

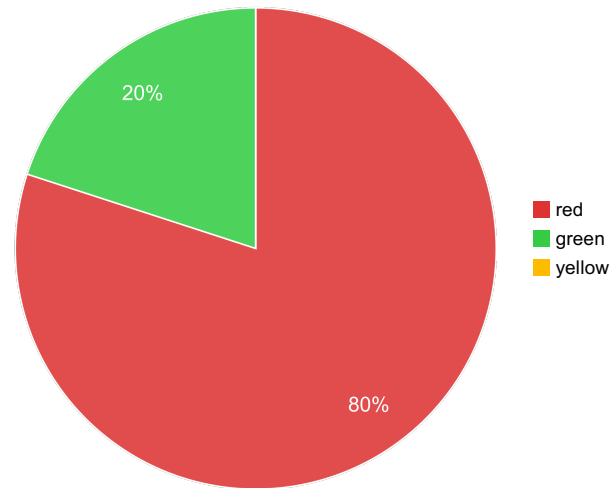
Public Defense Services Commission

Annual Performance Progress Report

Reporting Year 2020

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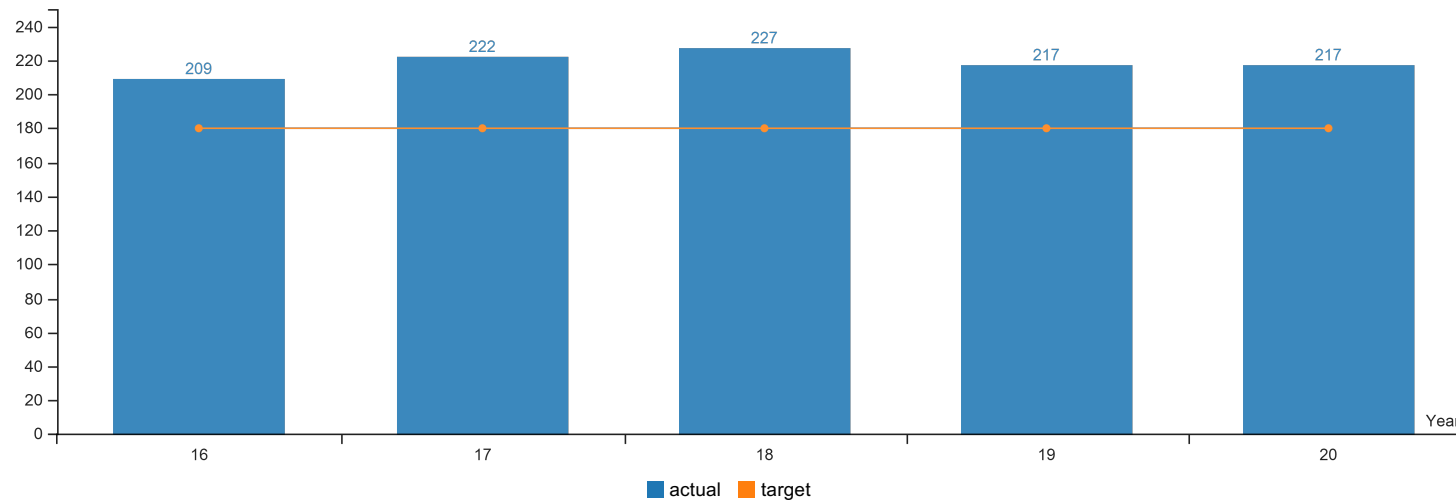
KPM #	Approved Key Performance Measures (KPMs)
1	APPELLATE CASE PROCESSING - Median number of days to file opening brief.
2	CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, 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/ModKJan2014.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).



Performance Summary	Green	Yellow	Red
	= Target to -5%	= Target -5% to -15%	= Target > -15%
Summary Stats:	20%	0%	80%

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

* Upward Trend = negative result



Report Year	2016	2017	2018	2019	2020
Median Number of Days to File Opening Brief					
Actual	209	222	227	217	217
Target	180	180	180	180	180

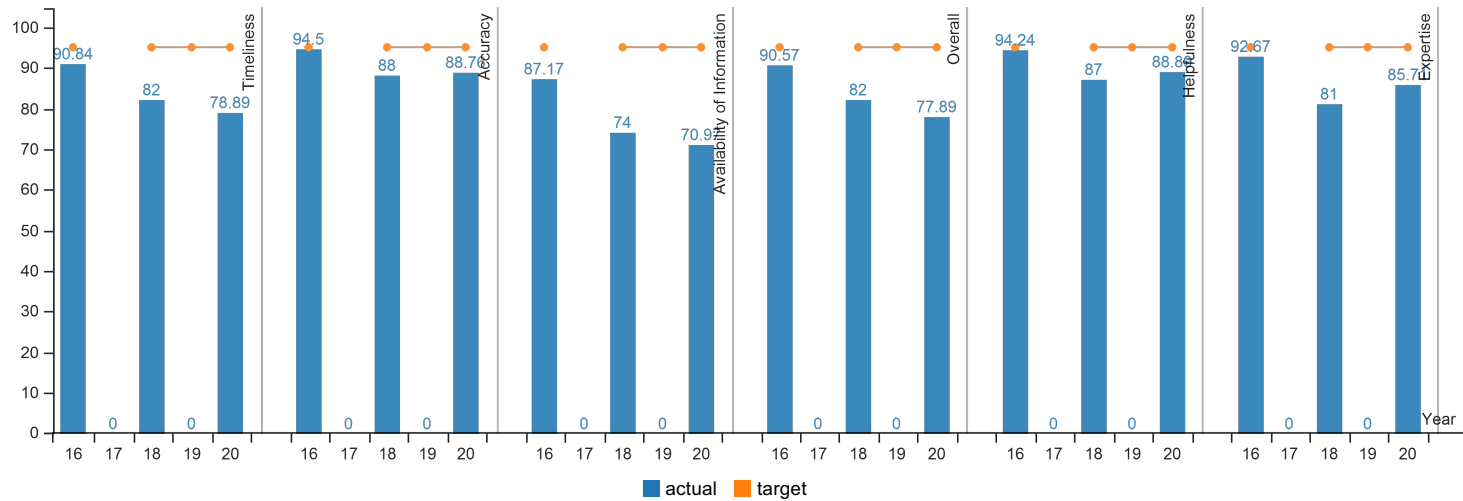
How Are We Doing

The Appellate Division made progress toward its goal despite continuing uptick in case referrals. The median number of days to file the opening brief in the fiscal year ending in 2015 was 223. By 2016, the Appellate Division had reduced the median to 209 days. However, the median increased over the next two fiscal years to 227 days. The setback was primarily attributable to a steady increase in case referrals balanced against a steady attrition rate of experienced attorneys. Case referrals increased 10% in both 2017 and 2018. Second, a series of attorney departures from the Criminal Section led to prolonged attorney position vacancies, lost efficiencies of experienced attorneys, and resources invested in training. The median filing date for the fiscal year ending in 2019 was 217 days, despite a continued increase in case referrals, which can be attributed to retention of ever more experienced attorneys.

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 - Jun 30



Report Year	2016	2017	2018	2019	2020
Timeliness					
Actual	90.84%		82%		78.89%
Target	95%		95%	95%	95%
Accuracy					
Actual	94.50%		88%		88.76%
Target	95%		95%	95%	95%
Availability of Information					
Actual	87.17%		74%		70.97%
Target	95%		95%	95%	95%
Overall					
Actual	90.57%		82%		77.89%
Target	95%		95%	95%	95%
Helpfulness					
Actual	94.24%		87%		88.89%
Target	95%		95%	95%	95%
Expertise					
Actual	92.67%		81%		85.71%
Target	95%		95%	95%	95%

How Are We Doing

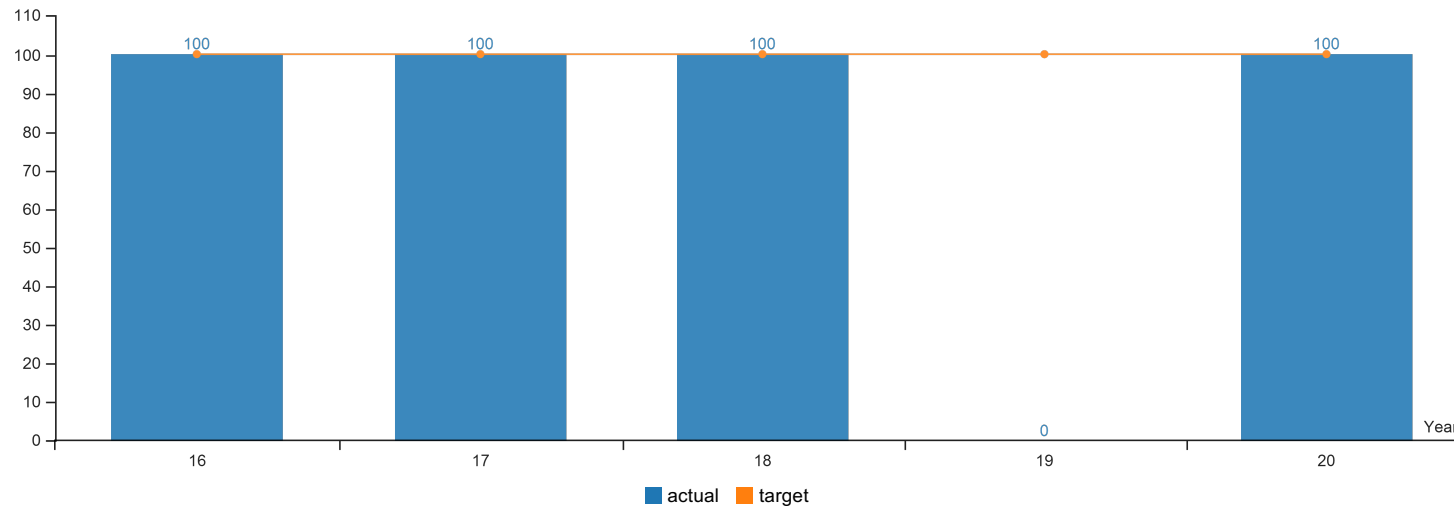
The most recent survey was conducted in June 2020. The survey results indicated a slightly lower level of satisfaction with customer service in 2019 than the survey results from 2018. The overall service provided by OPDS was rated as good or excellent by 78% of the respondents. The standard reporting measure for state agencies groups both “good” and “excellent” into one category. In the categories of helpfulness and accuracy of OPDS employees, 89% of respondents rated the agency’s service as “good” or “excellent.” The lowest rating was in the category of availability of information, where 71% of the respondents rated the agency’s service as “good” or “excellent.”

Factors Affecting Results

Despite the lower overall rating, the ratings in three categories were higher in 2019 than in 2018. Notably, respondents rated OPDS higher in the categories of accuracy, helpfulness, and expertise. The two categories in which respondents rated OPDS lower than in 2018 are timeliness and availability of information. There are several factors that contributed to this lower rating. During the contracting process, the agency worked on developing a new contract model for trial-level providers that focused on improved funding and lower workloads for providers. That work led to a need to extend existing contracts by six months and caused a delay in releasing new contract information to the providers. At the same time, the agency was waiting to learn how much of the \$20 million that had been set aside in a Special Appropriation Account (SPA) the legislature was going to allocate to OPDS during the short legislative session, which was a decision that would directly impact the terms of OPDS’s contracts. Shortly after the session ended with the Republican walk-out, the COVID-19 pandemic hit and OPDS had to wait until the Emergency Board met in April 2020 to learn whether the agency would receive any of the money allocated to the SPA. Once OPDS learned that it would not receive additional funding from the SPA that would have improved funding for trial-level providers, the agency had to scale back its original plans while also still developing a new contract model. That chain of events, most of which was unpredictable and outside the agency’s control, has made this contract cycle particularly challenging and led to a slightly lower rating in the categories of timeliness and availability of information.

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

* Upward Trend = positive result



Report Year	2016	2017	2018	2019	2020
Percentage of total best practices met					
Actual	100%	100%	100%		100%
Target	100%	100%	100%	100%	100%

How Are We Doing

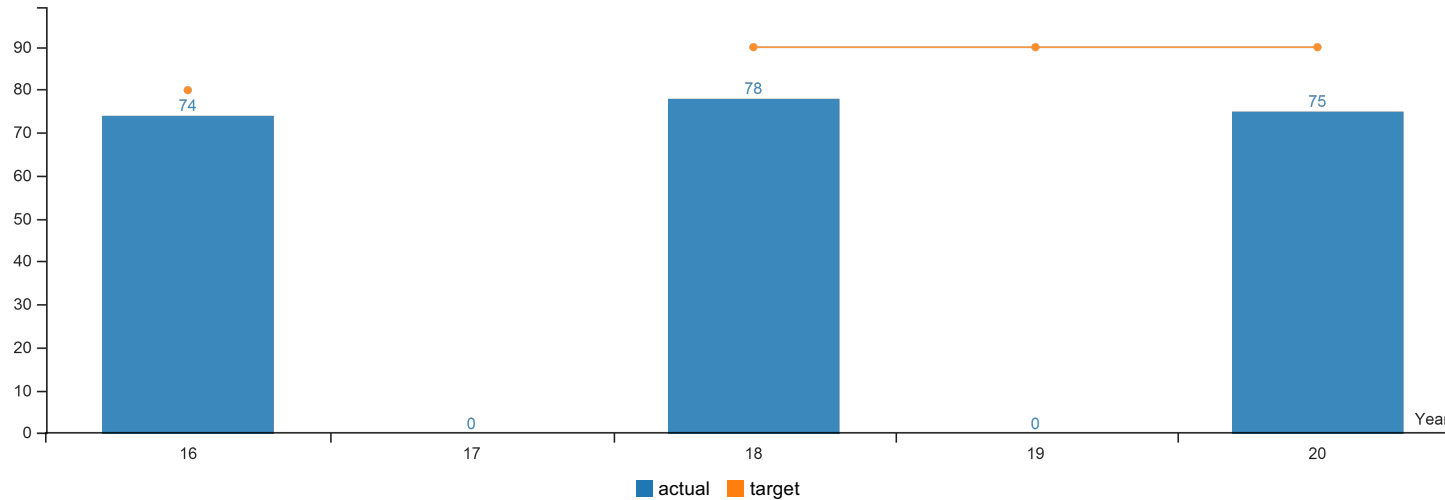
In 2018, the PDSC engaged in a self-assessment to determine if it complied with best practices for boards and commissions. It concluded that it did, and OPDS agreed. In June 2020, a review of the PDSC, its schedule, and its meeting materials confirmed that the PDSC continued to comply with those best practices in 2019.

Factors Affecting Results

There are no factors that would prohibit the agency from meeting all 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

* Upward Trend = positive result



Report Year	2016	2017	2018	2019	2020
Percent of Attorneys with 12 CLE Credits Annually					
Actual	74%		78%		75%
Target	80%		90%	90%	90%

How Are We Doing

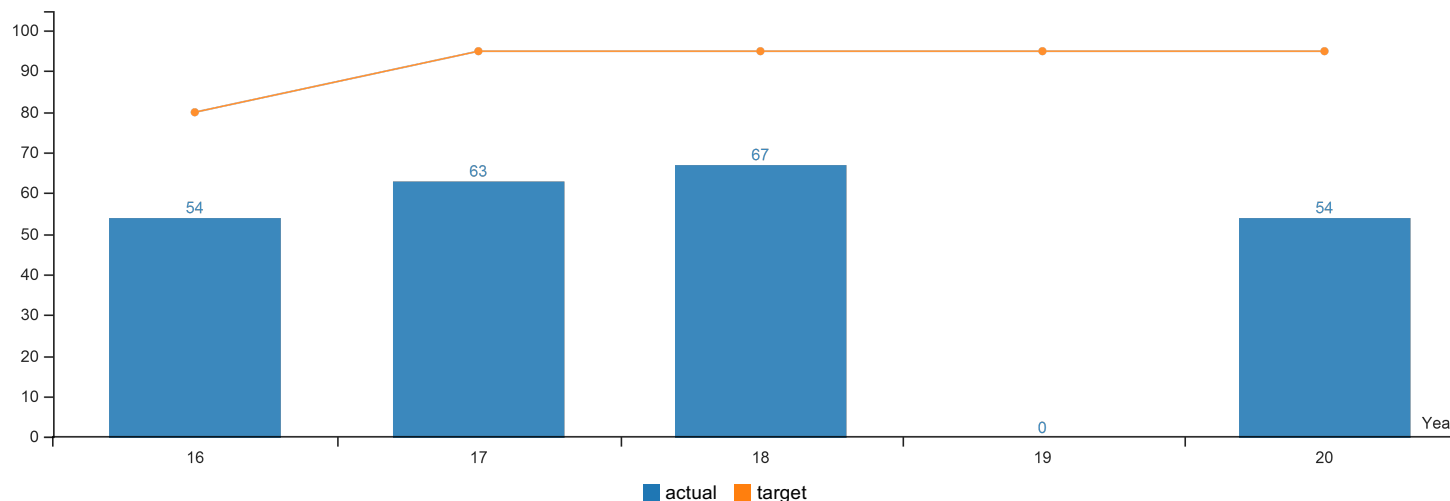
The survey was sent to 130 attorneys, with an 89% survey completion rate. Of the 130 respondents, 75% report obtaining at least 12 CLE credits annually.

Factors Affecting Results

This was the third time this agency requested that all public defense lawyers across the state 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 survey was sent out during the COVID-19 pandemic, which may have affected public defense lawyers' ability to take the time to respond. This survey was structured to collect information from 2019.

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

* Upward Trend = positive result



Report Year	2016	2017	2018	2019	2020
Percent of PCRP Attorneys Spending 1/3 Time Meeting With Clients					
Actual	54%	63%	67%		54%
Target	80%	95%	95%	95%	95%

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 PCRP program does not distinguish based on decision-making capacity. Therefore, the data reported for this KPM includes time spent with all clients.

From July 2018-June 2019, 54% of the PCRP attorneys report spending approximately one-third of their time meeting with clients. During this time period, the PCRP attorneys spent an average of 37% of their time meeting with clients.

Factors Affecting Results

The Parent Child Representation Program was launched in August 2014 in Linn and Yamhill counties and in January 2016 in Columbia County. In October 2018, PCRP expanded into Coos and Lincoln Counties and data from the first 9 months of implementation is included in the measures. The PCRP has consistently shown that improved legal advocacy leads to promising results such as a reduction in the use of foster care, an increase in family reunification, and expedited permanency for children.[1]

The Parent Child Representation Program includes case managers, who are social service professionals and work as part of the legal representation team in 10-15% of the cases. The use of case managers who work with attorneys to address non-legal barriers and help achieve timely and sensible case resolution is a best practice and a critical component of the success of the PCRP. The PCRP case managers are required to spend at least 85% of their time in direct service work, providing an additional investment in client contact by the defense team. 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 monitoring the quality of work provided by lawyers in the Parent Child Representation Program. Additional consideration should be given to the data collection and utilization process. There should be further examination of which metrics are most sensible to measure and which are indicative of standard's based legal representation associated with improving client engagement and court outcomes. Mixed-methods (quantitative and qualitative) data should also be used to establish benchmarks which are indicative of effective legal representation.

[1] Annual Report 2016-2017, Parent Child Representation Program. https://www.oregon.gov/opds/commission/reports/PCRP_Report_PDSC_Jan_2018.pdf