



Office of Public Defense Services

OPDS Teleconference with Oregon Public Defense Providers
June 9th, 2020 10:30am – 11:30am PST

Teleconference Recap

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

Greeting & Welcome (Kimberly McCullough)

- We acknowledge that it's been a tough year with COVID, but especially now for our Black colleagues. We're proud of public defenders in our state for showing their support for the movement for Black lives yesterday. We're proud to be part of this community.

George Floyd Statement (Lane Borg)

- Thanks to everyone who got out yesterday to show support for racial justice, from Lincoln and Lane counties, up to the metropolitan area of Portland, and all the way down to Southern Oregon.
- I thought it was important to put out a [statement](#) from the agency. We tried to emphasize that as horrific the videotaped death of Mr. Floyd was, and the reality that its impact was largely because it was videotaped and documented, we know that it is not an isolated situation. Remember that the justice department report on Ferguson after the killing of Michael Brown found many accounts of jaywalking that turned into jail time, and a disproportionate number of warrants out for Black people. Systemic racism permeates throughout our system. It's important to keep the momentum going on this action, to be mindful how we can advocate for our clients of color, and to identify and document racial disparity. For example, the [Racial and Ethnic Disparities report](#) in Multnomah County was so impactful, it led to not prosecuting fare jumping and fueled the final push for the defelonization of drugs.
- Keep fighting the good fight and keep pointing out how the system is impacting all of our clients, but especially our clients of color.

Contract Changes (Kimberly McCullough)

- We will be extending our current contracts through December 31, 2020. Lane sent out a letter and we posted it to our website [here](#). Below are its highlights:
 - o Our payment systems haven't historically reflected the time, skills and resources required to be successful.
 - o We have been making reforms and advocating in the Legislature for resources to decrease caseloads and provide overhead support. The COVID budget crisis has made that more challenging. We will continue to advocate for the creation of better standards for compensation. We had been hoping that extra money

would help us address compensation disparities in the system that were created by the case credit model.

- Over the next six months, we'll be taking a look at and seeking input on what factors should help determine compensation levels.
- Commissioners expressed that they would like us to develop a standardized and transparent system for compensation. Internally, this means looking at data to identify disparities, looking at the PSA, etc. We also want stakeholder input to make a compensation plan that is transparent and fair. Once we get through the contract extension process, we will reach out for input.
- We encourage you to have conversation with your contract administrators and or with your analysts OPDS.
- For those of you who submitted proposals, we are not issuing a new RFP, so you do not need to submit again. You may, however, add to your original proposal. Please reach out to your analyst if that is something you are interested in doing.
- The ABA timekeeping study has ended, so there will be no timekeeping bonus in the contracts moving forward.

Information About Upcoming PDSC Meeting (Lane Borg)

- The next PDSC meeting is scheduled for this Thursday, June 11th, at 10:00am via Microsoft Teams. The link to view it can be found on the agenda on our website [here](#). There are a couple of action items on the agenda, including a vote for approval of PCRCP contracts in Multnomah County and approval of non-contract atty rates. We wanted to address the woefully inadequate amount of \$55/hr, and will be asking the PDSC to approve raising the base rate to \$75/hr.
- We will be discussing the six month extension of current contracts with the commission, and how we will be seeking input from the community to try to address disparities and create a fairer and more transparent system. It will move quickly. I'm asking Commissioners to be available in August to set a retreat to discuss their values in what they would like to see moving forward.
- We anticipate another PDSC meeting on Thursday, July 16th, at 10:00am.

New Visitation Guidance (Keren Farkas)

- COVID has obviously impacted visitation. OPDS sent a letter to DHS requesting stakeholder engagement to discuss creating a clear policy on visitation. DHS then agreed to work with us and other stakeholders to review and revise their visitation policies and practices. Last week, DHS called out in-person visitation as essential. Their new policy relies on a mitigation framework, and reduces the risk of trauma from lack of face-to-face visitation and risk of COVID. Features and safety elements have been reviewed by a doctor. Please email any implementation barriers or successes to [Keren](#) or [Kimberly](#).
- I also wanted to give a quick shout out to juvenile attorneys across the state that have been participating in a weekly COVID-19 workgroup. Reach out to [Keren](#) if interested in joining!

Racial Justice Resources (Kimberly McCullough)

- I encourage all of us to take some time for reflection on how we can promote equity and inclusion in the justice system. Along those lines, here are a couple of great resources:
 - NACDL 2017 Presidential Summit *Race Matters: The Impact of Race on the criminal Justice System*
 - The [video](#) of The History of Race in America presented by Jefferey Robinson
 - Presentation transcription from NACDL's website [here](#).
 - National Juvenile Defender Center (NJDC) Racial Justice toolkit can be found [here](#).

Open Q&A With Providers (Kimberly McCullough)

- Send an email to [Kaysea](#), [Kimberly](#), or [Lane](#) an email if you have anything if you'd like to see us discuss in the future. Thanks again for all the work you're doing. We're entering a new phase of working reality. Please let us know if there is anything we can do in terms of support.

Next OPDS call-in meeting is Tuesday, June 30¹ at 10:30am.

¹ Teleconference was originally scheduled for 6/23/2020 but was postponed due to special session.