



# Oregon

## Office of Public Defense Services

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Dear Public Defense Providers,

Oregon's justice system relies on our public defense community to make sure everyone who steps into our courtrooms can access adequate legal representation and a just outcome.

Public defense attorneys work tirelessly to advocate for their clients, yet our payment systems historically have not adequately reflected the time, skills and resources required to be successful.

This is why, for the last several years, the Office of Public Defense Services has been making reforms and advocating in the Legislature for resources to decrease caseloads and provide overhead support.

While the current state budget crisis has made this work more challenging, OPDS believes creative solutions are still needed to improve the health and stability of our community. Core to this vision is achieving equity for the public defense community by developing standards for compensation that consider the unique needs of providers around the state.

OPDS is committed to a transparent and collaborative process in achieving this goal. Over the next six months, we will request your input on what factors should help determine compensation levels. In the meantime, OPDS will offer extensions of current contracts until December 31, 2020 rather than issuing new contracts that would have gone into effect on July 1, 2020.

This change is responsive to concerns raised by PDSC commissioners at our latest commission meeting on May 21, 2020 about anticipated compensation disparities in new public defense contracts. Commissioners expressed a desire to see a reduction in disparities, as well as a more standardized system for determining provider compensation.

OPDS staff is also deeply concerned about disparities in contractor compensation. The case-credit model created such disparities, which is one of the many reasons for moving away from that model. It is also one of the reasons OPDS has advocated for increased investment by the Legislature in our public defense system.

Release of the Special Purpose Appropriation (SPA) would have allowed OPDS to use \$17 million of that funding to address compensation disparities and to reduce caseloads across the state. The SPA and the \$17 million earmarked for providers will not be released.

Moreover, the COVID-19 crisis has caused a severe budget crisis in our state. The budget crisis makes addressing contract disparities much more difficult and complex. Because of that OPDS

will offer six-month extensions to current contracts and come back to the commission with a well-developed plan for new contracts to go into effect on January 1, 2021.

OPDS needs analysis and creativity to shift to a new model that addresses disparities, particularly without additional funding from the legislature. We plan to begin with currently available data to analyze existing disparities; then evaluate our Professional Services Account (PSA) budget to identify places where funding can shift; and finally create a new compensation framework moving forward.

This process will include opportunities for stakeholder input, as we want to create a framework that is workable, transparent and fair. After current contracts are extended and we have completed the initial internal research and analysis to start the new framework, we will be reaching out to contract administrators and stakeholders to solicit input and feedback.

Our goal is to have a meaningful conversation with administrators, providers, and the commission before new contracts are awarded that will go into effect on January 1, 2021. OPDS will not be issuing a new RFP, and those of you who submitted proposals will not have to submit again. Rather, you can inform OPDS that you intend to rely upon the proposal you already submitted, and you may provide supplemental information. OPDS staff will also follow up with you if there are additional questions the agency needs addressed in order to evaluate your proposal under the new contracting framework.

Please note that unlike the previous contract extension, this six-month contract extension will not include funding for timekeeping, as the ABA timekeeping study has ended.

Thank you for your patience and understanding as we move forward with these changes. We are confident that—with your help and input—we can continue to move toward a better model of public defense for you and your clients.

Sincerely,



Lane Borg  
Executive Director, OPDS