

Heather Kessinger: ...and where we are at with this process. Next slide please. So, brief little history and update. On September 18, the policy for Public Service Loan Forgiveness for contractors was presented to the commission, and we did receive approval, so the policy did come into effect on October 1st, 2024. So, within the date that it became effective, we made sure to have on our website a copy of policy for contractors to reference. We had the update, we posted the Public Service Loan Forgiveness for contractors submission process, and the certification for contractors form for them to complete so that we can review to certify eligibility criteria federal definition for a full-time employee. On October 29th and 30th, we did host office hours or questions and answers to talk about process, and what we've developed. Next slide please.

So, as of December 3, our agency has received 23 requests for contractor certifications. We've had nine applications for contractors that we have certified and have sent back to the contractors. So these would be what we call an approved application, and where we certify their application for them to submit to the federal student aid for review. And then the additional certification requests are in eligibility review at this time. Next slide please. So, internally, we've developed a eligibility review process, and so we've been going through reviewing the applications. As I said, we have some that have been approved. And then the other ones are still in a review process. What we've discovered since receiving these applications, and really being able to test these as pilot applications, to kind of really work through these processes. We are now starting to see a lot of these unique circumstances for contractors versus, say, hourly paid investigators, and so we really are making sure that we're doing our due diligence in this review. So, as we complete our due diligence, making sure we're meeting the federal definitions, working actually hand-in-hand with student aid, the federal government student aid as well, and trying to get these decisions in a timely manner for our contractors. Next slide please.

So, with that being said, when I mentioned that due diligence, here's an example of a unique circumstance that we came across, actually came across a barrier, two weeks ago. And what was happening, what we discovered is with our applicants that have been certified and approved, they went to go submit their applications, and that's when we discovered that our Federal Employee Identification Number, our EIN for OPDC, was not being recognized with the US Department of Education. And so we now had this barrier that we had to get through. So, we got in contact with federal student aid to resolve the issue. And at that time, they're like, "Well, we can't put this EIN number onto our system. You're not an approved employer." So, worked with the representative of student aid and we came up with a workaround plan. And so at that time, so we prepared the letter stating on our letterhead, an OPDC letter on our letterhead stating our government-qualifying services, our organization, how our contractors could be eligible with OPDC. Submitted a copy of the policy with it

as well and then reached out to the applicants and submitted instructions for how to manually upload their approved applications, provide a copy of the letter that we wrote, and provide the policy.

And so this was delivered to the applicants on Wednesday. And yesterday, as of yesterday, we did get confirmation that they were able to get their applications into the student aid for review and we were recognized as an eligible employer. And then as of yesterday late evening, did discover that we have now been entered and approved into the system. So, our workaround is now a more streamlined process, and so we can now submit online, our EIN is recognized, and we've been able to get past this barrier.

So, with this, this is kind of like this example of doing this due diligence, working through these barriers to be able to help our contractors be able to get their applications in for their student loan forgiveness. And so then really working on communication with the contractors and our applicants as they submit so we can work together and help them. So, if a barrier comes, we can get on the phone, we can get on the email and try to work through this new process as we pilot these new applications. But I will say too, with the update I just provided, we do have brand-new FAQs. I've updated the process manual to kind of talk through some of these updates that we provided, and those will be posted on the website. And just trying to make sure to keep the information current so that we do have a resource for the contractors to reference when they need to fill out their applications. Any questions?

Jennifer Parrish Taylor: I have a question. I'm just curious to what extent are we going to be collecting information. I would assume it's probably going to have to be kind of folks will have to opt in to disclose like, "Yeah, I was able to get this loan forgiveness, and this is how much money it saved me," because I think that would be a compelling data set to have as we're doing this work and trying to recruit folks that like, "Hey, you could save up to X if you come do this job."

Heather Kessinger: Yeah. I think that's an excellent point, and that could be a good way to kind of go back and reflect on people once they actually receive their full forgiveness. And I wonder if we could do like a touch base, develop something. Maybe we could come up with something like that. That's a great idea. We can write it down and come back in and have more information on that later.

Kim Freeman: So, currently, Commissioner Parrish Taylor, we don't have that in our process, but we could definitely add it, and I think we can work with the applicants that we haven't asked for some suggestions and feedback, like how best to get that information. Do we follow up in a year? Do we follow up when they get...? Because some of them will be certifying annually, so it will take them obviously 10 years to make sure that they have the full time, but I think we could put that

in our process, and whether it's a SurveyMonkey survey we could send out potentially, or if they would feel comfortable to, hey, let us know. But happy to put that in our process and reach out to those that have applied and have been successful.

Chair Jennifer Nash: Thank you. Thank you for the presentation and thank you for the information and thank you for your hard work on this program, which I know is very important to a lot of our providers. Thank you. All right. It's time for Court Spotlight from Douglas County and Presiding Judge Kathleen Johnson.

Kathleen Johnson: Good afternoon. Thank you for inviting me to talk to you today. I am not Zoom proficient and somehow managed to just shrink you all and I'm trying to figure out how to undo that. I don't really have a huge presentation for you today. There's just some key points I wanted to go over about where we're at and what I think that...

Chair Jennifer Nash: Judge, I'm sorry to interrupt you. Your camera's off so we can't see you or your presentation.

Kathleen Johnson: Okay, I am not sure how Share Screen got hit because I don't have a presentation. It does say that my video is on.

Chair Jennifer Nash: Oh, here it says your video is not on. But it's okay. I mean, you can work on that, and you can go forward with your presentation [Inaudible 00:09:07].

Kathleen Johnson: Let's try changing which camera it's trying to use. Did that help?

Chair Jennifer Nash: Yes. Now we can see you.

Kathleen Johnson: Okay, perfect. So, we currently have just under 400 people waiting for attorneys in Douglas County. Of those, 95 people have been waiting for at least six months. There are 9 of those 95 who have been waiting over 300 days and 4 who've been waiting over 400 days. It's a problem that clearly can't be solved without more lawyers. The lawyers that we have are certainly working to the full capacity. I do have some concerns over, and I know there's been some talk about an open caseload model, but the way we're doing things now, if cases resolve early, attorneys may not be able to take more cases until they hit the next quarter or whatever measurement that is, and I'm concerned about that, and I know that's something that's probably in discussion.

The other issue that I see, and I don't have the statistics on this, but I will tell you from my observations, that it appears that the state-employed lawyers, while adding those certainly seems like a good idea, it appears that they take a substantially lighter caseload than their contract counterparts, and so that can

have a definite impact on how much coverage we get. They do a great job, but I don't see them taking as many cases as their contract counterparts are taking, and I don't know how that's supervised or managed, but I'm seeing a lot less of those attorneys in terms of caseloads than the rest of the attorneys that appear before me.

The other issue is that the provisional licensing is great, but it requires such a high level of supervision in the early times with those provisional licensees that the attorneys who are trying to do full caseloads who are admitted members of the bar are struggling to both supervise and do their work. So, I'm not saying that we shouldn't have the provisional licensing, but I think there needs to be a recognition that it has a pretty high cost in the early days in terms of manpower and what effect it has on those practicing lawyers who are also trying to do trial work and fully represent their clients. There's other levers that we can look at to try to solve things besides getting more lawyers.

The problem is, is that our DA's office is fully staffed at 10. They currently have four admitted lawyers and two provisional lawyers. So, they're down four if you count the two provisional lawyers as being full lawyers. What that means is that the only reason our numbers aren't higher is they don't have enough lawyers to file all the cases that are sitting in their backlog. And at some point, that's going to come back to bite us. Our DA is not open to the idea of simply agreeing not to file certain types of cases, and I certainly wouldn't ask him to do that because he's an elected official who needs to make that decision for himself. So, the lever of reducing the number of case filings is just simply not something that our district has available to us. And I do see that if they become more fully staffed and as the provisional lawyers become more experienced, our backlog here is going to get bigger because they're going to start working on those cases that are not being worked right now.

We've looked locally at early disposition. It was something that I proposed in our plan when the Legislature asked us to make one. It wasn't till a few months ago that we actually had a defense lawyer available to us to put that together. The problem is now finding a prosecutor who can work in early disposition court, given their limitations. We have five courtrooms that these DAs have to appear in and so just getting enough bodies to cover our courtrooms is challenging and trying to add another program is a little bit taxing on them right now. So, it's in progress, but I don't see it happening quickly. So, that's kind of, I don't want to take up a bunch of your time because I think that what you're hearing from me is probably what you've been hearing from other communities, but I am happy to answer any questions to the extent that I can about what's happening in our county and what we can do.

Chair Jennifer Nash: I have a question. This is Jennifer Nash. Your people who are unrepresented, who have been on your list for a very long time, are those people who have active cases or are those people who are on warrant status?

Kathleen Johnson: Those are all active cases.

Chair Jennifer Nash: All right, thank you. How many of your 400? I mean, I suppose I could look at this on the dashboard, but if you know off the top of your head, how many of your 400 are on warrant status?

Kathleen Johnson: I don't think that 400 includes warrant status off the dashboard, but I could double-check on that. I'm pretty sure that they don't go on the dashboard if they're in warrant status.

Chair Jennifer Nash: Okay. Thank you.

Kathleen Johnson: And that count is directly off the dashboard. The ones that are over 400 days, we've reached out and asked for some priority handling of them to try to get them a lawyer, and we're told that the priority right now is finding attorneys for in-custodies, and so they're simply not working those cases right now. After 400 days, I've considered dismissal of the cases. The problem is that if the statute of limitations hasn't run, the DA's office will simply refile them, and I will have effectively moved these people to the bottom of the list, which is not my goal, and I don't think it helps anything.

Chair Jennifer Nash: Does anyone have any questions? Yes, Senator Prozanski.

Floyd Prozanski: Judge Johnson, hearing the situation you have with the district attorney having a backlog, I'm wondering if there's been any discussions to use the Roseburg Municipal Court to take some of that caseload of the misdemeanors that are backing up off of their docket so it wouldn't be coming back [Inaudible 00:14:45] later?

Kathleen Johnson: I haven't been involved in those conversations. I know that we have several active municipal courts in our district that people are cited into regularly. We also have a couple of justice courts, and I know that they all do have cases and have regular cases that are sent in to them. For example, the city of Roseburg, our highest jurisdiction, your highest probably arrest jurisdiction other than the county as a whole, they have a municipal court that's very active, and they cite anything that they can into municipal court as opposed to sending it to circuit court.

Floyd Prozanski: Could you expound on what misdemeanors are going into the state system that are not going into the municipal? I assume potentially assault 4 DV, but I'm

wondering if there's been a policy such as on DUIIs that they're also going to circuit court versus municipal courts?

Kathleen Johnson: I know that some of the municipal courts are handling their own DUIIs and diversions, so I don't think there's a policy about that. We do tend to see a lot of the assault 4s because we have the resources with domestic violence court that municipal courts don't have. And low-level misdemeanors, I think criminal trespasses, and I'm not saying we don't get those, but I think most of those criminal mischief, criminal trespass cases tend to go to municipal court. One of the things that I will note is that when we have mental health issues, and we have a pretty high incidence of that in Douglas County, those tend to come to circuit court because municipal courts are simply not set up to handle interactions with the state hospital program.

Floyd Prozanski: Thank you.

Kathleen Johnson: You're welcome.

Alton Harvey, Jr.: I got a question. Judge Johnson, what did you mean when you said provisional licensing and provisional attorneys?

Kathleen Johnson: That people who have not passed a bar exam and been fully admitted to the bar can practice as a provisional attorney under the supervision of a licensed attorney. And then under the new program, they compile a portfolio, I don't know all the details, you'd have to talk to the bar about specific details, but they put together a portfolio that is then judged to determine whether they get full admission to the bar, and I think it's a six-month program. My observation of those provisional licensees here in Douglas County is that they are highly inexperienced in terms of I'm not sure that a lot of them have even worked as clerks to understand how to operate in court, so they're starting from basically straight out of law school with very little practical experience, and they require a great deal of supervision by an experienced attorney.

Alton Harvey, Jr.: Thank you.

Jessica Kampfe: Chair Nash, there's [Inaudible 00:17:35] commission with their hands up.

Chair Jennifer Nash: I don't know who was first. So, Commissioner Reinhard.

Brook Reinhard: Commissioner Smith is first actually, I'll go after.

Chair Jennifer Nash: Oh, sorry. All right. [Inaudible 00:17:46].

Addie Smith: [Laughter] Thanks, Brook. Judge, we hear a lot about why it's hard to recruit public defenders and obviously, we spend a lot of time studying what we can do better in that system, but it sounds like one of the linchpins of the problem in Douglas is actually that you're having a hard time hiring DAs and retaining DAs, and that some of the creative solutions that have been used elsewhere, there's no capacity in the DA's office to support those solutions down in Douglas. Can you talk a little bit about what some of the barriers you think there are to getting DAs on board in Douglas?

Kathleen Johnson: I worked in the DA's office and honestly, they pay relatively well compared to some other rural communities in Douglas County. They are not as low as it used to be. Used to be you were hired as a deputy DA, and you didn't make much at all. They actually unionized a while back and they have managed to keep their wages up and in fact, they're hiring at a pretty high level of pay right now just in an effort to get people in here. So, I don't think it's about the pay. One of the things that I see though is that many people prefer to live in bigger communities – Eugene, Portland more metro areas. And so if they have competing offers, they tend to take the ones in the larger communities. They probably do pay a little bit more. Cost of living of course is higher, but I think it's just a where they want to live thing.

Because he's not, I talked to the DA a couple weeks ago, and he told me that he hadn't even gotten a new application in four months, and that's pretty bad when you've got four openings at least. And so I don't know the answer. I know that I've heard from the public defender's office that they make an offer to somebody and then Lane or a metro area attorney office makes an offer to the same person, and they will go take the one in the metro area. So, I think it's really just a where people prefer to live situation, although I think it's great here. [Laughter]

Addie Smith: It's very beautiful there. Thank you.

Kathleen Johnson: Thank you.

Chair Jennifer Nash: Commissioner Reinhard.

Brook Reinhard: Thanks. Hello, Judge. Thanks for presenting. I have a question and then a comment. My question is when I was at the public defender's office there, I saw a lot of say maybe chippy misdemeanors, the biggest one being a livestock at large trial that actually went all the way through a jury trial, criminal mischief 3's, things like that. Do you still see things like that filed?

Kathleen Johnson: Yes. The DA's office has made it very clear that they're not going to simply choose not to file on certain types of cases, even the lower-level misdemeanor

stuff, that if they believe they have a provable case, they're going to file on it. Unfortunately, also, I think, and I'm not trying to be critical of the DA because I recognize how hard it is to work when you're that understaffed, that I think they're not making like front-end violation offers as much as they could, and I think that might be a staffing/training problem as much as anything else. But yes, I don't think you're going to see a limitation in Douglas County on simply a decision being made that we're going to focus our effort on the more serious crimes. I don't think our DA's going to make that decision.

Brook Reinhard: Okay, and this is going to sound like an overly critical question, but I have to ask it because I do practice there a lot. It's my impression that the DA's office would rather lose a case than make a plea bargain that looks bad. Is that still the case? And if you can't answer it, it's kind of an unfair question.

Kathleen Johnson: I don't think I can.

Brook Reinhard: Okay, fair.

Kathleen Johnson: I've seen a lot more settling of cases in the last few years than I think we had ever historically seen, so to the extent that that mentality may have existed, I think that it's improving because I'm seeing a lot more settlement of cases that probably historically wouldn't have settled. So, I think he's trying. I think part of it is, is often young attorneys – by that I don't mean age, I mean in terms of years of practice – are a little more gung-ho and eager to go to trial and less able to be critical of their own case than more experienced attorneys are, and I think sometimes that's just a factor of an inexperienced group of attorneys who are prosecuting the cases. That's my personal opinion, I don't speak for the world on that, that's just me. Crystal just sent me a message that said Douglas County has 36 unrepresented cases in active warrant status. So, to answer that other question.

Brook Reinhard: Yeah, my only final comment is I really appreciate how the circuit court there always has a standing Webex link for every courtroom. It makes it so I don't hesitate to take a Douglas County case because I know if I get in a pinch, I can appear remotely and nobody's going to yell at me over it. So, I really appreciate the court's flexibility, and it's made a world of difference. Thanks.

Kathleen Johnson: Yeah, we've made a concerted effort to do that so that out-of-county attorneys can help us because you can't drive here for a 10-minute hearing every day, so. All right. Well, thank you. I appreciate the feedback.

Chair Jennifer Nash: Judge, I have a question, I'll try to frame this in a way where you can answer it. There's been some suggestion that it might be a useful tool for judges for the Legislature to pass a law that gives discretion to judges to reduce misdemeanors

to violations, even if the district attorney objects. Would you find that to be a useful tool in your courtroom?

Kathleen Johnson: I think yes, especially with low-level unrepresented cases, it might be a valuable tool to clear them off the docket.

Chair Jennifer Nash: Thank you.

Floyd Prozanski: One other question if I can follow up regarding the DA's practices. Do they have alternative programs besides the specialty courts such as DA diversions that they're using for mainly these lower-level cases?

Kathleen Johnson: I haven't seen that. I've seen DA diversions on only just a few cases ever. They don't have a written policy on DA diversions, and I don't think that it's a preferred practice. I think it's rarely used as it's used as a creative tool to resolve a particular case, as opposed to having a standing policy. So, no. I think our specialty courts are really the only thing we have, and all of those are post sentencing. We haven't seen a lot of drug enforcement misdemeanors come through yet, either. Although that may be because they're waiting for lawyers. So, we haven't gotten to that point. And we, of course, didn't do a deflect... They chose not to do a deflection program in Douglas County. So, we don't have a deflection program either.

Chair Jennifer Nash: Are there any other questions or comments? All right. It doesn't look like it. Thank you very much, Judge Johnson, for appearing and answering our questions and providing us with information from your court. We really appreciate it and thank you for your time.

Kathleen Johnson: Thank you so much for your time. I appreciate it.

Chair Jennifer Nash: All right. Moving on to our next agenda item, which is survey results from the April 2024 retention incentive funds.

Kim Freeman: Thank you, Chair Nash, Vice Chair Mandiberg, commission members, Director Kampfe. I'm Kim Freeman, the Compliance, Audit, and Performance manager, and today, I just really want just to share the information of the survey results that we received for the first disbursement of the policy that was approved for retention incentive funding. Mara, next slide, please. So, the original policy was approved in March '21, I'm sorry, March 21st, 2024. And it was part of the 9.9 million retention incentive funding policy, and the commission approved to disseminate two payments. The first one in April 15, 2024, which those funds did go out, and then our second disbursement is scheduled for April 15, 2025. So, our first disbursement was half of the 9.9, which the amount is here, over \$4.9 million went out to 95 criminal contracts, 47 juvenile contracts, and 23

PCRP contracts in April of 2024. So, the policy was approved, caseload reports were all submitted by the due dates, and the funds went out on April 15th of 2024.

Part of receiving those funds and in the policy, we asked for the providers who did receive the incentive funds that we would be sending out a survey to ask how they utilize the funds. So, there was several categories that they could select from. Those were attorney bonuses, staff bonuses, hiring, office infrastructure, and just the word Other. So, the survey was distributed to 165 contractors, and we received 146 respondents, and so we had an 88% response rate. So, thank you to all of our providers who completed the survey. It's very, very, very helpful for us to see how the funds are being utilized, and that's coming back to the commission to share. Mara, next slide. So, here are the results for the funding that they received in 2024. You can see that 77% of the funding, whether it be attorney bonus or salary, 77% of those funds, that's where it went. So, we've been talking a lot about an agency around retention and hiring, and so this is, I believe, a way that's helping our providers keep our attorneys hopefully, hire additional attorneys, and just of the respondents, 77%, the bonus had an impact on retention.

I also want to share the funding that went out in 2023, which was a different set of dollars, but the results are very similar. Next slide, Mara. So, in 2023, you can see that we had 155 respondents and 65% of it was to attorney bonus and salary, and again, the numbers are very, very similar from '23 funding received and then the 2024 funding. So, really, my presentation today is, one, just to let you know how the money was utilized by our providers, and then to share some next steps with you. Next slide, Mara. So, we will begin communication here in early January with our contractors for the 2025 retention incentive money, which will be disbursed in April of 2025. So, that way, everyone who is eligible for these funds will know all the requirements, and it's the same what's in the policy that was approved by the commission earlier this year, and then I plan to come back to the commission in a year from now and be able to share the results of the funding from 2025. And if I were to guess, I would guess our results would probably be very similar. And with that, I'm happy to answer any questions, but this is really just to let you know how the funds are utilized. Thank you.

Chair Jennifer Nash: Commissioner Harris.

Rob Harris: Just a clarification. Thank you for the presentation. When you say on one of these graphs, for instance, the 2023, that 65% went towards attorney salary, don't you really mean 65% of the people used it for that? Because clearly we're over 100% on this part and [Inaudible 00:29:51].

Kim Freeman: Yes, you are correct. Thank you, Commissioner Harris.

Rob Harris: I wanted to make sure I was reading that correctly. Thank you.

Chair Jennifer Nash: Any other questions or comments?

Jennifer Parrish Taylor: Yeah, I just had a question. Seeing that the trend is that these bonuses were going towards salary, I'm wondering at what point do we start to talk about policy that addresses wages? As that's been one of kind of the key things that we've heard, at least in the time that I've been on this commission, is that wages need to increase, and it seems like that's a conversation that might need to happen sooner rather than later, as we are building toward our ask to the Legislature.

Kim Freeman: Thank you, Commissioner Parrish Taylor. Duly noted, and I know that those conversations are happening, I believe, in some of our new work around the workload model and the hourly agreements, and I believe those conversations have been happening since this funding's gone out, probably prior to this funding, and I know it is a continuous conversation. But I will check in with Director Kampfe and also others around that conversation.

Jessica Kampfe: Can I ask a clarifying question of Commissioner Parrish Taylor? Are you asking the agency to develop a policy around when we make a contract payment, what percentage of that payment goes towards salary? Is that the question?

Jennifer Parrish Taylor: No, it's more, I think, related to the workload model conversation in terms of like parity has been brought up numerous times. And so like how do we move that conversation along and really have a realistic plan around what that looks like and communicate that to the Legislature? Because it's going to cost, and I've always been a proponent of we just need to say what the real price of this is and consistently say that so that the Legislature understands the gravity of the situation that we're in. That, yes, we have to address the unrepresented crisis, but if we can't attract lawyers, we're not going to be able to do that. We're not going to be able to actually grow them in the state in a timely fashion to meet the need. So, we're going to have to become super competitive with other states to bring people here, and I think that just needs to... I guess I'm just underscoring the need for that to happen sooner rather than later.

Chair Jennifer Nash: Thank you.

Jasmine Wright: I guess what I'm wondering is, there was a quote in each of the drafts that said that the compensation payments had an effect on attorney retention, and I guess what I'm wondering is, do we know what effect, if any, it really had? Because we have here that there was a payment that was made and that

attorneys used it in a certain way, but do we know for sure that that payment really actually did have an effect? Do we know that the attorneys that are in the public defense system wouldn't have stayed in the system even with that payment? Is the data that we collected here, is it really just positive? And did that data that we have there, is it self-selecting? Is it telling us what we wanted to know anyway? Is there anything in that data that absolutely tells us, yes, we absolutely retained attorneys because of this payment and only because of this payment? And I would push back on the conclusion that this payment absolutely completely tells us that we are retaining attorneys. I don't think it tells us that.

Chair Jennifer Nash: So, you want to know what the question's asking?

Jasmine Wright: Yeah.

Chair Jennifer Nash: Yeah.

Jasmine Wright: I want to know what the question's asking. Ultimately, I push back on the fact that I don't think that this retention payment actually retained attorneys. I don't think we're asking the right question, and I don't think ultimately we know the answer here, and I ask the committee in general, let's hold back on patting ourselves on the back with this retention payment and saying that we are doing what we say we're doing. I'm not sure that that retention payment really retained attorneys.

Chair Jennifer Nash: So, what you're asking, if I may summarize, you're asking for more information from the staff about what question was asked to determine, but then have them draw the conclusion that the...

Jasmine Wright: Right.

Chair Jennifer Nash: And maybe the question was, did it have an impact?

Jasmine Wright: Right.

Chair Jennifer Nash: But we need to figure that out.

Jasmine Wright: And then as a commission, I'm saying we need to do more to actually retain attorneys. That's the big conclusion point. But, yes, I also want to know more about what we asked because I don't think that that conclusion matches what I'm seeing.

Chair Jennifer Nash: So, do you have that information available? I guess two things. What questions were asked and who they were asked to? Where did we get the data from?

Kim Freeman: Chair Nash, I don't have the questions in front of me, but I'm happy to get them tomorrow to be shared or happy to come back next month as well. And then the data came in via our Nintex forms, which was then derived from the data team.

Chair Jennifer Nash: So, it came from providers.

Kim Freeman: We used the same questions from the 2023 survey for the 2024 survey to show that comparison as well, but the contract administrators were the attorneys who received the money, they did answer the questions. So, they did select which, if it was a salary bonus or an increase of wages, they self-selected their own answer, so I'm happy to provide that information.

Chair Jennifer Nash: That would be helpful. Thank you.

Harry Noone: Chair Nash?

[Crosstalk 00:36:29]

Harry Noone: Excuse me.

Female: Chair Nash?

Chair Jennifer Nash: Hold on. Mr. Noone?

Harry Noone: Yes, Chair Nash, this is Harry Noone. I put the results of this survey together, and the reason that that was in quotations is that that's the exact question that we asked providers. Did this have an impact on your retention?

Chair Jennifer Nash: Okay.

Harry Noone: And I don't know that anyone else would be in a better position than the providers to understand their own business needs and provide a response based on that. So, that's not something that we inferred. It's the literal question that we had put on the survey.

Chair Jennifer Nash: That's helpful. Thank you.

Peter Buckley: I don't know if we have the ability to look at [Inaudible 00:37:15] providers that received the bonus payments compared to providers who did not receive the bonus payments. Did these providers maintain attorneys at the same level as the providers that had the bonus payments? I don't know if we have that data, but that would answer the question whether it's effective or not [Inaudible 00:37:33].

Chair Jennifer Nash: Yeah. And I think also we already have data that says that in the counties where we have the highest unrepresented, we have the highest attrition, and presumably those people receive retention payments. So, I think that there's more data analysis that needs to be done. Yeah.

Rob Harris: Thanks. So, just anecdotally, at least in 2023, I was still executive director of a consortium in Washington County. When I got this question asked to me by the state, I emailed all of my source providers, and I asked them whether or not this bonus changed their mind, or would they have either gotten out, or even reduced their caseload but for this. And they responded, and that was my reason. Whatever they responded, I can't remember, but that's the question I asked my providers. So, it's anecdotal. But I didn't say, "Would you get out?" I just said, "Would you be affected? Like, would you be more inclined to reduce caseload, that sort of thing?"

Chair Jennifer Nash: So, we also, to your point, we don't know what the individual provider who received the bonus payment asked their individual people, what question they asked in order to inform the answer that they then provided the agency.

Rob Harris: Yeah. So, I'm sure everyone did it differently. That's how I did it. But the people I asked actually were all solos, so they would have all had to have gone one more link down the chain. But it is anecdotal. I mean, it's [Inaudible 00:39:04]. I mean, it is informative. You're saying obviously we've got a retention problem.

Chair Jennifer Nash: Yeah. Yes. Yes. And also, the thing that popped into my head is if the question is, did it impact retention, we don't know whether that's a negative too. Because the answer could be yeah, "This wasn't enough, and I left anyway." So, the question, the way the question was worded, and this has been my little pet peeve for a while, is that you get the answers that you get based on the question you ask. The question has to be asked in a way to elicit the information you're actually seeking. And so that question, I think, is not a good question to ask because it doesn't actually give us the information we're seeking. Any other comments or questions? All right. Thank you.

Kim Freeman: Did Commissioner Buckley have a question or requested additional information? I was having a hard time hearing him. I just want to make sure I didn't miss any of his remarks.

Peter Buckley: I'll speak up. I said I don't know whether we have the data that gives you a comparison study. In a particular county, do we know if a provider took the retention bonuses, were they able to maintain staff at a higher level than a provider who didn't receive the bonuses? I don't know if we have that data on a county-by-county basis.

Kim Freeman: Thank you. I can work with the data team to see if we have that.

Chair Jennifer Nash: Great. Thank you very much and thank you for the presentation. Okay. Next, moving on to FCMS update.

Mary Knoblock: Good afternoon, Chair Nash, Director Kampfe, and members of the commission. My name is Mary Knoblock, I am the lead senior IT project manager for FCMS, presenting on behalf of David Martin, our CIO. Next slide, please. We are in stage three pre-implementation planning, and I'm going to walk us through a lot of our accomplishments the past month. As this is a live project rapidly moving through our timeline, a lot of these have additional items that I'll be speaking to as well. So, to kick it off, our main accomplishments for the past month were we posted our addendum number one to OregonBuys on November 14th and this is part of our procurement schedule. So, all of these items that I'm reading through, if you have any procurement-related questions, I do need to ask respectfully that the commission hold those questions, and we will direct those to our procurement officer to answer those. She's happy to answer those. Jana Hart is available offline for us, but to notify the commission as we are in a live procurement phase right now with a live RFP on OregonBuys, we do want to have that lane open for you for those questions.

So, our second procurement accomplishment was that we completed our request for proposal vendor Q&A round. Vendor questions came back and were received and distributed on November 15th. Our project team expertly and efficiently and quite rapidly responded to a large number of questions and returned to procurement for review by November 21st. Another note, all of these accomplishments I'm reading to you were delivered on time under a very tight schedule with a lot of work to efficiently work through. Our future state process maps are also being reviewed and in the process of going before our greater agency SMEs, and we completed our finance process maps on November 19th. Next slide, please.

With our next steps, I want to highlight again how quickly FCMS is moving in our schedule. A lot of these have already been completed on time and with great efficiency, accuracy, and a high level of collaboration and teamwork. So, the RFP addendum number two was published to OregonBuys on November 26th, 2024. Our RFP Q&A vendor responses were also published to OregonBuys on November 26th. We had an original RFP protest period end date for December 3rd, 2024, that was met and completed. We have an additional item for this slide that has been living, so we've done a lot of work since this slide was prepared. But from November 26th to today, we actually have an addendum number three that's been published to OregonBuys. And within that addendum number three, the agency FCMS project team made a strategic executive

decision to move the proposal due deadline to January 10th, 2025. This decision was thoughtfully made, approved, and went under the appropriate levels of governance and approval.

And with that, I do want to pause and take a moment to help the commission understand that while FCMS had been rapidly moving since February, we've also been careful to ensure we're working closely with the Department of Administrative Services to align ourselves strategically to meet the requirements for the Executive Branch. So, FCMS has really been a forefront participant in working towards all of those approvals and governing bodies that help us move through this project in stage three. With that extended timeline for the proposals being due, we also have a highly skilled project team that is currently reviewing the schedule to find ways where we can pull in or mitigate that 13-day delta. I do want to stress that any time from the schedule that has been unanticipated with a delta has been strategically reviewed and approved and mitigated. We are very careful to make any adjustments to the schedule...without thoughtful planning and approval from our governance processes.

With that being said, we are still looking forward to moving on with our future state process map workgroup reviews. Alongside this other line item, we have an extensive amount of work going on that's not shown in detail here, but I will let you know that the whole project team is working hard on verifying a lot of the project artifacts for stage three, and a large body of that work is reviewing our process maps that will go through reviews and feedback from our data team, trial team, appellate team, juvenile, and our other stakeholders. And we look forward to completing that by January 23rd, 2025. Next slide, please.

So, we had one risk that we really wanted to highlight that I've kind of been speaking to today already. Our schedule is probably the most closely monitored artifact for our FCMS project right now in stage three, and risks around the critical path items include a lot of those moving parts I talked about earlier – our internal quality management service interviews, our change management discovery sessions with Moss Adams, our procurement activities, and our stage three artifacts and activities that include future state process mapping, as well as use case development. All of those items are being expertly navigated by our highly skilled project team, and they're all running it from November through March of 2025. So, our SME availability, our subject matter expert and resource availability and critical path are being managed expertly and closely to stay on time and on track. Next slide, please.

Again, we spoke a little bit to the schedule, but to highlight here again, we are still running on critical path. I did make a note that our proposal due deadline is now January 10th, 2025, and those round one and round two evaluations will

adjust with that delta, as well as the refinement of the procurement timeline, which is being expertly reviewed and updated as we speak, and we'll have a finalized procurement timeline available by the latest of next Friday. Next slide, please. Here is a visual of our timeline again, and to just speak to the tracks in green there, everything is still on track. Even though we do have to make those strategic decisions to navigate around some procedural delays, we are also looking at ways to keep the project moving in various other tracks and pull in the schedule where needed. So, right now, all these tracks are still moving forward, which is the key word here, everything is moving forward as planned. And we look to reaching that evaluation phase in January. Next slide, please.

For our status, we are still running around a yellow right now, which is about a medium risk for the overall project status. Obviously, the items I've mentioned today for the procurement timeline, there are some dependencies and constraints that we're managing that leave it still at a medium risk. Our budget is actually leaning more towards medium risk to low risk with our latest update that we received, that our application for bond funding for 13 million is going through the Governor budget review process, and that is a win for us. We wanted to ensure the FCMS was supported by bond funding and that process is in fact going as planned. So, that may move our budget risk rating closer to green next month, hopefully.

Our schedule status, I've spoken to that quite a bit. That's going to remain a medium risk for now, but again, the project team is expertly managing that. Our resource status, kind of a common theme I've talked about today is that we have a lot of resources consolidating a lot of different tracks of work in FCMS. There's a significant amount of work we have to get through by March, and all of that is being looked at closely with capacity, roles and responsibilities, and just an incredible amount of support from our executive steering committee and our executives who are working closely with the project team in that space.

And our overall scope status, we're running at a low risk. Stage Gate 2, as you know, was passed, and we feel we have a good handle on the scope of work involved to date with working towards that plus or minus 10% parity for all the artifacts for stage three and all the work we're running to completion for stage three as well. And next slide, please. And that concludes our presentation on FCMS. I think our main message today is that we are running on track, we're still moving quite rapidly, and we have an incredible project team. And I just wanted to highlight the extensive incredible support we've received from the executive steering committee this year to make FCMS move forward to where it is today. So, we're really looking forward to 2025, and I will open it for any questions.

Chair Jennifer Nash: Does anyone have any questions?

Peter Buckley: Madam Chair, I have a question.

Chair Jennifer Nash: Yes.

Peter Buckley: Once procurement process is complete, is that when we'll find out when the RFP is approved, when the actual date when the system will be completed? Do we have a rough estimate of how long it would take for the system to start running?

Mary Knoblock: Thank you, Commissioner. That is quite a good question. Thank you for that question and that is high level enough where I can speak to for our timeline. We are quoting anywhere from 18 to 24 months currently. Of course, that schedule is nominal. When we award a contract to a vendor, for example, they will have a schedule as well that we need to coordinate with our schedule, and get to those more clear firm dates that we can provide the commission at that time. So, look for better estimates, I would say, in 2025 second quarter, or the next biennium.

Peter Buckley: Thank you.

Mary Knoblock: Thank you.

Chair Jennifer Nash: Does anyone have any other questions? Doesn't sound like it. Thank you very much for your presentation and thank you for your hard work, and I really appreciate the level of detail that you provided today and really the advocacy for your team. I think that we are all very impressed with how you are all just operating with a Ferrari engine throughout this process and we know it's been difficult and unexpected things happen, and we really appreciate your work and appreciate the whole team's work. So, thank you.

Mary Knoblock: Thank you Chair Nash. Thank you, Commission.

Chair Jennifer Nash: Moving on to our next and last agenda item which is Director Kampfe's update.

Jessica Kampfe: Thank you all. So, my director's report is our last item. The next slide please. Want to let you know about upcoming events. So, we have December Legislative Days next week. We will be at the Joint Interim Subcommittee on Public Safety on December 10th and then at the House Interim Committee on Judiciary on December 11th. We are also continuing to do work with... I'm sorry.

Female: [Inaudible 00:55:14].

Jessica Kampfe: Thank you. We're missing one chamber. Then on December 16th, we have our potentially last convening of the Public Defense Workgroup and that is a meeting that the Governor's office has pulled together with a number of

policymakers, members of this commission, district attorneys, the courts, to look for solutions to the public health crisis. Next slide please. I just wanted to update briefly on some of the big things that we have going on. So, we received a copy of the Governor's requested budget. That became public on December 2nd. That budget does recommend 720 million in funds for OPDC, that represents a 17% increase. So, a real show of support from the Governor identifying public defense as a priority for her. Very, very thankful to have her support in that way.

We've already covered the wage garnishments and the freeze on new legal contract services and let you all know that the Accounts Payable Workgroup is ongoing. They met yesterday, had a good conversation, and then the next meeting is, they moved I believe to a once-a-month cadence from an every-other-week cadence. So, they'll be scheduling their next meeting in January. Really thankful for all the people that are taking time to participate in that. It's been a really helpful conversation and has informed a lot of the policies that we've been able to move forward, so it's been a really good process. Next slide please.

I wanted to give you all some high-level information about the Governor's proposed budget for '25-'27. So, in total, we are looking at a recommendation from her to increase the OPDC's budget by 17%. At a high level, you can see the areas of our budget buckets where those increases would hit. Right now, our budget team is going through the process of reconciling the Governor's requested budget with the agency requested budget. So, that work is ongoing, and if you all have more specific questions, I'll have Ralph come up and join us.

Chair Jennifer Nash: Could you maybe, Mr. Amador, if you know now, I know it's been a kind of a short turnaround, talk about how the Governor's requested budget aligns with our requested policy option packages?

Ralph Amador: I'd love to, Chair Nash. So, they didn't agree and approve – I mean, maybe they didn't agree, but they did approve all of our policy option packages. They did approve policy option package 101, which was the FCMS, so they did provide funding and positions for that. A lot of our positions are limited duration. They recommended those positions become permanent. So, we can fully fund that. And FCMS changes a little bit because we're \$3 million of general fund and about \$10 million or \$13 million of other fund bonded money. So, that's entering a different phase for accountability for us. Package 103, POP 103, which was the state-level public defenders, they gave us all the money and positions for that.

Chair Jennifer Nash: Wait. Say that again, 103 was the state employees, right?

Ralph Amador: State employees.

[Crosstalk 00:58:48]

Chair Jennifer Nash: Right, right, right. Yes.

Ralph Amador: Yes. The state level trial offices. We recommended three opening, three additional offices statewide, 40 additional attorneys, and accompanying staff. In that package, we also requested some additional support staff for the Appellate Division, which is 11 positions. In fact, as changes have happened in their systems, and changes have happened in their area, which necessitates them needing to have additional support staff as they collaborate with the Judicial Department in public justice so that they can meet those needs. They also approved package 104, which is the provider rate stabilization. That is allowing us to add 40 new attorneys to the panel, hourly attorneys to the panel, that support for increased hourly rates for what was suggested by the commission – the 205 and the 230.

Chair Jennifer Nash: And 75 for investigators.

Ralph Amador: Yes, ma'am. Seventy-five for investigators and 85 for mitigators. They also approved package 106, which funded positions for the administrative help for the agency, in particular areas for policies and stuff in areas where we need assistance and help get rules and policies and everything else out. Typically for, again, approved two positions that we did to assign cases, but [Inaudible 01:00:30] positions permanent, which was good for us. Lastly, they approved package 107, which gives us additional money to cover THIP extensions into the next biennium because the majority of our costs for THIP over these last extensions are going to occur in the next biennium, so we need money to make sure we cover that. I think that just about covers it for what they approved. Oh, some of the reductions that we proposed, put for services applies to mandated caseloads, and the guardianship program, they did put those back into our budget for supporting those as well.

Chair Jennifer Nash: Does anybody have any specific questions about POPs? Yes.

Peter Buckley: I've got questions, I'm sorry. The three offices that would be open next biennium under the Governor's proposal, are there three offices, did you say?

Ralph Amador: Commissioner Buckley, yes, I believe there's three offices.

Peter Buckley: Which ones would those be? What areas?

Ralph Amador: I don't know off the top of my head, sir. I'm sorry.

Jessica Kampfe: I don't know off the top of my head either. I think I'd have to sit down and spend some time with it because it's pretty new information for us right now. We are working through the details.

Peter Buckley: Just want to make sure. I'm interested, of course, to see if a Southwest office will be open [Inaudible 01:01:50].

Jessica Kampfe: Yes. Yeah, we're very interested in that.

Peter Buckley: And then thank you for replying to my email that the law clinics were not funded, or at least proposed to be funded by the Governor's recommended budget, but what area of the budget does recruitment come out? Do we have funds to recruit?

Chair Jennifer Nash: That was also 108, same bucket, right? The law schools and recruitment retention are the same POP?

Jessica Kampfe: The law schools were in POP 108 with part of the recruitment and retention plan that the commission developed.

Chair Jennifer Nash: It was small.

Jessica Kampfe: Can you answer the question around currently which budget bucket the law school funding is coming out of?

Ralph Amador: It's coming out of special programs and contract and distribution bucket, which only now have 4.7, which is the guardianship program. Sorry.

Peter Buckley: Thank you.

Ralph Amador: Yes, sir.

Chair Jennifer Nash: Questions specifically about budget issues, anyone? I cannot see. Do you have your hand up?

Brook Reinhard: Yes, it's a question for Jessie, but not about the budget. So, I could wait until later in the presentation.

Chair Jennifer Nash: Thank you very much.

Female: Thank you, Mr. Amador

- Jessica Kampfe: Next slide, please. Oh, it doesn't show up very well in here. We wanted to say a special thank you to Commissioner Selander. [Inaudible 01:03:21] last. Thank you very much for your service over the past year. It's been wonderful to have you and your expertise on the commission for our first year together. So, thank you so much.
- Chair Jennifer Nash: And I just want to say I really, really appreciate what you've contributed to the commission and your input has been invaluable and really helpful for me. You had a perspective that is different than what I have considered before, and I found all of your input to be really valuable and really informed how I thought about things in a way that was different. So, I really appreciate the contribution. And I'm sorry you're leaving, but I certainly understand why you want to. So, thank you very much.
- Bob Selander: Thank you.
- Jessica Kampfe: Thank you. I think our last slide is the thank you slide. Thank you all. Commissioner Reinhard, did you have a question for me?
- Brook Reinhard: Yes, just briefly. One of the comments at the start of the meeting was on payment times, and I do appreciate that payment times have been better overall, but given the recent trend that Mr. Comstock talked about, do you have any information on where we're at with payment times and if anything different is happening for that?
- Jessica Kampfe: I'm hearing that our current payment time is at 38 days.
- Ralph Amador: [Inaudible 01:05:02].
- Jessica Kampfe: Okay. And Mr. Amador is in the back of the room, so I'm sure you can't hear him. But he said that the 38 days is inclusive of the 2 days to process for DAS.
- Chair Jennifer Nash: So, can you talk about why it's slowed down a little bit? I know that we were right at about 30 for a fairly good clip. So, what's been kind of the slowdown?
- Ralph Amador: Chair Nash, Ralph Amador for the commission. The reason it slowed down was that we were closed for two days with DAS over the Thanksgiving holidays. We did have staff working on Friday and [Inaudible 01:05:43] to work on Saturday, try and keep up, but the systems from DAS closed, so that puts us behind. Yeah. Normally staff meeting, it's a once-a-year event for us that we had on Monday, put us to 35 days plus. Before that, we crept up to 32 days because we had four people sick and one person, I think, had a child sick. So, we can't make them work when they're sick.

Chair Jennifer Nash: So, that brings us – right, right – that brings me to my next thought, which is something that Mr. Comstock said too, and that is people are working nights and weekends and all sorts of things, that's not sustainable. We know that. So, is there a plan to, in the POP 106, or even request additional limited duration staff to add to the Accounts Payable Department so that that can alleviate some of the workload? Because the other thing is, I anticipate that with adding two more appointment coordinators, the number of hourly providers, the invoices are going to go way up with the more cases that we're appointing.

Ralph Amador: Commissioner Nash, that is correct. We've hired three additional staff members over the last couple weeks, limited duration through the end of the biennium, and it takes about a month or so for them to get up to speed on that. Plus, we're up about, I think for November, last year we were at 3,300 invoices. We're at 4,600 invoices this year. So, there's an increase in the amount of invoices that they're processing every month.

Chair Jennifer Nash: Perfect. Well, thank you for that information. That's very helpful. Does that answer your question, Brook?

Brook Reinhard: Yes, that's what I was wondering as well. Thank you.

Chair Jennifer Nash: All right, wonderful. Okay, well, we're at the end of the time. I just want to point out it's 1:07.

Male: Not too bad.

[Laughter]

Chair Jennifer Nash: I'm continuing my, yeah, [Inaudible 01:07:49]. All right. And thank you very much, everyone, for being here in person and enjoy the rest of the year, and I'll see you all back in January.

[Background chatter]