

SOUTHWESTERN OREGON PUBLIC DEFENDER SERVICES, INC.

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August 14, 2026

Re: Financial Wellbeing of SWOPDS and Investments Received from OPDC

Dear Director Sanchagrin and members of the Oregon Public Defense Commission:

I am writing to inform you of the untenable financial situation of Southwestern Oregon Public Defender Services (SWOPDS). We are a non-profit public defender office serving primarily Coos County, but do assist in Douglas and Curry Counties when we are able. SWOPDS has been in operation since the mid-1980s and we are currently a 9-attorney office handling all levels of adult criminal cases except for Murder I, we also handle Juvenile Delinquency and Dependency cases, Involuntary Commitment cases and a few other case types.

Recruiting to a rural community has been very challenging at times leaving us with no applicants for open attorney positions for months at a time and necessitating our increasing attorney compensation to fill vacant positions. As costs of living in Coos County rise, I anticipate this problem will persist. Despite the increased investments the Oregon legislature has directed to public defense as a whole, very little has made it to offices like mine resulting in contracts that do not fully fund the cost of providing public defense services. Thus far for this two-year contract period alone, as of the end of July 2026, SWOPDS has lost \$47,921.22, approximately \$18,000 more than we anticipated losing for the entire contract period when we decided to sign the contract. There are many specific reasons for this, some of which are listed in the appendix, but the bottom line is that we are not and have not been fully funded for this work for years. If this continues my office will close and Coos County will lose a very valuable community resource.

I have been here for nearly 22 years and have developed relationships with many community members including clients and community partners that will be lost. My office during that time has trained more than 16 new attorneys, many of which are still in public defense today and came from out of state, and that training resource will be lost. Our institutional knowledge will be lost. When out of county attorneys need assistance, a place to have clients meet an evaluator, advice on local court practices or on how best to approach the district attorneys or what services are available they reach out to us, and that will be lost. Without a light at the end of the tunnel our office may even close before SWOPDS's savings runs out, there really isn't time to lose on this matter if Public Defense isn't prioritized dedicated lawyers are going to leave and they won't be easy or cost efficient to replace.

I appreciate your time and consideration and am happy to answer any questions you may have. I can be reached via email at Slowe@swopds.org, or via phone at 541-267-2472.

Very truly yours,

Stacey K. Lowe
Public Defender/Director, OSB# 043485

Appendix:

Reasons for our budget deficit include, but are not limited to:

- Due to our rural location, we are being killed on health insurance (\$33,768.13/month)
- OPDC funding for investigation does not cover the cost of investigation. However, if we went to hourly investigation work, it would cost the state more.
- The person we hired for a position for 1/2-time investigation, 1/2 case management was only funded for case management while she awaits her DPSST licensure for investigation. To retain her through licensure, we have to go into the red on her position.
- Our discovery clerk/legal secretary in our tiny Coquille office is only partially funded. They are needed to collect our discovery from the DA's office so that we get it in a timely manner and in case an attorney needs something done at the last minute when in trial in Coquille, roughly 30 minutes away from our office
- We need to provide raises to some attorneys this year and next or we will lose them.



METROPOLITAN PUBLIC DEFENDER SERVICES, INC.

CARL D. MACPHERSON
Executive Director

August 17, 2026

MPD Input Regarding OPDC 2027-29 Budget Planning

Dear Oregon Public Defense Commission,

MPD acknowledges that OPDC must grapple with an upcoming legislative session focused on budget constraint for the next biennium. We ask for your consideration of the following priorities for OPDC's budget, which includes current services that MPD and other non-profit public defender offices currently provide that are not fully-funded in the current service level budget:

1. Fully-fund staff investigators at provider offices

Independent investigation is ethically required in public defense cases. In order to meet this requirement, MPD and other offices employ staff investigators. OPDC contracts fund a staff investigator at a total annual cost of \$80,100 per investigator. This amount is insufficient as the average total cost for a staff investigator (salary, benefits, payroll taxes, admin/overhead etc.) is approximately \$110,000 per year. Therefore, we are subsidizing the State at a cost of \$29,900 per investigator. Given the size of MPD, and the number of staff investigators on contract, MPD is subsidizing \$777,400 annually (\$29,900 x 26 investigators) in order to provide our clients with ethically required investigation. This is neither just nor sustainable. MPD requests that OPDC consider providing the full, actual cost per investigator as a line item rather than one amount (\$80,100) regardless of salary and total cost.

2. Fully-fund administration and overhead at provider offices

The current contracts provide for a 5% administrative fee. The federal de minimis rate for administration and overhead on grants and contracts is 15%. County grants generally provide 15%. MPD's actual cost for administration and overhead is 16%. The current contract is deficient and contributes to pay disparity between MPD and other provider types. MPD requests that OPDC provide actual cost of administration and overhead for providers rather than a stagnant and deficient rate of 5% for all independent contractors. *See* ORS 151.216(1)(b)

3. Provide funding for providers that maintain legal professional support staff

Currently, contracts pay a rate per attorney based on one of four qualification levels. This payment structure leads to confusion and pay disparity. People outside of public defense often believe that the rate is the actual salary for an attorney, which is not accurate. MPD and other providers utilize that revenue to pay salary and benefits for attorneys, legal professional support staff (including legal assistants, administrative staff, data integrity staff and case managers) and associated costs (including bar dues, OCDLA dues, insurance and other related expenses). MPD would request that OPDC fund legal professional support staff for offices that provide those

services. Additionally, OPDC should consider funding paralegals, research and writing attorneys and law student interns, as they can positively impact recruitment and retention efforts.

4. Maintain and enhance training and supervision support for non-profit public defense offices

Non-profit offices are Oregon's main source of recruitment, training, supervision and mentorship for new public defenders. MPD alone has recruited and trained more than 160 lawyers in the past 7 years. Established and funded training and supervision are required to ensure ethical and effective representation. They are also critical for both recruitment and retention: new quality lawyers seek out offices that provide these resources. National trends show that recruitment and retention of public defenders is extremely challenging nationwide, not just in Oregon. They also provide support for attorneys in our demanding and challenging profession, which we know is helpful in retaining lawyers.

5. Support attorney recruitment efforts at non-profit public defender offices

As stated above, non-profit public defender offices expend significant resources on recruitment. Many of our efforts (beyond supervision and legal clinics) are not currently funded by OPDC. Recently, OPDC received funding to recruit for new trial division positions. Non-profits should also receive funding for our extensive recruitment, including funds for relocation of new and lateral attorneys. Further, MPD has calculated that our foundational training program costs \$9,000 per new attorney, which has not been funded by OPDC prior to the cohort class starting in August of 2026.

6. Reduce disparities by provider type and continue to support full-time providers

As indicated, OPDC's contracts lead to pay and resource disparities. There is a significant pay disparity between the OPDC Trial Division and non-profit employees, especially attorneys. The single-type contract contributes to the disparity. OPDC could tailor contracts by provider-type and their associated business expenses related to public defense to help reduce disparities. OPDC should also continue the movement away from the expensive and disparate hourly program. The data is clear that the contract providers represent the overwhelming majority of public defense clients in the State, but the hourly program disproportionately costs more revenue and resources including the cost of associated PAE's for it.

7. Technology: fund storage and discovery costs

With the advent of body camera video footage, cell phone extractions, audio and visual discovery etc., it has become increasingly expensive and time consuming to upload, store and access discovery. This requires both additional employees and technology. We would appreciate OPDC advocating to reallocate the money it spends paying the prosecution for discovery it is legally obligated to provide for employees to process it, and for the technology and storage of it.

Thank you for your consideration,

Carl Macpherson