Members:

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

OPDC Oregon Public Defense Commission

Nonvoting Members:

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

Executive Director:

Kenneth Sanchagrin

Oregon Public Defense Commission
*Meeting will occur virtually via Zoom.**
Wednesday, September 16, 2026
9:00 AM – approx. 12:15 PM PST

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

AGENDA

Approx. Time	Item	Lead(s)
9:00-9:05	**Welcome – Call to Order**	Chair Harris
9:05-9:20	**Public Comment**	
9:20-9:45	**Update:** Director's Update • Unrepresented Persons in Oregon Courts • Upcoming Meeting Dates • Legislative Days o Attachment: OPDC Status Report II • Oregon Administrative Rules	Ken Sanchagrin
9:45-10:15	**Update:** Financial Case Management System	Baker Tilly

10:15-11:00	**Briefing:** Annual Performance Progress Report (Key Performance Measures) • Annual Customer Service Survey • Board Best Practices Survey Results	Kim Freeman Vice Chair Mandiberg
11:00-11:30	**Briefing:** Programmatic Updates: Reduced Caseload Program and Supervised Practice Portfolio Examination (SPPE) Program	Defense Services Division
11:30-11:45	**Update:** OPDC Audit Committee	Vice Chair Mandiberg
11:45-12:15	**Discussion:** OPDC Budget: Pre-Authorized Expenses and Court-Mandated Expenses	Ken Sanchagrin
12:15 (Approximately)	**Adjourn**	

**To join the Zoom meeting, click this link: https://zoom.us/j/99841853818. This meeting is accessible to persons with disabilities or with additional language service needs. Our Zoom virtual meeting platform is also equipped with Closed Captioning capabilities in various languages, which agency staff can assist you with setting up ahead of meetings.*

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

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

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

*Next meeting: **October 21, 2026, 9am – 2pm via Zoom.** Meeting dates, times, locations, and agenda items are subject to change by the Commission; future meetings dates are posted at: https://www.oregon.gov/opdc/commission/Pages/meetings.aspx.*

STATEWIDE

Unrepresented Report
August 2026

Unrepresented Numbers

Statewide, there were 1,104 unrepresented individuals as of August 31, 2026, including adults and juveniles in and out of custody, post-disposition, and non-criminal cases. This is an increase of 34, or 3.2%, since July 31, 2026. In-custody individuals increased by 7 in August compared to July.

Category	8/31/25	7/31/26	8/31/26
Out-of-Custody	2,798	872	908
In-Custody	161	84	91
Probation Viol.	219	38	44
Non-Criminal	87	76	61
Total	**3,265**	**1,070**	**1,104**

Caseload Capacity

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

Provider Type	Total Cases	Monthly Cases	MAC Utilization
Contractors[1]	**74,888**	**7,961**	**93.8%**
Consortia	32,953	3,307	93.8%
Individuals/Firms	13,436	1,541	101.0%
Non-Profits	28,499	3,113	91.0%
OPDC Trial Div[2]	**2,733**	**134**	**95.5%**
Central Valley	1,018	70	93.6%
Northwest	583	21	83.6%
Southern	1132	43	111.1%

[1] OPDC Criminal Contract Data, Oct. 2025-July 2026
[2] Oregon Trial Division, MAC excludes Chiefs, July 2025-August 2026

Case Assignments

OPDC assignment coordinators identified counsel for 611 unrepresented cases statewide, including 120 cases subject to *Betschart*, in August. Below are case assignments made by OPDC staff for unrepresented cases in August 2026.

Provider	July	August	Total Since 7/1/25
Contractor	149	158	1,559
Hourly	403	430	6,855
OTD	32	24	811
Total	**580**	**611**	**9,100**

Unrepresented Trends

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

Figure 1: Pretrial Unrepresented Cases & Individuals
Source: OJD Unrepresented Data

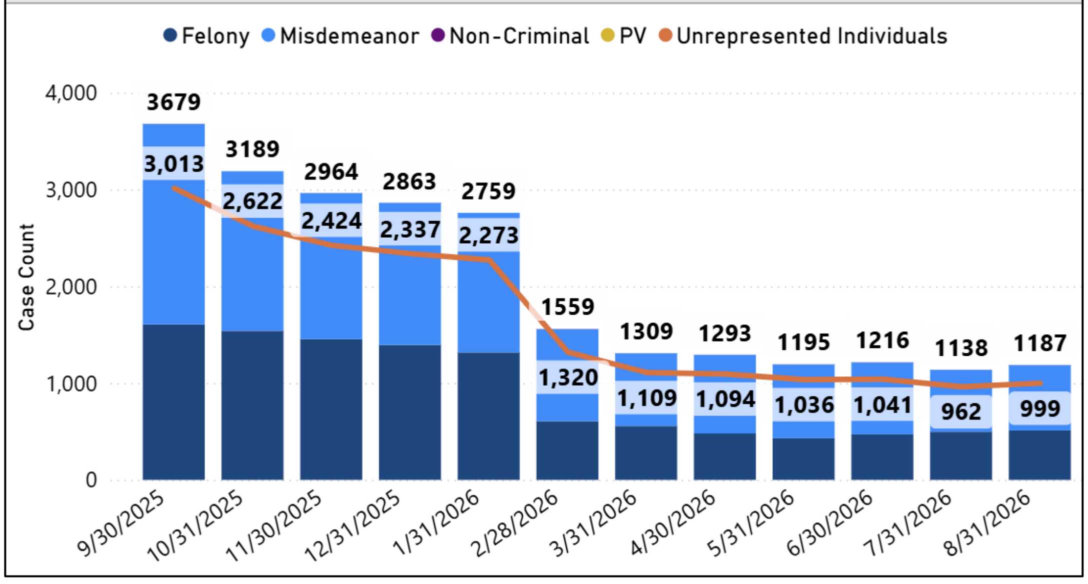
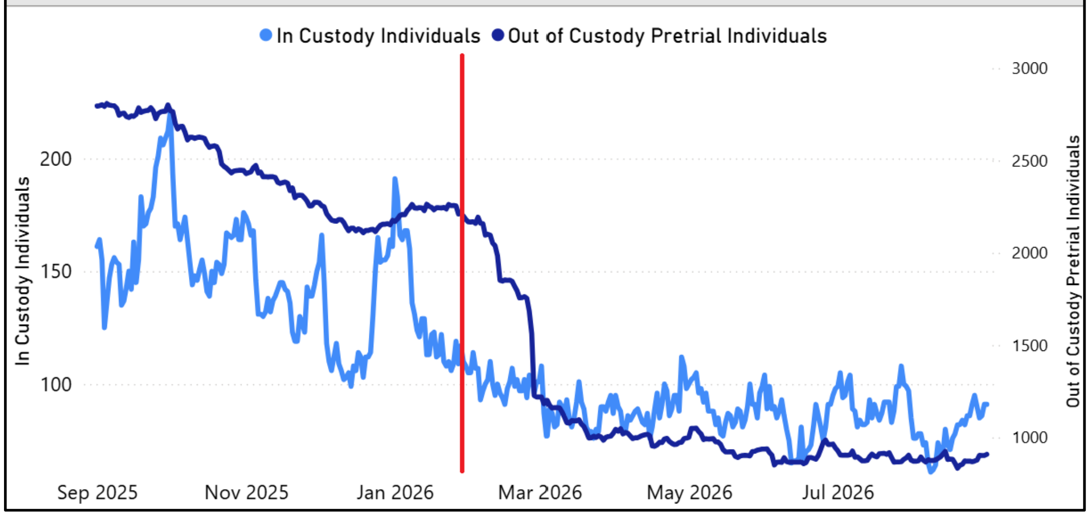


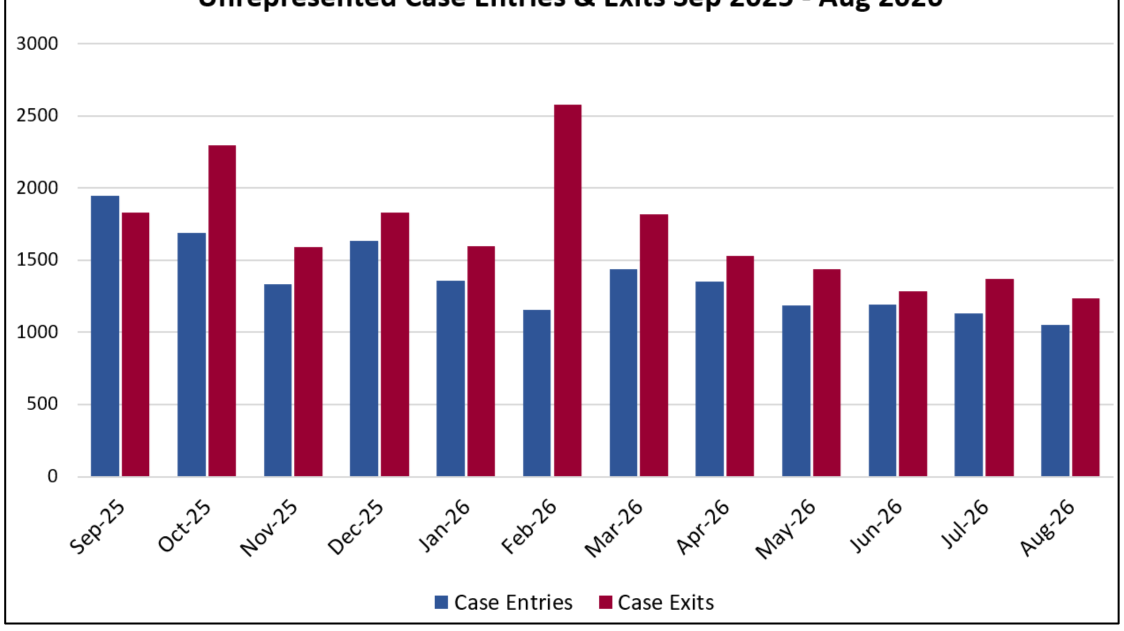
Figure 2: Pretrial Unrepresented Individuals Trends
Source: OJD Unrepresented Data



Entries and Exits

In the past 12 months 16,479 cases entered unrepresented status and 20,399 cases exited unrepresented status. Cases can enter and exit unrepresented status multiple times. There have been more exits than entries in 11 of the past 12 months.

Unrepresented Case Entries & Exits Sep 2025 - Aug 2026



ROBERTS IMPACT

On February 5, 2026, the Oregon Supreme Court ruled in *State v. Roberts* that trial courts must dismiss – without prejudice – criminal cases against defendants who have been unrepresented for more than 60 consecutive days in a misdemeanor case and 90 consecutive days in a felony case. Through the end of August, 2,296 unrepresented cases were dismissed statewide due to *Roberts*. Initially, there was a large number of *Roberts* dismissals in February, culminating during the week of February 23. Since the initial wave of *Roberts* dismissals, the number of dismissals has declined and appears to be stabilizing (see Table 1 below).

Impact on Unrepresented Cases

Roberts dismissal data is reported at the case level, not the individual level. As there is no 1:1 relationship between *Roberts* case dismissals and unrepresented individuals, we measure *Roberts* dismissals against case exits for other reasons, such as identifying counsel or other dismissals not related to *Roberts*.

Figure 1: Monthly Case Entries & Exits after Roberts

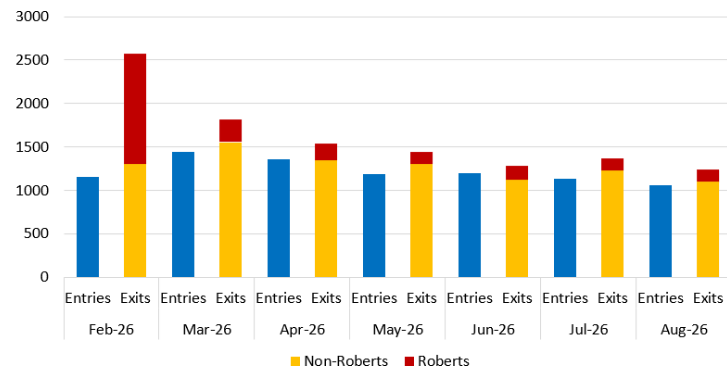


Figure 1 reports cases entering and exiting the unrepresented list between February and August 2026, along with the proportions of those exits attributable to *Roberts*. As shown in Table 1, during that timeframe, 11,259 unrepresented cases exited the unrepresented list, 2,296 of which were due to *Roberts* dismissals, or approximately 20%. Since February, the share of Roberts dismissals has fallen substantially. Crisis counties saw higher proportions of *Roberts* exits than non-crisis counties, with the highest concentration of *Roberts* dismissals being found in Multnomah County.

Table 1. Cases Exiting the Unrepresented List Between 2/1/26 - 8/31/26

County	Total Exits Since 2/01/26	Monthly *Roberts* Dismissals							Total *Roberts* Dismissals	% of Exits Due to *Roberts*
		Feb	March	April	May	June	July	Aug		
Multnomah	3,292	736	128	91	64	116	75	82	1,278	39%
Washington	2,401	232	81	68	33	10	7	0	431	18%
Jackson	1,967	215	36	21	19	16	16	22	343	17%
Douglas	1,710	78	17	9	23	26	43	31	227	13%
All others	1,889	15	0	1	1	0	0	0	17	1%
Total	**11,259**	**1,276**	**262**	**190**	**140**	**168**	**141**	**135**	**2,296**	**20%**

Of the dismissed cases, 46% were Misdemeanors, 36% were C Felonies, 10% were probation violations, and 7% were B Felonies. Less than 1% were A Felonies, Unclassified Felonies, or Contempt charges.

Case Refiles

Roberts cases are dismissed without prejudice. Monitoring the number and rate of *Roberts* refiles is important for understanding both the impact of *Roberts* on case outcomes, as well as the impact on public defense workloads going forward. Table 2 reports *Roberts* refiles by case type and the percentage of those refiles that return to the unrepresented list for each crisis county as well as statewide. Of the 2,296 Roberts dismissals, 529 have since been refiled as of the end of August. Of the 529 cases refiled statewide, 16% are on the unrepresented list as of August 31, 2026.

Table 2. Roberts Dismissals and Refiles by Case Type

County	Total Roberts Dismissals	Total Roberts Refiles	Roberts Refiles by Case Type				% of Roberts Dismissals Refiled	Refiles Unrep. on 8/31/26	% of Refiles Unrep. on 8/31/26
			Misdo	C Fel	A/B Fel	Other			
Multnomah	1,278	232	10	166	56	-	18%	34	15%
Washington	431	91	24	57	10	-	21%	0	0%
Jackson	343	70	49	13	5	3	20%	11	16%
Douglas	227	134	102	23	4	5	59%	38	28%
All Others	17	2	1	1	-	-	12%	0	0%
Total	**2,296**	**529**	**186**	**260**	**75**	**8**	**23%**	**83**	**16%**

SPECIAL RESOLUTION DOCKETS

Across Oregon, local courts use special resolution dockets (SRD), to quickly and efficiently resolve appropriate cases. These dockets differ in name, focus, and process. Some, like Jackson County's Early Disposition Docket or Multnomah County's Rapid Resolution Docket, intervene early to prevent cases from reaching the unrepresented list, reducing the number of unrepresented individuals by decreasing new case inflow. Others, like Marion County's Early Resolution Docket, aim to remove individuals already on unrepresented lists.

The OPDC Trial Division staffs these dockets and recently enhanced this work by creating a dedicated special resolution docket team of three attorneys and three support staff. SRD attorneys are committed to getting the best outcome for their clients and resolve cases only after careful consultation with their clients.

This report focuses on special dockets created in crisis jurisdictions since the release of the 12-month plan. However, other special dockets exist elsewhere in the state and lead to beneficial outcomes in crisis and non-crisis jurisdictions. Washington County, for example, has operated a special docket since 2007.

Impact of Special Resolution Dockets

1,012 cases have gone through the Coos, Jackson, Marion, and Multnomah resolution dockets; of those, 521 have been resolved, 118 are pending, and 373 were not resolved.

County	Case Count	Resolved
Coos*	127	49
Jackson	464	281
Marion*	122	65
Multnomah	299	126
Total	**1,012**	**521**

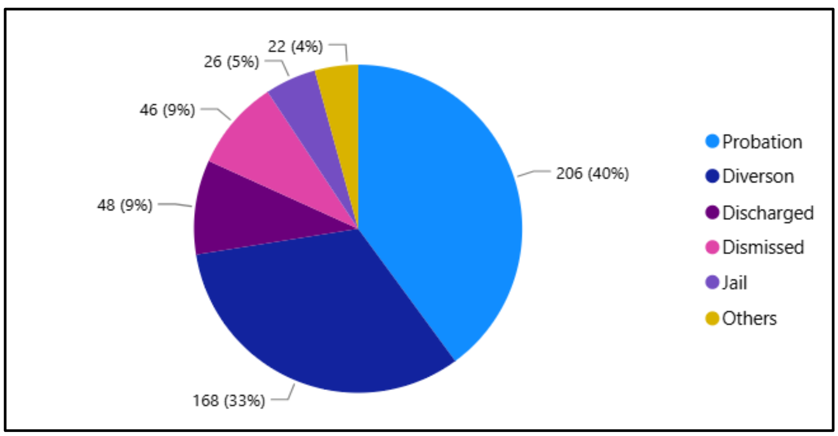
*SRDs concluded due to lack of cases

SRDs typically target low-level, non-person charges. Of the 1,012 cases, approximately 6.9% were probation violations, 61.6% were misdemeanors, 29.3% were minor felonies, and 2.1% were major felonies. Some case categories are not available for Coos and Marion counties.

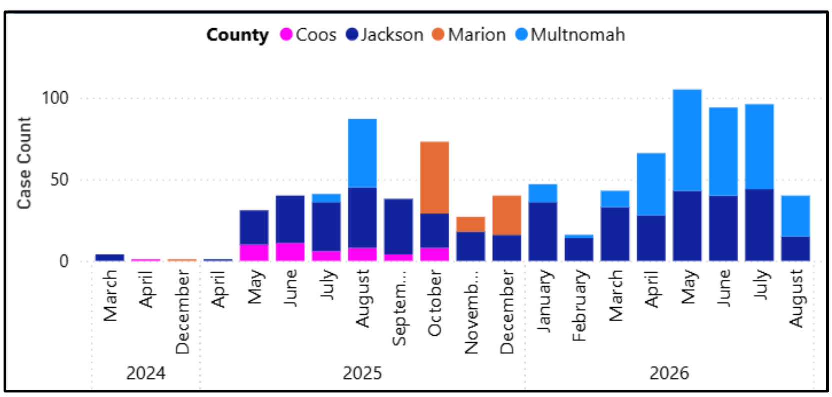
Of the 521 resolved cases, approximately 40% of defendants received probation, 33% entered diversion programs, either DUII diversion or DA conditional diversion, 9% were discharged, and 9% were dismissed, and 5% of defendants received jail time. Less than 4% resolved in another manner, including reduction to violation, continued or revoked, transfer to specialty court, or sentencing to the Department of Corrections.

Of the 373 cases not resolved through the SRD, counsel withdrew on 279 cases. 95% of the withdrawals were in Coos, Jackson, and Marion counties, where the defendant opted out of the docket and chose to wait for a court-appointed attorney. 94 cases were assigned to an OTD attorney to move forward outside the SRD.

SRD Case Sentencing



SRD Cases by County Over Time



DOUGLAS

Unrepresented Report

August 2026

Unrepresented Numbers

Between July and August, the number of in-custody individuals increased by 2, and out-of-custody pretrial individuals decreased by 11, or 7.2%.

Category	8/31/25	7/31/26	8/31/26
Out-of-Custody	237	152	141
In-Custody	3	4	6
Probation Viol.	6	1	9
Non-Criminal	6	0	4
Total	**252**	**157**	**160**

Providers

Douglas county has four attorneys participating in the Exceed MAC Program. Contractors took 159 cases in July and are currently at 94.2% MAC utilization.

Provider Type	MAC Utilization
Consortia	94.5%
Firms/Individuals	78.1%
PD	99.4%
All	**94.2%**

OPDC Actions

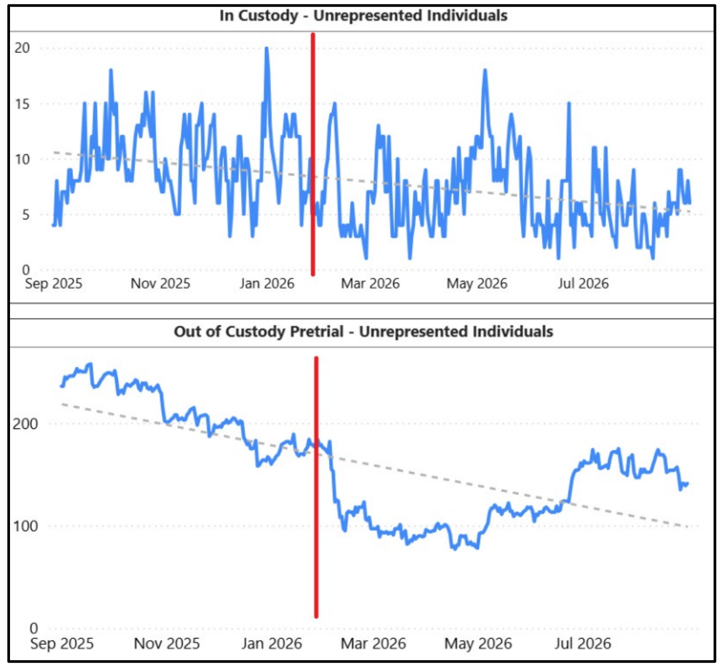
Since July 1, 2025, OTD has taken 55 cases in Douglas County. In August, OPDC assignment coordinators identified counsel for 88 unrepresented cases, including 14 cases subject to *Betschart*.

Roberts Impact

Douglas County has refiled 59% of the cases dismissed under *Roberts*, which is above the 12-21% refile rate in the other crisis counties. Of the 227 *Roberts* dismissals, 134 have been refiled. 28% of *Roberts* refilings have gone on the unrepresented list as of the end of August, compared to 0-16% in other counties.

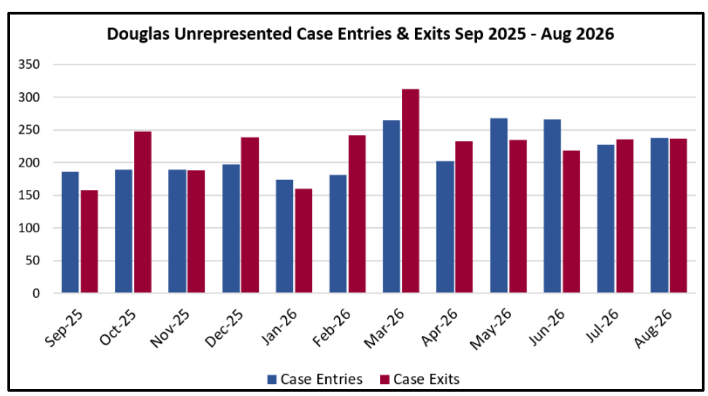
Unrepresented Trend Lines

The total number of unrepresented individuals is down by 36.5% compared to August 31, 2025. The red line indicates the date the *Roberts* decision was released.



Entries and Exits

In the past 12 months in Douglas County, 2,582 cases entered unrepresented status, and 2,703 cases exited unrepresented status. The county has seen more exits than entries in 6 of the past 12 months.



JACKSON

Unrepresented Report

August 2026

Unrepresented Numbers

Between July and August, the number of in-custody individuals increased by 4, and out-of-custody pretrial individuals increased by 12, or 6.9%.

Category	8/31/25	7/31/26	8/31/26
Out-of-Custody	449	173	185
In-Custody	16	10	14
Probation Viol.	63	21	20
Non-Criminal	20	9	3
Total	**548**	**213**	**222**

Providers

Jackson County has nine attorneys participating in the Exceed MAC Program. Contractors took 309 cases in July and are at 99.6% MAC utilization.

Provider Type	MAC Utilization
Consortia	99.4%
Firms/Individuals	106.5%
PD	99.6%
All	**99.6%**

Oregon Trial Division

Since July 1, 2025, OTD has taken 1,003 cases in Jackson County. For the month of August 2026, the OTD Southern regional office took 37 cases in the county.

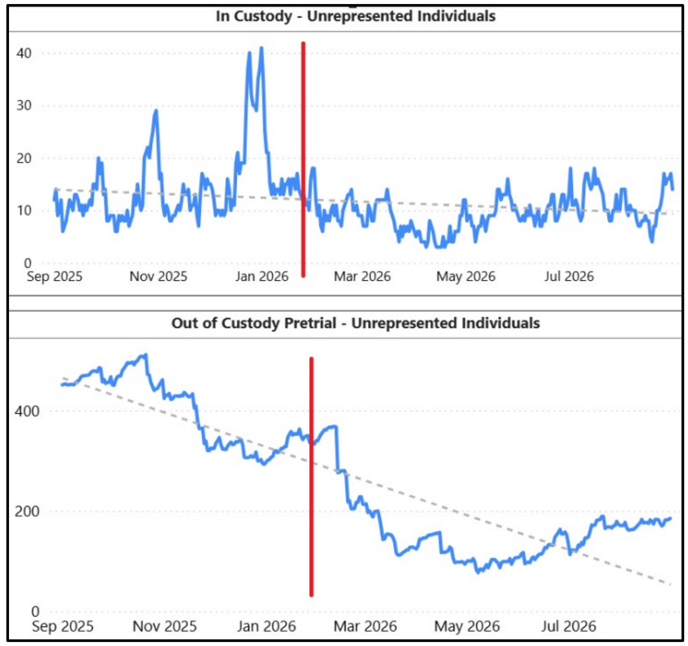
Case Assignments

In August, OPDC assignment coordinators identified counsel for 125 unrepresented cases, including 13 cases subject to *Betschart*. Below are unrepresented case assignments made by OPDC.

Provider Type	July	August	Total Since 7/1/25
Contractor	10	51	190
Hourly	12	61	348
OTD	12	14	104
Total	**34**	**125**	**631**

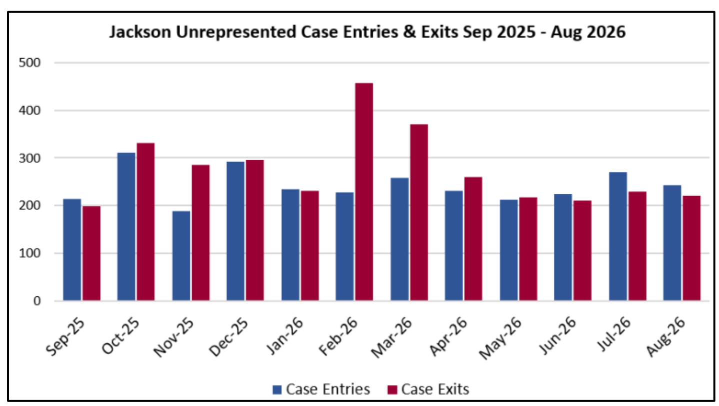
Unrepresented Trend Lines

The total number of unrepresented individuals is down by 60% compared to August 31, 2025. The red line indicates the date the *Roberts* decision was released.



Entries and Exits

In the past 12 months in Jackson County, 2,908 cases entered unrepresented status, and 3,310 cases exited unrepresented status. The county has seen more exits than entries in 7 of the past 12 months.



MULTNOMAH

Unrepresented Report

August 2026

Unrepresented Numbers

Between June and July, the number of in-custody individuals increased by 4, and out-of-custody pretrial individuals increased by 93, or 24.2%.

Category	8/31/25	7/31/26	8/31/26
Out-of-Custody	1,190	384	477
In-Custody	56	55	59
Probation Viol.	22	11	9
Non-Criminal	2	-	-
Total	**1,270**	**450**	**545**

Providers

Multnomah County has two attorneys participating in the Exceed MAC Program. Contractors took 987 cases in July and are at 89.2% MAC utilization.

Provider Type	MAC Utilization
Consortia	85.3%
DRO	73.7%
MPD	93.3%
MDI	87.4%
All	**89.2%**

Oregon Trial Division

Since July 1, 2025, OTD has taken 790 cases in Multnomah County.

Region	July	August	Total Since 7/1/25
Central	76	60	342
Northwest	39	20	448
Total	**115**	**80**	**790**

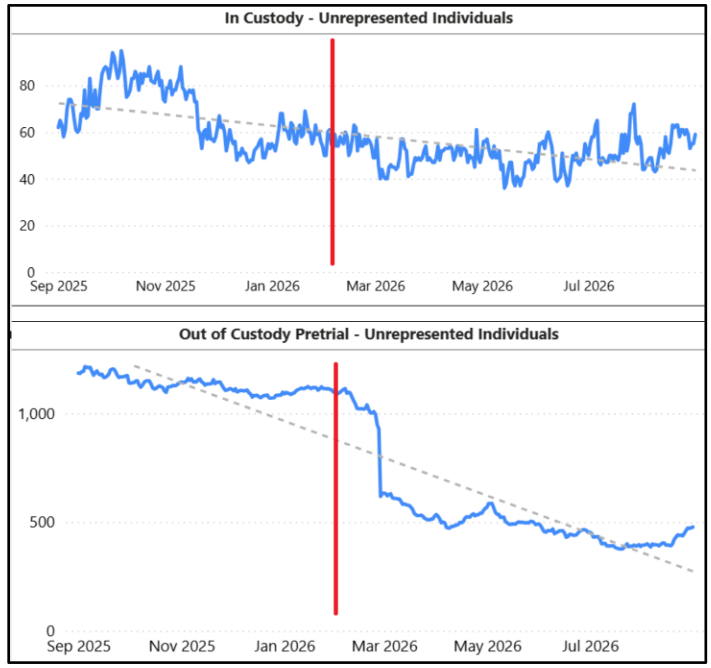
Case Assignments

In August, OPDC assignment coordinators identified counsel for 160 unrepresented cases, including 75 cases subject to *Betschart*. Below are unrepresented case assignments made by OPDC assignment coordinators in August.

Provider Type	July	August	Total Since 7/1/25
Contractor	15	16	143
Hourly	194	140	1,538
OTD	7	4	246
Total	**216**	**160**	**1,911**

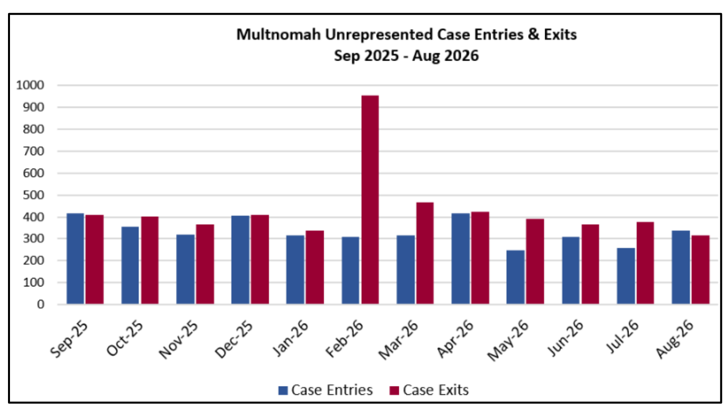
Unrepresented Trend Lines

The total number of unrepresented individuals is down 57% compared to July 31, 2025. The red line indicates the date the *Roberts* decision was released.



Entries and Exits

In the past 12 months in Multnomah County, 3,999 cases entered unrepresented status, and 5,212 cases exited unrepresented status. The county has seen more exits than entries in 10 of the past 12 months.



WASHINGTON

Unrepresented Report
August 2026

Unrepresented Numbers

Between July and August, the number of in-custody individuals decreased by 3, and out-of-custody pretrial individuals decreased by 62, or 41.1%.

Category	8/31/25	7/31/26	8/31/26
Out-of-Custody	506	151	89
In-Custody	42	11	8
Probation Viol.	28	4	4
Non-Criminal	1	0	0
Total	**577**	**166**	**101**

Providers

Washington County has seven attorneys participating in the Exceed MAC Program. Contractors took 1,264 cases in July and are at 102.1% MAC utilization.

Provider Type	MAC Utilization
Consortia	109.9%
Firms/Individuals	108.3%
PD	95.7%
All	**102.1%**

Oregon Trial Division

Since July 1, 2025, OTD has taken 156 cases in Washington County.

Region	July	August	Total Since 7/1/25
Central	3	0	54
Northwest	5	2	102
Total	**8**	**2**	**156**

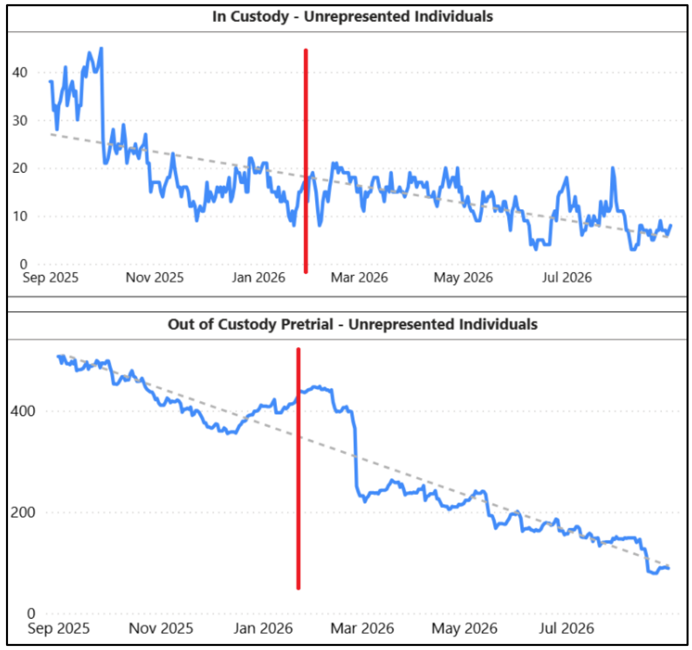
Case Assignments

In August, OPDC assignment coordinators identified counsel for 143 unrepresented cases, including 10 cases subject to *Betschart*. Below are unrepresented case assignments made by OPDC assignment coordinators in August.

Provider Type	July	August	Total Since 7/1/25
Contractor	37	27	220
Hourly	106	111	1,330
OTD	0	0	124
Total	**143**	**138**	**1,659**

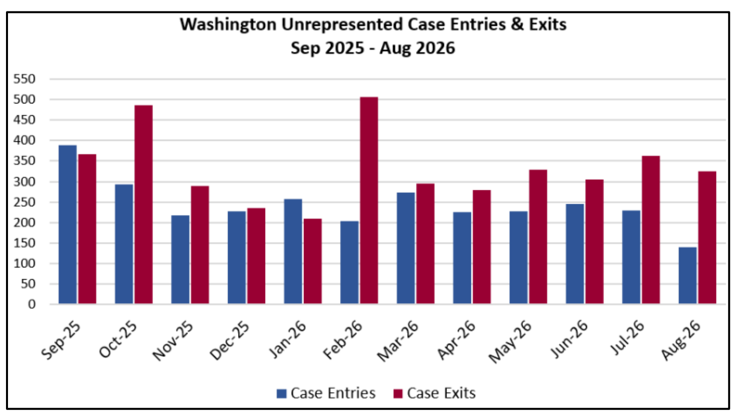
Unrepresented Trend Lines

The total number of unrepresented individuals is down 82.5% compared to August 31, 2025. The red line indicates the date the *Roberts* decision was released.



Entries and Exits

In the past 12 months in Washington County, 2,928 cases entered unrepresented status, and 3,990 cases exited unrepresented status. The county has seen more exits than entries in 10 of the past 12 months.



Oregon

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Telephone: (503) 378-2478
Fax: (503) 378-4463
www.oregon.gov/opdc

August 3, 2026

The Honorable Senator Rob Wagner, Co-Chair
The Honorable Representative Julie Fahey, Co-Chair
Emergency Board
900 Court Street NE, H-178
Salem, OR 97301

Dear Senator Wagner and Representative Fahey:

Nature of the Request

This request is related to a report submitted by the Oregon Public Defense Commission as required by a budget note in House Bill 5031 (2025), which reads:

> The Public Defense Services Commission is directed to report to the Interim Joint Committee on Ways and Means in January 2026, and then subsequently to the Legislative Emergency Board in September of 2026, on the unrepresented defendant/persons crisis, including the implementation of the Commission's "12-month plan to address the number of unrepresented Oregonians." The reports shall also include information on the Commission's efforts to restructure agency operations, as well as its intermediate- and long-term planning efforts. The reports are also to include information on changes to service delivery models, by provider type, forecasted versus actual caseloads, cost factors, including cost per case, and a biennial financial forecast.

Agency Action

The report entitled *Interim Status Report II Per House Bill 5031 (2025)* provides data and analysis regarding unrepresented persons in Oregon, as well as on the Commission's implementation of the 12-month plan, updates on agency operations, and information on service delivery, including data on contract providers, caseloads, and a biennial finacial forecast.

Action Requested

The Oregon Public Defense Commission requests acknowledgment of receipt of the attached report.

Legislation Affected

No legislation is affected.

Sincerely,

Ken Sanchagrin
Executive Director

cc:
Amanda Beitel, Legislative Fiscal Officer
Steve Robbins, Principal Legislative Analyst, LFO
Kate Nass, Chief Financial Officer
Jonathan Bennett, Policy and Budget Analyst, CFO

Oregon Public Defense Commission

Interim Status Report II

Per House Bill 5031 (2025)

August 3, 2026

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NATURE OF THE REPORT

A budget note included with HB 5031 (2025) states:

> The Public Defense Services Commission is directed to report to the Interim Joint Committee on Ways and Means in January 2026, and then subsequently to the Legislative Emergency Board in September of 2026, on the unrepresented defendant/persons crisis, including the implementation of the Commission's "12-month plan to address the number of unrepresented Oregonians." The reports shall also include information on the Commission's efforts to restructure agency operations, as well as its intermediate- and long-term planning efforts. The reports are also to include information on changes to service delivery models, by provider type, forecasted versus actual caseloads, cost factors, including cost per case, and a biennial financial forecast.

This report responds to the above budget note.

EXECUTIVE SUMMARY

This report was created in response to a budget note included in House Bill 5031 (2025). This is the second Status Report submitted by the Oregon Public Defense Commission (OPDC); the first was submitted in December 2025 and is available on the OPDC website. This report provides an update to the original report.

Unrepresented Defendant/Persons Crisis. From late 2025 to early 2026, the number of unrepresented individuals across the state continued to decline, with a 10.75% decrease in out-of-custody pretrial individuals between November 1, 2025, and January 31, 2026. Such significant progress was made in Marion and Coos counties that they were no longer considered "crisis counties" as they had nearly eliminated and maintained low numbers of unrepresented individuals during this time. Then, on February 5, 2026, the *State v. Roberts* opinion was released, in which the Oregon Supreme Court ruled that cases must be dismissed without prejudice when the state fails to provide counsel to an eligible defendant for more than 60 consecutive days for misdemeanors and 90 consecutive days for felonies. This resulted in nearly 1,300 cases being dismissed under *Roberts* in February. Since the initial February wave, *Roberts* dismissals have leveled off at an average of 190 per month. As of June 30, 2026, the number of out-of-custody pretrial unrepresented individuals is down by 70.6% compared to June 30, 2025, while in-custody unrepresented individuals are down by 26.5%

Implementation of the Commission's 12-month Plan to Address the Number of Unrepresented Oregonians. OPDC has implemented all seven interventions identified in the June 2025 12-month plan, which focused on ending the unrepresented crisis in Oregon. These interventions included: (1) allowing experienced attorneys to exceed maximum caseload caps on a voluntary basis; (2) expanding collection and analysis of data; (3) revising contract terms to increase system capacity; (4) facilitating cohort hiring of new attorneys; (5) investing in public defense law clinics; (6) expanding the use of special resolution dockets; and (7) the strategic use of the Oregon Trial Division in crisis jurisdictions. This report provides updated data, where available, on the impact of these changes. These interventions have contributed to more stability within the public defense system and improved access to counsel across much of the state.

Efforts to Restructure Agency Operations. The agency has grown and changed substantially over the past decade, whether in the funding it receives to support public defense services across the state, the number of programs it administers, or the number of divisions it has. The agency has therefore realigned its structure to more appropriately reflect its core services in a simpler, more straightforward way.

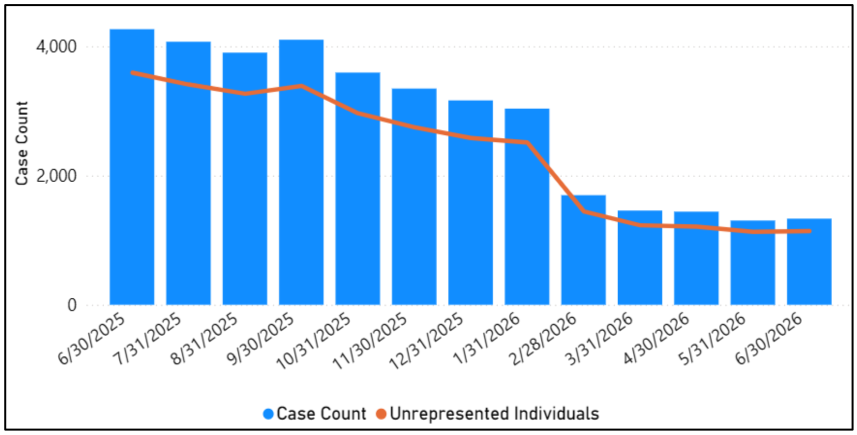
Intermediate and Long-Term Planning. OPDC is engaged in long-term planning to transition from a Maximum Attorney Caseload (MAC) system to a workload-based model grounded in time and resource analysis. This shift, with the support of stakeholders and legislators, will enable a more equitable, data-driven allocation of resources statewide.

Caseload and Financial Forecasting. The biennial financial forecast will support data-informed budgeting and ensure fiscal alignment with caseload demands. Additionally, the 2025-27 contract cycle, effective October 1, 2025, led to overall cost efficiencies through improved resource targeting, expanded capacity, and reduced reliance on hourly contracting.

Through these combined efforts, OPDC is addressing Oregon's constitutional obligations while building a more sustainable, accountable, and data-driven public defense system. Continued legislative partnership will be essential to maintaining this trajectory and ensuring that every eligible Oregonian receives timely and effective legal representation.

UNREPRESENTED PERSONS NUMBERS AND TRENDS

Figure 1. Unrepresented Cases & Individuals Excluding Active Warrants
Source: OJD Unrepresented Data

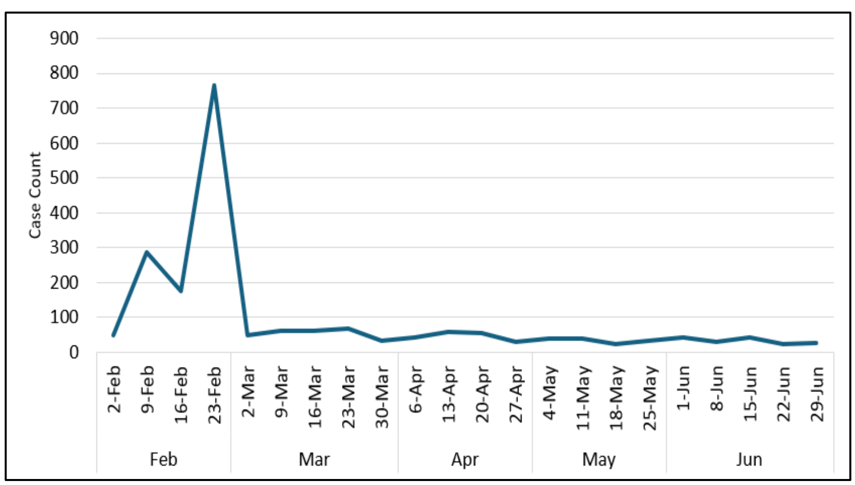


As of June 30, 2026, there were 1,138 indigent individuals statewide who needed an attorney but could not be provided with one and were not in warrant status. While the number of unrepresented persons remains unacceptably high, there has been a significant decrease over the past 12 months. As shown in Figure 1, on June 30, 2025, the number of unrepresented individuals statewide stood at just over 3,500. As of June 30, 2026, the state has experienced a 68.2% reduction over the past 12 months. Though a portion of this decrease can be attributed to the *Roberts* decision, the majority of the decline is due to non-*Roberts* factors, such as identifying counsel or other non-*Roberts*-related dismissals.

Further, it is encouraging that the downward trajectory has been nearly constant since July 2025, except for a brief increase in September 2025, which occurred as the 2023-25 external provider contracts expired and the new 2025-27 contracts went into effect. The driver of this bump was a lack of capacity, as many public defense providers approached the ends of their 2023-25 contracts, having exhausted their MAC. Based on these promising trends, it is clear that progress is being made statewide. This progress, however, should not obscure the fact that much work remains to fully address the unrepresented crisis.

State v. Roberts Impact

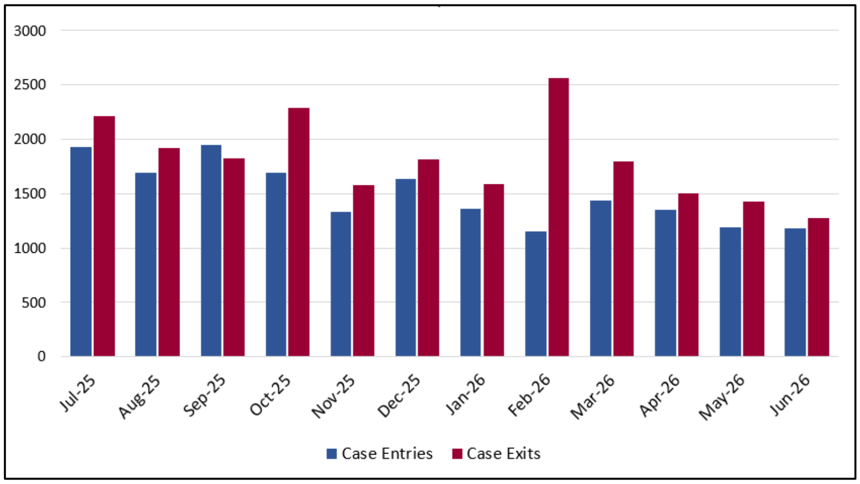
Figure 2. Roberts Dismissals by Week
Source: OJD Unrepresented Data



On February 5, 2026, the Oregon Supreme Court ruled in *State v. Roberts* that trial courts must dismiss – without prejudice – criminal cases against defendants who have been unrepresented for more than 60 consecutive days in a misdemeanor and 90 consecutive days in a felony. Since the ruling, through the end of June, 2,035 unrepresented cases were dismissed due to *Roberts* statewide. As shown in Figure

2, there were a large number of *Roberts* dismissals in February, culminating during the week of February 23. The number of *Roberts* dismissals has significantly decreased since then and appears to have leveled out at an average of around 190 dismissals per month.

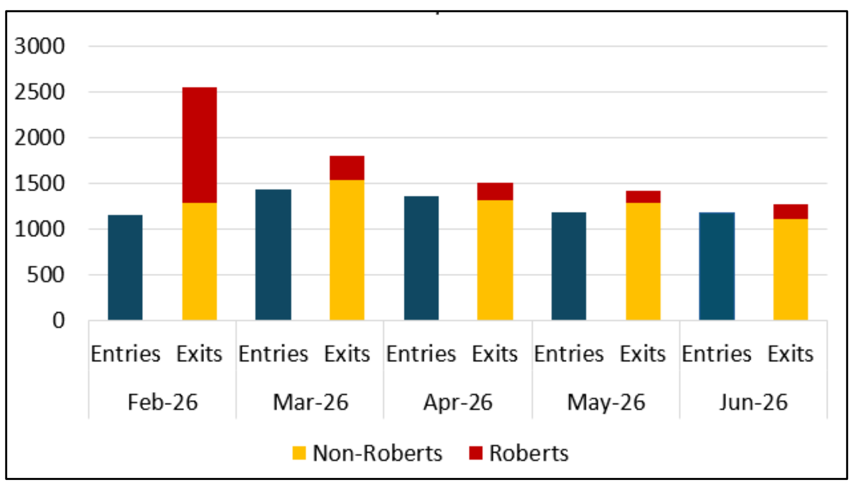
Figure 3. Unrepresented Cases Entries & Exits July 2025 – June 2026
Source: OJD Unrepresented Data



Roberts dismissal data is only available at the case level, not the individual level. There is no 1:1 relationship, therefore, between *Roberts* case dismissals and unrepresented individuals, as an individual may have multiple cases for which they are unrepresented. For instance, one individual may have three misdemeanors dismissed under *Roberts* but remain on the list for a felony count. Due to disconnect between cases and individuals, examining the number of entries and exits from the unrepresented list allows OPDC to better assess *Roberts'* impact on unrepresented cases. This includes all cases that come on and off the unrepresented list for any amount of time. Figure 3 shows entries and exits for the past 12 months. Notably, there have been more exits than entries in 11 of the past 12 months, corresponding with the downward trajectory of the overall number of unrepresented individuals in Figure 1.

Figure 4 reports entries and exits from the unrepresented list since the *Roberts* decision and shows the breakdown, by month, of cases exiting due to *Roberts* compared to cases exiting the list for other reasons (e.g., the individual was assigned an attorney, the case was dismissed for a non-Roberts reason). Figure 4 demonstrates that while approximately half of February's exits were due to *Roberts*, the share of *Roberts* dismissals have since declined significantly. Indeed, as shown in Figure 4, the share of case dismissals in March, April, May, and June of this year was 15%, 13%, 10%, and 13%, respectively. Further, over the past 12 months, 17,891 cases entered unrepresented status, and 21,748 cases exited the unrepresented list. Of those exits over the past year, a total of 9% were due to *Roberts* dismissals. Thus, while *Roberts* unquestionably has had an impact on the

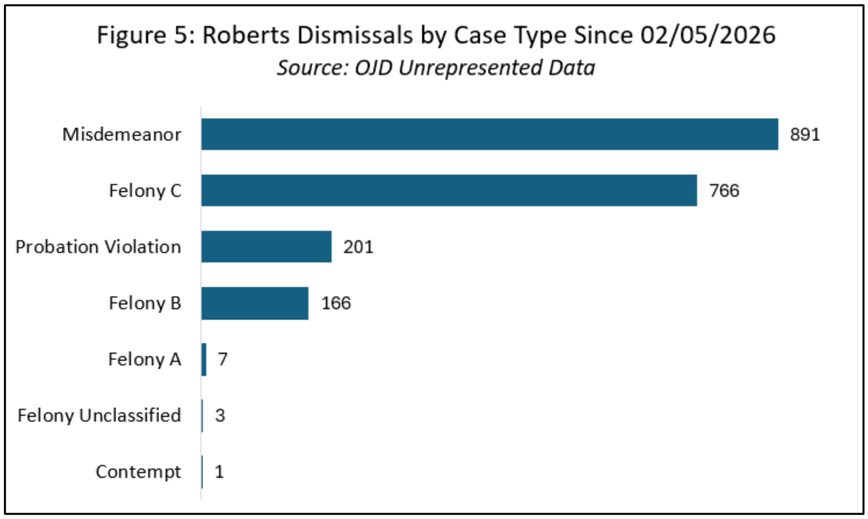
Figure 4. Monthly Case Entries & Exits After Roberts
Source: OJD Unrepresented Data



reduction of unrepresented cases and individuals statewide, the majority of the decline can be attributed to non-Roberts factors.

To further understand the impact of *Roberts*, Figure 5 reports the breakdown of *Roberts* dismissals by case type. Of the 2,035 dismissed cases, 44% were misdemeanors, 38% were C felonies, 10% were probation violations, and 8% were B felonies. Less than one percent were A felonies, unclassified felonies, or contempt charges. This breakdown is consistent with the distribution of case types on the unrepresented list across the state.

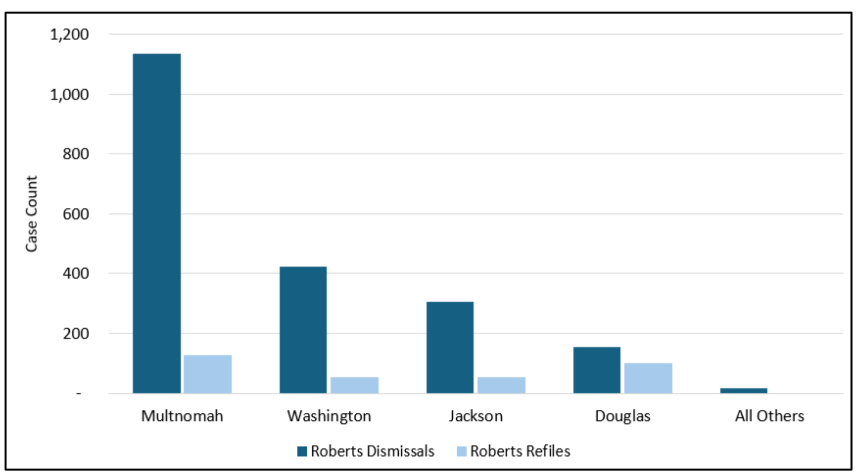
Figure 5. Roberts Dismissals by Case Type Since 02/05/2026
Source: OJD Unrepresented Data



A key aspect of *Roberts* is that cases are dismissed without prejudice, meaning district attorneys can refile charges if they choose. Five months after the ruling, OPDC is now able to see the impact of those refiles. This data is important for understanding both the impact of *Roberts* on case outcomes, as well as the impact on public defense workloads going forward. If 200 cases are dismissed and refiled the next day, those cases would likely just return to the unrepresented list. However, if 200 cases are dismissed and 16 cases per month over the next year are refiled, the system may be better positioned to absorb those cases rather than have them return to the unrepresented list.

Data regarding cases refiled after being dismissed due to *Roberts* is reported in Figure 6 and Table 1. Figure 6 presents a graphical representation of the share of dismissed *Roberts* cases that have been refiled by county. Table 1 reports the specific numbers and percentages related to *Roberts* dismissals and refilings. As shown in Table 1, of the 2,035 *Roberts* dismissals, 332 have since been refiled as of June 30, 2026, statewide. Unsurprisingly, the largest number of cases refiled is in Multnomah County. As a share of *Roberts*

Figure 6. Roberts Dismissals and Refiles by County
Source: OJD Unrepresented Data



dismissals, however, Douglas County stands out relative to the other crisis jurisdictions. Indeed, while Multnomah County has refiled 126 cases dismissed due to *Roberts*, this represents a refile rate of only 11%. Douglas County, on the other hand, has refiled 99 cases, which represents 65% of all *Roberts* dismissals. In addition, Table 1 also reports on the share of cases that have been refiled that have ended up on the unrepresented list. Statewide, as of June 30, 2026, 20% of cases refiled following a *Roberts* dismissal have gone back onto the unrepresented list.

Table 1. *Roberts* Dismissals and Refiles by Case Type

County	Total Roberts Cases		*Roberts* Refiles by Case Type				% of *Roberts* Refiled	Refiles Unrep as of 6/30/2026	
	Dismiss	Refiled	Mis	C Fel	A/B Fel	Other		Count	Percent
Multnomah	1,134	126	5	89	32	-	11%	19	15%
Washington	424	54	6	42	6	-	13%	0	0%
Jackson	307	53	40	5	5	3	17%	2	4%
Douglas	153	99	70	22	4	3	65%	45	45%
All Others	17	-	-	-	-	-	0%	0	-
Total	**2,035**	**332**	**121**	**158**	**47**	**6**	**16%**	**66**	**20%**

Crisis County-by-County Analysis

As shown by the overall statewide unrepresented numbers, progress is being made in addressing the unrepresented crisis in Oregon. However, it is important to consider differences and county-level trends. The geographic concentration of unrepresented individuals in certain areas led to the informal designation of six jurisdictions as "crisis counties:" Coos, Douglas, Jackson, Marion, Multnomah, and Washington. Positive momentum can be found in each of the six crisis counties, although the magnitude of the progress varies from jurisdiction to jurisdiction.

Two counties previously identified as crisis counties have demonstrated sustained improvement. As of June 30, 2026, Coos County had 0 unrepresented individuals, down from 80 a year earlier, while Marion County had 14 unrepresented individuals, a 96 percent reduction from 342; all remaining Marion County cases are non-criminal matters. These results reflect the combined impact of targeted OPDC interventions, increased provider capacity, stronger coordination with local courts and justice partners, and operational improvements that expanded the timely assignment and resolution of cases. Both counties have maintained low unrepresented numbers for several months, demonstrating that targeted investments and local operational improvements can produce lasting results. OPDC continues to closely monitor these and all jurisdictions to identify emerging issues early and respond quickly when additional support is needed.

Douglas County

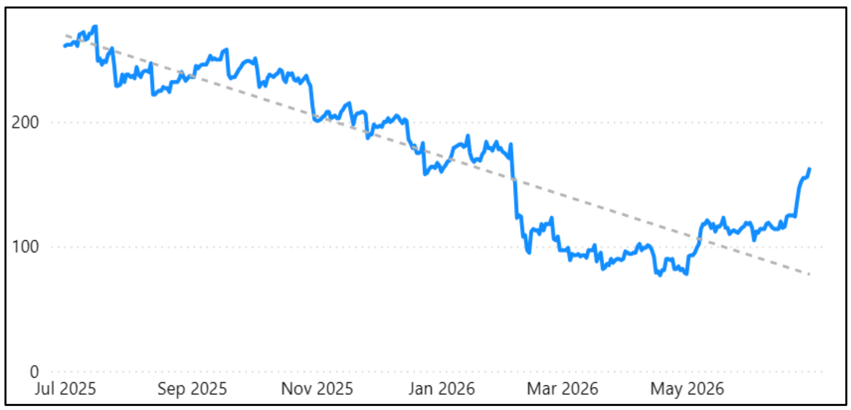
As shown in Table 2, as of the end of June 2026 Douglas County reported a total of 178 unrepresented individuals, 162 of whom were out-of-custody and six of whom were in-custody. Year over year, this represents a 34% reduction in unrepresented individuals and suggests that progress is being made in addressing the unrepresented persons crisis within the jurisdiction.

Table 2. Unrepresented Individuals Year Over Year Change (Douglas)

Category	06/30/2025	06/30/2026
Out-of-Custody	256	162
In-Custody	11	6
Probation Violation	1	9
Non-Criminal	2	1
Total	**270**	**178**

Figure 7. Douglas County Out of Custody Pretrial – Unrepresented Individuals

Source: OJD Unrepresented Data



A simple year-over-year comparison, however, masks important trends in Douglas County. Figure 7, which reports the trend line for out-of-custody pretrial unrepresented individuals, demonstrates the complexities in assessing the progress in Douglas County. Overall, the county experienced a steady decline in the number of unrepresented individuals between July 2025 and the end of January 2026. The *Roberts* decision then led to 78 case dismissals in February, which can be seen in the steep downward slope of the trend line during that time period. Although the number of unrepresented individuals remains below pre-*Roberts* rates, some of the *Roberts* reduction was lost in May and June 2026. As discussed in the previous section, Douglas County is only behind Multnomah County in the total number of refiles, and it has the highest refiling rate in the state.

The agency's primary engagement with Douglas County regarding the unrepresented crisis has been through its Trial Division attorneys in its Central Valley and Southern regional offices. Since its formation, the OPDC Trial Division has taken 144 Douglas County cases: 103 by attorneys from the Central Valley region and 41 by attorneys from the Southern region. These cases include seven Jessica's Law cases, 26 Measure 11 cases, and 27 major felony cases. Beyond providing direct representation to unrepresented individuals in the county, OPDC also increased contracted MAC in the jurisdiction by 1 FTE between October 2025 and June 2026, including two participants in the Exceed Caseload Program (see *Intervention One*) for the 2025-27 contract cycle.

Douglas County would likely benefit from an early resolution docket (ERD) or resolutions at arraignment (similar to the program in Jackson County), as a program of this type could impact both new cases and *Roberts* refilings. For instance. rather than allow refiled cases to go unrepresented, a resolution at the arraignment program could resolve the refiled *Roberts* misdemeanors at first appearance.

Jackson County

Table 3 reports the year-over-year change in the unrepresented population in Jackson County. The jurisdiction had 201 unrepresented individuals as of the end of June 2026, 152 of whom were out-of-custody and 11 of whom were in-custody unrepresented individuals. Year over year, this represents an overall decline of just over 65%.

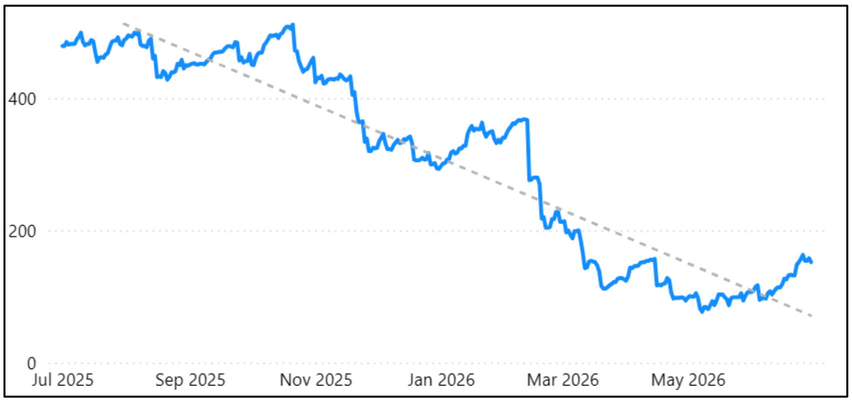
Table 3. Unrepresented Individuals Year Over Year Change (Jackson)

Category	06/30/2025	06/30/2026
Out-of-Custody	493	152
In-Custody	9	11
Probation Violation	62	24
Non-Criminal	11	14
Total	**575**	**201**

Figure 8 provides a more detailed examination of the trend of the out-of-custody pretrial population in Jackson County. Jackson County has seen a downward trend in the number of out-of-custody unrepresented individuals over the past 12 months, though numbers began increasing slightly in June 2026. Further, Jackson County has had 307 cases dismissed due to *Roberts*, or 20% of all case exits since February.

Figure 8. Jackson County Out of Custody Pretrial – Unrepresented Individuals

Source: OJD Unrepresented Data



Some of the progress in Jackson County can be attributed to its Early Disposition Program (EDP), a special docket in which the district attorney identifies low-level and diversion-eligible cases at arraignment that could be resolved through up-front plea offers. Once those plea offers have been communicated to clients and they indicate a willingness to participate, the case is added to the EDP docket, which is staffed by OPDC attorneys from the Southern regional division. Since this docket began in May 2025, the EDP has handled 398 cases and resolved 246, all of which would otherwise have been placed on the unrepresented list (see *Intervention Six*). The Southern regional division also staffs the arraignment docket once a week and handles all in-custody cases on that day's docket, preventing them from becoming unrepresented.

Multnomah County

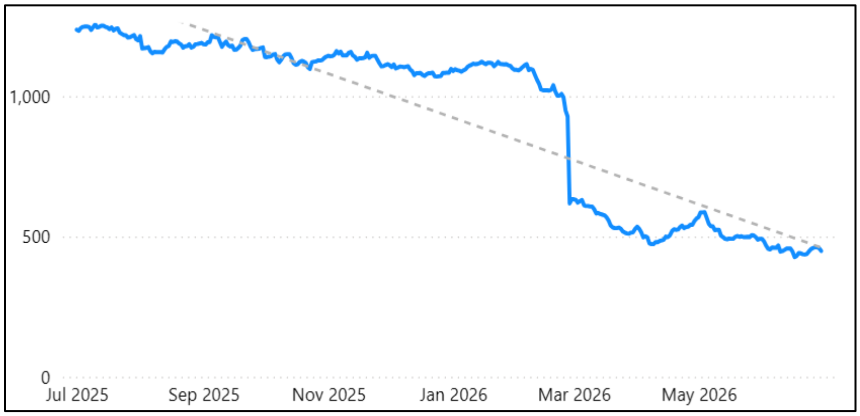
As shown in Table 4, Multnomah County reported 451 out-of-custody and 52 in-custody unrepresented individuals as of June 30, 2026. While this is a significant decrease from a year ago, as the jurisdiction with the largest unrepresented population, the *Roberts* decision had the largest impact on Multnomah County.

Table 4. Unrepresented Individuals Year Over Year Change (Multnomah)

Category	06/30/2025	06/30/2026
Out-of-Custody	1,226	451
In-Custody	52	52
Probation Violation	18	11
Non-Criminal	2	0
Total	**1,298**	**514**

While the out-of-custody population was slowly declining pre-*Roberts*, see Figure 9, the decision resulted in a very large initial wave of case dismissals. In February, 736 cases were dismissed, followed by an additional 128 in March. In fact, 44% of all cases exiting unrepresented status since February have been due to *Roberts* dismissals, which is well above the statewide average of 24%.

Figure 9. Multnomah County Out of Custody Pretrial – Unrepresented Individuals
Source: OJD Unrepresented Data



Significant positive progress in Multnomah County has been difficult to achieve. As described in greater detail in *Intervention Six*, OPDC helped establish a special resolution docket in the jurisdiction staffed by attorneys from the Central Valley Trial Division, which has so far taken 236 cases (see *Intervention Six*). While an important piece of the puzzle, a single special docket is not the solution on its own, given the size of the issue in Multnomah County. OPDC believes that increased capacity across the jurisdiction will provide some relief. Initial contracts with Multnomah County public defense providers for adult criminal cases included 87.40 FTE. Between October 2025 and June 2026, OPDC added 13.83 FTE to Multnomah contracts, much of which came from the addition of recent law school graduates (see *Intervention Four*). Three attorneys are participating in the Exceed Caseload Program, which compensates attorneys for caseloads exceeding 100% MAC (see *Intervention One*). The Northwest Trial Division has five attorneys who are primarily handling cases in Multnomah County. Additionally, one attorney from the Central Valley Trial Division is solely dedicated to early-resolution dockets and is focused on Multnomah County. Furthermore, one Central Valley Trial Division attorney is exclusively taking cases in Multnomah's East County Courthouse. Four more attorneys, all from outside the current public defense workforce, have accepted offers and will be joining the Northwest Trial Division in September and October. Finally, OPDC leadership has been meeting with the Multnomah County courts and the district attorney to develop additional strategies to address the crisis in Oregon's largest county.

Washington County

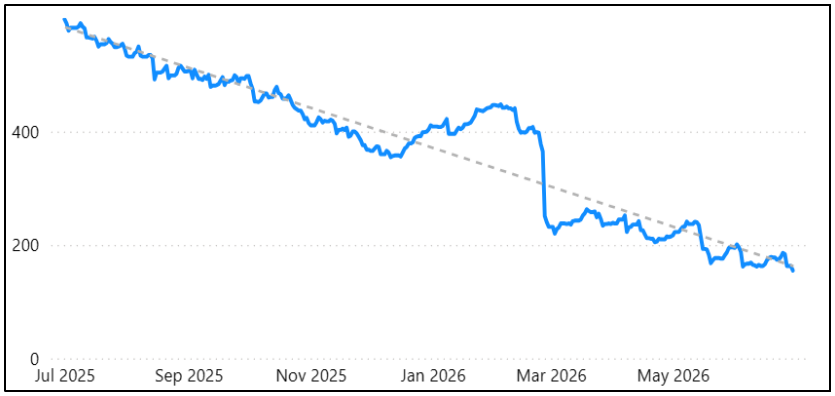
As shown in Table 5, Washington County reported 155 out-of-custody, unrepresented defendants and 18 in-custody unrepresented individuals, as of June 30, 2026. The county has seen a 72.5% decrease in overall unrepresented individuals in the past 12 months.

Table 5. Unrepresented Individuals Year Over Year Change (Washington)

Category	06/30/2025	06/30/2026
Out-of-Custody	601	155
In-Custody	17	18
Probation Violation	23	2
Non-Criminal	0	1
Total	**641**	**176**

Figure 10 shows that Washington County has experienced a steady decline in unrepresented people since July 2025, with numbers temporarily rising in mid-December through February 2026. *Roberts* then resulted in a steep decline, with an initial 232 case dismissals in February. Since that time, the steady decline seen before December 2025 has resumed.

Figure 10. Washington County Out of Custody Pretrial – Unrepresented Individuals
Source: OJD Unrepresented Data



As discussed in the 12-month plan, the primary issue in Washington County has insufficient capacity. The 2025-27 contracts added capacity. Contracts with Washington County public defense providers for adult criminal cases include 63.61 FTE for the jurisdiction, 11.81 more than in October 2025. Additionally, seven attorneys are participating in the Exceed Caseload Program, which allows attorneys to be compensated for caseloads in excess of 100% MAC (see *Intervention One*). OPDC has also had an attorney primarily dedicated to Washington County since September 2024.

12-Month Plan Implementation

OPDC released a plan in June 2025 to significantly reduce the number of unrepresented defendants, focusing on counties with the highest numbers of unrepresented individuals. The multipronged proposal outlined strategies to increase the public defense system's capacity to take cases, including actions that would facilitate the hiring of newly graduated lawyers, strengthen oversight of contracts, encourage collaboration with public safety partners, and compensate experienced attorneys for voluntarily taking cases beyond 100% MAC if they have the ethical capacity to do so.

Below is an update on the proposed interventions within the plan. The 2025-27 contracts began on October 1, 2025, and contract data reporting is submitted on the 15th of the month for the prior month. Due to the timing of this report, OPDC is reporting on provider contracts from October 2025-May 2026.

Intervention One: Exceeding Maximum Attorney Caseload Caps

For the 2025-27 contract cycle starting on October 1, 2025, OPDC revised provider contract terms to facilitate the appointment and compensation of sufficiently experienced attorneys with the necessary ethical capacity to take cases exceeding current MAC limits, up to 115%, on a voluntary basis. Table 6 reports the number of attorneys participating in this program, broken out by county, along with the additional MAC added to each county as well as the MAC utilization for these attorneys from October 2025-May 2026. As of July 1, 2026, 55 attorneys were participating in the program. While some attorneys elected to take up to the 115% maximum, others did not. All participating attorneys are compensated based on the degree to which they exceed 100% MAC. Cumulatively, across the state, the 55 participating attorneys are providing the equivalent of nearly seven additional full caseloads in the public defense system.

While the additional MAC in the crisis counties (Douglas, Jackson, Multnomah, and Washington) will not solve the crises in those jurisdictions, the increased capacity will continue to help alleviate the unrepresented numbers. This program also benefits non-crisis counties. In Klamath County, for example, the general lack of attorneys often leads to spikes in the number of unrepresented persons when a single attorney in the county leaves or has to reduce MAC for various reasons. The additional MAC capacity, therefore, brings added stability to rural areas like Klamath County.

Table 6. Participants in the Exceed Caseload Program by County as of July 2026

County	Participants	Additional MAC	Utilization as of May 2026
Clackamas	16	1.85	99.8%
Coos	1	0.15	43.2%
Douglas	4	0.60	111.1%
Jackson	9	1.25	97.5%
Klamath	9	1.20	110.5%
Lincoln	1	0.15	107.4%
Malheur	3	0.35	90.4%
Morrow/Umatilla	2	0.30	98.9%
Multnomah	2	0.30	141.1%
Statewide	1	0.15	87.1%
Washington	7	0.55	104.9%
Total	**55**	**6.85**	**102.4%**

Finally, increasing the MAC in Clackamas County via this program helps prevent unrepresented cases and contributes to cost savings. To avoid an unrepresented crisis in Clackamas County, local attorneys have resorted to taking hourly cases once they reach their monthly MAC limits. By taking on this hourly work, the local bar has prevented defendants from becoming unrepresented, but it has done so through one of the more costly means of providing defense services. Clackamas should see long-term cost savings by increasing contracted MAC and paying for cases under the provider contract model rather than hourly.

Intervention Two: Expand the Collection and Analysis of Data

OPDC is committed to collecting and analyzing data on public defense services provided within the state, consistent with the American Bar Association's Ten Principles of a Public Defense Delivery System. Data gathered from numerous sources, including public defenders and the Oregon Judicial Department, enables OPDC to identify and communicate key data points on the evolving nature of public defense.

OPDC has significantly expanded data collection and analysis to better understand and improve the services provided to clients. Examples include: the development of prorated MAC, which provides a more accurate picture of statewide capacity at different points in time; public-facing dashboards showing criminal capacity contracts and Trial Division caseload data; an internal caseload reporting dashboard to monitor caseload report submission due dates and send automated responses to capacity contract providers when caseload reports are overdue; monthly unrepresented defendant reports; and collaboration with the Oregon Judicial Department and the Office of Economic Analysis on forecasting.

Looking ahead, the agency's Financial and Case Management System (FCMS) will provide near-real-time data on costs and timekeeping, greatly enhancing OPDC's data analysis capabilities. This system will allow the data team to work with Compliance, Audit, and Performance (CAP) Research Section (see *Agency Realignment*) to identify potential areas of concern or anomalies within the system. This data-driven approach will enable OPDC to spot emerging issues and course-correct in real time.

OPDC has fundamentally changed how data is used in decision-making. Data has been integrated into the agency's planning and decision-making processes, including budget decisions, resource allocations, and programmatic work. While becoming a data-driven agency is an ongoing process, and the agency will need additional resources to reach true maturity in this area, OPDC has established a data-driven culture and will continue to expand and refine the use of data.

Intervention Three: Implement Contract and Policy Adjustments

OPDC adjusted policies and 2025-27 contracts to increase MAC capacity across the state by changing the agency's approaches in several areas. First, the method for assigning MAC weights to cases in which attorneys withdraw early during the legal process was changed. Second, policies regarding the assignment of partial MAC weighting for second or subsequent attorneys on a case within a single firm were refined. Third, a new process to ensure compliance with contractual terms and conditions related to MAC performance and data reporting was developed. Finally, a reduced caseload requirement for first-year attorneys was implemented

OPDC now estimates that the first two policies, changing MAC weights for early withdrawal and second attorneys, will likely save 10.25 MAC throughout the contracts spanning from October 2025 to June 2027. This is less than the initial estimate of 19.1 MAC savings made at the time the new policy was passed, although this still represents an important savings in MAC capacity.

While the first two interventions change how MAC is credited, the contract compliance policy informs how OPDC communicates with contractors and holds them to the contract standard. Under the 2025-27 contract, if there are two distinct occurrences in which the contractor's monthly caseload increases or decreases by 15% above or below MAC, agency staff will meet with the contractor to discuss the circumstances surrounding the increase or decrease. These discussions aim to bring the contractor back toward 90% MAC utilization. While consideration of caseload variance is built into the contracts, MAC is still treated as a ceiling as the contracts state that no provider is expected to exceed those case limits. The exact language regarding the 15% variance can be found on page 5 of the 2025-27 contract, under section 10, "Contract Modification and Adjustments."

Many factors affect a provider's MAC, not just how OPDC enforces contracts. The 2023-25 contracts ended with a MAC utilization rate of 89.23% for all adult criminal providers. As of May 2026, under the new compliance policy, adult criminal providers were at 93.19%. This policy intervention is paired with Intervention Two: Expand the Collection and Analysis of Data. The data team, in collaboration with the contract compliance analysts, created an internal dashboard to monitor caseload report submission due dates and create automated responses to capacity-based contract providers when caseload reports are not received by the due dates. Since implementing the new compliance system, OPDC has seen an improvement in the timeliness of data reporting.

The final policy change is a program that allows new attorneys to have a reduced caseload for one year. To be eligible, the attorney must be in their first year of licensure by the Oregon State Bar or have less than one year of experience representing public defense clients if the attorney was licensed in another state; be part of a mentoring or supervision program that OPDC has approved; and be qualified as a level one attorney by OPDC. Qualified applicants for the program are held to a caseload equivalent of 200 misdemeanors for one year, rather than the standard 300-misdemeanor MAC. Fifty-six first-year lawyers elected to participate in this program across fourteen jurisdictions as of July 1, 2026 (the fourteen jurisdictions were Clackamas, Coos, Deschutes, Grant/Harney, Jackson, Josephine, Lane, Malheur, Marion, Multnomah, Polk, Umatilla, Union, and Washington), which led to a reduction of 16.87 MAC. While it initially reduces MAC, OPDC believes this program will decrease burnout and turnover among new attorneys; it also sets more realistic and accurate expectations for MAC, enabling improved capacity planning. This program pairs with others, such as cohort hiring (see *Intervention Four*), law school clinics (see *Intervention Five*), and the Supervised Practice Portfolio Examination, to build a public defense pipeline. This pipeline provides law students with a clear pathway from law school to the bar to the profession. Building and strengthening this pipeline will shape the future of public defense.

Intervention Four: Facilitate the Hiring of Cohorts of New Attorneys

The 12-month plan recognizes the need for improved, streamlined contract terms to better facilitate the hiring practices of the state's non-profit public defense providers. Many third-year law students are recruited and accept employment in other areas of the legal profession in the spring and begin providing defense services once licensed. The contracting process has historically hindered public defense providers from securing cohorts prior to their licensure as they were unable to guarantee future funding for positions. Once bar results were released in October, OPDC would amend providers' contracts to bring in cohort hires of newly licensed attorneys, but this delay made it difficult for public defense firms to compete for top legal talent, both locally and nationwide. Larger non-profits were hiring cohorts in August and paying for them until bar licensure to secure newly graduated law students.

The agency is working with stakeholders to alleviate this problem. Beginning in fall 2026, OPDC will provide bridge funding for up to six weeks to facilitate non-profits hiring cohorts. This bridge funding allows soon-to-be licensed attorneys to onboard and train in advance, so they can begin immediately after receiving their license to practice law. This plan is being finalized, but initial numbers indicate 23 cohort members and a cost of $191,818.

This change will not only recognize the financial expenses incurred by non-profit public defense providers as they bring in cohorts, but it's also an important part of building the public defense career pipeline. OPDC is working to make sure the path from law school to public defense is as smooth as possible. OPDC will continue working with stakeholders on structural changes to better support this need and pave the way for new generations of public defenders across the state.

Intervention Five: Public Defense Law Clinics

The Oregon Legislature allocated funding for the creation of public defense clinical programs at Oregon's three law schools: Lewis & Clark Law School, the University of Oregon School of Law, and Willamette University School of Law. The goals for these clinics were twofold: (1) create a targeted response to the state's public defense crisis, and (2) help stabilize the public defense workforce by improving recruitment, retention, and capacity. Each program is designed to provide students with hands-on training under the supervision of clinical professors and public defenders while actively representing indigent clients in court proceedings. Each program also includes a classroom component.

Initial funding for this effort was provided through HB 5204 (2024) § 35 for the 2024-25 academic year, which covered the fall 2024 semester and the spring and summer 2025 semesters. OPDC received $3.4 million to continue supporting the three law school clinics for the 2025-27 biennium via the agency's budget bill, HB 5031 (2025). Finalized agreements with each of the three law schools for the 2025-27 academic year anticipate that the clinics will handle over 1,000 misdemeanor cases during this biennium.

Below is a summary of the law school clinics. Separately, OPDC has been directed to report on the full program and outcomes to the 2027 Legislature and will provide more detailed information in that report. In brief, *Lewis & Clark Law School* partners with Metropolitan Public Defender to place students in immersive clinical experiences where they commit significant weekly hours during the academic year or summer term. Students begin with intensive training and gradually take on greater independence, including handling client meetings and court appearances. *Willamette University School of Law* operates an "in-house" clinic in partnership with Public Defender of Marion County. Students work on misdemeanor cases assigned through the clinic, building caseloads gradually while participating in seminars, mentorship, training, and court proceedings. Finally, the *University of Oregon School of Law* maintains two separate partnerships: one with Public Defender Services of Lane County and another with Multnomah Defenders Inc. Both programs emphasize intensive introductory training, weekly coursework, supervision, client representation, and participation in provider case staffing and trial preparation activities. Students in the Multnomah Defenders partnership are also integrated into the organization's daily operations and receive mentorship from practicing attorneys.

Law School Clinic Reporting for the 2025-26 Academic Year

Table 7 reports high-level data on the three law school clinics and their four partnerships during the 2025-26 academic year. These numbers are preliminary and may change in the forthcoming law school clinic report, as some programs hold summer clinics. In all, 63 law students have participated in the clinics. These students took 513 new cases, 327 of which, or almost 64%, were closed during the academic year. Cases that remain open past the end of the summer term are still assigned to the clinics and will be included in future clinic data for the 2026-27 academic year.

Table 7. Law School Clinic Reporting for the 2025-26 Academic Year Cases

Law School	# Students	Total Cases	Closed	Partner Organization
Lewis & Clark	12	174	131	Multnomah Public Defender
University of Oregon	10	134	65	Multnomah Defenders, Inc.
University of Oregon	19	138	79	Public Defender Services of Lane County
Willamette University	22	67	52	Marion County Public Defender
Total	**63**	**513**	**327**	

Future data tracking will include gathering information on employment choices and outcomes for program participants to gauge whether the clinics are working as effective pipelines into the public defense profession. The programs accept 2L and 3L law students, which means that of the 63 participants, only a portion are slated to graduate and enter the legal profession at the end of each academic year. Based on reports from law school partners, anecdotal information has been gathered regarding participants transitioning into the profession. Two recent graduates who participated in a clinic are reportedly now employed in the mid-Willamette Valley region. Other graduates continue to apply for public defense work, both in Oregon and elsewhere.

Intervention Six: Special Resolution Dockets

Since the release of the 12-month plan, the Trial Division has partnered with district attorneys and courts in Coos, Jackson, Marion, and Multnomah counties to create and staff special resolution dockets. As of the end of June 2026, these dockets had handled almost 900 cases, about 559 of which were either resolved on the day of the docket or were assigned to a lawyer for continued representation. About 500 of the roughly 900 cases were misdemeanors. While these efforts have included many of the attorneys from the OPDC trial team across its three regions, this work has been strengthened by the creation of a dedicated special resolution docket team within the OPDC Trial Division. This team consists of three attorneys are three support staff.

While each special docket has, or had, a similar goal—the quick resolution of cases—how they resolve, as well as the stage at which resolution occurs, varies across jurisdictions. Some special dockets aim to intervene early in a case so that cases resolved by the program never go on the unrepresented list. This approach can lead to an overall reduction in the number of unrepresented individuals within a given jurisdiction by reducing the inflow of cases onto the unrepresented list. Alternatively, some special dockets aim to remove individuals who are already on local unrepresented lists.

This report mainly focuses on special dockets created in crisis jurisdictions since the release of the 12-month plan. It should be noted, however, that other special dockets have existed and continue to exist elsewhere in the state and can lead to beneficial outcomes in crisis and non-crisis jurisdictions. Washington County is an example of an ongoing special docket and is covered below.

Coos County

The Coos County Early Resolution Docket was a monthly special docket staffed by the Central Valley Trial Division that operated in mid-2025. In this program, the district attorney identified cases on the unrepresented persons list for possible resolution. Following the identification of eligible cases, the district attorney provided discovery to the OPDC Trial Division, which reviewed the information and the plea offer with clients in advance of

Table 8. Case Outcome Data for the Coos County Early Resolution Docket

Case Outcomes	May	June	July	Aug	Sep	Oct	Total
Cases on the Docket‡	20	28	17	19	20	23	**127**
Removed from Unrepresented List							
Resolved	9	12	6	7	7	8	**49**
Not Removed from Unrepresented List							
Failed to Appear	3	13	7	6	5	7	**41**
Set Over‡	6	1	3	3	3	2	**18**
Declined Plea	2	2	0	3	4	6	**17**
Total	11	16	10	12	12	15	**76**

‡ Cases set over in one week remain on the ERD docket through the following weeks. Some cases, therefore, may be counted twice.

the docket date. As shown in Table 8, a total of 127 cases were included on this docket between May and October 2025. Of those cases, 49 were resolved, removing them from the unrepresented list. A total of 41 cases involved individuals who failed to appear in court, resulting in the issuance of a bench warrant. When clients were unwilling to accept the plea bargains offered by the district attorney, their cases were temporarily added back to the unrepresented list before being assigned to attorneys in early October once the 2025-27 public defense contracts were signed. The docket ran on six Fridays from May to October 2025 and concluded when Coos County no longer had a lengthy list of unrepresented defendants.

Jackson County

Table 9. Case Outcome Data for Jackson County EDP

Outcome	Number	Percent
Assigned OTD Atty	12	3%
Resolved	246	62%
Declined/CAA	116	29%
Open EDP	24	6%
Total	**398**	**100%**

The Jackson County Early Disposition Program (EDP) is a special docket in which the district attorney identifies low-level, diversion-eligible cases at arraignment that can be resolved quickly through up-front plea offers. Plea offers for qualifying cases are communicated to defendants at arraignment. If a defendant is willing to participate, the case is added to the EDP docket, which is staffed by Southern Regional Division attorneys. Because these cases are identified at the outset and routed into the special docket so quickly, they do not have the chance to be added to the unrepresented list. If the defendant rejects the offer, they are placed on the list until they are assigned another attorney. In some cases, the defendant is eligible for drug or alcohol treatment, in which case the attorney explains the benefits and consequences of entering treatment so they can make an informed decision on whether to accept an offer that requires it. However, many of the offers are for cases that are not eligible for treatment. These are often negotiated and resolved with dismissals, community service, reduced fines, less jail time or by reducing criminal charges to non-criminal outcomes.

Since its inception in May 2025, this effort has included 398 unique cases, with 15-20 new cases added to the docket every two weeks. As shown in Table 9, of the 398 cases, 246, or 62%, have been resolved via dismissal, a guilty plea, or some other outcome such as DUII diversion. There were 116 cases where the defendant rejected the offer and opted to wait for a court-appointed attorney, and 12 cases where a Trial Division attorney was assigned to the case outside of the EDP.

Marion County

Table 10. Case Outcome Data for Marion County ERD

Outcome	Number	Percent
Assigned OTD Atty	9	7%
Resolved	65	53%
Declined/CAA	44	36%
Open	4	3%
Total	**122**	**100%**

The Marion County Early Resolution Docket, which ran on nine Thursdays from October to December 2025, was developed in partnership with OPDC, the Marion County District Attorney, and the Marion County Presiding Judge. The court, OPDC and the DA's office identified cases on the unrepresented list that could be resolved with non-prison offers. On most weeks, the DA's office sent a representative an hour before the docket's start time to negotiate with Trial Division attorneys or make offers, if one had not yet been provided. Clients who did not accept the offers were either appointed an attorney at that time or, in a handful of cases, returned to the unrepresented list. As shown in Table 10, 122 cases were scheduled, with 65 reaching a resolution and 9 being assigned to a Trial Division attorney.

Multnomah County

In Multnomah County, the circuit court, District Attorney's Office, and OPDC developed a special docket focused on identifying cases on the unrepresented list that are eligible for resolution. On August 27, 2025, Northwest Trial Division attorneys participated in an initial pilot day for this docket, which consisted of 41 C felony cases (some with additional, lower-severity charges) for defendants who had been out of custody and awaiting appointment of an attorney and who did not have a history of failing to appear in court. All offers made during this pilot were for probationary terms. On the docket date, 19 cases were resolved. An additional 11 cases were resolved in the months that followed. This represents a case resolution rate of 73.2%.

In February 2026, the OPDC Trial Division staffed a one-time docket for defendants who had failed to register as a sex offender. After a hiatus, the docket resumed on April 14, 2026, and now focuses on low-level felonies. Similar to the Jackson County docket, this docket prevents cases from becoming unrepresented, rather than taking cases directly off the unrepresented list. If clients decline the offer and decide to go to trial, an OPDC attorney is assigned to represent them. As seen in Table 11, these dockets have included a total of 236 cases. The docket takes place every Tuesday and runs on a four-week cycle. OPDC, and occasionally contracted attorneys, are assigned cases at or after arraignment.

Table 11. Case Outcome Data for Multnomah County ERD

Outcome	Number	Percent
Assigned OTD Atty	64	27%
Resolved	114	48%
Declined/CAA	5	2%
Open ERD	53	22%
Total	**236**	**100%**

Washington County

An early case resolution program has been operating in Washington County since 2007. It lets eligible defendants resolve their cases by accepting plea offers, often at the initial arraignment hearing or shortly thereafter. Qualifying crimes include many misdemeanors, drug possession charges, and certain lower-level felonies. In late June 2026, the docket expanded to include cases that had been dismissed because of the State v. *Roberts* ruling but were later refiled.

Historically, the Metropolitan Public Defender (MPD) and the Oregon Defense Attorney Consortium (ODAC) have taken the cases. In June 2026, OPDC amended its contracts with two firms, Ridehalgh & Associates and KN Defense Corp., to allow them to also take cases on the docket. According to caseload reports submitted to OPDC, 1,310 cases were assigned to the docket between the start of the 2025-27 contract cycle on Oct. 1, 2025, and May 31, 2026. Fifty-eight percent of them have been successfully resolved.

Washington County also offers a diversion early case resolution program, which dismisses certain charges if eligible participants complete the year-long program. Defendants are informed at arraignment if their case is eligible. Qualification criteria include not having ever been convicted of any offense in any jurisdiction. If defendants enter the program, they must plead guilty to the crime at or near arraignment. To complete the program, the individual must remain crime-free during the diversion term; have no contact with the victim; complete community service; and pay any requested restitution.

Intervention Seven: Oregon Trial Division

Table 12. Oregon Trial Division Caseload Summary July 2025 – June 2026⸸

Region	Attys†	Open	Pending	Closed	Total	MAC
Central Valley	9	403	91	329	823	90.7%
Northwest	7	353	41	114	508	88.2%
Southern	7	236	62	682	980	100.7%
Total	**23**	**992**	**194**	**1,125**	**2,311**	**92.9%**

† Attorney count includes filled positions for staff attorneys and chief deputy attorneys.
⸸ Excludes 663 cases appointed prior to July 2025 that were worked on in the biennium.

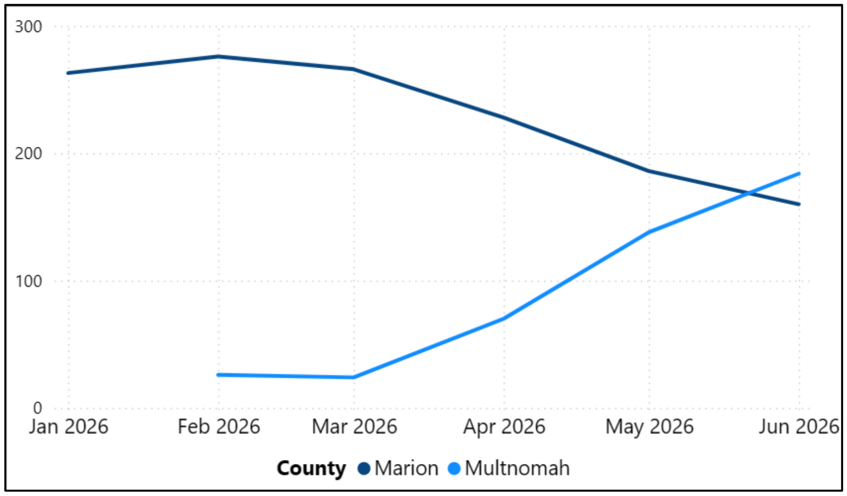
The Oregon Trial Division (OTD) is a key resource the state can leverage to address the number of unrepresented Oregonians. OTD comprises state-employed attorneys and support staff who provide trial-level defense services. The division has offices in three regions: (i) the Northwest Region, consisting of two offices and primarily serving the Portland metropolitan area; (ii) the Central Valley Region, which primarily serves Marion County and acts as the source of statewide capacity when needed; and (iii) the Southern Region, which serves Jackson, Douglas, and Klamath Counties. OTD is comprised of three chief deputy defenders, who manage operations throughout Oregon; 26 public defenders (20 were filled as of July 20, and 6 will start by the end of the year); and 30 other staff members consisting of investigators, paralegals, discovery clerks, receptionists, case managers and legal secretaries.

Data about the Trial Division can be found under Caseload Summary on the Trial Division Dashboard. The trial team prioritizes *Betschart* and other in-custody cases, with a secondary focus on out-of-custody clients with serious charges; those who have been on the unrepresented list for extended periods; and cases that are particularly complex due to clients' mental health needs, language barriers, and other factors. As shown in Table 12, the staff at the Trial Division offices are collectively working at 92.9% of MAC.

While the Trial Division maintains only four offices in the state, it has handled over 4,600 cases since beginning in December 2023. As shown in Table 12, OTD has taken over 2,300 cases this biennium. While OTD is most active in Jackson County (877 cases assigned), Marion County (375 cases assigned), Multnomah County (588 cases assigned), and Washington County (143 cases assigned), it has taken cases in 22 of Oregon's 36 counties this biennium.

This breadth of coverage demonstrates one of the Trial Division's unique strengths: its flexibility to respond to local needs and mitigate emerging or existing unrepresented crises. This was seen in the resolution of Coos County's crisis (see *Coos County* and *Intervention Six*). It was also the case in 2024 when the Central Valley office sent attorneys to Deschutes County to assist with special resolution dockets to clear their unrepresented backlog. More recently, as the crisis in Marion County has abated, the Central Valley Regional office began to reallocate resources to Multnomah County. Figure 11 shows how resources within the Central office were shifted from Marion County to Multnomah County between January 1, 2026, and June 30, 2026.

Figure 11. OTD Central Valley Regional Division Open Cases: January – June 2026



The OPDC Trial Division is also working to assist in the development of the next generation of public defenders. Over the summer of 2026, ten law students participated in the newly created OPDC Trial Division clerkship program. They researched law, drafted memoranda, supported early resolution dockets, participated in case strategy sessions, reviewed police reports and body-camera footage, watched court proceedings, and shadowed attorneys during visits with clients in jail. The program incurs no fiscal cost to OPDC, as students are either working as volunteers, earning class credit, or receiving stipends from charitable entities.

AGENCY OPERATIONS

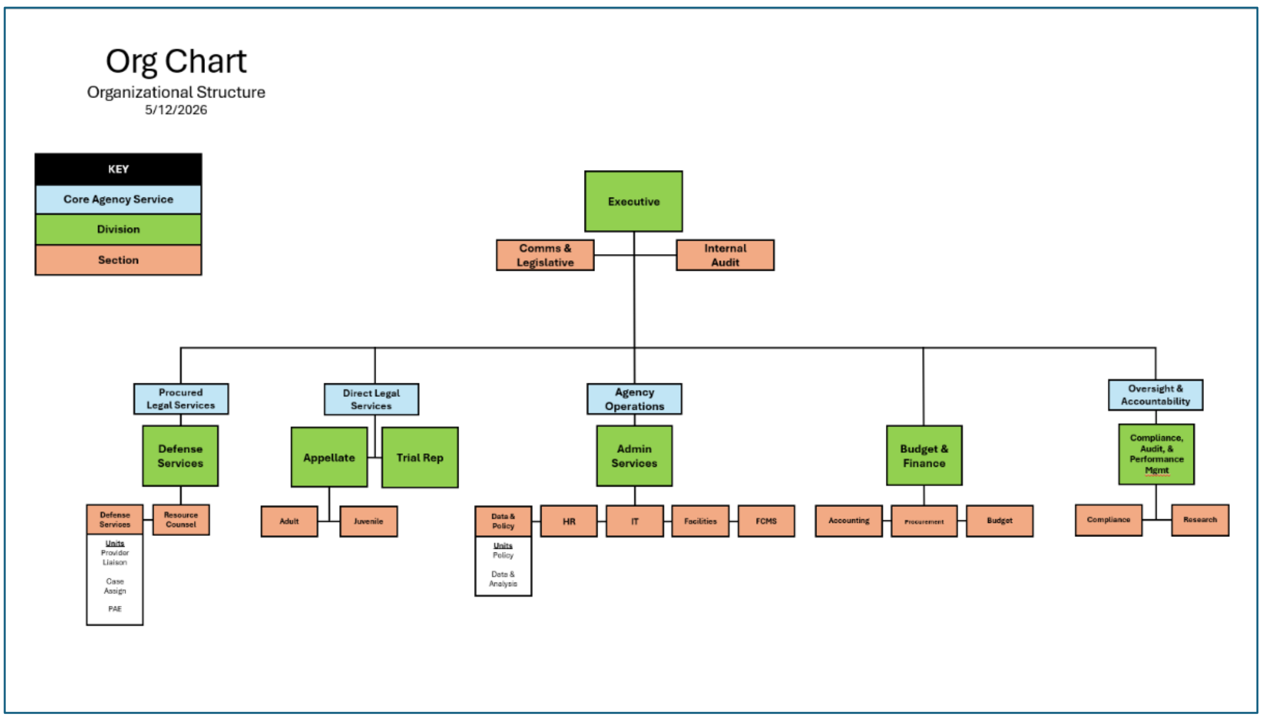
OPDC has undergone significant leadership, structural, and operational changes over the past five years. At the same time, the agency has been navigating significant statutory and budgetary changes as it has transitioned to the executive branch of state government. Part of that change has been a focus on creating an accountable, transparent, and effective agency. The Interim Status Report, which was submitted to the Legislature in December 2025, outlined plans for realignment of the Compliance, Audit, and Performance (CAP) Division. Following the release of the report, and based on feedback from the Legislature, the Legislative Fiscal Office, and other stakeholders, OPDC continued to work internally and with the Legislative Fiscal Office to further refine plans for CAP while also considering broader structural changes within the agency across multiple divisions.

Agency Realignment

OPDC has significantly expanded and evolved in terms of funding for public defense services statewide, the variety of programs it manages, and the number of divisions within the agency. This iterative growth has led to an overly complex agency structure that lacks logical alignment across different programs and levels. The agency's goal in its structural realignment was to envision an ideal agency structure based on OPDC's core services and designed in a simpler, more straightforward way.

Figure 12 provides a graphical representation the new organizational chart that assigns divisions, sections, and units more appropriately across the agency in alignment with the four core services provided by OPDC: (1) the procurement of legal services, (2) the provision of direct legal services, (3) agency operations, and (4) oversight and accountability.

Figure 12. New Organizational Chart for OPDC



The first core service provided by the agency is the *procurement of legal services*, which occurs through contracts with public defenders external to the agency as well as through the investigators, interpreters, and other experts who support the attorneys as they seek to provide a vigorous defense for their clients. To meet the needs of this essential function, OPDC is creating the Defense Services Division, which will act as a single point of contact for individuals providing services to the agency. It will contain three units: the Provider Liaison Unit, which will work with contractors; the Case Assignment Unit, which will aim to ensure that all individuals charged with a crime are provided a lawyer in a timely manner; and the Pre-Authorized Expenses Unit, which will ensure that attorneys obtain the adjacent services needed to defend their clients, including investigation, mitigation, interpretation, and expert services. This division will also house the Resource Counsel Section, which will be comprised of attorneys who collaborate with their colleagues in the Defense Services Division on legal matters and ensure that attorneys meet qualifications and standards. Overall, this division will be responsible for the day-to-day operations of public defense in Oregon: securing attorneys for individuals who qualify; ensuring attorneys and providers are paid in a timely manner; managing contracts to appropriately resource jurisdictions across the state; and responding to and resolving complaints about and from providers related to contractual and billing matters.

The second core service is the provision of *direct legal services*, through the agency's appellate and adult trial divisions. The Appellate Division provides constitutionally and statutorily mandated representation to financially eligible individuals in criminal, parole, juvenile delinquency, juvenile dependency, and termination of parental rights cases on appeal or judicial review. The Trial Division provides direct representation in Oregon's trial courts to eligible adults in criminal cases through three offices located in the Portland metro region, Salem, and Medford.

The third core service is the support of *agency operations*, which is accomplished through the agency's Administrative Services Division. This division contains many sections and units, including the data and policy unit, human resources, information technology, facilities, and will be the eventual home of the agency's financial and case management system.[1] Many of these sections are already well-established, as they are essential to create a high-functioning agency.

The final core service provided by OPDC is *oversight and accountability*, delivered by the Compliance, Audit, and Performance (CAP) Division. The primary focus of this division is on satisfying OPDC's statutory responsibility to ensure that high-quality defense services are provided to all eligible individuals across the state. To accomplish this end, the CAP Division is tasked with conducting system- and jurisdictional-level reviews of the public defense system, staff assistance visits, and conducting research and data analysis regarding the quality of public defense services as well as system-wide programs and

[1] The agency's Financial and Case Management System will modernize the management of public defense services by improving four foundational areas of operations: case management, finances, timekeeping, and reporting. The system will improve external providers' experience by creating a single, centralized portal for all OPDC-related activities. By replacing several legacy systems with a single platform, FCMS will help the agency work more efficiently, improve data quality, strengthen reporting, and better support public defense services across Oregon. In June 2026, OPDC selected Aeon Nexus as the vendor, marking the start of the implementation phase of the project. In the coming months, OPDC will work with the company to develop the new system and ensure it fits user requirements. The system will then be thoroughly tested with staff and stakeholders. All users will be trained on the new system, workflows, and business processes before the system goes live, which is anticipated to begin in fall 2027. External users will be using FCMS by spring 2028. More information about the project can be found on the OPDC website.

initiatives related to public defense. Thus, while the Defense Services Division will focus on daily operations and policy adherence, CAP will serve a more qualitative function, ensuring a public defense system that provides competent and effective legal counsel.

Falling outside of the general structure described above is the budget and finance division. In most state agencies, budget and finance are located within administrative services. OPDC has elected to keep budget and finance independent, which allows the division to report directly to the executive director for greater oversight and control over the agency's budget.

Long-Term Planning

While the immediate focus remains on resolving the ongoing unrepresented persons crisis and stabilizing service delivery statewide, OPDC is committed to a future transition away from the current MAC model to an approach that more accurately reflects the time and resources required to provide constitutionally effective representation. This transition, however, will take time as any workload model employed by OPDC directly affects its budget. Due to this relationship, the timing of the transition to a new workload model must be coordinated with preexisting state budget development timelines and the legislative calendar. As such, the earliest a transition could be effectuated away from MAC to a new workload approach would be during the 2029 legislative session.

Figure 13 provides a high-level timeline for a transition to a new workload model. A robust stakeholder engagement process will be necessary to adequately develop, vet, and refine a workload model that more accurately reflects the time and resources required to provide constitutionally effective representation, while also fitting into a constrained budget environment and not disrupting the functioning of the legal system. OPDC plans to lead a stakeholder-driven process beginning in 2026 that will continue through 2027 and will involve a wide range of system partners, including public defense providers, the courts, and district attorneys, as well as other essential stakeholders, including legislators, the Governor's Office, and individuals who receive public defense services.

Figure 13. Tentative Timeline for Transition to a New Workload Model

<table>
<tr><th colspan="4">2026</th><th colspan="4">2027</th><th colspan="4">2028</th><th colspan="2">2029</th></tr>
<tr><th>Q1</th><th>Q2</th><th>Q3</th><th>Q4</th><th>Q1</th><th>Q2</th><th>Q3</th><th>Q4</th><th>Q1</th><th>Q2</th><th>Q3</th><th>Q4</th><th>Q1</th><th>Q2</th></tr>
<tr><td colspan="3">2027 Budget Development</td><td>Gov Budget</td><td colspan="2">Legislative Session</td><td></td><td colspan="4">2029 Budget Development</td><td>Gov Budget</td><td colspan="2">Legislative Session</td></tr>
<tr><td colspan="3">Initiation Phase and Project Planning</td><td colspan="4">Model Development & Ongoing Stakeholder Engagement</td><td colspan="4">Incorporation of New Model into 2029 Budget Development</td><td></td><td></td><td></td></tr>
</table>

As shown in Figure 13, the first stage in this effort involves project initiation and planning, which includes identifying critical stakeholders, collaborating with stakeholders and partners to define project success criteria, and setting a more detailed project timeline and expectations for deliverables. The second stage will involve the challenging work necessary to develop a new workload model that accommodates the intricacies and nuances of the Oregon public defense system and the broader criminal justice system. While much of this work will be focused on internal agency policy, research, and budget staff, it is essential that stakeholders be brought along in parallel, so that essential feedback can be gained as the model is developed and refined through an iterative process. The overarching goal of this effort is to have a fully vetted proposed model available for inclusion in the budget development process, which is scheduled to begin in early 2028 for the 2029 legislative session.

SERVICE DELIVERY COSTS AND CASELOADS

To determine the number of attorneys needed to cover projected caseloads across the state, staff began by using the DAS Office of Economic Analysis forecast, broken down by county, and converting those figures into estimates of the MAC needed in each jurisdiction. To supplement the forecast, staff also reviewed data reported by providers and incorporated local knowledge to add qualitative context to the quantitative analysis. Using this information, OPDC developed jurisdiction-level proposals to guide planning for the 2025–27 contract cycle. Contractors then worked with staff to refine these proposals and submitted plans outlining their anticipated staffing levels and resource needs for the upcoming biennium. The result of this process is the 2025-27 contracts that went into effect on October 1, 2025.

The following sections provide information on OPDC's service delivery model, including who provides public defense services and caseload information.

Providers

Public defense in Oregon is organized through three main channels: capacity contracts with external providers, hourly contracts with lawyers outside of OPDC, and Trial Division. Capacity contract providers are organizations that contract with OPDC to provide public defense under the MAC model. Contract providers include non-profits, consortia, and individuals or law firms. Hourly providers take cases on an ad-hoc basis and submit bills for the hours they work on each case. Trial Division began in December 2023 and consists of full-time public defenders employed by the state who operate under the same MAC model as contract providers.

Table 13. Total MAC by Provider Type

Provider Type	10/1/2025	7/1/2026
Non-Profit	227.26	231.97
Consortia	310.18	310.36
Individuals/Law Firms	102.22	111.37
Oregon Trial Division	17.00	19.00
Total	**656.66**	**672.70**

Table 13 reports attorney MAC by provider type. This table combines MAC for services on adult, juvenile, and Parent Child Representation Program cases and includes only attorney MAC providing public defense representation. It excludes specialty court, supervision, the reduced caseload program, SPPE FTE that is non-caseload, investigation, and other non-MAC contracts. As shown in the table, 16.04 MAC has been added to the public defense system since the 2025-27 contracts began on October 1, 2025, in response to changing dynamics in various jurisdictions across the state.

In addition to contracting non-profits, consortia and law firms, OPDC also contracts with 313 attorneys who provide representation on an hourly basis.

Tables 14, 15, and 16 offer detailed breakdowns of contracted providers for the 2025-27 contracts as of July 1, 2026. These tables display both MAC and specialty court FTE, which refers to attorneys providing direct representation to clients. They also display non-caseload FTE, which includes attorney time not directly tied to client representation, such as supervision, along with non-attorney contracted experts like investigators and case managers. SPPE participants and attorneys working under the Reduced Caseload Program are categorized by MAC and FTE, to clearly show the portion of the 1.0 FTE dedicated to case coverage (MAC) and the portion that is not (FTE).

Table 14. 2025-27 Adult Trial Division Provider Contracts as of 7/1/2026		
Contract Providers (Adult Trial Division)	**Position Classifications**	**Contracted Amounts**
Contracted MAC & Specialty Court FTE for Direct Representation		
Reduced Caseload Program (Atty MAC caseload)†	Attorney 1	31.27
SPPE (Atty MAC caseload)‡	Attorney 1	2.29
Misdemeanor	Attorney 1	39.25
Minor Felony, Civil Commitment	Attorney 2	94.64
Major Felony	Attorney 3	152.65
Murder	Attorney 4	159.58
		479.68
Statewide Contracted MAC & Specialty Court FTE for Direct Representation		
Post Conviction Relief/Habeas Corpus	Attorney 4	19.81
Post Conviction Relief appeals	Attorney 4	4.42
Civil Commitment Appeals	Attorney 4	2.60
Civil Commitment Appeals, PSRB, and *Padilla* Referral Contracts	Attorney 3	3.19
Psychiatric Security Review Board (PSRB) Requiring Supervision	Attorney 2	1.60
Murder	Attorney 4	11.61
		43.23
Total Contract Provider Attorney MAC & Specialty Court FTE		**522.91**
Reduced Caseload and SPPE FTE		
Reduced Caseload Program (FTE non-caseload)†	Attorney 1	15.57
SPPE (FTE non-caseload)‡	Attorney 1	7.26
		22.83
Supervision FTE[α]		
Standard Provider Supervision	Supervisior-3	4.15
Standard Provider Supervision	Supervisior-4	14.56
Statewide Supervision	Supervisior-4	1.4
		20.11
Investigation FTE		
	Investigators	60.27
		60.27
Total Contract Provider FTE		**103.21**
TOTAL CONTRACT PROVIDER ATTORNEY MAC AND FTE		**626.12**

† Reduced Caseload Program attorneys operate under a MAC limit of 200 weighted misdemeanors. For this table, the portion of effort devoted to representation is denoted as “Atty MAC.”

‡ In 2023-25, OPDC funded SPPE candidates at full rates, but starting with the 2025-27 contracts, only the MAC portion of an SPPE position is funded.

α Supervision FTEs are attorneys who are compensated for supervising other attorneys under contract. OPDC funds supervisors at a rate of 0.1 supervisor FTE for every 1.0 attorney.

Table 15. 2025-27 Juvenile Trial Division Provider Contracts as of 7/1/2026		
Contract Providers (Juvenile Trial Division)	**Position Classifications**	**Contracted Amounts**
Contracted MAC& Specialty Court for Direct Representation		
SPPE (Atty MAC caseload)	Attorney 1	0.08
Delinquency	Attorney 2	0.95
Reduced Caseload Program (Atty MAC caseload)	Attorney 3	1.84
Delinquency / Dependency /Termination of Parental Rights	Attorney 3	79.99
Murder	Attorney 4	6.86
		89.72
Statewide Contracted MAC & Specialty Court for Direct Representation		
Juvenile Appeals	Attorney 4	0.46
Murder	Attorney 4	3.0
		3.46
Total Contracted Attorney MAC & Specialty Court FTE		**93.18**
Reduced Caseload and SPPE FTE		
SPPE (FTE non-caseload) ‡	Attorney 1	0.22
Reduced Caseload Program (FTE non-caseload) †	Attorney 3	0.96
		1.18
Supervision FTE[α]		
Standard Provider Supervision	Supervisior-3	0.06
Standard Provider Supervision	Supervisior-4	1.25
Statewide Supervision	Supervisor-4	0.2
		1.51
Investigation FTE		
	Investigators	0.92
		0.92
Total Contract Provider FTE		**3.61**
TOTAL JUVENILE ATTORNEY MAC AND FTE		**96.79**

† Reduced Caseload Program attorneys operate under a MAC limit of 200 weighted misdemeanors. For this table, the portion of effort devoted to representation is denoted as "Atty MAC."

‡ In 2023-25, OPDC funded SPPE candidates at full rates, but starting with the 2025-27 contracts, only the MAC portion of an SPPE position is funded.

α Supervision FTEs are attorneys who are compensated for supervising other attorneys under contract. OPDC funds supervisors at a rate of 0.1 supervisor FTE for every 1.0 attorney.

Table 16. 2025-27 Parent Child Representation Program Provider Contracts as of 7/1/2026		
Contract Providers (Parent Child Representation Program)	**Position Classifications**	**Contracted Amounts**
Contracted Direct Representation		
Juvenile Delinquency	PCRP Attorney	0
Dependency	PCRP Attorney	10.06
Delinquency / Dependency /Termination of Parental Rights	PCRP Attorney	69.22
		79.28
Total Contracted Direct Representation		**79.28**
Reduced Caseload and SPPE FTE		
SPPE (FTE non-caseload)†	PCRP Attorney	0.34
		0.34
Supervision FTE‡		
Standard Provider Supervision	Supervisior-4	2.78
		2.78
Case Managers		
	Case Managers	26.17
		26.17
Investigation FTE		
	Investigators	3.00
		3.00
Total Contract Provider FTE		**32.29**
TOTAL PCRP		**111.57**

† In 2023-25, OPDC funded SPPE candidates at full rates, but starting with the 2025-27 contracts, only the direct representation portion of an SPPE position is funded.

‡ Supervision FTEs are attorneys who are compensated for supervising other attorneys under contract.

Caseload Reporting

Senate Bill 337 (2023) requires the Department of Administrative Services' Office of Economic Analysis (DAS OEA) to issue a state public defense population forecast, including expected populations of adults and juveniles eligible for appointed counsel. As with other forecasts, including forecasts related to Department of Corrections and Oregon Youth Authority populations, DAS OEA is required to release the forecasts twice a year on April 15 and October 15. The data is to be used in OPDC's budget development.

OPDC signed an interagency agreement with DAS OEA in late 2023 for this work. OPDC, the Criminal Justice Commission, the Oregon Judicial Department, and other partners collaborate with DAS OEA to review the forecast methodology, data inputs, and how the forecast informs contracting and budgeting. Although this forecast is still new, it will become more precise with each iteration. OEA released its first public defense forecast on April 15, 2024, and its most recent on April 15, 2026. [This forecast] was used to build the Agency Request Budget. The next forecast will be published on October 15, 2026, and will be used to build the Governor's Request Budget as it moves toward the 2027 legislative session.

Table 17. Reproduction of Public Defense Forecast – 2025-27 Eligibility Comparison
Difference from budgetary baseline

	Case Type	April 2025 Fcst	April 2026 Fcst	Change	Percent
Adult	Felony	46,340	44,453	-1,888	-4.1%
	Murder	285	231	-54	-18.9%
	Jessica's Law	222	251	29	13.1%
	Measure 11	3,948	3,813	-135	-3.4%
	Major Felony	7,967	8,033	66	0.8%
	Minor Felony	33,919	32,124	-1,795	-5.3%
	Misdemeanors	93,243	96,089	2,846	3.1%
	Probation Violation	27,343	27,402	60	0.2%
	Treatment Court	1,866	1,744	-122	-6.5%
	Appellate	3,565	3,529	-36	-1.0%
	Post-Conviction Relief	672	593	-78	-11.7%
	Habeas Corpus	210	384	174	82.6%
	Civil Commitment	5,496	7,386	1,890	34.4%
	Total	**178,735**	**181,579**	**2,845**	**1.6%**
Juvenile	Dependency*	17,726	19,522	1,796	10.1%
	Delinquency**	6,718	5,554	-1,165	-17.3%
	Probation Violation	4,253	3,913	-340	-8.0%
	Treatment Court	338	388	50	14.9%
	Appellate	683	584	-98	-14.4%
	Total	**29,718**	**29,961**	**243**	**0.8%**
	Total New Eligible Cases	**208,453**	**211,541**	**3,087**	**1.5%**

* Includes Parents and Guardians
** Includes Measure 11, Murder, and All Others

According to the April 2026 forecast, adult eligibility for public defense services is projected to increase through fiscal year 2031, primarily due to House Bill 4002 (2024), which recriminalized possession of user amounts of controlled substances. Impacts are most visible in misdemeanor and probation violation case categories. There is also an increase in civil commitments from HB 2005 (2026). The 2025-27 budget was based on projections from the April 2025 forecast. Table 17 presents data from the April 2026 forecast compared to the April 2025 forecast. Overall, as shown in Table 17, there is a 1.6% increase in projected adult cases compared to the previous forecast, which is largely attributable to an expected increase in misdemeanor cases (3.1%) as well as a projected decrease in felonies (-4.1%).

While case weight under the MAC funding model is awarded at the time of appointment, public defense cases do not open and close on a biennial schedule. For instance, a case that is filed on the last day of the biennium will continue into the next. In this case, the MAC weight will be assigned to the biennium in which the case was assigned to a public defender, even though the vast majority of the work will occur in the following biennium. As of the close of the 2023-25 biennium, OPDC providers reported 41,874 cases that remained open at the start of the 2025-27 biennium. While these cases are not counted towards 2025-27 MAC, they do represent an existing workload and thus impact attorneys' ability to take new cases. Similarly, OPDC will continue to incur preauthorized expenses and court-mandated expenses on cases assigned in the previous biennium because the work on those cases spans biennia.

Table 18 compares DAS OEA forecasted statewide caseload numbers to OPDC's caseload data, which was reported to OPDC by public defense providers between July 2025 and May 2026. Although Table 18 compares data from different sources that do not necessarily align in all respects, the comparison is useful as it provides an initial examination of how actuals compare to forecasted values.[2] As such, this data should be considered supplementary to the DAS OEA forecast and should not be used to make formal caseload predictions. The table and its results are merely an internal tracking tool used to provide indications of instances where there may be a departure from the DAS OEA forecast that may be needed to address from a capacity standpoint.

The data in Table 18 indicate that, at least for adult cases, new appointment projections are similar to those in the DAS OEA forecast, with the most significant points of departure being misdemeanors, treatment court cases, and civil commitment cases. At least some of these incongruencies, however, are likely due to the reliance on different data sources. There is a larger variance for juvenile cases overall. This is likely due to the undercounting of juvenile hourly cases. As OPDC gains more experience with the forecast and internal data collection improves (see *Intervention Two* above), these comparisons will become more accurate and valuable for tracking whether and how the case filings align with the forecast.

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[2] The following methods were used to populate this data: (i) for *provider contracts,* analysts determined the distinct count of cases as reported to OPDC for the months of July 2025-May 2026 with an appointment date (open date for PCRP) between 7/1/25 and 5/31/26. If a case was reported by multiple attorneys, then the case is counted once and categorized by the first case type it was reported as; (ii) *Oregon Trial Division* data is the distinct count of cases assigned to Oregon Trial Division attorneys between 7/1/25 and 6/30/26 as recorded in Clio. OTD does not currently accept appellate or juvenile cases; (iii) *hourly* case data utilizes three data sources: (a) cases assigned by OPDC assignment coordinators with an effective date between 7/1/25 and 6/30/26, (b) cases billed to OPDC for hourly attorney fees with an appointment date between 7/1/25 and 6/30/26 that were not assigned by OPDC assignment coordinators, and (c) OJD case data to identify any additional hourly cases taken by attorneys that do not show up in (a) or (b). The final source of hourly case data has been shown to slightly undercount the number of hourly cases because OPDC does not have access to appellate data from OJD. The overall total of hourly cases in Table 18 should be viewed with some caution.

Table 18. Forecasted vs. Actual Appointments Estimate

	Case Category	April 2026 DAS OEA Forecast	Capacity Contract Cases Jul 25-May 26	OPDC† Cases FY26	Hourly Cases FY26	Total Cases Reported	2025-2027 Projected Cases
Adult	Felony	44,452	16,659	1,003	3,123	20,785	44,599
	Murder	231	115	7	47	169	359
	Jessica Law	251	162	12	26	200	429
	Measure 11	3,813	1,730	92	332	2,154	4,623
	Major Felony	8,033	2,902	222	705	3,829	8,186
	Minor Felony	32,124	11,750	670	2,013	14,433	31,002
	Misdemeanor	96,089	39,621	1,056	5,652	46,329	99,862
	Probation Vio	27,402	11,309	236	781	12,326	26,708
	Treatment Court	1,744	5,003	42	7	5,052	11,014
	Appellate	3,529	222	1,349	47	1,618	3,276
	Post-Conviction	593	303	-	58	361	777
	Habeas Corpus	384	146	-	44	190	407
	Civ Commitment	7,386	2,902	-	180	3,082	6,692
	Total	**181,579**	**76,165**	**3,686**	**9,892**	**89,743**	**193,334**
Juvenile	Dependency	19,522	5,520	-	728	6,248	13,500
	Delinquency	5,554	3,033	-	228	3,261	7,073
	Probation Vio	3,913	586	-	13	599	1,305
	Treatment Court	388	56	-	-	56	122
	Appellate	584	77	386	24	487	988
	Total	**29,961**	**9,272**	**386**	**993**	**10,651**	**22,988**
	Total Adult & Juv	**211,540**	**85,437**	**4,072**	**10,885**	**100,394**	**216,322**

†OPDC denotes both the Oregon Trial Division and the Appellate Division. Appellate cases were handled by the Appellate Division; all other OPDC cases were taken by the Oregon Trial Division.

BIENNIAL FINANCIAL FORECAST

Table 19 provides an updated biennial financial forecast for OPDC. An assessment of each program is provided. The Budget amount includes actions from the 2026 session. The variance is the projected amount above or below the agency's Legislatively Approved Budget (LAB). A negative amount indicates the program is projected to spend beyond the LAB.

Table 19. Budget to Actuals with Biennial Projections

Program	Budget	Actuals	Projections	Variance
Executive Division	$3,784,400	$1,725,594	$1,692,435	$366,371
Compliance, Audit & Performance Div	$5,516,341	$3,512,481	$2,436,361	$(432,501)
Resource Counsel Division	$3,152,704	$481,363	$2,525,515	$145,826
Appellate Division	$30,275,988	$14,749,727	$15,848,621	$(322,360)
Adult Trial Division	$328,788,128	$147,676,268	$159,769,245	$21,342,615
Juvenile Trial Division (GF)	$45,417,129	$21,816,330	$22,993,453	$607,346
Juvenile Trial Division (OF) IV-E	$7,393,486	$4,226,513	$3,166,973	-
Preauthorized Expenses Div (GF)	$101,422,313	$55,074,485	$54,358,315	$(8,010,487)
Preauthorized Expenses Div (OF) IV-E	$1,037,357	$327,540	$709,817	-
Court Mandated Expenses Divi (GF)	$61,262,103	$45,245,395	$34,444,831	$(18,428,123)
Court Mandated Expenses Div (OF) IV-E	$2,098,261	$1,347,794	$750,467	-
Court Mandated Expenses Div (OF) ACP	$3,497,604	$1,586,974	$1,910,630	-
Trial Representation Division	$22,157,152	$8,865,270	$12,658,943	$632,939
Parent Child Rep Prgm (GF)	$46,737,940	$23,350,916	$19,305,640	$4,081,384
Parent Child Rep Prgm (OF) IV-E	$11,684,477	$4,825,997	$6,858,480	-
Administrative Services Division	$24,809,091	$11,812,767	$13,219,183	$(222,859)
ASD - FCMS Non-Bondable Costs (GF)	$381,095	$43,644		$337,451
ASD - FCMS Bond Funding (OF)	$14,042,903	$1,666,668	$12,376,235	$ -
Special Programs, Contracts, And Distr.	$11,092,599	$5,108,194	$5,405,489	$578,916
Debt Service	$2,392,223		$2,392,223	-
Total	**$726,943,294**	**$353,443,920**	**$372,822,856**	**$676,518**

1. **Administrative Services.** The Administrative Services Division, which houses agency operational units, is projected to be over budget due to (i) unbudgeted Oregon Department of Justice (DOJ) charges for legal services following the shift from internal general counsel to reliance on the DOJ as the agency's counsel on all legal matters; (ii) unbudgeted enterprise IT charges; (iii) a cost-of-living increase impacting staff salaries, and (iv) the temporary coverage of expenditures associated with the Financial and Case Management System (FCMS) prior to bond issuance. The overage may be mitigated or resolved following the June 2026 bond sale, as all appropriate FCMS expenditures will be directed to the FCMS "other fund" account during July 2026. These transfers will be reflected in the July 2026 month close, completed in August 2026.

2. **Adult Trial Division**. This division currently forecasts a large amount of unallocated funds. During development of the 2025–2027 budget, OPDC anticipated that contracted providers would require additional funding to absorb forecasted caseload during the transition from one contract cycle to the next. Instead, providers maintained higher-than-expected utilization under their existing contracts throughout the transition. As a result, the Adult Trial Division required less funding than originally projected. The projected unallocated funds will be utilized in the agency's September 2026 Emergency Board request to rebalance existing funds. This area continues to be monitored through monthly reassessments and quarterly revisions as warranted by the forecast and provider-reported caseload data.

3. **Juvenile Trial Division**. The Juvenile Trial Division funds external non-PCRP juvenile providers across the state. Projections in this budget category rely on three assumptions: (i) that the DAS OEA public defense caseload forecast as of April 2026 is accurate; (ii) that OPDC appropriately contracted with providers to meet the DAS OEA forecast; and (iii) that contract providers meet a 90% MAC utilization threshold. The Juvenile Trial Division is currently operating in line with current projections.

4. **Parent Child Representation Program**. The Parent Child Representation Program Division funds external PCRP juvenile providers across the state. Projections in this budget category rely on three assumptions: (i) that the DAS OEA Public Defense Caseload Forecast as of April 2026 is accurate; (ii) that OPDC appropriately contracted with providers to meet the DAS OEA forecast; and (iii) that contract providers meet a 90% MAC utilization threshold. The Parent Child Representation Program projection currently shows a small amount of unallocated funds; however, it is too early in the contracting period to draw concrete conclusions, as the overage relies on receiving full federal reimbursement for Federal Title IV-E expenditures.

5. **Appellate Division:** The Appellate Division budget is projecting an overage, which is attributable to built-in cost-of-living increases that are impacting staff salaries. At the end of the last biennium, the results of a legal bargaining matter resulted in an upward adjustment of a certain attorney's salary, bypassing the 2025-2027 ORPICS freeze, and were therefore not accounted for in the current biennium's funding. The agency's transition to the Executive Branch is also contributing to the overage as the current budget did not include the increased cost of IT charges for phones, internet services, and other enterprise charges.

6. **Compliance, Audit, and Performance**. The Compliance, Audit, and Performance Division is forecasting an overage due to unprojected Oregon Department of Justice expenditures, increased staff position expenditures for new hires at a rate higher than the current budget, and a built-in cost-of-living increase impacting staff salaries. The agency's transition to the Executive Branch did not include existing IT charges for phones, internet services, and other enterprise charges

7. **Court Mandated Expenses.** The Court Mandated Expenses Division funds hourly attorneys providing defense services across all crime types. The program currently displays an estimated negative variance of ($18,000,000). The agency continues to pay for expenditures attributable to the previous biennium, as well as expenses attributable to the Temporary Hourly Increase Program (THIP), which ended on June 30, 2025. The agency was given $11,121,931, which was allocated to account for the program wind-down and has been fully expended as of January 2026. There is a notable decrease in the amount of enhanced attorney fees (THIP) paid, with a rolling 3-month average of $824,053 (as of June 2026), compared to the average of $1,950,641 in Q1. However, the regular attorney fees for all other hourly cases have increased from a rolling 3-month average of Q1 $1,237,464 to $2,041,645, as of June 2026. The agency is working with its DAS analyst for a rebalance of existing funds at the September 2026 E-Board to address the needs of the program.

8. **Debt Service.** Projections are consistent with the LAB.

9. **Executive Division**. The Executive Division projects slight savings.

10. **Preauthorized Expenses**. The Preauthorized Expenses Division funds trial-related expenses including investigation, expert testimony, psychological evaluations, and other trial-related items. This program's budget displays a negative variance of approximately $8,000,000. Notably, the average THIP expenditure for Q1 was $419,838, and the current 3-month average (June 2026) is $261,350. The agency continues to monitor the downward trend in the average of enhanced investigator fees. However, investigator fees for all other cases have increased from an average of $1,118,668 for Q1 to a 3-month rolling average (June 2026) of $1,449,590. The agency is working with its DAS analyst for a rebalance of existing funds at the September 2026 E-Board to address the needs of the program.

11. **Special Programs.** This Division includes funding for discovery reimbursements, the agency's Law School Clinic Program, and guardianship cases. Projections are consistent with the LAB.

12. **Trial Representation Division**. The Trial Representation Division houses the agency's trial-level attorneys providing direct representation in Oregon's circuit courts. The budget projections for this division are currently consistent with LAB. However, absorbing pay equity for new attorney hires against services and supplies is becoming challenging to balance.

Oregon Public Defense Commission

Date: September 16, 2026

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

Cc: Kenneth Sanchagrin, Executive Director

From: Jennifer Bell, Senior Policy Analyst

Re: Update on Agency Rulemaking

Nature of Presentation: Update

Background:

On June 11, 2026, the Commission opened proposed rulemaking. OPDC staff worked through the process, including engagement with the Oregon Secretary of State (SOS). Initially, SOS only required minor reference changes made to the references within Model Rules for Rulemaking.

During the public comment period and through engagement with the agency's Rules Advisory Committee (RAC) and Oregon Department of Justice (DOJ) partners, additional challenges were brought up regarding the language within the draft of Delegation of Rulemaking Authority. In summary, there was concern that the proposed rule allowed agency staff to proceed with rulemaking without the involvement of the board.

Currently, OPDC statutes (ORS 151) use the term "commission", sometimes with a capital "C" and sometimes with a lowercase "c". This has led to confusion in discussions around policy, authority, and other operational matters. It is also likely what has led to the confusion around this proposed rulemaking.

With feedback from DOJ partners, OPDC staff will be revising this rule to be more inclusive over the board's involvement in rulemaking. Revisions will explicitly call out the fact that the board will vote to open rulemaking and will later vote to adopt proposed rules. The delegation around rulemaking is intended to allow agency staff to coordinate the complicated processes, not to adopt, amend, or repeal the rules without board involvement.

Because the Delegation of Rulemaking Authority must be adopted before other rules can be effective, all rules originally planned to come before the board during the September commission meeting will be paused. They will be brought back as a package again once the revisions are complete.

Fiscal Impact:
None.

Recommendation:
No action at this time. Agency staff will bring this set of rules, including the revised Delegation of Authority rule, back to a future Commission meeting for a vote to open rulemaking.

Oregon Public Defense Commission

Date:	**September 16, 2026**
To:	**Robert Harris, Chair of OPDC** **Susan Mandiberg, Vice Chair of OPDC** **OPDC Commissioners**
Cc:	**Kenneth Sanchagrin, Executive Director**
From:	**Dacia Smith, Rules Coordinator**
Re:	**Presiding Officer's Report on Rulemaking Hearing – OAR chapter 404 division 025**

Nature of Presentation: Briefing

Background:
The Oregon Public Defense Commission's (OPDC) Administrative Rules Coordinator filed the Notice of Proposed Rulemaking with the Secretary of State's Office on June 23, 2026, regarding the agency's adoption of model rules, notice of intended rulemaking actions, and delegation of rulemaking authority. The team held a rulemaking hearing for the three proposed administrative rules. The hearing occurred virtually using the Zoom platform and was recorded to create an official record. The public comment period began on July 1, 2026, and closed on August 10, 2026, at 5 p.m. Pacific time.

Public Hearings and Comment Period

Meeting type	Hearing Date and Time	Hearing Location
Public Hearing	July 29, 2026, 2 p.m. PT	Virtual via Zoom.
Public Comment Period	July 1 to August 10, 2026, 5 p.m. PT	Submitted in writing via online form or Admin.Rules email.

Notice Filings (OAR chapter 404 Division 025)

Notice Title for Filing	Rule Numbers
Agency adoption of model rules, notice of intended rulemaking actions, and delegation of rulemaking authority.	Adopting OAR 404-025-0100, 404-025-0200, and 404-025-0300.

Public Hearing – July 29, 2026

The public hearing for the three proposed administrative rules took place on Wednesday, July 29, 2026, at 2:00 p.m. Pacific time via Zoom, and was recorded to maintain a record. Two individuals from the agency attended the hearing as observers. No members of the public attended the hearing. View the hearing.

Public Comment Period – July 1 to August 10, 2026

The Notice of Proposed Rulemaking filing for the agency's adoption of model rules, notice of intended rulemaking actions, and delegation of rulemaking authority proposed administrative rules, which included a Statement of Need with Racial Equity and Fisal Impact consideration, was published in the Oregon Bulletin on July 1, 2026. The public comment period was open from July 1 to August 10, 2026, for interested parties and the public to submit comments on the proposed rules.

During the public comment period, the agency received one (1) written comment from an individual through the Admin.Rules@opdc.state.or.us email box regarding OAR 404-025-0300 Delegation of Rulemaking Authority. Read the email and comment.

The Oregon Legislators' comment period opened on June 23, and closed on August 10, 2026, at 5 p.m. Pacific time. No comments or questions were received via the agency's online form or the agency's Admin.Rules@opdc.state.or.us email box.

Fiscal Impact:
None.

Recommendation:
None.

Proposed Motion:
None.

Oregon Public Defense Commission

Date: September 16, 2026

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

Cc: Kenneth Sanchagrin, Executive Director

From: Kim Freeman, Policy and Data Manager

Re: Agency Key Performance Measures (KPM)

Nature of Presentation: Briefing

Background:
The Annual Performance Progress Report (APPR) is the primary expression of agency performance measured against legislatively approved Key Performance Measures (KPM). The APPR report is required by each state agency with a report submission date of October 1, 2026.

The agency currently has six KPM's:

- Appellate Case Processing - Median number of days to file opening brief.
- Customer Service - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent", overall customer service, timeliness, accuracy, helpfulness, expertise, and availability of information.
- Best Practices for Boards and Commissions - Percentage of total best practices met by the Commission.
- Trial Level Representation - During the term of the OPDC contract, percent of attorneys who obtain at least 12 hours per year of continuing legal education credit in the area(s) of law in which they provide public defense representation.
- Parent Child Representation Program (PCRP) - Percent of PCRP attorneys who report spending approximately 1/3 of their time meeting with court appointed clients in cases which the attorney represents a parent or child with decision-making capacity.

- Provisioning of Public Defense – Percent of financially eligible defendants/persons receiving a public defender. (New in 2026)

The agency conducted stakeholder engagement for four of the six KPMs again this year:

- Customer Service Survey – The survey asked 15 questions – based on provider type. The survey was sent to 2,096 people, which included all active public defense attorneys, contract administrators, experts and vendors. There were 353 responses for a 17% response rate.
- Best Practice for Boards and Commissions – The survey was distributed to all commissioners. Eight out of 12 commissioners responded.
- Trial Level Representation – All contracted attorneys received an email survey to answer one question: Did you complete 12 hours of Continuing Legal Education (CLE) from October 1, 2025 – June 2026. The survey was sent to 799 contract attorneys with 99 or 12% of those attorneys responding.
- Parent Child Representation Program (PCRP) – Met with providers to walk through caseload and activity report submission. Discussed current KPM measure and client contact. Lots of discussion with type of activity to report under client contact. We will continue to engage providers to increase the type of activity to report under client contact.

Next Steps:
This will be the last year we will report on Trial Level Representation.

All comments received from the customer service survey have been compiled by division and section and will be shared with management.

As we move into the 2027-2029 biennium with thirteen KPMs we will be working both internally to set up the required data elements needed along with conducting stakeholder engagement with our providers.

Fiscal Impact:
None

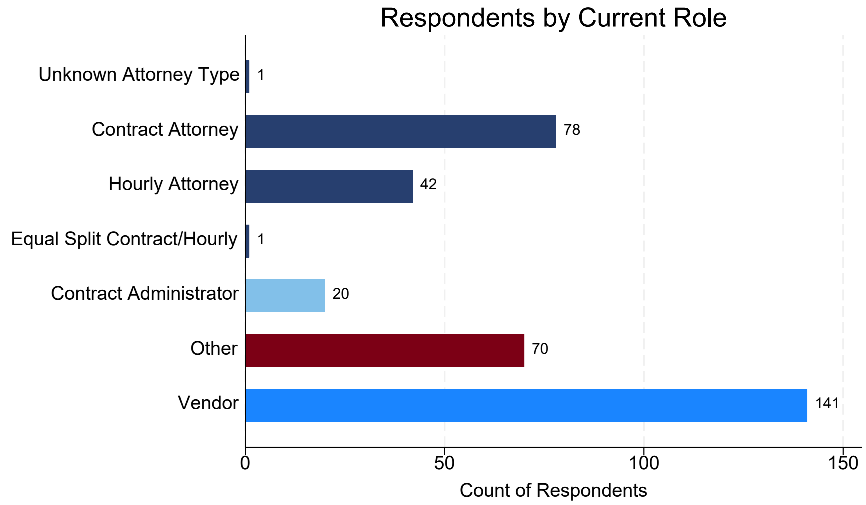
Agency Recommendation:
The Board reviews the KPM report to be submitted by October 1, 2026.

Oregon Public Defense Commission

2026 Customer Service KPM Survey

Respondents:
The survey was sent by email to 2.096 people, including all active public defense attorneys, contract administrators, experts, and vendors. There were 353 responses for a 17% response rate. The 2025 survey had 220 responses for a 16% response rate which was up from an 11% response rate in 2024.

Of the 353 respondents, attorneys made up just over a third of the respondents. Amongst the 122 attorneys, most (64%) spend most of their time as a contract attorney and 34% as an hourly attorney. Of the attorney responses, 76% spend most of their time in criminal defense. Other types of respondents included contract administrators (6%), vendors (40%), and other (20%). The percentage of vendor respondents increased from 24% in 2025 to 40%. Of the 141 vendor responses 33% indicated they are an investigator. Additionally, most of the respondents have been in public defense for more than 5 years with almost half more than 10 years.



Current Role by Years in Public Defense

Current Role	0 - 5 years	6 - 10 years	10+ years	No Response	Total
Attorney	10.5%	4.8%	19.0%	0.3%	34.6%
Contract Administrator	0.3%	1.4%	4.0%	0.0%	5.7%
Other	5.7%	3.7%	9.6%	0.9%	19.8%
Vendor	13.0%	5.1%	15.0%	6.8%	39.9%
Total	29.5%	15.0%	47.6%	7.9%	100.5%

Oregon Public Defense Commission

Summary:

Overall, OPDC rated higher in the Customer Service Survey this year compared to the results from 2024 and 2025. This holds true for five of the six questions as can be seen by the numerical averages in Table 1. OPDC was rated the highest in terms of the helpfulness of the staff in 2025 and the rating remained the same in 2026. OPDC was rated a 2.4 – 3.0 out of 4 for each question with an average of 2.8 across all question. OPDC was rated the highest on the helpfulness of staff, knowledge and expertise of staff, and the ability to provide services correctly the first time. The questions regarding timeliness of services and the overall quality of services were the lowest scoring questions again this year, but both questions received higher ratings compared to prior years. Table 2 displays the percentage of responses for each question falling into excellent/good or fair/poor categories.

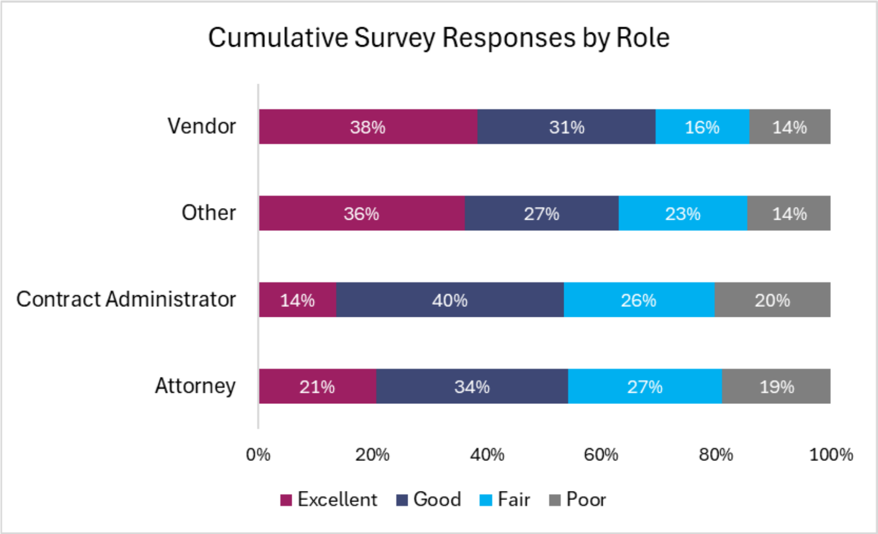
Table 1: Customer Service Survey – Numerical Averages

	2024	2025	2026
Correct Services	2.5	2.8	3.0
Accessibility & Distribution	2.0	2.4	2.7
Helpfulness of Staff	2.6	3.0	3.0
Knowledge & Expertise of Staff	2.6	2.8	3.0
Timeliness of Services	1.6	2.2	2.4
Overall Quality of Services	1.8	2.4	2.6
Total Average	2.2	2.6	2.8

Table 2: Customer Service Survey – Responses by Percentage

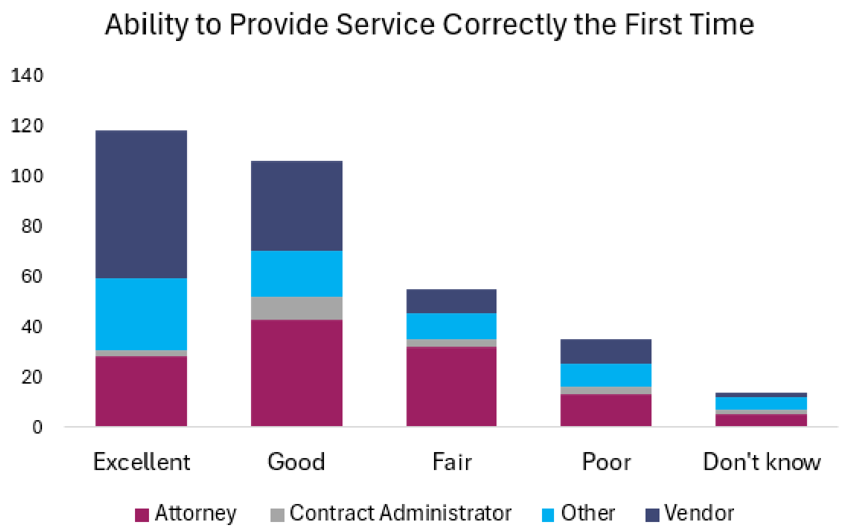
	2024		**2025**		**2026**	
	Excellent/ Good	**Fair/ Poor**	**Excellent/ Good**	**Fair/ Poor**	**Excellent/ Good**	**Fair/ Poor**
Correct Services	51%	47%	60%	39%	68%	27%
Accessibility & Distribution	28%	67%	46%	53%	57%	38%
Helpfulness of Staff	51%	46%	65%	33%	70%	28%
Knowledge & Expertise of Staff	47%	43%	60%	36%	68%	28%
Timeliness of Services	15%	85%	39%	61%	47%	51%
Overall Quality of Services	20%	78%	47%	52%	54%	44%

The graph below breaks down the answers to the questions by the respondent's current role. Vendors answered excellent most frequently (38% of the time). Contract administrators were also less likely to rate OPDC as excellent but were most likely to respond good.



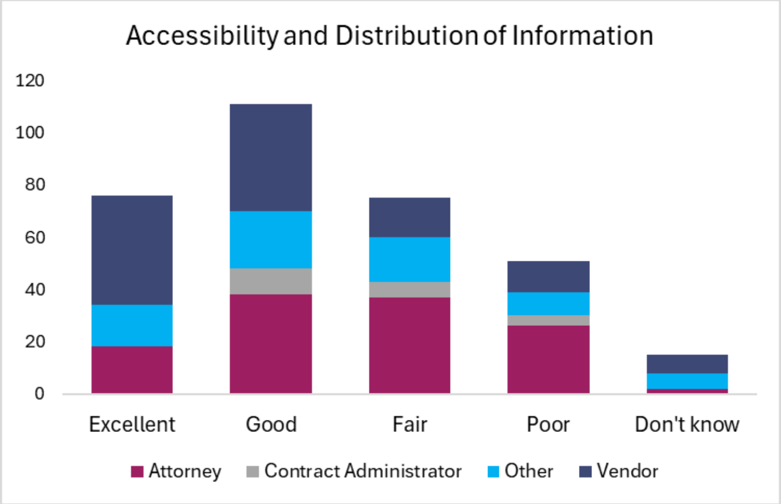
How do you rate the ability of OPDC staff to provide service correctly the first time?

Approximately 68% of respondents rated OPDC staff as excellent or good at providing services correctly the first time, which is up from 60% from 2025. Less than 11% of respondents answered this question as poor. Last year vendors were more likely to respond excellent than attorneys or contract administrators, which held true for 2026. Less than 9% of vendors answered poor while 50% answered excellent. Those who have been in public defense for 6-10 years were the most likely to respond favorably with almost 90% responding excellent or good. Compared to the responses from 2025, the percent of excellent responses increased by 7. This indicates OPDC staff has improved in their ability to provide services correctly the first time over the past year.



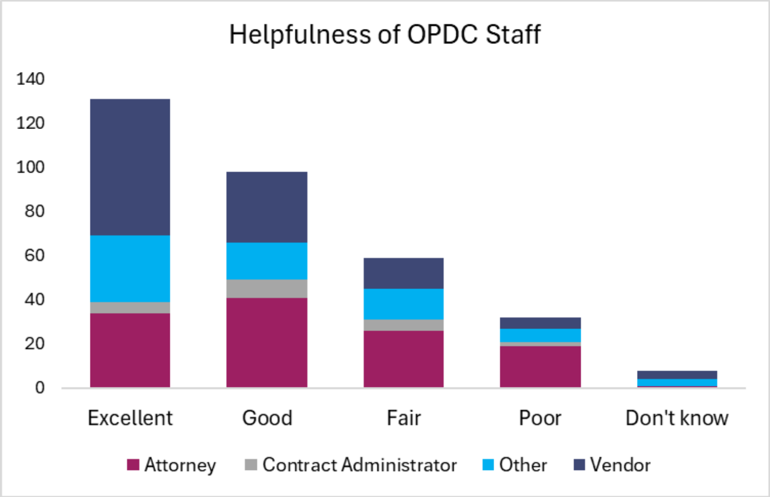
How do you rate the accessibility and distribution of information provided by OPDC?

Amongst respondents 57% rated OPDC as excellent or good in terms of the accessibility and information provided with 16% rating OPDC poorly. Compared to the 2025 survey, OPDC has improved in this measurement by 11% in the excellent or good rating which is a 29% increase from 2024. Additionally, vendors rated OPDC higher than attorneys for this question with 71% responding excellent or good. There is a difference in ratings when looking at the years the respondent has spent in public defense with those with more than 10 years of experience most likely to rate OPDC as fair or poor. Those with 6 to 10 years of experience rated OPDC more favorably. This difference in years of experience was also true in 2025.



How do you rate the helpfulness of OPDC staff?

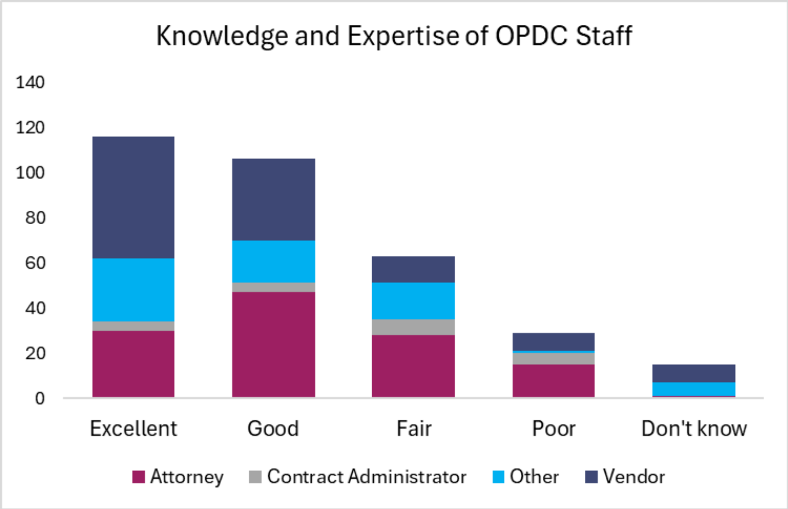
OPDC was rated the highest in this question both in 2024 and 2025 and remained tied for the highest rating this year. Last year 65% of respondents indicated excellent or good and this year increased to 70%. Vendors were most likely to rate the helpfulness of OPDC staff as excellent. Over 80% of investigators rated OPDC as excellent. Providers who have been in public defense over 10 years were least likely to rate OPDC as excellent.



Oregon Public Defense Commission

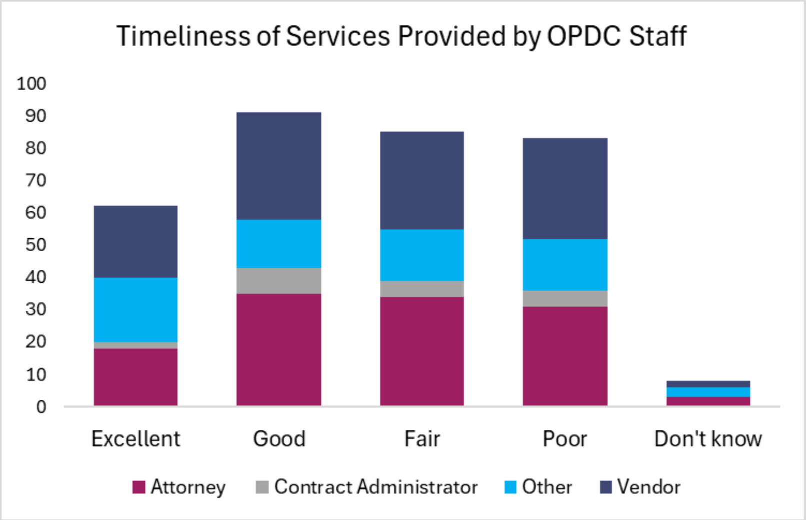
How do you rate the knowledge and expertise of OPDC staff?

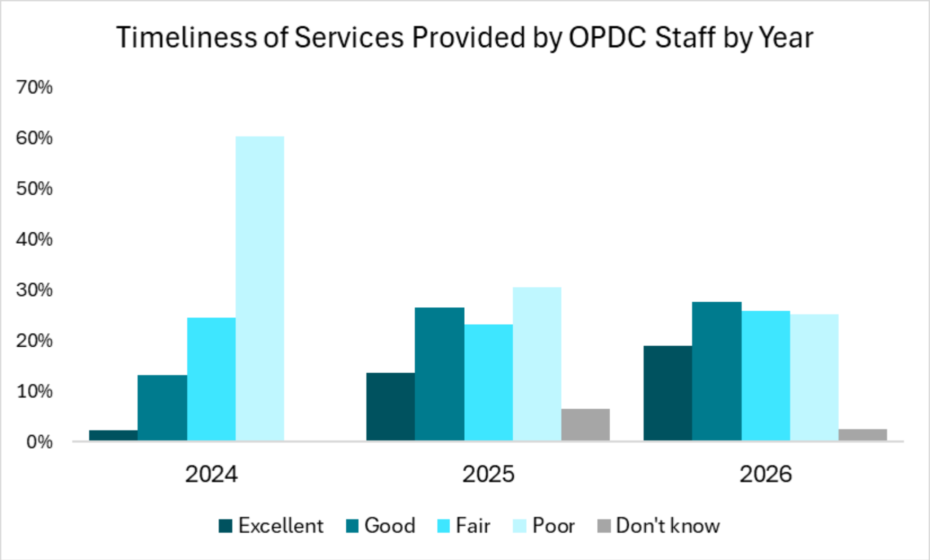
Overall, 68% of respondents rated the knowledge and expertise of OPDC staff as excellent or good. This is a 8% increase from 2025 and 21% increase from 2024 results for this question. Over two-thirds of investigator responses were excellent or good. In 2025 of the 21 contract administrator responses there were zero excellent responses this year 20% responded excellent, but contract administrators were the most likely to respond poor. Contracted attorneys responded excellent or good 70% of the time while less than 50% of hourly attorneys responded excellent or good. Of providers in public defense less than 5 years over 80% responded excellent or good.



How do you rate the timeliness of the service provided to you by OPDC staff?

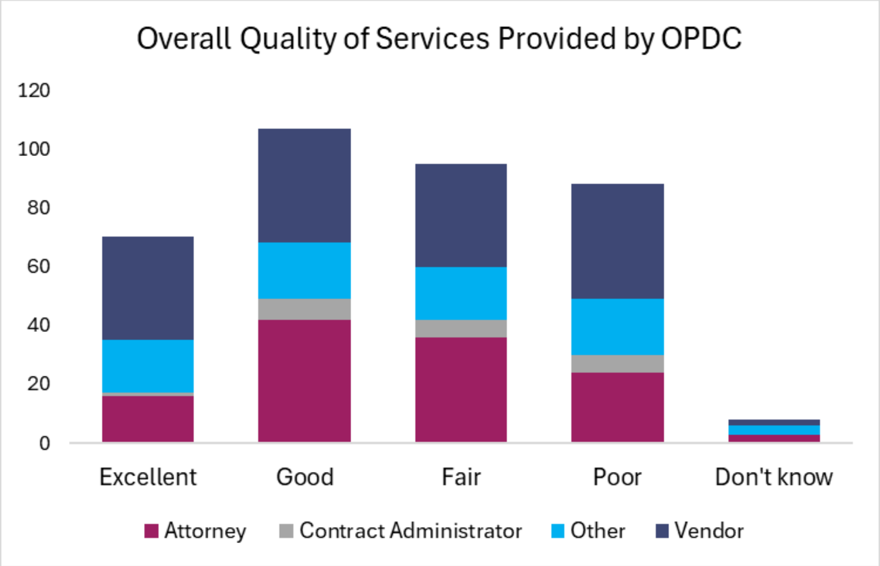
OPDC received the lowest rating across this survey for the timeliness of services provided with 47% of respondents answering excellent or good, and 25% responding poor. While OPDC did not rate well in terms of timeliness of services provided, the results indicate OPDC has consistently improved over the past two years. The percentage of respondents rating OPDC as excellent for this question increased from 2% in 2024, 15% in 2025, and 19% this year. The responses were fairly even across current roles. Breaking out the attorney role provides more insights as a higher portion of hourly attorneys rated OPDC poor than contract attorneys, which is a change from last year where hourly attorneys responded more favorably.





How do you rate the overall quality of services provided by OPDC?

Overall, 54% of respondents said the quality of services provided by OPDC are excellent or good. Attorneys and Contract Administrators were least likely to rate OPDC as excellent in overall quality of services provided. Amongst attorneys, hourly attorneys were slightly less likely to rate OPDC favorable than contract attorneys. Providers that have been in public defense over 10 years were mostly likely to rate the quality of services as poor (22%). Whereas 75% of providers with 6 – 10 years responded excellent or good and providers in public defense less than six years responded excellent or good 62% of the time.



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Please share your thoughts based on your answer to the overall quality of OPDC services.

Suggestions for improving OPDC customer service.

Public Defense Commission

Annual Performance Progress Report

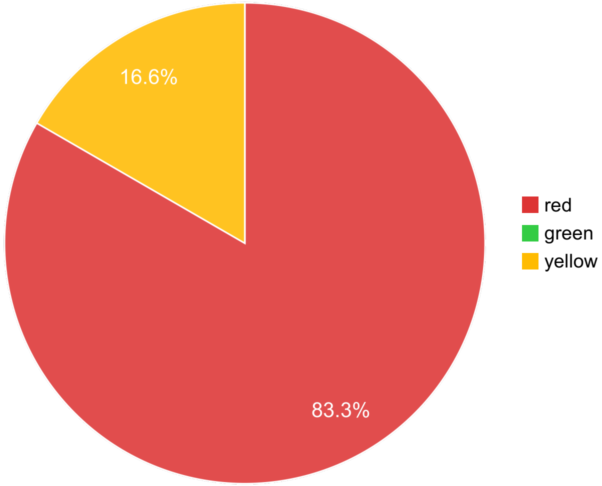
Reporting Year 2026

Published: 9/11/2026 3:48:37 PM

DRAFT

KPM #	Approved Key Performance Measures (KPMs)
1	APPELLATE CASE PROCESSING - Median number of days to file opening brief.
2	CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.
3	BEST PRACTICES FOR BOARDS AND COMMISSIONS - Percentage of total best practices met by Commission.
4	TRIAL LEVEL REPRESENTATION - During the term of the OPDS contract, percent of attorneys who obtain at least 12 hours per year of continuing legal education credit in the area(s) of law in which they provide public defense representation.[1] [1] Case types listed in the 2014-2015 Public Defense Legal Services Contract General Terms are: criminal cases, probation violations, contempt cases, civil commitment cases, juvenile cases, and other civil cases.
5	PARENT CHILD REPRESENTATION PROGRAM (PCRP) - Percent of PCRP attorneys who report spending approximately 1/3 of their time meeting with court appointed clients in cases which the attorney represents a parent or child with decision-making capacity.[1] [1] For a discussion on determining decision-making capacity, see The Obligations of the Lawyer for Children in Child Protection Proceedings with Action Items and Commentary, Oregon State Bar, Report of the Task Force on Standards of Representation in Juvenile Dependency Cases (2014).
6	PROVISIONING OF PUBLIC DEFENSE - The percentage of financially eligible defendants/persons receiving a public defender.

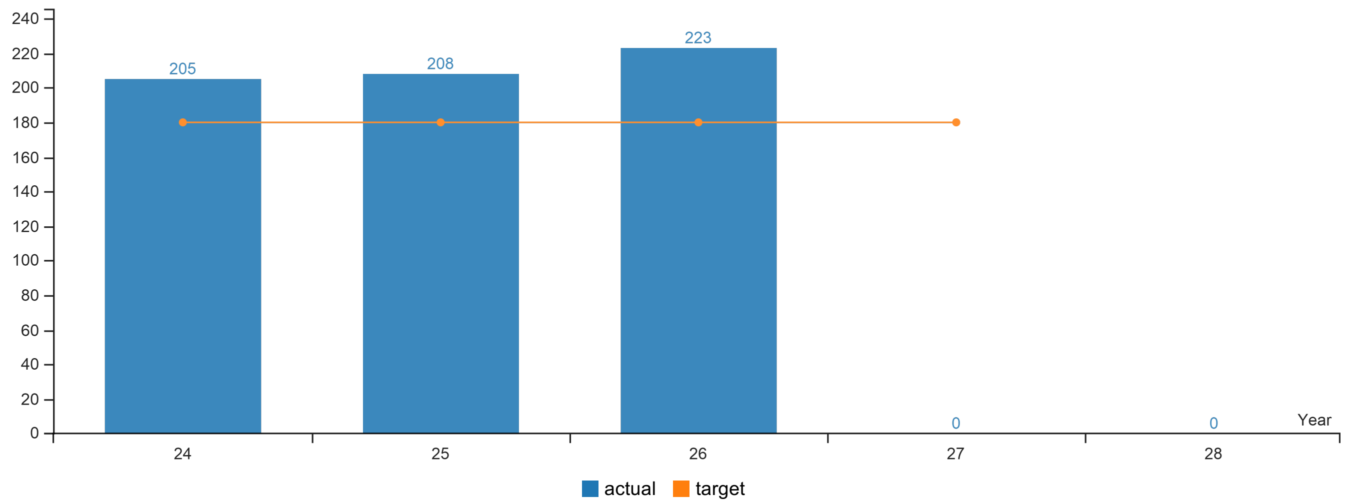
Proposal	Proposed Key Performance Measures (KPMs)
Delete	TRIAL LEVEL REPRESENTATION - During the term of the OPDS contract, percent of attorneys who obtain at least 12 hours per year of continuing legal education credit in the area(s) of law in which they provide public defense representation.[1] [1] Case types listed in the 2014-2015 Public Defense Legal Services Contract General Terms are: criminal cases, probation violations, contempt cases, civil commitment cases, juvenile cases, and other civil cases.
New	Maintain High Retention Rates for Appelllate and State Trial Level Attorneys - The percentage of Appellate and Oregon Trial Division attorney workforce retained on an annual basis, with a target rate of 85%
New	Maintain High Retention Rates for Capacity Contract Attorneys - The percentage of Capacity Contract Attorney workforce retained on an annual basis, with a target rate of 85% of FTE.
New	Ensure Timely Payments to Providers - The percentage of invoices reviewed, and payments processed, within forth-three (43) days of receipt, with a target rate of 100%
New	Ensure Timely Processing of Pre-Authorized Expense (PAE) Requests - The percentage of PAE reviewed within ten (10) business days of receipt, with a target of 95%
New	Policies, Procedures, Standards, and Guidelines Align with Agency Priorities - The percentage of agency policies and procedures that are in alignment with statute, the agency strategic plan, and DAS policy and procedure, with a target of 95%
New	Capacity Contractors Meet or Exceed Performance Expectations - The Percentage of providers meeting at least 90% of their contractual obligations throughout the term of the agreement, with a target of 90% providers
New	Case outcome less than highest charge - The percentage of criminal cases that result in either an acquittal or conviction of an offense less than the highest crime charged, including dismissals with a target rate of 22%
New	Attorney case withdrawals - The percentage of criminal cases where a non-mandatory withdraw occurs, with a target rate of 5%.



Performance Summary	Green	Yellow	Red
	= Target to -5%	= Target -5% to -15%	= Target > -15%
Summary Stats:	0%	16.67%	83.33%

KPM #1	APPELLATE CASE PROCESSING - Median number of days to file opening brief.
	Data Collection Period: Jan 01 - Dec 31

** Upward Trend = negative result*



Report Year	2024	2025	2026	2027	2028
Median Number of Days to File Opening Brief					
Actual	205	208	223		
Target	180	180	180	180	

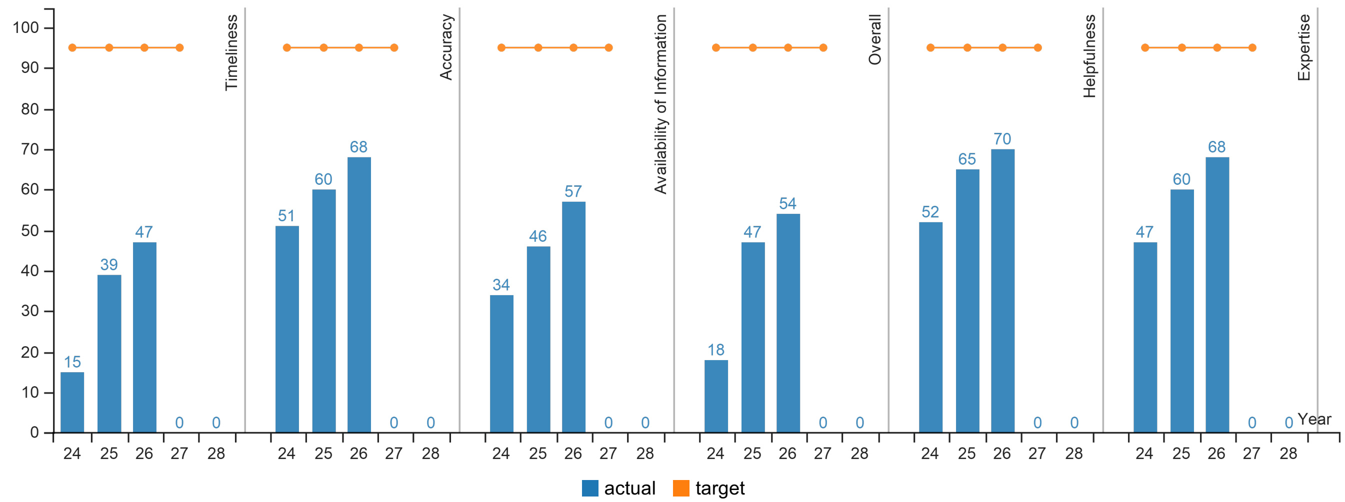
How Are We Doing

The Appellate Division lost ground during the 2025-26 fiscal year in its effort to file opening briefs in 180 days or less in at least half of its cases. The median filing date climbed to 223 days, whereas the median filing date ranged between 210 and 205 during the last four fiscal years. The number of case referrals has modestly increased during that time while the number of attorneys in the Criminal Appellate Section has not.

Factors Affecting Results

The ability to meet and exceed the goal correlates positively to the number of experienced attorneys and negatively to the number of cases and the complexity of cases referred. Attracting, training, and retaining competent attorneys affect progress toward the goal. The agency does not control the number or type of referred cases.

KPM #2	CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.
	Data Collection Period: Jul 01 - Jun 30



Report Year	2024	2025	2026	2027	2028
Timeliness					
Actual	15%	39%	47%		
Target	95%	95%	95%	95%	
Accuracy					
Actual	51%	60%	68%		
Target	95%	95%	95%	95%	
Availability of Information					
Actual	34%	46%	57%		
Target	95%	95%	95%	95%	
Overall					
Actual	18%	47%	54%		
Target	95%	95%	95%	95%	
Helpfulness					
Actual	52%	65%	70%		
Target	95%	95%	95%	95%	
Expertise					
Actual	47%	60%	68%		
Target	95%	95%	95%	95%	

How Are We Doing

The survey asked 15 questions based on provider type. The survey was sent via email to 2096 people, which included all active public defense attorneys, contract administrators, experts and vendors. There were 353 responses for a 17% response rate.

Of the 353 respondents, attorneys made up just over a third of the respondents. Amongst the 122 attorneys, most (64%) spend most of their time as a contract attorney and 34% as an hourly attorney.

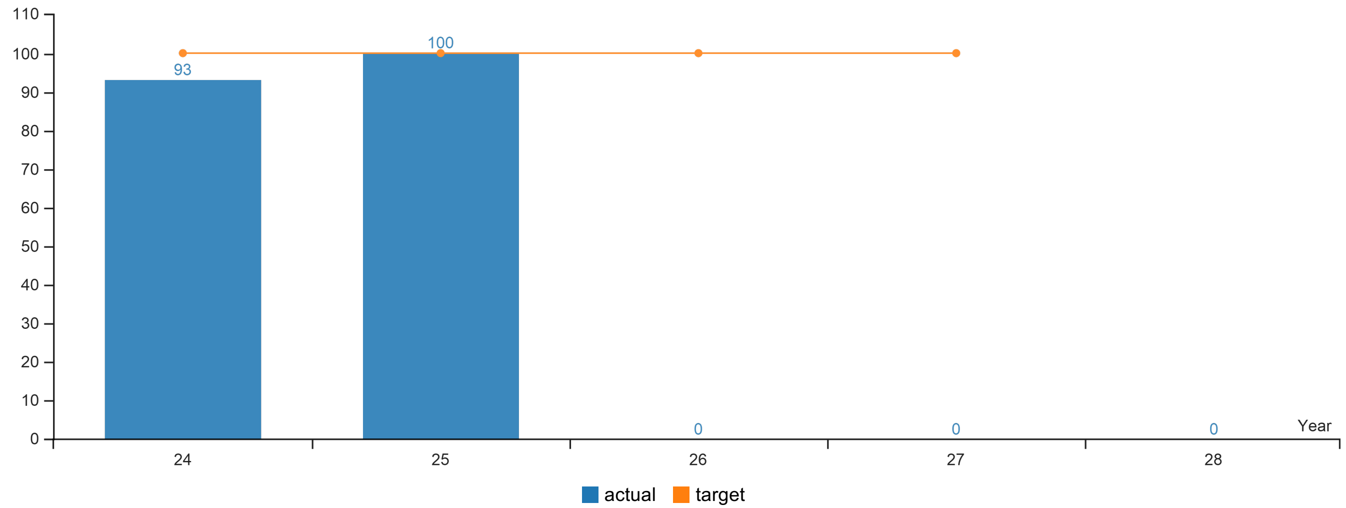
Additionally, most of the respondents have been in public defense for more than 5 years with almost half more than 10 years.

Factors Affecting Results

The survey was disseminated in June 2026, at which time the agency was 41 days behind in processing accounts payable invoices. Again, this year OPDC was rated the highest in terms of helpfulness of the staff, knowledge and expertise of staff and the ability to provide services correctly the first time.

KPM #3	BEST PRACTICES FOR BOARDS AND COMMISSIONS - Percentage of total best practices met by Commission.
	Data Collection Period: Jul 01 - Jun 30

** Upward Trend = positive result*



Report Year	2024	2025	2026	2027	2028
Percentage of total best practices met					
Actual	93%	100%			
Target	100%	100%	100%	100%	

How Are We Doing

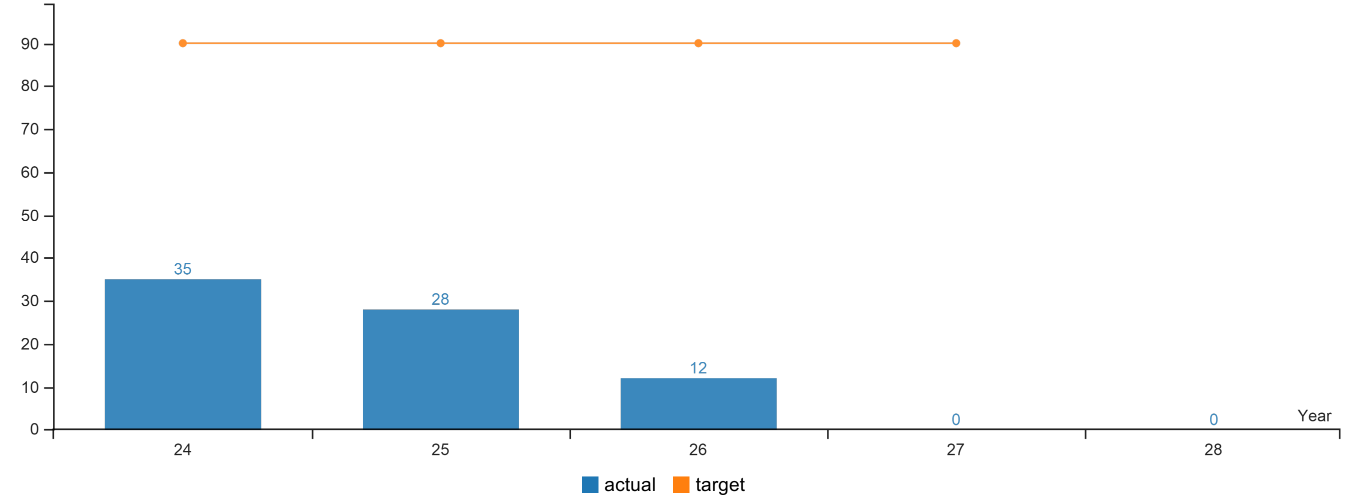
The Commission conducted a Best Practices for Boards and Commission survey, in which 8 out of 12 commissioners responded. Prior to engaging in the survey, Board members received a summary of actions taken by the Board over the previous year. This summary was based on published agendas and materials for monthly Commission meetings. Board members also had the opportunity to discuss the KPM survey at the August 2026 Commission meeting. OPDC staff generated a report that shows the number of people responding at each scale level, the percentage of respondents who give each scale response, and the written comments.

Factors Affecting Results

The Governance, Policy, Standards sub-committee has been discussing the Best Practices for Boards and Commission survey questions, along with making recommendations to the Commission for clarity and changes to some of the survey questions. This was the first year the Commission received an annual summary of the work the Commission has been engaged with and completed.

KPM #4	TRIAL LEVEL REPRESENTATION - During the term of the OPDS contract, percent of attorneys who obtain at least 12 hours per year of continuing legal education credit in the area(s) of law in which they provide public defense representation.[1] [1] Case types listed in the 2014-2015 Public Defense Legal Services Contract General Terms are: criminal cases, probation violations, contempt cases, civil commitment cases, juvenile cases, and other civil cases.
	Data Collection Period: Oct 01 - Jun 30

** Upward Trend = positive result*



Report Year	2024	2025	2026	2027	2028
Percent of Attorneys with 12 CLE Credits Annually					
Actual	35%	28%	12%		
Target	90%	90%	90%	90%	

How Are We Doing

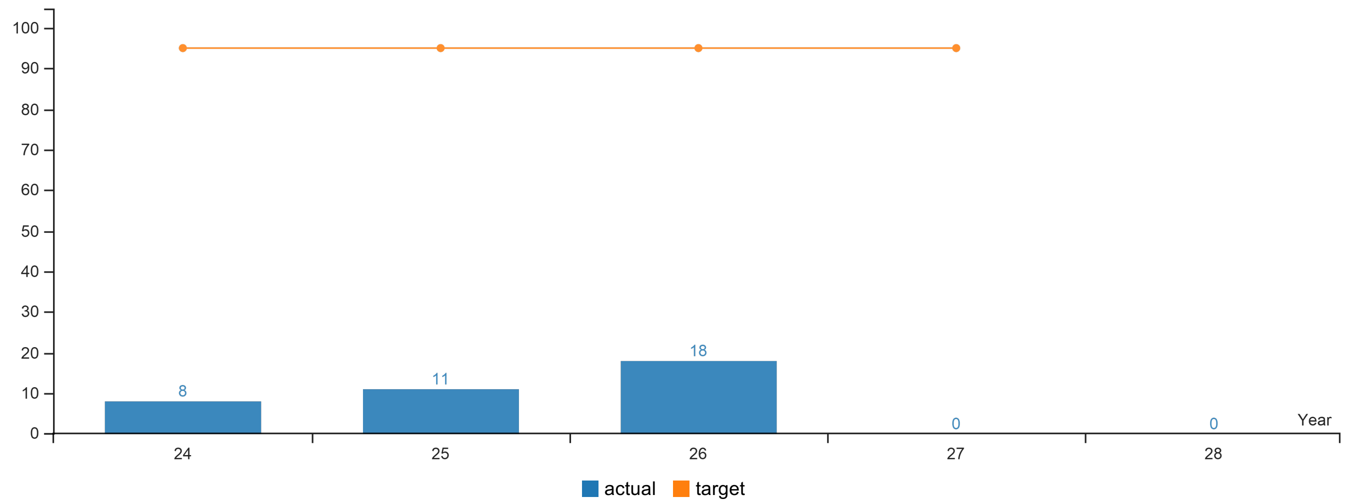
All contracted attorneys received an email survey to answer 1 question: Did you complete 12 hours of Continuing Learning Education (CLE) from October 1, 2025 - June 30, 2026. The survey was distributed to 799 contract attorneys, with 99 or 12% of those attorneys responded. The criminal contract attorneys reported 86% along with Juvenile contract attorneys at 89% of meeting the CLE.

Factors Affecting Results

The criminal and juvenile capacity contracts require 12 CLE during the 2-year contract cycle. This KPM is measured at 12 months, which has always caused confusion with our providers. The CLE requirement is administered through the Oregon State Bar (OSB) which is 45 hours of CLE within 3 years. This will be the last year OPDC reports on this KPM.

KPM #5	PARENT CHILD REPRESENTATION PROGRAM (PCRP) - Percent of PCRP attorneys who report spending approximately 1/3 of their time meeting with court appointed clients in cases which the attorney represents a parent or child with decision-making capacity.[1] [1] For a discussion on determining decision-making capacity, see The Obligations of the Lawyer for Children in Child Protection Proceedings with Action Items and Commentary, Oregon State Bar, Report of the Task Force on Standards of Representation in Juvenile Dependency Cases (2014).
	Data Collection Period: Jul 01 - Jun 30

** Upward Trend = positive result*



Report Year	2024	2025	2026	2027	2028
Percent of PCRP Attorneys Spending 1/3 Time Meeting With Clients					
Actual	8%	11%	18%		
Target	95%	95%	95%	95%	

How Are We Doing

This performance measure tracks the time PCRP attorneys self-reported time spent with clients in the ten PCRP counties. Specifically, it tracks how much time PCRP attorneys spend with parents and with children who are old enough to make decisions about their case.

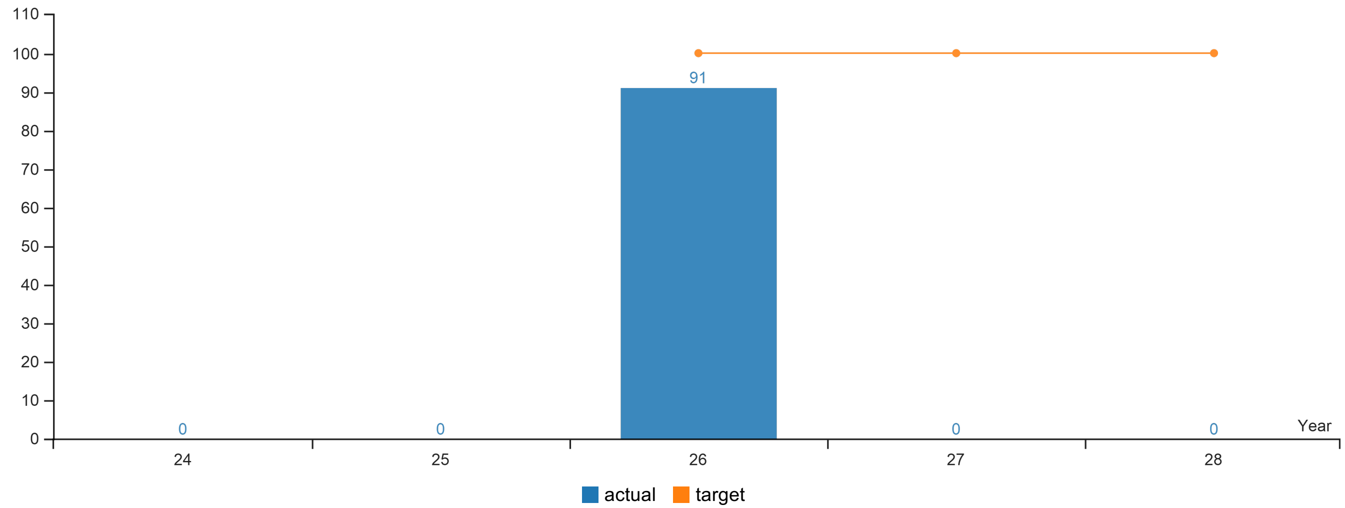
During this contract cycle, 18% of the PCRP attorneys report spending one-third or more of their time meeting with clients, an increase from the 11% of PCRP attorneys who met the KPM previously. Additionally, the overall average time PCRP attorneys spent with clients also improved from 22.3% of time with clients to 25.2%.

Factors Affecting Results

This KPM relies entirely attorneys self-reporting their time in the “client time” category. Last year, OPDC identified many attorneys who were under reporting “client time”. The agency issued additional guidance on what constitutes “client time” and held a virtual meeting with providers in November 2025 to ensure “client time” was being accurately reported. Since November 2025, 24.8% of attorneys are meeting the KPM. OPDC will continue to engage on reporting during the biannual meetings with PCRP providers.

KPM #6	PROVISIONING OF PUBLIC DEFENSE - The percentage of financially eligible defendants/persons receiving a public defender.
	Data Collection Period: Jul 01 - Jun 30

** Upward Trend = positive result*



Report Year	2024	2025	2026	2027	2028
Percent of financially eligible defendants/persons receiving a public defender					
Actual		0%	91%		
Target			100%	100%	100%

How Are We Doing

This is the first year for this KPM. The data for this measurement is derived from Oregon Judicial Department (OJD). The methodology was determined by OPDC data team and verified with OJD to ensure accurate reflection of this KPM.

Factors Affecting Results

The factors to determine this metric include defendants/persons in and out of custody, exclude warrants, first time unrepresented and unrepresented no more than 7 days.

Oregon Public Defense Commission

Date: September 16, 2026

To: Rob Harris, Chair of OPDC
OPDC Commissioners

Cc: Kenneth Sanchagrin, Executive Director

From: Susan Mandiberg, Chair of the OPDC Governance, Policy, and Standards Subcommittee

Re: OPDC Key Performance Measures: 2026 Board Best Practices Survey Results

Nature of Presentation: Briefing.

Background:

The Board Best Practices Evaluation is one of 5 agency Key Performance Measures (KPMs). OPDC is required to submit a report to the Department of Administrative Services (DAS) and the Legislative Fiscal Office (LFO) by October 1 of each year on our progress in meeting our KPMs. ORS 291.110(1)(g).[1]

The Best Practices Survey (Survey) asks commissioners to respond to assertions about Board performance. The Governance Subcommittee recently learned that it is possible for the Board to change the Survey assertions. This year's Survey consisted of fifteen assertions. Thirteen of those assertions were also on the 2025 Best Practices Evaluation. The remaining two (assertions 1 and 2) were amended versions of 2025 assertions, adopted by the Board at its August 2026 meeting. The Governance Subcommittee has discussed the possibility of changing, or even adding to, the remaining assertions. Due to time constraints, the Subcommittee decided to table those discussions until the results of the 2026 Survey were available.

[1] "The Oregon Department of Administrative Services shall ensure that state agency activities and programs are directed toward achieving performance outcomes. The department shall ... [n]o later than October 1 of each year, submit a report to the Legislative Fiscal Office on the progress state agencies have made in meeting performance measures."

The Survey asked respondents to rate performance on a scale (strongly agree – agree – no opinion – disagree – strongly disagree). The scale responses are submitted as part of OPDC's October report.

Respondents also had the opportunity to give textual responses, which are not forwarded to DAS or LFO. All responses are anonymous, but it is possible to know which scale response was made by each respondent who commented; a correlation can help give insight into the reasons for "strongly disagree" and "disagree" responses.

Prior to engaging in the survey, Board members received a summary of actions taken by the Board over the previous year. This summary was based on published agendas and materials for monthly Commission meetings. Board members also had the opportunity to discuss the KPM survey at the August 2026 Commission meeting. OPDC staff generated a report that shows the number of people responding at each scale level, the percentage of respondents who give each scale response, and the written comments. The report is attached below.

The Board KPMs allow us to review our work and assess ways to improve. The relevant statute directs each state agency to "[u]se performance measures to work toward achievement of identified missions, goals and objectives."[2] To achieve this goal (and to demonstrate success in meeting performance measures) it is beneficial to have both full commissioner participation. This year's Survey was circulated to the twelve active commissioners; eight responded. It is also useful to have comments explaining any disagreements with the assertions; these are noted below.

The Governance Subcommittee did not have a chance to discuss this year's responses prior to the September Commission meeting. This Memo summarizes the responses, compares them to the 2025 Survey responses, and adds my own observations regarding actions the Board may want to engage in. In comparing this year's responses with those from 2025, keep in mind that Board membership has changed over the year.

1. Areas of Respondent Agreement That Do Not Suggest Additional Board Attention

No commissioners disagreed with four of the fifteen assertions.

<u>Assertion 11: The Agency adheres to accounting rules and other relevant financial controls</u>.

- Strongly agree 1 – Agree 4 – No opinion 3
- No comments

Comparison with the 2025 Survey: The scale responses are similar; there were no comments on accounting rules or financial controls.

[2] ORS 291.110(2)(d).

Possible Board action: The Board will be voting on a new Internal Audit Committee Charter this fall, and the Charter will contain relevant references.

Assertion 12: Board members act in accordance with their roles as public representatives.

- Strongly agree 5 – Agree 3
- No comments

Comparison with the 2025 Survey: The scale responses are similar. One comment indicated lack of understanding of the question.

Possible Board action: None recommended.

Assertion 13: The Board coordinates with others where responsibilities and interests overlap.

- Strongly agree 1 – Agree 5 – No opinion 2
- 1 substantive comment expressing frustration/lack of cooperation from others

Comparison with the 2025 Survey: One commissioner "disagreed" with this assertion. Three substantive comments expressed frustration with others in the system.

Possible Board action: None, given that the Board continues its attempts in various ways to coordinate with others in the system.

Assertion 14: Board members identify and attend appropriate training sessions.

- Strongly agree 2 – Agree 4 – No opinion 2
- 1 substantive comment expressing desire for easier access to Workday.

Comparison with the 2025 Survey: The scale responses were similar. There were no substantive comments.

Possible Board action: I understand that easier access to Workday is in process.

2. Areas of Respondent Agreement That Nevertheless May Benefit from Board Attention

a. Assertions regarding the Executive Director and the agency's mission.

Assertion 1: The Executive Director's Statutory Performance Expectations are Current.

- Strongly agree 4 – Agree 2 – No opinion 2
- 1 substantive comment on ED's good performance.

Comparison with the 2025 Survey: The scale responses indicate improvement over the 2025 survey. The assertion in 2025 was "[t]he Executive Director's performance expectations are current." There were 3 "disagree" responses and many comments regarding the lack of articulated expectations.

Possible Board action: The Board amended the assertion in 2026 to specify the statutory performance expectations. Eliminating the ambiguity undoubtedly resulted in the improved scale responses. However, this assertion asks for confirmation that something exists, and in fact there *is* a statute stating performance expectations. Any scale response other than "strongly agree" is, therefore, puzzling.

One explanation is that a commissioner may want to amend the statute's list of expectations. Another explanation, however, might be that some commissioners would like to have the Board set its own performance expectations (which would engender a new or amended assertion). The Governance Subcommittee had previously tabled this question. The Board may want to ask the Subcommittee to revisit the question, or it may wish to take the question up in a work session.

<u>Assertion 2: The Executive Director Receives a Biennial Performance Review</u>.

- Strongly agree 1 – Agree 3 – No opinion 4
- 2 substantive comments indicating that the review will occur

Comparison with the 2025 Survey: The scale responses indicate improvement over the 2025 survey here, as well. The assertion in 2025 was "[t]he Executive Director receives annual performance feedback." There were 2 "disagree" responses and many comments regarding the lack of a formal process.

Possible Board action: The Board amended the assertion in 2026 to specify the performance review conducted by the Department of Administrative Services (DAS), and the August memo indicated that DAS will conduct this review for Director Sanchagrin in spring, 2027. Again, eliminating the ambiguity undoubtedly resulted in the improved scale responses.

Given the existence of the scheduled review, the "agree" and "no opinion" responses may indicate doubt that the review actually will occur. Alternatively, they may indicate that some commissioners would like to answer an *evaluative* question about the Executive Director's performance. Again, the Governance Subcommittee had previously tabled discussion of both endeavors. Thus, the Board may want to ask the Subcommittee to revisit these questions of and report back. Alternatively, or to guide the Subcommittee's approach, these questions could be the topic of a Commission workgroup.

b. The Agency's Mission

<u>Assertion 3: The agency's mission and high-level goals are current and applicable</u>.

- Strongly agree 4 – Agree 2 – No opinion 2
- 1 substantive comment: "This could be better but there are some."

Comparison with the 2025 Survey: There were no disagreements in 2025, either. One substantive comment referenced the current state of the strategic plan. Each of three additional comments expressed some degree of frustration at not being able to achieve the agency's mission and goals.

Possible Board attention: A future work session might address how our mission and high-level goals "could be better."

c. Other

<u>Assertion 4: The Board reviews the Annual Performance Progress Report</u>.

- Strongly agree 2 – Agree 3 – No opinion 3
- The one substantive comment was: "I haven't seen one."

Comparison with the 2025 Survey: The scale responses were similar. One comment noted that the "Board reviews important metrics at each meeting."

Possible Board attention: The 2025 and 2026 comments suggest that the label "Annual Performance Progress Report" does not successfully communicate the document at issue. As noted in the memo provided to the Board in August 2026, however, the "Annual Performance Progress Report is the annual KPM report that the Board received (in writing and orally) at the September, 2025 Commission Meeting. Amending Assertion 4 to clarify the nature of the Annual Performance Progress Report may be beneficial.

3. Areas of Disagreement

Respondents disagreed about the accuracy of four assertions regarding the Board's duty to review certain agency actions.

a. Board Communications

<u>Assertion 5: The Board is appropriately involved in review of agency's key communications</u>.

- Strongly agree 3 – Agree 3 – No opinion 0 –Disagree 2
- There were three substantive comments. One complemented the "give and take" at Commission meetings. Two, however, were negative:
  - "I feel like we are involved in unimportant communication and that could improve."
  - "I don't feel like board is asked to review key communications. I feel there are significant policy changes that the board isn't even told about in advance, let alone asked to review communications."

Comparison with the 2025 Survey: There were no "disagree" or "strongly disagree" responses in 2025. One comment noted that while the Chair might engage in this activity, reviewing the agency's communications was beyond the scope of a volunteer Board.

Possible Board attention: There may be a relatively simple way to address the concerns raised in 2026. If Commissioners had a better overall sense of the types of communications the agency undertakes, we could assess which are "key" and what level of involvement is appropriate for Commissioners to have. This would provide clarity for addressing this assertion in 2027.

b. Board Review Responsibilities

Assertion 8: The Board reviews all proposed budgets (likely occurs every other year).

- Strongly agree 3 – Agree 3 – No opinion 1 – Disagree 1
- No substantive comments

Comparison with the 2025 Survey: There were no "disagree" or "strongly disagree" responses in 2025. There were no substantive comments.

Possible Board attention: The August memo reviewed the Board's activity regarding the Agency Request Budget for 2025-27 and other budget activities. It may be that the respondent who disagreed believes that there are other proposed budgets that have not been reviewed. The Board may want to amend the assertion to specify which budget or other budgetary requests are at issue.

Assertion 9: The Board periodically reviews key financial information and audit findings.

- Strongly agree 3 – Agree 2 – No opinion 2 – Disagree 1
- There were no comments.

Comparison with the 2025 Survey: There were no "disagree" or "strongly disagree" responses in 2025. The only comment was that the "audit function needs to be finalized."

Possible Board attention: As noted above regarding Assertion 11, the Board will be taking the Audit Committee Charter up this fall.

Assertion 10: The Board is appropriately accounting for resources.

- Strongly agree 2 – Agree 4 – No opinion 1 – Disagree 1
- The only comment: "We have identified some issues and there has been no real movement."

Comparison with the 2025 Survey: There were no "disagree" or "strongly disagree" responses in 2025. There were no substantive comments.

Possible Board attention: Absent a clear statement of the issues that have remained unaddressed, it is unclear what the Board can do to understand and possibly remedy the situation. That said, the Board might benefit from a clearer understanding of the "resources" for which it needs to account. In addition (or alternatively), we may want to reframe the assertion to be less ambiguous.

Assertion 15: The Board reviews its management practices to ensure best practices are utilized.

- Strongly agree 3 – Agree 4 – No opinion 0 – Disagree 1

- There were no comments.

Comparison with the 2025 Survey: There were no “disagree” or “strongly disagree” responses in 2025. There were no substantive comments.

Possible Board attention: The question of management practices and how they are to be reviewed may be a topic for a work session.

c. Policy-Making and Legislative Responsibilities

<u>Assertion 6: The Board is appropriately involved in policy-making activities</u>.

- Strongly agree 3 – Agree 3 – No opinion 0 – Disagree 2
- One comment, suggesting “the board should be more involved in meaningful policy.”

Comparison with the 2025 Survey: One respondent strongly disagreed in 2025. The two substantive comments expressed frustration with the Board’s authority to implement policy, frustration with the system, and frustration with employees.

Possible Board attention: The Memo made available at the August Commission meeting noted that in February 2025, the Board approved OPDC’s strategic plan, which establishes the agency’s goals and strategies; it also noted that ORS 151.216 contains a list of policies the Board is to adopt. It would be useful to confirm that the strategic plan covered each of the policy areas listed in the statute. It is possible that at least one Commissioner believes that there are meaningful policies not covered by the statute or the strategic plan. If so, this might be a useful discussion for a workgroup meeting.

<u>Assertion 7: The agency’s policy option packages are aligned with their mission and goals</u>.

- Strongly agree 2 – Agree 3 – No opinion 2 – Disagree 2
- The only comment noted, “[a]ligned as much as possible with political realities of what will be granted.”

Comparison with the 2025 Survey: There were no “disagree” or “strongly disagree” responses in 2025. There were two comments. One lamented the lack of full funding for the POPs. The other suggested at some length that the POPs had not been politically astute.

Possible Board attention: The respondent who made the 2026 “political reality” comment returned a scale response of “strongly agree.” The two “disagree” responses may also be reacting to the same political reality. OPDC may now be following the suggestion to be more politically astute, however this may frustrate achieving OPDC’s mission and goals.

Next Steps

The Governance, Policy, and Standards Subcommittee will review and discuss these results at an upcoming meeting and determine what further changes to the assertions need to be made for clarity in next year’s survey.