



OREGON AFSCME

To:

Honorable Chair Nash

Honorable Members of the Commission

From: Oregon AFSCME

Date: 9/15/2025

Dear Chair Nash, and Members of the Commission,

We are writing with urgent concern regarding the proposed OPDC Contracts proposed in August 2025. We are deeply concerned that the proposed contracts will worsen the existing unrepresented crisis by further devaluing the work of public defense contractors. The terms make it harder to meet the already demanding Maximum Attorney Caseload (MAC) benchmarks set by OPDC, which themselves exceed the standards established by the Washington State Supreme Court and the ABA Oregon Project study. An overarching issue is that this feedback is being solicited without the final MAC amounts, obscuring the full impact. The contracts effectively ask frontline public defenders in nonprofit offices to handle increased caseloads for the same or less compensation than before, while also being paid drastically less than attorneys in the State Trial Division. This unsustainable model will severely exacerbate the current recruitment and retention crisis.

The contracts also fail to address significant systemic disparities and funding shortfalls. For instance, hourly providers operate without the same oversight and supervision, minimum appointment requirements, or presumptive case hour limits as full-time contractors. This allows them to spend significantly more hours per case and potentially earn more, creating a perverse incentive that undermines the contracted system. Furthermore, the proposals do not maintain current service levels for the critical training and supervision necessary for both recruiting new defenders and ensuring effective, ethical client representation as required by law. This lack of investment threatens the state's pipeline for developing new public defenders.

Lastly, the state continues to neglect its obligation to fully fund essential defense costs. Nonprofit providers are forced to cover hundreds of thousands of dollars annually for on-staff investigators, a financial burden that should be borne by the state. This chronic underfunding of core services, combined with contracts that demand more work for less pay, creates an unsustainable environment that jeopardizes the entire public defense system and the constitutional rights of those it serves.

If OPDC is committed to upholding its constitutional obligation to Oregonians to provide effective counsel, then it is our recommendation that fair, equitable, and sufficient funding be provided to non-profits, work loads are adjusted to meet competitive standards of practice, and that OPDC provides competitive compensation. Diversion of funds will only further exacerbate the underrepresented crisis failing even more Oregonians.