

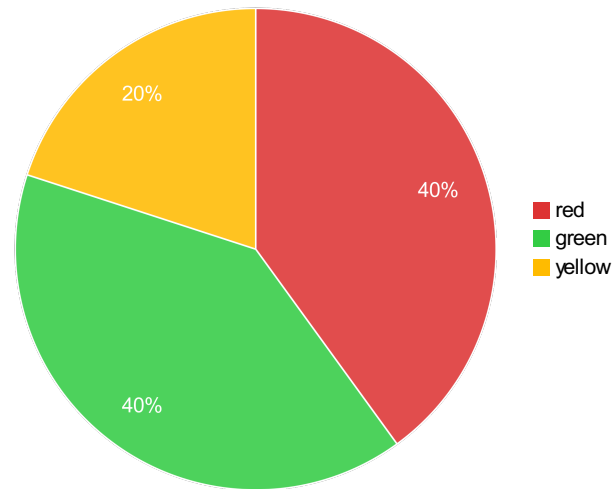
Public Defense Services Commission

Annual Performance Progress Report

Reporting Year 2016

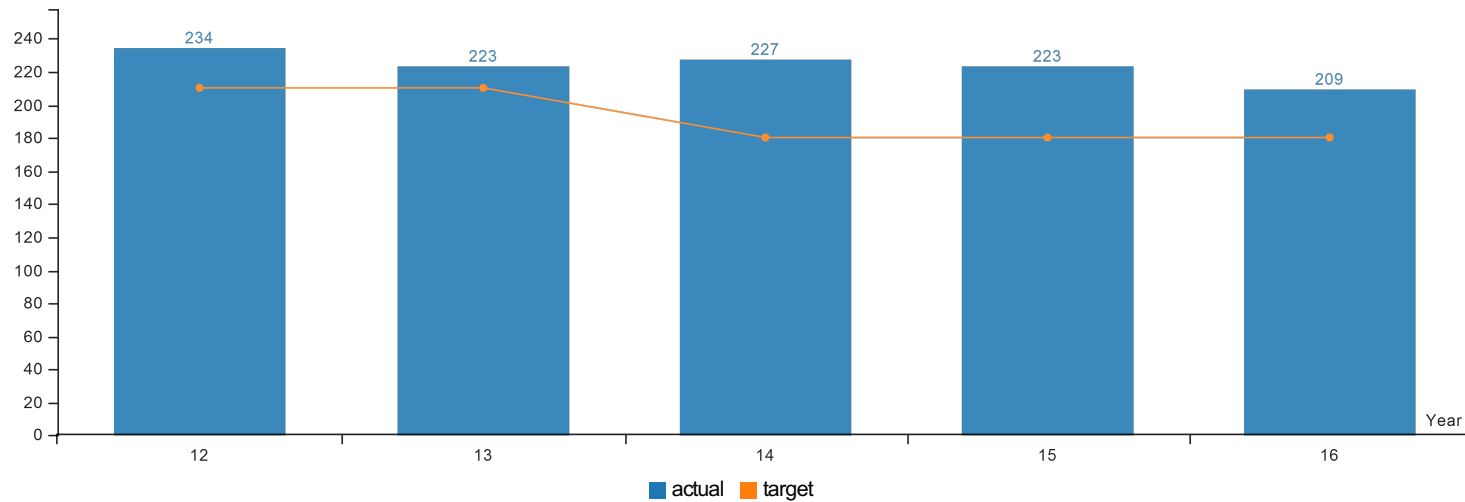
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KPM #	Approved Key Performance Measures (KPMs)
1	APPELLATE CASE PROCESSING - Median number of days to file opening brief.
2	CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.
3	BEST PRACTICES FOR BOARDS AND COMMISSIONS - Percentage of total best practices met by Commission.
4	TRIAL LEVEL REPRESENTATION - During the term of the OPDS contract, percent of attorneys who obtain at least 12 hours per year of continuing legal education credit in the area(s) of law in which they provide public defense representation.[1] [1] Case types listed in the 2014-2015 Public Defense Legal Services Contract General Terms are: criminal cases, probation violations, contempt cases, civil commitment cases, juvenile cases, and other civil cases. (http://www.oregon.gov/OPDS/docs/CBS/ModelContractTerms/documents/MbdKJan2014.pdf)
5	PARENT CHILD REPRESENTATION PROGRAM (PCRP) - Percent of PCRP attorneys who report spending approximately 1/3 of their time meeting with court appointed clients in cases which the attorney represents a parent or child with decision-making capacity.[1] [1] For a discussion on determining decision-making capacity, see The Obligations of the Lawyer for Children in Child Protection Proceedings with Action Items and Commentary, Oregon State Bar, Report of the Task Force on Standards of Representation in Juvenile Dependency Cases (2014).



	Green	Yellow	Red
	= Target to -5%	= Target -6% to -15%	= Target > -15%
Summary Stats:	40%	20%	40%

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



Report Year	2012	2013	2014	2015	2016
Median Number of Days to File Opening Brief					
Actual	234	223	227	223	209
Target	210	210	180	180	180

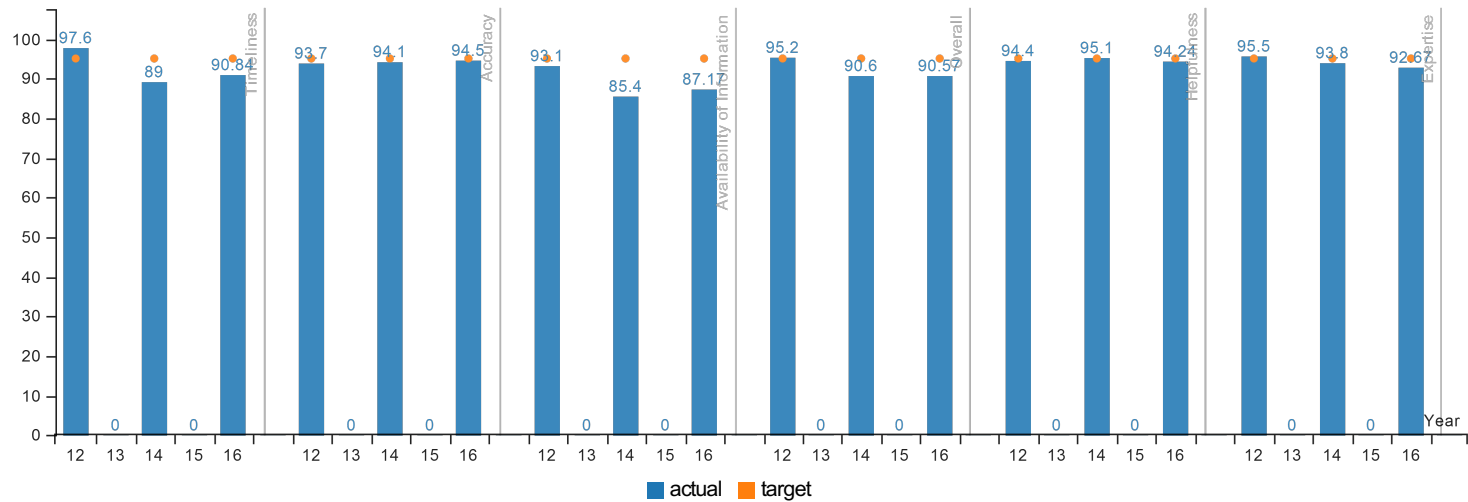
How Are We Doing

The Appellate Division has made significant progress over the past ten years and is on track for further improvements. In 2006, the median number of days to file the opening brief was 328; by 2009 that number was reduced to 236 days. During the next six years, the number fluctuated between a low of 223 (2013, 2015) and a high of 234 (2011, 2012). For fiscal year 2016, the median date fell to 209 days. The fluctuations and latest progress is primarily attributable to two causes. First, appellate practice is a specialty area. It generally takes about three to five years to develop into a proficient attorney able to manage confidently and efficiently a caseload of moderately complex appeals. Since 2010, the Criminal Section lost 11 attorneys with, on average, more than 10 years of experience. Currently, 13 of the 34 non-managing attorneys in the Criminal Section (more than one-third) have less than 5 years of appellate experience. Second, in 2012 the Criminal Section ceased contracting to outside attorneys caseload “overflow” (non-conflict cases that the Criminal Section could not retain while maintaining progress made into the backlog), which had grown to more than 200 cases per year. Assuming adequate resources, the continued development of attorneys with less than 5 years of appellate experience, and the retention of attorneys with 5 or more years of experience, the agency anticipates making significant strides toward its 180-day goal.

Factors Affecting Results

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

KPM #2	CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.
	Data Collection Period: Jan 01 - Dec 31



Report Year	2012	2013	2014	2015	2016
Timeliness					
Actual	97.60%	No Data	89%	No Data	90.84%
Target	95%	TBD	95%	TBD	95%
Accuracy					
Actual	93.70%	No Data	94.10%	No Data	94.50%
Target	95%	TBD	95%	TBD	95%
Availability of Information					
Actual	93.10%	No Data	85.40%	No Data	87.17%
Target	95%	TBD	95%	TBD	95%
Overall					
Actual	95.20%	No Data	90.60%	No Data	90.57%
Target	95%	TBD	95%	TBD	95%
Helpfulness					
Actual	94.40%	No Data	95.10%	No Data	94.24%
Target	95%	TBD	95%	TBD	95%
Expertise					
Actual	95.50%	No Data	93.80%	No Data	92.67%
Target	95%	TBD	95%	TBD	95%

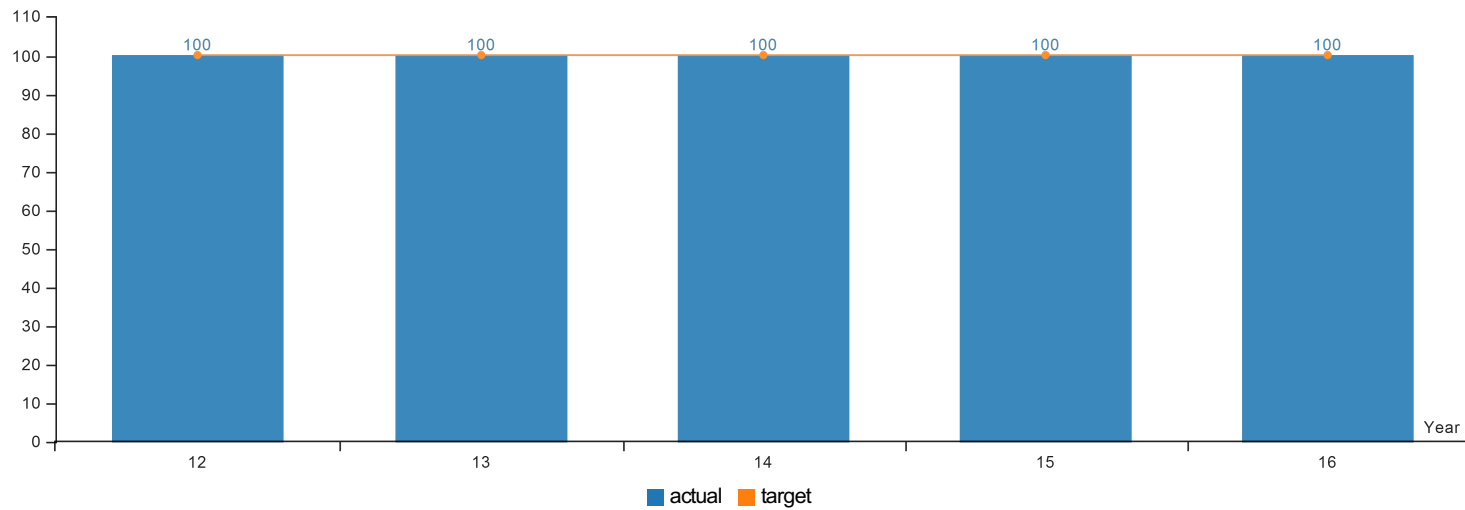
How Are We Doing

The most recent survey was conducted in June 2016. The survey results indicated a high level of customer satisfaction with the agency. The overall service provided by OPDS was rated as good or excellent by more than 90% of the respondents. The standard reporting measure for state agencies groups both "good" and "excellent" into one category. In the categories of helpfulness of OPDS employees, over 94% of respondents rated the agency's service as "good" or "excellent". The lowest rating was in the category of availability of information, where 87% of the respondents rated the agency's service as "good" or "excellent".

Factors Affecting Results

The ratings in three categories were somewhat higher in 2016 than the most recent survey in 2014. The agency believes the ratings would have been higher in all categories but for the considerable turnover of longtime staff in the Accounts Payable Section. Between 2013 and 2015, the agency lost more than half of its staff to retirements and resignations. This change naturally required considerable training and mentoring of five new staff members which resulted in some processing delays. The change also meant that phone calls and other requests for information that had been routed through employees with years of experience were now being handled by new employees with less experience and authority to respond. The agency believes this resulted in providers feeling that their questions were not always being fully answered and information being less available to them.

KPM #3	BEST PRACTICES FOR BOARDS AND COMMISSIONS - Percentage of total best practices met by Commission.
	Data Collection Period: Jan 01 - Dec 31



Report Year	2012	2013	2014	2015	2016
Percentage of total best practices met					
Actual	100%	100%	100%	100%	100%
Target	100%	100%	100%	100%	100%

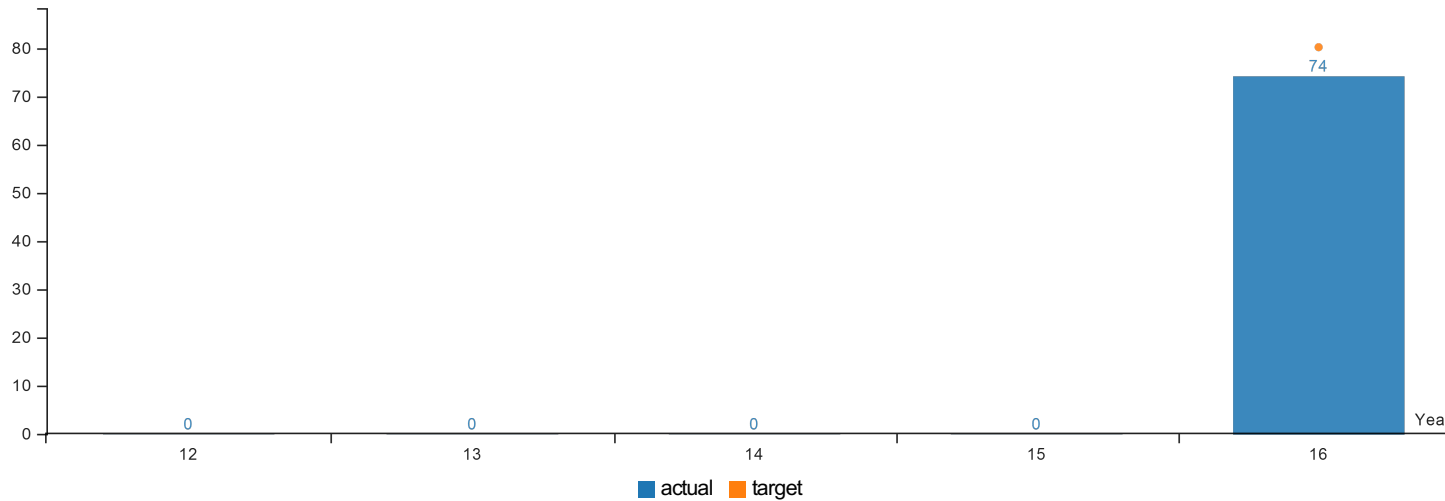
How Are We Doing

At the Commission's July 25, 2016 meeting, commission members reviewed the self-assessment in detail and confirmed that the agency met all of the best practices for boards and commissions.

Factors Affecting Results

There are no factors that would prohibit the agency from meeting all of the best practices.

KPM #4	TRIAL LEVEL REPRESENTATION - During the term of the OPDS contract, percent of attorneys who obtain at least 12 hours per year of continuing legal education credit in the area(s) of law in which they provide public defense representation.[1] [1] Case types listed in the 2014-2015 Public Defense Legal Services Contract General Terms are: criminal cases, probation violations, contempt cases, civil commitment cases, juvenile cases, and other civil cases. (http://www.oregon.gov/OPDS/docs/CBS/ModelContractTerms/documents/ModKJan2014.pdf)
	Data Collection Period: Jan 01 - Dec 31



Report Year	2012	2013	2014	2015	2016
Percent of Attorneys with 12 CLE Credits Annually					
Actual	No Data	No Data	No Data	No Data	74%
Target	TBD	TBD	TBD	TBD	80%

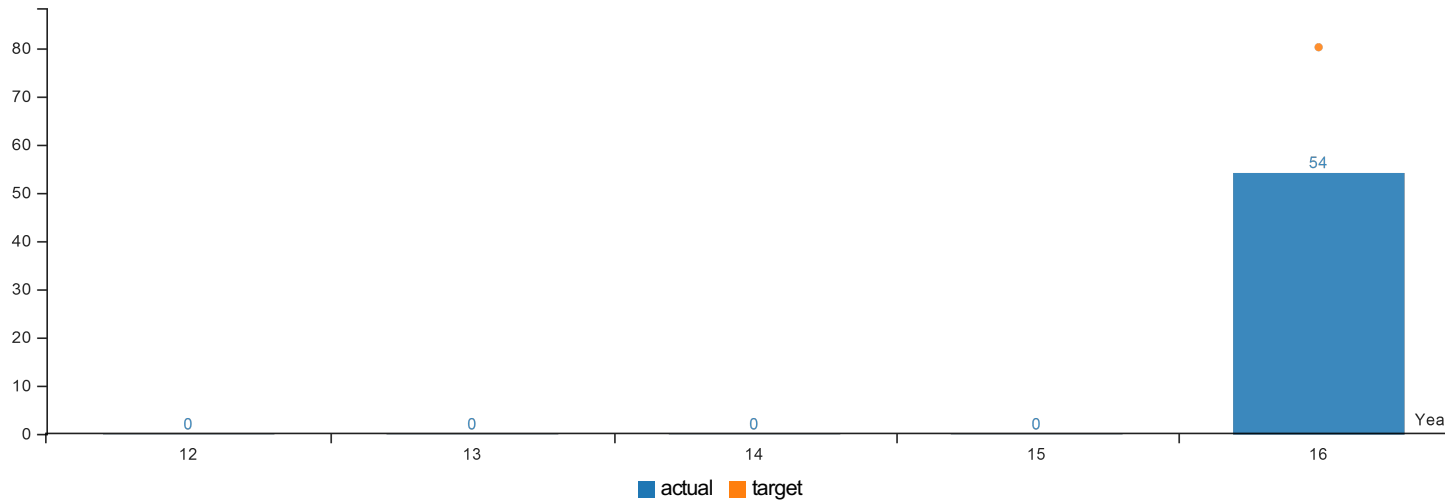
How Are We Doing

The survey was sent to 630 attorneys, with an 86% response rate. Of the 541 respondents, 74% report obtaining at least 12 CLE credits annually.

Factors Affecting Results

This was the first time this agency requested all public defense lawyers across the state to report CLE information. Because attorneys are accustomed to reporting to the Oregon State Bar every three years, this request was outside of their normal reporting period, and required them to take additional steps to report CLE activities. Additionally, the contract provision requiring lawyers to earn at least 12 CLE hours each year in their areas of public defense practice didn't go into effect until January 2016. This survey was structured to collect information from 2015, when there may have been less incentive to obtain credits.

KPM #5	PARENT CHILD REPRESENTATION PROGRAM (PCRCP) - Percent of PCRCP attorneys who report spending approximately 1/3 of their time meeting with court appointed clients in cases which the attorney represents a parent or child with decision-making capacity.[1] [1] For a discussion on determining decision-making capacity, see The Obligations of the Lawyer for Children in Child Protection Proceedings with Action Items and Commentary, Oregon State Bar, Report of the Task Force on Standards of Representation in Juvenile Dependency Cases (2014).
	Data Collection Period: Jan 01 - Dec 31



Report Year	2012	2013	2014	2015	2016
Percent of PCRCP Attorneys Spending 1/3 Time Meeting With Clients					
Actual	No Data	No Data	No Data	No Data	54%
Target	TBD	TBD	TBD	TBD	80%

How Are We Doing

This Key Performance Measure separates representation of clients with decision-making capacity from representation of clients with diminished capacity (typically young children). However, data gathered by the PCRCP program does not distinguish based on decision-making capacity. Therefore, the data reported for this KPM includes time spent with all clients.

From July 2015-June 2016, an average of 54% of the PCRCP attorneys report spending approximately one-third of their time meeting with clients. During this time period, the 21 PCRCP attorneys spent an average of 27% of their time meeting with clients.

Factors Affecting Results

The PCRCP was launched in August 2014 in Linn and Yamhill counties and in Columbia County in January 2016. Initial results of the program are promising: the 2014-2015 PCRCP Annual Report identifies three themes arising from PCRCP data.[1] First, the quality of legal representation has improved as a result of practice changes. Second, families are preserved through the use of reunification and guardianship and third, the use of foster care has declined.

[1] Annual Report 2014-2015, Parent Child Representation Program. http://www.oregon.gov/OPDS/docs/Reports/PCRCP_report_PDSC_Jan_2016.pdf

The Parent Child Representation Program includes case managers, social service professionals who are part of the legal representation team, in 12% of cases. The use of case managers who

work with attorneys to address non-legal barriers to sensible case resolution is a best practice and a critical component of the success of the PCRCP. The PCRCP case managers are required to spend at least 85% of their time in direct service work. If the time case managers spend in direct service is added to the time attorneys spend with clients, an average of 48% of the time invested by the defense team from July 2015-June 2016 is spent with clients or in direct client service.

Other factors include the complexity of the case, the age and capacity of the client, and the direction of the client with respect to case objectives.

The agency needs to continue to monitor the quality of work provided by lawyers in the Parent Child Representation Program. Because the program is in its infancy, additional consideration should be given to which metrics are most sensible to measure and which are indicative of quality effective legal representation.