Members:

Tom Lininger, Chair
Stephanie Engelsman
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Caitlin Plummer
Senator Floyd Prozanski

Oregon Public Defense Commission

Executive Director:

Ken Sanchagrin

Government Relations Manager:
Lisa Taylor

Oregon Public Defense Commission

Legislative and Policy Impact Subcommittee Meeting

Meeting will occur virtually
Friday, October 30, 2026
9:00 AM – 10:00 AM PST
*Via Zoom**

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 and Call to Order	Chair Lininger
9:05-10:00	**Discussion:** Comprehensive Public Defense Report **IV** *Reference Materials:* Comprehensive Public Defense Report **III**	Lisa Taylor
10:00	**Adjourn**	

To join the Zoom meeting, click this link: https://zoom.us/j/96080713768. 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.

**Previous Report included for Discussion Reference

Oregon Public Defense Commission

Comprehensive Public Defense Report

Per Senate Bill 337 (2023)

Report III

December 5, 2025

NATURE OF THE REPORT

Section 98 of SB 337 (2023) states:

SECTION 98. (1) No later than May 15, 2024, the Oregon Public Defense Commission shall provide a comprehensive report on the Commission's plan for providing public defense services in this state to the interim committees of the Legislative Assembly related to the judiciary, in the manner described in ORS 192.245, that includes at least the following information:

(a) Financial projections for the Commission based on anticipated workload;
(b) A description of the Commission's proposed method for providing public defense services based on anticipated workload;
(c) The establishment of training and supervision requirements for public defense providers;
(d) Steps taken to determine a reasonable hourly rate for appointed counsel who are not employees of the Commission or nonprofit public defense organizations that accounts for overhead expenses; and
(e) Steps taken to improve oversight and enforcement of statewide objective standards for the provision of public defense.

(2) No later than December 1, 2025, and no later than December 1, 2026, the Commission shall provide the interim committees of the Legislative Assembly related to the judiciary with an updated version of the report described in subsection (1) of this section.

(3) Beginning no later than December 1, 2027, and biennially thereafter until December 1,2035, the Commission shall provide the interim committees of the Legislative Assembly related to the judiciary with an updated version of the report described in subsection (1) of this section.

SECTION 99. Section 98 of this 2023 Act is repealed on January 2, 2036.

This report is responsive to Section 98. It also serves as the Legislative Report required by ORS 151.216(1)(n). The Oregon Public Defense Commission members approved this report at their December 5, 2025, meeting.

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EXECUTIVE SUMMARY

This report fulfills the requirements of Senate Bill 337 § 98 (2023) and provides an update to previous comprehensive reports examining the delivery of public defense by the Oregon Public Defense Commission (OPDC). SB 337 § 98 (2023) directs OPDC to provide the Legislature with: (i) financial projections tied to anticipated workload, (ii) the Commission's proposed delivery model for providing public defense services, (iii) training and supervision requirements, (iv) steps taken by the agency to establish a reasonable hourly rate for appointed counsel, and (v) actions taken to strengthen oversight and enforce statewide objective standards for the provision of public defense.

These components are closely intertwined and are addressed throughout the report in the sections that follow. Broadly, this report is organized into four sections. Section One focuses on the delivery of public defense in Oregon, including a discussion of provider types, the Maximum Attorney Caseload (MAC) workload model, the Public Defense Caseload Forecast, and contract information for the 2025-27 biennium. Section Two will focus on qualifications, standards, and performance. Section Three will provide financial projections. Finally, Section Four will discuss OPDC efforts to continue to improve the delivery of public defense services within the state.

Public Defense Delivery in Oregon. Oregon delivers public defense through a mix of capacity contracts, hourly panel attorneys, and the state-run Oregon Trial Division (OTD), with most representation provided through capacity contracts by consortia and non-profit organizations operating under the Maximum Attorney Caseload (MAC) workload model. MAC sets standardized expectations for attorney caseloads based on weighted case types and allows attorneys—particularly within consortia—to contract for full- or part-time caseloads. Hourly providers function differently, as they take cases individually and bill for time worked. The role of hourly providers has expanded in response to the unrepresented persons crisis and recent hourly rate increases. OPDC also directly provides most appellate representation through its Appellate Division, which handles a high-volume, specialized caseload across criminal and juvenile matters. Forecasting demand for public defense now falls to the Department of Administrative Services Office of Economic Analysis (DAS OEA), whose projections drive OPDC's, budgeting, staffing, and contracting decisions. Using OEA forecasts and provider data, OPDC contracted for 656.66 MAC statewide for the 2025–27 biennium—more than 80 percent of which is covered by non-profit and consortia providers.

Performance and Oversight. OPDC significantly expanded and formalized its oversight framework in 2025 by adopting a comprehensive suite of qualification and performance standards, strengthening contractual compliance requirements, continuing to build out its Compliance, Audit, and Performance (CAP) program, and applying the same expectations to the Oregon Trial Division (OTD). Over the course of the year, the Commission approved new standards for non-attorney staff, attorney qualifications, and attorney performance across criminal, delinquency, and dependency practice areas, ensuring consistency and clarity in expectations statewide. Parallel updates to 2025–27 provider contracts added enforceable requirements tied to professional standards, training, reporting, caseload limits, inspections, and corrective action. The CAP program reinforces these efforts through coordinated compliance monitoring, data analysis, and internal auditing, and is expanding to manage external complaints and support updated agency KPMs. OTD attorneys and staff are held to the same qualification, performance, and MAC caseload standards as contracted providers, with additional employer-level oversight supported by

detailed timekeeping and regional monitoring. Collectively, these structures create a more coherent, transparent, and accountable oversight system for Oregon's public defense delivery model.

Financial Forecasting. OPDC's biennial financial forecast will support data-informed budgeting and ensure fiscal alignment with caseload demands.

Future Work. 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.

Together, these efforts reflect a maturing public defense infrastructure undergoing significant modernization as it works toward completing its transition from the Judicial to the Executive Branches of state government. Through enhanced forecasting, clearer standards, expanded oversight mechanisms, and diversified delivery models, OPDC is working to build a more stable, accountable, and equitable system capable of meeting Oregon's growing need for public defense services.

TRIAL LEVEL REPRESENTATION

Public defense in Oregon is organized through three main channels: capacity contracts with external providers, hourly contracts with private bar lawyers, and the Oregon Trial Division (OTD). Capacity contract providers are organizations that have a contract with OPDC to provide public defense using the MAC model. They include non-profits, consortia, and individuals or law firms. Non-profit providers are organizations that employ full-time public defenders in a not-for-profit law firm who do not take cases outside of their OPDC contract. Consortia providers, in contrast, are private attorneys or law firms that contract with OPDC as a group to provide public defense services. Some consortia attorneys take cases from OPDC on a full-time basis, although most consortia members also maintain a separate client retained practice in addition to their work with the state. Individuals/law firms differ from consortia only in that they do not band together to provide public defense services. Table 1 provides a breakdown of the percentage of effort, as measured by MAC, that each provider type is responsible for in Oregon as of the beginning of the 2025-27 contract period.[1] Although these percentages will vary throughout the contract cycle, they are included to provide a general guidepost as to the relative size of each of these provider types.

Table 1. Percentage of Statewide MAC by Provider Type†

Provider Type	Statewide MAC %
Non-Profit	34.6%
Consortia	47.2%
Law Firms/Ind.	15.6%
OPDC Trial Div.	2.6%

† Calculated using provider contracted MAC as of 1 October 2025 (subject to change).

As shown in Table 1, among contract providers, consortia account for almost half of statewide capacity, followed by non-profit providers, who account for over one-third. Law firms and individuals are responsible for nearly 16 percent of statewide coverage. The smallest share, however, is covered by the recently created OPDC Oregon Trial Division (OTD), which was formed in December 2023 following the passage of SB 337 and consists of full-time public defenders employed by the state who operate out of three regions, with offices located in the Portland metropolitan area, Salem, and Medford.

Each of the preceding provider types operates according to the MAC workload model, which sets caseload expectations for full-time public defenders. Table 2 displays current maximum caseloads, which are tied to a baseline of 300 misdemeanor cases taken on an annual basis. All other caseloads are weighted against this baseline at both the adult and juvenile levels. Using the MAC as a guide, attorneys must divide their total annual MAC across twelve months (this does not apply to murder or Jessica's Law cases, as they cannot be divided like other case types). This equates to, for example, 25 misdemeanors, 13.75 minor felonies, or 3.75 Ballot Measure 11 cases per month. Finally, while MAC contemplates a

[1] This estimate includes attorney MAC that is providing public defense representation for adult, juvenile, and PCRP cases. It excludes supervision, OPDC's reduced caseload program for first year attorneys and SPPE FTE that is non-caseload, investigation, or other non-MAC contracts.

full-time caseload, providers, particularly consortia members, can elect to contract with OPDC for less than a full-time caseload to reserve a portion of their workload for non-state-funded, non-public defense cases. In these instances, MAC caseloads are pro-rated based on the proportion of a full FTE the attorney elects to contract for with OPDC. A 0.5 FTE consortia member, for instance, has a MAC of 150 misdemeanors or their equivalent as outlined in Table 2.

Table 2. Maximum Attorney Caseloads and Case Weight

Case Type	Annual MAC	Case Weight
Adult Criminal		
Murder	6	50
Jessica's Law	6	50
BM 11 Case	45	6.7
Major Felony	138	2.2
Minor Felony	165	1.8
Misdemeanor	300	1
Probation Vio	825	0.36
Civil Commit	230	1.3
Juvenile		
Murder	6	50
Delinquency	132	2.3
Dependency	69	4.3
Probation Vio	825	0.36

The last provider type operates differently from the others. Specifically, hourly providers take cases on an ad hoc basis and submit bills for the hours they work on each case. Historically, a small percentage of the public defense workload in Oregon has been performed by hourly attorneys. The percentage of hourly attorneys has increased in recent years, particularly in response to the unrepresented persons crisis and the targeted increases in hourly rates designed to attract lawyers to serve those unrepresented individuals.

As of October 31, 2025, OPDC has 180 hourly attorneys who have signed a contract for the 2025-27 funding cycle. Upon signing a contract, hourly providers have their qualifications verified by OPDC. Hourly attorneys bill OPDC for the time spent on their cases, which provides OPDC with data about the amount of effort required to close different types of cases.

Hourly attorney costs are borne by OPDC's Court Mandated Expenses (CME) Division. As of the 2025-27 biennium, hourly attorneys are paid $155 per hour for Tier 1 case types, which include Murder, JLAW, Measure 11, Class A Felonies, Class B Felonies, Appeals, Habeas Corpus, Mandamus, Post Conviction Relief, and all Juvenile cases. For all other case types, hourly attorneys are paid $140 per hour. These rates were established at the July 2025 Commission meeting and represent an inflationary 6.8% increase from prior hourly rates, as designated by OPDC's Legislatively Adopted Budget.[2] These rates, along with those for other non-attorney expenses, can be found on OPDC's website, on the agency's rate sheet.

As required by HB 2614 (2025), OPDC maintains a roster of all attorneys providing public defense services in the state under the commission's supervision, employment, or contractual authority, along with each attorney's qualifications. For the panel of hourly attorneys, each attorney has their own contract and

[2] SB 337 directed OPDC to conduct a survey and economic analysis by July 1, 2025, to establish a formula for the commission to use to calculate an hourly pay rate for the panel of qualified counsel. OPDC contracted with Moss Adams to conduct the survey and economic analysis, which was completed in April 2024. This report was used to develop a policy option package for the 2025 legislative session that, based on the economic survey, would have increased panel attorney hourly rates to $205 and $230 per hour, depending upon the case type. This POP was not approved by the Legislature, and subsequently, the proposed hourly rates were not implemented.

qualifications. OPDC provider contracts include an attachment referred to as the "Roster and Costs," or "ROC," which lists the individual attorneys included under that contract. If an attorney joins or leaves a contracted entity, OPDC requires that the ROC be updated to reflect the addition or subtraction. Finally, the employment relationship the agency has with the Oregon Trial Division ensures the names and qualifications of all OTD attorneys are tracked.

APPELLATE REPRESENTATION

Unlike trial-level representation, the vast majority of criminal appellate matters are handled by OPDC through its Appellate Division, whose mission is to ensure high-quality representation for individuals entitled to publicly funded legal counsel in appellate matters. The division's attorneys represent individuals on direct appeal in criminal cases, parole matters, juvenile dependency and termination-of-parental-rights cases, and juvenile delinquency cases. It protects not only clients' constitutional and statutory rights but also contributes to the development of Oregon law and the integrity of the broader justice system.

The Appellate Division is organized into two main sections: the Criminal Appellate Section (CAS) and the Juvenile Appellate Section (JAS). Both sections operate under the direction of a chief defender, supported by chief deputies, attorneys, and legal support staff. The two sections of the Appellate Division share the support of a confidential executive assistant. The division's goals are to provide zealous and client-centered representation; stand as the premier Oregon appellate law office; actively participate in the development of legal theories, strategies, and legislation that advance and preserve individual rights within the Oregon criminal and juvenile justice systems; serve as a valued criminal and juvenile law resource for the Oregon State Bar, the Oregon Legislature, and the public; and maintain a public defender office culture that is mission-driven and promotes professional development, achievement, and employee satisfaction.

As of the end of October 2025, the Criminal Appellate Section consisted of 37 attorneys and nine support staff. During the fiscal year ending June 2025, they managed a workload of nearly 1,500 referrals and over 1,300 notices of appeal, ultimately filing more than 750 briefs. Attorneys presented 133 arguments before the Oregon Court of Appeals and 17 before the Oregon Supreme Court. The Juvenile Appellate Section, led by its own chief defender, handled appeals in juvenile dependency, termination of parental rights, and juvenile delinquency cases—matters often involving voluminous records and strict statutory timelines. In addition to the chief defender, the section includes seven attorneys and one paralegal who collectively filed 281 notices of appeal, 107 opening briefs, and 42 reply briefs and presented 36 oral arguments before the Court of Appeals. In total, the Court of Appeals issued 61 opinions in juvenile cases this year, and the Oregon Supreme Court issued one. Juvenile matters require expedited review and exceptional attention to detail, given their impact on children and families.

PUBLIC DEFENSE FORECAST AND CONTRACTS

Historically, OPDC was solely responsible for forecasting demand for public defense services over a given biennium and ensuring sufficient provider capacity to meet local needs. With the passage of SB 337 (2023), however, responsibility for forecasting shifted to the Department of Administrative Services Office of Economic Analysis (DAS OEA). Under SB 337 (2023), DAS OEA is tasked with issuing a state public defense population forecast, including expected populations of adults and juveniles eligible for

appointed counsel. Similar to other forecasts, including those related to Department of Corrections and Oregon Youth Authority populations, DAS OEA is required to release the results of its analyses twice per year on April 15 and October 15. As with other forecasts, the data provided by DAS OEA are statutorily required for the agency to use in the budget development process.

OPDC signed an interagency agreement with DAS OEA in late 2023 for this work. OPDC, the Criminal Justice Commission (CJC), the Oregon Judicial Department (OJD), 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 and undergoing refinements, it will become more precise with each iteration. OEA released its first public defense forecast on April 15, 2024, and its most recent forecast on October 15, 2025. The next forecast will be published on April 15, 2026, and will be used to build OPDC's Agency Request Budget (ARB) as it moves toward the 2027 Legislative Session.

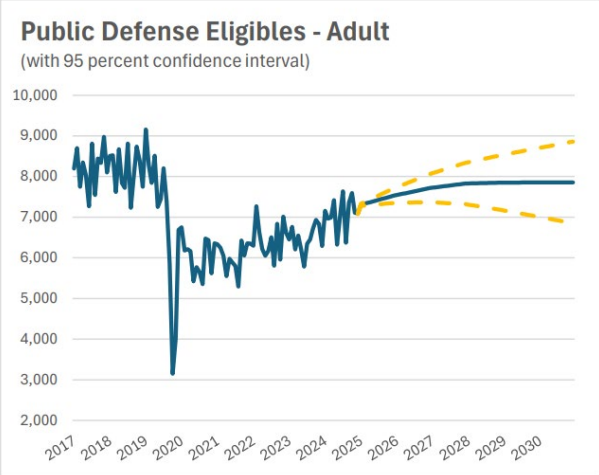

Figure 1. Eligible Individuals for Public Defense Services[3]

As shown in Figure 1, according to the most recent forecast, released in October 2025, adult eligibility for public defense services is projected to increase through FY 2031, primarily due to House Bill 4002 (2024), which recriminalized possession of user amounts of controlled substances. Table 3 presents data from the latest eligibility forecast, issued in October 2025, compared with the prior forecast from earlier in the year. Overall, as shown in Table 3, there is a 1.1 percent increase in projected cases compared to the previous forecast, which is largely attributable to increases in misdemeanor (2.5 percent) and probation violation (2.1 percent) cases, as well as a projected decrease in felonies (-2.2 percent).

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

[3] Figure 1 is part of Chart 5, "Margin of Error" in the 2025 October Oregon Public Defense Caseload Forecast, which can be accessed here.

Table 3. Reproduction of Public Defense New Eligibles Summary from the October 2025 Public Defense Forecast

		Apr 2025 Fcst	Oct 2025 Fcst	Change	Percent
Adult	Felony	46,340	45,308	-1,032	-2.2%
	Murder	285	232	-53	-18.6%
	Jessica's Law	222	178	-44	-19.8%
	Measure 11	3,948	3963	15	0.4%
	Major Felony	7,967	8192	225	2.8%
	Minor Felony	33,919	32,744	-1,175	-3.5%
	Misdemeanor	93,243	95,597	2,354	2.5%
	Probation Violation	27,343	27,906	563	2.1%
	Treatment Court	1,866	1,850	-16	-0.8%
	Appellate	3,565	3,516	-49	-1.4%
	Post-Conviction Relief	672	572	-100	-14.9%
	Habeas Corpus	210	370	160	76.0%
	Civil Commitment	5,496	5,453	-43	-0.8%
	Total	**178,735**	**180,571**	**1,836**	**1.0%**
Juvenile	Dependency†	17,726	18,890	1,163	6.6%
	Delinquency‡	6,718	6,140	-578	-8.6%
	Probation Violation	42,523	4,118	-135	-3.2%
	Treatment Court	338	353	15	4.4%
	Appellate	683	629	-54	-7.9%
	Total	**29,718**	**30,130**	**411**	**1.4%**
Total New Eligible Cases		**208,453**	**210,701**	**372**	**1.1%**

† Includes Parents and Guardians
‡ Includes Measure 11, Murder, and All Others

Across provider types, OPDC signed capacity contracts with providers (excluding hourly providers) totaling 639.66 MAC. When the 17 MAC for the Oregon Trial Division is included, the total statewide MAC for adult, juvenile, and PRCP cases is 656.66. The breakdown of MAC by provider types is reported in Table 4 and shows proportions similar to those in Table 1, previously discussed. Overall, the vast majority of capacity in the state is shared by consortia providers and non-profit providers, who together account for over 80 percent of MAC capacity. A more detailed breakdown of MAC included in the 2025-27 contracts is available in Appendix A.

Table 4. Contracted MAC by Provider Type (as of 10/31/25)

Provider Type	MAC
Non-Profit	227.26
Consortia	310.18
Law Firms/Ind.	102.22
OPDC Trial Div.	17.00
Total	**656.66**

PERFORMANCE AND OVERSIGHT

PERFORMANCE STANDARDS

One of OPDC's statutory duties requires it to provide oversight of public defense in Oregon by adopting policies, guidelines, and standards.[4] This work is primarily accomplished through the Commission's adoption of Qualification and Performance Standards. This process involves bringing together provider workgroups and gathering input from commissioners. Below is a timeline of the Commission's adoption of these standards during 2025:

February 2025: Core Staff, Non-Attorney, Qualification and Performance Standards
Standards for evaluating the qualifications and performance of office support staff, legal assistants, paralegals, fact investigators, mitigation specialists, case managers, interpreters, information technology staff, provisional licensees in the Supervised Practice Portfolio Examination program, and certified law students.

July 2025: Attorney Qualification Standards
Standards for attorneys to qualify as representatives of financially eligible defendants, which take effect on February 1, 2026, aim to ensure that all public defenders have the skills, knowledge, and experience to provide competent and effective legal representation for the cases they handle. The standards specify which types of cases attorneys certified by OPDC can take based on their level of experience.

October 2025: Attorney Performance Standards- Criminal
Performance standards for criminal defense attorneys are based on the Oregon State Bar's standards. They are used to improve attorney practice throughout the state, assess the validity of complaints against providers, and ensure clients receive effective representation.

November 2025: Attorney Performance Standards- Delinquency
Delinquency attorney performance standards, are used to improve attorney practice throughout the state, assess the validity of complaints against providers, and ensure clients receive effective representation.

December 2025: Attorney Performance Standards- Dependency; PCRP Expectations

The Dependency attorney performance standards and the new Parent-Child Representation Program (PCRP) expectations set expectations and standards for attorneys representing clients in dependency cases and for PCRP attorneys.

CONTRACTUAL OVERSIGHT: CONTRACTORS AND PANEL ATTORNEYS

In addition to the qualifications and standards discussed above, the agency also provides oversight through its contractual relationships with providers. During the revision process for the 2025-27 provider contracts, additional provisions and language regarding oversight were added to enhance the agency's

[4] ORS 151.216(1)(j) states that the Commission shall: "Develop, adopt and oversee the implementation, enforcement and modification of policies, procedures, minimum standards and guidelines to ensure that public defense providers are providing effective assistance of counsel consistently to all eligible persons in this state as required by statute and the Oregon and United States Constitutions."

ability to ensure that contractors provide public defense services within the state in accordance with the requirements of ORS 151.216. The following provisions were included in both contracted provider contracts and the hourly provider contracts for the 2025-27 funding cycle.

- **General Performance Requirements**. Contractors must agree to follow the:
  - Oregon Rules of Professional Conduct;
  - Oregon State Bar's Performance Standards
  - American Bar Association's Ten Principles of a Public Defense Delivery System; and
  - OPDC's Policies and Procedures.

- **Training**.
  - Contracts state that a contractor "shall require sufficient training of all its Attorneys who perform work under this Contract, whether the training is provided in-house or through continuing legal education (CLE) programs accredited by the Oregon State Bar."
  - Contracts also state that a contractor shall ensure that all of its attorneys comply with the CLE requirements of the Oregon State Bar and obtain 12 hours of CLE credit specific to their public defense contract area (criminal or juvenile) during the contract period.

- **Inspection**. Contractors are required to grant OPDC access to the materials necessary to verify compliance.

- **Corrective Action**. The contracts establish the steps each party must take to pursue corrective action in the event of a material breach.

The 2025-2027 provider contracts also include additional provisions tied to oversight:

- **Caseload Standards**. Contractors must adhere to MAC caseload standards.

- **Reporting**. Contractors are required to submit monthly reports to OPDC regarding caseloads, including case numbers, attorney and client information, and appointment information. Contract provisions also establish consequences for noncompliance with reporting requirements.

COMPLIANCE, AUDIT, AND PERFORMANCE

Additional oversight is provided by OPDC's Compliance, Audit, and Performance (CAP) Program, which was created to provide a central framework within the agency designed to strengthen oversight, accountability, and transparency across the state's public defense system. The structure of CAP aligns with nationally recognized standards, including the American Bar Association's *Ten Principles of a Public Defense Delivery System*. It formalizes a governance model that integrates monitoring, evaluation, and data-driven performance management into agency operations. The CAP program consists of three sections: (1) Compliance, (2) Data and Research, and (3) Internal Audit. Each section has a distinct but interconnected role in promoting high-quality representation and effective agency operations.

Compliance. This section, under the Compliance Manager, ensures that providers adhere to their contracts. If contractors do not meet their contractual obligations, program analyst staff will work with

them to identify the causes, develop solutions, and document interventions. This process is crucial for ensuring contractor compliance and recording any necessary agency actions. Future compliance work will incorporate the recently adopted performance standards, ensuring that providers meet both qualitative and quantitative expectations.

The agency's Case Assignment Coordinators also report to the Compliance Manager. While these coordinators are currently focused on finding representation for unrepresented persons, the goal, once the crisis has abated, is to utilize them in a quality-control function. They will review case assignments and provider reports to ensure that the reported cases match the assigned cases and reconcile the submitted provider data with the Oregon Judicial Department's data.

Data and Research. This section supports CAP functions by collecting and analyzing data. For instance, the Data and Research section is currently working with the Compliance section to develop more effective systems for monitoring provider capacity and to automate certain compliance and case assignment tasks. They also collaborate with other parts of the agency to provide information and demonstrations to stakeholders on how data is utilized and to improve data input.

Internal Audit. As of November 1, 2025, the sole auditor within the agency will shift from an internal agency auditor focused on agency risk to an auditor within CAP performing financial and spot-check audits of the agency's payment systems. The auditor, which was moved from the Executive Division back to CAP through HB 5031, will report to the CAP manager, with a secondary reporting structure directly to the Commissioners and agency Audit Committee.

CAP is also where the agency's Key Performance Measures (KPM) work is conducted, as these measures of agency performance touch on many of the sections within CAP. CAP, in partnership with agency leadership, is currently working with Commissioners to update the agency's KPMs for the 2027-2029 biennium.

The next addition to CAP's responsibilities is the establishment of a formal structure to handle and resolve external complaints. This work is currently in progress and has included updates to reconsideration policies for PAE requests, the establishment of a more formal structure for awarding extraordinary case credit, and the establishment of structural oversight for the granting of co-counsel. Additionally, work is underway on an automation system to route complaints to the appropriate division. The aim is to create a process that allows complaints- whether about a provider, internal agency customer service, or other internal or external issues- to be acknowledged and addressed promptly, with a transparent and efficient escalation pathway.

OVERSIGHT OF THE OREGON TRIAL DIVISION

The Oregon Trial Division (OTD) comprises state-employed attorneys and support staff who provide trial-level defense services throughout the state. They primarily serve three regions: the Northwest, Central Valley, and Southern regions. The OTD currently has 17 attorneys and 3 Chief Deputy Attorneys who manage the regional offices. As of October 31, the OTD has been assigned to 3,175 cases statewide, 75 percent of which originated from the unrepresented list. OTD has worked with courts and district attorneys to establish early resolution dockets for more efficient case processing and has managed over

600 time sensitive *Betschart*[5] cases. Data regarding the Trial Division can be found on the Trial Division Dashboard on OPDC's website.

The OPDC Trial Division is subject to the same qualification and performance standards as contract and panel attorneys. OTD is also held to the same MAC standards as external providers, with each OTD region being treated individually. Unlike contractors or panel attorneys, however, OPDC has significantly greater oversight authority concerning OTD given the formal employer-employee relationship that exists. OTD attorneys also track the time attorneys spend on each case, which provides opportunities for oversight. Currently, 13 different categories are recorded via OPDC's timekeeping efforts.

[5] In brief, *Betschart v. Washington County Circuit Court Judges* affirmed a preliminary injunction requiring the appointment of an attorney within seven days of an in-custody defendant's initial appearance. Failure to do so within the required timeline would result in the defendant's release from custody subject to reasonable release conditions imposed by the court.

FINANCIAL PROJECTIONS

Table 5 provides the biennial financial forecast for OPDC. The forecast column shows the projections if current spending continues for the remainder of the biennium. Also provided is an assessment of divisions with significant variances.

Table 5. OPDC Biennial Financial Forecast by Agency Division

Division		LAB	Forecast	Variance
1.	Administrative Services Division	$38,380,364	$43,044,778	($4,664,414)
2.	Adult Trial Division	$330,688,123	$312,055,890	$18,632,233
3.	Juvenile Trial Division	$52,810,615	$55,246,701	($2,436,086)
4.	Parent Child Representation Program	$58,422,417	$56,975,199	$1,447,218
5.	Appellate Division	$28,826,029	$30,723,651	($1,897,622)
6.	Compliance, Audit, Performance	$8,645,518	$9,683,647	($1,038,129)
7.	Court Mandated Expenses	$69,942,027	$60,937,604	$9,004,423
8.	Debt Service	$2,392,223	$2,392,223	$0
9.	Executive	$3,356,449	$3,505,352	($148,903)
10.	Preauthorized Expenses	$102,459,670	$100,126,144	$2,333,526
11.	Special Programs	$11,414,014	$11,414,014	$0
12.	Trial Representation	$18,090,808	$20,552,995	($2,462,187)
Total		**$725,428,257**	**$706,658,198**	**$18,770,059**

1. **Administrative Services.** Presently, the Administrative Services Division 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 built-in cost-of-living increase impacting staff salaries, and (iv) the temporary coverage of expenditures associated with the Financial Case Management System (FCMS). The final source of the overage will be resolved once FCMS receives bond funding in the spring of 2026, as, at that time, all appropriate FCMS expenditures will be moved from this budget to the FCMS "other fund" budget that will result from the bond sale.

2. **Adult Trial Division**. Projections in this budget category rely on three assumptions: (i) that the DAS OEA Public Defense Caseload Forecast as of April 2025 is accurate; (ii) that OPDC appropriately contracted with providers to meet the DAS OEA forecast; and (iii) that contract providers meet a 90 percent MAC utilization threshold. This division currently forecasts a large amount of unallocated funds based on the three preceding assumptions. Additional needs, however, have been identified and will result in contract adjustments going forward. For instance, caseload impacts to Civil Commitments tied to House Bill 2005 (2025) were not included in the April 2025 forecast, so a portion of the unallocated funds will be shifted to this area. Additional flexibility will also be beneficial as the agency moves through the biennium to meet the changing needs associated with representation. This area continues to be monitored through monthly reassessments and quarterly revisions as warranted by the forecast and provider reported caseload data. As of the release of this report, the agency only has the benefit of one reporting period under the revamped 2025-27 contracts.

3. **Juvenile Trial Division**. Projections in this budget category rely on three assumptions: (i) that the DAS OEA Public Defense Caseload Forecast as of April 2025 is accurate; (ii) that OPDC appropriately contracted with providers to meet the DAS OEA forecast; and (iii) that contract providers meet a 90 percent MAC utilization threshold. The Juvenile Trial Division is currently projecting an overage. The DAS OEA forecast projected a significant reduction in juvenile cases, particularly in a few jurisdictions across the state. Due to the substantial changes in OPDC's 2025-27 contracts, the agency took a more moderate approach to those caseload reductions to ensure that an unrepresented crisis in the juvenile sector does not materialize. Further, OPDC elected to use provider contracts for some attorneys who previously handled hourly cases, with the aim of shifting those cases away from the more expensive hourly program. Finally, federal Title IV-E reimbursements have fallen short of projections, suggesting fewer qualifying expenditures to date. It is important to note, however, that as of the release of this report, the agency only has the benefit of one reporting period under the revamped 2025-27 contracts, as well as only one quarter of data regarding federal Title IV-E reimbursements.

4. **Parent Child Representation Program**. Projections in this budget category rely on three assumptions: (i) that the DAS OEA Public Defense Caseload Forecast as of April 2025 is accurate; (ii) that OPDC appropriately contracted with providers to meet the DAS OEA forecast; and (iii) that contract providers meet a 90 percent MAC utilization threshold. The Parent Child Representation Program projection is currently showing a small amount of unallocated funds, but as stated above, it remains too early in the contracting period to draw concrete conclusions. Also, similar to the Juvenile Trial Division discussion above the first draw of federal Title IV-E funds were lower than expected, indicating fewer qualifying expenditures.

5. **Appellate Division:** The Appellate Division budget projection reports an overage, which is attributable to built-in cost of living increases impacting staff salaries.

6. **Compliance, Audit, and Performance**. The Compliance, Audit, and Performance Division is forecasting an overage due to unprojected Oregon Department of Justice expenditures, as well as increased staff position expenditures due to new staff being hired at a rate that is higher than what is currently budgeted, and a built-in cost-of-living increase impacting staff salaries.

7. **Court Mandated Expenses.** The Court Mandated Expenses budget shows a modest amount of unallocated funding. Currently, invoices from hourly contractor invoices have been growing at a modest pace, but the rate of growth does not appear to be concerning from a budget perspective. The agency is still incurring expenses attributable to the Temporary Hourly Increase Program (THIP), which stopped taking new cases after June 30, 2025. Initially, invoices for THIP expenditures came in at a very high rate during the first few months of the biennium but have since trailed off and appear to be decreasing at a consistent rate. Invoice submission rates are actively being monitored and agency researchers are utilizing DAS OEA forecast data to project the expected wind down of this program.

8. **Debt Service.** Current projects are consistent with the LAB.

9. **Executive Division**. The Executive Division currently projects an overage attributable to unbudgeted attorney general expenditures, and a built-in cost-of-living increase impacting staff salaries.

10. **Preauthorized Expenses**. The Preauthorized Expenses budget currently projects a modest amount of unallocated funding relative to the program's size. Notably, THIP expenditures were initially incurred at a very high rate for the first few months of the biennium. This initial trend has abated, and invoice submissions tied to THIP cases have been decreasing at a consistent rate, which has since figured into budget projections in this area.

11. **Special Programs.** Current projects are consistent with the LAB.

12. **Trial Representation Division**. The Trial Representation Division budget currently projects an overage, primarily due to built-in cost-of-living increases and increased personnel expenses tied to hiring positions at rates higher than budgeted.

FUTURE WORK

While the Commission's 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 has a direct effect on its budget. Due to this relationship, the timing of transitioning to a new workload model must be coordinated with preexisting state budget development timelines, as well as the legislative calendar. As such, the earliest that OPDC could effectuate a transition away from MAC to a new workload approach would be during the 2029 Legislative Session.

For much of its history, OPDC employed a case credit model, where compensation was tied to the number of cases attorneys were assigned during a given contract period. This approach incentivized high caseloads, as volume was the primary way that attorneys could ensure they were adequately compensated for their work. In 2021, OPDC began moving away from the case credit model toward a model based on full-time equivalent employment with caseload limits. These limits, termed the "maximum attorney caseload," or MAC, is the model that is still employed today.

Since its inception, however, the MAC model has come under significant criticism. This criticism has come from multiple angles, whether from public defenders themselves or from court staff, judges, prosecutors, legislators, and budget writers. The Commission itself intended the MAC to be a temporary fix for an unconstitutional pay-per-case system and did not plan for it to be a long-term solution. One of the primary limitations of the MAC model is that it is caseload-driven, rather than workload-driven, because once contractors meet their MAC caseload requirements, there is little to no ability or incentive to take additional cases. Under other models, such as an open workload model or hourly compensation model, lawyers are compensated for time spent on cases, not merely the number of cases assigned to them.

Since 2019, the Commission has sought to adopt an alternative workload model. In that time, the COVID-19 pandemic occurred, the unrepresented crisis developed, OPDC experienced multiple leadership changes, the Commission was reconstituted entirely, and the agency transitioned from the Judicial to the Executive branch of government. All of which made thoroughly socializing and implementing a workload plan difficult. While the Commission did adopt a workload plan in 2024, it was not funded in the 2025 Legislative Session.

Although a shift to a new workload model has yet to occur, prior efforts have resulted in a foundation the agency can build on. A significant amount of data collection and analysis utilizing hourly data from the Oregon Trial Division and hourly attorneys has provided invaluable data about the time it takes to provide representation in different types of cases. OPDC has also collaborated with the DAS Office of Economic Analysis forecasting team to examine average case lengths and how open workload impacts forecasted caseloads. Finally, national experts have offered feedback and built a framework that could be used to develop future workload models.

<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">2027 Legislative Session</td><td></td><td colspan="4">2029 Budget Development</td><td>Gov Budget</td><td colspan="2">2029 Legislative Session</td></tr>
<tr><td colspan="2">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 colspan="2"></td></tr>
</table>

Figure 2. Tentative Timeline for Transition to a New Workload Model

Figure 2 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. Unfortunately, the time necessary to engage in a robust development process does not exist if the goal is to make this transition during the upcoming 2027 Legislative Session. As shown in Figure 3, agency efforts concerning budget development for the 2027 Legislative Session will begin in January of 2026. Due to these time constraints, 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.

As shown in Figure 2, the first stage in this effort will include project initiation and planning, which will entail identifying critical stakeholders, collaborating with stakeholders and partners to define project success criteria, determining which resources within OPDC will be available to oversee and contribute to the process, scope, and set a more detailed project timeline and expected 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.

APPENDIX A: CONTRACTED PROVIDER DETAILS

The tables on the following pages offer detailed breakdowns of contracted providers for the 2025-27 contracts as of October 1, 2025. Tables A1, A2, and A3 use the following terms:

Contracted MAC for Direct Representation: This term refers to the portion of an attorney's contract providing direct representation to clients under the Maximum Attorney Caseload (MAC) model, which is based on 300 misdemeanors per year. Attorneys providing representation on a full time basis are represented by 1.0 MAC. Attorneys providing less than full-time representation are denoted by a MAC value that is less than 1.0, such as a 0.7 MAC or 0.5 MAC. Attorneys with a MAC value less than one are most often consortium members who accepted case assignments from OPDC for a portion of their caseload, while also maintaining a separate client-retained practice in addition to their work with the state. Attorneys with a MAC value less than 1.0 may also be classified as supervisors, as OPDC reduces MAC requirements for those who provide supervision to other attorneys.

Contract Provider FTE: This term includes attorney time not measured through the MAC model, such as supervision, along with non-attorney contracted services like investigators and case managers.

Supervision FTE: This term represents the amount of FTE devoted by attorneys to supervision under the OPDC contract. OPDC funds supervisors at a rate of 0.1 supervisor FTE for every 1.0 attorney under their supervision. Supervision includes providing oversight, mentorship, and performance reviews. Supervising attorneys often carry a mixed contract of MAC and FTE.

Statewide Contracted MAC for Direct Representation: Statewide contracts provide representation services for post-conviction relief/habeas cases, post-conviction relief appeals, juvenile appeals, civil commitment appeals/Psychiatric Security Review Board, immigration consultations, forensic justice.

Reduced Caseload Program: New attorneys are eligible to join the reduced caseload program, which operates under a MAC limit of 200 weighted misdemeanors, rather than 300. For this table, the portion of effort devoted to representation is denoted as “Atty MAC”, while the non-caseload portion is denoted as “FTE non-caseload”.

SPPE: The *Supervised Practice Portfolio Examination* offers an alternative route to becoming a licensed attorney in Oregon. When first introduced, OPDC funded SPPE candidates at full rates, but starting with the 2025-27 contracts, only the MAC portion of an SPPE position will receive funding. The pre-existing SPPE positions will be phased out as those SPPE candidates obtain licensure.

Table A1. 2025-27 Adult Trial Division Provider Contracts as of 10/1/2025		
Contract Providers (Adult Trial Division)	**Position Classifications**	**Contracted Amounts**
Contracted MAC for Direct Representation		
Reduced Caseload Program (Atty MAC caseload)†	Attorney 1	6.31
SPPE (Atty MAC caseload)‡	Attorney 1	2.93
Misdemeanor	Attorney 1	46.18
Minor Felony, Civil Commitment	Attorney 2	85.06
Major Felony	Attorney 3	162.44
Murder	Attorney 4	122.11
		425.03
Statewide Contracted MAC for Direct Representation		
Post Conviction Relief/Habeas Corpus	Attorney 4	16.50
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
PSRB Requiring Supervision	Attorney 2	0.60
Murder	Attorney 4	12.82
		40.13
Total Contract Provider Attorney MAC		**465.16**
Reduced Caseload and SPPE FTE		
Reduced Caseload Program (FTE non-caseload)†	Attorney 1	3.42
SPPE (FTE non-caseload)‡	Attorney 1	12.32
		15.74
Supervision FTE[α]		
Standard Provider Supervision	Supervisior-2	0.26
Standard Provider Supervision	Supervisior-3	1.24
Standard Provider Supervision	Supervisior-4	12.64
Statewide Supervision	Supervisior-4	1.2
		15.34
Investigation FTE		
	Investigators	55.92
		55.92
Total Contract Provider FTE		**87.00**
TOTAL CONTRACT PROVIDER ATTORNEY MAC AND FTE		**552.16**

† 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 A2. 2025-27 Juvenile Trial Division Provider Contracts as of 10/1/2025		
Contract Providers (Juvenile Trial Division)	**Position Classifications**	**Contracted Amounts**
Contracted MAC for Direct Representation		
SPPE (Atty MAC caseload)	Attorney 1	0.05
Delinquency	Attorney 2	2.16
Reduced Caseload Program (Atty MAC caseload)	Attorney 3	0.30
Dependency, Dependency & Delinquency	Attorney 3	84.16
Murder	Attorney 4	5.83
		92.50
Statewide Contracted MAC		
Juvenile Appeals	Attorney 4	2.80
Murder	Attorney 4	0.66
		3.46
Total Contracted Attorney MAC		**95.96**
Reduced Caseload and SPPE FTE		
Reduced Caseload Program (FTE non-caseload)†	Attorney 1	0.15
SPPE (FTE non-caseload)‡	Attorney 3	0.25
		0.40
Supervision FTE[α]		
Standard Provider Supervision	Supervisior-3	0.06
Standard Provider Supervision	Supervisior-4	1.45
		1.51
Investigation FTE		
	Investigators	1.32
		1.32
Total Contract Provider FTE		**3.23**
TOTAL JUVENILE ATTORNEY MAC AND FTE		**99.19**

† 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 A3. 2025-27 Parent Child Representation Program Provider Contracts as of 10/1/2025		
Contact Providers (Parent Child Representation Program)	**Position Classifications**	**Contracted Amounts**
Contracted Direct Representation		
Juvenile Delinquency	PCRP Attorney	0
Dependency	PCRP Attorney	8.93
Delinquency / Dependency /Termination of Parental Rights	PCRP Attorney	69.62
		78.55
Total Contracted Direct Representation		**78.55**
Reduced Caseload and SPPE FTE		
SPPE (FTE non-caseload)†	PCRP Attorney	0.37
		0.37
Supervision FTE‡		
Standard Provider Supervision	Supervisior-4	2.78
		2.78
Case Managers		
	Case Managers	26.67
		26.27
Investigation FTE		
	Investigators	3.00
		3.00
Total Contract Provider FTE		**32.82**
TOTAL PCRP		**111.37**

† 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.