



Office of Public Defense Services

OPDS Teleconference with Oregon Public Defense Providers
April 14th, 2020 10:30am – 11:00am PST

Teleconference Recap

Questions? Please send them to Kaysea.R.Dahlstrom@opds.state.or.us.

Greeting & Welcome (Kimberly McCullough)

- Thank you for joining us and for all the work you are doing for your clients.
- We have no presentations from providers this week, but we would love to hear your experience and insight at future meeting so please [reach out to me](#) if interested.
- Our first virtual Public Defense Services Commission meeting will be this Thursday, April 16th. The [agenda, meeting materials, and link to view the meeting](#) are posted on our website. We appreciate your patience in advance as this will be our first time hosting a commission meeting remotely.
- I'd also like to highlight some new additions to our [COVID-19 webpage](#): an increasing number of juvenile advocacy resources, including guidance from the ABA on conducting effective remote hearings in child welfare cases. The Oregon Law Center also put together great webpage in Spanish and English. And in regard to access to confidential communication with clients in custody, Erica Herb, OPDS General Counsel, has prepared a memo for the Pond that we hope will be helpful in your advocacy for clients in custody. If you are not on the Pond and want a copy, let us know. It would be helpful for challenges you may be facing. [OCDLA](#) is also hosting a webinar this Thursday at 1:30pm about access to confidential communications.

Updates from the Executive Director (Lane Borg)

- Thanks for taking time to join us today. Although we don't have a lot to report, we want to continue our weekly conference calls so that they can be a form of communication you may rely on.
- We tried to get an op-ed piece out in response to Kevin Barton's piece that was published in The Oregonian, but the timing didn't work out. In short, Barton recently sent a message that defense attorneys were using the COVID-19 pandemic as an opportunity to push an agenda. We don't think that is the case at all. I am happy and proud to hear about all you are doing. Please continue to assume good will on the other side, but to engage and push your position to advocate. Working for their clients is exactly what defense attorneys *should* be doing now. I also disagree with Barton's duffel bag analogy. I think that while supporting rule of law and advocating for your clients, we must not forget humanity, our constitution, and who we are during this crisis.

- *Post-meeting update:* Lane's op-ed was published by the Statesman Journal and can be viewed at this link:
<https://www.statesmanjournal.com/story/opinion/2020/04/18/coronavirus-action-needed-keep-inmate-population-safe-opinion-oregon/5149234002/>

Court Hearing Check-in (Lane Borg)

- We request specific feedback about remote hearings. We are hearing that the move may be to give presiding judges more discretion and power on how to operate things in their jurisdictions. We think that there should be a common platform used for remote hearings, and that there should be standards and minimums in place (regarding confidential consultations with clients, etc.).
- The information we are looking for:
 - Who is doing remote hearings?
 - Logistically, how are they happening? Telephone or video conference?
 - Do you feel like you can speak with your client confidentially?
- We will try to put something together for next week. Please contact me, [Kimberly](#), or [Kaysea](#) with this feedback.
- Regarding the Requests for Proposals ("RFPs"), thank you for sending them in. We are still waiting on about 30 or so. We remain cautiously optimistic that we will receive some of the Special Purpose Appropriation ("SPA"). We sent letter to the Governor's office last week advocating for its release in an upcoming special session.

Legislative Update (Kimberly McCullough)

- Firstly, we've heard that some of you had trouble finding the call-in information for this teleconference. Sorry about that! We will be sure to send out reminder with the conference call information for next week's call. It has remained the same for each of our weekly teleconferences with providers. If you are ever in doubt about the phone number or time or place, please find it at the top of our [COVID-19 webpage](#).
- There is no word on if/when a special session will happen. Recently, a Legislative Concept ("LC") draft was shared publicly. Much of the LC focuses on economic release, but there is a provision allowing temporary authority to the Chief Justice to implement remote/teleconference hearings, and to extend or suspend certain statutory timelines.
- OCDLA and other folks are engaging with the judiciary committee in discussion about the pros and cons about the suggested provisions. The LC extends statute of limitations to 90 days after termination of emergency declaration for civil cases.
- We've also heard there may be an Emergency Board ("E-Board") meeting – a group of legislators that can allocate funding when the legislature is not in session – in May. OPDS is advocating for the release of the SPA that would allow us to improve our contracts by increasing compensation and adding capacity to the work force.

Further Updates from the Executive Director (Lane Borg)

- Several weeks ago, Eric Deitrick and I talked about possibly dividing or adding to the Public Defense Advisory Group (“PDAG”). Keren Farkas, our PCRCP Manager, has formed a PCRCP Case Manager Work Group and Eric Deitrick is now beginning to form a Non-Routine Expense (“NRE”) group. The goal of the NRE group is to gather input from our public defense providers on how to improve our NRE forms and processes. If you are interested in joining this NRE advisory group, or if you have ideas as to which NRE issues you would like to see this group tackle, please contact [Eric Deitrick](#).

Response to Questions from Providers Received via E-mail (Kimberly McCullough)

- We’ve received lots of questions from you about payments and bill processing. We have forwarded your questions about specific invoices to the appropriate people in our Accounts Payable department.
- Many of you have expressed concern about the timeline for processing payments. Much of that timeline is not flexible due to audits and the requirements we have as a state agency. However, we are trying to be creative, especially during these challenging times. As Lane mentioned, we are pulling a group of people together to look at our NRE forms and processes. Please reach out to [Eric Deitrick](#) if you are interested.
- The only emailed questions we received were regarding payments. Please continue to reach out to Kaysea Dahlstrom via [email](#) if you have any questions or announcements you would like to be addressed during these weekly teleconferences.

Open Questions and Announcements from Providers (Kimberly McCullough)

1. Do the participant code and phone number always stay the same for these meetings?
Yes! Just in case you ever need to find it, navigate to the OPDS website. Then, in pink box that has our agency updates on COVID-19, select the link that says, “Stay informed on COVID-related updates.” That link will take you to our COVID-19 Updates webpage, and at the top of that webpage, there [is information on how to join the weekly teleconference](#), as well as notes from our previous calls.

Closing Remarks (Kimberly McCullough)

- The Public Defense Services Commission meeting this week will be held on a virtual platform. Although there are not many action items on the agenda, we are moving forward with holding the meeting so that we grow more comfortable with hosting these meetings virtually.
- The meeting will be available for both livestream and archived viewing. You can find the link to view it on the [meeting agenda](#), which has been posted to our website.
- If you have any questions or comments that you wish to be presented at the PDSC meeting, please email [Kimberly](#) or [Kaysea](#).
- Thank you again for joining us this morning. Please reach out to us if you would like to give an announcement during our next teleconference. Take care!