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 Susan Mandiberg, Vice Chair
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**Nonvoting Members:**

Brook Reinhard
 Jasmine Wright
 Rep. Paul Evans
 Sen. Floyd Prozanski

Executive Director:

Jessica Kampfe

Oregon Public Defense Commission

Meeting will occur virtually.
 Wednesday, February 19, 2025
 9:00 AM – approx. 1:00 PM PST
 Via Zoom*

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	Update: Unrepresented Persons in Oregon Courts	Jessica Kampfe Madeline Ferrando
9:30-9:40	Update: Budget	Ralph Amador
9:40-10:10	Action Item: Approve OPDC Strategic Plan	Moss Adams
10:10-10:25	Action Item: Core Staff Role Definitions, Qualification Standards & Performance Standards	Shannon Flowers
10:25-10:40	Briefing: Attorney Qualification Standards	Shannon Flowers
10:40-11:10	Briefing: Attorney Contracts	Jessica Kampfe
11:10-11:20	**Break**	
11:20-11:35	Briefing: OAR/OPDC Policies	Heather Kessinger Jennifer Bell

11:35-11:50	Update: Legislative	Lisa Taylor
11:50-12:05	Update: Financial Case Management System	David Martin
12:05-12:15	Update: Director's Update	Jessica Kampfe
12:15-12:30	Briefing: Local Court Spotlight: Klamath County	Presiding Judge Andrea Janney
1:00 (Approximately)	***Adjourn***	

**To join the Zoom meeting, click this link <https://zoom.us/j/99011675732>. This meeting is accessible to persons with disabilities or with additional language service needs. Our Zoom virtual meeting platform is also equipped with Closed Captioning capabilities in various languages, which agency staff can assist you with setting up ahead of meetings. Requests for interpreters for the hearing impaired, for other accommodations for persons with disabilities, or for additional interpreter services should be made to info@opdc.state.or.us. Please make requests as far in advance as possible, and at least 48 hours in advance of the meeting, to allow us to best meet your needs. Listed times are an estimate, and the Chair may take agenda items out of order and/or adjust times for agenda items as needed.*

The Commission welcomes public comment. 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: **March 26, 2025, 9am – 1pm 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 – January 2025

Key Insights

[Unrepresented Trends](#)

The total number of unrepresented persons and unrepresented cases both increased to new highs of 4,178 unrepresented persons and 4,598 unrepresented cases. ([Figure 1](#) and [Figure 2](#)). Both numbers increased close to 11% between December 1, 2024, and January 1, 2025. The unrepresented population has increased in 11 of the last 12 months. Daily updates are available on the [Unrepresented Dashboard](#) on the OJD website.

[Unrepresented – Out-of-Custody](#)

The average number of days an out-of-custody felony case was unrepresented increased 39% in 2024 to an average of 110 days in December 2024. ([Figure 6](#)). That number remains higher than the average number of days an out-of-custody misdemeanor case is unrepresented. The average number of days an out-of-custody misdemeanor case is unrepresented decreased in November and December of 2024.

[Unrepresented – In-Custody](#)

The average number of days a person who is in custody and is unrepresented on any case has decreased since November 2024 to 23 days in December 2024, but remains 50% above the January 2024 level. ([Figure 7](#)).

[Public Defense-Related Case Filings & Dispositions](#)

Public defense-related case filings increased in 2024 for the fourth consecutive year ([Figure 8](#)). The case types with the highest filings in 2024 were misdemeanors, minor felonies, and civil commitments. Lane, Washington, Clatsop, Union and Wallowa, Jackson, Klamath, Clackamas, and Benton judicial districts saw a 10% or higher increase in public defense-related case filings in 2024, compared to 2023 ([Figure 9](#)).

[Unrepresented by County](#)

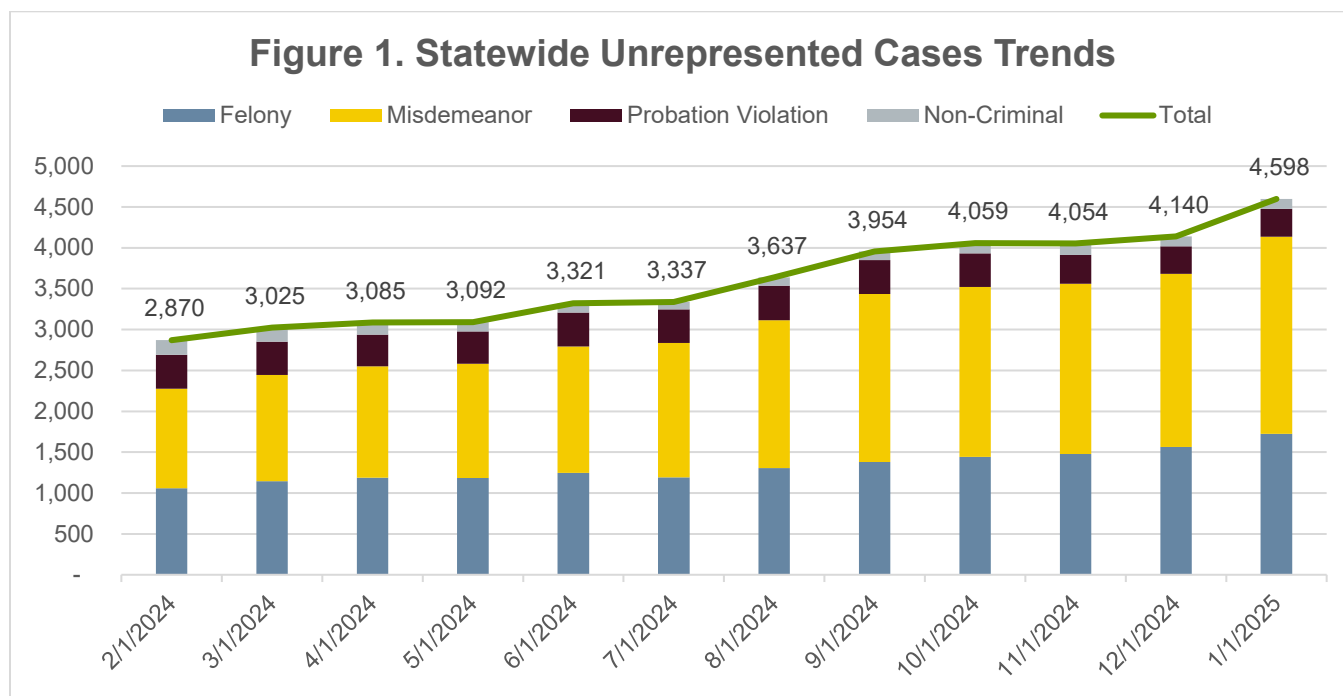
Multnomah, Jackson, Marion, Washington, Douglas, and Coos counties continue to have the highest number of unrepresented persons in Oregon ([Figure 11](#)). Multnomah County's unrepresented list has doubled since July 1, 2024, to a total of 1,109 unrepresented individuals on January 14, 2025.

On Monday, February 3, 2025 at 8:00am OJD, OPDC, and ODAA will be presenting on the current state of the crisis to the [Ways & Means Public Safety Subcommittee](#).

Note: The cases filed data in Figures 8 and 9 might change to some extent in the near future. Circuit courts audit their data at the end of the year, which might result in changes by the audit deadline in March. Also, data in this report is presented by calendar year. Some OJD presentations, especially in the Ways & Means Public Safety Subcommittee, present data by fiscal year, which better reflects the cycles for the state budget and OPDC contracts.

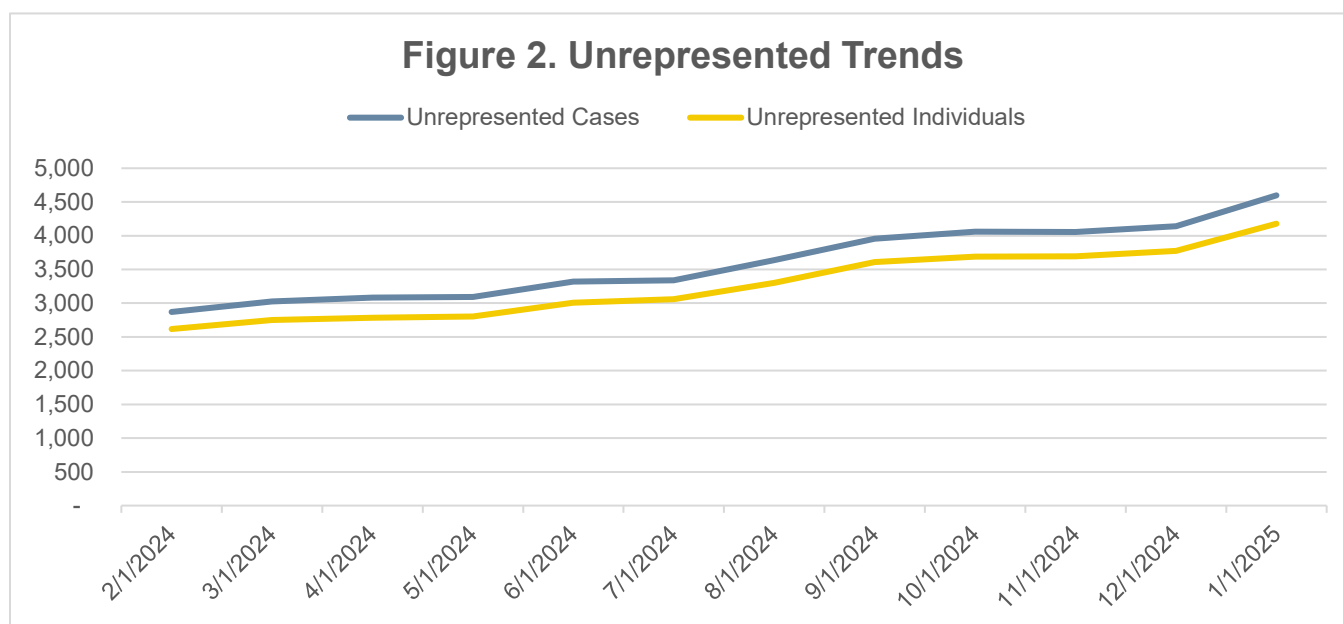
Unrepresented Trends

Figure 1 shows the number of unrepresented cases by case type. The number of unrepresented cases continues to increase each month, reaching another record high on January 1, 2025, of 4,598 cases. Between December 1, 2024, and January 1, 2025, the number of unrepresented cases increased in each case type, whereas in prior months there would be increases in some case types and decreases in other case types.



Source: OJD Odyssey Data (eCourt).

Figure 2 shows the number of unrepresented cases and number of unrepresented individuals. The number of unrepresented persons in Oregon also reached a new high of 4,178 persons on January 1, 2025.



Source: OJD Odyssey Data (eCourt).

Figure 3 shows the number of cases entering and exiting the unrepresented list each month. The number of cases entering and exiting the unrepresented list increased in December 2024. More cases entered the list than exited in 8 of the last 12 months.

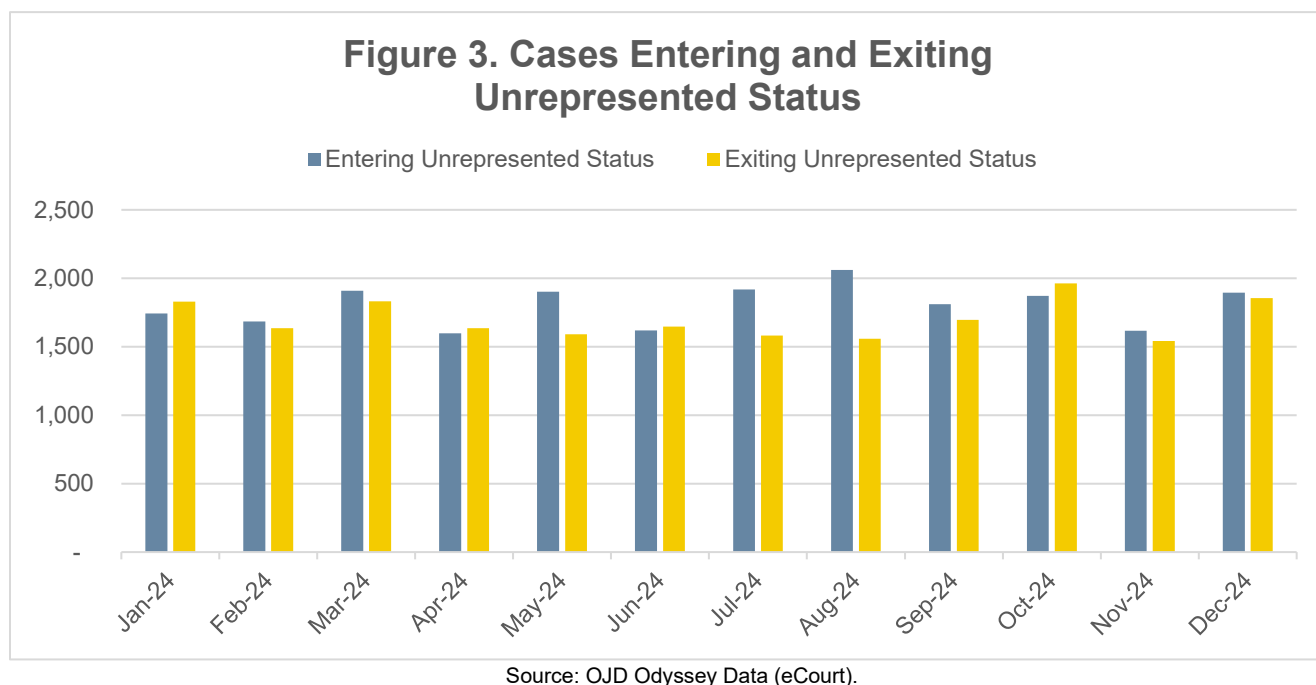
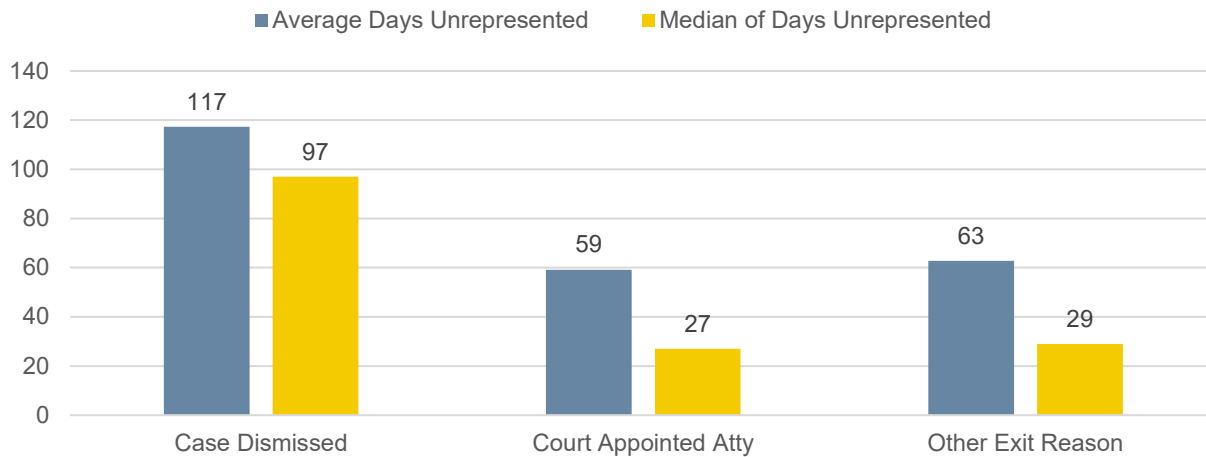


Figure 4 shows the *average number of days* until a case exits the unrepresented based on the exit reason. **Figure 5** shows the *average number of appearances* in an unrepresented case before exiting the unrepresented list by exit reason. These charts include both in-custody and out-of-custody cases.

Cases exit unrepresented status because the case was dismissed, an attorney was appointed, or “other exit reason.” As of January 2025, cases exiting unrepresented status because an attorney was appointed have the lowest average days (59 days) but have the highest average number of appearances (5 appearances) compared to other two exit reasons.

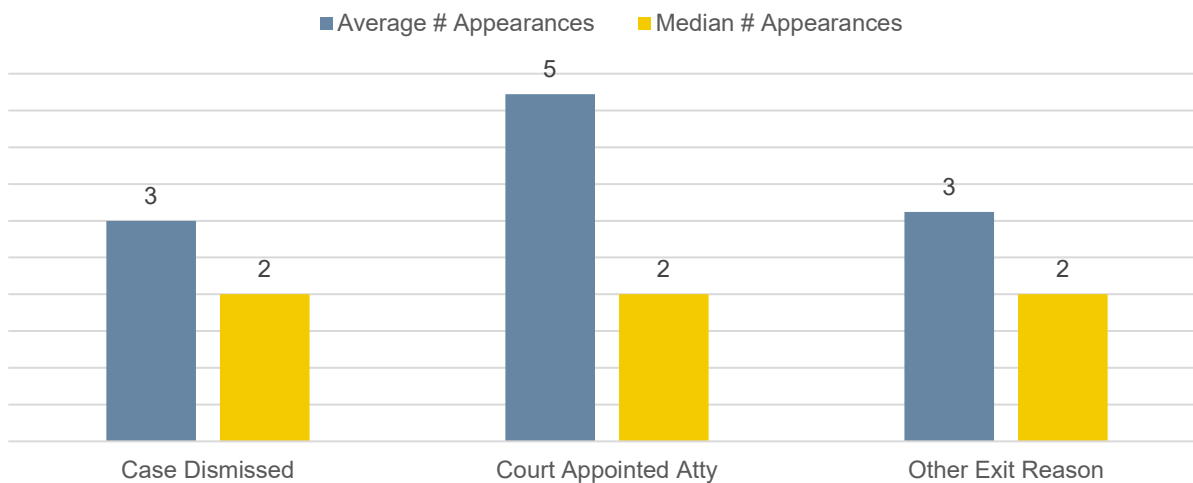
Some courts require unrepresented persons to appear in court, either physically or remotely. There are some courts that require unrepresented persons to check-in with the court’s release assistance office and are documenting those check-ins as “appearances” for tracking purposes.

Figure 4. Days Until Exit From Unrepresented Status by Exit Reason



Source: OJD Odyssey Data (eCourt).

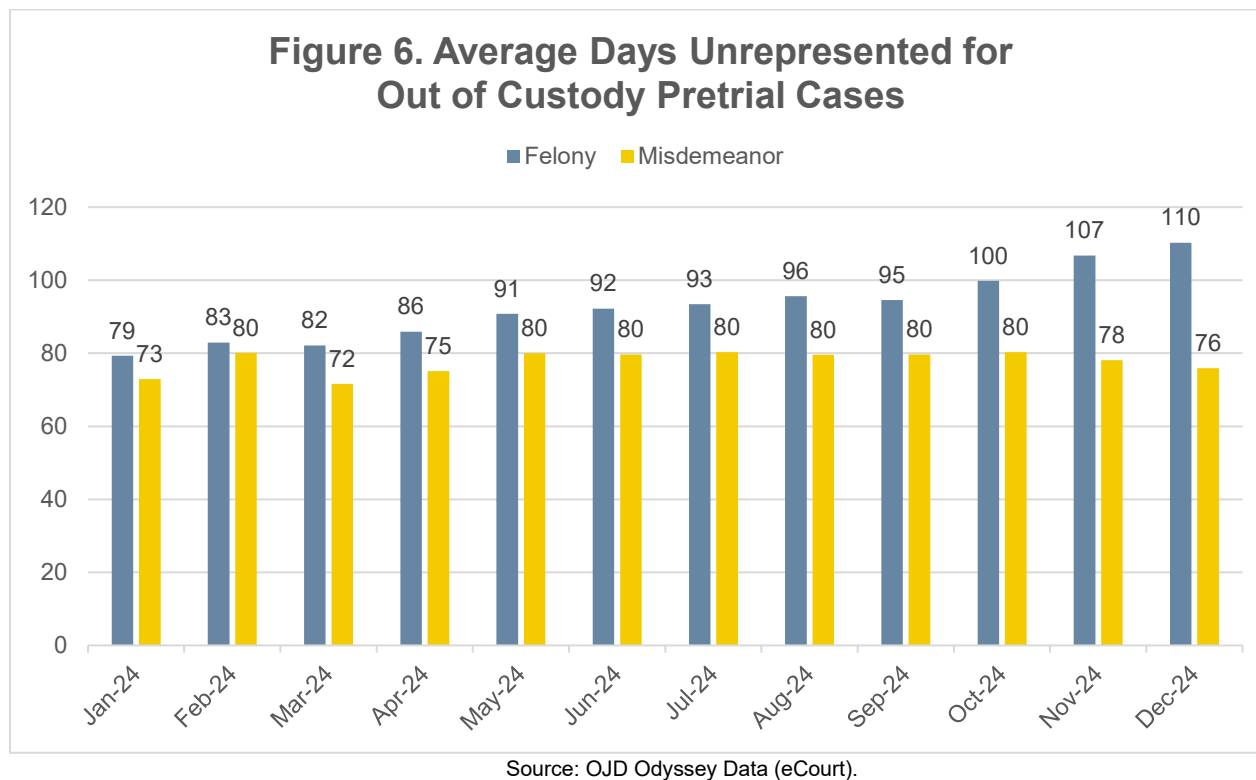
Figure 5. Avg Appearances Until Exit From Unrepresented Status



Source: OJD Odyssey Data (eCourt).

Unrepresented – Out-of-Custody

Figure 6 shows trends in the average days an out-of-custody felony or misdemeanor case is unrepresented by month. *[Note: The numbers in this chart are lower than in prior reports because they do not include the time an unrepresented case was in warrant status. This methodology change does not change the overall trends.]* The average number of days an out-of-custody felony case is unrepresented has increased throughout 2024 to an average of 110 days in December 2024. The number of days an out-of-custody unrepresented misdemeanor is unrepresented remained steady throughout most of 2024 and began to decrease in November.

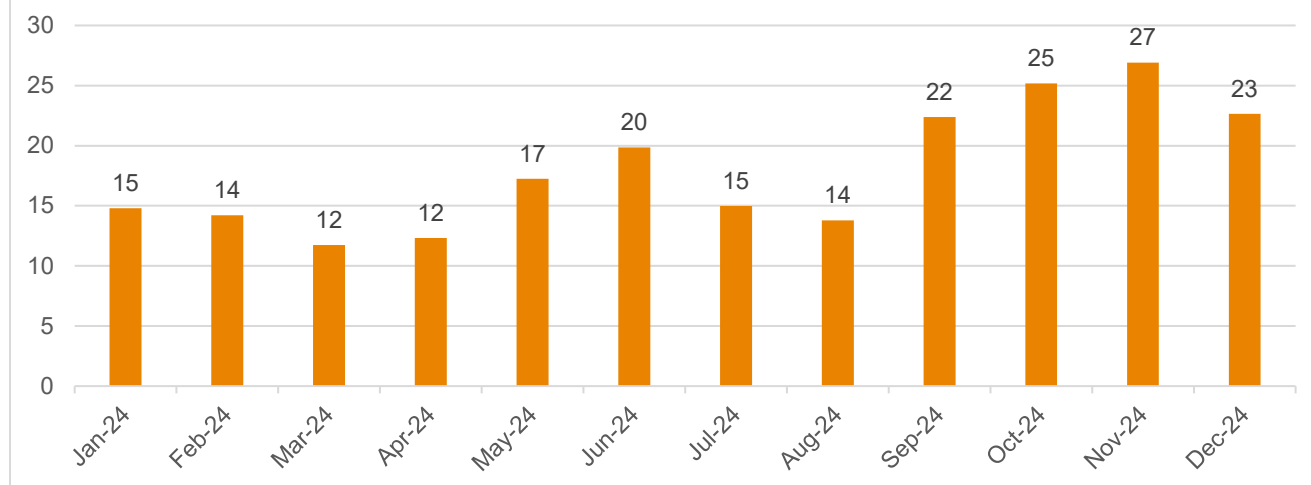


Unrepresented – In-Custody

Figure 7 shows trends in the average number of days a person is both in custody and is unrepresented in any case. The average number of days an in-custody case was unrepresented increased between September 2024 and November 2024, but decreased in December 2024 to an average of 23 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 other reasons.

Figure 7. Average Days Unrepresented for In Custody Cases

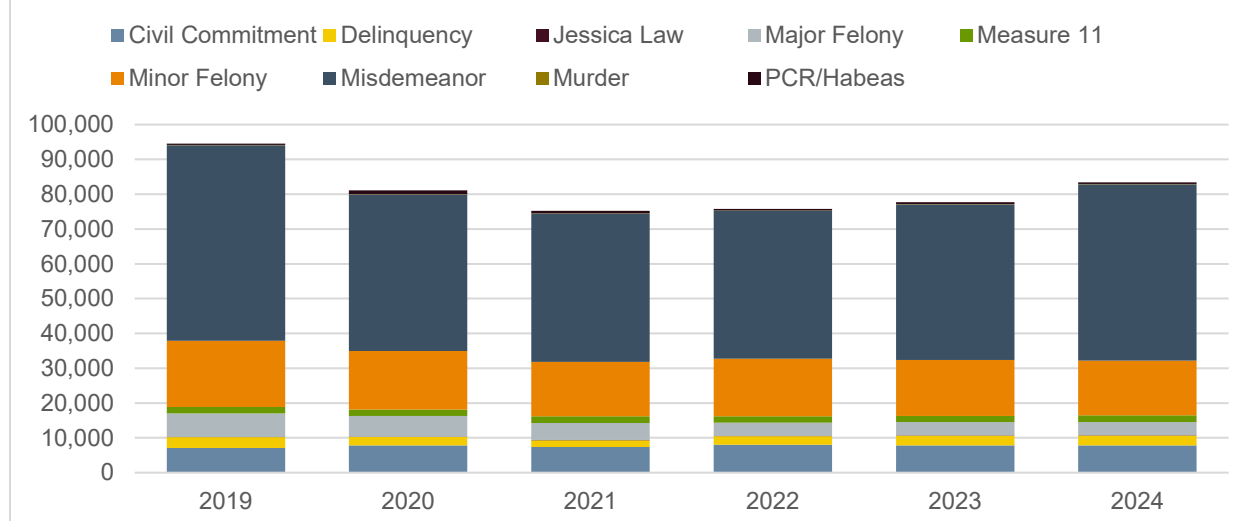


Source: OJD Odyssey Data (eCourt).

Public Defense-Related Case Filings & Dispositions

Figure 8 shows the number of public defense-related case filings by calendar year since 2019. Public defense-related case filings have been increasing since pandemic-reduced filings in 2021 and are now at their highest level since 2019. The three case types with the highest number of filings in 2024 were misdemeanors, minor felonies, and civil commitments. The biggest changes in case filings between 2023 and 2024 were in murder case filings (-25.5%); misdemeanor case filings (+13.5%); post-conviction relief/habeas case filings (-11.7%); and Measure 11 case filings (+10.7%).

Figure 8. Circuit Court Public Defense Related Filings by Calendar Year

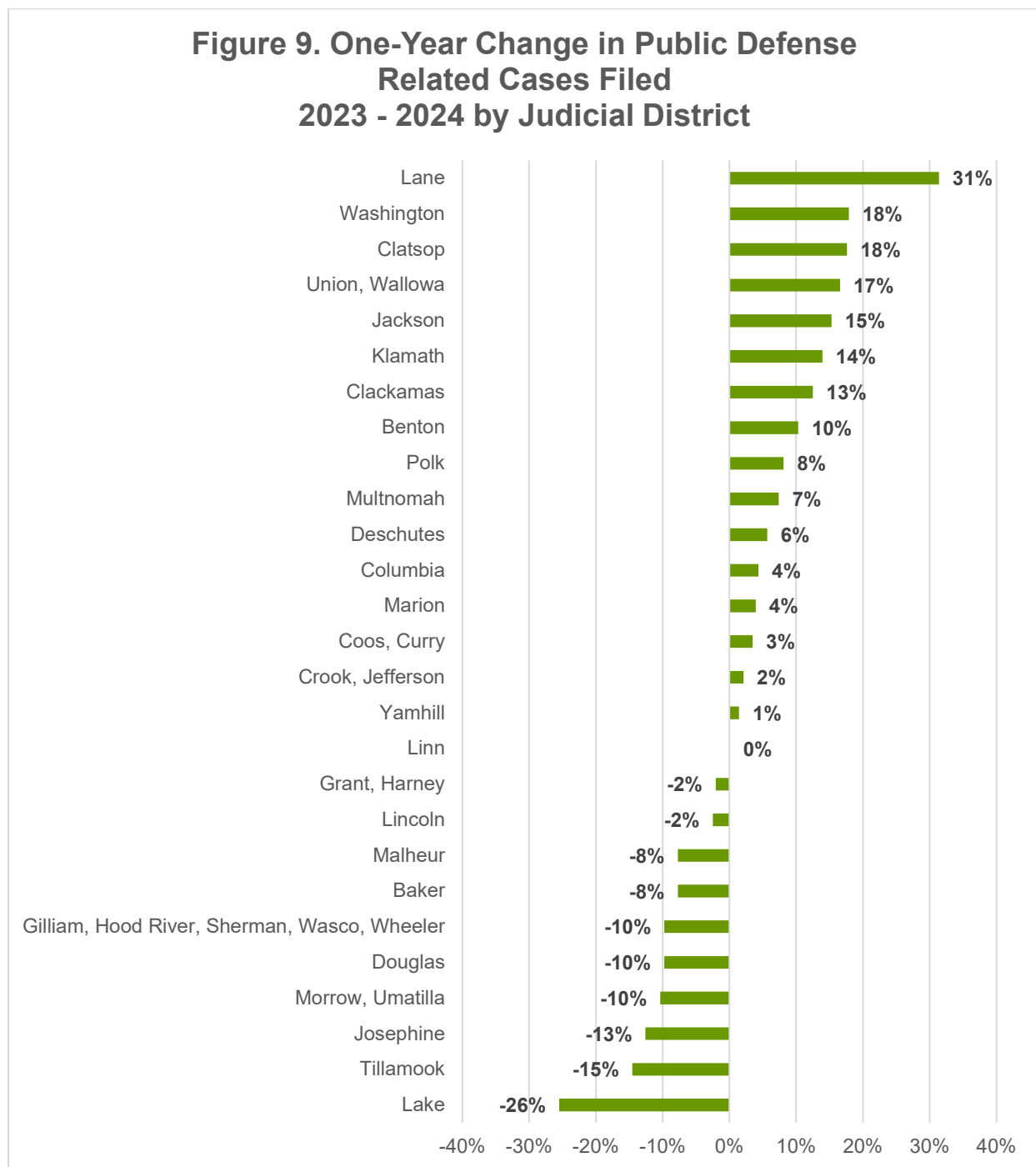


Source: OJD Odyssey Data (eCourt).

Figure 9 shows the percentage change in public defense-related case filings between calendar years 2023 and 2024. Judicial districts for Lane, Washington, Clatsop, Union and Wallowa, Jackson, Klamath, Clackamas, and Benton counties saw a 10% or higher increase in public defense-related case filings in 2024.

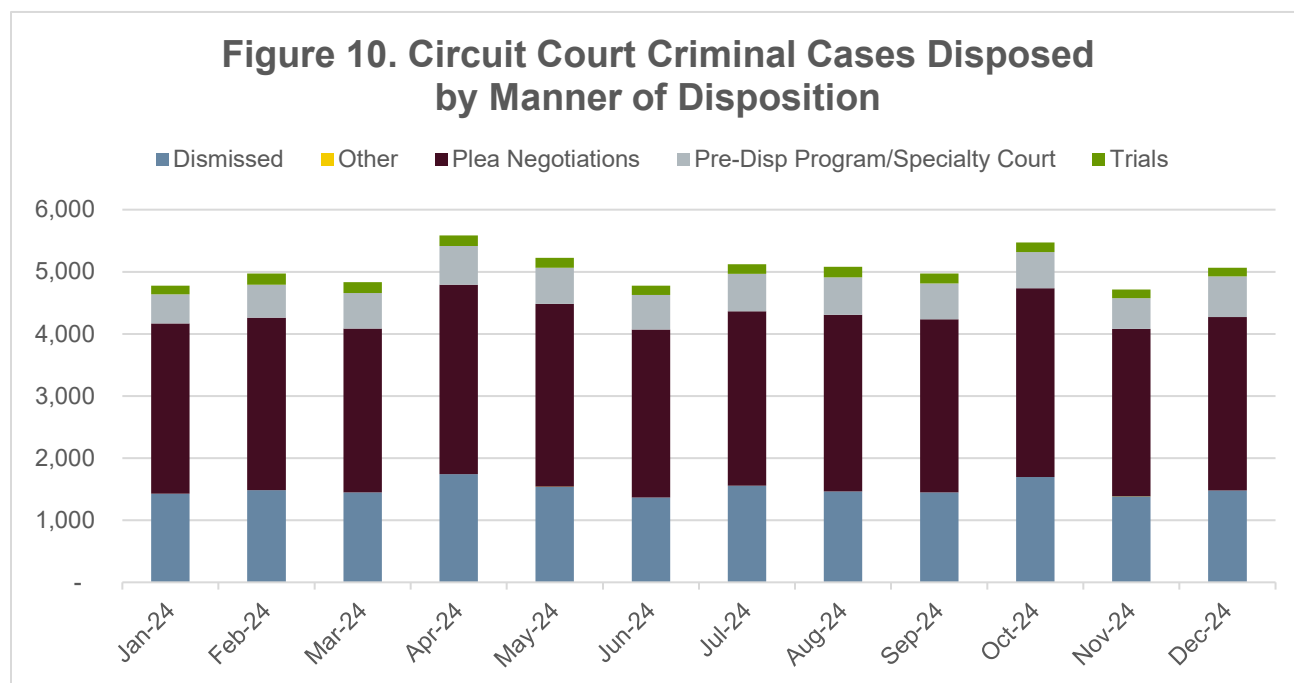
Filings in all large counties increased, including Marion by 4% and Multnomah by 7%.

Although case filings in judicial districts for Malheur, Douglas, Josephine, and Lake counties decreased, all continue to have cases on the unrepresented list ([See Figure 11](#)).



Source: OJD Odyssey Data (eCourt).

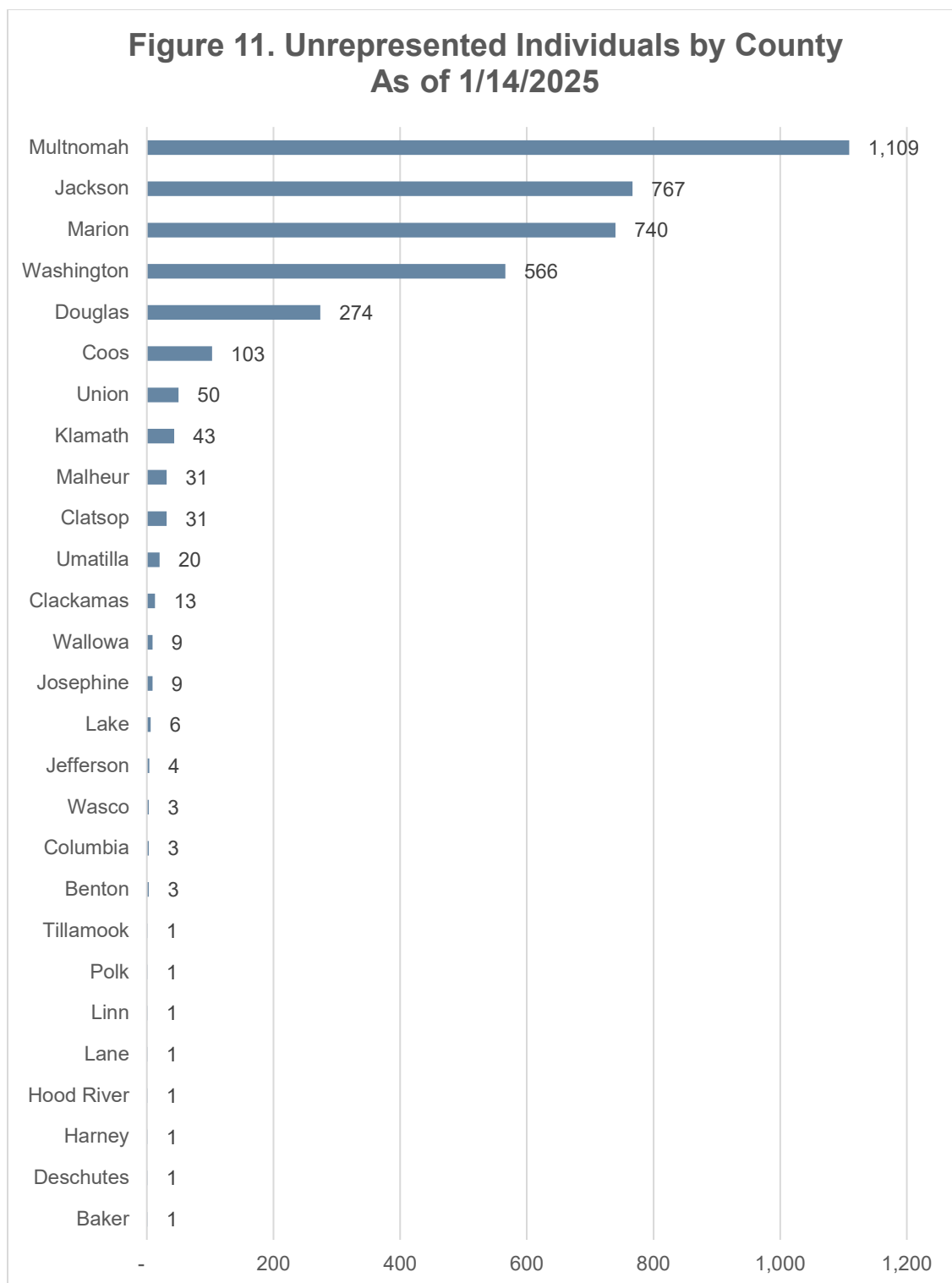
Figure 10 shows the number of criminal cases closed (finalized) each month by manner of disposition. Most cases are disposed through plea negotiations, which can occur any time during the life of a case, including the morning of trial. The second most common way a case is disposed is by dismissal, which can be the result of a variety of circumstances. Additionally, some cases are dismissed and then later re-filed or re-instated. Trials are the least common way a criminal case is disposed. In 2024 Oregon circuit courts held 1,901 criminal trials (both bench and jury), for an average of 158 trials each month.



Source: OJD Odyssey Data (eCourt).

Unrepresented by County

Figure 11 shows the number of unrepresented persons by county as of January 14, 2025. Multnomah, Jackson, Marion, Washington, Douglas, and Coos counties continue to have the highest number of unrepresented persons in Oregon. Multnomah County's unrepresented list has doubled since July 1, 2024, to a total of 1,109 unrepresented individuals.



Source: OJD Odyssey Data (eCourt).



Oregon
Public
Defense
Commission



Oregon Public Defense Commission

STRATEGIC PLAN

2025-2031

PROPOSED

WELCOME

The Oregon Public Defense Commission (OPDC) was established to ensure that every individual, regardless of their financial situation, has access to quality legal representation. Our vision is rooted in the belief that justice should be equitable and accessible to all, and guided by the American Bar Association's Ten Principles of a Public Defense Delivery System. In recent years, we have faced significant challenges, including a shortage of public defense attorneys and the need for modernized systems and processes. These challenges have underscored the urgency of our work and the necessity for a comprehensive strategic plan to guide the next six years.

As we embark on a transformative journey this strategic plan is not just a blueprint for the Agency; it is a commitment to the community and a roadmap to enhance the quality of public defense services across Oregon.

This strategic plan outlines our objectives and initiatives aimed at addressing the public defender shortage, improving operational efficiency, and fostering a culture of excellence within the Agency. It serves as a guiding framework for our efforts to expand our workforce, enhance support for our providers, and implement innovative solutions that meet the evolving needs of our clients.

Our vision for the next six years is clear: we aspire to build a public defense system that not only meets the immediate needs of those we serve but also anticipates future challenges. We aim to create an environment of trust, respect, and inclusivity, ensuring that our Agency reflects the diverse communities of Oregon.

Jennifer Nash
Commission Chair

Susan Mandiberg
Commission Vice-Chair

Adrian Tobin Smith
Commission Member

Alton Harvey, Jr.
Commission Member

Bob Selander
Commission Member

Brook Reinhard
Commission Member

Senator Floyd Prozanski
Commission Member

Jasmine Wright
Commission Member

Jennifer Parrish Taylor
Commission Member

Paul Evans
Commission Member

Peter Buckley
Commission Member

Robert Harris
Commission Member

Tom Lininger
Commission Member

STRATEGIC FRAMEWORK

VISION

OPDC is a guardian of the legal rights and interests of public defense clients and a champion for effective public defense services.

MISSION

Our mission is to continually enhance the statewide public defense system to deliver highly skilled, independent, timely, and client-focused representation to eligible persons.

VALUES

Our values are the guiding principles that shape the behavior and actions of the Agency, defining our culture and character. These values promote consistency and integrity in how we treat one another, and the communities we serve.

As an organization, we are:

- Client-Centered
- Committed to Excellence
- Effective
- Diverse and Inclusive
- Compassionate
- Adaptive

GOALS AND OBJECTIVES

GOAL 1: END THE UNREPRESENTED PERSONS CRISIS

Attract, recruit, and retain highly qualified, diverse, and dedicated public defenders and non-attorney case support personnel to ensure that every client receives effective and compassionate legal representation.



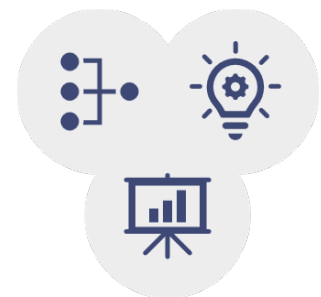
GOAL 2: IMPROVE PROVIDER RELATIONSHIPS

Strengthen our relationships with our providers by fostering a collaborative environment that promotes open communication, mutual respect, and shared objectives.



GOAL 3: CULTIVATE OPERATIONAL EXCELLENCE

Streamline our processes, improve efficiency, and foster a culture of continuous improvement by leveraging technology, investing in staff development, and implementing robust performance metrics, with a strong commitment to diversity, equity, and inclusion.



GOAL 4: FINALIZE INTEGRATION WITH THE EXECUTIVE BRANCH

Successfully complete transition activities to move operations to the Executive Branch while maintaining our commitment to excellence and client-centered service.



GOAL 1: END THE UNREPRESENTED PERSONS CRISIS

Attract, recruit, and retain highly qualified, diverse, and dedicated public defenders and non-attorney case support personnel to ensure that every client receives effective and compassionate legal representation.



Objective A: Implement recommendations outlined in the Six Year Plan to Reduce the Public Defender Deficiency, expanding our workforce and ensuring that public defense service providers have the necessary support to represent clients effectively.

- Secure additional funding proposed in the Six-Year Plan to enable the agency to engage the needed public defense service providers, including attorneys, case support personnel, and OPDC staff, to end the unrepresented persons crisis.
- Increase the public defense provider base by recruiting both criminal and juvenile defense attorneys, with a specific focus on increasing the diversity of applicants through targeted outreach of underrepresented communities.
 - Recruit approximately 80 attorneys per year to reach the total needed 980 full-time attorneys to eliminate the Adult Criminal attorney deficiency by 2031.
 - Recruit approximately 50 attorneys per year to eliminate the Juvenile attorney deficiency by 2031.
- Recruit proportionate case support personnel—such as paralegals, investigators, social workers, case managers, interpreters, and administrative personnel—to help meet caseload demands, strengthen the pipeline of professionals entering public defense service, and enable the Agency to better meet its diverse client needs.
- Implement targeted recruitment strategies that incorporate diversity and equity best practices to increase access to the public defense profession through alternative education and career paths, like law school-to-public-defense pipelines, loan forgiveness opportunities, and programs to broaden the labor market and attract lawyers across the state. Pursue alternative interventions aimed at reducing the public defender deficit, such use of diversion plans, and advocate for initiatives such as decriminalizing low-level non-violent misdemeanor crimes and repealing certain parts of mandatory minimum sentencing laws that are known to impact social justice and equity across the state.

- Over six years, incrementally reduce annual attorney workload hours to achieve the adopted workload standard of 1,578 case-specific hours per year for full-time public defense attorneys.
 - Strengthen caseload monitoring to ensure that workload expectations and standards are consistently communicated and maintained for all public defense providers.
- Expand the Statewide Public Defender Trial Office to enhance equitable service delivery by increasing access to legal representation for underserved populations, ensuring that all individuals receive fair and adequate defense in a timely manner and contributing to reductions in the unrepresented persons crisis.
- Continue to conduct regular economic surveys in alignment with the contract renewal process to assess hourly rates for all contracted individuals providing public defense services.
 - Regularly update hourly rates to ensure that compensation supports the Agency's recruitment and retention strategies.
 - Regularly review payment practices to ensure equitable compensation for public defense service providers.

Objective B: As outlined in Senate Bill 337, transition the Public Defense Service Delivery Model and develop the required standards, training, data collection, and oversight.

- Work with the public defense community and relevant state agency partners throughout the service delivery transition to develop, review, and launch each component of the program including performance standards and monitoring, selection criteria, case assignment, mentoring, training, and recognition.
- Convene a diverse working group of individuals from various backgrounds, including public defenders and community representatives, to bring an equity lens into the new Public Defense Service Delivery Model by identifying barriers faced by unrepresented individuals in the criminal justice system and proposing targeted strategies to address disparities.
- Provide regular reports on the status of each component of the program to enhance transparency.
- Launch the Assigned Counsel Panel Program and continuously monitor the program to identify areas for ongoing improvement and its impact on the public defender shortage.
 - Create a process to track opportunities for improvement that are identified through monitoring and develop a process to implement updates on an ongoing basis.

- Conduct a comprehensive review of provider contracts on the established cycle to ensure that the defined terms, compensation, and standards contribute to effective service delivery and support recruitment and retention efforts.
 - Perform robust provider engagement that gathers feedback from diverse geographies and demographics throughout the process to improve outcomes.

Objective C: Collaborate with regional public defense office personnel to proactively identify areas across the state where there is a current or potential future shortage of public defenders and develop a strategy to address needs.

- Conduct a comprehensive analysis of public defender distribution across the state, including retirement projections, to inform targeted interventions that enhance equitable service delivery and ensure that public defense services meet the diverse needs of individuals.
- Conduct needs assessments in underserved areas to identify specific challenges and resource gaps.
- Work with the provider advisory committee to develop recommendations on how to best manage shortages regionally.

Objective D: Build partnerships with community groups and state agencies involved in wraparound social services to strengthen the network of resources available to clients.

- Develop a list of primary partners—including community groups and state agencies—that commonly provide wraparound services that are used to support clients. Establish collaborative partnerships with community organizations that focus on addressing systemic inequities by identifying and engaging local nonprofits and advocacy groups with a proven track record in supporting marginalized populations.
- Assign Agency resources to develop relationships with key community groups and state agencies aimed at creating opportunities for collaboration.
- Identify partnership goals and share resources in collaboration with these primary partners that focus on resource sharing aimed at enhancing services for under-resourced communities, ensuring that collaborative efforts lead to tangible improvements in access and support.
 - Develop equity metrics to assess the effectiveness of partnerships in reaching and supporting under-resourced communities.

Goal #1 Key Performance Indicators

- Public defender deficiency ratio
- Provider diversity metrics

- Ratio of case support personnel (e.g., paralegals, investigators) to public defense attorneys
- Workload ratios of public defense providers compared to established standards
- Regional needs assessment report including initiatives to address shortages
- Biennial hourly rate economic survey
- Review of caseload standards in 2028

GOAL 2: IMPROVE PROVIDER RELATIONSHIPS

Strengthen our relationships with our providers by fostering a collaborative environment that promotes open communication, mutual respect, and shared objectives.



Objective A: Develop a communication strategy to share information with providers and solicit their feedback.

- Compile a comprehensive list of all existing communication materials, including newsletters, emails, reports, and digital content used to share information with public defense service providers.
- Engage providers to gather feedback on current communication practices identifying what is working well, opportunities for improvement, and recommendations for new or alternative practices.
- Update communication strategies based on feedback, focusing on opportunities to enhance accessibility (e.g., translations, alternative formats).
- Conduct regular provider surveys and/or focus groups to promote engagement and solicit input on important topics.
 - Create dashboards to communicate engagement results, trends, and important data.

Objective B: Develop an effective system to prioritize and address issues raised by providers.

- Review and update complaint reporting mechanisms to establish clear and inclusive channels for providers to report issues and concerns.
- Develop clear criteria for prioritizing issues based on urgency, impact on service delivery, legal implications, and the number of providers affected.
- Implement a tracking system for reported issues.
- Share outcomes of addressed issues with providers to demonstrate the Agency's commitment to resolving concerns.
- Periodically assess and refine the channels providers use to report issues to ensure they are inclusive and accessible to all. Solicit feedback on these channels to identify areas for improvement.

Objective C: Enhance support for providers and promote culturally competent practices.

- Perform a comprehensive assessment to identify barriers faced by providers, including public defenders and non-attorney case support personnel as well as underrepresented individuals. Gather input through surveys, focus groups, and interviews to understand unique challenges and support needs.
- Update support programs specifically designed for providers, addressing the barriers identified in the needs assessment. This may include mentorship opportunities, networking events, and resource allocation to ensure equitable access to support.
- Partner with the Oregon Criminal Defense Lawyers Association and other training providers to review training requirements for all providers, focusing on the importance of understanding and responding to the diverse backgrounds and needs of clients to equip providers with the skills necessary to deliver culturally sensitive services.

Objective D: Develop a meaningful process to recognize exceptional performance.

- Establish clear and specific criteria for what is considered exceptional performance within the profession, considering both attorneys and non-attorneys.
 - Involve contractors, other awarding entities, and employees, among others, in discussions to gather input on recognition methods and criteria.
- Create a structured program, initiative, or partnership (e.g., awards, public acknowledgments) to celebrate exceptional performance.
 - Consider the evaluation, selection, and award processes, needed personnel, and needed technology to effectively implement an awards program.
- Clearly communicate the recognition process, criteria, and programs to ensure transparency and understanding.

Goal #2 Key Performance Indicators

- Percentage change in providers participating in surveys or focus groups
- Provider feedback rating with disaggregated demographic data
- Open rate or engagement rate for digital communication
- Issue tracking metrics
- Recognition program established

GOAL 3: CULTIVATE OPERATIONAL EXCELLENCE

Streamline our processes, improve efficiency, and foster a culture of continuous improvement by leveraging technology, investing in staff development, and implementing robust performance metrics, with a strong commitment to diversity, equity, and inclusion.



Objective A: Initiate activities focused on building a strong workplace culture that promotes trust, respect, equity, and employee well-being.

- Engage employees in focus groups that represent all functions and levels within the Agency to assess current workplace culture, define the criteria of what constitutes good workplace culture, and understand the root cause of existing gaps.
- Develop a plan including targeted initiatives and success metrics to evaluate improvements to workplace culture.
- Provide training for leaders and managers on effective communication, conflict resolution, and fostering a positive work environment that is inclusive and equitable for all staff.
- Implement equitable employee recognition programs to celebrate achievements and milestones.
- Create opportunities for peer-to-peer recognition to foster a sense of community and appreciation.
- Ensure all onboarded staff are introduced to the Agency's values and workplace behavior expectations.
- Regularly evaluate the effectiveness of culture improvement initiatives through follow-up surveys and feedback sessions, making adjustments as necessary.

Objective B: Review and update internal communication processes (including the method, frequency, audience, and technology) to improve transparency and keep people informed of important work or changes.

- Gather feedback from staff on the effectiveness of existing internal communication practices including technology, frequency, messaging, and means to identify gaps and areas for improvement.

- Create a communication strategy that outlines goals, audiences, key messages, communication channels, and frequency of updates.
- Explore and implement modern communication tools that facilitate efficient information sharing that is accessible to all staff.
- Regularly assess the effectiveness of communication processes.

Objective C: Implement a comprehensive staff development program that includes training and skill enhancement to foster a culture of excellence.

- Evaluate the effectiveness and equity of the current employee development programs, policies, procedures, and practices considering the impacts of transitioning to the Executive Branch. Determine what is working well and where improvements are needed.
- Establish clear objectives for an updated staff development program that aligns with organizational goals and employee career aspirations.
 - Develop a structured curriculum that includes a variety of training methods (e.g., workshops, online courses, mentorship) tailored to different learning styles to enhance inclusion.
 - Create a training calendar that outlines when and where training sessions will take place, ensuring accessibility for all staff.
- Install the needed resources to implement updates to the employee development framework, ensuring that diversity, equity, and inclusion are core components of all training and development initiatives.
 - Offer follow-up resources, such as coaching or additional materials, to reinforce learning and encourage skill application in the workplace.
- Establish metrics to assess the impact of the training on employee performance and satisfaction, gathering feedback for continuous improvement.

Objective D: Develop and operationalize an Agency-specific Diversity, Equity, and Inclusion (DEI) plan incorporating all the strategies of the statewide DEI Action Plan complete with goals and timelines.

- Identify champions and early advocates within the Agency to lead planning.
- Engage Agency staff, providers, and clients to identify DEI goals for the Agency.
- Develop a data-informed 3- to 5-year racial equity plan and share the plan with the state's Office of Cultural Exchange.
- Set a realistic timeline for completing the plan, including milestones for expected outcomes.

Objective E: Complete the objectives outlined in the Remediation Plan addressing necessary updates to the Agency's policies, procedures, technology, and staffing strategy.

- Develop policies and procedures for all new initiatives. Ensure they are aligned with the updates to policies and procedures as part of the Executive Branch transition.
- Evaluate and modernize systems and processes related to case management, timekeeping, and billing through the Financial Case Management System (FCMS) project.
- Review positions and ensure they align with classification and compensation standards to promote equity.
- Review, develop, and update the employee onboarding process.
- Develop a process to ensure job descriptions are up to date.
 - Identify opportunities to make updates that avoid screening out qualified applicants by focusing on essential skills and competencies, avoiding unnecessary qualifications, clearly defining the essential functions of the role, and including potential accommodations for individuals with disabilities when listing physical requirements.

Objective F: Improve the Compliance, Audit, and Performance (CAP) program to help strengthen the Agency's program management, performance, and oversight.

- Upon completion of the Agency's DEI Action Plan, review, update, and finalize an Audit and Accountability plan.
 - Incorporate DEI considerations into regular compliance checks, ensuring that all practices, policies, and services provided are accessible, fair, and free from bias.
- Develop and finalize program design, including roles and responsibilities, organizational charts, and goals.
- Provide DEI-specific training for staff involved in the audit and compliance processes, ensuring they are equipped to recognize and address implicit biases and understand the importance of equity in their work.
- Identify and implement performance measures to monitor the success of the CAP program and ensure that program implementation is aligned with the Agency's DEI objectives.

Goal #3 Key Performance Indicators

- Percent FCMS implementation complete
- Percent policies and procedures updated

- DEI metrics
- Workplace culture assessment
- Percent participation in employee training and development programs

GOAL 4: FINALIZE INTEGRATION WITH THE EXECUTIVE BRANCH

Successfully complete transition activities to move operations to the Executive Branch while maintaining our commitment to excellence and client-centered service.



Objective A: Execute the activities outlined in the Executive Transition Workplan, carrying forward existing processes that are effective and taking advantage of improvement opportunities.

- Facilitate implementation of the Executive Transition Workplan by clearly assigning ownership over activities and outlining individuals who should be included in development, review, approval, and launch.
- Manage deadlines for each activity in the Executive Transition Workplan to ensure timely execution.
- Continue to engage state partners throughout implementation including the Department of Administrative Services, Department of Justice, State Archives, and others to review expectations and ensure that the intended outcomes of each area of work are consistently understood and met.

Objective B: Monitor the transition to adapt to changes as they occur and report on plan progress.

- Assess resource allocation on a regular basis to support ongoing transition efforts, including budget and personnel adjustments.
- Regularly update planning documents with the status, timeline, people, and other resources needed to transition to the Executive Branch.
- Communicate transition plan changes to impacted parties, assess the impact of those changes on impacted parties' workloads, and then adjust accordingly.

Objective C: Regularly engage state partners including the Department of Administrative Services and others to address future operational needs.

- Establish regular meetings with partners to discuss current and future needs and opportunities for collaboration.

- Provide relevant data, reports, and insights on operational performance and future needs to inform discussions and decision-making.
- Seek input from partners on current operations and potential improvements to ensure their perspectives are considered.

Objective D: Develop supportive policies, procedures, and guidelines to ensure the ongoing independence of the public defense function.

- Review existing executive policies and identify improvements needed to ensure ongoing independence.
- Develop or update policies as identified to ensure that public defense providers responsible for direct representation have the independence to do so ethically.
- Review risk coverage and update and write policies to align with the Executive Branch requirements.

Goal #4 Key Performance Indicator

- Progress reporting on completed Executive Transition Workplan activities

APPENDIX A

Strategic Planning Process

This plan was collaboratively developed based on input from the OPDC Commission, OPDC management and staff, Department of Administration partners, and residents.

The OPDC Commission and management team grounded the strategic plan in the history and operating model of the Agency while considering the current conditions, major initiatives in progress, and the future of public defense in the state.

The strategic plan was developed through a series of work sessions, both public with the OPDC Commission and private with OPDC's management team. The plan was presented to the community through an online survey in November 2024 and adjustments were made to account for public input. The plan was presented for adoption by the OPDC Commission in February 2025.

Supportive Planning Documents

This strategic plan is one of several key planning tools that guide the Agency's work and strategic direction. It has been developed in conjunction with other critical planning documents, all of which were carefully considered to ensure alignment with the Agency's overall mission, vision, and goals. Throughout the development process, these documents have been used to inform decision-making, identify priorities, and set clear objectives for the Agency's future. By considering the full scope of these interconnected plans, we ensure a comprehensive and cohesive approach to achieving our long-term goals while remaining adaptable to emerging challenges and opportunities. These documents include:

- 2025-2027 Affirmative Action Plan
- Six-Year Plan to Reduce the Public Defender Deficiency
- Executive Transition Workplan
- Remediation Plan
- Modernization Roadmap
- Quality Management Plan
- IT Roadmap
- CAP Transition Plan

Annual Reporting Cycle

The Agency has established an annual strategic planning reporting cycle to ensure continuous alignment with our long-term goals and to track progress toward achieving

them. This cycle serves as a regular checkpoint for evaluating the effectiveness of our strategies, identifying any emerging challenges, and making necessary adjustments. Each year, we will review key performance indicators, assess completed initiatives, and refine our objectives to stay responsive to changing needs and priorities. This ongoing process fosters transparency, accountability, and strategic foresight, ensuring that we remain focused on our mission while adapting to evolving circumstances in a dynamic environment.

ACKNOWLEDGMENTS

Thank you to all the people who dedicated their time and insights during the development of this strategic plan.

State of Oregon Agency Partners

Oregon Residents

OPDC Commission

OPDC Management and Staff



Date: February 19, 2025

To: Jennifer Nash, Chair, OPDC
Susan Mandiberg, Vice Chair, OPDC
OPDC Commissioners

Cc: Jessica Kampfe, Executive Director

From: Shannon Flowers, Trial Support & Development Manager

Re: Core Staff Role Definitions, Qualification Standards, and Performance Standards

Nature of Presentation: Action Item

Background:

At the Commission's January 2025 meeting, OPDC staff provided a briefing on draft role definitions, qualification standards, and performance standards for core staff providing public defense services funded by OPDC, as well as the process for developing those standards. Developing and adopting these standards aligns with OPDC's vision to be a champion for effective public defense services and is part of the larger body of work related to implementing OPDC's Six Year Plan and the legislative directives provided in Senate Bill 337.

Those core staff roles for which OPDC has developed definitions and standards are:

- Office support staff,
- Legal assistants,
- Paralegals,
- Fact investigators,
- Mitigation specialists,
- Case managers,
- Interpreters,
- Information technology staff,

**Core Staff Role Definitions, Qualification Standards, and Performance Standards
– Commission Memorandum – February 19, 2025**

- Provisional licensees, and
- Certified law students.

Full implementation of these standards, along with attorney qualification and performance standards and standards for training all public defense providers will take several years and require a thoughtful transition plan, as well as additional funding, to ensure that providers are able to meet these standards.

Agency Recommendation:

OPDC staff recommends that the Commission adopt the Core Staff Role Definitions, Qualification Standards, and Performance Standards as one portion of the agency's overarching quality management plan for public defense services, with an implementation date to be determined at a later time.

Fiscal Impact: To be determined once a full implementation and transition plan has been developed. Full implementation of these standards will likely require investments in OPDC infrastructure and staff, to implement training programs and other supports contemplated by these standards. Such investments are not part of the agency's request budget for 2025-27 and would need to be planned for in future legislative sessions.

Agency Proposed Motion:

I move that the Commission adopt the Core Staff Role Definitions, Qualification Standards, and Performance Standards as one portion of the agency's overarching quality management plan for public defense services.



Date: February 19, 2025

To: Jennifer Nash, Chair, OPDC
Susan Mandiberg, Vice Chair, OPDC
OPDC Commissioners

Cc: Jessica Kampfe, Executive Director

From: Shannon Flowers, Trial Support & Development Manager

Re: Draft Attorney Qualification Standards

Nature of Presentation: Briefing

Background:

ORS 151.216, as amended by Senate Bill 337 (2023), sets out the duties of the Oregon Public Defense Commission. Subsection (1)(j) of that statute requires that OPDC:

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 standards for attorneys to qualify for appointment to represent financially eligible persons in Oregon have remained largely unchanged since the 1990s.

OPDC has begun the important work to fulfill its obligations under ORS 151.216(1)(j) and its vision to be a guardian of the legal rights and interests of public defense clients and a champion for effective public defense services, beginning with the development of qualification and performance standards for core public defense staff.

In November 2024, OPDC convened work groups comprised of existing public defense attorneys directed at developing new attorney qualification standards in four public defense practice areas identified as those most critically in need of updating. These workgroups focused on developing qualification standards that will apply to public defense attorneys whether they work under a public defense services contract, are paid hourly, or are an OPDC employee.

The qualification standards were developed with a focus on ensuring that all public defenders have sufficient training, skill, and experience to provide competent and effective representation to their clients in the types of cases in which they are appointed. OPDC's stakeholder-engaged process has yielded draft qualification standards for the following types of cases:

- Criminal, with four qualification levels for misdemeanor through murder cases;
- Juvenile delinquency, with four qualification levels for misdemeanor-level through murder-level cases;
- Juvenile dependency, with two qualification levels for dependency and termination-of-parental-rights cases;
- Civil commitment, with two qualification levels for standard civil commitment cases and those in which the person who is the subject of the proceedings is alleged to be "extremely dangerous";
- Psychiatric Security Review Board (PSRB) proceedings, with one qualification level;
- Post-conviction relief (PCR), with two qualification levels for murder and for all other case types; and
- Habeas corpus, with three qualification levels for extradition and related proceedings, challenges to the state's authority to confine the petitioner, and challenges to the conditions of the petitioner's confinement.

The most significant changes in these draft qualification standards are requirements for training, once developed and available, and specific types of experience, such as filing and litigating motions, for qualification levels above the entry level.

These draft qualification standards do not include standards for providing representation in aggravated murder and aggravated murder PCR cases, contested adoption cases, and "blanket waiver" cases, those cases where allegations that a youth has violated traffic, boating, or game laws by order of a presiding judge originate in criminal, rather than juvenile, court. These draft qualification standards also do not include standards governing the process for application and certification of an attorney's qualifications, including certification through equivalent experience

and with supervision. These process standards are currently being drafted and will be presented at a later date.

Implementation:

As with the core staff qualification and performance standards, full implementation of these qualification standards will take time and a thoughtful transition plan to ensure that existing public defense providers have the time and resources needed to meet them. OPDC will also need additional funding to implement training programs to support compliance with these standards. An implementation plan will follow once standards are adopted.

Agency Recommendation: The agency recommends the commission accept the briefing, with the understanding that the agency will bring the Attorney Qualification Standards back before the commission for potential adoption at its April 2025 meeting.

Fiscal Impact: To be determined once a full implementation and transition plan has been developed. Full implementation of these standards will likely require investments in OPDC infrastructure and staff, to implement training programs and other supports contemplated by these standards. Such investments are not part of the agency's request budget for 2025-27 and would need to be planned for in future legislative sessions.

Agency Proposed Motion:

None.



Attorney Qualification Standards (DRAFT)

February 2025

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Qualification Standards for All Public Defense Attorneys

Licensure to Practice Law in Oregon

To be certified to provide legal representation funded by OPDC, an attorney must have an active license to practice law in Oregon and be in good standing with the Oregon State Bar.

Rules of Professional Conduct

All attorneys providing legal representation funded by OPDC must have reviewed, be familiar with, and agree to abide by the current version of the Oregon Rules of Professional Conduct.

Constitutional Law

All attorneys providing legal representation funded by OPDC must have reviewed and be familiar with the current versions of the United States Constitution and the Oregon Constitution.

Caseloads

All attorneys providing legal representation funded by OPDC must commit to providing competent and effective representation to each client and to ensuring that the size and complexity of their caseloads do not interfere with providing competent representation to each client or lead to the breach of professional obligations.

Court Rules

All attorneys providing legal representation funded by OPDC must have reviewed and be familiar with all court rules applicable to the types of cases and geographic areas in which they provide legal representation, such as the Uniform Trial Court Rules, supplementary local rules, and Oregon Rules of Appellate Procedure.

Qualification Standards for Representation in Criminal Proceedings

Criminal Attorney 1

Case Assignments

An attorney certified by OPDC as a Criminal Attorney 1 (CA1) may accept appointment in:

- Misdemeanor cases, as defined under ORS 161.545;
- Probation violation proceedings where the underlying crime was a misdemeanor;
- Arraignments on all cases; and
- Contempt proceedings, as defined under ORS 33.015.

Minimum Qualifications

To be certified as a Criminal Attorney 1, an attorney must meet at least the following criteria:

1. Has reviewed and is familiar with the current versions of the:
 - a. Oregon Criminal Code, ORS chapter 161 through 169;
 - b. Oregon Vehicle Code, ORS chapter 801 through 826;
 - c. Oregon Evidence Code, ORS chapter 40; and
 - d. The criminal drug offenses and other crimes outside of the Criminal Code;
2. Has reviewed, is familiar with, and agrees to abide by the current versions of:
 - a. American Bar Association, *Criminal Justice Standards for the Defense Function* (4th ed 2017);
 - b. Office of Public Defense Services, *Best Practices for Oregon Public Defense Providers* (2010);
 - c. OPDC performance standards for criminal representation, when adopted;
 - d. Oregon State Bar, *Report of the Task Force on Standards of Representation in Criminal and Juvenile Delinquency Cases* (Apr 2014);
 - e. American Bar Association, *Ten Principles of a Public Defense Delivery System* (Aug 2023);

3. Satisfies at least one of the following:
 - a. Meets both of the following conditions:
 - i. Represented clients in criminal cases as a certified law student under the Oregon Supreme Court Rules on Law Student Appearances for at least six months and within three years prior to requesting qualification under this standard; and
 - ii. Presents a letter from their immediate supervisor certifying the person's ability to represent clients in misdemeanor cases;
 - b. Has served as counsel or co-counsel in at least two criminal cases that were tried to a jury;
 - c. Has served as co-counsel in at least five criminal cases. Such service shall have included attendance at court appearances and client interviews in each case;
 - d. Has served as a judicial clerk for at least six months in a court that regularly conducted criminal trials within three years prior to requesting qualification under this standard; or
 - e. Has completed an OPDC-approved training program, when available.

Criminal Attorney 2

Case Assignments

In addition to appointments a Criminal Attorney 1 may accept, an attorney certified by OPDC as a Criminal Attorney 2 (CA2) may accept appointment in:

- Felony cases as defined under ORS 161.525 other than those requiring certification as a Criminal Attorney 3 or Criminal Attorney 4; and
- All probation violations in which the underlying crime was a felony.

Minimum Qualifications

To be certified as a Criminal Attorney 2, an attorney must meet at least the following criteria:

1. Has been certified by OPDC as a Criminal Attorney 1;
2. Has represented clients in misdemeanor cases for at least 12 months if their practice is at least half-time criminal defense work or 18 months if their practice is less than half-time criminal defense;
3. Has represented clients in at least 100 criminal cases from arraignment, or immediately thereafter, through the conclusion of the case;
4. Has drafted at least five motions and argued at least two substantive pretrial motions (including motions to suppress, motions *in limine*, release motions in

which witnesses are examined or evidence is taken, motions to compel discovery, etc.) before a judge. A copy of a motion or case number in which it was filed should be submitted with the application for certification. The motion must be one that the applicant attorney was the primary drafter of but need not be in a case on which the applicant was the lead attorney;

5. Has completed an OPDC-approved training or trainings on felony sentencing and the collateral consequences of felony convictions, when available;
6. Can demonstrate their use of investigators in cases;
7. Can demonstrate an understanding of the process for locating and obtaining funding for an expert witness in a case (including psychiatric evaluators, substance use evaluators, medical experts, etc.);
8.
 - a. As lead counsel has tried at least four misdemeanor cases, at least one of which was before a jury; or,
 - b. In the alternative to at most two of the trials required in subsection 8.a., an attorney may:
 - i. Co-counsel cases tried to a jury as second chair if they take sole responsibility for at least two of the following sections of the trial: jury selection, opening statement, closing argument, direct examination of a witness or cross examination of a state's witness;
 - ii. Argue at least one contested sentencing to a judge; and
 - iii. Submit letters of reference from the lead counsel in those trials attesting to the applicant attorney's ability and competence to represent clients in felony cases;
 - c. Applicant attorneys may submit a letter to OPDC explaining why they are unable to meet the requirements of this section and OPDC may consider exceptions to the required four trials if an attorney is unable to meet that requirement based on factors beyond the attorney's control.
9. In at least one felony case tried to a jury, has served as co-counsel with an attorney who has previously tried felony cases and is otherwise qualified to try felony cases under these standards. As co-counsel applicant attorney must participate substantially in the planning and trial of the case including contact with the client as well as court appearances; and
10. The attorney has completed OPDC-approved trainings, when available, on:
 - a. Jury selection;
 - b. The Oregon criminal felony sentencing guidelines;
 - c. The Oregon post-prison supervision process; and
 - d. Collateral consequences of criminal felony convictions.

Criminal Attorney 3

Case Assignments

In addition to appointments a Criminal Attorney 2 may accept, an attorney certified by OPDC as a Criminal Attorney 3 (CA3) may accept appointment in:

- All cases brought under ORS 137.700 other than murder;;
- In cases charging criminally negligent homicide or manslaughter, provided they have co-counsel who is also certified as at least Criminal Attorney 3;
- Felony offenses listed in ORS 163.305-163.479 and 163.665-163.693 (sex offenses); and
- Cases charged under 161.610 (Firearm minimum cases); and
- For all material witnesses or witnesses who are assigned an attorney after invocation of their rights.

Minimum Qualifications

To be certified as a Criminal Attorney 3, an attorney must meet at least the following criteria:

1. Has been certified by OPDC as a Criminal Attorney 2;
2. Has represented clients in felony cases for at least 18 months;
3. Has represented at least 45 clients in felony matters from arraignment, or immediately thereafter, through the conclusion of the case;
4. Has co-counseled at least three cases filed under ORS 137.700 with a lead counsel who is certified as a Criminal Attorney 3 or 4. During these cases the attorney must be co-counsel from the beginning of the case until the resolution of the case;
5. Has tried at least one case charged under ORS 137.700 as co-counsel with an attorney who is certified as a Criminal Attorney 3 or 4. The case tried may be one of the same cases used to satisfy the requirements of subsection D but may also be a case that does not meet that requirement;
6. As lead counsel has tried at least four felony cases to a jury;
7. As either lead or co-counsel during pretrial motions hearings or trial the applicant attorney has presented an expert witness. The attorney may be lead or co-counsel in the overall trial;
8. The applicant attorney has a professional network of support and can provide the names of at least three attorneys certified by OPDC as a Criminal Attorney 3 or 4 who demonstrate this support; and

9. Has demonstrated proficiency in and knowledge of working with clients with a mental disorder, including the use of psychological evaluations for fitness to proceed questions as well as mitigation.

Criminal Attorney 4

Case Assignment

In addition to appointments a Criminal Attorney 3 may accept, an attorney certified by OPDC as a Criminal Attorney 4 (CA4) may accept appointments:

- As lead counsel in all cases charging any degree of non-capital murder;
- As solo counsel in cases charging criminally negligent homicide or manslaughter;
- For crimes charged under Jessica's Law; and
- For any charge for which the penalty could be a potential life sentence.

Minimum Qualifications

To be certified as a Criminal Attorney 4, an attorney must meet at least the following criteria:

1. Has been certified by OPDC as a Criminal Attorney 3 and has been practicing at that level for at least two years;
2. As lead counsel has tried to a jury at least five cases that require certification as a Criminal Attorney 3, including at least one case in which a felony sex offense was alleged;
3. a. Has represented clients as co-counsel in at least:
 - i. One case charged under Jessica's Law from the beginning of the case through its resolution;
 - ii. One case charging any degree of murder from the beginning of the case through its resolution; and
 - iii. One trial before a jury charging either any degree of murder or a charge under Jessica's Law;b. In the alternative to subsection 3.a., an applicant may show that they have:
 - i. Practiced criminal defense for at least five years; and
 - ii. As lead counsel has tried at least ten cases to a jury. Trials must have been within 12 years of the application and at least five of the trials must have been cases requiring certification as a Criminal Attorney 3. These may be the same trials used to satisfy subsection 2;

4. Has completed an OPDC-approved training course on how to represent clients in murder and/or Jessica's Law cases, when available; and
5. Provides letters from at least three people, including at least one attorney who was lead counsel in one of the cases used to satisfy subsection 3 of this rule or if the applicant is qualifying through subsection 4 at least two letters from the attorneys who are certified by OPDC as Criminal Attorney 4 under these rules stating that the applicant possesses a high level of learning, scholarship, training, experience, and ability to provide competent representation to defendants charged with a crime for which the most serious penalties can be imposed, including handling cases involving co-defendants, a significant number of witnesses, and cases involving suppression issues, expert witnesses, mental state issues, and scientific evidence.

Qualification Standards for Representation in Delinquency Proceedings

Delinquency Attorney 1

Case Assignments

An attorney certified by OPDC as a Delinquency Attorney 1 (DelA1) may accept appointments in the following cases:

- Misdemeanor-level cases as defined under ORS 161.545 excluding misdemeanor-level sex offenses;
- Misdemeanor-level probation violations excluding misdemeanor-level sex offenses;
- Misdemeanor-level Formal Accountability Agreements (FAA) excluding misdemeanor-level sex offenses;
- Extradition pursuant to the Interstate Compact for Juveniles (ICJ); and
- Status offense cases.

Minimum Qualifications

To be certified as a Delinquency Attorney 1, an attorney must meet at least the following criteria:

1. Has reviewed and is familiar with the current versions of the:
 - a. Oregon Juvenile Code, ORS chapter 419A through 419C;
 - b. Oregon Criminal Code, ORS chapter 161 through 169;
 - c. Oregon Vehicle Code, ORS chapter 801 through 826;
 - d. Oregon Evidence Code, ORS chapter 40; and
 - e. The criminal drug offenses and other crimes outside of the Criminal Code;
2. Has reviewed, is familiar with, and agrees to abide by:
 - a. American Bar Association, *Standards Relating to Juvenile Delinquency and Sanctions* (1980);
 - b. Oregon State Bar, *Report of the Task Force on Standards of Representation in Criminal and Juvenile Delinquency Cases* (Apr 2014);

- c. National Juvenile Defender Center (now The Gault Center), *National Juvenile Defense Standards* (2012);
 - d. The Gault Center, *National Youth Defense System Standards* (Feb 2024);
 - e. Campaign for the Fair Sentencing of Youth, *Trial Defense Guidelines: Representing a Child Client Facing a Possible Life Sentence* (2015); and
 - f. American Bar Association, *Ten Principles of a Public Defense Delivery System* (Aug 2023); and
3. Satisfies one of the following:
- a. Meets the requirements to be certified as a Criminal Attorney 1 and
 - i. Has completed an OPDC-approved delinquency training, when available; or
 - ii. Has completed an OPDC-approved mentorship with a mentor who is certified as a Delinquency Attorney 3 or 4. Mentorships must include observations in court of at least an admission and dispositional hearing and a contested adjudication or motion hearing. It should also include observation of at least five youth meetings, of which at least two must be the initial meeting, an introduction to the local bench and bar, and a discussion of ethical issues facing juvenile defenders; or
 - b. Does not meet the requirements to be certified as a Criminal Attorney 1; but
 - i. Has co-counseled three delinquency cases with an attorney certified as a Delinquency Attorney 3 or 4 from initial meeting through disposition, including informal dispositions; and
 - ii. Has completed an OPDC-approved training program or an OPDC-approved mentorship program as described under 3.a.ii of this section, when available; or
 - c. Can demonstrate expertise and competence in juvenile delinquency practice by completion of an OPDC-approved training, when available, or an OPDC-approved mentorship program as described in 3.a.ii of this section, if available; and one of the following:
 - i. Completion of a juvenile delinquency law school clinic program within three years prior to requesting qualification under this standard; or
 - ii. Service as a judicial clerk for at least six months in a juvenile court within three years of requesting qualification under this standard; or
 - iii. Practice as a juvenile defender in another state for at least six months.

Delinquency Attorney 2

Case Assignment

In addition to appointments a Delinquency Attorney 1 may accept, an attorney certified by OPDC as a Delinquency Attorney 2 (DelA2) may accept appointments in the following cases:

- Misdemeanor-level sex cases;
- Felony-level cases excluding felony-level sexual offenses and ORS 137.707 cases; and
- Cases in which the State wants to hold a youth as a material witness.

An attorney certified as Delinquency Attorney 2 may also accept appointments for formal accountability agreements (FAA), juvenile post-adjudication relief (JPAR), and probation violations for the above case types.

Minimum Qualifications

To be certified as a Delinquency Attorney 2, an attorney must meet at least the following criteria:

1. Has been certified by OPDC as a Delinquency Attorney 1 for at least nine months;
2. As Delinquency Attorney 1, has represented clients in ten cases through disposition, including informal dispositions, including at least one contested hearing in which witnesses were examined;
3. Can demonstrate their use of investigators in cases;
4. Can demonstrate an understanding of the process for locating and obtaining funding for an expert witness in a case (including psychiatric evaluators, substance use evaluators, medical experts, etc.);
5. Can demonstrate experience with written motion or mitigation advocacy as shown by submission of a redacted written motion or mitigation letter for which the applicant was the primary author;
6. Has served as co-counsel with an attorney who is certified as a Delinquency Attorney 3 on at least two Delinquency Attorney 3 level cases from the start of the case through disposition, including informal dispositions, and co-counseled at least one adjudication. The attorney need not be on the case that counts as the adjudication from the beginning if the attorney meets the following requirements:
 - a. The attorney must have had sole responsibility for at least two of the following sections of the adjudication: opening statement, direct examination of a witness, cross-examination of a state's witness or closing argument; and

- b. Submits letters from the lead counsel in the adjudication attesting to the applicant attorney's ability and competence to represent youth in felony-level cases;
7. Has completed OPDC-approved trainings, when available, on:
 - a. Collateral consequences of a juvenile adjudication;
 - b. Juvenile sex offenders and treatment;
 - c. The Oregon Youth Authority system;
 - d. Adolescent brain development; and
 - e. Mental health issues in youth and how to identify them; and
8. Upon request, can present an additional showing of expertise and competence in juvenile delinquency practice by submitting three letters from delinquency defense attorneys who are familiar with the work of the attorney requesting qualification as a defense attorney representing youth in juvenile court within the last two years. These letters cannot be from the same attorney who attests to the applicant's work in section 6.b. above.

Delinquency Attorney 3

Case Assignments

In addition to appointments a Delinquency Attorney 2 may accept, an attorney certified by OPDC as a Delinquency Attorney 3 (DeIA3) may accept appointment in the following cases:

- Felony-level sex offense cases, including sex offender registration hearings;
- Cases with offenses listed in ORS 137.707, excluding first-degree and second-degree murder cases; and
- Any case, excluding aggravated, first-degree, and second-degree murder, cases, in which the state has indicated an intent to file a motion to waive juvenile court jurisdiction. An attorney may not be lead counsel on such a case until they have met the requirement in 4.a. below.

An attorney certified as Delinquency Attorney 3 may also accept appointments for formal accountability agreements (FAA), juvenile post-adjudication relief (JPAR), and probation violations for the above case types.

Minimum Requirements

To be certified by OPDC as a Delinquency Attorney 3, an attorney must meet at least the following criteria:

1. Has been certified as a Delinquency Attorney 2 for at least eighteen months;

2. Has handled, as a defense attorney, ten Delinquency 2 level cases through disposition, including informal dispositions and two contested hearings in which the attorney examined witnesses;
3. Can meet one of the following categories of requirements:
 - a. Category 1
 - i. Has co-counseled with a Delinquency Attorney 3 or 4 at least five Delinquency 3 cases as a defense attorney from initial appearance through disposition, with at least two adjudications at which the attorney had sole responsibility for at least two of the following:
 1. Opening statement;
 2. Direct examination of a witness;
 3. Cross-examination of a state's witness; and/or
 4. Closing argument; and
 - ii. The attorney has completed OPDC-approved trainings, when available, on:
 1. Jury selection;
 2. The Oregon Criminal Felony Sentencing Guidelines;
 3. The Oregon post-prison supervision process; and
 4. Collateral consequences of criminal felony convictions; or
 - b. Category 2
 - i. Has co-counseled to jury trial, with Criminal Attorney 3 or 4, one case charged under 137.700 at which the attorney must have had sole responsibility for at least two of the following sections of the trial:
 1. Jury selection;
 2. Opening statement;
 3. Direct examination of a witness;
 4. Cross-examination of a state's witness; and/or
 5. Closing argument; and
 - ii. The attorney has completed OPDC-approved trainings, when available, on:
 1. Jury selection;
 2. The Oregon Criminal Felony Sentencing Guidelines;
 3. The Oregon post-prison supervision process; and
 4. Collateral consequences of criminal felony convictions; and

4. Can meet one of the following requirements:
 - a. Has co-counseled one case in which the State has indicated an intent to file a motion to waive juvenile court jurisdiction through resolution of that issue; or
 - b. Has completed OPDC-approved training on motions to waive juvenile court jurisdiction, when available;
5. Can demonstrate proficiency in and knowledge of working with youth with mental health issues; and
6. Has a professional network to support the applicant attorney as the need arises and can provide the names of at least three attorneys certified as Delinquency Attorney 3 or 4 who acknowledge this support.

Delinquency Attorney 4

Case Assignment

In addition to appointments a Delinquency Attorney 3 may accept, an attorney certified by OPDC as a Delinquency Attorney 4 (DeIA4) may accept appointment as lead counsel in aggravated, first-degree, and second-degree murder cases.

An attorney certified as Delinquency Attorney 4 may also accept appointments for formal accountability agreements (FAA), juvenile post-adjudication relief (JPAR), and probation violations for the above case types.

Minimum Qualifications

To be certified as a Delinquency Attorney 4 an attorney must meet at least the following criteria:

1. Has been qualified by OPDC as a Delinquency Attorney 3 for at least two years;
2. As lead counsel has tried at least five cases requiring certification as a Delinquency Attorney 3;
3. Meets one of the following requirements:
 - a. Has co-counseled at least one Delinquency 4 or Criminal 4 case from the beginning of the case through its resolution with an attorney certified by OPDC to handle the case; or
 - b. Has practiced juvenile delinquency defense for at least five years and has tried 15 cases to resolution. Adjudications must have been within 12 years of the application and at least five of the adjudications must have been cases which require Attorney 3 qualifications (criminal or delinquency). If criminal, then the trials must have been to a jury. These may be the same trials or adjudications used to satisfy section 2 above;

4. Has co-counseled a case in which the State indicated an intent to file a motion to waive juvenile court jurisdiction from the time that the State indicated such intent through the resolution of the case;
5. Has completed an OPDC-approved training on representing youth in murder cases, when available; and
6. Provides letters from at least three people, including the attorney who was lead counsel in one of the cases used to satisfy 3.a.) above. If the attorney is qualifying pursuant to 3.b., then at least two letters must be from attorneys who are certified as Delinquency Attorney 4. Submitted letters must state whether the attorney possesses a high level of learning, scholarship, training, experience, and ability to provide competent representation to youth facing a Delinquency 4 level case, including handling cases with co-youth, a significant number of witnesses, suppression issues, expert witnesses, mental state and mental health issues, and scientific evidence.

Qualification Standards for Representation in Dependency Proceedings

Dependency Attorney 1

Case Assignments

An attorney certified by OPDC as Dependency Attorney 1 (DepA1) may accept appointments to:

- Represent eligible parties in dependency proceedings initiated under ORS 419B.100;
- Serve as guardian *ad litem* for a parent in dependency proceedings initiated under ORS 419B.100 (excluding permanent guardianship proceedings); and
- Represent eligible parties in court oversight of agreements for voluntary placement of a child under ORS 418.312.

Minimum Qualifications

To be certified as a Dependency Attorney 1, an attorney must meet at least the following criteria:

1. Has reviewed and is familiar with the current versions of:
 - a. Oregon Juvenile Code, ORS chapter 419A through 419C;
 - b. Oregon Evidence Code, ORS chapter 40;
 - c. ORS chapter 109 (concerning parent-child relationships);
 - d. ORS chapter 409 (concerning Department of Human Services' child welfare programs);
 - e. Indian Child Welfare Act (ICWA), 25 U.S.C. §§ 1901-63 (ICWA), PL 105-89 (ASFA);
 - f. Adoption and Safe Families Act of 1997, PL 105-89;
 - g. Oregon Administrative Rules Chapter 413;
2. Has reviewed is familiar with, and agrees to abide by the current versions of:
 - a. OPDC performance standards for dependency representation, when adopted;
 - b. Oregon State Bar, *Specific Standards for Representation in Juvenile Dependency Cases* (2017);

3. Satisfies one of the following:
 - a. Completion of an OPDC-certified training on processes related to dependency cases, when available;
 - b. Confirmation from an OPDC-approved attorney mentor that the attorney has sufficient understanding of the judicial, quasi-judicial, and administrative processes regulating state intervention in families in Oregon; or
 - c. Twelve months' experience representing parties in dependency proceedings in Oregon or another state if that practice is at least half-time, or 18 months' experience if less than half-time;
4. Proficiency in litigation as shown by:
 - a. Examples of four of the following activities from matters the attorney handled in public or private practice:
 - i. Contested adjudication on the merits before a jury, referee, or circuit court judge, which would satisfy two of the four activities needed under this provision;
 - ii. Contested motions for which witnesses were called to testify;
 - iii. Administrative hearings (before an administrative law judge) in which witnesses were called to testify;
 - iv. Depositions;
 - b. Certification by OPDC for Criminal Level 2 or Delinquency Level 2;
 - c. Completion of an OPDC-certified trial practice training curriculum, when available; or
 - d. Confirmation from an OPDC-approved attorney mentor that the attorney has sufficient litigation experience to adequately represent the clients to whom they are appointed;
5. Proficiency in client communication and interviewing, as demonstrated by confirmation from an OPDC-approved attorney mentor that the attorney has sufficient experience communicating with and advising clients with substantial trauma; or
 - a. One of the following:
 - i. Twelve months' experience working with vulnerable or trauma-impacted populations; or
 - ii. Completion of OPDC-approved training on trauma-informed communication or communication with children or persons with developmental disabilities or diminished capacity, when available;
 - b. And one of the following:

- i. Six months' experience representing individual clients if that practice is at least half-time or 12 months if less than half-time (may be concurrent with the above); or
 - ii. Twelve months' experience representing institutional clients (may be concurrent with the above);
6. Proficiency in the utilization of core staff and experts, as demonstrated by any of the following:
 - a. Review of OPDC and/or court records indicates familiarity with OPDC's Pre-Authorized Expenses process;
 - b. Completion of an OPDC-certified expert witness utilization training; or
 - c. Confirmation from an OPDC-approved attorney mentor that the attorney has a sufficient practice network to assist in the identification and funding of relevant core staff and experts.

Dependency Attorney 2

Case Assignment

In addition to appointments a Dependency Attorney 1 may accept, an attorney certified by OPDC at Dependency Level 2 (DepA2) may accept appointment to:

- Represent eligible parties in termination of parental rights proceedings initiated under ORS 419B.500;
- Serve as a guardian *ad litem* for a parent in termination of parental rights proceedings initiated under ORS 419B.500;
- Represent eligible parties in permanent guardianship proceedings initiated under 419B.365; and
- Serve as a guardian *ad litem* for a parent in permanent guardianship proceedings initiated under ORS 419B.365;

Minimum Qualifications

To be certified as a Dependency Attorney 2, an attorney must meet at least the following criteria:

1. Has been certified by OPDC as Dependency Attorney 1 for at least 12 months if their practice is at least half-time dependency work or 18 months if their practice is less than half-time;
2. Satisfies one of the following conditions:
 - a. Has observed two contested termination of parental rights or permanent guardianship trials submitted to a judge for consideration;

- b. Has co-counseled one contested termination of parental rights or permanent guardianship trial submitted to a judge for consideration; or
- c. Has completed an OPDC-approved termination of parental rights and permanent guardianship training curriculum, when available.

DRAFT

Qualification Standards for Representation in Civil Commitment Proceedings

Civil Commitment Attorney 1

Case Assignment

An attorney certified by OPDC as a Civil Commitment Attorney 1 (CCA1) may accept appointment in proceedings under ORS chapters 426 and 427 other than proceedings alleging that a person is “extremely dangerous” under ORS 426.701.

Minimum Qualifications

To be certified as a Civil Commitment Attorney 1, an attorney must meet at least the following criteria:

1. Has reviewed and is familiar with the following:
 - a. ORS chapters 426 and 427; and
 - b. Oregon Evidence Code, ORS chapter 40;
2. Has tried three civil, juvenile, or criminal cases to a jury or the bench;
3. Satisfies one of the following:
 - a. Has observed five complete civil commitment hearings from start to finish;
 - b. Has co-counseled two complete civil commitment cases which resulted in a hearing;
 - c. Completion of an OPDC-approved training on Civil Commitment practice, when available;
4. Has demonstrated knowledge of mental health issues and proficiency in working with clients experiencing mental health issues; and
5. Familiarity with the resources available for those facing commitment and alternatives to commitment.

Civil Commitment Attorney 2

Case Assignment

In addition to appointments a Civil Commitment Attorney 1 may accept, an attorney certified by OPDC as a Civil Commitment Attorney 2 (CCA2) may accept

appointments in proceedings alleging that a person is “extremely dangerous” under ORS 426.701..

Minimum Qualifications

To be certified as a Civil Commitment Attorney 2, an attorney must meet at least the following criteria:

1. Certified by OPDC as a Civil Commitment Attorney 1;
2. Certified by OPDC as a Criminal Attorney 3 or must ensure that a Criminal Attorney 3 is co-counsel on each petition;
3. Certified as a PSRB Attorney 1;
4. Has acted as lead counsel on a minimum of three proceedings under chapters 426 or 427 that resulted in a contested adjudication;
5. Has knowledge of the statutes governing the commitment of individuals determined to be “extremely dangerous” and the consequences of being committed under those statutes;
6. Complete an OPDC-approved training on extremely dangerous persons cases, when available.

Qualification Standards for Representation in Psychiatric Security Review Board (PSRB) Proceedings

PSRB Attorney

Case Assignment

An attorney certified by OPDC as a PSRB Attorney (PSRBA) may accept appointments in proceedings before the Psychiatric Security Review Board.

Minimum Qualifications

To be certified as a PSRB Attorney 1, an attorney must meet at least the following criteria:

1. Has reviewed and has a working knowledge of the constitutional rights of clients under PSRB jurisdiction and OAR chapter 859;
2. Familiarity with the Oregon State Hospital and the process of how a person moves through that system;
3. Is certified as a Civil Commitment Attorney 1 or has handled five cases in which a client's fitness to proceed was raised;
4. Has been lead counsel in:
 - a. Three civil, criminal, or juvenile cases tried to a jury or the bench;
 - b. Six administrative hearings before an administrative law judge; or
 - c. Three contested hearings in which witnesses were called.

Qualification Standards for Representation in Post-Conviction Relief (PCR) Proceedings

PCR Attorney 1

Case Assignment

An attorney certified by OPDC as a PCR Attorney 1 (PCRA1) may accept appointments in all post-conviction relief proceedings under ORS chapter 138 for which the attorney is certified to provide representation in the underlying criminal case, other than those in which the underlying conviction is for any degree of murder or aggravated murder.

Minimum Qualifications

To be certified as a PCR Attorney 1, an attorney must meet at least the following criteria:

1. Has reviewed and is familiar with:
 - a. Post-conviction relief statutes, ORS 138.510 to 138.686, and caselaw interpreting it;
 - b. Federal *habeas corpus* statutes and caselaw concerning exhaustion of state remedies;
 - c. The law regarding procedural default;
 - d. Relevant statutes of limitations;
2. Understands the Oregon Rules of Civil Procedure and Oregon Evidence Code, ORS chapter 40, as demonstrated by:
 - a. Having previously drafted and filed at least three civil pleadings, including *habeas corpus* or PCR petitions, in state or federal court;
 - b. Having litigated at least three prior civil cases, including PCR and *habeas corpus*, to judgment in state or federal court; and
 - c. Having reviewed chapters 5 and 23 through 27 of Oregon State Bar, *Oregon Civil Pleading and Litigation* (2020);
3. Satisfies one of the following categories of requirements:
 - a. Has tried at least four cases of the same level as the underlying criminal case to verdict as lead counsel; or
 - b. Satisfies all of the following conditions

- i. Is certified by OPDC as a Criminal Attorney 1;
 - ii. Is knowledgeable of criminal trial procedures, defenses, sentencing guidelines, and constitutional rights of the criminally accused; and
 - iii. Has tried at least two civil cases to verdict, five criminal cases before a jury, or ten delinquency cases before a judge;
4. Has litigated four contested hearings or depositions in which the attorney examined expert witnesses;
5. Can demonstrate their use of investigators in cases; and
6. Has co-counseled two post-conviction relief cases or is acting under the supervision of lead counsel who is certified as a PCR Attorney 1.

PCR Attorney 2

Case Assignment

In addition to appointments a PCR Attorney 1 may accept, an attorney certified by OPDC as a PCR Attorney 2 (PCRA2) may accept appointment in all post-conviction relief proceedings under ORS chapter 138 in which the underlying conviction is any degree of murder other than aggravated murder.

Minimum Qualifications

To be certified as a PCR Attorney 2, an attorney must meet at least the following criteria:

1. Is certified as a PCR Attorney 1;
2. Has been certified as a PCR Attorney 1 for at least 12 months;
3. Is certified as a Criminal Attorney 4; and
4. Has litigated at least five PCR cases to a decision by the court in which the underlying convictions were subject to ORS 137.700 or similar mandatory minimum sentences.

Qualification Standards for Representation in *Habeas Corpus* Proceedings

Habeas Corpus Attorney 1

Case Assignment

An attorney certified by OPDC as a Habeas Corpus Attorney 1 (HCA1) may accept appointment in extradition cases arising out of criminal cases and related petitions for *habeas corpus*.

Minimum Qualifications

To be certified as a Habeas Corpus Attorney 1, an attorney must meet at least the following criteria:

1. Understands the Oregon Rules of Civil Procedure and Oregon Evidence Code, ORS chapter 40, as demonstrated by:
 - a. Having previously drafted and filed at least three civil pleadings, including *habeas corpus* or PCR petitions, in state or federal court;
 - b. Having litigated at least three prior civil cases, including PCR and *habeas corpus*, to judgment in state or federal court and
 - c. Having reviewed chapters 5 and 23 through 27 of Oregon State Bar, *Oregon Civil Pleading and Litigation* (2020);
2. Has been certified by OPDC as a Criminal Attorney 1;
3. Has taken at least ten criminal or juvenile cases to trial or adjudication as lead counsel, or at least two civil cases to verdict;
4. Has co-counseled at least two *habeas corpus* cases or is acting under the supervision of an attorney certified as Habeas Attorney 1;
5. Has read and understands *Michigan v. Doran*, 439 U.S. 282 (1978);
6. Has read and understands the Uniform Criminal Extradition Act, ORS 133.743 to 133.857.

Habeas Corpus Attorney 2a

Case Assignment

In addition to appointments a Habeas Corpus Attorney 1 may accept, an attorney certified by OPDC as a Habeas Corpus Attorney 2a (HCA2a) may accept appointments in *habeas corpus* proceedings challenging the state's authority to confine the petitioner.

Minimum Qualifications

To be certified as a Habeas Corpus Attorney 2a, an attorney must meet at least the following criteria:

1. Has been certified as a Habeas Corpus Attorney 1; and
2. Has experience with and understanding of the Oregon Sentencing Guidelines.

Habeas Attorney 2b

Case Assignment

In addition to appointments a Habeas Corpus Attorney 1 may accept, an attorney certified by OPDC as a Habeas Corpus Attorney 2b (HCA2b) may accept appointments in *habeas corpus* proceedings challenging the conditions of the petitioner's confinement.

Minimum Qualifications

To be certified as a Habeas Attorney 2b, an attorney must meet at least the following criteria:

1. Has been certified as a Habeas Attorney 1;
2. Demonstrated knowledge of the use of medical or psychiatric records in litigation by:
 - a. Having litigated four contested hearings or depositions in which the attorney examined expert witnesses;
 - b. Having handled ten cases in which they consulted with a client about medical or psychiatric records;
 - c. Having handled five cases in which the client had diminished capacity or the question of diminished capacity was evaluated by a psychologist, psychiatrist, or neurologist; or
 - d. Completion of an OPDC-approved training on working with clients with diminished capacity, when available; and
3. Can demonstrate their use of investigators in cases.

Appendix A: Workgroup Participants

OPDC appreciates the time and expertise that public defense stakeholders contributed to revising the agency's qualification standards for public defense attorneys.

Criminal Standards

Charles Peirson, Multnomah Defenders Inc
Carl Macpherson, Metropolitan Public Defenders
Caine Smith, Public Defender Services of Lane County
Eve Costello, Costello and Costello
Frankie Hupy, Public Defender of Marion County
James Schaeffer, Eagle Cap Defenders Inc
Jordon Huppert, Oregon Public Defense Commission (facilitator)
Joshua Gums, Columbia Gorge Defenders
Kevin Leik, Clackamas Indigent Defense Corporation
KO Berger, Oregon Public Defense Commission (facilitator)
Sean Magraw, Clackamas Indigent Defense Corporation
Melissa Parker, OPC Inc, Marion County Association of Defenders
Reid Kajikawa, Public Defender Services of Lane County
Robert Manske, Southwestern Oregon Public Defense Services

Delinquency Standards

Annie Borton, Oregon Public Defense Commission (facilitator)
DeAnna Horne, Juvenile Advocates of Clackamas
Elizabeth Wakefield, Metropolitan Public Defenders
Jeff Jorgensen, Marion Juvenile Advocacy Consortium
Judah Largent, Riddle and Largent
KO Berger, Oregon Public Defense Commission (facilitator)
Kevin Ellis, Metropolitan Public Defenders
Matthew Muphy, Youth Rights Justice
Norah Van Dusen, Levi Merrithew Horst, PC
Robert Vieyra-Braendle, Marion Juvenile Advocacy Consortium
Stacey Kay Lowe, Southwestern Oregon Public Defense Services

Dependency Standards

Annie Borton, Oregon Public Defense Commission (facilitator)
Dawn Andrews, Metropolitan Public Defenders
Holly Preslar, Josephine County Defense Lawyers
Jennifer Kinzey, Ridehalgh & Associates

Jennifer Stoller, Youth Rights Justice
Karen Stenard, Lane County Juvenile Lawyers Association
Kevin Hupy, Oregon Public Defense Commission (facilitator)
Melissa Riddell, Riddell and Largent
Rebecca Shaleger, Mockingbird Legal
Tahra Sinks, Marion Juvenile Advocacy Consortium
Victoria Moffet, 22nd Circuit Defenders

Quasi-Criminal Standards

Allison Knight, Lane County Public Defenders
Amanda Marshall, Juvenile Advocates of Clackamas
Bailey Moody, Marion County Association of Public Defenders
Ginger Mooney, Ginger G. Mooney, LLC
Jordon Huppert, Oregon Public Defense Commission (facilitator)
Joseph Westover, Metropolitan Public Defenders
KC LeDell, Metropolitan Public Defenders
Kevin Hupy, Oregon Public Defense Commission (facilitator)
Meg Huntington, Equal Justice Law
Rebecca Blaney, Metropolitan Public Defenders
W. Edward Neusteter
Xavier-Michael Moroney, Clackamas Indegent Defense Corporation

Appendix B: Sources Reviewed

All Workgroups

Moss Adams LLP, *Six-Year Plan to Reduce Representation Deficiency* (DRAFT Mar 15, 2024).

Oregon Public Defense Commission, *Quality Management Plan* (DRAFT April 8, 2024).

Criminal Standards

American Bar Association, *The Oregon Project* (2022)

Committee for Public Counsel Services, *Assigned Counsel Manual*

Idaho Code § 19-855 (2013) (qualifications of counsel)

New York State Bar Association Committee on Mandated Representation, 2021 Revised Standards for Providing Mandated Representation

Office of Public Defense Services, *Best Practices for Oregon Public Defense Providers* (2010)

Oregon State Bar, *Report of the Task Force on Standards of Representation in Criminal and Juvenile Delinquency Cases* (2014)

RAND Corporation, *National Public Defense Workload Study* (2023)

Standards for Qualification of Attorneys for Appointment to Death Penalty Cases Pursuant to Article 26.052, Texas Code of Criminal Procedure, for the Third Administrative Judicial Region

Wisconsin Administrative Code, PD 1.01 to 1.08

Washington Standards for Indigent Defense, Standard 14: Qualifications of Attorneys, CrRLJ 3.1

Delinquency Standards

American Bar Association, *Standards Relating to Juvenile Delinquency and Sanctions* (1980)

California Rules of Court, Standard 5.40: Juvenile Court Matters (2022)

Committee for Public Counsel Services, *Assigned Counsel Manual, Performance Standards Governing Representation of Juveniles in Delinquency and Youthful Offender Cases*

Georgetown Juvenile Justice Clinic, *Best Practices For Interviewing Youth about Police Trauma* (2020)

Louisiana Public Defender Board Trial Court Performance Standards for Attorneys Representing Children in Delinquency Proceedings (2019)

National Juvenile Defender Center, *Advancing Youth Justice: An Assessment of Access to and Quality of Juvenile Defense Counsel in Oregon* (2020)

National Juvenile Defender Center, *National Juvenile Defense Standards* (2012)

National Juvenile Defender Center et al., *Seeing What's Underneath: A Resource for Understanding Behavior and Using Language in Juvenile Court*

National Council of Juvenile and Family Court Judges, *Juvenile Delinquency Guidelines: Improving Court Practice in Juvenile Delinquency Cases* (2005)

National Council of Juvenile and Family Court Judges, *Enhanced Juvenile Justice Guidelines* (2018)

National Juvenile Defender Center, *Role of Juvenile Defense Counsel in Delinquency Court* (2009)

National Juvenile Defender Center, *Ten Core Principles for Providing Quality Delinquency Representation Through Public Defense Delivery Systems* (July 2008)

National Research Council, *Implementing Juvenile Justice Reform* (2014)

New York State Bar Association Committee on Children and the Law, *Standards for Attorneys Representing Children in Juvenile Delinquency Proceedings* (2015)

Office of Public Defense Services, *Best Practices for Oregon Public Defense Providers* (2010)

Oregon State Bar, *Report of the Task Force on Standards of Representation in Criminal and Juvenile Delinquency Cases* (2014)

Standards for Appointed Counsel of Juveniles in Law Violation and Status Offense Cases in Juvenile Court (Nebraska)

Standards of Representation of Clients in Juvenile Delinquency Cases (Ohio)

Sue Burrell, *Contracts for Appointed Counsel in Juvenile Delinquency Cases: Defining Expectations*, UC Davis Journal of Juvenile Law and Policy, Vol. 16:1, (2012)

Superior Court of the District of Columbia, Family Court, *Attorney Practice Standards for Representing Juveniles Charged with Delinquency or as Persons in Need of Supervision* (2004)

Supreme Court of Missouri, In the Interest of D.C.M. v. Juvenile Office, Brief of National Juvenile Defender Center on Behalf of Appellant D.C.M. (2019)

The Gault Center, *National Youth Defense System Standards* (2024)

Wisconsin Office of the State Public Defender, Checklist for Youth Justice Defense Counsel

Dependency Standards

Administration for Children and Families, *High Quality Legal Representation for All Parties in Child Welfare Proceedings* (Jan 2017)

Admin. Order No. 15.1 (Arkansas, 2016)

Admin. Order No. 2015 – 40 (Arizona 2015)

Alabama Parents' Attorney Standards Subcommittee, *State of Alabama Standards of Practice for Attorneys Representing Parents in Dependency and Termination-of-Parental-Rights Cases* (2012)

American Bar Association, *Court Improvement Program Parent Attorney Survey Results* (2011)

American Bar Association, *Indicators of Success for Parent Representation* (2015)

American Bar Association, *Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases* (2023)

American Bar Association, *Standards of Practice for Lawyers who Represent Children in Abuse and Neglect Cases* (1996)

Family Justice Initiative, *Attributes of High Quality Legal Representation for Children and Parents in Child Welfare Proceedings* (2017)

Judicial Council of California, *Dependency Counsel Caseload Standards, A Report to the California Legislature* (2008)

Hamilton County, Ohio, *Juvenile Court Dependency Appointment Lists Instructions and Application* (Oct 2024)

Judicial Council of California *Dependency Quick Guide: A Dogbook for Attorneys Representing Children and Parents* (2017)

Montana Public Defender Commission Practice Standards, Section XXII, *Representation of Children in Dependent/Neglect Cases* (2018)

Montana Public Defender Commission Practice Standards, Section XVII, *Representation of Parents in Dependent/Neglect Cases* (2018)

Montana Uniform Dependency and Neglect Workgroup, *Montana Dependency and Neglect Best Practice Manual* (2013)

National Association of Counsel for Children, *Seen, Heard, and Represented: A Policymaker's Guide to Counsel for Kids* (2023)

National Association of Counsel for Children, *Recommendations for Legal Representation of Children and Youth in Neglect and Abuse Proceedings* (2022)

New York State Office of Indigent Legal Services, *Standards for Parental Representation in State Intervention Matters* (2015)

National Council of Juvenile and Family Court Judges, *Ensuring High-Quality Legal Representation for Parents and Children* (2020)

North Carolina Indigent Defense Services, *Regulations for Appointment of Counsel in the 28th Judicial District in Cases under the Indigent Defense Services Act* (2002)

Oregon State Bar, *Specific Standards for Representation in Juvenile Dependency Cases* (Jun 2017)

Oregon Task Force on Dependency Representation, *Task Force on Dependency Representation Final Report* (2016)

Orlebeke, B., Zhou, X., Skyles, A., & Zinn, A. (2016). *Evaluation of the QIC-ChildRep Best Practices Model Training for Attorneys Representing Children in the Child Welfare System*

S.M. Wood, J.R. Russel, Effects of Parental and Attorney Involvement on Reunification in Juvenile Dependency Cases, CHILDREN AND YOUTH SERVICES REV. 33 (2011)

Superior Court of the District of Columbia, *Child Abuse and Neglect Attorney Practice Standards* (2010)

Supreme Court of Florida, Rules Regulating The Florida Bar 6-29, *Standards for Board Certification in Juvenile Law* (Oct 2024)

Supreme Court of the State of Montana, *The Montana Standards of Practice for Attorneys Representing Parents and Children in Dependent Neglect Cases* (2023)

The Florida Bar, *Juvenile Law Certification Examination Specifications* (Aug 2024)

Washington State Supreme Court, *Standards for Indigent Defense* (2021)

Washington State Supreme Court Commission on Children in Foster Care, *Representation of Children and Youth in Dependency Cases Practice, Caseload, and Training Standards* (Sept 2022)

Quasi-Criminal Standards

Committee for Public Counsel Services, *Performance Standards Governing the Representation of Indigent Persons in Civil Commitment Cases*

Montana Public Defender Commission, *Practice Standards Section XI, Representation Standards for Postconviction Proceedings*

Montana Public Defender Commission, *Practice Standards Section XIV, Representation of a Respondent in Involuntary Commitment – Mental Disorder*

Montana Public Defender Commission, *Practice Standards Section XV, Representation of a Respondent in Involuntary Commitment – Serious Developmental Disability*

National Legal Aid & Defender Association, *Standards for the Appointment and Performance of Counsel in Death Penalty Cases (Black Letter)*

Oregon State Bar, *Performance Standards-6* (standards for representing petitioners in post-conviction cases)

State Bar of Michigan Committee on Mental Disability Law, *Guidelines for Attorneys Representing Adults in Civil Commitment Proceedings*

Superior Court of the District of Columbia, Administrative Order 15-16: *Standards of Practice for Mental Health Panel Attorneys* (2015)

Washington Defender Association's Immigration Project, *7 Steps to Putting Together Your PCR Claim*

Washington State Bar Association, *Performance Guidelines for Attorneys Representing Respondents in Civil Commitment Proceedings*

Washington Supreme Court Standards for Indigent Defense



Date: February 19, 2025

To: Jennifer Nash, Chair of OPDC
Susan Mandiberg, Vice Chair of OPDC
OPDC Commissioners

Cc: Jessica Kampfe, OPDC Director

From: Heather Kessinger, OPDC Sr. Policy Analyst
Jennifer Bell, OPDC Rules and Records Coordinator

Re: Policy Inventory and Organization

Nature of Presentation: Briefing

Background:

The OPDC policy team has restructured the organization of policies, processes, procedures and created the Oregon Administrative Rules (OARs) chapters to align with the Oregon Budget Information Tracking System (ORBITS) structure for numbering sequencing for each division and section, and color coded to align with the agency organizational chart.

The policy team is completing a policy inventory to identify policies that are already in place, have existed historically, or are in process with different divisions of the agency. They created a matrix of current Department of Administrative Services (DAS) statewide policies that went into effect on January 1, 2025. Using the information from this inventory, the policy team will work with leadership and subject matter experts to identify internal policies that will be adopted or need to be written, amended, or repealed.

The team has developed a new process for managers and subject matter experts for requesting policies, procedures, or processes that need to be modified, repealed, or created. These requests will be prioritized by the policy team and leadership while

considering fiscal impact, current agency priorities, and scope of impact. The policy team will work with the appropriate subject matter experts to draft and track the policy, process, or procedure, and carry it through the internal processes to finalize with approval and implementation.

The policy team will regularly revisit the list of internal policies needing attention and prioritize based on fiscal impact, potential risk to the agency, and those impacting the largest number of staff.

Agency Recommendation:

Agency requests the support from the Commission as the policy team continues to realign the policy, process, procedure, and rule development to align with the ORBITS structure as the policy team completes their due diligence in the creation, modification, or repealed policies.

Fiscal Impact:

None

Agency Proposed Motion:

None

Agency, Board and Commission Legislative Engagement Policy

January 2025

Agency Bill Endorsements

1. Agencies can advocate for their own bills and budget priorities outlined in the Governor's Recommended Budget.
2. Agencies should remain neutral on bills outside of the ones they introduce. If approached by a legislator or advocacy organization for a bill endorsement, agencies can use the template language below as a guide for their response.
 - Thank you for requesting that we take a position on this bill. As an executive branch agency, we work to provide factual and technical information to individuals developing legislation that impacts the agency or our topic area. We will not be taking positions on legislation this session, outside of bills we have introduced or worked to develop. We will gladly continue to provide technical feedback as it relates to the development of this bill.
3. In circumstances where an agency feels strongly they must formally take a position on a bill, they should flag the bill for their advisor in the Governor's Office and the Governor's legislative team. Agencies will need to fill out the *Bill Review Questionnaire* form, which will be reviewed by the Governor's Office. The Governor's Office will make the final decision on agency endorsements.
 - Agencies should flag any bills like this for the Governor's Office **at least 48 hours** prior to when they need a yes or no decision. Agencies should not assume that decisions can be made on the same day the request is made.
 - In circumstances where a 48-hour window is not possible, agencies should directly call the Governor's Office advisor and legislative team to outline the situation.
4. Agencies should be responsive to legislators seeking factual input on how bills could impact the agency's work. The agency should not advocate for or against this bill, unless an exception is made (per #3).
5. If agencies have concerns about bills moving through the committee process, they should contact their Governor's Office advisor and the Governor's legislative team.

Guidelines for Board and Commission Legislative Advocacy

A board or commission member **must be empowered by the board or commission** to speak on the board or commission's behalf. This is true for advocacy, as well as situations where the individual is providing context about legislation. Even without taking an official position, providing background and context on a program/policy can be very helpful in refining a bill.

A board or commission member may advocate on their own behalf as an individual but should make sure not to blur the lines and suggest you speak on behalf of the board or commission. Individuals in this situation should not assume that others are making the distinction – so proactively define the difference.

For board members or commissioners engaging with the Legislature, please first communicate with the director of your board or commission. When necessary, they can follow up with the Governor's Office.

New Legislation Proposed by a Board or Commission

Boards/Commissions and/or Board Members/Commissioners wishing to propose legislation must do so with the assistance of the board or commission through the standard Governor's Office process for a legislative session occurring during an odd-numbered year.

The standard process typically involves making initial legislative concept proposals early during the year preceding legislative session (e.g., January of 2024 for concepts developed for the 2025 Legislative Session) so they can be vetted by Governor's Office. If a concept includes a fiscal impact, it will also be reviewed by the state Chief Financial Officer and their staff as a part of the development process for the Governor's Recommended Budget.

Whether a legislative concept is submitted to the Legislature for consideration is determined by the Governor. If a legislative concept is not approved by the Governor, Boards Commissions and/or Board Members/Commissioners are not permitted to advocate for the concept in their official capacity.

Analyzing Legislative Proposals Proposed by Others

Boards/Commissions and/or individual Board Members/Commissioners, when acting as a body or as individuals under the auspices of their position, *must obtain prior Governor's Office approval* to:

- Taking a public stance in favor of a bill or amendment either in writing, via verbal testimony, or in one-on-one meetings with legislators; or
- Taking a public stance in opposition to a bill or amendment in writing, via verbal testimony, or in one-on-one meetings with legislators.

Boards/Commissions and/or individual Board Members/Commissioners, when acting as a body or as individuals under the auspices of their position, *do not need to obtain prior Governor's Office approval* to:

- Offer technical feedback (i.e., experience, expertise, data, or other information) to legislators and other stakeholders when feedback is requested in writing, via verbal testimony, or in one-on-one meetings with legislators; and/or
- Discuss a bill/concept as a group in their meeting.

While prior authorization is not required to offer feedback or to discuss a bill/concept during an open meeting, Board Members and Commissioners should notify board or commission staff.

Managing Conflicts of Interest

As a public official, it is the expectation that all members of boards and commissions will follow all OGEC regulations on conflicts of interest.

Public Meetings

All board and commission members must follow applicable public meetings rules to meet, discuss, and vote on the commission's advocacy goals on the piece or pieces of legislation.

Oregon Public Defense Commission

Introduction & Overview

Judiciary Committees

January 23, 2025

Jessica Kampfe

Executive Director, OPDC

MISSION AND VISION

Justice for All

OUR MISSION

To continually enhance the statewide public defense system to deliver highly skilled, independent, timely, and client-focused representation to eligible person.

OUR VISION

OPDC is a guardian of the legal rights and interests of public defense clients and a champion for effective public defense.

Oregon Public Defense Commission

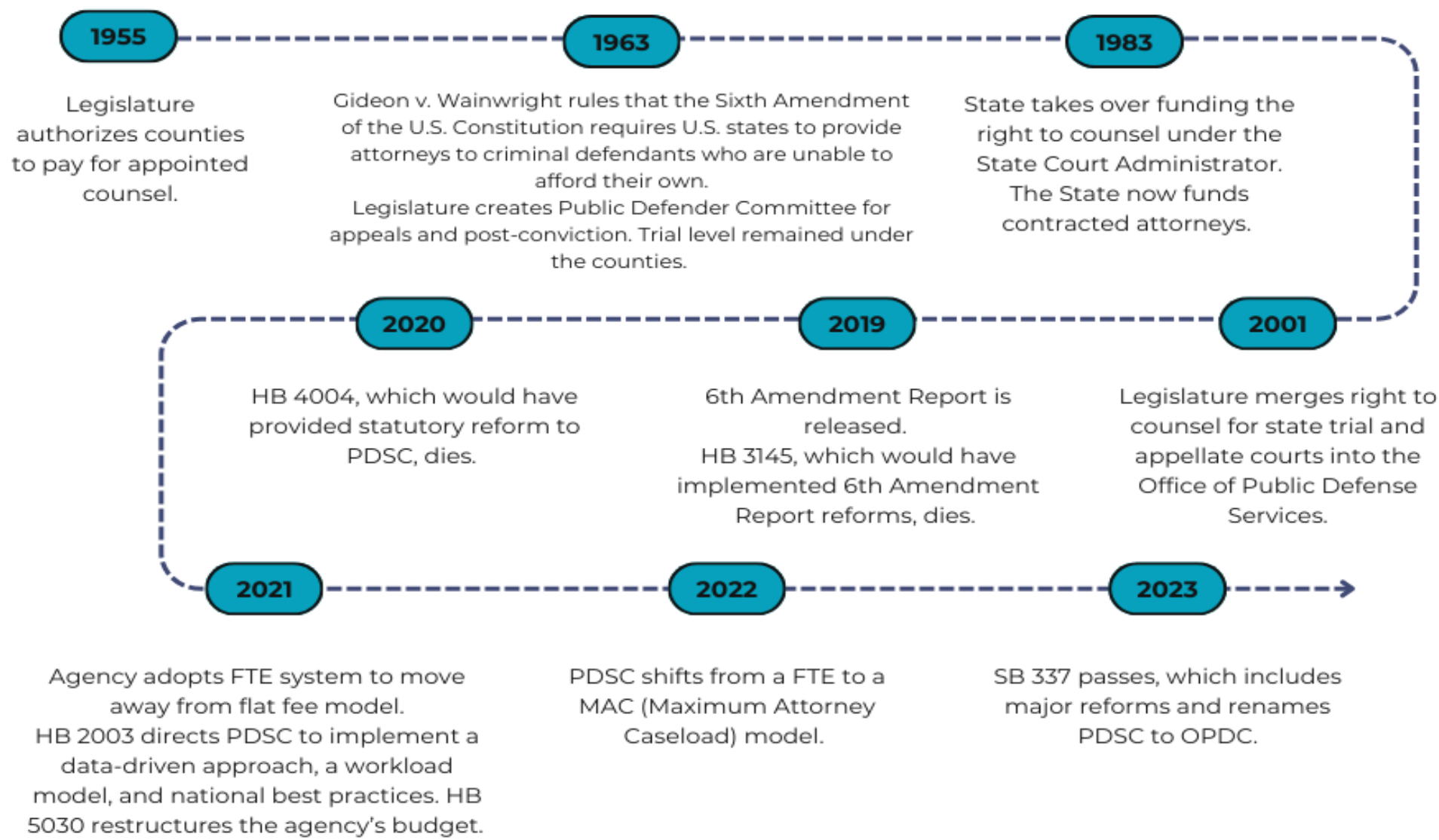


Presentation Overview:

- The History of Public Defense in Oregon
- SB 337
- Public Defense Delivery
- Unrepresented Persons
- The Future of Public Defense in Oregon

HISTORY OF PUBLIC DEFENSE IN OREGON

HISTORY OF PUBLIC DEFENSE IN OREGON



Legislature Calls for Caseload Study

HB 5201 (2018):

“(2) In addition to and not in lieu of any other appropriation, there is appropriated to the Public Defense Services Commission, for the biennium ending June 30, 2019, out of the General Fund, the amount of \$450,000 **for the purposes of an Oregon-specific caseload standards study and an assessment of Oregon public defense services.**”



6th Amendment Report (2019)



The State has created a complex contracting bureaucracy to deliver public defense services, which lacks sufficient oversight and financial accountability.



The fixed-fee case credit model is a conflict of interest, in that it pits the financial self-interest of the attorney against the due process rights of their clients.



The composition of the PDSC does not adhere to national public defense standards.



The State has no oversight of the right to counsel in municipal, county, and justice courts.

What is MAC?

Transitional oversight tool

- Initially created to end the fixed-fee case credit model.

300 misdemeanors/year weighted.

- Based on 2021 the Oregon Study + Washington's annual caseload limits.

Maximum Attorney Caseload (MAC) is an oversight tool that sets the maximum number of cases a public defender can take in one year.

Leadership Transitions since 2019

- 5 Executive Directors since 2019
- Commission dissolved and reconstituted – August 2022
- New Director appointed – November 2022
- Almost all new leadership, including Deputy Director, Chief Information Officer, Human Resources Manager, Government Relations, Facilities Manager, Trial Division Chief and Compliance Audit and Performance Manager - 2023 & 2024

SB 337 (2023)

SB 337 (2023)

SB 337 does three main things:

- Changes the makeup and appointment process for the Commission (January 2024);
- Moves the Commission to the Executive branch of government (January 2025);
- Changes the delivery model of public defense:
 - By July 1, 2027, public defenses in Oregon will be either:
 - A) State employees;
 - B) employed at a non-profit;
 - C) paid hourly as part of a panel of qualified counsel.

SB 337 Implementation

- Onboarded a new 13-member commission on January 1, 2024;
- Moved from Judicial to Executive branch of government on January 1, 2025.

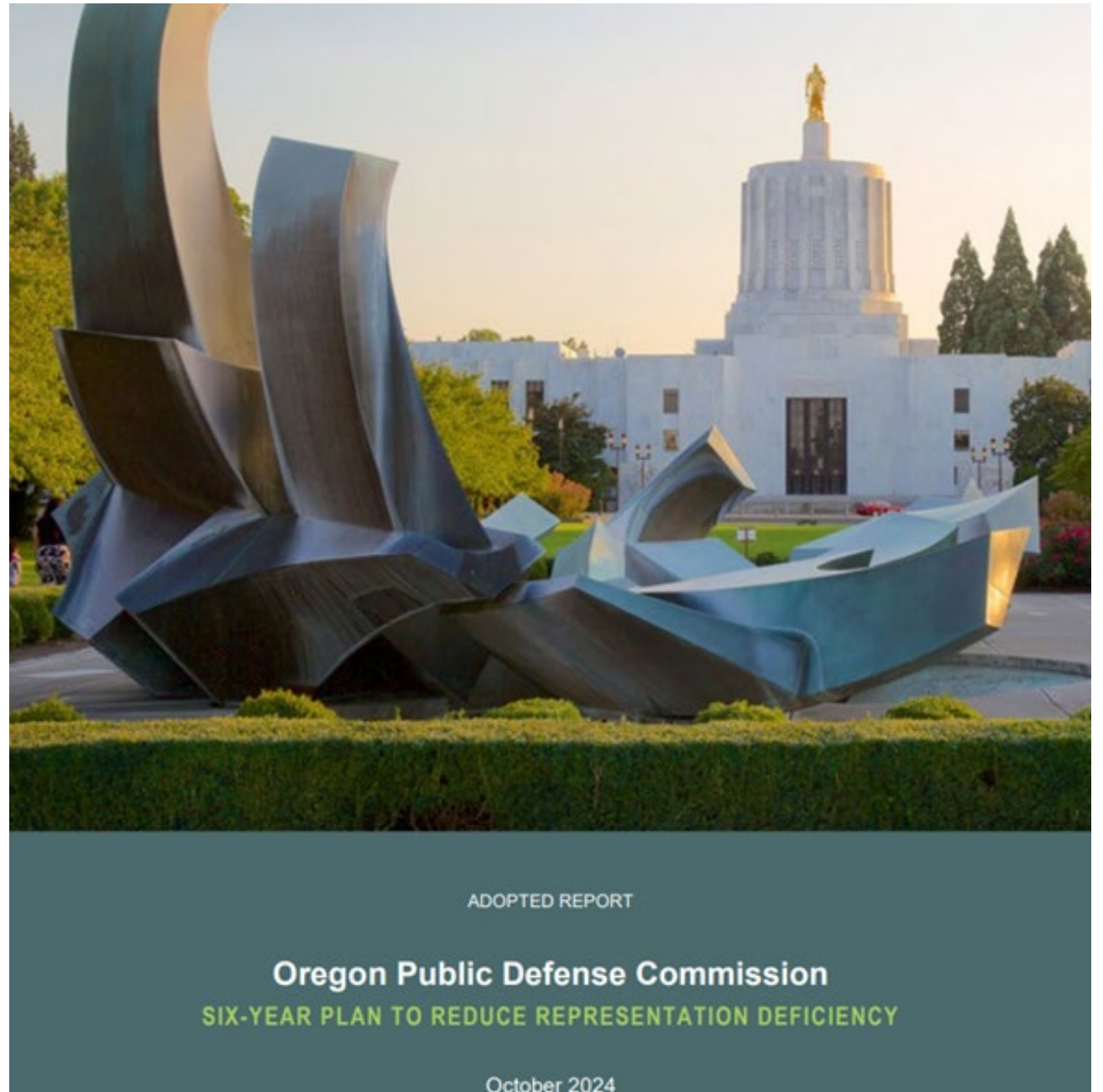
SB 337 Implementation

- Conducted an economic analysis to determine hourly pay rates;
- Collaborated with Office of Economic Analysis to forecast caseloads;
- Opened 3 state public defender offices starting December 2023;
- Panel of hourly attorneys starting July 2025;
- Stop fixed fee contracting as of July 2025.

SIX YEAR PLAN

Road Map

The Commission adopted a 6-year plan to ensure the adequate representation to the public defense clients.



Significant Growth, Significant Changes

Since 2019:

- The agency's biennial operating budget has increased by 60%
- The agency's FTE has grown by 74%
- The number of contracted attorneys has grown by 35%*
- There are now three regional state offices providing public defense services

** Between 2021-2024*

Agency By the Numbers



^[1] As of November 11, 2024

^[2] As of November 20, 2024

^[3] As of the October 15, 2024 update released by the Office of Economic Analysis

^[4] Last reported in the November 2024 Comprehensive Public Defense Report.

Oversight



Annual maximum caseload prorated by month (MAC)



Attorney qualification standards



Data Collection



Timekeeping for state employees



Attorney caseload monthly reports

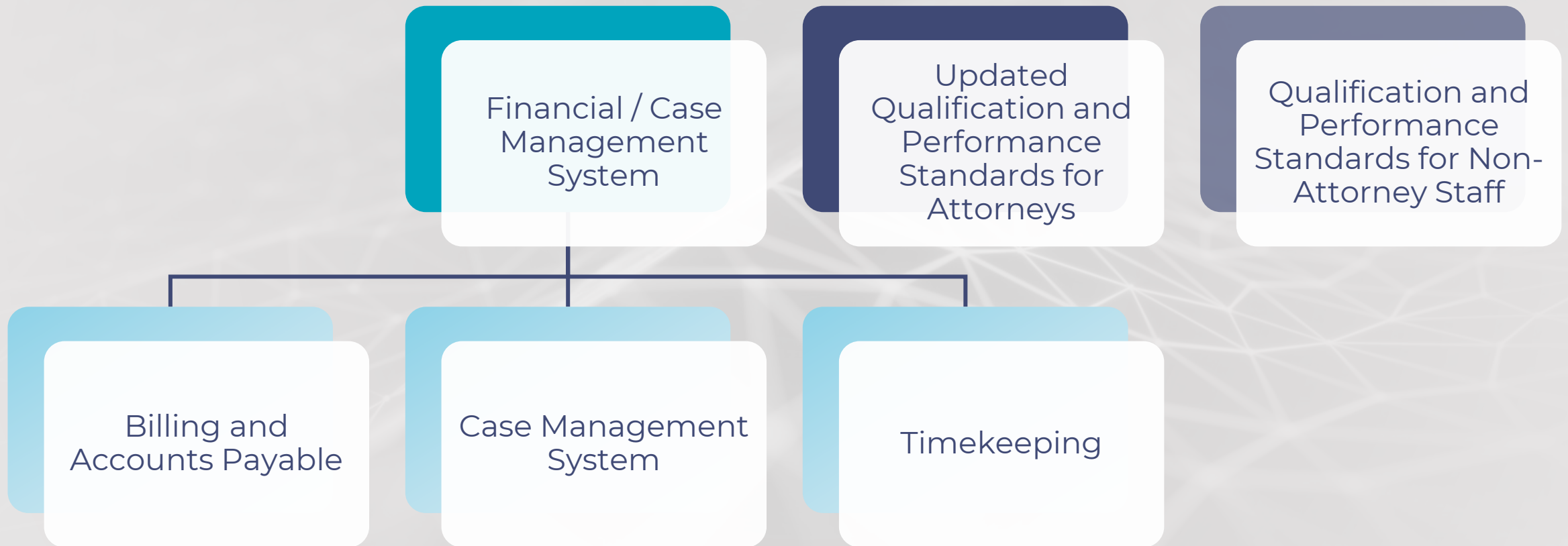


Hourly billing for hourly attorneys and non-attorneys



Collaboration with Oregon Judicial Department

Oversight: In Development



PUBLIC DEFENSE DELIVERY

Public Defense Delivery

State Defenders:

State employees providing direct representation for public defense clients.

Contracted Defenders:

OPDC contracts with 164 independent entities to provide representation for public defense clients.

Hourly Defenders:

269 attorneys who represent public defense clients through an hourly agreement and bill hourly.

Contracted Defenders

Criminal

Juvenile (delinquency & dependency)

Juvenile Parent Child Representation Program (PCRP)

Civil Commitment

Guardianship

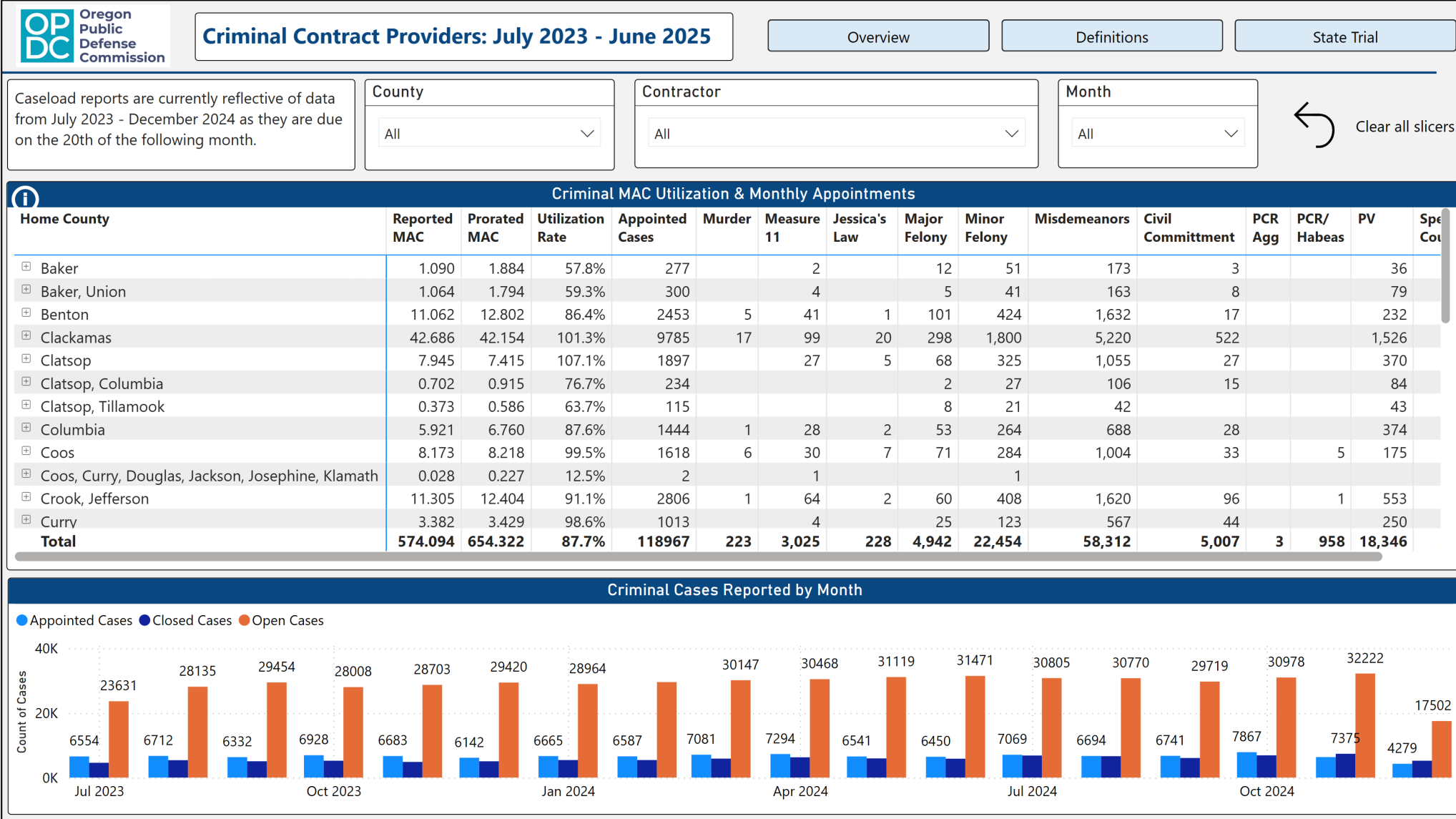
Habeas

Post Conviction Relief

OPDC Contracts with:

- Non-profit law firms;
- Consortia of attorneys;
- Law firms.

Contract Dashboard



Source: OPDC Dashboard 1/21/25 - [Oregon Public Defense Commission : Data & Reporting : General Information and Resources : State of Oregon](#)

DELIVERY OVERVIEW

State Defenders

OPDC has three divisions that provide direct representation to clients:

Appellate (since 1963)

- Filed 1,227 notices of appeal in 2024.

Juvenile Appellate (since 2008)

- Filed 323 notices of appeal 2024.

Trial (since December 2023)

- New program established in 2023 and fully staffed in October 2024 with 3 offices (Metro region, Mid Willamette Valley, and Southern region)
- Appointed to 1,019 cases in 1st year.



State employees

- Required by SB 337;
- First office opened Dec. 2023;
- 20 attorneys;
- 1100+ cases.



Salem

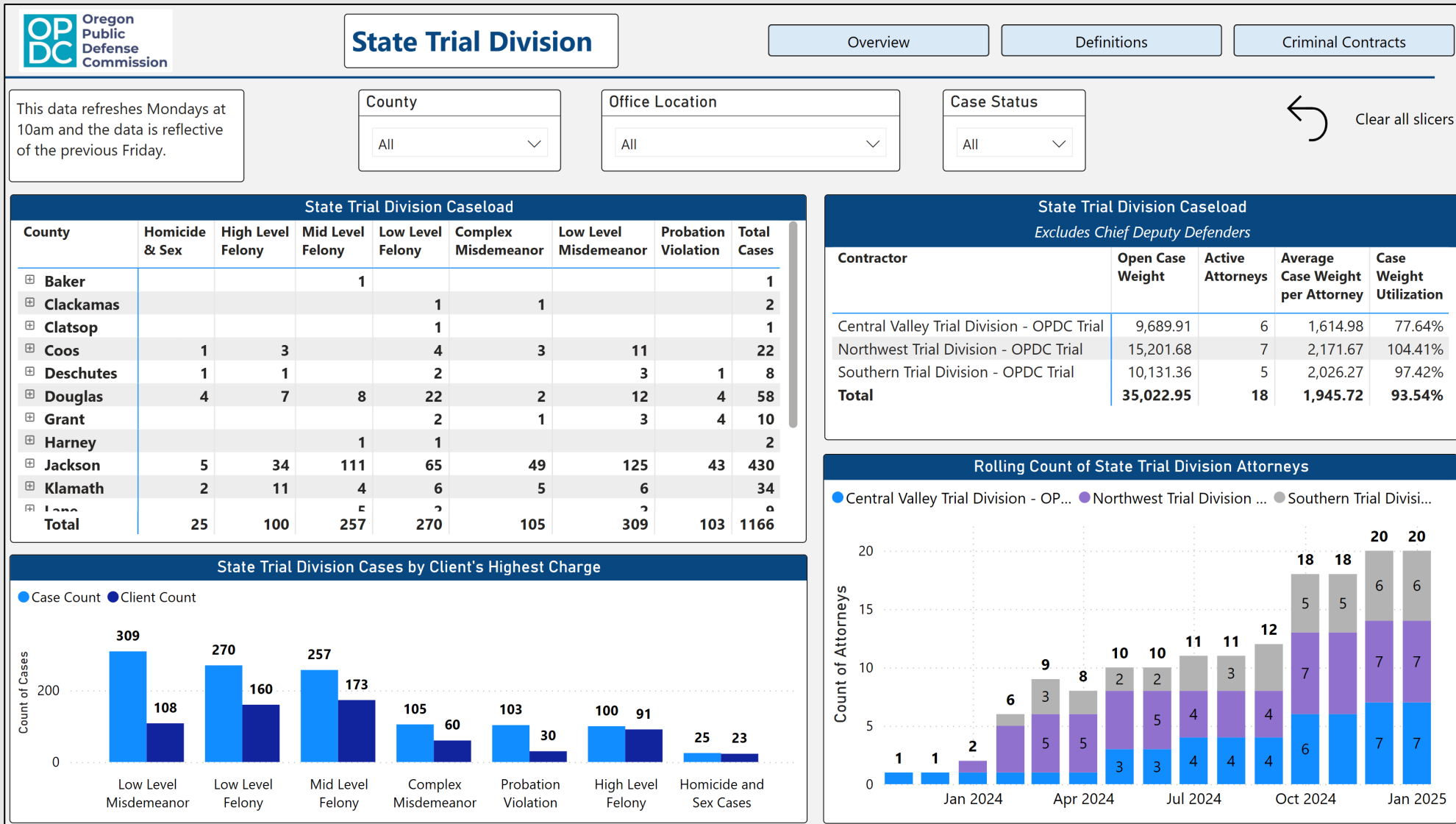


Medford



Portland

Trial Division Dashboard



Source: OPDC Dashboard 1/21/25 - [Oregon Public Defense Commission : Data & Reporting : General Information and Resources : State of Oregon](#)

DELIVERY OVERVIEW

Hourly

OPDC received 48,792 invoices for attorney and non-attorney hourly bills in 2024.

Attorney

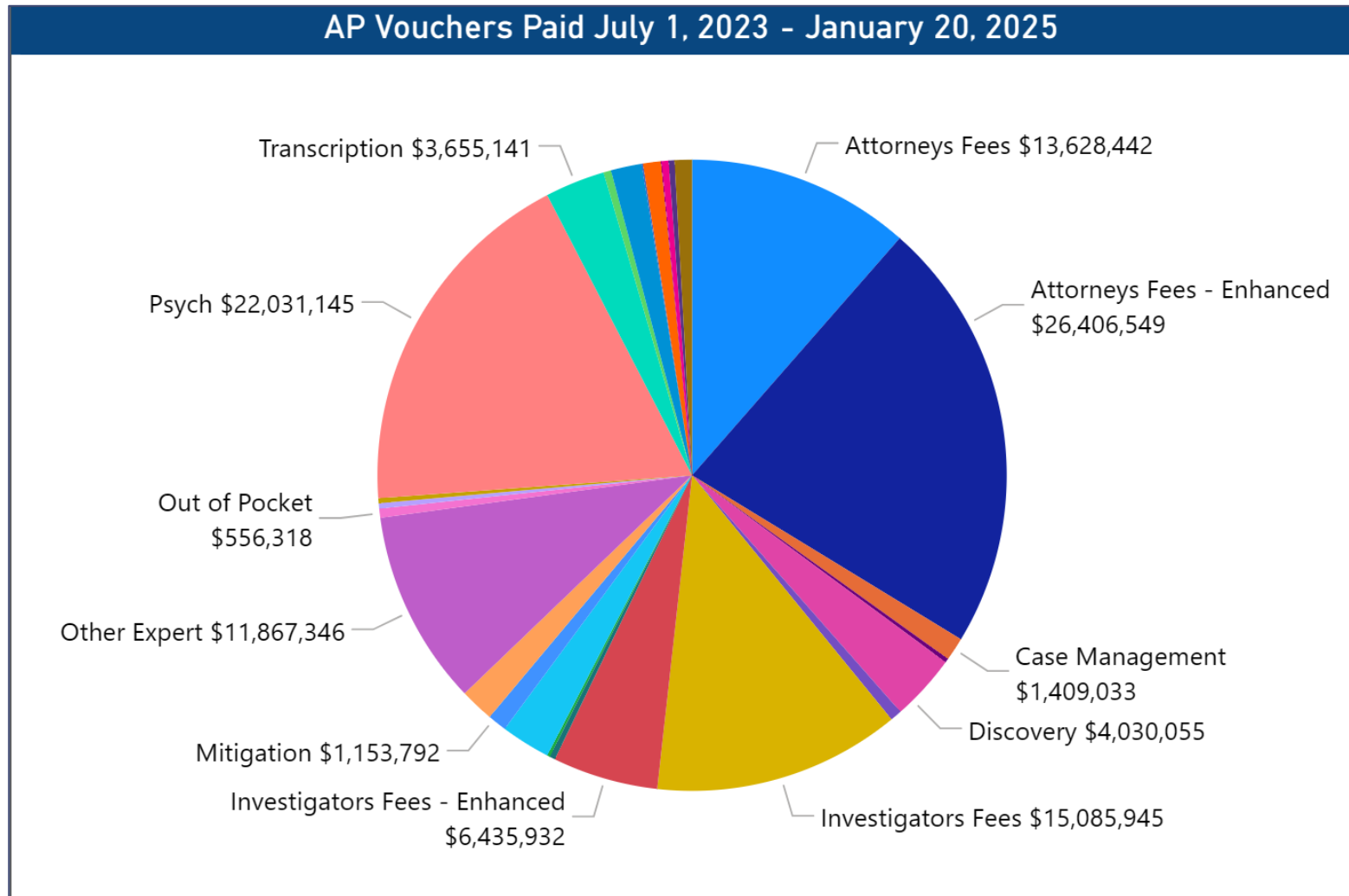
- Standard Hourly Rates: \$135/140 per hour;
- Temporary Hourly Increase Rate: \$164/175/200 per hour & \$75 per hour for investigators.

Non-Attorney (received 38,692 requests for non-attorney public defenders in 2024)

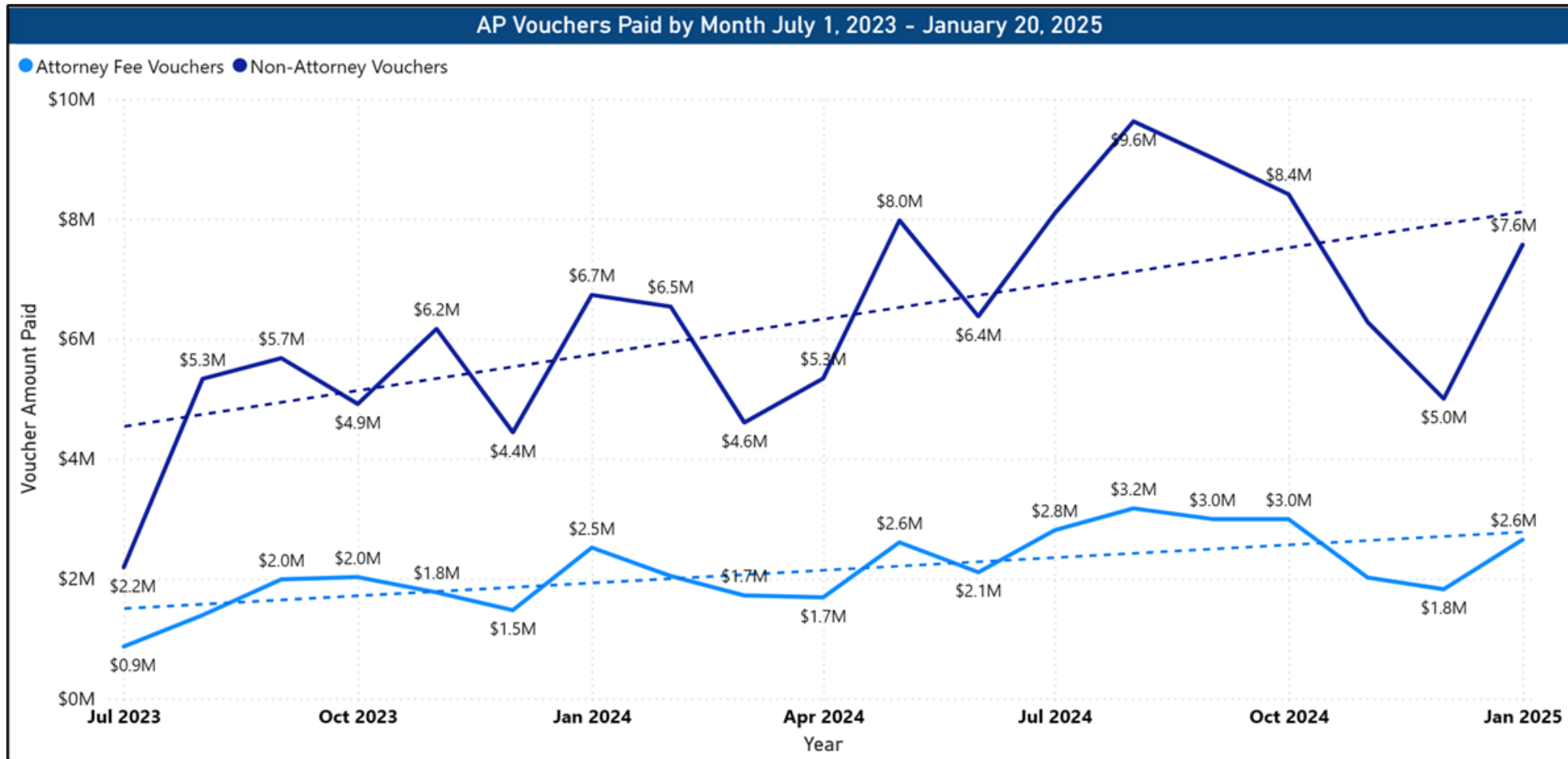
- Investigator
- Interpreter / Transcriptionist
- Mental Health
- Behavioral Health
- Forensic scientists
- Medical
- Social workers / case managers
- Legal assistants / Paralegals



Types of Services Purchased

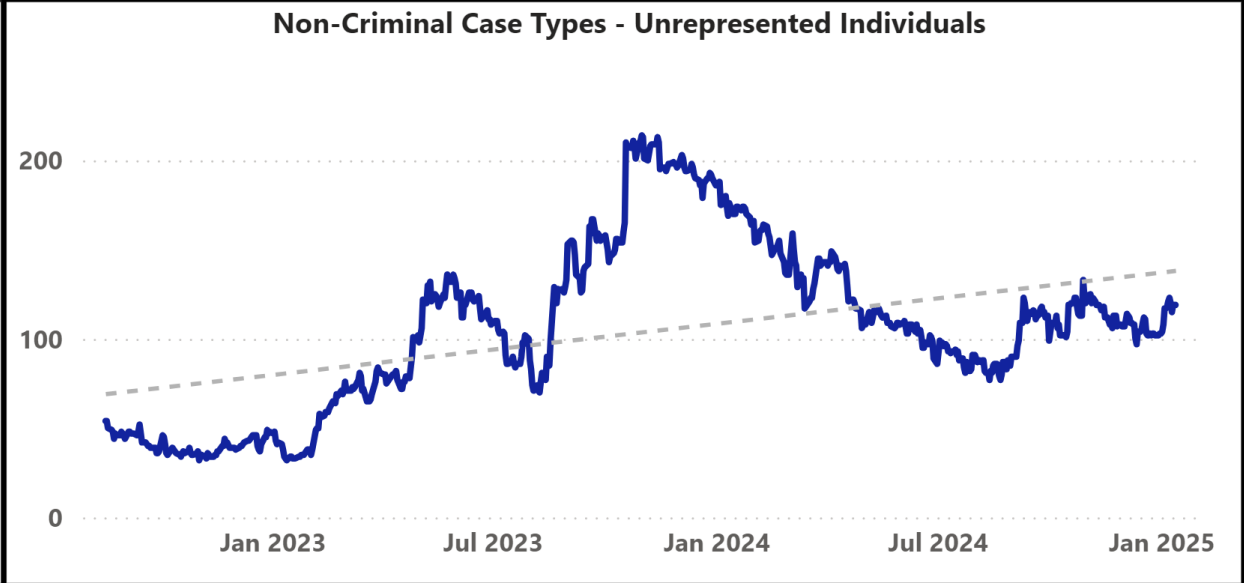
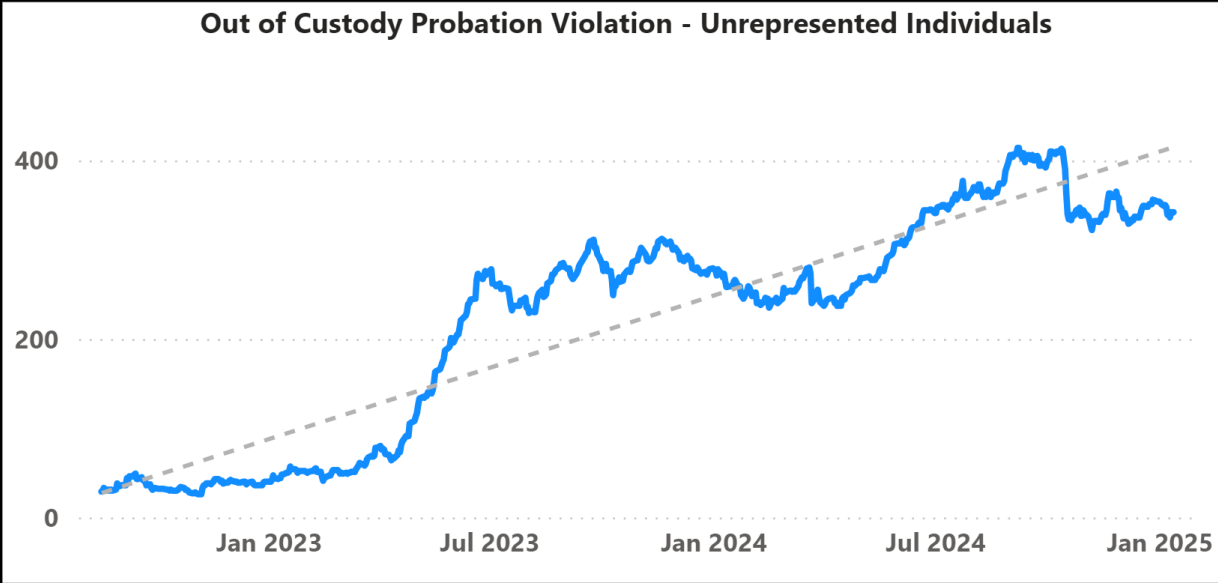
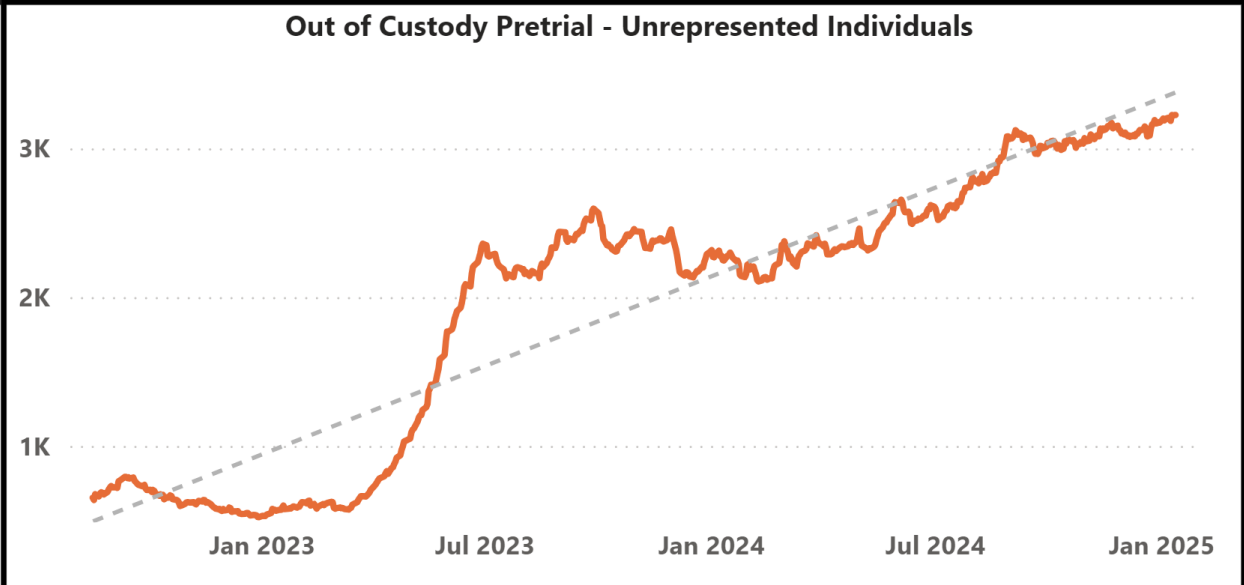
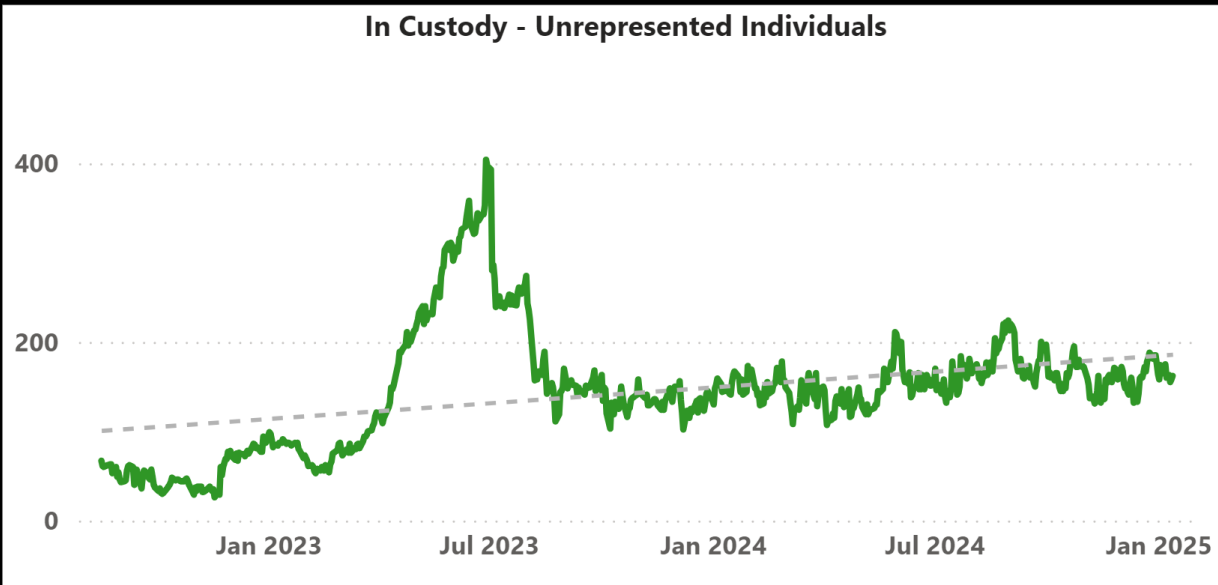


Number of Payments Increasing

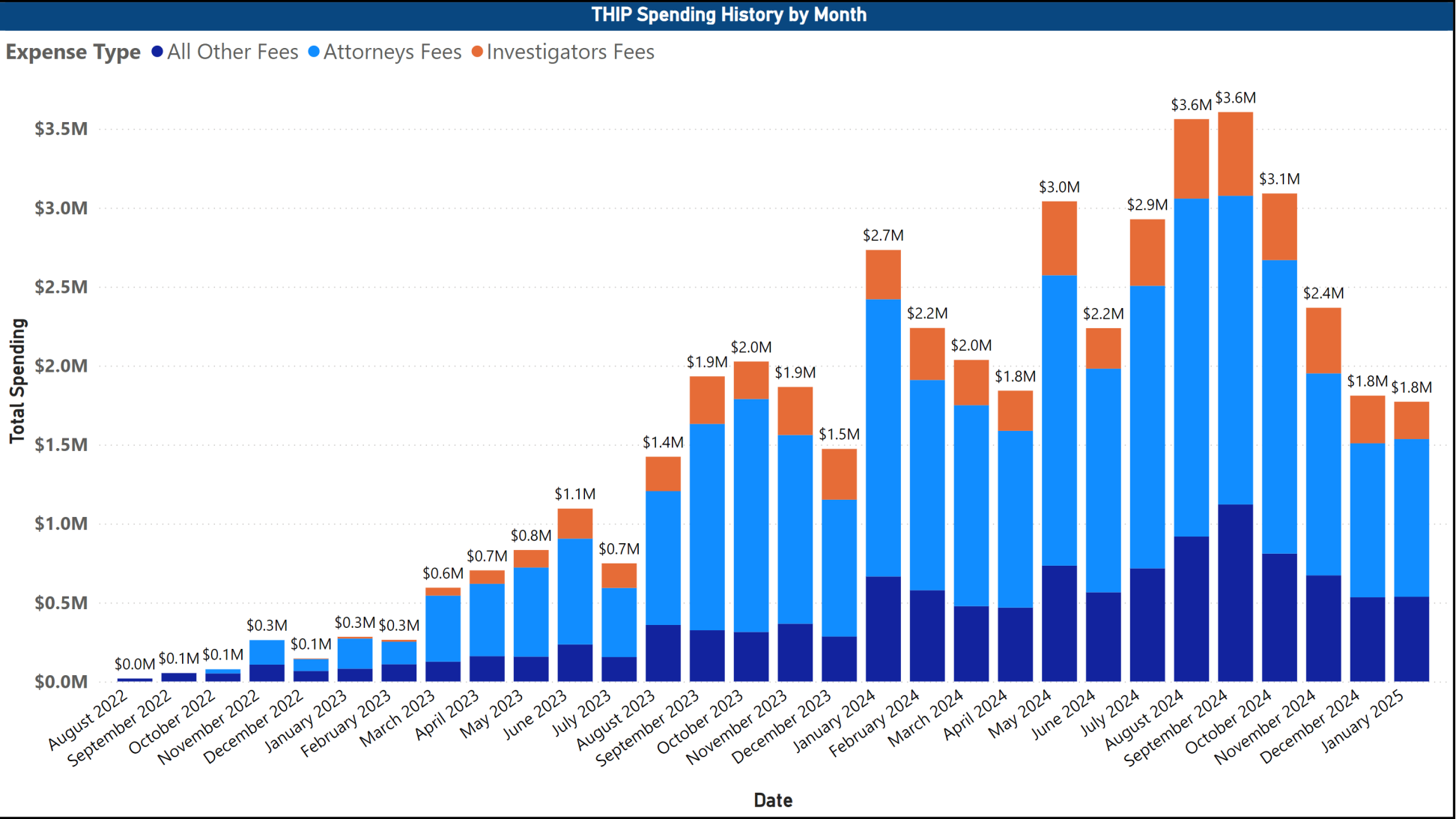


UNREPRESENTED PERSONS

Unrepresented Population Trends (8/1/22 – 1/13/25)



THIP Program Overview (8/1/22 – 1/13/25)



THIP Attorneys

269

Total THIP Cases

7,625

THIP Client Count

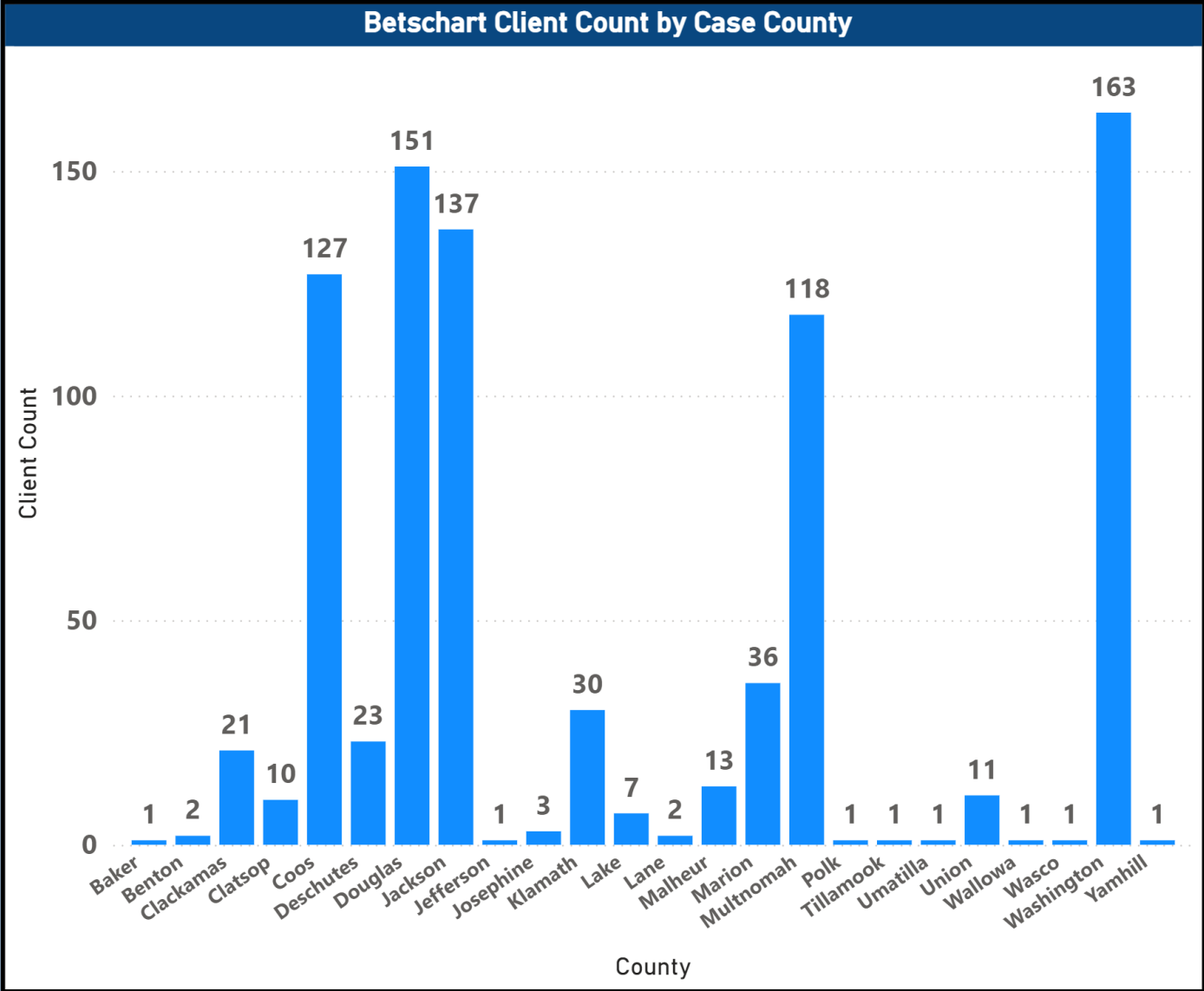
Client's Highest Charge	Clients
Civil Commitment	82
Delinquency	111
Dependency/Termination	196
Jessica Law	67
Major Felony	460
Measure 11	574
Minor Felony	1,538
Misdemeanor	1,604
Murder	180
Other	2
PCR/Habeas	72
Probation Violations-Criminal	226
Total	5,112

Total THIP Spending

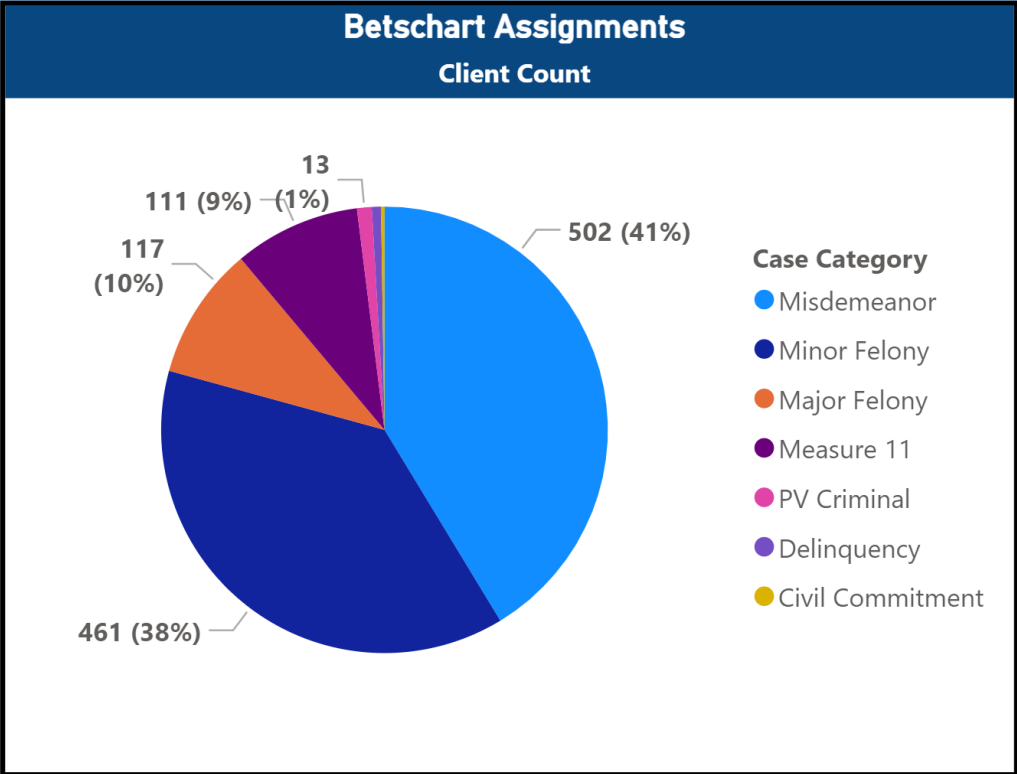
Category	THIP \$\$ Paid
All Other Fees	\$12,894,877
Attorneys Fees	\$28,558,567
Investigators Fees	\$5,600,182
Total	\$47,053,626

* THIP Attorneys is a count of active Hourly Agreements as of 1/13/2025

Betschart Assignments Coordinated by OPDC Analysts



Betschart Assignments by Program			
Assignment	Attorney Count	Client Count	Case Count
Contract	58	114	135
Hourly	126	604	857
Trial Division	17	146	222
Total	189	857	1214



THE FUTURE OF PUBLIC DEFENSE

Timeline established by SB 337 (2023)

July 1, 2025: Flat-fee contracting ends. Public defense provided by:

- OPDC;
- Nonprofits law firms;
- Consortia and private bar attorneys;
- Attorneys paid an hourly rate.

July 1, 2027: Consortia and Private bar transitions to hourly panel of qualified counsel.

January 1, 2031: 20% of public defenders must be OPDC employees.

January 1, 2035: 30% of public defenders must be OPDC employees.

Timekeeping provides oversight

By 2027 we expect all public defenders to be keeping time.

Attorneys will also:

- Be evaluated using qualification standards to determine which types of cases they can take;
- Be supervised by other attorneys;
- Have access to mentors;
- Contract with, and bill, OPDC using an hourly rate;
- Use OPDC's future software system for billing.



Questions

jessica.kampfe@opdc.state.or.us



Unrepresented Persons

**Public Safety
Subcommittee**

February 3, 2025

Jennifer Nash
OPDC Chair

Jessica Kampfe
Executive Director



Oregon Public Defense Commission

Presentation Overview

01

Unrepresented Process

02

County Specifics

03

Future Initiatives

OPDC Unrepresented Process

OPDC Programs

Contracted Public Defenders

OPDC contracts with 164 entities.



Assignment Coordinators

4 staffers who identify attorneys for unrepresented cases.



20 attorneys in 3 offices.

Oregon Trial Division

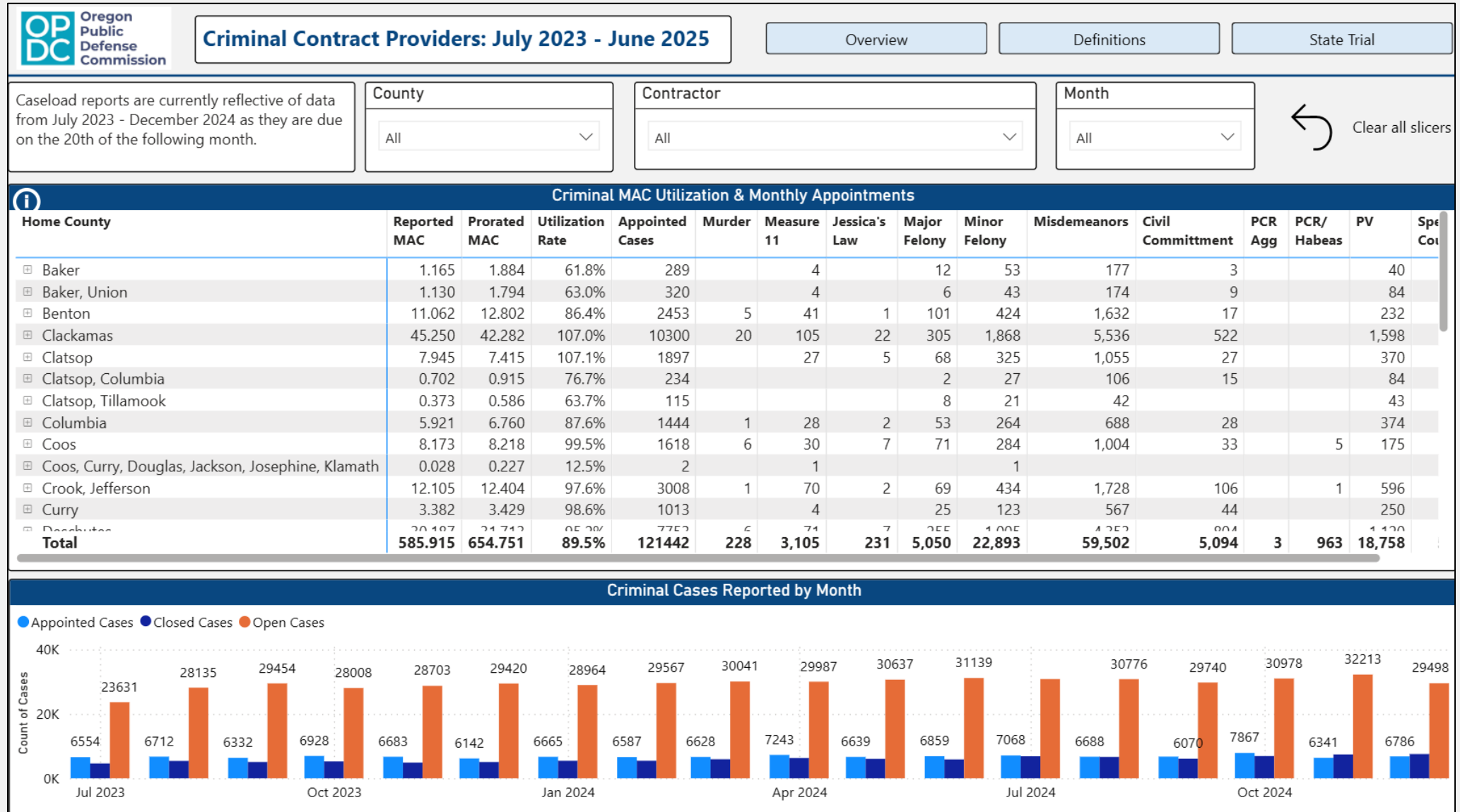


Enhanced hourly rates paid on in-custody cases.

Temporary Hourly Increase Program (THIP)



Contract Dashboard



Source: OPDC Dashboard 1/27/25 - Oregon Public Defense Commission : Data & Reporting : General Information and Resources : State of Oregon

CONTRACTORS

Retention

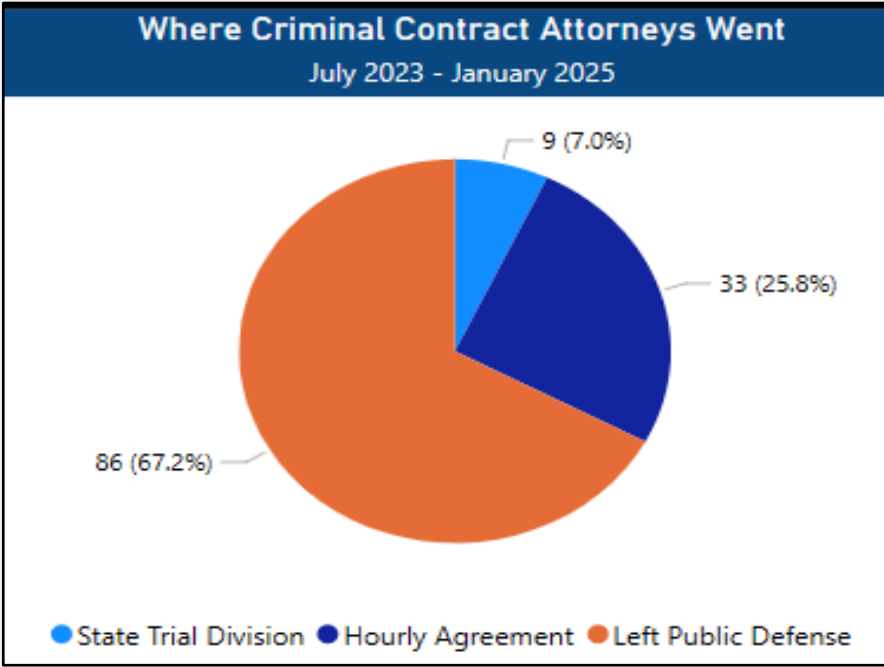


High-level attorneys leave and are replaced by lower-level attorneys.



2/3 are leaving public defense entirely.

Criminal Contract Retention by Attorney Qualification Level			
Qualification	New Attys	Departed Attys	Net Attys
⊕ Attorney 1	69	19	50
⊕ Attorney 2	44	38	6
⊕ Attorney 3	30	46	-16
⊕ Attorney 4	16	26	-10
Total	156	128	28

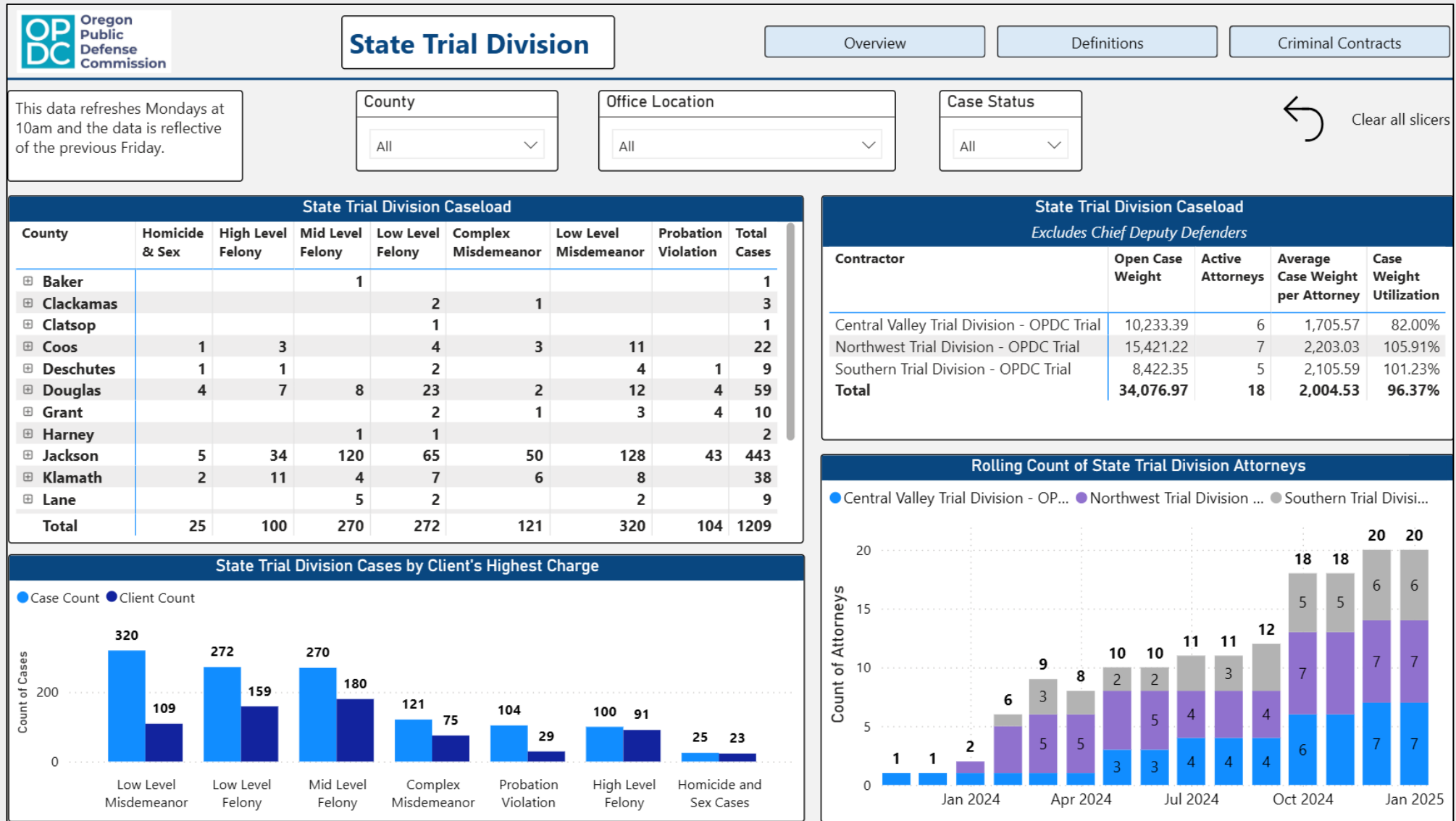


Oregon Trial Division

- Required by SB 337;
- First office opened December 2023;
- 20 attorneys;
- 1200+ cases.



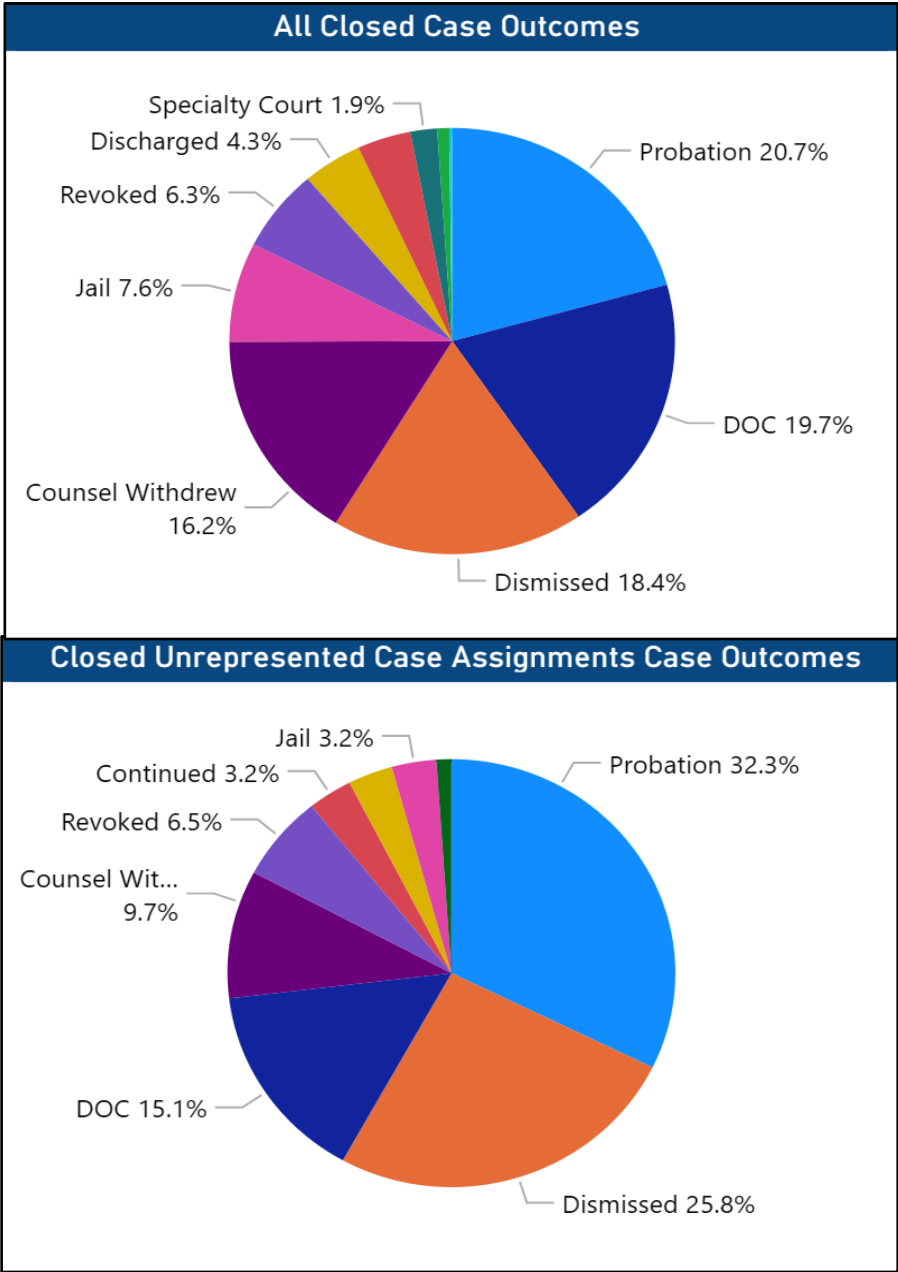
Trial Division Dashboard



Source: OPDC Dashboard 1/27/25 - [Oregon Public Defense Commission : Data & Reporting : General Information and Resources : State of Oregon](#)

Client Outcomes

Closed Cases by Client's Highest Charge as of 1/27/2025		
Case Type	Count of Clients by Highest Charge	Count of Cases
Mid Level Felony	62	112
Low Level Felony	54	91
Complex Misdemeanor	41	54
High Level Felony	41	45
Low Level Misdemeanor	40	103
Probation Violation	15	58
Homicide and Sex Cases	7	7
Total	260	470

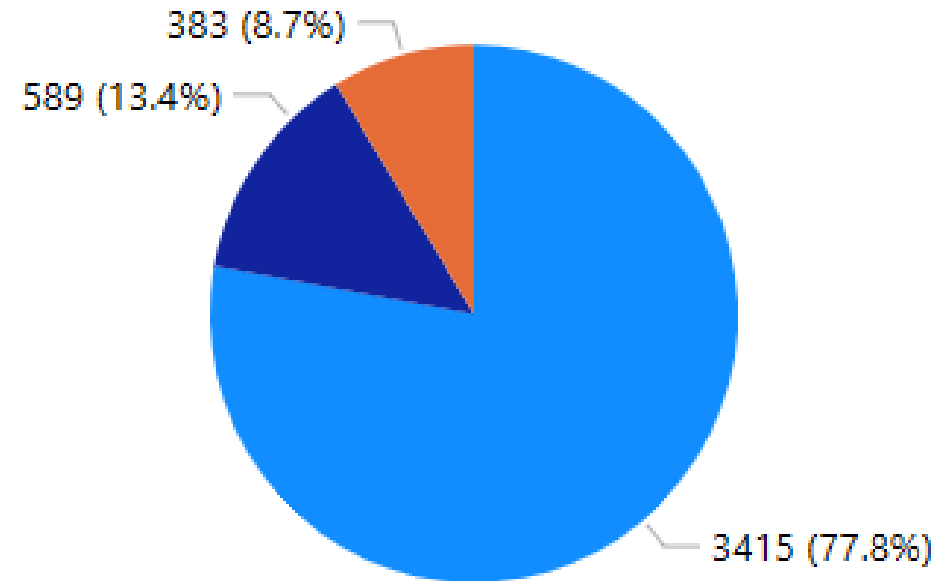


OPDC INITIATIVES

Assignment Coordinators

- Two full-time employees, with two more starting last week.
- Located and assigned 4356 cases since May 2024.
- Most of those go through hourly.
- Oregon Trial Division is their backstop.

Unrepresented Assignments since May 2024



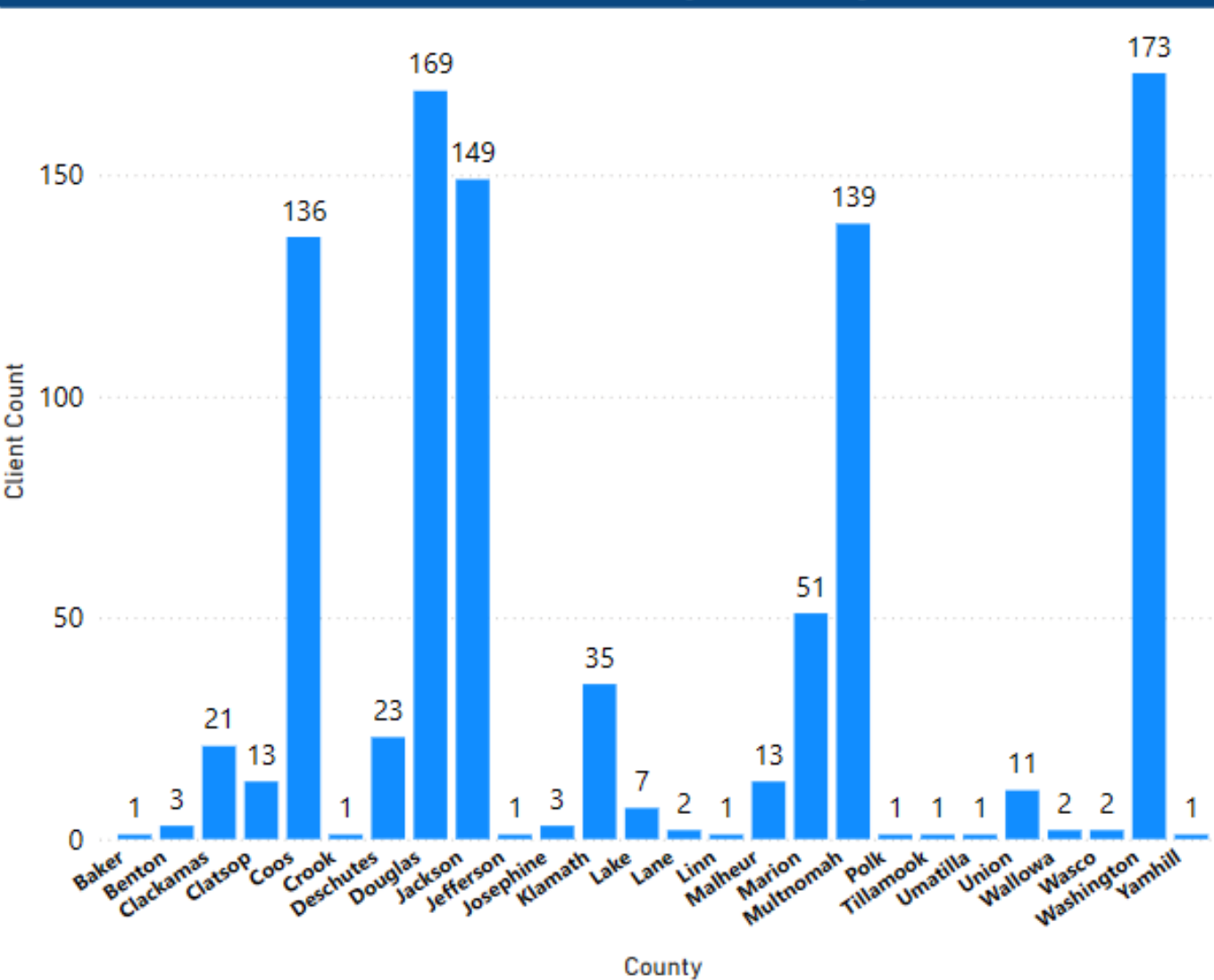
Assignment ● Hourly ● Trial Division ● Contract

Unrepresented Assignments since May 2024

Assignment	Attorney Count	Client Count	Case Count
Contract	122	280	383
Hourly	253	2339	3415
Trial Division	20	370	589
Total	362	2949	4356

Betschart Assignments Coordinated by OPDC Analysts

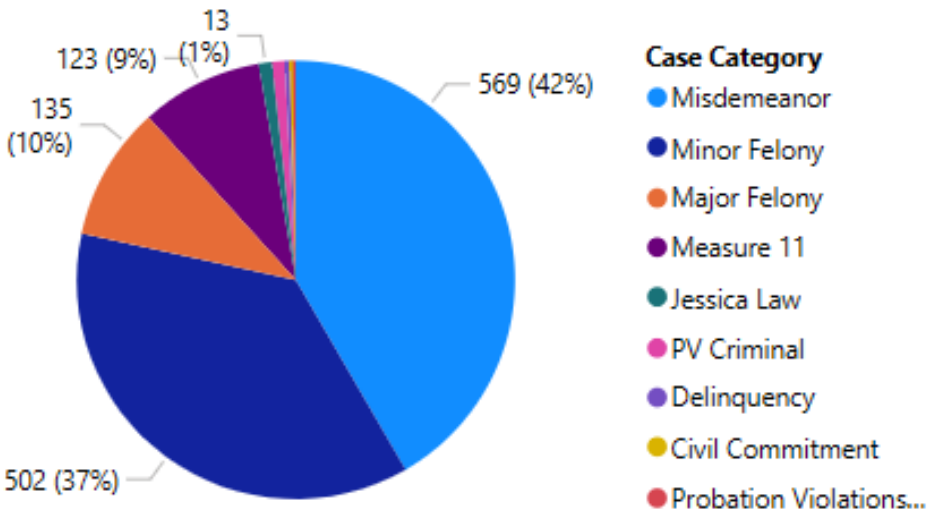
Betschart Client Count by Case County



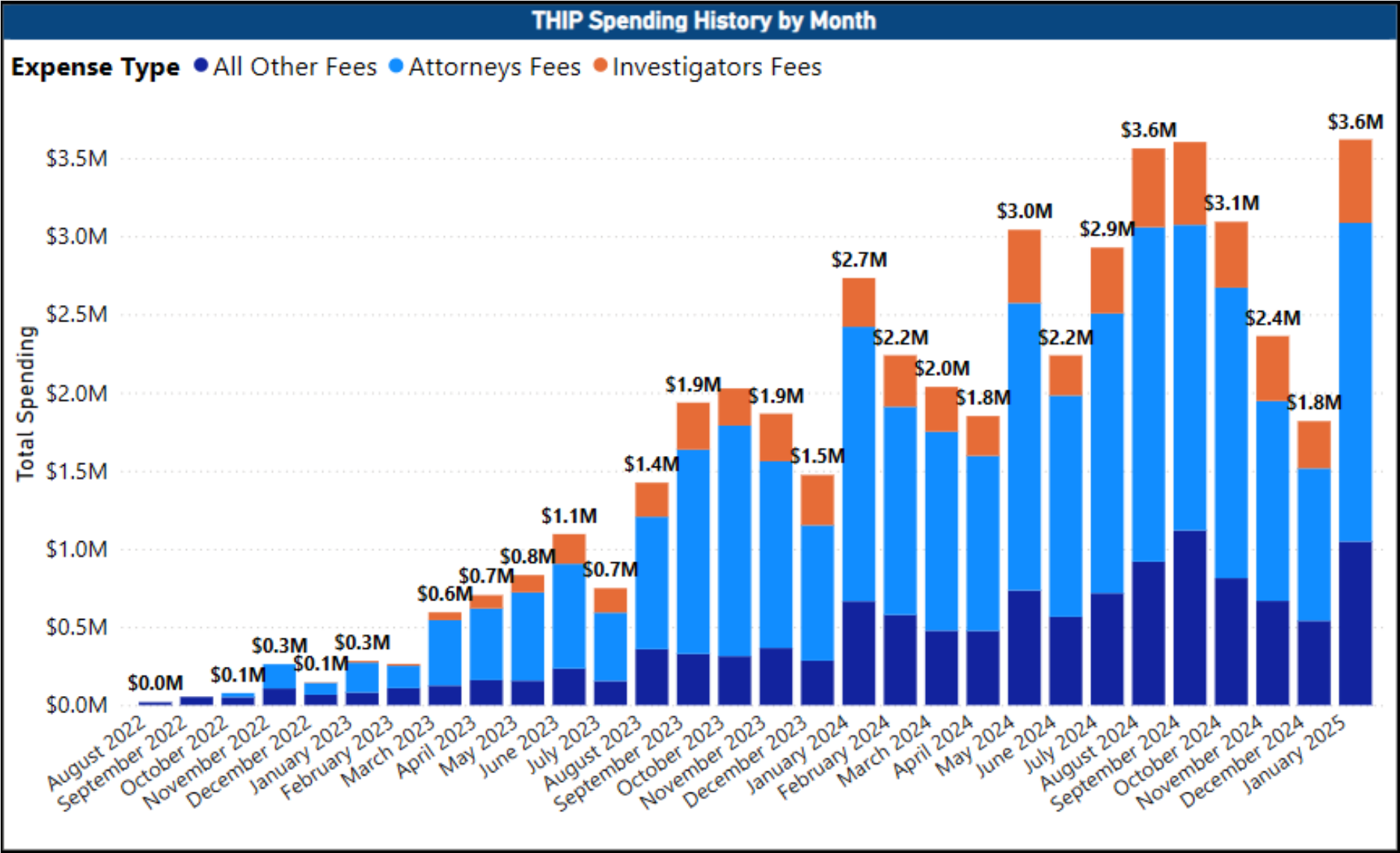
Betschart Assignments by Program

Assignment	Attorney Count	Client Count	Case Count
Contract	65	131	159
Hourly	134	660	944
Trial Division	17	170	266
Total	203	952	1368

Betschart Assignments
Client Count



THIP Program Overview (8/1/22 – 1/27/25)



THIP Attorneys

280

Total THIP Cases

7,723

THIP Client Count

Client's Highest Charge	Clients
Civil Commitment	81
Delinquency	104
Dependency/Termination	195
Jessica Law	68
Major Felony	463
Measure 11	586
Minor Felony	1,547
Misdemeanor	1,598
Murder	184
Other	2
PCR/Habeas	74
Probation Violations-Criminal	218
Probation Violations-Juvenile	8
Total	5,128

Total THIP Spending

Category	THIP \$\$ Paid
All Other Fees	\$13,481,173
Attorneys Fees	\$29,598,228
Investigators Fees	\$5,837,992
Total	\$48,917,394

* THIP Attorneys is a count of active Hourly Agreements as of 1/27/2025

**UNREPRESENTED BY
COUNTY**

County Specific

Six counties make up 95% of unrepresented cases and 90% of all in-custody unrepresented cases.

Unrepresented Distribution by County 1/24/25				
County	Out of Custody	In-Custody	All (Excludes Warrants)	Overall Population of State (Millions)
Multnomah	29.3% (1,095)	41.5% (66)	29.8% (1,161)	18.7% (.79)
Jackson	20.6% (769)	17.6% (28)	20.4% (797)	5.2% (.22)
Marion	20.4% (757)	7.0% (11)	19.7% (768)	8.2% (.35)
Washington	15.6% (584)	16.4% (26)	15.7% (610)	14.2% (.60)
Douglas	6.9% (257)	5.7% (9)	6.8% (266)	2.7% (.11)
Coos	2.6% (97)	1.9% (3)	2.6% (100)	1.5% (.06)
All Other Counties	4.9% (181)	10.0% (16)	5.0% (197)	56.6% (2.27)
Total	100% (3,740)	100% (159)	100% (3,899)	100% (4.27)

COUNTY SPECIFIC

Multnomah

Drivers:

Criminal case filings increased;

Challenges accessing clients;

High turnover.

Criminal Contract MAC & Attrition					
Contractor Caseload Data July 2023 - December 2024					
Contractor County	Utilization Rate	Active Attorneys	Hired after 7/1/23	Departed Attorneys	Now Hourly
⊖ Multnomah	89.1%	96	31	29	6
⊕ Sole Proprietorship	80.1%			1	1
⊕ PD	86.4%	80	30	28	6
⊕ Consortium	102.7%	16	1	1	
Total	89.1%	96	31	29	6

Mitigators:

Regular Bench/Bar meetings;

Online unrepresented form;

Data-informed contracting;

THIP (842 cases);

North West Regional Trial Office (197 cases).

COUNTY SPECIFIC

Jackson

Drivers:

Lawyer desert.

Criminal Contract MAC & Attrition					
Contractor Caseload Data July 2023 - December 2024					
Contractor County	Utilization Rate	Active Attorneys	Hired after 7/1/23	Departed Attorneys	Now Hourly
⊖ Jackson	92.5%	29	8	3	
⊕ Firm	82.5%	1	1		
⊕ Consortium	90.8%	14	3	2	
⊕ PD	94.6%	15	4	1	
Total	92.5%	29	8	3	

Mitigators:

OPDC site visit in October;

DUII specialty docket and an early resolution docket are in the works;

Southern Regional Trial Office (442 cases);

THIP (223 cases).

COUNTY SPECIFIC

Marion

Drivers:

High turnover;

MAC utilization is low across provider types.

Criminal Contract MAC & Attrition					
Contractor Caseload Data July 2023 - December 2024					
Contractor County	Utilization Rate	Active Attorneys	Hired after 7/1/23	Departed Attorneys	Now Hourly
⊖ Marion	68.9%	55	18	18	6
⊕ PD	59.1%	25	14	11	2
⊕ Firm	73.6%	1			
⊕ Consortium	77.1%	29	4	7	4
Total	68.9%	55	18	18	6



Mitigators:

Good relationship with court staff;

New diversion docket;

OPDC and court meetings resulted in a parole violation docket (starting with 200 cases);

Central Regional Trial Office (202 cases);

THIP (411 cases).



COUNTY SPECIFIC

Washington

Drivers:

High turnover;

Challenges accessing clients;

Under contracted for higher case types;

New court process for diversion and deflection.

Criminal Contract MAC & Attrition					
Contractor Caseload Data July 2023 - December 2024					
Contractor County	Utilization Rate	Active Attorneys	Hired after 7/1/23	Departed Attorneys	Now Hourly
⊖ Washington	99.3%	66	25	17	7
⊕ Sole Proprietorship	80.6%	1		1	1
⊕ Firm	94.6%	21	10	7	3
⊕ PD	98.6%	33	12	7	3
⊕ Consortium	117.8%	12	3	3	1
Total	99.3%	66	25	17	7



Mitigators:

Turnover is improving;

Regular Bench/Bar meetings;

Diversion specialty court;

Good working relationship with court;

North West Regional Trial Office (188 cases);

THIP (657 cases).



COUNTY SPECIFIC

Douglas

Drivers:

Case assignment process;
Leadership changes in public defender office;
Isolated location.

Criminal Contract MAC & Attrition					
Contractor Caseload Data July 2023 - December 2024					
Contractor County	Utilization Rate	Active Attorneys	Hired after 7/1/23	Departed Attorneys	Now Hourly
⊖ Douglas	81.3%	18	6	2	2
⊕ PD	75.8%	9	5	2	2
⊕ Consortium	86.0%	4			
⊕ Firm	88.1%	7	1		
Total	81.3%	18	6	2	2



Mitigators:

The public defender office has a new interim director and is increasing MAC utilization;

PD office is now fully staffed;

Working with contractors to better understand their assignment process and ensure standardization and good data;

Data-informed contracting;

Oregon Trial Division (59 cases);

THIP (288 cases).



COUNTY SPECIFIC

Coos

Drivers:

Lawyer desert;
High cost of living;
High turnover.

Criminal Contract MAC & Attrition					
Contractor Caseload Data July 2023 - December 2024					
Contractor County	Utilization Rate	Active Attorneys	Hired after 7/1/23	Departed Attorneys	Now Hourly
⊖ Coos	99.5%	6	1	4	3
⊕ PD	99.5%	6	1	4	3
Total	99.5%	6	1	4	3



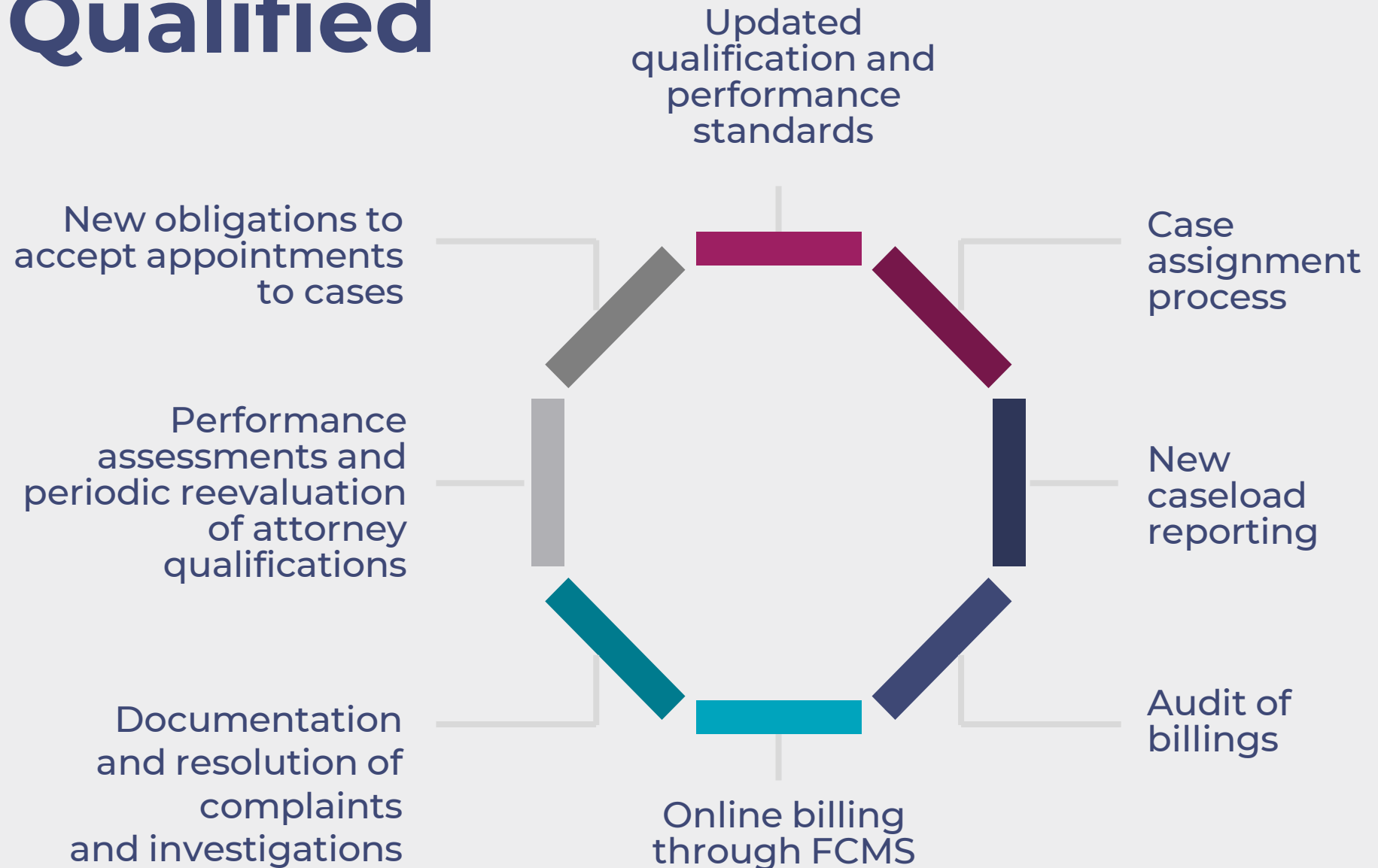
Mitigators:

- Stationed an Oregon Trial Division employee to Coos;
- Oregon State Trial Office (22 cases);
- The contractor is fully staffed as of December;
- Court has increased flexibility;
- THIP (304 cases).



FUTURE INITIATIVES

Panel of Qualified Counsel



Governor's Requested Budget



42 more lawyers for the Trial Division



55 more non-attorney staff for the Trial Division



40 more lawyers added to the hourly program



Stabilizes hourly rates through increases for attorneys, investigators, and mitigators



Extends THIP to December 2025



Maintains current service level for contracts

Questions

jessica.kampfe@opdc.state.or.us



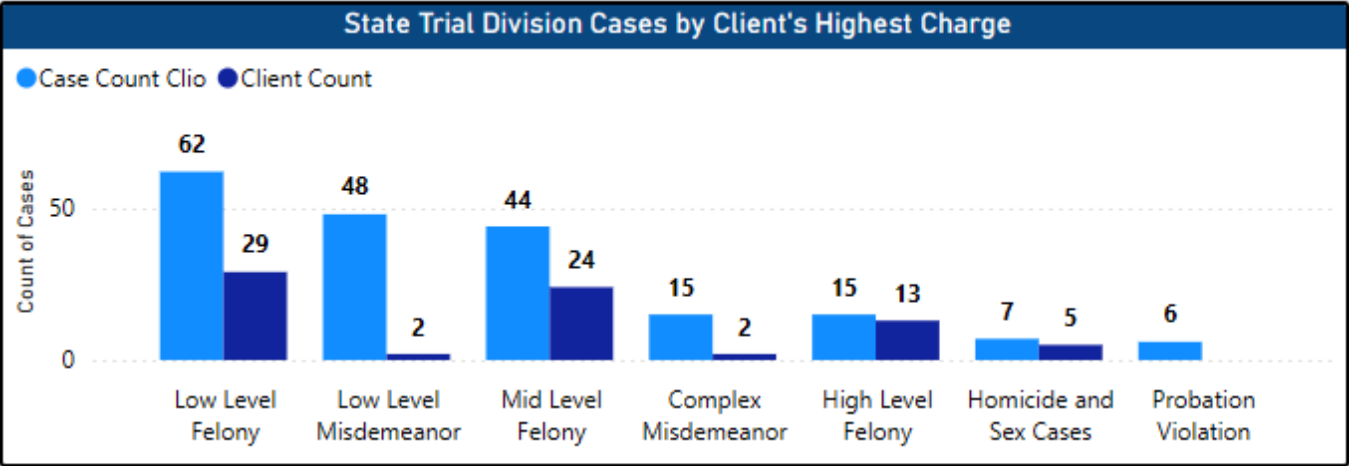
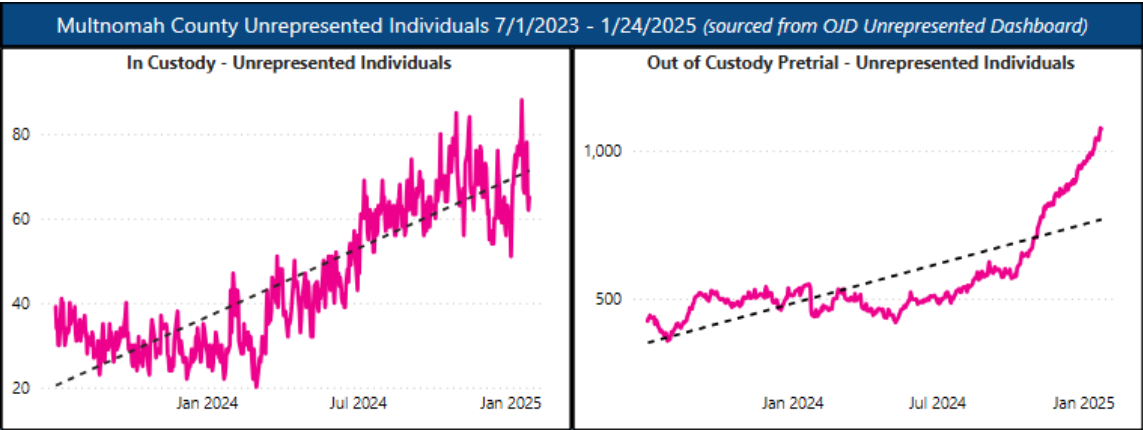
References

Multnomah

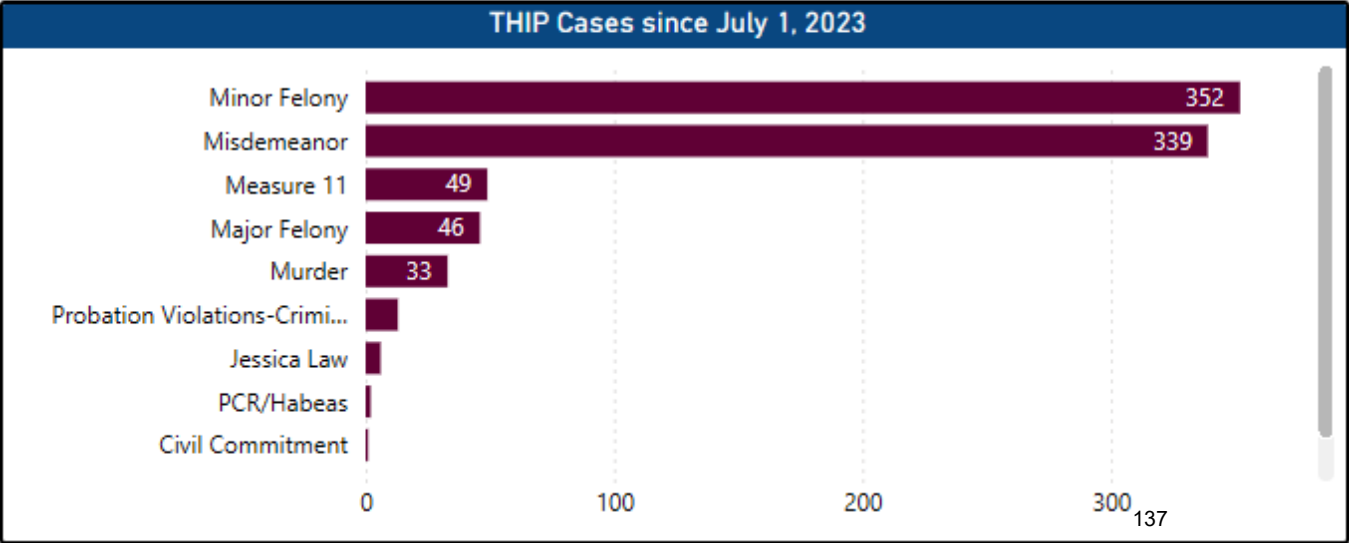
Cases Filed 2023 - 2024 **Increased by 7%.**

(Source: Oregon Judicial Department, One-Year Change in Public Defense Related Cases Filed 2023 - 2024 by Judicial District)

Criminal Contract MAC & Attrition					
Contractor Caseload Data July 2023 - December 2024					
Contractor County	Utilization Rate	Active Attorneys	Hired after 7/1/23	Departed Attorneys	Now Hourly
⊖ Multnomah	89.1%	96	31	29	6
⊕ Sole Proprietorship	80.1%			1	1
⊕ PD	86.4%	80	30	28	6
⊕ Consortium	102.7%	16	1	1	
Total	89.1%	96	31	29	6



18455 Contract Cases	197 State Trial Cases	842 THIP Cases
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Jackson

Cases Filed 2023 - 2024 **Increased by 16%.**

(Source: Oregon Judicial Department, One-Year Change in Public Defense Related Cases Filed 2023 - 2024 by Judicial District)

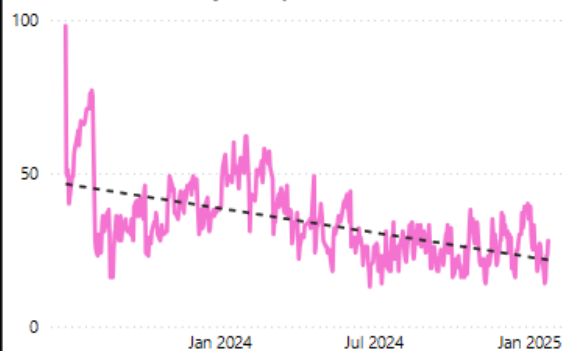
Criminal Contract MAC & Attrition

Contractor Caseload Data July 2023 - December 2024

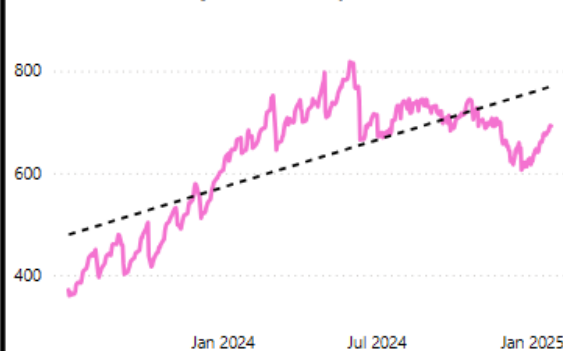
Contractor County	Utilization Rate	Active Attorneys	Hired after 7/1/23	Departed Attorneys	Now Hourly
<input checked="" type="checkbox"/> Jackson	92.5%	29	8	3	
<input checked="" type="checkbox"/> Firm	82.5%	1	1		
<input checked="" type="checkbox"/> Consortium	90.8%	14	3	2	
<input checked="" type="checkbox"/> PD	94.6%	15	4	1	
Total	92.5%	29	8	3	

Jackson County Unrepresented Individuals 7/1/2023 - 1/24/2025 (sourced from OJD Unrepresented Dashboard)

In Custody - Unrepresented Individuals

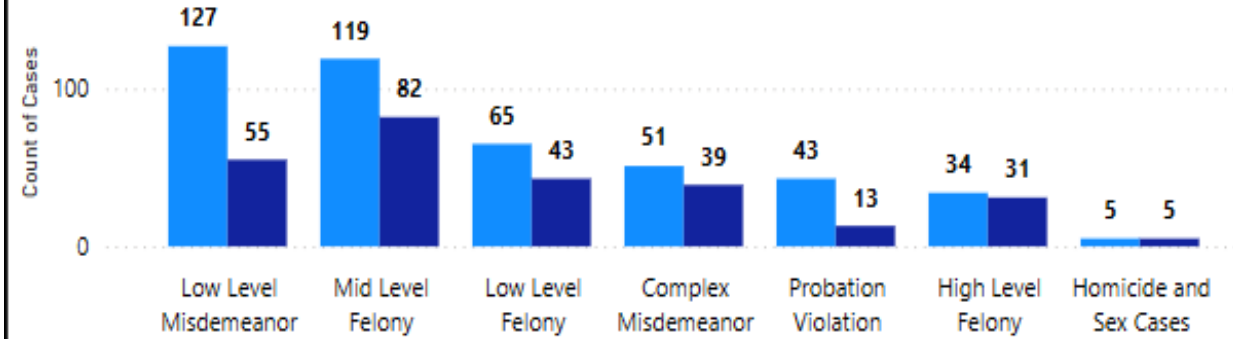


Out of Custody Pretrial - Unrepresented Individuals



State Trial Division Cases by Client's Highest Charge

Case Count Clio Client Count

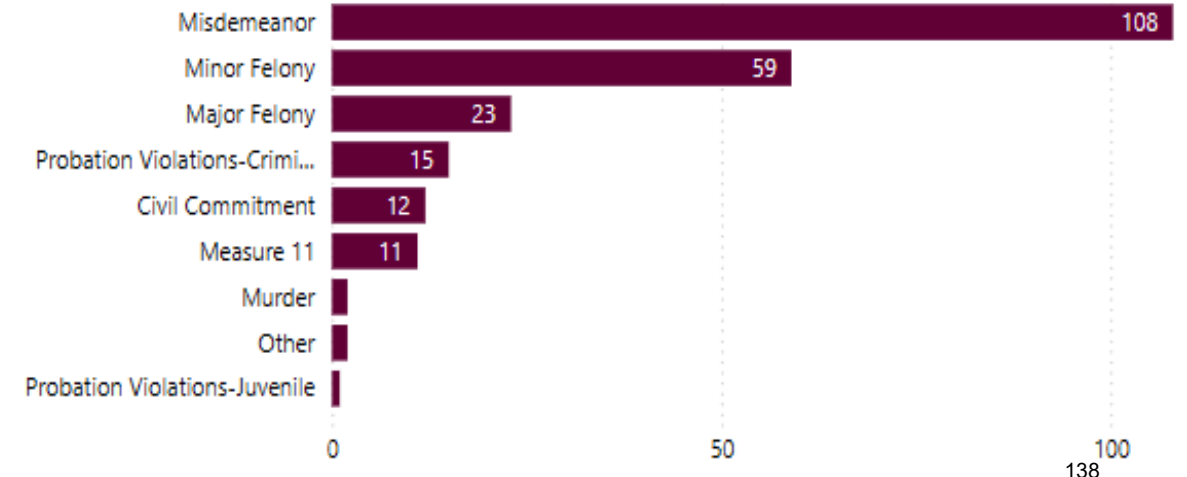


5003
Contract Cases

442
State Trial Cases

233
THIP Cases

THIP Cases since July 1, 2023



Marion

Cases Filed 2023 - 2024 **Increased by 4%.**

(Source: Oregon Judicial Department, One-Year Change in Public Defense Related Cases Filed 2023 - 2024 by Judicial District)

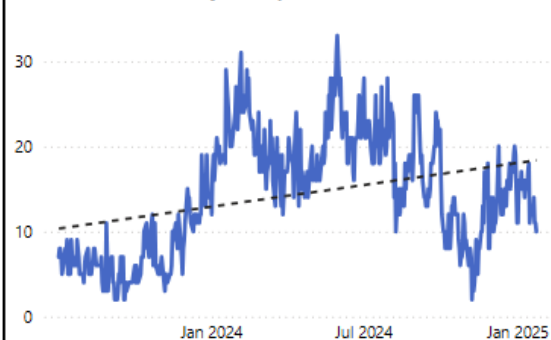
Criminal Contract MAC & Attrition

Contractor Caseload Data July 2023 - December 2024

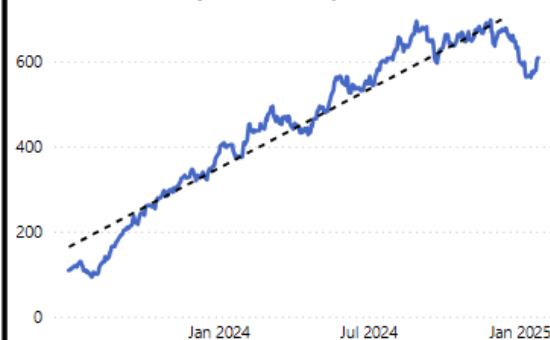
Contractor County	Utilization Rate	Active Attorneys	Hired after 7/1/23	Departed Attorneys	Now Hourly
Marion	68.9%	55	18	18	6
PD	59.1%	25	14	11	2
Firm	73.6%	1			
Consortium	77.1%	29	4	7	4
Total	68.9%	55	18	18	6

Marion County Unrepresented Individuals 7/1/2023 - 1/24/2025 (sourced from OJD Unrepresented Dashboard)

In Custody - Unrepresented Individuals

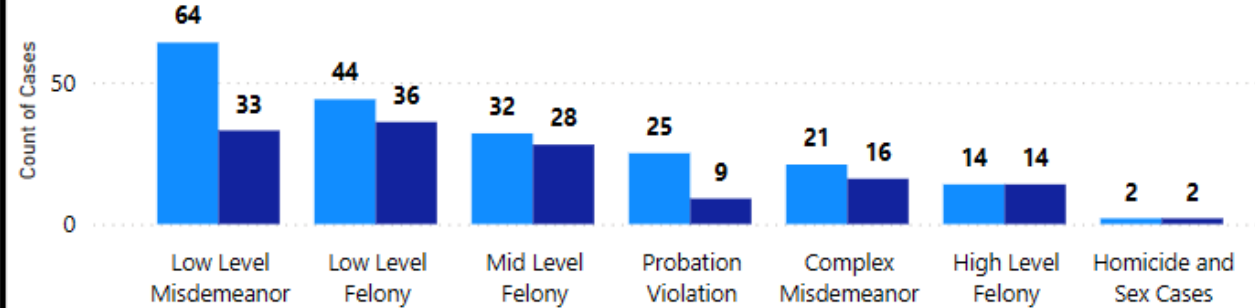


Out of Custody Pretrial - Unrepresented Individuals



State Trial Division Cases by Client's Highest Charge

Case Count Clio Client Count

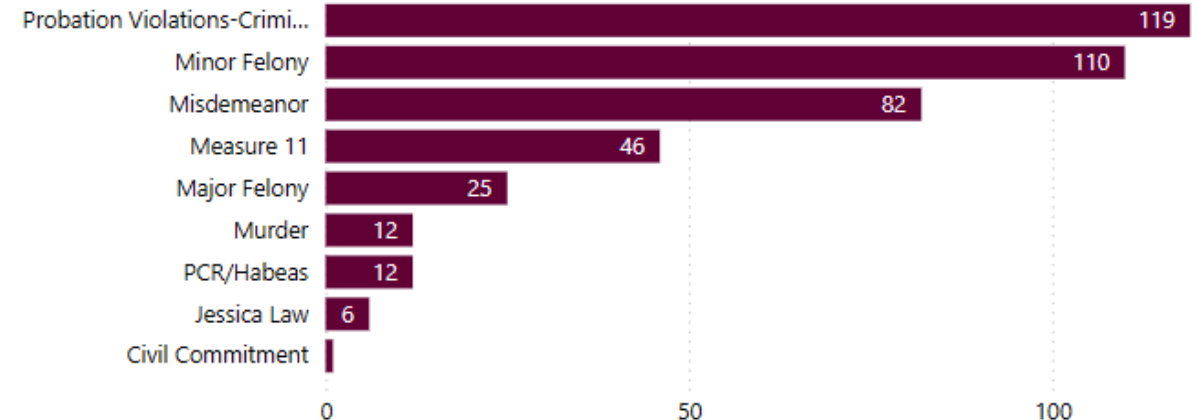


7525
Contract Cases

202
State Trial Cases

411
THIP Cases

THIP Cases since July 1, 2023

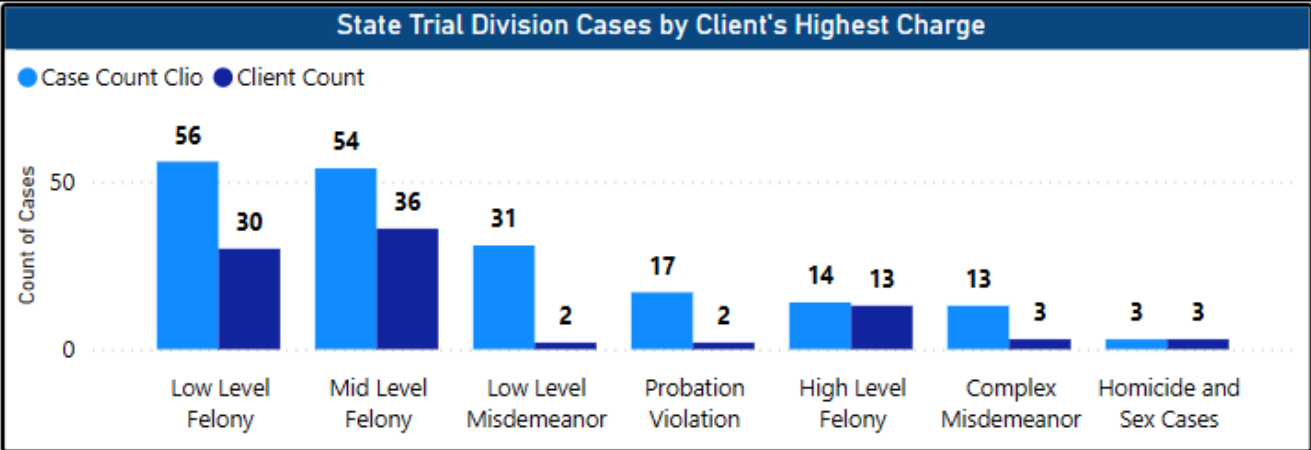
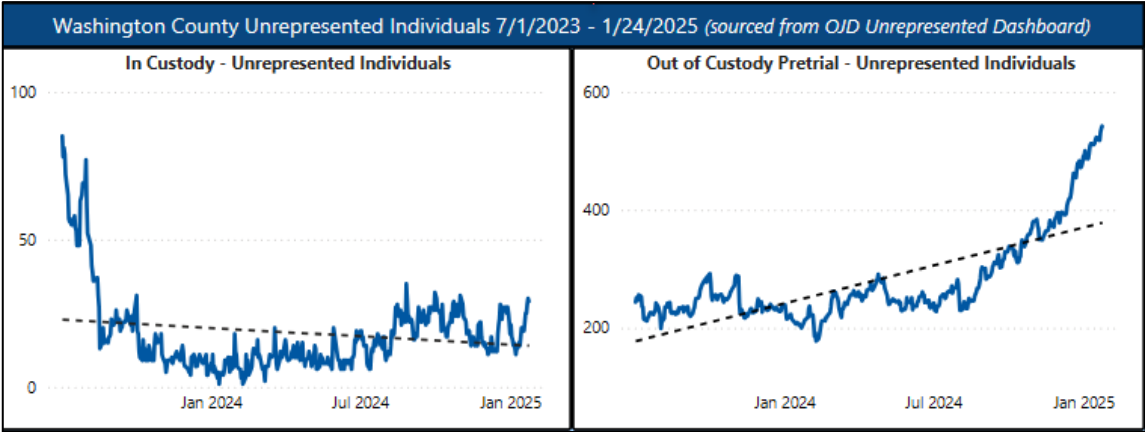


Washington

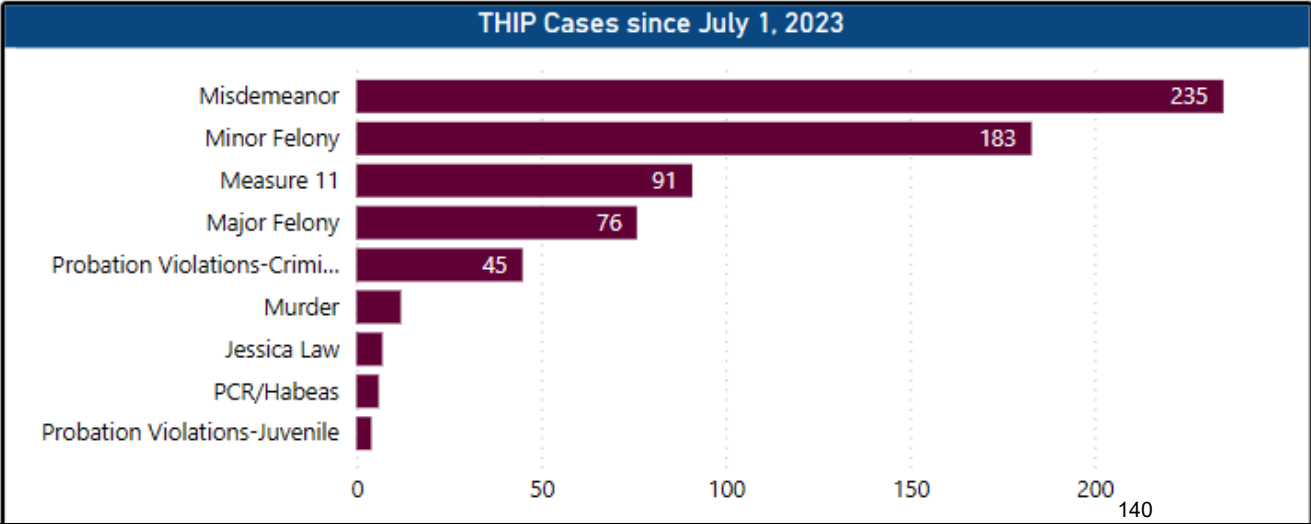
Cases Filed 2023 - 2024 **Increased by 18%.**

(Source: Oregon Judicial Department, One-Year Change in Public Defense Related Cases Filed 2023 - 2024 by Judicial District)

Criminal Contract MAC & Attrition					
Contractor Caseload Data July 2023 - December 2024					
Contractor County	Utilization Rate	Active Attorneys	Hired after 7/1/23	Departed Attorneys	Now Hourly
Washington	99.3%	66	25	17	7
⊕ Sole Proprietorship	80.6%	1		1	1
⊕ Firm	94.6%	21	10	7	3
⊕ PD	98.6%	33	12	7	3
⊕ Consortium	117.8%	12	3	3	1
Total	99.3%	66	25	17	7



16988 Contract Cases	188 State Trial Cases	657 THIP Cases
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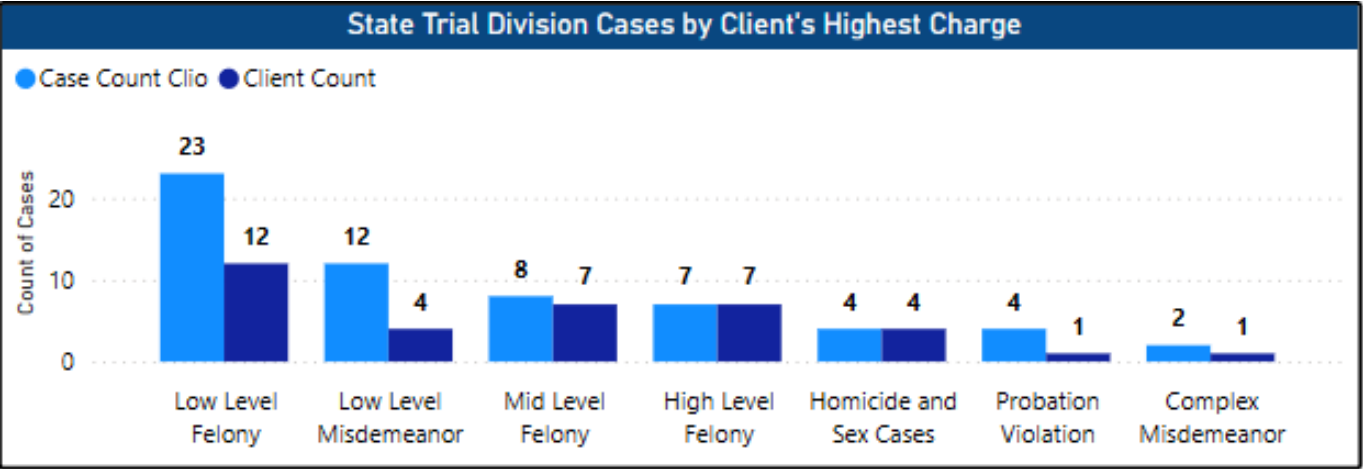
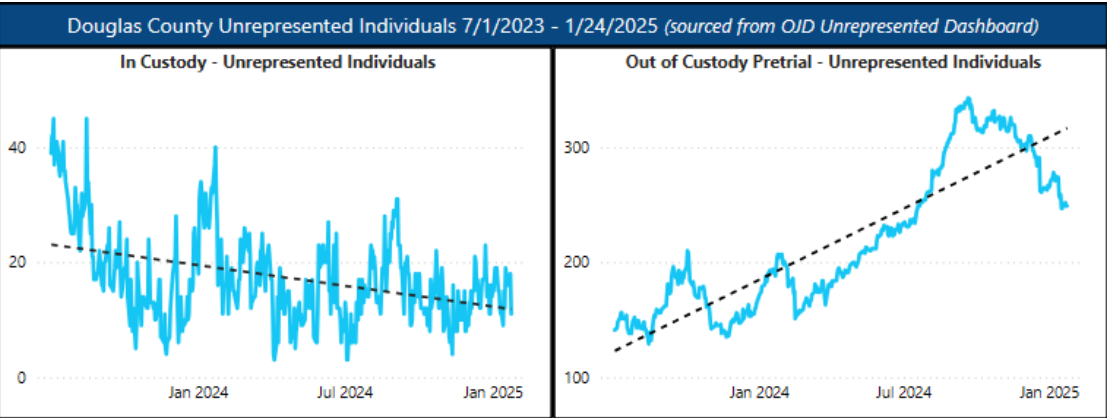


Douglas

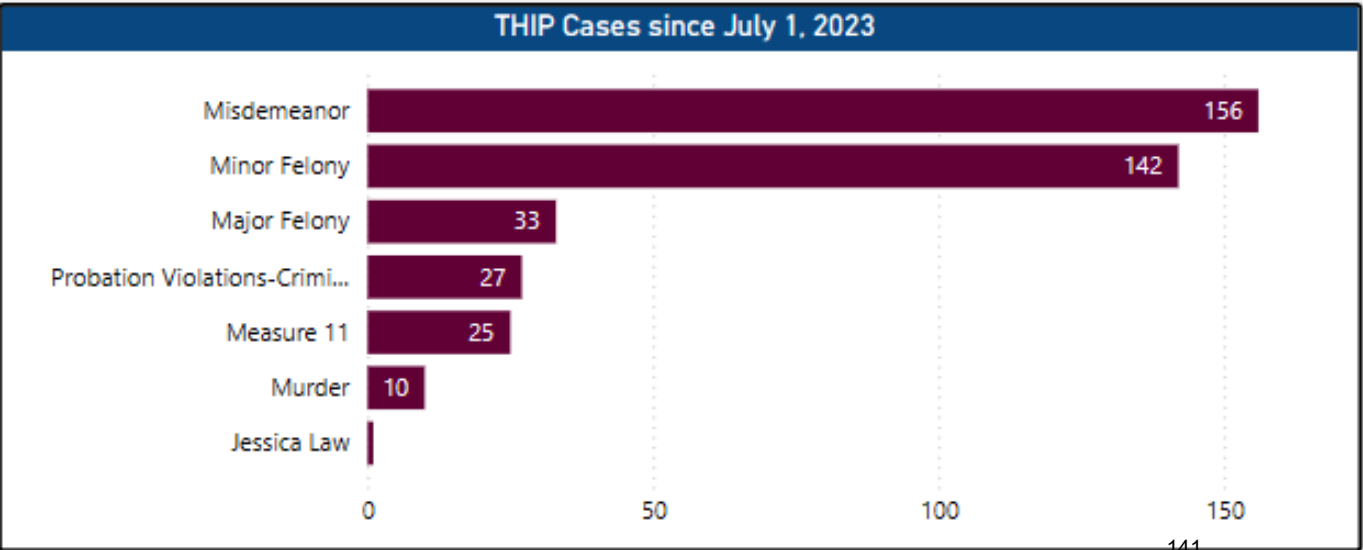
Cases Filed 2023 - 2024 **Decreased by 10%.**

(Source: Oregon Judicial Department, One-Year Change in Public Defense Related Cases Filed 2023 - 2024 by Judicial District)

Criminal Contract MAC & Attrition					
Contractor Caseload Data July 2023 - December 2024					
Contractor County	Utilization Rate	Active Attorneys	Hired after 7/1/23	Departed Attorneys	Now Hourly
⊖ Douglas	81.3%	18	6	2	2
⊕ PD	75.8%	9	5	2	2
⊕ Consortium	86.0%	4			
⊕ Firm	88.1%	7	1		
Total	81.3%	18	6	2	2



2689 Contract Cases	59 State Trial Cases	388 THIP Cases
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Coos

Cases Filed 2023 - 2024 **Increased by 3%.**

(Source: Oregon Judicial Department, One-Year Change in Public Defense Related Cases Filed 2023 - 2024 by Judicial District)

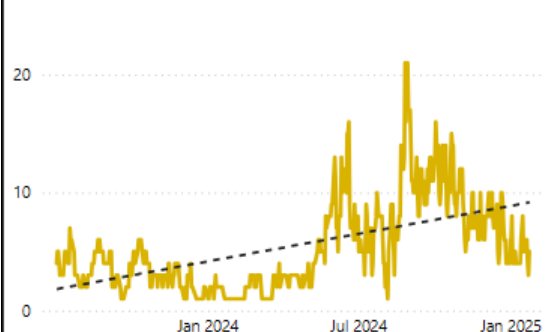
Criminal Contract MAC & Attrition

Contractor Caseload Data July 2023 - December 2024

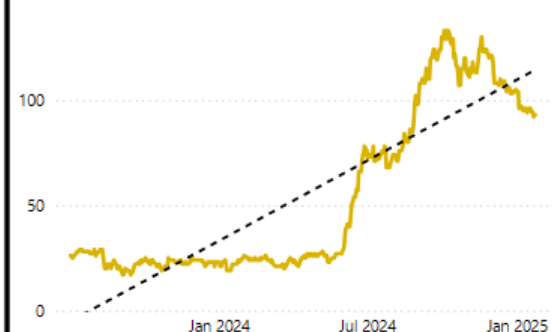
Contractor County	Utilization Rate	Active Attorneys	Hired after 7/1/23	Departed Attorneys	Now Hourly
Coos	99.5%	6	1	4	3
PD	99.5%	6	1	4	3
Total	99.5%	6	1	4	3

Coos County Unrepresented Individuals 7/1/2023 - 1/24/2025 (sourced from OJD Unrepresented Dashboard)

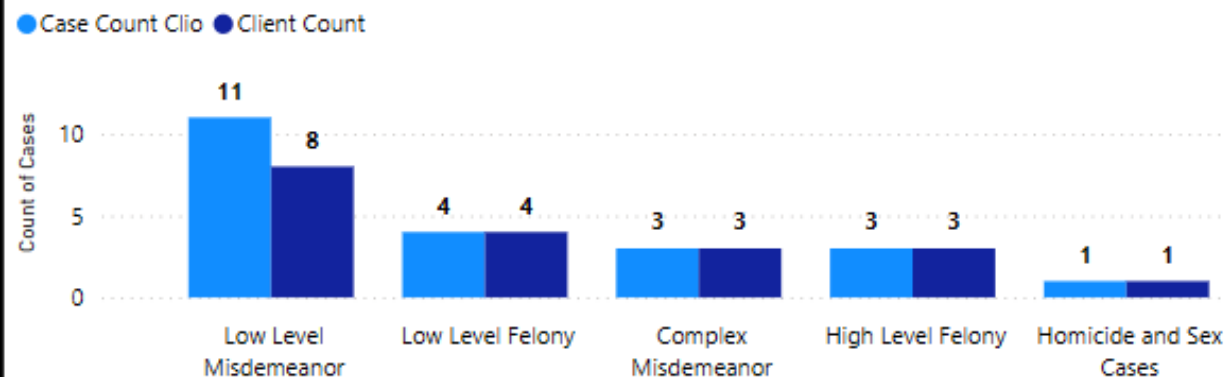
In Custody - Unrepresented Individuals



Out of Custody Pretrial - Unrepresented Individuals



State Trial Division Cases by Client's Highest Charge

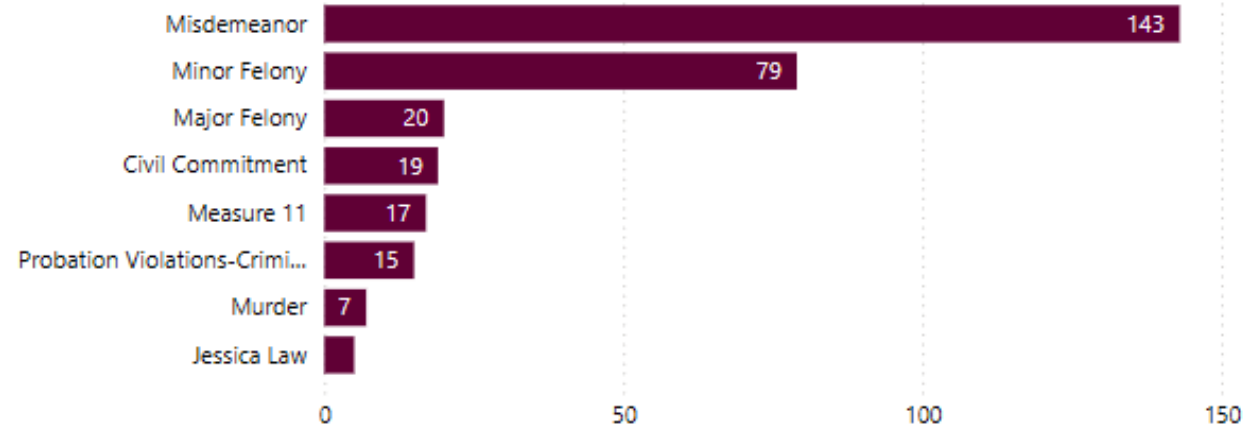


1618
Contract Cases

22
State Trial Cases

304
THIP Cases

THIP Cases since July 1, 2023



Oregon Public Defense Commission

February 19, 2025

OPDC 101 – Financial Case Management System (FCMS)



Financial & Case Management System February Status

OPDC – Financial Case Management System Project Status.

Agenda

Accomplishments
Upcoming Milestones
Risk Governance
Schedule
Budget
Project Status

Accomplishments

- 1. Moss Adams Change Management Discovery Report Findings:**
Distributed to the FCMS Executive Steering Committee and project team December 13th.
- 2. RFP Re-Statement / Pre-Proposal Questions:** OPDC included a check list of proposal requirements, as well as an exhibit of the questions and responses from the initial RFP, as part of the RFP Re-Statement. RFP Re-Statement pre-proposal questions were due February 7. OPDC received questions from previous and new prospective proposers alike. OPDC issued an extension of the proposal due date in response and published the new set of questions and responses on February 7.

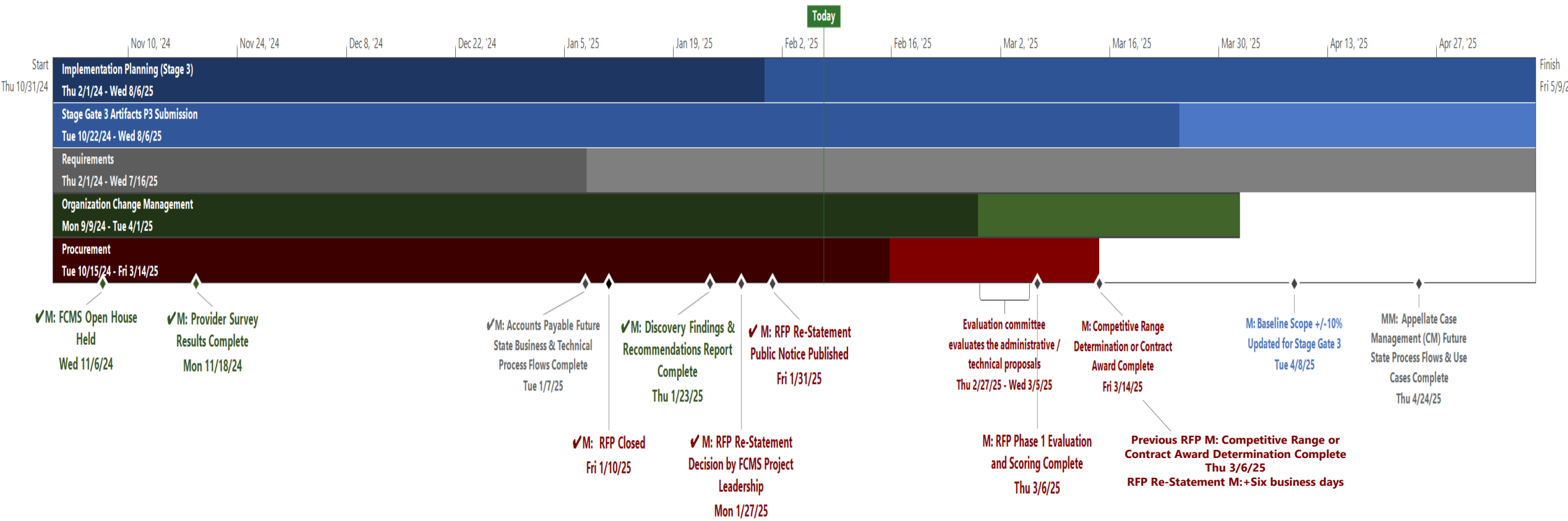
FCMS Upcoming Tasks & Milestones

	Target End Date
RFP Proposals due	2/21/2025
Proposals responsiveness review begins February 24 th and Phase 1 evaluation starts February 27 th and completes March 5 th .	3/5/2025
Competitive Range or Contract Award Determination and Associated Protest Period Completion	3/14/2025
Benefits Management Plan submission to the Department of Administrative Services Enterprise Information Services (DAS EIS) for project oversight review	3/18/2025
Appellate Case Management Future State process flows and use cases completion	4/24/2025

Risk Governance

1. **Executive Branch Transition: Procurement Impacts** – OPDC may have impacts to timeline and authority of the procurement schedule for FCMS due to the Executive Branch transition.
2. **Change Management** – OPDC has yet to secure a communications lead for Change Management which has several downstream impacts in our Change Management effort with Moss Adams due to limited resources available. Interim resources will handle procurement timeline communication for the agency as well as a newsletter.
3. **Procurement schedule** – delay of 6 business days in current Procurement Schedule due to non-compliance of proposals submitted in response to the initial RFP. This resulted in re-issuance of the RFP; a possible (greater than 3 months delay) due to time constraints with OPDC participation or other challenges in proposal evaluation or contract negotiation.
4. **IT Solution Concern** – Solutions on the market may not be sufficient to meet OPDC's needs without significant modification.
5. **There is a risk with project scope** – and thus the schedule and budget could be affected if forms to be used and/or migrated into FCMS are not accurately and fully identified.

FCMS Rolling Wave Detail Planning Timeline



Budget

1. Bond Funding Application Submitted
2. Inclusion in Recommended Governor's Budget
3. Awaiting confirmation of 13.9 million in bond funding approval

Status

FCMS Monthly Project Status Report – January

Project Status – Medium Risk *Critical Path items for Procurement Timeline allow little lag in schedule presenting timeline constraints. Executive Branch Transition impacts for Procurement Timeline concerns noted in Risk Log.

Budget Status – Medium Risk *Until Bond Funding is officially approved; status unchanged.

Schedule Status - Medium-High Risk *Procurement RFP re-issuance slightly delays the schedule. Project resources have been assigned to multiple work tracks scheduled simultaneously resulting in some resource constraints. Schedule is being assessed, and project is monitored closely to stay on track as planned.

Resources Status - Medium Risk *Change Management needs a dedicated Communications Lead which is not currently filled for FCMS. Will need to fill FCMS POP 101 Open Roles for Business Analyst, Project Manager

Scope Status - Low Risk

Q&A