

Members:

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



Nonvoting Members:

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

Executive Director:

Kenneth Sanchagrín

Oregon Public Defense Commission Workgroup

Meeting will occur virtually
Thursday, May 7, 2026
5:00 to 6:30pm
Via Zoom*

Administrative Announcement

This is a public meeting, subject to the public meeting law and it will be recorded. Discussion will only be allowed amongst Commission members and staff for the duration of this meeting. Public comment will not be allowed during this meeting.

AGENDA

Approx. Time	Item	Lead(s)
5:00-5:05	Welcome/Call to Order	Chair Harris
5:05-6:30	Possible Action Item: Guardianship Billing Policy	Colin Reingold Judge Channing Bennett
6:30 (Approximately)	***Adjourn***	

**To join the Zoom meeting, click this link: <https://zoom.us/j/93928049228>. 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.

Next meeting: **July 2, 2026, 5-6:30pm via Zoom.**

Meeting dates, times, locations, and agenda items are subject to change by the Commission; future meeting dates are posted at: <https://www.oregon.gov/opdc/commission/Pages/meetings.aspx>

Note: Agenda items not addressed or completed during this meeting will be carried over to the next scheduled meeting, unless otherwise directed by the Chair.



Date: May 1, 2026

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

Cc: Kenneth Sanchagrin, Executive Director

From: Steve Arntt, Trial Support & Development Manager

Re: 404.200.04.013 Guardianship Billing Policy

Nature of Presentation: Possible Action Item

Background:

OPDC is responsible for paying attorneys' fees for the counsel for a protected party in qualifying guardianship cases. These cases were formerly handled by Disability Rights Oregon pursuant to a flat fee contract. Beginning in the 2025-27 contract cycle, attorneys began billing the agency hourly for these cases. The majority of these attorneys handle 1 or 2 guardianship cases over the course of a contract cycle. DOJ has advised the agency that pursuant to statute, OPDC is not responsible for establishing standards or contracting with these counsel. The Courts assign qualified counsel and determines whether counsel will be paid. Traditionally, many lawyers did this work pro bono.

If the court makes a determination that the protected person has funds, then they are paid from those funds, usually through something like a conservatorship estate. If the court finds the protected person is indigent, then OPDC pays.

ORS 125.080(7)(b), establishes a process to determine when OPDC is the responsible party for legal fees in guardianship cases. The statute requires a judge to "determine that a respondent or protected person is financially eligible for appointed counsel at state expense."

The agency has received bills from providers where it is unclear whether the court has made a finding consistent with ORS 125.080(7)(b). This proposed billing policy was put forward on expedited basis because the agency identified almost 200 bills submitted to the agency by providers where no court finding that OPDC was responsible for payment had been made. The proposed policy clarifies to providers that payment cannot be made without a finding that OPDC is responsible for

payment. The policy was developed with input from providers, OJD, and probate judges. The alternative to this policy is that the agency contacts the court after each attorney submits their bill and requests a finding from the court that OPDC is responsible.

Commission Questions

At the April 15, 2026 Commission Meeting, Commissioners had a number of questions about the policy.

Those questions for which we were able to identify answers are below:

- 1) Q: What is the average amount of time this type of representation takes?
A: Although data is limited, the data we have suggests that 10-20 hours per case is a reasonable estimate. This estimate was confirmed in conversations with judges and OJD staff. At the OPDC rate of \$140/hr, these cases would cost the agency \$1400-2800.
- 2) Q: What information will OPDC require of attorneys submitting a notice that a proposed bill will exceed \$5000?
A: Per the statute (ORS 125.060), "Notice" in probate guardianship cases must include the proposed filing. The amended proposed policy asks that providers conform their proposed bills to the existing OPDC Hourly Billing and Invoice Submission Policy so that the agency has sufficient information to evaluate the proposed bill.
- 3) Q: Can the policy require that only local practitioners be appointed?
A: The agency has no role in appointment, only the court handles appointment. However, agency staff are in contact with the probate judges who are aware this is a limited budget and appointing local counsel will help preserve funds.
- 4) Q: What is the total number of cases per year, and what is the OPDC budget?
A: The OPDC budget is \$1.6 million. As of February the Agency had spent \$215,000 of that budget, though it is likely that billing on these cases has been delayed because of the volume of bills submitted without a finding that the agency is responsible.
- 5) Q: Does this program include work with children?
A: If the protected person is a child, yes. However, this is distinct from work with children in dependency or delinquency cases.

Amendments to Proposed Policy

In response to commissioner feedback, the proposed policy was amended to add the following language regarding notice and opportunity to object:

"shall include the proposed bill in a format that complies with Sections 2.1-2.3 OPDC Billing and Invoice Submission Policy 404.600.03.006."

The OPDC Billing and Invoice Submission Policy is attached for reference.

Fiscal Impact:

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

Recommendation:

Approve the 404.200.04.013 Guardianship Billing Policy.

Proposed Motion:

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

Attachments:

OPDC Billing and Invoice Submission Policy
Amended Proposed Guardianship Billing Policy

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

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

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

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

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

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

- 1) An appointment order;

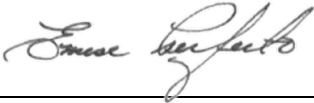
- 2) a Court approved judgment or order certifying reasonableness of costs and fees; and
- 3) an order that OPDC is the source of funds pursuant to ORS 125.080(7)(b).

Further, if the total bill for a case will exceed \$5,000, the provider must provide OPDC with 10 business days' notice prior to submitting the proposed order or proposed judgment requiring OPDC to pay. Notice must be sent to guardianship@opdc.state.or.us ~~and an opportunity to object and shall include the proposed bill in a format that complies with Sections 2.1-2.3 OPDC Billing and Invoice Submission Policy 404.600.03.006.-~~

Rates of payment are established by OPDC and updated periodically. Rates are published in OPDC's Hourly Service and Expense Rates Policy.

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



Policy Name: Billing and Invoice Submission Policy	Number: 404.600.03.006
Division: Administrative Services	Effective Date: 8/1/2025
Responsible Section: Accounts Payable	
Approved by: The Commission	Approval Date: 7/16/2025

PURPOSE: Establishes eligibility criteria and timeframes for which payment of billings will be processed.

AUTHORITY: ORS 151.216, 151.225(1)(c), 419A.211, 419B.201, 419B.518, 419C.206

APPLICABILITY: This policy applies to all reimbursement requests submitted to the Oregon Public Defense Commission (OPDC), including:

- Hourly billing
- Routine expenses
- Pre-Authorized Expenses (PAE)

POLICY:

SECTION 1 – STANDARDS FOR REIMBURSEMENT

1.1 Review and Approval

The OPDC Executive Director or designee will review all submissions to determine whether billed hours and expenses are reasonable, necessary, and properly payable from public defense funds.

1.2 Scope of Compensation

OPDC will reimburse only for legal services directly related to a specific case appointment. OPDC will not compensate for:

- Invoice or payment request preparation

- Timekeeping or administrative overhead, see Pre-Authorized Expenses policy, section 2.2 Overhead Expenses.
- Seminars, continuing learning education (CLE), or professional development unless previously authorized by OPDC. Provider must submit in writing for authorization
- General office or career management

1.3 Submission Method

Invoices must be submitted electronically using the OPDC [online Invoice Submission Form](#)

The following must be included:

- Legal service fees
- Out-of-pocket expenses
- Related travel and mileage expenses
- All relevant receipts and authorizations
- Vendor number

Witness subpoena billing is **NOT** submitted electronically and must instead be emailed or mailed to OPDC.

The following must be included:

- Copy of the subpoena
- Verification of attendance (if applicable)
- Contact information via email or telephone number

1.4 Invoice Frequency and Deadlines

- Attorneys are encouraged to submit invoices every 30 days
- Hourly billing for attorneys should be submitted once the cumulative total reaches five hundred dollars (\$500) or every 90 days
- Routine expenses should be submitted every 90 days or when they total \$100 or more
- Final invoices for attorney billing must be submitted within 180 days of case closure. Invoices received after the 180 days of case closure will be paid at the discretion of the OPDC
- Exceptions to the minimum billing amount on hourly attorney billings:
 - Final billing on the case
 - The client enters into a program or agreement which delays final adjudication
 - The client fails to appear, or the court issues a warrant
 - The court determines the client is unable to aid and assist

- Service providers must submit billing related to PAE authorizations by the expiration date listed on the authorization

SECTION 2 INVOICE REQUIREMENTS

2.1 Required Information

Each invoice must include:

- Vendor name, remittance address, vendor number, and contact details
- Case numbers/client identifiers (victim names must not be included)
- Invoice number, invoice period (service date range), invoice date and grand total
- Detailed time records including:
 - Individual service dates (MM/DD/YYYY — date ranges not allowed)
 - Description of work performed
 - Time spent in tenths or hundredths of an hour
 - Hourly rate and charge per entry, or flat rate if applicable

2.2 Out-of-Pocket and Travel Expenses

- Expenses must be listed with receipts attached, unless:
 - Parking or postage expenses are twenty-five dollars [\$25] or less
- Travel/mileage must include:
 - Dates of travel, departure/destination location
 - Total miles traveled
 - Lodging, meals, and other expenses (receipts required except for mileage and meal allowance)

If using the **Travel and Mileage Worksheet**, detail should not be duplicated on the invoice. The worksheet may be submitted in lieu of an invoice only when no other services or expenses are billed for the period.

2.3 Invoice Format and Restrictions

- Only one invoice per client per invoice period may be submitted.
- Multiple clients per invoice is allowed only for:
 - Routine interpretation services
 - Contract vendors submitting Routine Expenses
- Contract Counsel must use the Contract Counsel Routine Expense Worksheet.
- Interpreters may use the Interpreter Worksheet in place of a separate invoice for service fees.
- Investigators, Paralegals and Case Managers may use the Routine Records Reimbursement Worksheet in place of a separate invoice when billing for routine client records obtained on behalf of the attorney.

2.4 Invoice Submission Portal Requirements

All invoice submissions through the OPDC online form must include:

- Completion of all required fields
- Upload of supporting documentation, including:
 - The invoice
 - Expense summary (if not included on the invoice)
 - Receipts
 - Any applicable Pre-Authorized Expense (PAE) authorization form
- The invoice total must match the total reported in the form.
- If a billing submission is rejected for not meeting the minimum requirements, please email AccountsPayable@opds.state.or.us to request your original place in the payment queue.

2.5 Late Billing and Invoice Submissions and Expired PAE's

If a billing has not been submitted within the timelines outlined in the policy, an exception must be requested. Documentation outlining the reason for the request must be attached, including the extenuating circumstances that arose from the billing not being submitted. If the request is not attached to the billing, the billing will be rejected.

2.6 Adjustments

If the invoice is denied or an amount different from the original invoice is paid, OPDC will generate a Notice of Adjustment when the amount is \$10.00 or more. The provider may submit an additional invoice with the missing documentation or information in order for OPDC to make payment. The invoice submission will submit into the normal payment queue in the order received.

2.7 Reconsideration

If the provider requests to dispute the Notice of Adjustment or any adjustment, a Request for Reconsideration must be submitted via email at AccountsPayable@opds.state.or.us.

A Reconsideration Request must include:

- Subject line of the email must state Reconsideration Request.
- Attached copy of the email Notice of Adjustment (if applicable) and;
- Supporting documentation or rationale for the reconsideration.

The request will be reviewed by the Reconsideration Panel for consensus of approval or denial within 10 business days. Reconsideration Requests are NOT for policy OR rate disputes and will NOT be considered. If the reconsideration is the result of any adjustment involving a PAE authorization, the attorney will need to submit a new PAE request for the services or expenses that were not able to be paid under that authorization.

2.8 Compliance and Enforcement

Incomplete or non-compliant invoices may be returned for correction or denied. OPDC reserves the right to request clarification or supporting documentation and may audit billing submissions to ensure adherence to this policy.

2.9 Confidentiality

In order for OPDC to carry out its obligation under ORS 135.055(9)(10), ORS 40.225(5), ORS 192.355(4), and ORS 151.216, it is necessary for OPDC to receive information that may be confidential or privileged, or both.

ORS 135.055(9) prohibits disclosure of requests and administrative orders for pre-authorization of non-routine fees and expenses, and billings for such fees and expenses, to the district attorney before the conclusion of the case. ORS 135.055(10) permits disclosure to the district attorney of the total amount of moneys determined to be necessary and reasonable for non-routine fees and expenses at the conclusion of the trial in the circuit court.

ORS 40.225(5) provides that the lawyer-client privilege is maintained for communications made to OPDC for the purpose of seeking pre-authorization for, or payment of, non-routine fees or expenses.

ORS 192.355(4) exempts from disclosure under the Public Records Law information submitted to a public body in confidence and not otherwise required by law to be submitted, where such information should reasonably be considered confidential, the public body has obliged itself in good faith not to disclose the information, and when the public interest would suffer by the disclosure.

- OPDC will keep confidential all information regarding the cost of representation of a client and billings in a particular case, except as follows:

- OPDC may release, upon request at the conclusion of the case, the total amount of money paid for representation in the case.
- OPDC shall disclose information regarding the cost of representation and billing requests in a particular case to:
 - Counsel who represents or represented the Client in the case.
 - Counsel who represents the Client in a matter arising out of a particular case.
 - To the client, upon written request from the Client, except that OPDC shall not disclose information to the Client that it is prohibited from disclosing under state or federal law.
- OPDC may disclose to appropriate authorities' information regarding the cost of representation and billing requests when such information is reasonably believed to be evidence of, or relevant to, alleged criminal activity on the part of the court-appointed Counsel or other OPDC paid Providers.
- OPDC may disclose information regarding the cost of representation and Pre-Authorized Expense requests in a particular case in response to a subpoena for records following the conclusion of the case if the court issues a protective order.
- OPDC shall disclose information regarding the cost of representation and Pre-Authorized Expense requests as otherwise required by law.

This policy does not prohibit OPDC from disclosing statistical information that cannot be identified with any particular case.

Approved by: OPDC

Prepared by: Accounts Payable

Reviewed by: Policy Division

Publish: Internally and Externally