



Office of Public Defense Services

OPDS Teleconference with Oregon Public Defense Providers
April 21st, 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 taking time out of your busy days to join us. As always, we are so appreciative of the work you are doing.
- We encourage you to check out our website! We continue to update our [COVID-19 Updates webpage](#).
- Under helpful links, we've added information about the Oregon Women Lawyers Foundation ("OWLF") COVID-19 Emergency Relief grant. OWLF will grant \$3,000 to five Oregon lawyers who are unable to work due to a COVID-19 diagnosis or because they are providing full-time care for a family member with COVID-19. Applications are due May 15, 2020. More information can be found via the link on our website.
- We also continue to add resources and webinars to this webpage. There is now a robust section on juvenile advocacy resources as well.
- We've recently had some productive conversations with law enforcement about access to clients in jails, including with Jason Meyers from the Sheriffs Association and Kevin Campbell from the Oregon Association of Chiefs of Police. They want to hear from us if jails are not being responsive, so please let [Kimberly](#) or [Kaysea](#) know!

Updates from the Executive Director (Lane Borg)

- Many of you are currently doing virtual hearings. We would appreciate you reach out to us to let us know what these virtual hearings look like.
- Our understanding is that courts are using two platforms: WebEx and GoTo Meetings. Hopefully OCDLA will be able to move forward with hosting a trial-skills-type class for virtual hearings this summer so we, as a public defense community, can become more accustomed to what these hearings look like in practice. We want to advocate for you in this new arena, and we would love your feedback if you are having these hearings. Please email [Kimberly](#) or [Kaysea](#). Let's also prepare for future waves of this COVID-19 crisis when it comes to advocating for clients.
- There will be an E-Board meeting this Thursday and we are on the agenda. We don't know what they will approve at this point. Kimberly McCullough (Legislative Director) & Julie Fetch (Budget Manager) are working with our Legislative Fiscal Office ("LFO") analyst. After Thursday, we will have a better picture of what this looks like and be able to begin conversations about how to move forward.

Update on Ramos Decision (Eric Deitrick)

- There was a nice reprieve from the corona news cycle yesterday: the Ramos opinion came out! This opinion confirms that unanimous juries are the law of the land and we are now realigned with constitutional principles. The Appellate Division has hundreds of cases lined up for review. There are 14-15 thousand people in DOC custody, many of which were convicted by a non-unanimous jury.
- We are preparing for a rush for filing habeas petitions and post-conviction relief. We are coordinating with DOJ & OJD on how to respond to this rush. A group is being put together by Lewis & Clark professor [Aliza Kaplan](#) that includes a team of trial and appellate attorneys to focus on this specific issue. OPDS will route all cases to Professor Kaplan and her team, and they will engage and coordinate efforts on retroactivity. Please stay tuned to receive more information on this from OPDS soon.

Immigration Legal Needs Survey (Lisa LeSage)

- Immigration Counseling Service (ICS), Oregon's oldest and only independent nonprofit law firm serving immigrants, was awarded a small grant by the Oregon Immigrant and Refugee Funders' Collaborative to conduct an immigration legal needs study in Oregon. This immigration legal needs study is specifically designed to build on the data collected in the OSB 2018 Civil Legal Needs Study, which indicated that immigration legal issues were the most significant problem impacting low-income Oregonians. To date, there has not been a study in Oregon focused exclusively on immigration legal needs, and we are very hopeful about this first important step in helping us gather more information on gaps in legal services for immigrants in Oregon.
- The goal of the study is to provide a better understanding of immigration legal needs, especially in rural communities, as well as to learn what the gaps in service are. We expect to share these findings with social services providers, legislature, Oregon law groups, etc.
- ICS is collecting information not only from immigration lawyers, but other community stakeholders in six focused rural geographic areas of Oregon outside the Portland tri-county area that have the largest concentrations of immigrant communities: Central Columbia Gorge, Northeast, Central, Southern, Central Willamette Valley, and the Coast from Lincoln City to Astoria.
- We will be sending out a questionnaire targeted to community stakeholders in these areas, including public defenders. Participation will be critical to building our understanding of immigrant community needs.
- Some questions we are looking at: what are the issues that immigrant clients present with? What are the key needs that are immigrant related but not necessarily legal? Are they afraid to go to store/receive medical care/etc.
- If you receive this questionnaire, please take a few minutes to it out and get it back to me. You can reach me at my email: lisa@lxterrastrategies.com.

- (Comment from Lane Borg, OPDS Executive Director) OPDS emphasizes that this important partnership will help us understand the legal needs of a vulnerable population.

Legislative Update (Kimberly McCullough)

- We found out last night that the E-Board will be meeting this Thursday at 10am.
- To view the hearing, navigate to the OLIS website and find the circles on right hand side. Choose "More" and click "Committee Agendas/Assignments" and then "Committee Agendas Online" from the drop-down menu. This will bring you to a new page and under the "Joint" drop-down menu, you will find the link and agenda to this specific E-Board hearing. We are listed as agenda item #11!
- In this hearing, the E-Board will consider the 20 million SPA that we were set to receive during the long session. We are aware the Governor is in a tough spot with the recession due to the COVID crisis. We expect that when May Revenue Forecast comes out, agencies will be facing potential budget cuts. Both the legislature and Governor are very cautious of spending money right now.
- We've asked them to release all of the SPA funds, but we understand the realities of Oregon's current situation and we don't anticipate getting that full amount. In fact, we don't know how much we will be getting and where they will want us to spend that money. However, we do know that we will get some clear answers to those questions on Thursday. We will be talking about the information we learn at this hearing and its implications during our weekly teleconference with all of you next Tuesday.
- We also anticipate that the legislature will come together in a special session at some point, but we are not expecting it until after May Revenue Forecast.

Eva Rippeteau (AFSCME)

- We wanted to share some good news regarding client communications at Washington County Jail. We have been in regular communication with Sheriff Garrett and team, and plan to continue checking in as more information becomes available.
- We have worked with community partners to ask the Sheriff and his team to look at ways to add more technological capacity. These additions would include adding video conference or phone lines for confidential communication between attorneys and clients in order to reduce traffic going in and out of the jail.
- Sherriff Garrett and team reported back that they had been in touch with their vendor and have had conversations about setting up additional tablets in rec rooms that have doors and are visible by correctional officers. These additional tablets would be permanent fixtures to communicate even after pandemic is over. They also reported that they're looking at a 90-day timeline to implement this plan, instead of 18 months.
- They are also assessing their current call system. They have reallocated staff to add capacity to answer phones and to get people their messages.

- (Comment from Kimberly McCullough, Legislative Director) This has been a collaborative approach. We are aware that funding challenges exist, and we are looking into whether or not the legislature would be interested in helping. There potentially are other sources of money from other agencies or the federal government that we can look into. If OPDS is able to engage in some of this collaborative work, we will be able to better problem solve.

Open Questions and Announcements from Providers (Kimberly McCullough)

- Question from Steve Gorham regarding a delay in payment. He has a current death penalty case contract with OPDS, and usually expects payment around the 19th or 20th of the month.
 - o Lane said we would check in with our Accounts Payable department and they would get back to him.

Closing Remarks (Lane Borg & Kimberly McCullough)

- Thanks again to our guest presenters, Eva Rippeteau and Lisa LeSage, for making themselves available for this call.
- Thank you for all the work you are doing! We know this is a really difficult time for everyone. We support you, appreciate you, and want to be there for you. Please reach out to us with anything you need.