

OREGON PUBLIC DEFENSE COMMISSION

BOARD MEMBER DESCRIPTION

The Oregon Public Defense Commission (“OPDC”) is a new state agency responsible for the administration of public defense services in Oregon’s circuit and appellate courts. The agency was created by Senate Bill (SB) 337 (2023) and, effective January 1, 2024, assumes the responsibilities previously belonging to the Public Defense Services Commission and Office of Public Defense Services.

The OPDC is responsible for protecting the legal rights of the poorest Oregonians. It funds attorneys to serve as advocates for adults in criminal cases, youth in juvenile delinquency cases, parents and children in juvenile dependency cases, persons being involuntarily civilly committed because of a mental health disorder, and other statutorily defined cases.

A 13-person commission (nine voting, four non-voting) will provide guidance and oversight to the agency. Commissioners will be appointed by the Chief Justice of the Oregon Supreme Court following recommendations from all three branches of government.

DUTIES

The agency’s duties and responsibilities are located in ORS Chapter 151, which were revised in [SB 337 \(2023 Legislative Session\)](#). Specific duties belonging to commission members are:

1. Appoint the agency’s executive director.
2. Review, provide input, and approve policies, procedures, standards, and guidelines necessary to establish and maintain a public defense system that ensures the provision of public defense services consistent with the Oregon Constitution, the United States Constitution and Oregon and national standards of justice.
3. Review and approve the agency’s proposed budget.
4. Meet as needed to carry out the requirements of the commission.

Commission members are expected to familiarize themselves with state and national public defense standards and best practices, as well as stay up to date with agency business and operations.

As members of a government body, OPDC members are “public officials” and subject ORS Chapter 244, which is Oregon’s government ethics statute.

TIME COMMITMENT AND TRAVEL REQUIREMENTS

The time commitment for this commission is significant. The commission is expected to meet monthly to conduct agency business, and meetings typically last from two to four hours. Commission members are provided written materials to review prior to meetings, often requiring several hours of review. Meetings are typically in Salem, but commission members should also plan to meet in other locations throughout the state. Virtual appearance options are often available. Commission members may also be required to attend occasional training sessions or retreats. Commission members may also be required to attend special commission meetings in addition to the monthly meetings and participate in subcommittees.

Commission terms are four years in length. As this is a new commission, the initial terms for the members are staggered, with term lengths ranging from one to four years. Members are eligible for reappointment thereafter.

There is no salary for this position. However, pursuant to ORS 292.495, commission members are reimbursed for commission-related travel expenses, and qualifying commission members are eligible for a per diem on days they perform official business.

ELIGIBILITY

When appointing members to the commission, the recommending authorities are required to:

- Consider input from individuals and organizations with an interest in the delivery of public defense services.
- Consider geographic, racial, ethnic and gender diversity.
- Ensure that members appointed to the commission have significant experience with issues related to public defense or in the case types subject to representation by public defense providers.
- Ensure that members appointed to the commission have demonstrated a strong commitment to quality public defense representation.

There are additional criteria for specific commission positions:

- Voting member who is a current dean or faculty member of an Oregon law school.
- Voting member who is a retired judge.
- Voting member who has been represented by a public defender.
- Voting member with experience as a public defender in criminal cases.
- Voting member with experience as a public defender in juvenile cases.
- Voting member who has expertise in juvenile law or criminal defense, or who is a juvenile justice or criminal justice reform advocate.
- Three voting members have no additional criteria.
- Non-voting member currently employed as public defense provider in an urban area.
- Non-voting member currently employed as public defense provider in a rural area.
- Two non-voting members who are legislators.

The following persons are ineligible to serve on the commission:

- A prosecuting attorney.
- A judge, magistrate or other person who performs judicial functions.
- An employee of a law enforcement agency or the Department of Human Services.
 - "Law enforcement agency" is an entity that employs corrections officers, parole and probation officers, police officers, certified reserve officers or reserve offices as defined in ORS 181A.355.
- A person who is primarily engaged in providing public defense services or a person who has a financial interest in the delivery of public defense services at the state level.

APPLICATION PROCESS

If you are interested in serving as a member of the OPDC, please complete the application process, available [here](#). The deadline for applying is October 5, 2023. Applicants should disclose whether they or any relatives receive income from state-funded public defense services or public defense providers during the application process. Applicants will be subject to a criminal background check by the Oregon State Police and review by the Oregon Department of Revenue. These background checks are standard and will not necessarily disqualify an applicant. Applicants with lived experience in the justice system are encouraged to apply. If you have questions about the application process, please contact Governor's Executive Appointments Office at executive.appointments@oregon.gov.