



Meeting: OPDS Teleconference with Oregon Public Defense Providers

Date & Time: November 3rd, 2020 10:30am – 11:30am PST

Address/Platform: OPDS Conference Line

Connection Info: (866) 390-1828 | Participant Code: 805008

Invitees: All Oregon Public Defense Providers, Lane Borg (Executive Director, OPDS), Bridget Budbill (Legislative Director, OPDS), Eric Deitrick (General Counsel, OPDS), Kaysea Dahlstrom (Executive Assistant, OPDS), Keren Farkas (PCRP Manager, OPDS), Julie Fetsch (Budget Manager, OPDS), Heather Pate (Programs Manager, OPDS)

Agenda		
Item	Description	Owner
1	Greeting & Welcome	Lane Borg
2	New Legislative Director Introduction	Bridget Budbill
3	Rebalance Request	Lane Borg
4	Case Filing Trends	Lane Borg
5	A/P Pre-Audit Process	Julie Fetsch
6	Open Q&A with Providers	All

Greetings & Welcome

- Thanks for making time to be on this call.

New Legislative Director

- We are excited to introduce our new Legislative Director, Bridget Budbill.
- Bridget Budbill comes from the Criminal Justice Commission and rural area of Washington State. Bridget was a senior program analyst at the Criminal Justice Commission, working primarily on statewide pretrial reform, behavioral health jail diversion grant program, and other evidence-based statewide criminal justice programs. Prior to that, she worked as General Counsel at a federal agency (BPA), worked in all three branches of Oregon government, for two state reps in the House, and prior to law school, as a newspaper reporter in rural Washington.
- Grateful for the opportunity to serve in legislative advocacy role on behalf of the agency and to advance interests of public defense services in Oregon.

Rebalance Request

- LFO let us know that, with the end of the fiscal cycle of June 30, 2021, they are evaluating if there is a need for budget rebalancing. In some instances, the balancing is very small and sometimes it amounts to a couple million dollars. This is not related to the pandemic.
- Our rebalance would include our new contracting model. The PDSC directed the agency to contract with non-profits, consortia, etc. in a more private FTE model and not to exceed 115% of National Advisory Council (NAC) standards. We will be using these standards until the ABA study results are received. We've calculated that we need to add about 23 legal representational units (Including lawyers and support staff).
- The discussion with LFO encompassed language that they need to "restore" money to our budget.
- We wanted to thank Representative Stark for being diligent during these hearings to point out that \$7 million was being taken out of PSA because they knew we could come back and ask for rebalance later. Our rebalance ask will be around \$7 million, which was originally supported by the Governor.
- The rebalance ask is partly impacted by Ramos decision. We've been tracking habeas corpus cases in relation to COVID-19, too. We support the Governor's efforts to release individuals using clemency powers. We also question is this will go to the E-board as a request or if it will be included as part of long session.

Case Filing Trends

- Our modeling and data show that in 2019 we saw reasonable and predictable growth. When the pandemic hit, the case filings went steeply down. In May/June of 2020, that trend line started to go up again and, while we haven't surpassed the case filings in 2019, we are continuing to see that upward trend.
- This modeling is like comparing apples to oranges (case credits vs. FTE model) due to:
 - There being fewer cases filed;
 - The number of closed cases is way down, which is not surprising at all. Mike Schmidt said that one of the biggest problems with closing cases is that there is no credible threat that a trial is going to happen; and
 - Our duty we have to tell our clients to tell the truth.

A/P Pre-Audit Process

- A provider recently shared that they were experiencing delay with payment. However, that delay was due to us waiting on their response to correct an error. 60% of invoices we receive have errors and/or missing documentation.
- We value your input. As an 8-person team that processes all invoices for public defense, we are committed to continuing to look for ways to improve processes and service line.
- To reduce roadblock in our processing invoices, we have implemented a pre-audit procedure for invoices at the time of receipt, which ensures invoices are returned for correction in a timely manner with clearly outlined reason for correction. Once the pre-audit process step is completed, A/P staff contacts vendor directly and asks them for it to be returned to responsible A/P staffer. Once we received response from vendor, the process picks up right where it left off.

Open Q&A with Providers

- Q: Are case disposition numbers pretty uniform throughout the state?
 - What I'm hearing anecdotally is that it's not uniform. In some cases, they're moving forward in a more robust way, and in other places they're not.
 - This time last year, we had done 365 jury trials, they said that we've done less than a dozen. We are not sure if that is specific to Multnomah county.
- Q: Would OPDS consider weighting Ramos cases like Measure 11 or higher?
 - The short answer is yes. I encourage everyone to have conversations with your analysts to explain what's going on in your particular jurisdictions. We know that the trial rate is at around 5%, and Ramos cases have a substantially higher trial rate (50-60%). We don't think these will plead out at a high rate and we tried to build that into our cost analysis.
- Q: Ballot measure 110 making possession a violation. Any speculation as to what that would do to case filings if it were to go through?
 - We acknowledge this but have yet to put it into calculations or predictions in our balancing ask. Our world is changing, and we'll cross that bridge if that passes.
- Comment from Mae Lee Browning of OCDLA - If measure 110 passes, we'll be working with the campaign to send an announcement to the Pond. Also, we will participate in an implementation team if it passes. We are interested in hearing feedback from defense attorneys in how that plays out. We will know more later today and will keep everyone informed.