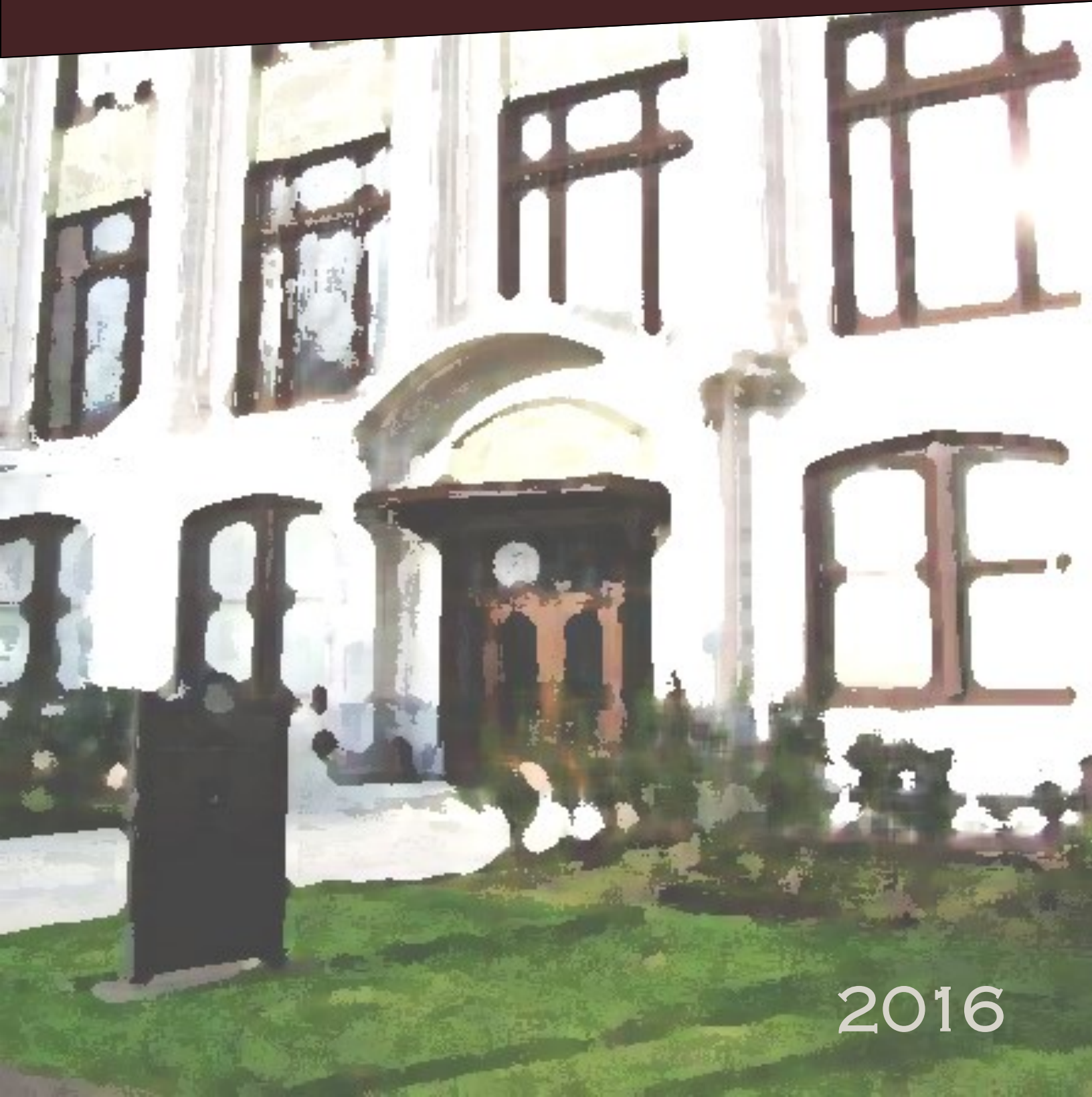


Office of Public Defense Services Executive Director's Annual Report

NANCY COZINE

EXECUTIVE DIRECTOR



2016

PUBLIC DEFENSE SERVICES COMMISSION MEMBERS



Chief Justice Thomas A. Balmer

Ex-Officio Permanent Member
Appointing Authority

Janet C. Stevens

Co-Editor, Bend Bulletin
Member since 2001

Per Ramfjord, Chair

Partner, Stoel Rives LLC
Member since 2012

Hon. Elizabeth Welch

Senior Judge
Member since 2007

John R. Potter, Vice Chair

Former Executive Director,
Oregon Criminal Defense Lawyers
Association
Member since 2001

Thomas M. Christ

Partner
Cosgrave Vergeer Kester LLP
Member since 2016

Henry H. Lazenby, Jr.

Lazenby & Associates
Member since 2001

Michael De Muniz

De Muniz Law LLC
Member since 2016

Executive Summary



Introduction

The Public Defense Services Commission continued to make progress in several areas during 2016. First, the agency wrapped up a nearly year-long strategic planning process, and used the information learned to build a comprehensive budget request for the 2017-19 biennium. The agency also continued to participate in planning for the new Multnomah County Courthouse Public Defense Resource Center, and saw another year of excellent representation and improved outcomes in its first two Parent Child Representation pilot counties. Both the Criminal Appellate Section (CAS) and the Juvenile Appellate Section (JAS) argued before the Oregon Supreme Court, and provided well-crafted briefs and winning arguments in many cases before the Oregon Court of Appeals. The median time to filing of the opening brief was reduced to 209 days - the shortest time in the agency's history. Finally, the agency continues to monitor representation across the state, planning and executing training opportunities, and assessing providers and system structures across the state.

Commission Activities

The PDSC held eight meetings in 2016 - two meetings in central Oregon, one in Hood River, four in Salem, and one scheduled in Oregon City but held by teleconference due to inclement weather. January included an update on representation in Washington County, as well as updates on the Parent Child Representation Program, Best Practice Performance Indicators, and legislative activities. In March, Commission members received a Commission Handbook - a collection of policies, procedures, rules, and laws applicable to public defense and public officials. This resource, developed by OPDS General Counsel, is a helpful tool that will be updated on an ongoing basis. The April meeting included presentations from critical system stakeholders. Representatives from the Oregon Youth Authority, Oregon Department of Education, and Youth Rights and Justice, presented information on racial and ethnic disparities in the juvenile justice system. Addrian Smith, from the Governor's office, gave a summary of her work as the administrator of the Governor's Task Force on Dependency Representation. Mike Schmidt, Executive Director of the Criminal Justice Commission, provided an overview of tools available on the agency's website, and details regarding Oregon's crime rate, prison use, and justice reinvestment. During the year, the Commission also heard from OPDS staff, state practitioners, and a variety of national experts, regarding developments in public defense. Agenda topics included updates on national trends, the importance of procedural justice, holistic defense, the Parent Child Representation Program and other similar initiatives across the country, improving outcomes through the use of social workers in criminal cases, legislative activities, government ethics, workload standards, and representation trends in delinquency cases in Oregon and other parts of the country.

The Commission also focused on finalizing its strategic plan and creating the 2017-19 agency budget request. Policy Option Package requests were reviewed and approved by the Commission at its June meeting, which is held in conjunction with the OCDLA annual conference. The Commission examined Oregon caseload trends at its June and July meetings, with approval of a final agency budget request at its October meeting. In July, commission members met for two days to engage in an in-depth review and discussion of steps the agency can take to move ahead with proposed strategic plan goals and strategies. The Commission approved a final draft of the strategic plan at its October meeting, which is held each year in conjunction with the annual Public Defense Management Conference.

Appellate Division

57 Attorneys
& Staff

Criminal Appellate Section
Responsible for representing financially eligible individuals in criminal and parole appeals; successor to Office of Public Defender, est. 1963

Juvenile Appellate Section
Created by 2007 Legislative Assembly to provide analogous representation for parents in juvenile dependency and termination of parental rights cases

Makeup, Mission & Goals

The Appellate Division (AD) is comprised of the Criminal Appellate Section (CAS) and the Juvenile Appellate Section (JAS). The division provides legal representation in the state appellate courts on direct appeal in criminal cases, judicial review of parole decisions, juvenile dependency appeals, and appeals from the termination of parental rights. Ernest Lannet serves as Chief Defender of CAS; Shannon Storey serves as Chief Defender of JAS.

The AD is the institutional presence in the state appellate system for court-appointed representation for eligible individuals, consistent with the principles governing the Public Defense Services Commission, and actively participates in the development of law and policy to protect individual rights within Oregon's criminal and juvenile justice systems.

The AD's goals are (1) to stand as the premier Oregon appellate law office; (2) 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; (3) serve as a valued criminal and juvenile law resource for the Oregon State Bar, the Oregon Legislative Assembly, and the public; and (4) maintain an office culture that promotes professional achievement and employee satisfaction.

Public Defense counterpart to the Department of Justice before the Oregon Appellate Courts

Appellate Division managers meet regularly with the Chief Judge of the Court of Appeals and the Solicitor General of the Department of Justice to advance and promote practices that improve the appellate process without prejudicing the rights of clients. In addition, representatives from AD, the Attorney General's office, and appellate court operations meet to address operational issues that affect system efficiencies.

Just as the Solicitor General and the other attorneys of the Appellate Division of the Oregon Department of Justice step in to represent the state to defend criminal convictions, jurisdiction and permanency judgments, and termination of parental rights decisions prosecuted throughout the state, AD lawyers appear in front of the Oregon Court of Appeals, Oregon Supreme Court, and—occasionally—the United States Supreme Court to represent Oregonians and other individuals appealing adverse determinations by state circuit courts and the Board of Parole and Post-Prison Supervision.

Trial Bar Resource

The division provides ongoing support to the trial level juvenile and criminal defense bar. AD lawyers sit on the executive committees of the Oregon State Bar's criminal law, juvenile law, constitutional law, and appellate law sections, as well as the executive and educational committees for the Oregon Criminal Defense Lawyers Association (OCDLA). AD lawyers regularly present at continuing legal education (CLE) seminars sponsored, for example, by the Oregon State Bar and the Oregon Criminal Defense Lawyers Association. The division's attorneys field email and telephone inquiries from the juvenile and criminal defense trial bar on a daily basis and provide briefing and memoranda to trial practitioners.

Criminal Appellate Section

38

Appellate
Attorneys

1,580 Referrals
1,102 Notices of Appeal
645 Briefs

140

Court of Appeals
Arguments

20

Supreme Court
Arguments

Team Structure

Three Chief Deputy Defenders support the Chief Defender in the management of the Criminal Appellate Section (CAS). They meet weekly to assess and respond to the section's needs. They train, supervise, and evaluate the 34 non-management attorneys, set caseload expectations, and assign cases based on experience and complexity. Every CAS attorney is a member of one of six teams led by a senior attorney, which meet weekly to evaluate legal issues, discuss practices, and prepare for oral argument. A team leader or peer edits every brief. The lead attorney briefing and arguing a Supreme Court case has the support of the Chief Defender as lead editor and a moot team.

Median
Days
to Filing

209

Desired
Median
Filing Date

180

40

% of Court
of Appeals
Caseload

CLE Activity

CAS attorneys are often asked to present appellate updates and focused presentations at OCDLA and OSB sponsored continuing legal education (CLE) seminars such as the OCDLA Annual and Winter Conferences, the OCDLA Search and Seizure CLE, and the OSB Criminal Law Section CLE. Additionally, some CAS attorneys regularly telework from local public defender offices and participate in their monthly appellate update meetings.

Outreach

CAS attorneys are encouraged to participate in the larger defense and legal communities. CAS attorneys submit articles for the OCDLA Defense Attorney and the OSB Bulletin, as well as contribute to podcasts on significant recent decisions or developments for criminal defense. CAS attorneys serve on the board and various committees of OCDLA, the OSB House of Delegates, and several OSB Section Committees. Managing attorneys regularly participate in the Northwest Minority Job Fair and the NW Public Service Career Fair.



Juvenile Appellate Section

Team Structure

The Juvenile Appellate Section (JAS) represents parents on direct appeal from juvenile court judgments that interfere with parents' liberty interest in the care, companionship, and control of his or her child. JAS consists of the JAS Chief Defender, five deputy defenders, and two paralegals. The team meets weekly to discuss and evaluate legal issues, manage workflow, and prepare for oral argument. The JAS Chief Defender trains, supervises, and regularly evaluates the JAS attorneys, allocates caseloads and sets expectations, and serves as the section's lead editor. Juvenile dependency and termination of parental rights appeals are expedited (the opening brief is due in the Court of Appeals 42 days after the transcript settles) and the record on appeal typically includes voluminous exhibits, frequently exceeding 1000 pages. In the face of these challenges, JAS has expanded the paralegals' roles to include identifying and compiling exhibits and organizing the record for the attorney in advance of briefing. The expansion of the paralegals' roles has been instrumental in enabling JAS to maintain its practice of efficient and effective management of a high-volume caseload.

6

Appellate
Attorneys

17

Court of Appeals
Arguments

22

Opinions from
Court of Appeals

359 Notices of Appeal

107 Briefs

23 Reply Briefs

CLE Activities and Outreach

The JAS attorneys regularly serve as a resource to the trial bar, providing daily consultation and support. Because most dependency cases are ongoing at the trial and appellate levels, the JAS unit often consults with trial attorneys and, resources permitting, drafts motions and memoranda for trial attorneys. The unit has worked successfully with trial counsel in several cases to obtain favorable outcomes in the trial courts that obviate the need for appeal.

JAS attorneys are recognized leaders in the juvenile dependency community. They presented at various CLE presentations in 2016, including the Oregon State Bar Juvenile Law CLE, the annual OCDLA Juvenile Law Training Academy in Eugene, the OCDLA Juvenile Law CLE in Newport, and before juvenile dependency providers at the county level.

Finally, as the JAS is the sole state-wide entity exclusively representing parents on direct appeal, the JAS attorneys are in high demand by those desiring a balanced approach to public policy discussions and decisions. While JAS's primary commitment is to the direct representation of parent clients on appeal, in 2016 JAS attorneys had capacity to serve on numerous workgroups and boards. Those groups include the Executive Committee of the Juvenile Law Section of the Oregon State Bar, the Oregon State Bar Juvenile Law Performance Standards Task Force, the Editorial Board of the Oregon State Bar's Juvenile Law Bar Book, OCDLA's Juvenile Law Section, the Governor's Task Force on Legal Representation, and the Governor's Child Foster Care Advisory Commission. Additionally, each Deputy II JAS attorney undertook co-authoring a chapter of the Oregon State Bar's Juvenile Law Bar Book.



Contracts & Financial Services

Oregon Caseload Trends & Contract Management

The statewide public defense caseload increased considerably in 2016. The agency projected 170,000 cases statewide for the year, consistent with the last eight years of caseload data trends, but received claims for 173,894 cases. The agency continues to analyze caseloads at the trial level, and is reporting regularly to the legislature regarding the increases.

In addition to monitoring and auditing caseload reports, the contracts team spent considerable time compiling an analyst handbook to ensure consistent services for every county in the state.

4 Analysts

36 Counties

107

Statewide Contracts

\$94,229,486

Funds Dispersed

173,894

Cases: Criminal + Juvenile

34: Consortia

12: Public Defenders

22: Law Firms



Financial Services

The Financial services team worked very hard to provide a high level of service while managing several transitions in the unit, with significant time dedicated to training and consistency in all accounts payable practices. This focus on consistency ensures that all providers receive the same level of service, and protects the agency by ensuring consistent adherence to all payment policies and procedures. The team also concluded a several year process, working with general counsel and others in the office, to complete a substantial revision of the agency's payment policies and procedures. The new version, which became effective at the start of 2017, provides clear instruction for providers and staff.

5

Accounts Payable
Representatives

20,107

Non-Routine
Expense Requests

41,846

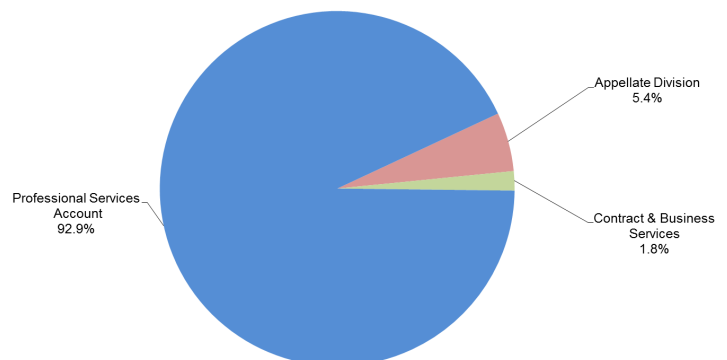
Payments

Budget

The Budget and Finance Manager worked with agency staff and the Commission to draft the 2017-19 agency request budget. An overview of the request, compared with the current biennium, is included below.

Comparison of 2015-17 Legislatively Approved Budget
to 2017-19 Agency Request Budget

	2015-17 Legislatively Approved Budget	2017-19 Current Service Level	2017-19 Agency Request Budget
General Funds	\$275,454,477	\$301,366,459	\$379,472,826
Other Funds	\$3,846,904	\$4,109,950	\$4,109,950
All Fund Types	\$279,301,381	\$305,476,409	\$383,582,776



PCRCP

Parent Child Representation Program

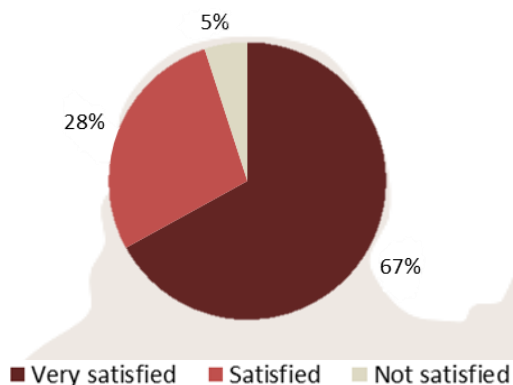
Program Summary

OPDS continued to see improved performance and outcomes with its Parent Child Representation Program (PCRCP). The focus of the PCRCP is on ensuring competent, client-centered, legal representation in juvenile cases through caseload limits, additional oversight and training requirements, and multidisciplinary collaboration, which in turn promote positive outcomes for parents and children.

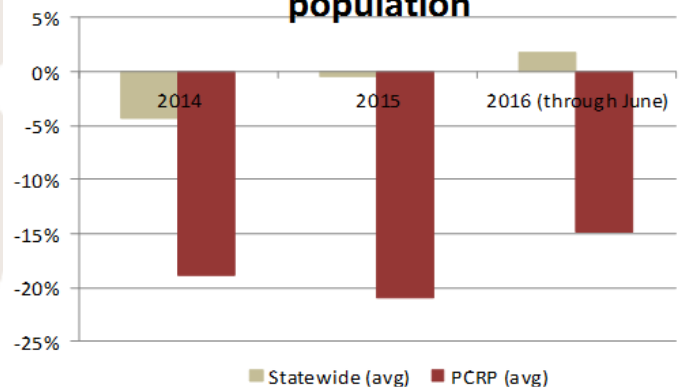
Over the past two years, OPDS evaluated the PCRCP through a number of qualitative and quantitative data indicators and summarized the results in annual reports. The 2015-2016 PCRCP Annual Report¹ reflects the reduced use of foster care, increased reunification with family, and expedited permanency for children.

The PCRCP began in Linn and Yamhill Counties in August 2014 and, with cost savings gained in the initial counties, expanded to Columbia County in January 2016.

Overall Client Satisfaction 2015-2016



Rate of reduction in foster care population



Governor's Task Force

The Governor's Task Force on Dependency Representation, noting the positive outcomes that result from competent legal representation, endorsed a statewide expansion of the PCRCP. The Task Force, created in 2015 by Senate Bill 222, was charged with examining legal representation in juvenile dependency cases and making recommendations to improve outcomes and ensure efficient case resolution. Nancy Cozine and Valerie Colas, both from OPDS, served on the task force along with agency stakeholders, members of the legislature, judges, and prosecutors. Amy Miller, PCRCP Program Manager, provided substantial support for the Task Force's work.

The Governor's Task Force on Dependency Representation also recommended revisions to the performance standards for representation of parents and children and development of performance standards for attorneys representing the Department of Human Services. In 2016, Ms. Miller and Shannon Storey, Juvenile Appellate Section Chief Defender, worked with a task force of the Oregon State Bar to significantly revise the Bar's performance standards for representation in juvenile dependency cases. Ms. Miller is also a member of the OSB task force developing standards for representation of the Department of Human Services.

¹ See the 2015-2016 PCRCP Annual Report here: http://www.oregon.gov/OPDS/docs/Reports/PCRCP_report_PDSC_Jan_2017.pdf

Education & System Reform



Task Force and Work Group Participation

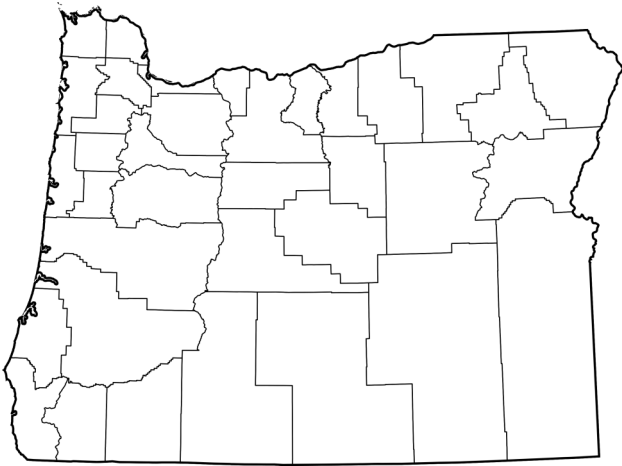
OPDS staff participated in many work groups this year. The Governor's Task Force on Dependency Representation included OPDS Executive Director Nancy Cozine and JAS Deputy Defender Valerie Colas, and also received information and support from OPDS Deputy General Counsel Amy Miller. Chief Defender Ernest Lannet participated in the Oregon Law Commission's Direct Criminal Appeals Work Group, which undertook an extensive review of ORS Chapter 138. Their recommendations, focused primarily on clarification of current law, will be considered during the 2017 legislative session. OPDS General Counsel Paul Levy participated in meetings organized by the Oregon Health Authority to help streamline aid and assist evaluation processes across the state. The OPDS Executive Director continued to participate in the Governor's Public Safety Team meetings, the Oregon Judicial Department Audit Committee, and the Oregon State Bar's Bar Press Broadcasters Council, the Multnomah County Bar Association Judicial Selection Committee, the NLADA's Systems Development and Reform Committee, as a contributing editor of the Juvenile Law Reader, and in Multnomah County Courthouse User Group meetings to continue development of plans for the OPDS Public Defense Resource Center in the new courthouse, which is scheduled to open in 2020. In addition, the Oregon State Bar Board of Governors appointed Ms. Cozine to the Oregon Law Commission in July 2016.

Education

OPDS staff members planned and participated in more than 20 training seminars this year, and continue to be actively engaged in planning future seminars at both state and national levels. The annual Juvenile Law Training Academy, spearheaded by OPDS and co-sponsored by the Juvenile Court Improvement Project, Oregon Department of Justice, CASA, the University of Oregon, and the Oregon Criminal Defense Lawyers Association, had a record number of attendees and received favorable reviews. The Annual Public Defense Management Conference also received favorable reviews, and focused heavily on mechanisms for improving the quality of services across the state. OPDS worked with defense providers, the Oregon State Bar, Department of Justice, and a senior district attorney to plan a CLE focused on procedural justice and improving outcomes. The CLE featured national experts, and took place at the Oregon State Capitol in September. Additionally, appellate division lawyers presented at three ODCLA conferences. Marc Brown, a Deputy Chief Defender in the Criminal Appellate section, hosted nine podcasts and also planned the Maydaze and Holidaze CLE programs held annually at OPDS. In addition to presenting at ODCLA conferences, JAS attorneys presented at the Oregon State Bar's juvenile law conference. Ms. Miller also presented at a regional training hosted by the American Bar Association, and organized dependency law trainings for several jurisdictions where JAS attorneys and other juvenile law experts presented valuable information to local practitioners. Ms. Miller serves on the ODCLA Juvenile Law Committee, the Oregon State Bar Juvenile Law Executive Committee, and has contributed articles to the Juvenile Law Reader. She is a member of the American Bar Association Parent Representation Program Steering Committee and will be presenting at the National Conference in April 2017. General Counsel also assists in the planning of educational seminars as a member of the ODCLA Education Committee.



Quality Assurance



2

Peer
Reviews

2

Service
Delivery
Reviews

Deschutes County

A peer review kicked off in October, 2016, with a three-day on-site examination of the public defense contractors providing representation in criminal cases.

Service Delivery Reviews

Commission Service Delivery Reviews allow the PDSC to evaluate the structure of services in counties across the state. Each Review begins with a visit to the county by small team including a Commission member, the OPDS Executive Director, and OPDS Analyst. During the preliminary visit, the small team meets with providers, the court, prosecutors, and other stakeholders, to assess the overall health of the system. A report is generated, and becomes part of the record at a public hearing where local public safety stakeholders, including judges, prosecutors, public defense providers, and other officials, testify before the Commission about the structure and quality of public defense services in a jurisdiction. The Commission concludes with a recommendation for any change needed in order to ensure continued stability of the public defense system in the county. There have been 26 service delivery reviews since 2004. In 2016, a final Service Delivery Review Report was issued for Washington County, and a preliminary report was issued for Clackamas County.

Peer Reviews

OPDS continued its peer review process in which teams of respected public defense leaders from around the state volunteer to devote several days to an examination of the quality of representation provided by public defense contractors. After the extensive review process, each provider is given a lengthy report noting those areas where the provider excels, and also those areas where the provider can improve services. Approximately one year after the peer review, the Commission will follow-up with a Service Delivery Review to ensure that providers are taking action where needed, and to assess the overall structure of the delivery system. Peer review teams have looked at the work of 53 contractors since 2004.

Jackson County

A team from OPDS made several trips to Jackson County in 2016 to examine public defense services there. This review is ongoing, and a Commission Service Delivery Review is tentatively scheduled for that county in 2017.

Clackamas County

A peer review evaluation conducted in Clackamas County in 2015 was finalized in early 2016, with plans for a follow-up PDSC Service Delivery Review in December 2016. Unfortunately, inclement weather on the day of PDSC's planned Service Delivery Review delayed that portion of the review until later in 2017.

Quality Assurance

Performance Standards and Caseload Study

In December 2016, the PDSC approved a significant update to its qualification standards and certification procedures. In addition to minor revisions for clarification and easier application, the standards were revised to reflect the need for attorneys handling delinquency cases to develop knowledge and experience specifically relevant to representing youth. The standards for attorneys handling appellate cases were also revised to reflect the need to develop skill and experience in less serious matters before handling more serious case types. Finally, the required supplemental questionnaire was revised to require that attorneys provide more specific information relevant to their qualifications to handle specific case types.

The PDSC looks to the Oregon State Bar, among other promulgated standards, as the standards for the performance of legal services that the Commission is required to adopt pursuant to ORS 151.216(1)(f)(G). After presentation and discussion over the course of several meetings in both 2015 and 2016, the PDSC approved the concept of a study in Oregon that would lead to the establishment of Oregon-specific caseload limitations for public defense representation. The study would be modeled after similar efforts in other states led by Steve Hanlon, under the auspices of the American Bar Association's Standing Committee on Legal Aid and Indigent Defendants. Mr. Hanlon described the study methodology and benefits to public defense contractors at the 2016 OCDLA Public Defense Management Seminar, and to the Commission at its October 2016 meeting. In approving plans to go forward with the study, the Commission understood that the study could not commence until late 2017 or after because of the need to complete development of a case management system to capture critical data for the study.

Complaint Investigations

OPDS received complaints in 2016 about public defense services from clients, judges, prosecutors, and others. In many instances, these complaints concern problems with attorneys not responding to requests for case information and assistance, and OPDS can often work with the appointed attorney or contract administrator to quickly resolve the issue. However, both General Counsel and Deputy General Counsel devoted significant time to several matters that required substantial investigation and other efforts to come to an effective resolution to the matter.

Statewide Survey

As in previous years, OPDS conducted a statewide survey of public defense performance in 2016. The survey was distributed statewide to judges, prosecutors, Citizen Review Board coordinators, Department of Human Services personnel, Department of Justice attorneys, and others. For 2016, OPDS significantly revised the survey to encourage respondents to submit narrative information and to address specific areas of attorney performance. OPDS staff followed up on survey comments with respondents and public defense providers. The Commission received a report of the survey at its October 2016 meeting. In addition, OPDS analysts made both in-person visits and regular phone contact with courts throughout the state to receive feedback on the quality of public defense services and to discuss court processes and other issues affecting the delivery of public defense services.



Diversity & Inclusion

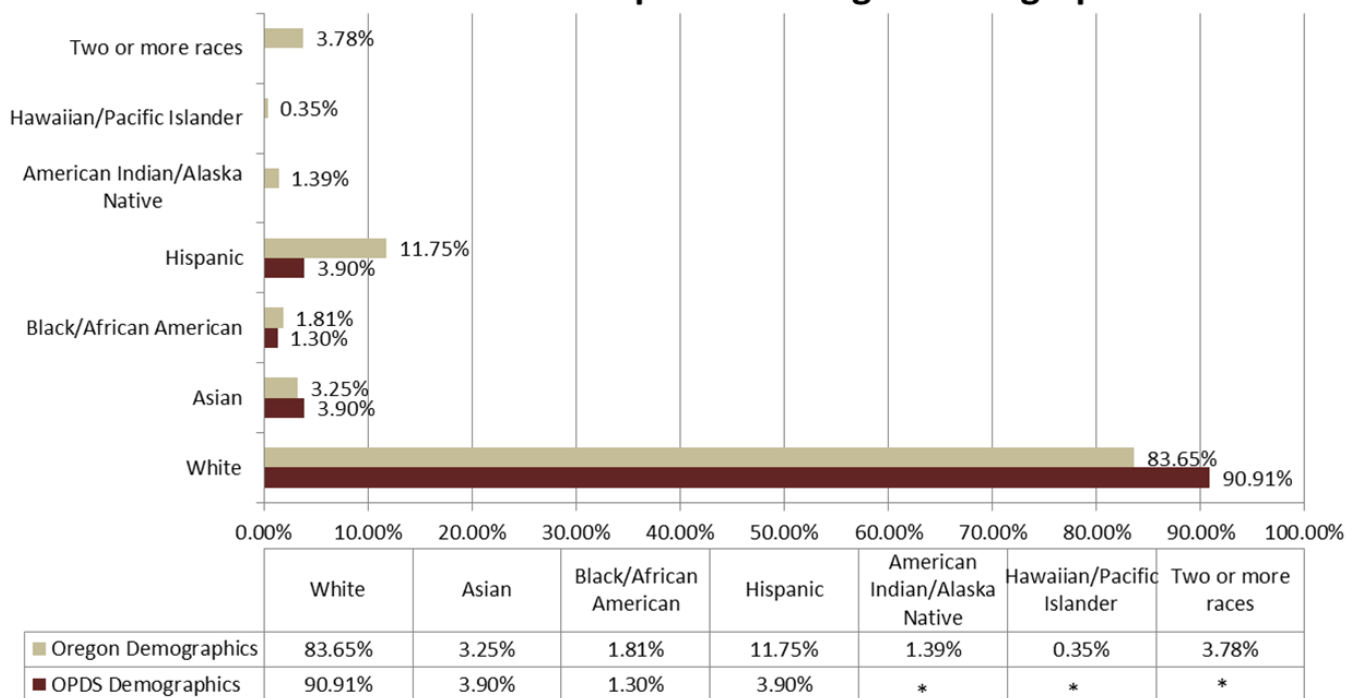
Trial Level Cases

Disproportionate minority contact in Oregon's criminal and juvenile justice systems has long been a concern for the Public Defense Services Commission. Also concerning is the lack of diversity among the lawyers who represent those who are in the system. The agency's request for proposals encourages contract providers to highlight the diversity they bring to the system, and semi-annual surveys track diversity of contract providers across the state. The agency's quality assurance review processes provide an opportunity to examine diversity in each jurisdiction visited. Finally, agency and attorney advocacy at state and local levels keeps diversity at the center of policy reform efforts.

OPDS

OPDS strives to support a diverse and inclusive environment for all employees and clients. This includes a commitment to semi-annual diversity trainings and on-going efforts to ensure that the office remains a welcoming place for everyone. As for hiring, over the past year, OPDS saw several long-term employees leave the agency for retirement. As a result, there were twice as many recruitments than in previous years. Today, women hold more than 65% of the Appellate Division positions including those employees working as attorneys, legal assistants, and paralegals. Women fill more than 80% of positions in the Contract Services, Accounting and Finance, Operations, and IT divisions. Persons of color hold 9% of the positions in the Appellate Division, and 10% in non-Appellate division positions. OPDS has attracted a diverse pool of qualified job candidates in the last year, including veterans, and hopes to continue to enrich the office with an increasing mix of cultures, backgrounds, and experiences.

EEO Census - OPDS compared to Oregon demographics



*OPDS demographics incomplete or tracked differently for these EEO groups.



Community Contributions

Governor's Food Drive

Each year, OPDS employees donate generously to the food drive. Cynthia Gregory, HR Manager, works with a volunteer committee to plan food-focused events and fundraisers. Employees come together to enjoy the annual chili cook-off, where chefs compete for the golden spoon award. The food drive also includes an exceptional bake sale, with fabulous treats, and a lovely craft sale. The best part is knowing that these events yield food for those who are most in need.



Christmas Toy Drive

Debbye Lederer, Legal Assistant, has been a masterful coordinator and the driving force for toy collection at OPDS. Each year, she creates an exquisite train, or decorated Santa satchels, used to display donated toys, books, art supplies, and games. And expert OPDS shoppers assist those who don't have time to get to the store. The OPDS contribution, displayed with others at the Capitol, always stands out as a beautiful creation and demonstration of our commitment to Oregon's children.



Charitable Fund Drive

The Charitable Fund Drive has been the project of Ashley Kinney, Office Coordinator, for the last two years. She brings cheer and enthusiasm to the job, and encourages everyone to take advantage of on-line giving opportunities. Her efforts have inspired us to give more each year, and in a variety of ways. Whether employees are motivated to give to environmental, social, educational, or other causes, there is a satisfaction in working together to improve our communities.



Green Team

The Green Team, inspired and lead by OPDS appellate attorney Erin Severe, includes a group of employees who are committed to reducing our impact on the environment. Every aspect of business operation is analyzed, and improvements are implemented whenever possible. From cloth towels for drying hands, to recycled paper in the copy machines, to environmentally friendly cleaning supplies, and a focus on reducing, reusing, and recycling, the green team has it covered. With any luck, and a little more work, OPDS will be certified as a green law firm when the next OPDS annual report issues!



Looking Forward

Challenges for 2017

As always, adequate funding remains a challenge, particularly at the trial level. With case rates drastically below market rates in all cases other than those in the Parent Child Representation Program, the Commission must advocate for improved funding over the next few biennia. The rate paid to hourly attorneys remains a very low \$46 per hour, and the agency is finding it increasingly difficult to find attorneys who are willing to provide services at that amount. In addition to low contract and hourly rates, student debt continues to hamper efforts to attract and retain new lawyers to the practice, and lawyers who entered public defense with high student debt are reporting an inability to pay down the debt at their current rate of compensation. For some, the debt is actually growing because the amount they can afford to pay does not cover the accruing interest. According to the New York Times, “In 2012, the average law graduate’s debt was \$140,000; 59% higher than eight years earlier.”¹ But some experts suggest that these figures are actually an under-estimate of the debt load of many students.² The Wall Street Journal reports that, for many, student debt is now much higher due to changes in federal lending policies, and resulting increases in tuition costs across the country.³ Consistent with the Wall Street Journal report, several Oregon public defenders have reported debt exceeding \$240,000. The agency will continue to work with the Commission, the Legislature, and interested stakeholders to ensure continued support for improvements in public defense funding and compensation.

Low payment rates and resulting attorney turnover ultimately impact client experiences. When attorneys leave, it creates case delays, impacting courts and victims. Clients must spend additional time discussing the case with the newly assigned lawyer and make additional court appearances. For those who have jobs, missing work for attorney visits and court appearances is a struggle. And when attorneys handle too many cases due to low rates, they struggle to provide an appropriate level of client contact and case preparation time.

Conclusion

The Public Defense Services Commission and OPDS managers will be working to identify efficiencies and opportunities as it works to implement the new strategic plan. The Parent Child Representation Program and studies of similar initiatives across the country are shedding light on what works well and where improvements can be made. While much has been accomplished, the agency will continue to assess its strengths and weaknesses in order to preserve excellence and enhance services in the coming biennium.



¹ See The New York Times, October 25, 2015, Sunday Review, Editorial - The Law School Debt Crisis: http://www.nytimes.com/2015/10/25/opinion/sunday/the-law-school-debt-crisis.html?_r=0

² <http://abovethelaw.com/2016/04/back-in-the-race-are-average-student-loan-debt-figures-misleading/>

³ See The Wall Street Journal, August 18, 2015, Grad-School Loan Binge Fans Debt Worries, by Josh Mitchell <http://www.wsj.com/articles/loan-binge-by-graduate-students-fans-debt-worries-1439951900?alg=y>