimum standards by which appointed counsel are trained and  
20 supervised.

21 “(L) Establish a system, policies and procedures for the mandatory col-  
22 lection of data concerning the operation of the commission and all public  
23 defense providers.

24 “(m) Enter into contracts and hire attorneys to bring the delivery of  
25 public defense services into and maintain compliance with the minimum  
26 policies, procedures, standards and guidelines described in this subsection.  
27 All contracts for the provision of public defense services to which the com-  
28 mission is a party must include a requirement for collection by the commis-  
29 sion of data determined by the commission to be qualitatively necessary for  
30 any report required to be submitted to the Legislative Assembly.

1 “(n) At least once every two years, report to the interim committees of  
2 the Legislative Assembly related to the judiciary, in the manner provided in  
3 ORS 192.245, and to the Governor and Chief Justice, concerning compliance  
4 metrics for the minimum standards described in this subsection and recom-  
5 mendations for legislative changes.

6 “(o) Develop standard operating expectations for persons and entities  
7 providing public defense services.

8 “(p) In consultation with the Judicial Department, ensure the existence  
9 of policies that create a standardized process for determining and verifying  
10 financial eligibility for appointed counsel under ORS 151.485.

11 “(q) Ensure access to systematic and comprehensive training programs for  
12 attorneys for the purpose of meeting statewide standards set by the commis-  
13 sion.

14 “(r) Enter into contracts or interagency agreements with the Oregon De-  
15 partment of Administrative Services for the purpose of supporting state  
16 public defense population forecasts and other related forecasts.

17 “(s) Establish any other policies, procedures, standards and guidelines for  
18 the conduct of the commission’s affairs and promulgate policies necessary to  
19 carry out all powers and duties of the commission.

20 “(2) When establishing the minimum policies, procedures, standards and  
21 guidelines described in this section, the commission shall adhere to the fol-  
22 lowing principles:

23 “(a) Appointed counsel shall be provided sufficient time and a space  
24 where attorney-client confidentiality is safeguarded for meetings with cli-  
25 ents.

26 “(b) The workload of appointed counsel must be controlled to permit ef-  
27 fective representation. Economic disincentives or incentives that impair the  
28 ability of appointed counsel to provide effective assistance of counsel must  
29 be avoided. The commission may develop workload controls to enhance ap-  
30 pointed counsel’s ability to provide effective representation.

1 “(c) The ability, training and experience of appointed counsel must match  
2 the nature and complexity of the case to which the counsel is appointed.

3 “(d) The same appointed counsel shall continuously represent a client  
4 throughout the pendency of the case and shall appear at every court ap-  
5 pearance other than ministerial hearings.

6 “(e) The commission shall establish continuing legal education require-  
7 ments for public defense providers who are employed by or contract with the  
8 commission that are specific to the subject matter area and practice of each  
9 type of court-appointed counsel.

10 “(f) The commission and public defense providers shall systematically re-  
11 view appointed counsel for efficiency and for effective representation ac-  
12 cording to commission standards.

13 “(3) The commission shall be organized in a manner for the effective de-  
14 livery of public defense services as prescribed by the policies and procedures  
15 created pursuant to statute to financially eligible persons and consistent  
16 with the budgetary structure established for the commission by the Legisla-  
17 tive Assembly.

18 “(4) The commission shall hire attorneys to serve as appointed counsel,  
19 including at the trial level in Oregon circuit courts, and shall establish a  
20 trial division within the commission consisting of attorneys employed by the  
21 commission who are trial-level public defense providers.

22 “(5)(a) The commission shall establish, supervise and maintain a panel of  
23 qualified counsel who contract with the commission and are directly assigned  
24 to cases. The commission shall develop a process for certification of attor-  
25 neys to the panel with periodic eligibility and case review. Panel attorneys  
26 are not employees of the commission.

27 “(b) The payment of panel counsel:

28 “(A) May not be lower than the hourly rate established by the commis-  
29 sion.

30 “(B) Shall be adjusted to reflect the same percentage amount of any pos-

1 itive cost of living adjustment granted to employees in the management ser-  
2 vice in other executive branch agencies.

3 “(C) May not provide a financial conflict of interest or economic incen-  
4 tives or disincentives that impair an attorney’s ability to provide effective  
5 representation.

6 “(6)(a) The commission may enter into contracts for the provision of  
7 public defense services with nonprofit public defense organizations **and pri-  
8 vate law firms.**

9 “(b) The commission may enter into contracts with entities that subcon-  
10 tract with other entities or persons for the provision of public defense ser-  
11 vices.

12 “(c) The commission may not enter into a contract or agreement that pays  
13 appointed counsel a flat fee per case.

14 “(7) The policies, procedures, standards and guidelines adopted by the  
15 commission must be made available in an accessible manner to the public  
16 on the commission’s website.

17 “(8) Policies, procedures, standards and guidelines adopted by the com-  
18 mission supersede any conflicting rules, policies or procedures of the Public  
19 Defender Committee, State Court Administrator, circuit courts, the Court of  
20 Appeals, the Supreme Court and the Psychiatric Security Review Board re-  
21 lated to the exercise of the commission’s administrative responsibilities un-  
22 der this section and transferred duties, functions and powers as they occur.

23 “(9) The commission may accept gifts, grants or contributions from any  
24 source, whether public or private. However, the commission may not accept  
25 a gift, grant or contribution if acceptance would create a conflict of interest.  
26 Moneys accepted under this subsection shall be deposited in the Public De-  
27 fense Services Account established by ORS 151.225 and expended for the  
28 purposes for which given or granted.

29 “[10) *With the approval of a majority of the voting members of the com-  
30 mission, the commission may advocate for or against legislation before the*

1 *Legislative Assembly or policies or budgets being considered by the Legislative*  
2 *Assembly.]*

3 “[~~(11)~~] **(10)** The commission shall request that the Governor include in the  
4 Governor’s requested budget, for each fiscal period, at a minimum, the  
5 amount of funds identified by the commission as being necessary to carry out  
6 the duties and activities of the commission.

7 “[~~(12)~~] **(11)** The commission may adopt rules pursuant to ORS chapter 183.

8 **“SECTION 6.** ORS 151.216, as amended by sections 78, 94 and 101, chap-  
9 ter 281, Oregon Laws 2023, is amended to read:

10 “151.216. (1) The Oregon Public Defense Commission shall:

11 “(a) Establish and maintain a public defense system that ensures the  
12 provision of public defense services consistent with the Oregon Constitution,  
13 the United States Constitution and Oregon and national standards of justice.

14 “(b) Adopt policies for public defense providers that:

15 “(A) Ensure compensation, resources and caseloads are in accordance  
16 with [*national and regional best practices*] **the requirements of the Oregon**  
17 **and United States Constitutions;**

18 “[~~(B)~~] *Ensure all public defense provider contracts provide for compensation*  
19 *that is commensurate with the character of service performed;]*

20 “[~~(C)~~] **(B)** Ensure funding and resources to support required data col-  
21 lection and training requirements; and

22 “[~~(D)~~] **(C)** Recognize the need to consider overhead costs that account for  
23 the cost of living and business cost differences in each county or jurisdiction,  
24 including but not limited to rent, professional membership dues, malpractice  
25 insurance and other insurance and other reasonable and usual operating  
26 costs.

27 “(c) Establish operational and contracting systems that allow for over-  
28 sight, ensure transparency and stakeholder engagement and promote equity,  
29 inclusion and culturally specific representation.

30 “(d) Review the caseload policies described in paragraph (b)(A) of this

1 subsection annually, and revise the policies as necessary and at least every  
2 four years.

3 “(e) Adopt a statewide workload plan, based on the caseload policies de-  
4 scribed in paragraph (b)(A) of this subsection, that takes into account the  
5 needs of each county or jurisdiction, practice structure and type of practice  
6 overseen by the commission.

7 “(f) Submit [*the budget of the commission to the Legislative Assembly after*  
8 *the budget is submitted to the commission by the executive director and ap-*  
9 *proved by the voting members of the commission. The chairperson of the com-*  
10 *mission shall present the budget to the Legislative Assembly]* **an agency**  
11 **request budget to the Oregon Department of Administrative Services**  
12 **as described in ORS 291.208.**

13 “(g) Adopt a compensation plan, classification system and affirmative  
14 action plan for the commission that are commensurate with other state  
15 agencies.

16 “(h) Adopt policies, procedures, standards and guidelines regarding:

17 “(A) The determination of financial eligibility of persons entitled to be  
18 represented by appointed counsel at state expense;

19 “(B) The appointment of counsel, including the appointment of counsel  
20 at state expense regardless of financial eligibility in juvenile delinquency  
21 matters;

22 “(C) The fair compensation of counsel appointed to represent a person  
23 financially eligible for appointed counsel at state expense;

24 “(D) Appointed counsel compensation disputes;

25 “(E) The costs associated with the representation of a person by appointed  
26 counsel in the state courts that are required to be paid by the state; and

27 “(F) The types of fees and expenses subject to a preauthorization re-  
28 quirement.

29 “(i) Reimburse the State Court Administrator from funds deposited in the  
30 Public Defense Services Account established by ORS 151.225 for the costs of

1 personnel and other costs associated with location of eligibility verification  
2 and screening personnel pursuant to ORS 151.489 by the State Court Ad-  
3 ministrator.

4 “(j) Develop, adopt and oversee the implementation, enforcement and  
5 modification of policies, procedures, minimum standards and guidelines to  
6 ensure that public defense providers are providing effective assistance of  
7 counsel consistently to all eligible persons in this state as required by stat-  
8 ute and the Oregon and United States Constitutions. The policies, proce-  
9 dures, standards and guidelines described in this paragraph apply to  
10 employees of the commission and to any person or entity that contracts with  
11 the commission to provide public defense services in this state.

12 “(k) Set minimum standards by which appointed counsel are trained and  
13 supervised.

14 “(L) Establish a system, policies and procedures for the mandatory col-  
15 lection of data concerning the operation of the commission and all public  
16 defense providers.

17 “(m) Enter into contracts and hire attorneys to bring the delivery of  
18 public defense services into and maintain compliance with the minimum  
19 policies, procedures, standards and guidelines described in this subsection.  
20 All contracts for the provision of public defense services to which the com-  
21 mission is a party must include a requirement for collection by the commis-  
22 sion of data determined by the commission to be qualitatively necessary for  
23 any report required to be submitted to the Legislative Assembly.

24 “(n) At least once every two years, report to the interim committees of  
25 the Legislative Assembly related to the judiciary, in the manner provided in  
26 ORS 192.245, and to the Governor and Chief Justice, concerning compliance  
27 metrics for the minimum standards described in this subsection and recom-  
28 mendations for legislative changes.

29 “(o) Develop standard operating expectations for persons and entities  
30 providing public defense services.



1 “(p) In consultation with the Judicial Department, ensure the existence  
2 of policies that create a standardized process for determining and verifying  
3 financial eligibility for appointed counsel under ORS 151.485.

4 “(q) Ensure access to systematic and comprehensive training programs for  
5 attorneys for the purpose of meeting statewide standards set by the commis-  
6 sion.

7 “(r) Enter into contracts or interagency agreements with the Oregon De-  
8 partment of Administrative Services for the purpose of supporting state  
9 public defense population forecasts and other related forecasts.

10 “(s) Establish any other policies, procedures, standards and guidelines for  
11 the conduct of the commission’s affairs and promulgate policies necessary to  
12 carry out all powers and duties of the commission.

13 “(2) When establishing the minimum policies, procedures, standards and  
14 guidelines described in this section, the commission shall adhere to the fol-  
15 lowing principles:

16 “(a) Appointed counsel shall be provided sufficient time and a space  
17 where attorney-client confidentiality is safeguarded for meetings with cli-  
18 ents.

19 “(b) The workload of appointed counsel must be controlled to permit ef-  
20 fective representation. Economic disincentives or incentives that impair the  
21 ability of appointed counsel to provide effective assistance of counsel must  
22 be avoided. The commission may develop workload controls to enhance ap-  
23 pointed counsel’s ability to provide effective representation.

24 “(c) The ability, training and experience of appointed counsel must match  
25 the nature and complexity of the case to which the counsel is appointed.

26 “(d) The same appointed counsel shall continuously represent a client  
27 throughout the pendency of the case and shall appear at every court ap-  
28 pearance other than ministerial hearings.

29 “(e) The commission shall establish continuing legal education require-  
30 ments for public defense providers who are employed by or contract with the

1 commission that are specific to the subject matter area and practice of each  
2 type of court-appointed counsel.

3 “(f) The commission and public defense providers shall systematically re-  
4 view appointed counsel for efficiency and for effective representation ac-  
5 cording to commission standards.

6 “(3) The commission shall be organized in a manner for the effective de-  
7 livery of public defense services as prescribed by the policies and procedures  
8 created pursuant to statute to financially eligible persons and consistent  
9 with the budgetary structure established for the commission by the Legisla-  
10 tive Assembly.

11 “(4) The commission shall hire attorneys to serve as appointed counsel,  
12 including at the trial level in Oregon circuit courts, and shall establish a  
13 trial division within the commission consisting of attorneys employed by the  
14 commission who are trial-level public defense providers.

15 “(5)(a) The commission shall establish, supervise and maintain a panel of  
16 qualified counsel who contract with the commission and are directly assigned  
17 to cases. The commission shall develop a process for certification of attor-  
18 neys to the panel with periodic eligibility and case review. Panel attorneys  
19 are not employees of the commission.

20 “(b) The payment of panel counsel:

21 “(A) May not be lower than the hourly rate established by the commis-  
22 sion.

23 “(B) Shall be adjusted to reflect the same percentage amount of any pos-  
24 itive cost of living adjustment granted to employees in the management ser-  
25 vice in other executive branch agencies.

26 “(C) May not provide a financial conflict of interest or economic incen-  
27 tives or disincentives that impair an attorney’s ability to provide effective  
28 representation.

29 “(6)(a) The commission may enter into contracts for the provision of  
30 public defense services with nonprofit public defense organizations **and pri-**

1 **vate law firms.**

2 “(b) The commission may not enter into a contract or agreement that pays  
3 appointed counsel a flat fee per case.

4 “(7) The policies, procedures, standards and guidelines adopted by the  
5 commission must be made available in an accessible manner to the public  
6 on the commission’s website.

7 “(8) Policies, procedures, standards and guidelines adopted by the com-  
8 mission supersede any conflicting rules, policies or procedures of the Public  
9 Defender Committee, State Court Administrator, circuit courts, the Court of  
10 Appeals, the Supreme Court and the Psychiatric Security Review Board re-  
11 lated to the exercise of the commission’s administrative responsibilities un-  
12 der this section and transferred duties, functions and powers as they occur.

13 “(9) The commission may accept gifts, grants or contributions from any  
14 source, whether public or private. However, the commission may not accept  
15 a gift, grant or contribution if acceptance would create a conflict of interest.  
16 Moneys accepted under this subsection shall be deposited in the Public De-  
17 fense Services Account established by ORS 151.225 and expended for the  
18 purposes for which given or granted.

19 “[*(10) With the approval of a majority of the voting members of the com-*  
20 *mission, the commission may advocate for or against legislation before the*  
21 *Legislative Assembly or policies or budgets being considered by the Legislative*  
22 *Assembly.*]

23 “[*(11)*] **(10)** The commission shall request that the Governor include in the  
24 Governor’s requested budget, for each fiscal period, at a minimum, the  
25 amount of funds identified by the commission as being necessary to carry out  
26 the duties and activities of the commission.

27 “[*(12)*] **(11)** The commission may adopt rules pursuant to ORS chapter 183.

28 **“SECTION 7.** ORS 151.219 is amended to read:

29 “151.219. (1) The executive director of the Oregon Public Defense Com-  
30 mission shall:

1       “(a) Designate a deputy director of the commission who serves at the  
2       pleasure of the executive director.

3       “(b) Hire necessary staff for the commission.

4       “(c) Recommend to the commission how to establish and maintain, in a  
5       cost-effective manner, the delivery of legal services to persons entitled to,  
6       and, where applicable, financially eligible for, appointed counsel at state  
7       expense under Oregon statutes, the Oregon Constitution, the United States  
8       Constitution and consistent with Oregon and national standards of justice.

9       “(d) Implement and ensure compliance with contracts, policies, proce-  
10       dures, standards and guidelines adopted by the commission or required by  
11       statute.

12       “(e) Prepare and submit to the commission for its approval the biennial  
13       budget of the commission.

14       “(f) Negotiate contracts, as appropriate, for providing legal services to  
15       persons eligible for appointed counsel at state expense.

16       “(g) Employ personnel or contract for services as necessary to carry out  
17       the responsibilities of the executive director and the commission.

18       “(h) Supervise the personnel, operation and activities of the commission.

19       “(i) Provide services, facilities and materials necessary for the perform-  
20       ance of the duties, functions and powers of the commission.

21       “(j) Pay the expenses of the commission.

22       “(k) Prepare and submit to the members of the commission an annual re-  
23       port of the activities of the commission.

24       “(L) Provide for legal representation, advice and consultation for the  
25       commission, its members, the executive director and staff of the commission  
26       who require such services or who are named as defendants in lawsuits aris-  
27       ing from their duties, functions and responsibilities. If requested by the  
28       executive director, the Attorney General may also provide for legal repre-  
29       sentation, advice and consultation for the commission, its members, the  
30       executive director and staff of the commission in litigation.

1       “(m) Maintain an accurate and current list of all attorneys provid-  
2 ing public defense services in this state under the supervision, em-  
3 ployment or contractual authority of the commission, and the  
4 qualifications for each attorney.

5       “(2) The executive director may:

6       “(a) Designate persons as representatives of the executive director for the  
7 purposes of determining and paying bills submitted to the commission and  
8 determining preauthorization for incurring fees and expenses under ORS  
9 135.055.

10       “(b) Establish an external advisory group to assist in developing the  
11 standard operating expectations for persons and entities providing public  
12 defense services.

13       “**SECTION 8.** ORS 151.219, as amended by section 95, chapter 281, Oregon  
14 Laws 2023, is amended to read:

15       “151.219. (1) The executive director of the Oregon Public Defense Com-  
16 mission shall:

17       “(a) Designate a deputy director of the commission who serves at the  
18 pleasure of the executive director.

19       “(b) Hire necessary staff for the commission.

20       “(c) Recommend to the commission how to establish and maintain, in a  
21 cost-effective manner, the delivery of legal services to persons entitled to,  
22 and, where applicable, financially eligible for, appointed counsel at state  
23 expense under Oregon statutes, the Oregon Constitution, the United States  
24 Constitution and consistent with Oregon and national standards of justice.

25       “(d) Implement and ensure compliance with contracts, policies, proce-  
26 dures, standards and guidelines adopted by the commission or required by  
27 statute.

28       “(e) Prepare and submit to the commission for its approval the biennial  
29 budget of the commission.

30       “(f) Negotiate contracts, as appropriate, for providing legal services to

1 persons eligible for appointed counsel at state expense in accordance with  
2 ORS 151.216 (5) and (6).

3 “(g) Employ personnel or contract for services as necessary to carry out  
4 the responsibilities of the executive director and the commission.

5 “(h) Supervise the personnel, operation and activities of the commission.

6 “(i) Provide services, facilities and materials necessary for the perform-  
7 ance of the duties, functions and powers of the commission.

8 “(j) Pay the expenses of the commission.

9 “(k) Prepare and submit to the members of the commission an annual re-  
10 port of the activities of the commission.

11 “(L) Provide for legal representation, advice and consultation for the  
12 commission, its members, the executive director and staff of the commission  
13 who require such services or who are named as defendants in lawsuits aris-  
14 ing from their duties, functions and responsibilities. If requested by the  
15 executive director, the Attorney General may also provide for legal repre-  
16 sentation, advice and consultation for the commission, its members, the  
17 executive director and staff of the commission in litigation.

18 **“(m) Maintain an accurate and current list of all attorneys provid-**  
19 **ing public defense services in this state under the supervision, em-**  
20 **ployment or contractual authority of the commission, and the**  
21 **qualifications for each attorney.**

22 “(2) The executive director may:

23 “(a) Designate persons as representatives of the executive director for the  
24 purposes of determining and paying bills submitted to the commission and  
25 determining preauthorization for incurring fees and expenses under ORS  
26 135.055.

27 “(b) Establish an external advisory group to assist in developing the  
28 standard operating expectations for persons and entities providing public  
29 defense services.

30 **“SECTION 9. Section 10 of this 2025 Act is added to and made a part**

1 of ORS 151.211 to 151.221.

2 **“SECTION 10.** (1) The Oregon Public Defense Commission may en-  
3 **ter into a contract with an entity that subcontracts with other entities**  
4 **or persons for the provision of public defense services only if the entity**  
5 **operates in accordance with standards and requirements established**  
6 **by the commission either through adopted policies or contract lan-**  
7 **guage approved by the Department of Justice.**

8 **“(2) The standards and requirements described in subsection (1) of**  
9 **this section must include, but are not limited to:**

10 **“(a) A requirement that the entity have a designated administrator**  
11 **with authority to manage case distribution, address concerns and**  
12 **complaints and serve as the point contact for external matters;**

13 **“(b) A requirement that the entity have defined policies concerning**  
14 **membership structure, including policies on admission criteria, par-**  
15 **ticipation expectations and decision-making authority;**

16 **“(c) A requirement that the entity have internal policies and pro-**  
17 **cedures for conflict resolution, ethical compliance and the removal of**  
18 **members due to misconduct or nonparticipation;**

19 **“(d) A requirement that the entity comply with commission over-**  
20 **sight, reporting requirements and other applicable policies and proce-**  
21 **dures of the commission; and**

22 **“(e) A requirement that the entity hold regular meetings among its**  
23 **members or governing body, as appropriate for its size and structure.**

24 **“(3) The standards and requirements described in subsection (1) of**  
25 **this section for an entity with five or more attorney members must**  
26 **additionally include a requirement that the entity have a board of di-**  
27 **rectors or a steering committee with responsibilities that include but**  
28 **are not limited to the following:**

29 **“(a) The approval of entity policies, budgets and initiatives;**

30 **“(b) Ensuring attorney performance and compliance with legal and**

1 **financial obligations;**

2 **“(c) Oversight of the administrator; and**

3 **“(d) Resolving disputes among members of the entity.**

4 **“SECTION 11. Section 10 of this 2025 Act becomes operative on July**  
5 **1, 2027.**

6 **“SECTION 12. Section 10 of this 2025 Act is repealed on July 1, 2033.**

7 **“SECTION 13. This 2025 Act being necessary for the immediate**  
8 **preservation of the public peace, health and safety, an emergency is**  
9 **declared to exist, and this 2025 Act takes effect on its passage.”.**

10

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# Oregon Public Defense Commission

## Financial & Case Management System Update

May 21, 2025

**Kenneth Sanchagrin, Interim Executive Director**  
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**David Martin, CIO, FCMS**



FCMS May 2025

# Agenda



CONTRACT AWARD  
STATUS



SCHEDULE



ACCOMPLISHMENTS



UPCOMING  
MILESTONES



BUDGET

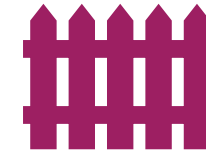


Q&A

# Implementation Planning Phase Approval & Procurement Status

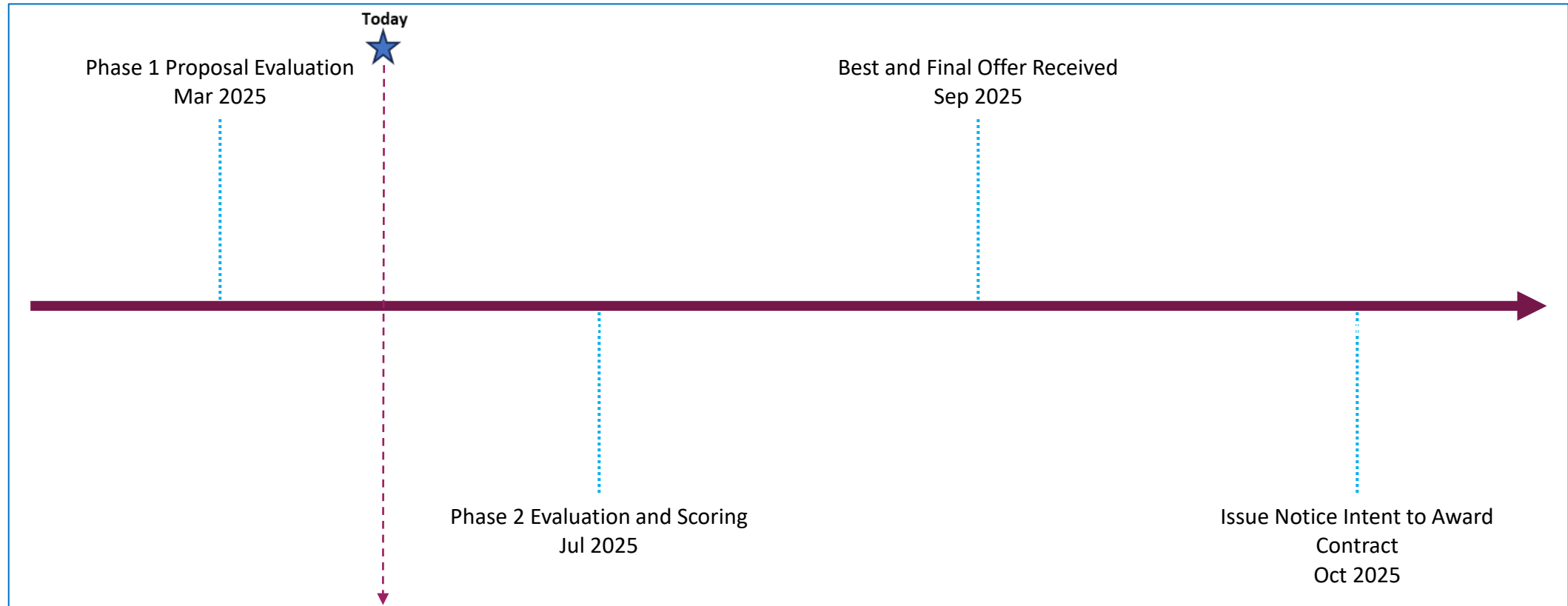


**RFP / Procurement:** The procurement is on track with RFP Phase 2. Round 1 addendum has been submitted to DOJ and DAS EIS. Once DOJ approves the addendum for release, OPDC will issue it to proposers participating in the Competitive Range.



**Implementation Planning:** Implementation planning work continues. The FCMS team is working toward completing business process mapping and use case development, data migration planning, governance artifact completion, and budget and schedule refinement.

# Procurement Schedule



# Accomplishments



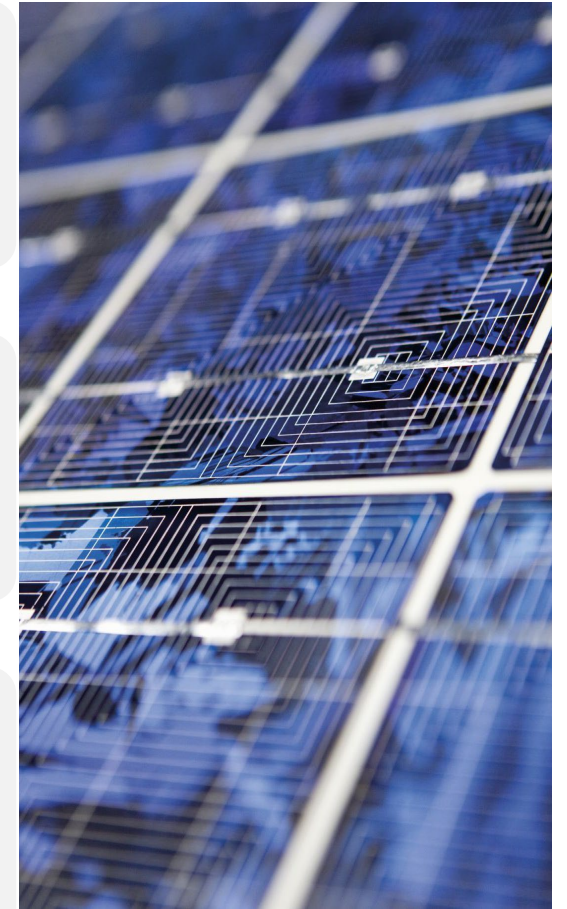
Appellate Division exception process mapping is 99% complete.



2/3 of Implementation planning artifacts continued being refreshed.



FCMS Executive Steering Committee decided to enter into negotiated rounds of proposals with proposers in the competitive range. Competitive Range notices issued; protest period expired with no protests filed. RFP Addendum to establish Phase 2, Round 1 requirements, including Proposer Project Team Presentations and Solution Demonstrations developed, submitted to DAS EIS and DOJ.



# Upcoming Milestones



Trial Division Process Flow Documentation has started beginning with a focus on "Starting a Case" as the first silo of work.



Implementation Planning work will continue with refreshing the project plan artifacts and performing data quality analysis for data migration.



Procurement Phase 2 Develop RFP Phase 2, Rd 1 addendum (project team presentations/ technical solution demonstration requirements). DAS EIS review; DOJ approval to release. OPDC issues to proposers participating in the Competitive Range.

# Budget

