



Office of Public Defense Services

OPDS Teleconference with Oregon Public Defense Providers

September 8th, 2020 10:30am – 11:30am PST

Conference Line: (866) 390-1828 | Participant Code: 805008

Invitees: All Oregon Public Defense Providers, Lane Borg (Executive Director, OPDS), Kimberly McCullough (Legislative Director, OPDS), Eric Deitrick (General Counsel, OPDS), Keren Farkas (PCRP Manager, OPDS), Julie Fetsch (Budget Manager, OPDS)

Greeting & Welcome (Kimberly McCullough & Lane Borg)

- Welcome everyone, and thanks for joining us. Expect some delays as many of our staff have homes under or near evacuation orders due to local wildfires. We will be monitoring this emergency for the health and safety of staff.

PDSC Retreat & Next PDSC Meeting (Lane Borg)

- The PDSC retreat was held on August 20th. The retreat was educational only and was not recorded or on public record.
- There will be a virtual PDSC meeting on September 29th. We are at a crossroads for changing the way we do contracting, we are looking to make adjustments where we can, and we seek input and direction from the PDSC.
- There's quite a bit of disparity in the rate differences for FTE/representational units and they are not monolithic. As you are aware, the Special Purpose Appropriation (SPA) fund was not allocated and we do not have a new source of funds that we can use to fix this. However, we can begin to look at reallocation of funds. Mae Lee from OCDLA has been looking into how much we spend on discovery – likely \$5 million per biennium. It appears to be an out of control expense and perhaps money spent on discovery could be reallocated within the Public Services Account (PSA).
- The meeting agenda and materials for the PDSC meeting will be published to our [website](#) on September 22nd. I recommend that you review them and be prepared to give thoughtful feedback on what is important as we approach these changes. The commission is engaged and willing to have these discussions.
- There is no desire to have another six-month extension. We are moving incrementally towards a more equitable system that understands the workload that people are dealing with. Your contract analysts will be reaching out to you to confirm what they believe is your actual caseload. How many cases per year did you and/or your office handle? If we have any hope of moving toward a system that considers attorney workload, we must have a better understanding of what the current caseloads are like out there.

Announcement (Kimberly McCullough)

- The OCDLA management conference in October has been cancelled this year.

NJDC Assessment of Access to and Quality of Juvenile Defense Counsel in Oregon (Keren Farkas)

- Today the National Juvenile Defender Center (NJDC) officially released an [assessment](#) of juvenile delinquency defense in the state of Oregon. They spent the last year to get a sense of what's working and what's not in order to provide the recommendations they did. OPDS is excited and grateful for the roadmap they've provided for us to improve. OPDS will be reviewing their recommendations to see what we can do to provide better quality defense across the state.

Open Q&A with Providers

- **Q:** Is OPDS planning on drafting any bills for the 2021 session? If so, should we be coordinating on that?
 - o **A:** We don't have any agency bills in process. We will be reaching out to the judiciary committee and legislators to get a couple things drafted: 1) public defense reform bill that was going to be passed last session but didn't get across the finish line because the session was cut short, 2) a bill regarding the cost of discovery; we're in conversations with OCDLA about working with them to get something introduced to that topic.
- **Comment:** Lane echoes Keren and wants to remind people to look at the NJDC report and be ready to respond to it. Giving the passage of Jackie Winters' [Senate Bill 1008](#), we have not seen a flood of remand cases coming in. It would be wrong for people to think Measure 11 was just about adults. We should continue to work hard and be vigilant in our work around juveniles. It's important to remember the context and history, and we just got the worst of Measure 11 for children behind us – it was a plan to vilify children conduct as adult crimes. We need to continue to take juvenile delinquency representation very seriously.

Closing Remarks (Lane Borg)

- Thank you for joining us and we hope everyone is staying safe. Take care of yourselves, thank you for the work you're doing.