

Chair Jennifer Nash: Good morning and welcome to the August 21st, 2024, meeting of the Oregon Public Defense Commission. I'm Jennifer Nash, the chair of the commission. We have a packed agenda today, including an executive session at one o'clock, and today we'll be discussing items related to the unrepresented persons crisis, budget issues, the organizational chart, some policy briefings. And then we have action items related to approval of the agency requested budget, E Board requests and legislative reports due to the Legislature for Legislative Days.

We will start with public comment. We have a number of people who have requested to give oral public comment this morning, and before we start public comment, I'd like to just go over some ground rules regarding public comment. A person speaking during the designated portion of the agenda for public comment may offer input regarding general matters of concern regarding the commission statutory duties under ORS 151.216, its policies, procedures, standards, and guidelines regarding the provision of public defense and/or objective criticism of commission operations. The commission will not hear comments regarding any individual public defense provider, commission member, or employee of the commission. If you have a complaint regarding a public defense provider, commission member, or employee of the commission, you may submit your complaint in writing to opds.info@opds.state.or.us to be addressed.

Public comment is a time for members of the public to express their views and is not a dialogue between the commission and commentators or the public. Commentators must not engage in abusive or harassing behavior, including derogatory remarks, profanity or personal attacks, use of obscene language or gestures, threatening comments, or sexual harassment. Public comment that deviates from these guidelines may be terminated at the sole discretion of the chair. Public comment is limited to three minutes and speakers may be muted and/or disconnected from the meeting once their public comment has ended. At the beginning of your public comment, please introduce yourself and identify whether you are speaking as an individual or on behalf of an agency or other entity.

We have received written public comment from Ginger Fitch, Dana Brandon, Mary Goody and James Comstock, and that public comment has been disseminated to the commission. We have people who have requested to speak to the commission virtually are James Comstock, Addie Smith, Rachel Phillips, Sean Coyne, Laura Rittall, and Ginger Fitch. I'm going to set a timer and I'm going to limit public comment today to three minutes. At the end of your time, I will be interrupting you, and your public comment will end. So, forewarning, everyone. And your public comment time will start when I tell you it starts. So, if you want to sit for 30 seconds, that counts into your public comment. So, we'll start with James Comstock, and Mr. Comstock, your time will begin now.

James Comstock: Thank you. My name is James Comstock. I'm a defense investigator and a member of Defense Investigators of Oregon, proudly affiliated with the Industrial Workers of the World. I'm disappointed to be here addressing you again on this same matter. As of two days ago, providers were receiving payment in their accounts 45 days after invoice submission. No other state agency that we can find struggles to pay vendors in less than 30 days. We've shared this concern and why it matters with the commission and agency for more than five years. We're left to conclude that this issue is not a sufficient priority for the agency to fix it. We no longer care why this is a problem. At this point, hearing excuses is an insult. We no longer care to hear how the agency says they will fix it. At this point, hearing the latest agency plan is an insult. All we care about is being paid in 30 days or less based on an honest accounting of time from invoice submission to payment in providers' accounts.

As I outlined in my written comments, we have no patience for game playing with the payment times. The erroneous reporting of payment time saps any confidence and trust that providers have. Since the temporary policy was put in place on June 21st, we've seen bills audited in ways that were not in line with the temporary policy. Provider's bills have been rejected for things like obvious typos and supposed math errors that didn't actually exist. The policy says, "Accounts payable will no longer confirm that services performed align with the PAE policy." And yet we see invoices rejected for supposedly not aligning with the PAE policy. If we are paid in 30 days or less, we do not care how the agency audits bills, but that's not happening. We understand that the ORS requires agencies to pay within 45 days and that they can take even longer though they have to pay a de minimis amount of interest.

We do not want to hear the 45-day excuse any longer. The agency will say that they're understaffed and underfunded. I cannot believe that this agency is the only understaffed and underfunded agency in Oregon. Every other agency manages to pay their bills in 30 days or less. We're left to conclude that the agency lacks sufficient motivation to pay providers in 30 days or less, something they did for decades prior to 2019 with less than half the staff that they have now. Because of this, we're here to provide the commission and agency with motivation. We demand 30 in 30. The agency has 30 days to pay providers in 30 days or less and to sustain that payment time.

If the agency cannot or will not meet this benchmark, we will take this matter to the Governor and the Emergency Board in September. We'll ask them to tie the agency funding to reaching and sustaining a 30-day invoice payment benchmark. While we do not care how the agency accomplishes this, we reiterate our past suggestions that agency pay invoices after very basic auditing upon receipt, giving themselves time to audit as much as they wish after

payment. I exhort the agency and commission to address this today. The duration of this problem...

Chair Jennifer Nash: Thank you, Mr. Comstock.

James Comstock: Thank you. Thirty in 30. Enough is enough.

Chair Jennifer Nash: All right, Addie Smith. All right, moving on, Rachel Phillips. Thank you, Ms. Phillips. You may begin. Oh, it looks like she's having technical difficulties. So, we'll wait and see. All right, we'll come back to Ms. Phillips.

Rachel Phillips: Okay, no, I'm here now and sorry, I was muted and there we go.

Chair Jennifer Nash: Okay. All right.

Rachel Phillips: The video won't start. There we go. Good morning, thank you. My name is Rachel Phillips. I am in private practice. I started at Metropolitan Public Defender back in 2006. I've been practicing for almost 19 years. I have given public comment before, and I have given public comment before about issues with retention, the unrepresented crisis. And today I am here to talk to you about the report that was released about retaliation against women attorneys and asking you to please take action and to take action without further delay. The last time I urged you to take action was at the January 19th of 2023 meeting. It's taken three years for this. Three years ago, Sandy Chung, the executive director of the ACLU, told the press, "It is extremely concerning that attorneys who are versed in the law and vigorous advocates for their clients are expressing significant levels of fear of sharing their concerns. Now that we have the report, we know that fear was well-founded. What we don't know is how many other women would have come forward, but for fear of retaliation. That it took three years exposed every single person who came forward to further retaliation, which won't be captured in that report.

At a PDSC meeting in August 10th, 2022, then commissioner Lisa Ludwig said we have known all about this total dysfunction inside the agency that predated Steve Singer, the departure of lawyers, including Amy Miller, Liz Wakefield, Whitney Perez, Bridgette Budbill, Kimberly McCullough, Erica Herb, Keren Farkas, and Norah Van Dusen, proves to me that the dysfunction inside the agency is real and longstanding and needs to be fixed. Eight women who all left OPDS within a time span of roughly 24 months. The awareness of the dysfunction in the agency paired with the delay of the investigation sent a message to everyone – defense attorneys, prosecutors, judges, elected officials – the women who practice in public defense don't matter, aren't credible, and they certainly aren't a priority to us. You don't have to pay attention to this. That's the message. And it's impacted all of us in our practice, that OPDS has not

had faith and didn't prioritize this. And quite frankly, is it any wonder that the attorneys don't want to practice criminal defense and that there is such a shortage of people willing to practice criminal defense right now that people are leaving?

The other thing I want to point out is I know some of my colleagues who've spoken up have made comments. Everyone who came forward deeply cares about the work of public defense and deeply cares about the work. And we have tried to make a difference and not been listened to. So, what we are asking you to do is it's... Every single one of them care deeply about the work of public defense. It's time for those of you in charge of public defense in Oregon to care about them. Thank you.

Chair Jennifer Nash: Thank you, Ms. Phillips. Next, we have Sean Coyne, who I thought I saw a minute ago log in. All right.

Jessica Kampfe: He is on, Chair Nash. I just don't see his camera on.

Chair Jennifer Nash: Mr. Coyne, if you are logged in, you're muted, we can't hear you. All right, we will move on to Laura Rittall. Good morning. Ms. Rittall, you may start your public comment.

Laura Rittall: Good morning, Director Kampfe, Chair Nash, members of the commission. My name is Laura Rittall, I'm a mitigation specialist, and I've been working in Oregon since 2002. You've heard from me before, and unfortunately you've also heard what I have to say today before. In February of this year, I made public comment about concerns with slow pay, short expiration dates, and other concerns. And here I am six months later with the same issues. You have failed to fix your problems. Last session, I sent public comment about how the slow pay and short expiration dates were now affecting experts, some of which have said they will refuse to work indigent defense cases in Oregon if things do not improve. OPDC has become notorious as an entity that is difficult to work with, creates more work for its vendors, and doesn't pay their bills in a reasonable timeframe.

You cannot afford to have this problem, especially when we desperately need to retain our experienced people and recruit new people. Your vendors cannot afford to subsidize OPDC. You've been relying far too long on the personal commitment your experienced vendors have made to public defense. We are exhausted. I have colleagues who've had to take out business loans to cover for the delays in payment, others who've had to borrow money for rent to avoid fines. I have anxiously watched my own funds disappear because I'm traveling for work. I'm paying hundreds of dollars at a time for records. These have to be paid, or we won't get the records or be able to travel. And yet I have had to wait

six weeks to get reimbursed. That's money I need to sustain my business and myself.

And you cannot encourage and keep new people with such a faulty system. They won't stay. These are the natural consequences of OPDC's continued failures. Six months ago, I made these same comments, and the needle has barely moved. Instead, new policies were created that made more work for everyone. The time has come for OPDC to stop making excuses creating more work and pay their bills on time. Until that happens, OPDC will continue to lose credibility and people. I call on you 30 in 30. Thank you.

Chair Jennifer Nash: Thank you very much. Cody, I'm getting a message that people who have given public comment when they're removed as a panelist can now not log into the public portion of the meeting. Can you take a look at that?

Cody: Yeah, I'll take a look now, thanks.

Chair Jennifer Nash: Okay, thank you. All right, Mr. Coyne, hold on, I have to reset my timer. All right, you can start your public comment now.

Sean Coyne: Good morning, commissioners. My name is Sean Coyne. I'm an investigator and a proud member of the Defense Investigators of Oregon. And I'm here to talk about an issue that affects us all, timely payments. Specifically, I'm requesting that OPDC commit to paying us within 30 days of our invoice submission. To make that a reality, I suggest aiming for a 21-day payment target, which would give your team a buffer to handle the inevitable challenges, such as training, sickness, and vacation. It's exhausting to wait 40-plus days to be paid for work for four months ago, especially when we're paying out of pocket for hotels, rental cars, and record requests. After each submission I make, I begin to dread the day I receive an email with CANCELLED in all caps, and I wonder why are they shouting at me. How about a different approach, such as the way the feds contact us? Dear Sean, we have a question about your recent submission. Could we speak on the phone? You submitted this authorization after expiration, and I'd like to help resolve the issue with you. Are you free today or tomorrow?

We're all working hard – investigators, accounts payable, attorneys, experts. I want to know what I can do to help. I've watched as accounts payable has grown from four to nine people, yet payment times have increased by 225% as well. Why is that? How can we help improve this? We don't see this issue with the feds, and the Oregon Judicial Department manages to pay thousands of jurors every month in about 10 days after submission. Why can't we get paid in 30 days? If you need a new software system, we're here to help you choose it. If you need a process audit, we'd be glad to be part of it. If you need to gamify the system for accounts payable so they can reach daily goals, we can help with that

as well. We need to be paid in 30 days or less, starting 30 days from today, 30 in 30. We're all in this together, and we want to work with you to find a solution. Thank you for your time.

Chair Jennifer Nash: Thank you. All right, Ginger Fitch. All right, Ms. Fitch, you can begin your public comment.

Ginger Fitch: Dear Director Kampfe, Chair Nash, and commissioners, I am witness number three. I come before you as an individual. My name is Ginger Fitch, and my bar number is from 1998. It's been several years before I came before the commission to make public comment. And as referred to before, the investigator, Jill Goldsmith, found that I was retaliated against by the office for that public comment. Now, the reason you haven't heard from me isn't because of that retaliation specifically towards me, but because I work for a law firm that employs 12 other public defenders. And what you know now from that report is that retaliation is a reality. Such retaliation harms, it harms the justice system. It harms public defense. It harms the people who receive court-appointed attorneys. It hurts the people who are waiting for court-appointed attorneys. Perhaps you've not been in a juvenile court lately, but the majority of the public defenders in that courtroom are women. I would also note that the increasing numbers of women who are graduating from our Oregon law schools, we need more public defenders, not fewer.

You also know that in the retaliation report, one of the issues that involved witness number three, me, involved a public records request that was not met. The office responded to news organizations that it's making changes, that it's put in processes to improve transparency. I'm telling you to this day, the office has not met its obligations for public records made in February around Jill Goldsmith's report. You know now that gender discrimination is an issue in public defense, and what we heard the office put out to the news organizations is a lackluster statement in response. Retaliation is a serious matter. Such behavior may face disciplinary action. Public defense deserves better. Public defenders deserve better. Our clients deserve better. This commission and the office needs to take responsibility and action.

Chair Jennifer Nash: Ms. Fitch, thank you for your public comment. All right, this will conclude the public comment period, and we will... Just a minute, my timer is still going for other things. All right, this concludes the public comment period, and we will move on to the next item on our agenda, which is an update regarding the unrepresented persons in Oregon courts, Director Kampfe.

Jessica Kampfe: Thank you, Chair Nash, members of the commission. Mona, if you could help me with the slides? This is an update on the unrepresented persons crisis in Oregon, and I'm joined in giving this update by research analyst, Harry Noone. So, if you

all have deep-dive detailed questions, he is the data guy who can help answer those questions. The first slide we have shows you the overall trends in unrepresented in Oregon, and we can see that the numbers are trending up slightly for in-custody unrepresented individuals and continue to increase for the out-of-custody population. I will note that when we are looking at in-custody unrepresented individuals, these numbers include people who are in custody, but maybe not on the case on which they're unrepresented. So, for example, they might be in custody in Clackamas County on a case on which they have counsel, but they're out-of-custody unrepresented on a case out of Multnomah County. Because they're physically in custody, they're reported on this in-custody unrepresented dashboard that OJD maintains as an in-custody unrepresented individual. So, those folks are getting counted in these numbers. Next slide, please.

This shows you what we've been doing with THIP in terms of the money that's been paid and who is taking cases under the THIP program and where those cases are being taken. So, in total, we have 223 lawyers in Oregon who are accepting appointment of THIP cases. Of those 223, 147 of them do not have contracts with OPDC. So, they are just on hourly agreements to handle THIP cases. So, these are folks that wouldn't otherwise necessarily be doing public defense in Oregon, except that they're doing it under this program. We can see that the cases are being taken primarily in Multnomah, Clackamas, Washington, Klamath, Lynn, Malheur, Douglas, Jackson, and Marion counties, and that the majority of the expenses associated with the program are the attorney fees. The PAE fees are monies for things like psychiatrists, expert evaluations. We would have to pay this out on these cases no matter what, whether they were THIP cases or handled under a different appointment system because that is just a standard part of providing robust representation for our clients. And then the orange line shows the investigation fees under the THIP program. Next slide.

This is new information for you all. We wanted to show you how the THIP program is intersecting with the court's decision in Betschart. So, this spring, the Ninth Circuit opinion in Betschart came into effect, which says that folks that are in custody and unrepresented for more than seven days have to be released from custody. Now, there's a bunch of caveats to that decision, and places where it doesn't apply, but the overall decision is if we're unable to identify counsel for somebody who's in custody within seven days, that person is subject to release. And so since that decision went into effect, one of the tools that we've been able to successfully use to mitigate that decision has been the THIP program. So, you can see how many cases, in total 170 cases that were potentially subject to Betschart release, we were able to use the THIP program to identify counsel for those folks, and it's been used by 61 lawyers. Next slide. Okay.

The next piece of the presentation on unrepresented that I wanted to share with you all about is, in your materials, the agency provided a Betschart process. And so I wanted to talk a little bit about how the agency is working through these Betschart cases. So, the Betschart decision came out in May, and it really impacted the business processes within the agency for how we identify counsel for folks who are in custody and unrepresented. We continue to have more in-custody unrepresented people than we have lawyers available to take those cases, and so we are having to prioritize the resources that we have. And so the limitations that we see are agency staffing. We don't have enough coordinators to work through the Betschart list and work through the available attorneys and connect the lawyers to the clients, and then we just generally don't have enough lawyers to take all of the cases. So, those are sort of the two limiting factors that are reasons why we're having to make these prioritizations.

And we know that if we are unable to identify counsel for somebody who is potentially subject to release under Betschart within the seven days, that the result of that is that the person will be released from custody under a conditional release agreement and that their case will continue, but they will be in an out-of-custody posture. This is a real shift in dynamics where we have shifted to be in a role where public defense is making decisions that impact release, pretrial release, and that is typically a space that's occupied by the court and not by the advocates. And so we wanted to be really transparent with everybody about how we're making these decisions because it is a different and new position for public defense to be in.

So, what would typically happen would be that a release decision would be made by a judge in a courtroom, and that judge in a courtroom would have the opportunity to review a lot of material. They'd be able to review probable cause statement, somebody's criminal history, a risk assessment, potential statements from victims in the courtroom, and they would make a decision about whether to hold that person or release them. What we're finding is that because judges are holding more people in custody pretrial than we can identify counsel for, the agency is then having to go through and figuring out what our highest priority is for counsel. And we are doing that without the same type of information that's available to judges. So, the only information that we really readily have available to us is the information that the Oregon Judicial Department provides to us through Odyssey, which is case charging information. So, we are having to make charge-based decisions and prioritization.

So, we receive information from Oregon Judicial Department based on the charges that somebody has pending against them, and then the agency's also created a form that can be filled out to submit additional prioritization information like whether the person is acutely mentally ill or there's some other

factor at play that should elevate their priority. And so those can be submitted to us and we put them into our prioritization.

So, what we have developed in terms of our business process is a four-tiered system for the priority in which we are going to try to identify counsel for folks. And we spelled that four-tier system out in the memorandum to you all, and this is a public-facing document. We're trying to be really transparent with the courts, the district attorneys about how we're doing this prioritization. We also have stated clearly in our memorandum what the limitations are. So, we only really have the information that we can get from Odyssey and from the Nintex forms. We don't always have accurate in-custody information, that's something that is kept by the sheriffs, and our in-custody information is only as good as OJD's scraping of the jail databases is. And so whenever there is mischaracterization, that's a risk for us. It's a risk for us if somebody is marked in custody, but they're out of custody because we're not using our resources efficiently. But it's a bigger risk for us when somebody is marked out of custody, but they're actually in custody.

And this has come up several times when on day five or day six, we're getting notified by typically court staff saying, "Hey, this person has a hearing coming up. Seven days on Betschart is tomorrow," and they aren't even on our in-custody list because that information hasn't been correctly identified in what comes into the agency from outside resources, primarily the sheriff's office and Oregon Judicial Department identifying them correctly. Other limitations, we don't necessarily know if a case is a domestic violence case unless it's marked that way by the district attorney. We aren't necessarily going to know if a case is using a firearm unless we're notified of that information by the district attorney. We also don't have a way to tell the crime seriousness of drug charges, like if they're a level six or a level eight on the felony sentencing grid, unless that information comes into us from the district attorney's office.

So, we really need to rely on other system partners, primarily the courts, the sheriffs' offices, the district attorneys, and anybody that is close to the client who maybe knows about mental health status and that kind of thing, to tell the agency that proactively. Otherwise, we are working with a vacuum of information when we're doing this assignment process. So, I want to flag that we do have some significant limitations in our ability to facilitate this work. And then the last thing I wanted to talk about was the actual process for assigning counsel. And we did include in the materials a list of how we go about assigning lawyers to cases. So, let me just go back up to the top of my agenda here.

So, when our staff – the two coordinators that are identifying counsel for people all across the state of Oregon – when we receive the list from the Oregon Judicial Department every day that says what the Betschart cases are, we start

by contacting contracted lawyers within the county, looking at MAC utilization, and verifying whether or not they'd be able to take cases. Then we contact the non-contracted hourly attorneys within the county. So, these are folks working under the THIP program that might be available to take the case. Then we're looking at the state Trial Division offices if the Trial Division exists within that county to take the case. Next, we're looking to contract attorneys who take hourly cases. So, some of our hourly THIP cases are taken by lawyers that only do hourly cases. Some of those THIP cases are taken by lawyers who have a contract with the state, but once they've fulfilled their MAC, they take hourly cases. And so that would be our number four who we reach out to.

Then we look to our state Trial Division offices if they're not in the county. So, for example, our Marion County state Trial Division office currently is providing representation on Betschart cases in Coos County and in Deschutes County. Then we look to our non-contract attorneys, hourly attorneys who are further away, would have to travel further to take cases, so they're in a different jurisdiction. And finally, to contract attorneys who are further away and would have to travel to the jurisdiction. So, we wanted to share with the commission what process we're using to identify counsel on these cases. And that I think is it. We're not asking for any action on this or adoption by the commission. We just want to have transparency with this oversight body about what we're doing and also be able to provide the same kind of transparency to our system partners like the courts, the district attorneys, the sheriff's office, so that they can suggest improvements and help us do this better. Thank you.

Chair Jennifer Nash: And just a tiny bit more information. The document that was provided in the commission materials has been shared with the chief justice. So, she is aware of what the agency is doing regarding prioritization and is aware of the risk factors. And at some point, we expect that the judicial department will weigh in. My video froze for a second. At some point, we expect OJD to weigh in on the prioritization as well. So, are there any questions? All right, Mr. Harris. You're muted.

Rob Harris: Thank you Chair Nash and Director Kampfe for that information. In looking at the packet, there's also a document. It looks like it's from the Oregon Judicial Department. I'm assuming that's not something the agency itself prepared, that's something they did with their data. Am I right about that?

Jessica Kampfe: That's correct. The Oregon Judicial Department has regularly been preparing their own packet of information for your review as part of this unrepresented update, and so that is the packet that they prepared.

Rob Harris: All right, thank you.

Chair Jennifer Nash: All right, thank you. All right, moving on then to the budget and accounts payable update. Mr. Amador, I see you logged in. All right, Mr. Amador, you're up. Budget and accounts payable update.

Ralph Amador: Thank you, Chair Nash. I'm having troubles with the computer stuff. Can you hear me okay?

Chair Jennifer Nash: Yes.

Ralph Amador: Okay, great. So, I'm up a few times with you all today. Thank you. Once again, Ralph Amador, chief financial officer for the commission. The first presentation will be the budget presentation, and I will share that right now. And hopefully you're seeing that presentation now.

Chair Jennifer Nash: We are not.

Ralph Amador: How about now?

Chair Jennifer Nash: There you are.

Ralph Amador: Okay, great.

Chair Jennifer Nash: Yes.

Ralph Amador: Great. So, thank you once again. This is the budget presentation for the period ending June 30th, 2024. I'm using a similar format to what we used last time. So, for clarity, if you have any questions, please feel free to jump in at any time and I'll answer them. We'll start with contract payments. Adult criminal area, we have a budget of 279 million. Actuals currently 143 million. We plan 130 left. We're showing a positive variance of \$4.8 million. This is reflecting because in our last conversations we had with the Trial Division is that we're under utilizing our MAC at this time. I believe they have plans to get the MAC utilized as quickly as they can. And hopefully in time, those numbers will go down as we add more attorneys and staff.

Currently, we are at 50% of our budget and this is showing a reflection of 51% that's planned to be used. The Juvenile Division, \$51 million. And these are in total funds. So, they're not just general funds, they're total funds to reflect the full utilization of the IV-E money that's available to us. So, we have a budget of 51 million, actuals of 27 million, 24 million still planned to go. And this is showing a problem of \$944,000. That's down from over a million last month. So, we're going to continue to monitor this one with the Trial Division to make sure that we spend within our budgeted authority.

PCRCP is spending as it should. There was some positive stuff in PCRCP, but that was moved out in the short session to rebalance over into other needs of the agency. So, this one is 56 million, again, showing the full utilization of the Title IV-E money. Actuals 30 million, planned is 25, and we have positive variance of 600,000 right now as we get through June. We'll go to vendor services, preauthorized expenses. Preauthorized expenses is a budget of 58 million. We've spent 27 million, 26 is still planned, leaving a remaining variance of about \$4 million. I flagged this last time, and I'll flag this one along with court mandated when we get there in the next slide because this is a tremendous increase in the amount of cases we're taking with the unrepresented. And I'll say it again, our budgets are built off of historical actuals, and we're doing more than we thought we would do at the beginning of this biennium. So, we're planning to watch this one very, very cautiously as well, but there's still a projected positive variance at this point.

Court mandated expenses, again, 80 million, 29 spent, 49 million is planned and leaving a variance of \$1.8 million currently. The court mandated expense is where all of the attorney bills come in, whereas the preauthorized expenditure's where all of the vendor bills come in, which are the experts in the investigation and mitigation and stuff, translators and stuff like that. I took out the two slides that referred to THIP individually last time because they were confusing. And when I looked at them, there was no real way that I could get them to display what I wanted them to display. So, I took them out because THIP is being talked about in many other venues to better levels than I can do in a budget presentation.

We go on to staff costs. The pilot project, that's the state level defenders, it's got a budget of \$10 million. They spent 1.9, they plan to spend 4 million, and 4.3 is remaining. Of that 4.3 is the money for the additional attorneys to handle the 4002 recriminalization dockets and stuff like that. Plus they're hiring attorneys and staff as quickly as they can, and we're still behind on that. So, that's why we're showing a positive variance. I fully anticipate this variance to go down as time goes by throughout the second year of the biennium.

The Appellate Division, the Appellate Division is chugging along just as we planned it to. The savings you see would be some that would deteriorate because of training and other things, and there's some vacancy savings that would show a positive variance there because of hirings and stuff like that. But there's nothing really to be talking about with the Appellate Division. They're doing what the Appellate Division does, chugging along. Administrative and executive areas are combined because they're both the high-level admin parts of our agency. The budget combined is 22 million. The actuals are at 11. We have planned about 9.8 left, leaving about 900,000 left, which is vacancy savings and other contract payments that haven't been obligated yet, but we fully

intend to spend this budget out. And if we don't, if we need to, we can use it as a rebalance if it becomes necessary at the end of the biennium.

Compliance, Audit, and Performance, they're spending as we planned for them to spend. The savings of \$400,000 is probably reflective of vacancy savings from positions that haven't been filled or that have gone vacant throughout the biennium, but they're doing what they're supposed to be doing from a spending perspective. Financial case management system, big budget, not a lot spent. The actuals reflect the personnel, contractors, and such. We plan to spend another 4 million throughout the rest of the biennium. This should go up some. We had an influx of a compliance person. He was a few bills behind that we got caught up in the month of July, so this should jump up some next month. And we also have brought on a few additional staff that at least one...a couple of additional staff that David Martin will talk about when he does his FCMS presentation at the end of the commission meeting.

Special programs, contracts, and distributions. This is where all the discovery money is and some money for guardianship, I believe. This is spending as it should. One thing I will note is that in this, we had money that we used our money from the CJC from to fund some things last year, and we've gotten that money back and we are just doing financial reporting on that. So, that is the budget presentation, fast and furious. And hopefully, I didn't leave anybody with questions. But if you do have questions, I'm happy to answer them.

Chair Jennifer Nash: Are there any questions about the budget presentation? All right, it looks like there are not.

Ralph Amador: Okay, so we'll stop sharing this one, and we'll go on to the next presentation with the accounts payable update. This will take a second, I'm sorry. So, the commission had asked for us to do a, I will get there, a presentation on accounts payable. So, I put together a presentation for accounts payable to update you on that. This accounts payable update is for August 21st, 2024, and we're going to talk about additional staff, AP growth, PE growth, days to invoice, and AP productivity. Currently we're at 41 days due to having to stop to do contract payments, new staff training, and staff absences. The processors are processing at 36 days out, and the final reviewer is at 41 days. Final reviewer's at 41 days because of absences and because they do the contract payments and had to train new staff. But we're at 41 days total as of last night.

Additional staff, the commission did authorize us to have additional staff. We had one permanent position to hire because she was promoted to an accountant level one. So, we had one regular position that was hired, and we had two limited duration positions that were authorized to hire. For the permanent position, we had 13 applicants in total and we hired 1. We hired two

state temps. Unfortunately, one of the state temps informed us last night at 10 o'clock that she was going to leave us for a personal reason. And that's just the nature of when you have temp jobs, people find better opportunities and move on. And I just want to mention there's a minimum 30-day training period for some of these staff. Mr. Reinhard, do you have a question?

Brook Reinhard: Yes, thank you, Mr. Amador. Although I can wait till the end of this part of the presentation, if you want. I just had a question on payment time periods. Do you want me to wait, or do you want it now?

Ralph Amador: Your choice.

Brook Reinhard: Okay, so I'll just ask. So, you said it's 41 days, I think, is what the number was on payment times. My understanding is... Are you counting payment times from when a provider submits an invoice or when the invoice is timestamped? Because we got some public comment about that. And then secondly, are you counting payment times as finalized when the provider is paid or when it goes to DAS?

Ralph Amador: So, there is confusion on the first part of what you're asking me, and I have a written response that I will submit to you from our accounts payable because I mess it up each time I say it. So, I'd like to just get that part written to you and sent to the commission about what that is. But the second one was, currently we count them, we've always counted that once it's out the door to us, that's the last thing we can do. When people have direct deposit, it's normal business that it's two days for the check to get processed by DAS and sent in the direct deposit. One of the issues we have is we have a number of vendors who do not have direct deposits. So, real checks go out, and we don't have any control over the US mail and how long it takes to get there. So, it's hard to say what it is. But we do count when we send it to DAS because that's the last time that we do touch that invoice.

Brook Reinhard: Okay, so then that means we probably should be adding two to four days for the final result of when our vendors we're using actually get paid. And then my final question is, and this may be for Director Kampfe or you, has there yet been a workgroup composed that includes providers to talk about some of these issues?

Jessica Kampfe: There has not yet been a workgroup composed that includes providers to talk about some of these issues.

Brook Reinhard: Okay.

Jessica Kampfe: And yeah, I don't think we know... I mean, we have been counting the days as the day that the payment leaves our office. And so that is how we're counting it.

Chair Jennifer Nash: Commissioner Harris.

Rob Harris: Thank you, I agree. I was going to make the same comment that Commissioner Reinhard makes because when I see 41 days, I think, oh, 41 days, but a check is in the mail is not good stop point for us. I think it's fine to say it took us 41 days to process from the date we received it until the date it was out the door. I think it's better if the commission knows the estimated actual pay time is 45 or 46. Because I think when I see 41, I think we're getting improved, that's the time. But I really think that based upon the amount of materials we as commissioners have to read, and the scanning we sometimes do over this, I think an actual estimated payment time would be a more valuable number for me to have, thanks.

Jessica Kampfe: And Commissioner Harris, we can check with DAS to see if that's possible, but I don't know that we are going to have an answer to how long it takes DAS to pay people or if they have an estimated payment time that they can provide us. So, we can check and see if that's information that we're able to obtain from DAS.

Rob Harris: No, I appreciate that. I would just suggest that maybe if, on average, it takes approximately three days, that agency processing is 41 days estimated time. From receipt to actual payment is 46 days, if it's 3 or 4 days in addition, if that makes any sense.

Chair Jennifer Nash: I can tell you because we're a vendor, it's two business days. So, from the time that the final review gets released from OPDC to DAS, we get an automatic email that says payment will be direct deposited within two business days and it is. So, I think it's fair to say we should just add two business days onto that time because that's how long it takes. Commissioner Mandiberg, you're muted.

Susan Mandiberg: Sorry about that. Is there any realistic way to cut down the number of days it takes from receiving the bill to it going out OPDC's door? And I know that in the public comment, there were suggestions for ways to cut down that time. And I'm obviously not involved in the actual mechanics of this since I'm not employed by the agency, but some of those suggestions made sense to me. For example, about the timing of auditing and the nature of auditing. And so I'm wondering why it's not easier to cut down the amount of time that the item remains inside the agency before it goes to DAS.

Jessica Kampfe: And Commissioner Mandiberg, can we circle back to your question once we go through the rest of the slides? Because I do think that Mr. Amador is going to

present some slides around the volume of requests that might be helpful in answering that question.

Susan Mandiberg: I'm happy to wait to get the answer as long as there are suggestions for how to deal with the volume in a more efficient way and not just information about the extent of the volume. So, it's nice to have information about what the problem is; I'm looking for information about solutions to cutting down the time.

Chair Jennifer Nash: What I'm hearing from commission members and, of course, public comment generally and specifically, I should say specifically and generally for the last several months is what we would like the agency to do, and perhaps it would make sense to have it presented in a detailed format for the next commission meeting. Is we have the policy change regarding audits or non-audits, and we've received some feedback that that's not really working as intended. And so perhaps the agency can present us with information about how that policy can be updated, or how it's being utilized in practice to shorten the time. There has already been a direction by the commission that isn't a specific mandate but was direction by the commission that it was our desire and our direction to the agency to try to get payment times lower reduced to 30 days, that's still what we want done. So, if it makes sense to other commissioners, perhaps having the agency come back with a detailed plan of how to execute that, not what's going wrong, but how to execute that during the next commission meeting would be helpful. Would that be something that other commissioners would like? Everyone's nodding.

Susan Mandiberg: Our next commission meeting is after this 30 days. If something isn't happening to address the problem, to solve the problem between now and our next commission meeting, we're just going to be right back in the same place we are now. And I don't know if I can speak for everyone on the commission, but I'm tired of hearing that the problem still exists.

Chair Jennifer Nash: Agreed. Let me be more specific, more clear. We want to know how the problem's being solved in 30 days. Not really a plan. I know I said that, but that isn't really what I meant. Thank you for pointing that out. Because yes, we've been hearing about this for months, and the messaging that's been going out to vendors is for months because I'm on the email list is, "We're fixing it, we're hiring staff, we're doing all these things," and it doesn't seem to have made much of a dent at all. And so this is the single biggest item that I receive personal, public emails, text messages, people stopping me in places that I go about, and I'm sure the same is true for other commissioners, and it really needs to be addressed. And perhaps two things. One, something can be provided to commissioners well in advance of the next meeting and then a public-facing communication either by way of the newsletter or in the next commission meeting so that providers know what to expect and what's being

done to address this issue and solve it immediately. I see Commissioner Wright has been wanting to speak for a while. Commissioner Wright.

Jasmine Wright: Yeah, I would like to essentially chime in on Commissioner Reinhard's suggestion that there needs to be a workgroup with the investigators in on that. I think one of the big issues here is a constant frustration from the investigators about what's going on, what's happening, why isn't this happening? They don't understand why the agency can't get this right. Frankly, I don't understand why the agency can't get this right. And if they would be involved in this process, maybe they wouldn't be so damn frustrated. And so instead of the agency patting them on the head and saying, "Yes, we're trying this, and yes, we're working on this." Maybe if the agency involved the stakeholders in the process, then maybe we could work cooperatively as a group instead of the agency just saying, "Trust us, it'll be fine." So, I think the agency needs to involve the stakeholders to have some transparency in this process. And to be frank, I am with the investigators here. I am also tired of excuses. And in the next 30 days, the agency needs to put pen to paper and needs to come up with solutions. We're done. We need to come up with a solution.

Chair Jennifer Nash: And Commissioner Smith, I'm hoping what you're going to say is that the Governance Committee can help with this.

Addie Smith: Well, I think the Governance Committee is outside my purview. That's Susan, but I...

[Crosstalk 00:57:43]

Chair Jennifer Nash: That's right.

Addie Smith: ...in that good work. I was actually going to sort of say exactly what Jasmine just said, which is I think it's come up at meetings before that we should bring the stakeholders into the fold on the solution. And I strongly suggest that if we're going to request a plan come to us that actually solves this at the next meeting and we're going to wait longer, that in that interim period, there be workgroup meetings that include our stakeholders. I think we even heard testimony today about their strong desire to be a part of the solution. So, I would really like to take them up on that and bring in their expertise and their opinions on how we are fixing some of this.

Chair Jennifer Nash: Thank you. Director Kampfe, do you have any feedback or information that you'd like to provide us?

Jessica Kampfe: Nope, I heard the commission loud and clear.

Chair Jennifer Nash: All right, thank you. Mr. Amador, we interrupted your presentation. Did you want to continue, or would you like to move on? Is there other information that you think we need to know?

Ralph Amador: You know, I wouldn't mind going through the rest of the presentation so that we can get a fair assessment of what we're looking at.

Chair Jennifer Nash: All right, thank you.

Ralph Amador: So, we talked about the new... Hopefully, I'm still sharing. The new positions, it takes a while to hire these positions. These aren't highly desired positions and they're tough to do. It's manual work that is pretty grueling on them. So, here, as I just said, we put a recruitment out in May. We couldn't hire anybody till the end of July. Get them started at the end of July, then it takes 30 days minimum to get folks trained up on what it is to do because our stuff's pretty complex. And showing that the state temporary people were a little bit more streamlined than the other, but it just takes time where the state's not famous for getting people hired in a quick fashion. So, that's all we're doing to demonstrate here. Again, and we did lose one of our state temps today, this morning. So, we are actually trying to get out there and try and find another person to come on here. We've contacted hiring agencies and everything else, and there's just nobody out there who wants to do this work. So, we will continue to stretch forward and try and get folks that will happily do this work for us.

Our next slide is showing AP growth by fiscal year. I wanted to do this. So, for the fiscal year of 2024, and I use '21 through '24 because '21 was a lot of things happened change-wise here. So, we've had a 36% increase in the number of invoices that are processed by the agency. So, when we talk about... It's not the same workload, that sometimes is inferred that this is the same workload. We're doubling the amount of stuff that we're doing here and moving forward. 67,000 invoices is a lot. And two months into the fiscal year '25, I'm sorry, a month and a half in, we're already at 12,000 invoices as of yesterday. So, we're chugging along here. And these right here, the 67,000 includes both court mandated and PAE invoices. The court mandated take a lot more time to do than the PAE because it's just the amount of information that's there and complexity.

The next slide shows PAE growth. They've grown 22% in the period from '21 to '24. They're up to 33,000 invoices a fiscal year. And again, we're at a month and a half in, we're at 5,500 work requests that are coming in. And this is just to show context of the amount of volume that's actually happening as we're moving forward. Days to invoice – we actually track days to invoice. It demonstrates PAE approval, the success of invoice submission. These are the days, and this is for PAEs. So, not court-mandated anything. So, on average,

these are the amount of days it takes from when the work is approved to when we get the invoices. So, we have a bottom-line average of 115 days, and you can see how quickly things are getting turned around here. And just as of note, since July 1st, 2024, there have been 384 billing discrepancies of \$10 or more that require an adjustment notice. Once again, adjustment notice takes more time, and it slows things up. People don't lose their spot as long as they reply back to us, but we just have to do an adjustment notice to them, which is a little bit more work.

This slide shows the amount how... We're going to try and do more data-informed decision-making. So, we're starting to track the amount of work that's getting done by each individual employee. Since January through August, this is what's going on as far as what they're producing. I'll point out that Adilene Valdes, the first one, and Melissa Ceja, are the ones that are doing the attorney bills that come in the court-mandated and that's the yeoman's work. That's the tough stuff there. You'll see Sandra Jackson at the bottom is doing a lot of stuff there. She had little clips in March and April when she was out, but she has a lot of the stuff that streamlines a little bit faster. You see some blank spots. Those are the temporary people. Cristina Valdes is the one who we were... She's gone from us now. But again, this is the amount of work that they're putting out on a monthly basis. So, there's a lot. And again, we heard the commission, and I think that's all I have here. So, we heard the commission, and we'll take the charge that's been assessed to us, and we'll go forward.

Chair Jennifer Nash: I have a question. Why are there adjustment notices if they're not being audited on the front end?

Ralph Amador: So, we are doing... So, again, if there's a huge discrepancy notice, like if it's a large amount of money off or something's different, then they do change it. If it doesn't match, the invoice doesn't match, or something like that, then there has to be that. We just can't blindly pay whatever's submitted to us. But the auditing, the level of auditing has gone down tremendously. So, much that it's making the accountants uncomfortable or making them push through because they want to go through and make sure that everything's within policy. So, there has been a decreased amount of auditing that has been done to get things moving along with this stuff.

Chair Jennifer Nash: Well, I guess the other question, and you probably don't know this, but I'd like for you to answer later offline. That slide that you said said for \$10 or more, \$10 is not a lot. So, what's the average amount of the adjustment? I mean, I'd like some context for that, I guess is what I'm saying. Because if we're spending time going through bills for math to see whether or not someone is off \$20, that doesn't seem like a good use of anybody's time. If we're talking about \$400, that

might be different. But I mean, just... And don't hold me to those numbers. I'm just being hyperbolic. All right.

Ralph Amador: So, one thing I would add, we do have an extensive list that I didn't put down because I didn't want to put people's names on screen for vendors and stuff like that. But a good majority of these things is us paying more money out to people to adjust them up. So, that's the saving grace. We're not taking money from people. This is helping them out. Because, again, if we underpay folks, then we have to go back and redo them again, so that's additional work. So, some of this is by design so we don't have to redo work, but I'm happy to share that dashboard and that list with you so you can see exactly what we're doing. But I didn't want to put folks on blast with the information on the stuff. But I'll get you a more detailed answer, for sure.

Chair Jennifer Nash: All right, thank you. Are there any other... Oh, Mr. Reinhard.

Brook Reinhard: Thanks, just briefly. So, the new emergency policy went into effect, I think the end of June. And that was after, I recall, the commission was ready to make other changes, and the agency basically came up with a stopgap solution of the emergency policy. But are you following the emergency policy? Because it sounds like... I thought the emergency policy said you were not making changes or adjustments if there was those things. So, could you clarify?

Ralph Amador: So, we are following the emergency policies, and there are adjustments. I think that we had changed the level of adjustment on that, and I'll have to go back and recheck what it should do, but there are some adjustments. If there is to be no adjustments, then we can certainly do that. But I believe there are some adjustments that have gone through. I just don't have a detailed list right now, but I'm happy to provide that.

Chair Jennifer Nash: I think that might be helpful to provide that to the commission. It sounds like commissioners would like to take a look at that.

Ralph Amador: Okay. Will do.

Chair Jennifer Nash: Thank you. All right. We're a little behind. So, I'm going to try to... Well, I'm not sure how much time I can make up, but I'll do what I can. So, we'll move on next to the approval of the agency requested budget. Oh, that's Mr. Amador. And I will say to kind of preface this discussion, I realize that that was an absolute huge amount of material and that it was... I spent more time than I'd like to admit on it, and it was really hard for me to get through. And I provided the agency with a number of pages of detailed feedback, which I'm sorry, I've been gone for a family emergency and did not provide that to the remainder of the commission because I just forgot. But there are some just sort of technical

questions that I had and then some suggestions. And I know that other commissioners, I've seen emails from other commissioners who've also provided some feedback to the agency. So, with that, I'll turn it over to Mr. Amador.

Ralph Amador:

Thank you, Chair Nash. Ralph Amador for the commission and going back and sharing my screen one more time. I do have a presentation. There was a motion put before the commission that was in the information packet, and I do have a presentation to go over that budget and what we're asking you to approve. Hopefully, you can see my screen. This is for the agency request budget for '25-'27. You recall this slide, I shared this slide before, and I've circled where we are now. Throughout this process we've started, we went through all these different phases which are mandated by DAS. There are steps, there's procedures, there's a whole book that gets published, and we have to do calculations on each of these different steps to get to where we're going to get to now, which is at the agency request budget level, which is what we're asking you to approve today.

Main drivers for our budget are standard inflation, caseload growth, and policy option packages. Standard inflation is calculated at 4.2% just for personal services and just about everything else, but there's a 6.8% inflation that's added on to special payments and such and providers and everything else. So, there's a higher level of inflation that came to about an addition of \$35 million across the agency that's being added to the budget. Caseload growth, caseload growth was higher than 6.4%, but the addition, the \$38 million that was derived through the calculations, it's about 6.4% growth that's added for a mandated caseload. And mandated caseload, as I outlined in the motion, is the difference in the increase of the forecasts. So, we do a forecast, we say we anticipate this much growth from forecast to forecast. And we're allowed mandated caseload increases for trial criminal, for pre-authorized expenditures, and for court mandated expense. There's no mandated caseload for juvenile caseloads.

Our policy option packages were at \$759 million total funds. We had eight packages and requests, 139 positions, 90.53 FTE was in the packages. Our general fund increases, CSL over LAB was \$40 million, and LAB to ARB is \$804 million. So sizeable increase. And that gets us to our final slide, which is the agency request budget as it stands is at \$1.42 billion. And this is how it's broken up. The motion had a slide showing the amount of admin expenses versus what's gone out there, and we're at less than 4% of admin to request to run an agency at \$1.42 billion. So, that was the reason for that. So, this is what this is right here. So, that's the presentation on the agency request budget. I will say that it's not due till the end of next week, and we do have plans to run it through a final review. If you went through there, you saw pages that were intentionally left blank. There are a number of ORBITS reports, Oregon budget

reports, that are mandated to go in that report, which would increase it to about 900 pages.

We did not put those in because it's just a bunch of pieces of paper with lines and numbers on them, that a lot of budget people don't understand how they work, but they're required for the document to go in there. So, we're going to add those documents into the budget in the appropriate places for each area. And we're going to go through and have some... We have an expert in the agency who does rules and policies, who's going to go through the document and find glaring errors, grammatical errors, and errors that invoice and stuff like that too. Our budget team is still going to go through and recheck the numbers probably two more times to make sure of the numbers in there.

And Chair Nash, you did point out one of the numbers in PCRCP, which was a scrivener's error, it was a correction of the graph. I looked at it this morning and I said, "Oh, my word, why didn't I catch that?" Again, just for context, we did two weeks' worth of work that usually takes a month to do to get this out. Not an excuse, just an explanation of a combination of a lot of stuff being done to get this out to folks so that they can see. But the main issues that we want decision on are the total amount of the budget, the policy option packages, and just forwarding the document over. I can stop sharing at that point, and we can go forward from there.

Chair Jennifer Nash: Thank you. And part of the notes that I provided to the agency had some highlighted information that I kind of queued up for Mr. Amador that I thought was really appropriate for commission discussion regarding the substance of the budget. And the first item is the program prioritization chart that starts on page 90 of our commission materials. This is a spreadsheet that has a prioritization that's required to be provided to the Legislature of what programs we rank in priority order. And my concern or my comment was that there was a commission workgroup that gave some feedback to the agency about what priorities should be for the budget, and it does not look like what got translated into the spreadsheet was what we discussed.

Very generally, the discussion centered around the agency needing to prioritize programs that directly affect the unrepresented persons crisis as the highest priority, and then rank other programs under that, even though we agree and recognize that every program that we have is vital and critical and constitutionally mandated, but that those particular items, and specifically it would be trial level representation by contractors, the state Trial Division, and then hourly rate increases, which would be court mandated expenses would be the three priorities of the agency because those would be the three programs that directly touch on the unrepresented persons crisis. And that's not how they're ranked on their prioritization. So, I wanted to open that up for discussion

with commissioners and discussion with Director Kampfe. Any comments, questions, concerns, feedback from commissioners about that? I don't see Commissioner Harris, maybe he... Oh, Commissioner Smith.

Addie Smith: I mean, I would just say that I think that was a difficult conversation and difficult to get us to the point because of exactly what you said, Chair Nash, that all of these are really important programs that we all stand behind. And of course we would know that I would be shouting sort of juvenile from the rooftops. And it's something that historically has been an area of growth for the commission to give the executive director this direction so that when those tough decisions have to be made, it's a clear and easy choice for her. So, I would just like to see them reflected also because I think it will make everything easier. And the more transparent we can be about all of this, the sooner, I think the better, and the better able to continue to rebuild our relationship with our budget partners in the Legislature, to state the obvious.

Chair Jennifer Nash: Commissioner Parrish-Taylor.

Jennifer Parrish-Taylor: Yeah, I just really want to underscore that the Legislature is going to want to know how are we spending the money and why because a budget is a reflection of your values. And so I think the more that we can be transparent about that and have a strong rubric of why we are prioritizing the things that we are will help us make the argument when we come to ask for money, why it is we're asking for that money, and why the amount is the amount. And I think those conversations are going to get increasingly more difficult if we're not able to do that with specifics.

Chair Jennifer Nash: Thank you. Any other feedback or comments? Commissioner Harris.

Rob Harris: Thanks. Yeah, we did have the discussion about prioritization and being a little more specific in what we're asking for. I do see that the first priority is funding for legal representation. Well, I don't know if that's precise enough. And we had, I thought, a very productive conversation about the priority. I would prefer that the Legislature follow our recommendation more specifically when it comes times to what they're going to approve and the funding levels they're going to approve for these different POPs. And this is a micro shot of a discussion we had, I think, with you, Chair Nash, and Director Kampfe. I agree with you that we need to be more specific on this, more targeted, more transparent on what this priority is in smaller chunks rather than the \$757 million is our priority.

Chair Jennifer Nash: I don't think we can do that because that's the program. This is by budget program. So, I mean, that's the big number and certainly there are some breakdowns within that. But I think we can describe it better. And I also think that if you look, I don't know, six columns over or something, the priorities, the

way they're ranked now just so people don't have to go through the materials, is the trial level representation, the state public defenders is number two, juveniles is number three, PCRPA is number four, appellate is number five, hourly rate stabilization as number six, preauthorized expenses as number seven, guardianship and conservator as eight, CAP is nine, and then agency operations as 10 and 11. And to put a very fine point on it, what I'm saying is that what we have ranked as number six needs to be one, two, or three. It needs to be ranked above juvenile, unfortunately. And I'm in the, I mean, we all are in the same position as Commissioner Smith expressed. Juvenile representation is hugely important, but there aren't juvenile cases that are appearing on the unrepresented persons list, and so we have to make that our priority. It is our priority, and we have to have our budget reflect that that's what our priority is. Any additional feedback or comment from the agency?

Jessica Kampfe: We can retool the list, so we will work to do that.

Chair Jennifer Nash: Thank you. The next item is similar. My feedback item is that if we have to cut the budget 10%, how do you want it to be cut, and what would the impact be? And my feedback was that every one of those cuts to direct level, direct representation, or PAE should all be linked to the unrepresented persons crisis. If you reduce this, the number's going to grow. Right now, it makes reference to cases will be dismissed. That's not true in all of the counties except one. Only one county is dismissing cases right now. Or held in abeyance, we don't know if that's true. What we do know is that the numbers of people who don't have lawyers will grow if we don't have more money. So, my comment was simply that our budget really needs to reflect our values and the comment about if you cut our budget, it also needs to reflect that it's going to affect the unrepresented list because I think that's critically important. Any additional feedback anyone wants to give about that? Okay, looks like no.

And then the next thing that I talked about, and this is something I think the commission really needs to weigh in about is on POP 102 and POP 105, I think it is. Yeah, we have to show our math. So, we show the formula. This is how we're getting to the rate that we want to be at. It's a story problem, but it's a story problem without any actual numbers, and then there's a final number. And I think that what we run the risk of is that's a really big number at first glance, but then when you do division, it's not. So, when you do the actual math, it comes out to \$165 an hour or \$198 an hour, depending on whether you use 2,080 hours or 1,578 hours. And that's consistent with our other mandates that we've talked about. And so we've got to show our math so that we're very transparent and we can justify that number. Because if you give this number to people who are... I was going to say non-lawyers, but even lawyers, and you say 343,000, that's, "Really? I would love to have a job that makes that much money, blah, blah, blah, blah." When you break up the math and how it works out, it's

much more defensible and much more understandable. So, I'm a firm believer, and I'm really asking for guidance from Commissioner Buckley at this point in showing your work and being able to say this is where we get those numbers.

Peter Buckley: I totally agree with you, Madam Chair. To set it out would be very important because just seeing the big number, it gives that sticker shock, and it just kind of blows it away. But if you can show that step, I think it'd be very helpful.

Chair Jennifer Nash: Any other comments or suggestions from the commission first? Okay, what about the agency? Are there concerns or questions that you have for us about that? Okay. And then I had a question, really, and it's kind of a bigger issue too, about POP 105, and that is that the hourly rates that are included in POP 105 are numbers that I don't think we've seen before. They're lower than the hourly rates that we adopted, and we didn't make a distinction when we adopted those hourly rates between juvenile and adult. And I'm wondering, A, why those numbers are in there, where they came from, and B, I want to make sure that your budget numbers accurately reflect the 230/205 numbers as opposed to the lower numbers that appear in the juvenile hourly rate, which I don't know where they came from. And if you need me to be specific about what I'm talking about, I can find the page if you need me to.

Jessica Kampfe: Chair Mandiberg, or I'm sorry, Chair Nash, I know you had sent those comments to us yesterday, so we're certainly looking into it right now, and I have asked Mr. Amador to share them with the staff so that we can have an all-hands-on-deck approach to looking for the answers for you.

Chair Jennifer Nash: Thank you. And then Mr. Amador already addressed the 800% math error that was [Laughter] in the PCR budget. I was like, "What is this?" It had me so confused. So, I don't think we need to talk about that. Are there any other comments that anybody else had about the budget, or questions that people have about the budget? Commissioner Mandiberg.

Susan Mandiberg: Well, first of all, I want to thank you for taking the time to be so detailed about what's going on in this. And I'm embarrassed that I didn't, but part of it is I didn't have the time. I know you're super busy, and so I can't imagine where you found the time. And so I'm wondering if there's a way that we can get information that doesn't require us to sift through, I can't remember how many pages there were in this report, for someone like me who is not used to dealing with budgets and complicated, for me, budgetary documents and graphs. It's a lot to take in. And the amount of time that we have to do that is so limited that I think most of us can't do the kind of fine reading that you so impressively have done.

I don't know what to do about that. Obviously, these documents are important, but your comments clearly show me that we need to be able to have some

more supervisory time to deal with these things. And I'm wondering, and I know I've mentioned this before to some people, I'm wondering whether it would be better for us to have a budget subcommittee of people who are really very good at reading these kinds of documents. I suppose I could get trained, but that would take more time than we have as well. So, I know there are a couple of people on the commission who do have that expertise, in addition to you. And I'm wondering if a budgetary subcommittee that could review these documents before we have a commission meeting would allow us to be more fine grained and also more efficient.

Chair Jennifer Nash: I think that makes a lot of sense. And one of the very first suggestions I made to the agency is that in July of 2026, instead of August of 2026, we need to have this document because there's no time really at this point for any meaningful feedback. So, it needs to all be back at least a month. Which I realize it puts a burden on the agency, but we've got two years' notice now. So, we can cue that up. But I think your point is very well taken and a budget subcommittee is a very good idea because there's also been some feedback that we've received, preliminary feedback that we've received about the budget, just based on the information that was presented in the public materials, from the legislative branch about questions about methodology, about why things were done the way they were, etc. And those issues could be, I think, also addressed more effectively in a smaller budget subcommittee. So, after the meeting, and I'll take volunteers for that. And if you don't volunteer, I have some ideas. Director Kampfe.

Jessica Kampfe: Thank you. And I would just note that the next time that we go through this budget build process, we will be in the executive branch of government. So, the timelines that we're working with now are going to change. We've been shadowing the executive branch timelines, but we have not been strictly adhering to them because we're not under the executive branch at this point in time. So, when we think about when the ARB will need to be presented to the commission, I actually think that July is way too late. Next time around, I think we're going to be looking at pushing things back significantly to adhere to those timelines.

Chair Jennifer Nash: Right, thank you. I forgot about that, probably on purpose. Commissioner Smith.

Addie Smith: I think the idea of a subcommittee is really great. I would love the subcommittee that brings that expertise to the table to be both outward-facing budgets and inward-facing budgets. So, I know I'm often overwhelmed with the presentations we're getting about what's in the red and what's not. That's not my area of expertise. So, I'd love if that subcommittee's scope included not just forward-looking budget requests, but also the budget spend-down that's happening within the agency. And then, at the risk of getting sort of elbowed in

the ribs, I would happily volunteer the Legislative Subcommittee do a joint meeting at the time that we're reviewing budgets to go to the Legislature, to the extent that the chair of the budget subcommittee would find that helpful so that we can sort of both make sure the numbers are right and accurate, but also talk priorities and framing sort of collectively because I know that can become a big part of the legislative work of the agency. So, maybe joining forces for those meetings could be helpful. So, I would offer that to the extent that it seems like a good idea.

Chair Jennifer Nash: Perfect, thank you. Commissioner Lininger.

Tom Lininger: So, I just wanted to share my view that the Legislative Subcommittee has already met, I think, four or five times this summer, and I've attended all those, but I'm at sort of the maximum of my ability to commit to further subcommittee meetings. So, I like Commissioner Smith's idea of sort of a one-time, if I understand correctly, collaboration, but I just wanted to share my thought that I think the Legislative Subcommittee would not be able to take on the entire task of budget review that Commissioner Mandiberg described.

Chair Jennifer Nash: Thank you. All right, at this point, I'm going to call for a motion, but before I do that, is there any additional feedback or concerns about moving forward with the adoption of the budget from commissioners? All right. Oh, sorry, Commissioner Buckley.

Peter Buckley: Sorry, just a clarification, Madam Chair, that the motion would be for adoption of the budget as amended with your suggestions. Then I would so move that.

Chair Jennifer Nash: Yes, thank you. And is there a second? All right, Commissioner Parrish-Taylor seconds, and we'll do a roll call vote. Mr. Deitrick.

Eric Deitrick: Commissioner Nash?

Chair Jennifer Nash: Yes.

Eric Deitrick: Commissioner Mandiberg?

Susan Mandiberg: Yes.

Eric Deitrick: Commissioner Parrish-Taylor?

Jennifer Parrish-Taylor: Yes.

Eric Deitrick: Commissioner Buckley?

Peter Buckley: Yes.

Eric Deitrick: Commissioner Selander?

Bob Selander: Yes.

Eric Deitrick: Commissioner Harris?

Rob Harris: Yes.

Eric Deitrick: Commissioner Lininger?

Tom Lininger: Yes.

Eric Deitrick: Commissioner Smith?

Addie Smith: Yes.

Eric Deitrick: And that's all that's present.

Chair Jennifer Nash: Thank you. All right, we'll move on next to approval of the September E Board requests. Director Kampfe.

Jessica Kampfe: Thank you, and I believe that Lisa Taylor is going to be helping to support for this presentation. At our last commission meeting, the commission directed the agency with regard to five different requests for the September E Board. And so following up on that direction from the commission, we have submitted a letter of intent to the Emergency Board, letting them know that we would be coming to them with requests to add 25 additional MAC, add within the agency two assignment coordinators, create a new Southwest Trial Division office, add agency staff, which would be the accounts payable staff, those temporary employees that you saw displayed on Ralph Amador's slide earlier, as well as two IT positions, and a submission around our Temporary Hourly Increase Program, THIP, which would be two pieces. One part is to update the Legislature on the costs associated with the extension that went into effect from June and expires on December 31st. And then the second portion of the request is an additional extension of that program from the end of this calendar year to the end of the fiscal year. So, January 1st to June of 2025.

We've had an opportunity to seek advice or seek direction from LFO, and we are continuing to refine the letters. We were most recently able to talk with them yesterday. And so incorporating that feedback to be able to turn over the best product possible. With that in mind, the letters that we're presenting you today have not yet fully incorporated that feedback that we received yesterday. And

so we may be making some modifications to better retool the letters, and they are due for submission by Monday morning, so that is our deadline. I believe Lisa created a memo for us to walk through, so I'll have her do the screen share. Can you all see the memorandum that is up? Okay, great. So, this before you, you have an action item today regarding our requests for the Emergency Board. The requests pertain both to our organizational structure and to the unrepresented crisis, and they are due to the Legislative Fiscal Office by Monday, August 26th.

We are asking for a number of different things in these letters. So, the first one is the organizational structure request. The majority of this is not going to be new monies that we're asking for. This is cleaning up our organizational structure using certain budget tools like Package 60 to move positions from one part of the agency to another part of the agency. And this is an important step that we need to take in order to have clarity on our current service level budget when we move into the next biennium. So, we would be moving miscategorized positions to their correct place, moving positions into new sections to meet the agency's needs better, creating new sections within existing divisions to better define the work, reclassifying positions within the agency that are able to be reclassified at a zero cost, requesting positions that have a cost savings to the agency from a reclassification.

And the new positions that would be created through that process would be three program analyst four positions for the Adult Trial Division. This is a really key thing, and you'll see the organizational chart later today, but this will help us to get our program analysts properly situated in the Trial Division so that we can build out a separate procurement section. So, this is really key for the agency being able to separate the work that CAP does from the work of procurement. And a manager three for the executive division. Initially, when we talked with the commission, we had combined this request with the – sorry, Lisa, I can't quite see, all right – we had recombined this request with an agency staffing request. With direction from LFO, we learned it would be a lot clearer if we kept the reorganization separate from the staffing request. So, we're breaking this out into two different asks.

And so the staffing request would be a \$1 million request. It would be against the executive SPA, and we're looking for agency staff to backfill accounts payable as well as for two positions within our IT department, so the chief data officer and the systems auditor. I think you've got... Okay. So, our next request is for the...

Chair Jennifer Nash: Why don't we take these one at a time...

[Crosstalk 01:38:40]

Jessica Kampfe: Okay.

Chair Jennifer Nash: ...is action item. But before we do that, I have a question. Are you asking in the executive division for a manager three position or a manager four position?

Jessica Kampfe: I believe it is a manager three position.

Chair Jennifer Nash: Okay. Because I noticed in the budget, I pointed out there were two different. It had it in one place on three and one place of four, and I'm guessing this is the same position.

Jessica Kampfe: Right, we'll make sure that that's consistent.

Chair Jennifer Nash: Okay, perfect. All right, are there any questions or any concerns about, I'm just going to call it the Package 60 organizational structure requests? All right, given that there's no questions, I will ask for a motion, if one is going to be made to send a request to the E Board for the Package 60 organizational structure request. Commissioner Buckley moves. Is there a second? Oh, Commissioner Parrish-Taylor seconds. All right, we should have a roll call vote.

Eric Deitrick: Commissioner Nash?

Chair Jennifer Nash: Yes.

Eric Deitrick: Commissioner Mandiberg?

Susan Mandiberg: Yes.

Eric Deitrick: Commissioner Parrish-Taylor?

Jennifer Parrish-Taylor: Yes.

Eric Deitrick: Commissioner Buckley?

Peter Buckley: Yes.

Eric Deitrick: Commissioner Selander?

Bob Selander: Yes.

Eric Deitrick: Commissioner Harris?

Rob Harris: Yes.

Eric Deitrick: Commissioner Lininger?

Tom Lininger: Yes.

Eric Deitrick: Commissioner Smith?

Addie Smith: Yes.

Chair Jennifer Nash: Thank you. All right, the next request.

Jessica Kampfe: Commissioner Nash, before you move on to the next request, I think that would be whether or not the commission is authorizing us to make the second portion of this, which is the request for agency staff against the executive SPA. So, this is a request for two IT positions and the accounts payable staff. And so this had originally been combined as one request with the re-org, but after consulting with the Legislative Fiscal Office, we wanted to increase transparency by breaking it into a separate request. So, this is a request that we're making against the executive SPA. We do have some questions about whether or not the AP staff will be allowed to be made as a request against the SPA, or if it would have to be a general fund request, and we're working through that question right now.

Chair Jennifer Nash: All right, thank you. I had intended to combine those, but I didn't. So, yes, is there a motion to approve the second part of the request as outlined by Director Kampfe?

Peter Buckley: So moved.

Chair Jennifer Nash: All right, Commissioner Buckley moves. Is there a second? [Laughter] Commissioner Parrish-Taylor second, but she hasn't even raised her hand. So, Commissioner Parrish-Taylor, second. And we'll need a roll call vote.

Eric Deitrick: Commissioner Nash?

Chair Jennifer Nash: Yes.

Eric Deitrick: Commissioner Mandiberg?

Susan Mandiberg: Yes.

Eric Deitrick: Commissioner Parrish-Taylor?

Jennifer Parrish-Taylor: Yes.

Eric Deitrick: Commissioner Buckley?

Peter Buckley: Yes.

Eric Deitrick: Commissioner Selander?

Bob Selander: Yes.

Eric Deitrick: Commissioner Harris?

Rob Harris: [Distortion 01:42:00].

Eric Deitrick: I didn't hear that, but Commissioner Harris is fine, Chair Nash?

Chair Jennifer Nash: I did not hear him, and I do not see him logged on right now.

Eric Deitrick: Okay.

Chair Jennifer Nash: Commissioner Harris, are you there?

Eric Deitrick: You're right. I don't see him logged on anymore.

Chair Jennifer Nash: Okay.

Eric Deitrick: Commissioner Lininger?

Chair Jennifer Nash: Oh, he says he's here. We don't see you, Commissioner Harris. All right. It sounds like there might be some technical problems.

Eric Deitrick: Okay. Commissioner Lininger?

Tom Lininger: Yes.

Eric Deitrick: Commissioner Smith?

Addie Smith: Yes.

Chair Jennifer Nash: All right, thank you.

Jessica Kampfe: Thank you. The next request is for 25 additional MAC. So, the commission has heard previously that we do have existing savings in our trial criminal budget because we have MAC that exists in the system that aren't filled right now. We've been working with providers and have pending requests to fill the MAC

that exists currently in the system. And so we are expecting that public defense providers will fill the existing MAC within the system. We have also heard from providers that if this request for 25 MAC moves forward, that they would be able to hire to fill it, primarily looking at lawyers that graduated in the spring that sat for the bar this summer and would be certified in the fall to practice in Oregon, as well as with applicants for the SPPE program. And so this is an additional 25 MAC coming into the public defense system, and this request is something that we did identify in the plan that we submitted to the Governor. It would be a general fund request of about 4.2 million.

Chair Jennifer Nash: Are there any questions or concerns about that request? All right, I don't see...

Lisa Taylor: Chair Nash?
R:Yes.

Lisa Taylor: I do have at the bottom of this – first of all, Lisa Taylor, government relations manager – I do have some discussion points at the bottom of this memo about potential other funding sources. And Director Kampfe, I was just wondering if instead of taking these next items one at a time, we want to discuss those other options before we move forward with the approval.

Chair Jennifer Nash: Sure. I mean, on the screen, we're only seeing like one third of your letter because it's not...

Lisa Taylor: Oh.

Chair Jennifer Nash: Yeah, so it's this tiny little.

Lisa Taylor: Yeah. I can zoom out or... This was the discussion. It was just about other SPA funds that could potentially be available and commission savings. So, after we discuss this, and if we were given direction by the commission, we would edit the letters to, instead of requesting general funds in some situations, request SPA funding. And I just didn't want us or the commission to be approving the letters without having that discussion first.

Chair Jennifer Nash: I guess my question then would be to give us some suggestions and direction about how it is that you would think we would be best suited, what funds to use. I mean, I know that the preference obviously is for us to use existing funds or SPA funds before we ask for general funds, especially because there's such a limited period of time, and we're always going to the E Board asking them to give us money. So, if we already have money for these or we can access them through a SPA, that would probably be the better way to go than to ask. So, can you give us more information about that?

- Lisa Taylor: I can, or Director Kampfe, if you'd like to. We could also go through the remaining requests and then discuss them at the end. Because we have limited SPA amounts, all of the SPAs are related to each other. So, one of the biggest changes that could potentially be made would be instead of withholding the 5 million SPA for potential use in December for the THIP extension, if we were to release that now to use it on these 25 additional MAC. So, I'm happy to go over that. I'm not sure. It might make the most sense if we went through all the requests and then discuss the SPAs as a whole, but maybe I'm not explaining that well.
- Chair Jennifer Nash: No, I think you are. I think it might make sense to before we talk about the specific request. Because we're familiar with the requests. We're just here to approve them. So, we've talked about this before. So, it might make sense for you to talk about the SPAs that are available so we can make some value choices about that before we talk about the individual approvals that need to be made.
- Lisa Taylor: Yeah, Director Kampfe, sorry to throw off the...
- Jessica Kampfe: No, that's wonderful. Thank you very much for jumping in to talk about it. When I had said that the request for the 25 MAC is a general fund request, that is how the letter is currently structured, without having a discussion about whether or not we should adjust the resources that we're asking for. So, it may be helpful to have Lisa walk through a summary of the two SPAs that currently exist and what we could potentially do with those resources.
- Lisa Taylor: Yeah, so to kind of start out here. So, of the requests that we're looking at today, the requests total 7.2, almost \$7.3 million in requests to the Emergency Board; 6.2 of that is in general fund requests while a million of that is from the special purpose appropriation. So, as written, only that \$1 million staffing request that you just approved would come from a special purpose appropriation. However, the agency does have SPAs still available. We have all 6.2 million of the SPA which is being held for... Well, it's the public defense contingency SPA. And at this time, \$5 million is being held by the Emergency Board for the THIP extension. However, as you'll see when we talk about our THIP extension, if we're able to rebalance in December, we can cover those THIP costs through existing non-THIP court mandated expenses savings. And so we could potentially request that the E Board release all of the \$6.2 million SPA to fund the remaining general fund requests, which would be the 25 MAC for 4.4. And then the remaining... Oh, I'm so sorry. I just forgot what the fifth request was.
- Female: The Southwest office?

Lisa Taylor: Yeah, no, the additional assignment coordinators. With the Southwest office, we could use the 1.2 million remaining of this general use SPA, of the 5 million, and then potentially fill that \$640,000 gap with agency savings within the pilot program.

Chair Jennifer Nash: So, I have a technical question for Mr. Amador, really, I guess. So, THIP money is court mandated expenses. Adding 25 MAC is adult trial. So, wouldn't that also require a rebalance request at the same time because you're moving money from one bucket to another?

Jessica Kampfe: Right now, the THIP extension money isn't in a bucket because it's still in a SPA. So, it hasn't been released to us and filtered into our budget bucket. So, right now it's being held for THIP. As Mr. Amador's been showing during some of the budget presentations, we may have some agency savings in our court mandated expenses. If that were to be rebalanced in December, then we may be able to cover more of the THIP costs and not need to dip into that SPA to cover THIP. In which case the SPA funding could cover some of the other requests, specifically the 25 additional MAC, which is 4.2 million, and a large chunk of opening the Southwest Trial office, which is 1.8 million. It wouldn't cover all of the Southwest Trial office, but it could cover a significant gap. And then because our Trial Division...

And Mr. Amador showed you all some of the savings that are in Trial Division right now because we were authorized to hire those 4002 positions starting on July 1st is when the position authority came online, but we're recruiting for them. And so a lot of those folks will probably have a start date in September. So, we've got sort of three months of vacancy savings there that could potentially be repurposed to cover the gap in cost on the Southwest office.

Chair Jennifer Nash: I think I would like Commissioner Buckley's input about whether it makes sense to take the \$5 million that's been allocated for THIP now, and then come back to the E Board if it turns out we don't have the funds that we think we do in December and ask for additional funds, or if it makes sense to leave that \$5 million sit there until the December E Board, and if we don't need it, come back and ask for a rebalance to be able to access it then.

Peter Buckley: Well, I'd be interested to hear what LFO's recommendation was if this was discussed. I mean, in my experience on E Board, typically we'd want to use the SPA first and then deal with the other issues later on. But I'm not sure whether LFO has a specific idea for that SPA or not.

Chair Jennifer Nash: Well, and Director Kampfe and Ms. Taylor can correct me if I'm mischaracterizing this, but I think what LFO would say is we only have \$20 million in the E Board and there's a bunch of people asking for it. And if you

have money of your own, you should use the money you have. Is that an inaccurate characterization?

Jessica Kampfe: No, I think that is very accurate. The E Board has a lot of pressures that it's facing, especially with the wildfire season, and so general fund dollars coming through the E Board are very scarce. If we have an ability to self-fund things, we should be self-funding them. I think one of the questions is around timing. We wouldn't be able to rebalance. We would need a lot of help and support from LFO to be able to do this rebalance. It is not an easy task. And they have been working with us for a long time to try to get more transparency and accountability in our budget allocations and how we're spending down that money. So, we would need to partner with them to do the rebalance. And we would be making decisions in September based on a rebalance that could occur in December, but we don't have a guarantee that the rebalance will occur in December. I mean, it could be the case that the December Public Safety Subcommittee of Ways and Means does not want to authorize us to do a rebalance. So, there's a little bit of a gamble there with the timing.

Chair Jennifer Nash: What's the agency recommendation?

Jessica Kampfe: The agency's recommending that we build into the request the ability to self-fund as much of this as we possibly can. So, we would want to ask to use the SPA funding for the MAC, the 25 MAC, and for the Southwest office, and then submit a rebalance request to try to cover the THIP piece of it.

Chair Jennifer Nash: Does anybody have any questions about that, follow-up questions or concerns or questions about the agency's recommendations? I see Commissioner Parrish-Taylor thinking.

Jennifer Parrish-Taylor: Yeah, I mean, I think personally I have some anxiety in that I heard a lot of maybes. And so I would much rather hear, "Yes, we can do this thing if this thing happens." We heard a lot of like, "Well, we might be able to cover the cost if this happens." And it just feels like there's a lot of dominoes that need to go perfectly for things to work out, and that doesn't sit well with me. And so I'm just thinking through what are the contingency plans if those dominoes don't hit, and you're not able to cover costs? Because what I don't want to have happen is that we ask for all of our money and then we're like, "Shoot, we actually need more." We're not going to get it. So, I think figuring out the sequencing is going to be really important, and I'd like that to be tightened up if possible.

Chair Jennifer Nash: I think that's a really good point, and that's kind of where my... I'm certainly in the same... I'm fiscally conservative in that regard. It's like I don't want to spend money now that we might not have later, especially related to THIP because

that has been the single most successful program that we have to reduce, at least to keep growing the unrepresented. We can't not pay those bills.
Commissioner Harris.

Rob Harris: Yeah, I think you just stated, both Commissioner Parrish-Taylor and Chair Nash stated my real concern here is we know THIP works. If one of our main issues is the unrepresented crisis and that it not get worse, then I think having money available to make sure we have that THIP extension has to be a high priority. I don't know about these 25 MACs. I don't know where they're coming online or when they would be ready to go, and so it's a gamble as to the capacity that those folks are going to be having. Same with the new trial level office. If history is a guide, it's going to take a while before they even take cases, where we know THIP will take cases.

We do have the people willing to do the work at that level. That's the gamble I think that was referred to, and that's the risk that we referred to. My preference, and I understand, spend the money you have now before you go back and ask for more. I get that. I get that. But on the flip side, it's what if we don't get the rebalance or we don't get general funds and we commit to these MAC and the Southwest office and those funds are allocated and now we lose THIP, and the crisis gets worse? And if the priority is the unrepresented crisis, THIP has been very successful. It also can be in any county. It's not just where you add your MAC. It's going to be because these lawyers are willing to take cases in most counties, I suppose. So, it gives more flexibility to address the crisis and it's more assured to address the crisis. You can do it however you want, but it is a risk to use the SPA money for MAC and opening an office.

Chair Jennifer Nash: Commissioner Smith.

Addie Smith: Lisa or Peter, can you talk a little bit about how all of this is or is not affected by December E Board and December E Board requests?

Peter Buckley: Again, I think you'd have to have a very clear and transparent path that LFO has given thumbs up on. I think we'd have to say, "This is how we're approaching it. We're going to use the SPA dollars here. We're counting on our rebalance here. If we don't get the rebalance in December, our plan B is..." whatever it is. If plan B is we don't have THIP, then as has been pointed out, that's not a viable plan B. Boy, a lot has to do just with the relationship. If LFO is backing what we set out in using the SPA and having a plan B, and if LFO will back the plan B, we should be fine in December E Board. But if LFO has concerns or does not back the plan B, then we risk losing possibility of the THIP funding.

Addie Smith: And Peter, is it too simplistic to think that the backup plan could just be to ask for the needed funding, not as a rebalance, but as part of a E Board request in

December? So, that could be a backup. We're not going to ask in September because we think we've got this covered, but you should know that if sort of all of these puzzle pieces don't fall together, we're going to have to ask in December. So we all see that coming.

Peter Buckley: Yeah, you have to spell it out just like that so it's really clear what the decision is.

Addie Smith: Okay. Thank you.

Lisa Taylor: Yeah. And if you've taken a look at the THIP letter because we combined them, we were really trying to make it as clear as possible of here's how much this six-month extension from July through December will cost, both from PAE and CME. Here's how much the extension from January through June would cost, both in PAE and CME. Here are our savings in the CME and PAE non-THIP budgets. And here's how this would all work out if we were able to rebalance. But as you can see here, if we weren't given a rebalance in December, those projected THIP costs through the end of 2025 fiscal year would be 8.8 million. And if we had the SPA left, that would mean we were requesting 2.6 million in December. But if we do in fact ask for that SPA money in the September E Board, we would have to come in with a \$8.8 million request in December if they weren't going to do a rebalance. Again, with a \$40 million E Board budget, I believe, and fires.

Chair Jennifer Nash: Well, let me ask a question. So, if we go in and we ask for the SPA access and we tell them exactly what the situation is, we're trying to be accountable, transparent, live within our means. We probably can't, but we want to use this money first. But you need to know that if we use this money, we're going to come back in December and ask for...and also ask for authorization of the program to continue through the end of the biennium. We're going to have to come back and ask you to fund that. They could say, "We're just going to give it to you in general funds now." Or they could say, "Yeah, okay, we get it." I mean, right?

Peter Buckley: Yeah.

Chair Jennifer Nash: Okay. So, all right, that's helpful. Commissioner Mandiberg.

Susan Mandiberg: Yeah. The point about the MAC being tied to specific counties where THIP is more flexible, the other part about the MAC is if you're thinking about using it for newly minted lawyers, whether they're bar passage or the other approach, those new lawyers will only be able to do misdemeanors, whereas THIP money can be used for felonies. And aren't we prioritizing, if I can remember all of that, aren't we prioritizing THIP lawyers going to felony in-custody people? Or at least

a lot of those priorities involve felony people. So, if we're running out of THIP, how do we deal with the felony versus misdemeanor issue?

Chair Jennifer Nash: Yeah, I mean, that's a good point, but I'd also say we're just sort of kicking the can down the line because if we don't have new lawyers in the pipeline, then in nine months, a year, we're going to be talking about we don't have any lawyers. We've lost lawyers on the other end, and we don't have new lawyers coming in.

Susan Mandiberg: For sure, for sure. And so I guess I'd like to hear how those arguably inconsistent needs fit into how we do this.

Chair Jennifer Nash: Sure, Director Kampfe.

Jessica Kampfe: Thank you, that's a great question. Both of these components were part of our plan to the Governor for just that reason. The continuation of THIP maintains sort of status quo, and we're taking about 200-plus cases every month under the THIP program. So, should that program expire, we would see a significant increase in the in-custody unrepresented cases or Betschart releases. We would see one of those two things increase significantly by about 200 cases a month. In terms of building the capacity to move us out of this crisis, bringing in that class of new lawyers and being able to train them up is the other piece of it that we've put in the Governor's plan. And if we look at the unrepresented numbers overall, the majority of unrepresented are misdemeanor and C felony cases. So, there is a real need to address that, and that bringing on those new lawyers would be an opportunity for us to start making progress on the misdemeanor, minor felony unrepresented numbers while the THIP does target the other end of the spectrum.

Susan Mandiberg: Thank you.

Chair Jennifer Nash: Commissioner Reinhard.

Brook Reinhard: Yeah, I guess I think this is a tough decision because THIP is obviously a plug and play for getting felony cases taken care of and misdemeanors. I would just say that for recruiting new lawyers, whatever we can do to increase predictability so providers know in advance. I finally had some unexpected vacancies and hiring now is almost impossible, whereas I had finalists back in January for this year's hiring class and I didn't have an agency commitment to spend the money, so I didn't hire those people. And of course, when I came back to them a few weeks ago and said, "Are you still interested?" They had other jobs. So, the big thing in my view for funding for more positions is knowing predictability in advance and having the agency commit to that because from my perspective, it's not very helpful to give me money now. It's very helpful to guarantee money in January for that next September. So, I know that's not quite what we're talking about,

but I just wanted to throw that out there. From my perspective, planning in advance is how we keep these great law students from leaving to other states or other careers that are not public defense. It's too late if we're talking about it in August and September.

Chair Jennifer Nash: All right, to try to kind of bring this discussion full circle, what I'm going to do is I'm just going to ask each one of the commission members to tell me their preference if you want us to move forward with asking the Emergency Board for all new money, which means general fund money to fund these programs, or if we want to restructure the letters to ask for access to our existing SPA where appropriate, and then making it clear in the letters that if we don't have the funds available, we're going to have to come back in December and ask for additional funding. So, I'll start with Commissioner Reinhard.

Brook Reinhard: I don't think I should be stating a preference since I'm becoming a THIP provider in six weeks. So, I'd like to abstain from this.

Chair Jennifer Nash: Thank you, and I also realized that you probably have a conflict because you are a public defender provider who might be able to access those funds to hire people. So, thank you for reminding me of your conflict. Commissioner Smith.

Addie Smith: I think it's my preference that we work closely with LFO, continue to build that relationship, and build that trust by using the funding we currently have, as tough of a decision as it is.

Chair Jennifer Nash: Thank you. Commissioner Harris.

Rob Harris: And I'm not sure how the numbers would actually work on this but actually I think that we should reserve \$5 million for the THIP out of our SPA money because I think it's such a vital program. And while I agree that building a workforce with entry-level, whatever, folks, is a long-term solution, the Governor's focus, the Legislature's focus has been on short-term solutions. And if we tell them, "Look, you wanted a short-term solution, this is it. We need this money." And I don't know whether you can do a letter to the E Board like in the alternative, and like Commissioner Smith says, work with LFO, say, "This is our preference because we know this works. If you want to prioritize this, this is what you need to do and give us new money. If you choose not to do that, this is what we're going to be doing." So, I guess that's... I don't know if there's any way to do it in that structure, but I think that the THIP funding is so important for the unrepresented crisis that it has to be earmarked.

Chair Jennifer Nash: Thank you. Commissioner Mandiberg.

Susan Mandiberg: I think this is tough. I think I'm convinced by what Commissioner Smith said. As long as we can make it clear that we will be coming back with a request for more money for THIP if all the ifs, ands, and possibilities don't work out. Like a couple of you have said, I'm very nervous about depending on things that may not happen, but I think there we're depending on things that may not happen either way with this. So, I guess using the SPA money, but making it clear that we'll come back with another request in December if we need to, is the right way to go.

Chair Jennifer Nash: All right, thank you. Commissioner Buckley.

Peter Buckley: I agree with Commissioner Smith. Using the SPA, making it very clear where we are with THIP, and that THIP is a priority that we'll need to address in partnership with the Legislature in December.

Chair Jennifer Nash: All right. Commissioner Lininger, thank you.

Tom Lininger: That approach makes sense to me. I think we preserve our credibility by using existing money to the maximum extent. So, I'd support the idea that we rely on the SPA but be clear about how important THIP is and how we'll need further funding for THIP.

Chair Jennifer Nash: Thank you. Commissioner Parrish-Taylor.

Jennifer Parrish-Taylor: I think I'm also in agreement. Often what I hear from legislators when I'm advocating is essentially what is the return on investment, and so I think we need to be very clear about the success of this program, what it takes to fund it, that if things don't work out, we will be asking for additional dollars. Just really lay out if we don't do these, these are the consequences. And I think folks need to hear that because right now, the narrative that I've heard is that we keep giving you all money, like what's going on? So, I think the more we can provide details, the more that we can provide options and outcomes, the better in the letter that we send them.

Chair Jennifer Nash: Thank you. Commissioner Selander.

Bob Selander: I agree. We should spend the SPA money with a caveat we may need more.

Chair Jennifer Nash: All right. And Commissioner Wright, I don't know. I'm going to leave it to you whether to declare there's a conflict to participate in the discussion.

Jasmine Wright: I would consider this a conflict, Commissioner Nash. So, I'm going to declare there's a conflict and I'm going to refrain from making any comments at this time.

Chair Jennifer Nash: Thank you. Well, I don't think I need to weigh in because we have a pretty clear consensus. And I wonder, we're not unanimous because we have one without me outlier and that would be Commissioner Harris. And I'm wondering if Commissioner Harris, if you have any further thoughts based on what other people have said or if your position remains the same.

Rob Harris: I think that, no, my position still remains the same, but I understand totally the thinking. I understand why the majority would go this direction, particularly if LFO feels... I mean, if LFO feels strongly it's the route we should go, this is the route we should go. My opinion is different in that by explaining why you're earmarking the money, but so asking for new, acknowledging that they may not agree to that and say, if you do this SPA money, this is where we're going from a negotiating standpoint or a stake in the ground standpoint, when you come back in December, you may be in a good position to ask for additional money. So, mine was partly like strategically how you do this as well. But I understand that going in with this route, and honestly, as Commissioner Smith and others have agreed, and particularly Commissioner Buckley, taking guidance from LFO is probably the most important factor in how this is approached. Yeah, and I don't know what LFO is saying. So, I agree that LFO's guidance is particularly important.

Chair Jennifer Nash: LFO's feedback was not specific regarding this. Generally, the feedback was you need to ask for what you need all the way through the end of the biennium, and also you need to be accountable and transparent about your budget, and you need to not ask for things that you don't need. Both of those things are not helpful for our discussion. I would say generally speaking, the commission's positions up until now and the message that I've tried to impart is that we are trying very hard to spend the money that we have, to not ask for money that we don't need, to be transparent and incrementally accountable. So, instead of saying in August of 2024, "Here's how much money we think we might need for another 11 months," coming back every few months and giving an update and saying, "Here's where we are, here's where our savings is, here's the incremental amount we need." I think, especially given the feedback that we all hear from legislators about, "We just keep giving you money and we don't know what you're doing," is probably the more, well, prudent and also politically defensible position for us to take. Commissioner Smith.

Addie Smith: I would just ask that as we get our sort of regular updates from Ralph or CFO Amador, that we be kept really closely in the loop on how we're looking on this rebalance, right? Because part of this is under our control. We could end up in December fine. So, I just would like to be sort of kept up to speed so that we're not hit with all of this at the last minute, maybe in like a little dashboard or a graph since as we've already discussed, us lawyers aren't great with numbers.

Chair Jennifer Nash: Thank you. All right. Is that appropriate direction for the agency, which is to use the existing SPA funds for the appropriate programs and then ask for the remainder from general fund? Director Kampfe.

Jessica Kampfe: Thank you, Commissioner Nash. That is a sufficient direction for the agency, although I do still need you to move three action items. So, the three requests that have not yet moved are the Southwest Trial office, the THIP update for the period that has currently occurred or is currently occurring, and the expansion, which is the next period of time. So, the Southwest office, the THIP, and the MAC, the 25 MAC.

Chair Jennifer Nash: I actually think you also need the two unrepresented persons...

[Crosstalk 02:17:22]

Jessica Kampfe: Oh, the coordinators.

Chair Jennifer Nash: Yes.

Jessica Kampfe: So I have four letters that are still pending for your action.

Chair Jennifer Nash: Yes, thank you. I have those as well. So, moving through the first to adding 25 MAC, do we have a motion to request whatever that bottom line number ends up being after the application of the SPA?

Peter Buckley: So moved.

Chair Jennifer Nash: Commissioner Buckley moves. Is there a second?

Susan Mandiberg: I'll second.

Chair Jennifer Nash: All right, Commissioner Mandiberg seconds.

Eric Deitrick: Commissioner Nash?

Chair Jennifer Nash: Yes.

Eric Deitrick: Commissioner Mandiberg?

Susan Mandiberg: Yes.

Eric Deitrick: Commissioner Parrish-Taylor?

Jennifer Parrish-Taylor: Yes.

Eric Deitrick: Commissioner Buckley?

Peter Buckley: Yes.

Eric Deitrick: Commissioner Selander?

Bob Selander: Yes.

Eric Deitrick: Commissioner Harris?

Rob Harris: Yes.

Eric Deitrick: Commissioner Lininger?

Tom Lininger: Yes.

Eric Deitrick: Commissioner Smith?

Addie Smith: Yes.

Chair Jennifer Nash: Thank you. All right, next to the opening or beginning of the Southwest Trial office, for the statewide trial defenders office with applying the savings that we already have, whatever SPA funds are available, and then asking for the difference, if any. Is there a motion to that effect?

Susan Mandiberg: I'll move it.

Chair Jennifer Nash: Commissioner Mandiberg makes the motion. Is there a second? Commissioner Lininger seconds. We need a vote.

Eric Deitrick: Commissioner Nash?

Chair Jennifer Nash: Yes.

Eric Deitrick: Commissioner Mandiberg?

Susan Mandiberg: Yes.

Eric Deitrick: Commissioner Parrish-Taylor?

Jennifer Parrish-Taylor: Yes.

Eric Deitrick: Commissioner Buckley?

Peter Buckley: Yes.

Eric Deitrick: Commissioner Selander?

Bob Selander: Yes.

Eric Deitrick: Commissioner Harris?

Rob Harris: Yes.

Eric Deitrick: Commissioner Lininger?

Tom Lininger: Yes.

Eric Deitrick: Commissioner Smith?

Addie Smith: Yes.

Chair Jennifer Nash: Then next I'll move to the report to the Legislature, or I'm sorry, report to the E Board about the progress of THIP with a request to authorize the program to be extended through June 30th, 2025, and an update about the current funding with whatever SPA might be necessary, although I don't think that there is one at this time, with a clear message that if we lack sufficient funds to continue paying for the program, we'll be either asking for a rebalance or new funds in December. Is there a motion to that effect?

Addie Smith: I'll make that motion.

Susan Mandiberg: I'll second.

Chair Jennifer Nash: All right. We have a motion from Commissioner Smith, second from Commissioner Mandiberg.

Eric Deitrick: Commissioner Nash?

Chair Jennifer Nash: Yes.

Eric Deitrick: Commissioner Mandiberg?

Susan Mandiberg: Yes.

Eric Deitrick: Commissioner Parrish-Taylor?

Jennifer Parrish-Taylor: Yes.

Eric Deitrick: Commissioner Buckley?

Peter Buckley: Yes.

Eric Deitrick: Commissioner Selander?

Bob Selander: Yes.

Eric Deitrick: Commissioner Harris?

Rob Harris: Yes.

Eric Deitrick: Commissioner Lininger?

Tom Lininger: Yes.

Eric Deitrick: Commissioner Smith?

Addie Smith: Yes.

Chair Jennifer Nash: All right. And then the last E Board letter, which we didn't go over, but I'll summarize very quickly. Two assignment coordinator positions to help assign counsel under THIP. The letter for THIP and the letter for unrepresented...for this part also talk about if this is actually granted, it's going to increase the number of THIP cases, so that we're very clear about that to the E Board and will likely increase the cost because we'll be more efficient and we'll be able to assign additional counsel. Are there any questions about that before I ask for a motion?

Lisa Taylor: And I just would like to clarify that this is a general fund request. I actually don't believe there would be SPA available at this point, though if we have more savings from the Trial Division, it's possible we could find the 189,000.

Chair Jennifer Nash: Okay, thank you. Is there a motion? All right. Oh, Commissioner Mandiberg, do you have a question?

Susan Mandiberg: I do. I wasn't clear reading the information that was provided about how are the assignment coordinators and the administrative staff different. What different tasks do they perform?

Chair Jennifer Nash: Well, I think that that should be spelled out more clearly. If you have that question, other people will have that question. So, I think that should be spelled out more clearly in the letter, but essentially the assignment coordinators work directly with the courts. There's only one right now. So, what the agency is trying to do is – there's two, I'm sorry – to add two positions and to make them regional so that each of the assignment coordinators covers a specific area instead of the entire state, which is what's happening now.

Jessica Kampfe: That's correct. And the administrative staff person is mostly doing data entry.

Susan Mandiberg: Okay. That was not clear to me reading the information. So, maybe that could be clarified.

Chair Jennifer Nash: All right. And with that, do I have a motion to send this request to the E Board?

Addie Smith: I'm happy to make that motion.

Chair Jennifer Nash: Commissioner Smith makes the motion. Is there a second?

Susan Mandiberg: Second.

Chair Jennifer Nash: Okay. And we need a vote.

Eric Deitrick: Chair Nash?

Chair Jennifer Nash: Yes.

Eric Deitrick: Commissioner Mandiberg?

Susan Mandiberg: Yes.

Eric Deitrick: Commissioner Parrish-Taylor?

Jennifer Parrish-Taylor: Yes.

Eric Deitrick: Commissioner Buckley?

Peter Buckley: Yes.

Eric Deitrick: Commissioner Selander?

Bob Selander: Yes.

Eric Deitrick: Commissioner Harris?

Rob Harris: Yes.

Eric Deitrick: Commissioner Lininger?

Tom Lininger: Yes.

Eric Deitrick: Commissioner Smith?

Addie Smith: Yes.

Chair Jennifer Nash: All right. Thank you. All right. At this point, we're going to take a break, and I want to just quickly go over what my plan is. We're behind, but there really wasn't any way to avoid that. All of these discussions were very important, and very important for our oversight role regarding budgets. So, we will take a 10-minute break, but we have a briefing on the organizational chart, which I think is important because there's been some questions about that. We have the approval of the legislative reports, which I actually don't think is going to take the 20 minutes that's allocated because as far as I'm concerned, all that work was already done by the subcommittee and unless somebody has some burning questions, I'm happy with all the work that they've done, and the reports look great.

So, I think that'll take a short period of time. And then we will have to, at 12:05, that's going to have to be a timely issue because we have a guest who would like to speak to us. And then at one o'clock is also a hard switch to executive session because that's been noticed. And then we can just sort of after... I don't know if the executive session's going to take a full hour, but we don't have any other action items that need to be approved. We'll get through as many... We absolutely have to get through the executive director performance review plan because that's time sensitive. And we'll get through as many of the other things as we... And we should also absolutely have an update on FCMS, although we do have an update basically of that in the report that's being provided to the Legislature. But if there is... I see Commissioner Buckley's raising his hand.

Peter Buckley: Yeah, Madam Chair, I have a hard stop at one o'clock for a work conflict just to let you know I will not be in executive session.

Chair Jennifer Nash: All right, thank you. All right, so that...

Peter Buckley: I want to just compliment the staff. There's a tremendous amount of work that's been done on the budget and on the E Board requests and the reports as well. I just want to compliment the staff for all the work that they've done. It's really quite impressive.

Chair Jennifer Nash: Agreed, thank you. I know it's been a terrible time crunch in the last month. Okay, so with that, we'll break now, and we will take a 10-minute break. So, we'll be back at 11:35, and then we'll pick up where we left off, which is approval of the legislative reports. Thank you, everyone.

[No dialogue]

Eric Deitrick: Hey, Jennifer, for these two items I have on the agenda, I know it says 20 minutes for one. I can shrink that down to about five minutes, you know? So, when we get to the point, I had slides. I don't need to use the slides. I just want to at least get the general update out there that these things are happening and just make it brief.

Chair Jennifer Nash: I think that's great. And I really appreciate the materials in the commission materials. I think that's very helpful. Okay, so we are ready to get started again after the break and we will move on to approval of legislative reports, and I will turn it over to Director Kampfe, Commissioner Smith, and Ms. Taylor.

Jessica Kampfe: With the chair's permission, I'd like to actually have this be Commissioner Smith and Ms. Taylor.

Chair Jennifer Nash: That would be fine. And I think I'll leave it, I'll defer. But I think that, I mean, if you think we need to approve them one by one, we can do that. Nope, I'm getting a nope. Okay, so I'll send it to you and take your lead. Thank you.

Addie Smith: I would certainly welcome if anyone has specific comments or changes they want to see or feels we need to do separate votes. I'm very open to that. I don't want people to think that I'm shutting that idea down at all. I think though the Legislative Subcommittee met last week, which we all know how easy August scheduling is, but we did meet, and I appreciate everyone's flexibility on getting these documents a little bit later because that was my call. Of course, in conjunction with the executive director. So I apologize, but also want to take ownership of that because I wanted us to be able to have a conversation with as many team members there as possible.

We thoroughly reviewed them and made sort of small but important changes throughout based on the recommendations. And they're all legislatively required reports that we feel answer the call of the question in the most concise and thoughtful way possible. So, Lisa, I'll let you, if you want to talk a little bit more to the specifics, but I think from the subcommittee chair's perspective, a good deal of time was spent reviewing and looking at these and getting them in good shape. And our subcommittee obviously felt comfortable sending them along for a vote here.

Chair Jennifer Nash: And maybe Ms. Taylor because we have all the reports and hopefully have reviewed them, maybe if you can just outline what the reports are, each topic, and when the next report for that would be due to the Legislature, if one needs to be sent so, we kind of know what the sequence is.

Addie Smith: Perfect, thank you, chair.

Lisa Taylor: Yeah, absolutely. Let me just pull up my report timeline so I can provide you that information. Okay, so the reports that we have being turned in for September Leg Days are the FCMS status report, which is our financial and case management services. The main change that we made from the legislative committee is that I rewrote the executive summary to be a bit more approachable. And we do not have an additional report for FCMS. However, I would not be surprised if we were directed to turn in an additional report in December because that seems to be how these reports have gone. We turn one in, and they request another one in the next quarter. Our executive transition report is another one that we're turning in. This is largely based on the Moss Adams project management spreadsheet. So, appended to this report will actually be a copy of that spreadsheet, which goes over all 380 action items that are in that timeline. We have another executive move report that is due in December.

Then we have our remediation plan. This is the fourth iteration of this plan, and I think our biggest change for this report from the last report is that we're providing a lot more information on case counts and MAC utilization. So, we go into a lot of detail on that. We have the next remediation report is due in December and followed by March. And then finally we have our unrepresented plan. This is a combination of a report about how our state trial offices are doing. We also talk a little bit about the MAC utilization and other issues that are covered in the modernization report. And then it provides a summary of the report we turned in to the Governor.

Chair Jennifer Nash: And is there another report that's going to be due on that?

Lisa Taylor: Oh, of the unrepresented plan? Not at this time. I don't know if they would want a follow-up report.

Chair Jennifer Nash: And that's the report that we asked to provide an update when we filed the last report, correct?

Jessica Kampfe: Yes, that unrepresented plan was assigned during May Legislative Days.

Jessica Kampfe: And Chair Nash, it was our report to the judicial committee that we asked to come back and follow up another report in December. But both that request as well as the unrepresented were assigned to us during the May Legislative Days.

Chair Jennifer Nash: There's so many things I get confused.

Lisa Taylor: Yeah, so in December, you'll have a modernization report, the comprehensive public defense report going to judiciary, an executive move update, and then any additional reports that they assign during this coming Legislative Days.

Chair Jennifer Nash: Understood, all right. And with that, are there any questions about any of the reports from any of the commissioners? All right, thank you. Then I will entertain a motion to approve the four reports, specifically FCMS, executive transition, remediation, and the unrepresented persons plan.

Jennifer Parrish-Taylor: So moved.

Chair Jennifer Nash: Is there a second? All right, Commissioner Lininger seconds.

Eric Deitrick: Commissioner Nash?

Chair Jennifer Nash: Yes.

Eric Deitrick: Commissioner Mandiberg?

Susan Mandiberg: Sorry. Yes.

Eric Deitrick: Commissioner Parrish-Taylor?

Jennifer Parrish-Taylor: Yes.

Eric Deitrick: Commissioner Buckley?

Peter Buckley: Yes.

Eric Deitrick: Commissioner Selander?

Bob Selander: Yes.

Eric Deitrick: Harris?

Rob Harris: Yes.

Eric Deitrick: Lininger?

Tom Lininger: Yes.

Eric Deitrick:

Chair Jennifer Nash: All right. Thank you.

Addie Smith: Just really quickly as a point of interest, can Lisa give a two-sentence summary about our response to...

Chair Jennifer Nash: Yes, thank you.

Addie Smith: ...Representative Sollman. Thank you. Lisa, do you want to just share briefly so we're all up to speed that we did for...

[Crosstalk 02:44:26]

Lisa Taylor: Oh. Yes, yeah, we did provide a response on the 16th to Senator Sollman and Rep Evans' letter about our unrepresented plan. That response was largely focused on saying we're turning in a series of reports on the 26th, and all of your questions are answered within those reports. And we did make a few edits to especially the unrepresented report to make sure that those questions were very specifically answered rather than just more generally included.

Chair Jennifer Nash: Thank you for taking that on. Very much appreciated. And thank you for updating us about that. All right, moving on then to Director Kampfe's briefing and Chris Henderson's briefing on the organizational chart, which you've seen in two different iterations now as part of the budget and as part of this presentation.

Jessica Kampfe: Thank you. We've been working to create an organizational chart for the agency that better reflects our responsibilities as well as aligns with our budget, and so this has been a process that's been ongoing for a significant period of time. And it is required as part of our agency requested budget that we have an organizational chart. That organizational chart is a foundational document for our current service level budget and for the policy option packages that this commission is moving forward. So, we wanted to update this commission on what our organizational chart looks like. I will note for you all for transparency that we have reviewed this document with the Legislative Fiscal Office, and they did not support it. So, we are not today asking this commission to adopt or take any action. We will be back in September with a request of that nature. But for today, we're really just looking at doing a review for you all.

So, the first slide that you have in front of you is the overall agency structure. So, this one I think may be a little bit hard to follow just because it's so very zoomed out in terms of how the agency is structured overall. But this is just the big picture map of our current structure in the '23-'25 biennium. So, this is what it looks like as it exists today. And Chris, can you move to the next slide? I should take a moment to introduce Chris Henderson. He is part of our human resources team. Some of you may have met him in your interactions with Workday, but he's been helping us to generate the organizational chart. So, this is a look at the executive division within the agency, which has the director and then all of the direct reports to the director. So, you have the communications and legislative director, general counsel, the Compliance, Audit, and Performance Division, the Appellate Division, the trial representation, and Administrative Services Division all as the direct reports. The individual who oversees the Administrative Services Division is the deputy director. Oh, sorry, this is... I got ahead of myself. This is what we're looking to do in '25-'27 for the overall structure. So, these slides are meant to be viewed as here's where we are right now, and here's where we're going in '25-'27. Thank you, Chris, if you could do the next slide.

So, this is the executive division with the director, and you can see all of the direct reports to the director, which is the comms and legislative, the manager three, the deputy director who has a number of direct reports under her, operations and policy analyst, and the general counsel. This is our current structure, and this is where we're looking to move it to in our next slide. So, we're looking to add positions in our next slide within the communications area, as well as a policy option analyst for an internal auditor position. So, these are positions that are requested next biennium.

Chair Jennifer Nash: I think if I just could interrupt, it might be helpful for context if you just explained the colored positions that you're asking to add and what those people would actually be doing rather than just their titles, just very briefly so people could understand it a little better.

Jessica Kampfe: Sure. So, well, the colors, I'll have to ask Chris which way he color-coded it because I can't remember.

Chair Jennifer Nash: I think that those are color-coded by POP and by packet. They're consistent with like Package 60's yellow, 103's green, etc. But I just mean, those are the new positions. So, can you just talk about what those new positions are?

Jessica Kampfe: Sure. So, the Package 60 is moving positions from one area to another area. And so currently our internal auditor position is within our CAP Division. This would have them as reporting to the executive director, which is a move that we would be making to increase independence of that internal audit function. The

move of the two policy option analysts into the communications and leg would be to help a lot with all of the report writing that we're doing as well as communications and building out communications team. Adding a manager four is... Our current legislative director sits on a general counsel position. She is not a lawyer by trade. We would create a manager four position to put her on and then fill the general counsel position with a lawyer to help support that division. You can move to the next one.

So, this is a reflection of where we are right now in our Compliance, Audit, and Performance Division. You can see the research, internal audit is currently within the Compliance, Audit, and Performance Division. Our trial criminal compliance and our juvenile compliance are all within this division. And then the next slide. We are looking to make a number of changes here. And I talked about in Package 60, how when we were sending the letters to the E Board around Package 60 moves and needing to move the positions that are currently within CAP that are the program analyst positions so that they can be doing really the compliance part of the program, which would mean monitoring MAC utilization and helping on contracts, maximizing the work that people are doing under their contracts. They're not able to do a lot of that work right now because they're doing so much procurement activity. We're processing many, many contract amendments every month. And so we're looking at trying to clean that up within that unit. We would be adding additional support to our data and research team, and as well as additional administrative staff to support this section. Chris, do you want to move to the next slide?

This is our Appellate Division as it currently exists. And then the next slide. Here, we'd be looking at adding a lot of support staff to our Appellate Division. Right now, we are really understaffed in the area of paralegals, legal secretaries, and support staff within that division. So, this would be right sizing the support staff for the Appellate Division. This is a look at our adult trial offices. This is the area where the agency is undergoing the most growth, and so this builds out what that would look like in terms of the significant growth that we're undergoing. We need to add more lawyers. We need to add more legal secretaries, office specialists, paralegals, but also support for our human resources department.

We really need a recruiter who is devoted just to doing the Adult Trial Division recruitment. I believe the agency has like 26 open recruitments right now and at least 20 of them are within the Adult Trial Division. And so we really are very short-staffed in trying to build this up. And if we are going to meet the legislative mandates of being 35% state employees by 2035, we are going to need somebody that is full-time working the recruitment. We've also heard from a lot of providers their frustration about recruiting in-state versus out-of-state, and so we're looking for more support in that area. Sorry, this is displaying strangely for me. So, I'm looking at the slides here. What's that, Chair Nash?

Chair Jennifer Nash: I didn't say anything. We're stuck on the Adult Trial Division '25-'27. That's what we're looking at.

Jessica Kampfe: Okay. So, this is the continued build out of the Adult Trial Division in '25-'27. You can go to the next one, Chris. This is what our current Parent Child Representation Program looks like. We do have one general counsel position that oversees the Parent Child Representation Program across the state. And in '25-'27, we would propose to move that general counsel position into another section. Chris, can you move ahead? They would become part of CAP under trial compliance. I mentioned earlier that Legislative Fiscal Office expressed some concerns about this organizational chart, and I think this is one of the areas where that concern is deepest.

The agency contracts with providers to administer programs, and many of our providers are working under multiple programs. For example, a provider might have a criminal practice, like a large public defender office might have a criminal practice that's under a contract. They might have one office that has a parent child representation contract with us. They might have another office that has a juvenile contract with us. And so what we have seen is that these programs often overlap and that the people, the general counsel positions that are administering them work together as a team. And so we are looking at moving that position within our organizational chart to reflect the reality of how our trial level programs run, and it would not impact our budget buckets. So, we would still have a separate and discrete budget allocation for parent child representation. We would just move that general counsel position to work in conjunction with the general counsel associated with juvenile and criminal.

This next slide is the Administrative Services Division. Chris, is this what it currently looks like? Yeah, '23-'25. And so you can see that we have under our current structure, the thing that may jump out to you is the procurement structure. It looks as though we have a number of procurement positions within the Administrative Services Division. The people that are sitting on those program analyst positions right now are actually the program analysts who work in CAP to do things like the working with contractors. They're processing a ton of contract amendments all the time. They're working with the courts. They're doing MAC utilization. But their positions sit within this procurement space, and that's one of the big problems that we've had in terms of agency resources. So, this is a reflection of what we've got right now. And looking at the next slide, Chris, we would be having dedicated procurement staff that are in here and moving the program analysts that we currently have over to the CAP Division. So, you'd see that change reflected.

This also shows a buildout... Oh, it went away altogether for me. I'm looking at a black screen. You also see a buildout within our budget section, to add additional positions within the budget section, to add positions within our account payable section as well, and then to create a section for preauthorized...or to move the positions within the preauthorized expense. So, trying to get more clarity around those pieces. Next one, Chris. Oh, that's the end of our slide show on the organizational chart. So, we wanted to show this to you all today. We're not asking you to take any action on it. We'll continue to be in conversation with the Legislature to do our best to address the concerns that we're hearing about the organization structure.

Chair Jennifer Nash: Does anyone have any questions? Oh, Commissioner Buckley.

Peter Buckley: Yeah, I'm just curious. I mean, it's an organizational chart. What are the problems that are being raised? We shouldn't be organized the way we are? Is that the issue?

Jessica Kampfe: I think it's largely around making sure that there is accountability and transparency within the agency, especially for how public funds are utilized. We went through a major restructuring in 2021 where the Legislature split our budget allocations from 3 big buckets into 10 different buckets, and at the same time, created new divisions within the agency like the CAP Division with an intention that there would be a greater level of accountability and transparency under that new structure.

Some of the changes that the agency is looking at making, particularly in the area around CAP, both reflecting what's currently happening and what we'd like to move to, may be in tension with some of the changes that were made to the agency in 2021. And so I think that's probably where the rub is. This is a conversation that's been ongoing with the Legislature for a very long time. It has been difficult to make progress on and has felt frustrating at times. So, we'll continue to lean into those hard conversations and hope to come to a resolution and be able to bring something in front of you all in September that you can adopt.

Chair Jennifer Nash: I need just a broader sort of follow-up. Under other executive directors prior to Director Kampfe, the agency was restructured to some extent without understanding or without really regard to how staffing positions are tied to certain budgetary buckets, and there was not a lot of transparency about that. So, there was a disconnect between what's actually happening on the ground versus what the expectation from the Legislature was about the funding.

And so I will just say this discussion and this work has been ongoing for months, and it has been very, very time-consuming to back all that out. Because you can

imagine there is an agency structure, and people are hired into these positions, and they're doing these jobs. And then having to turn around and say, well, where is this position really supposed to be according to the budget? And then also, where does it make sense forward looking to have this position? And it's just a lot of work to get those things lined up. And there are some legacy, I guess I would say, legacy ideas about where those things are supposed to be that are maybe not...maybe don't make sense for where the agency is headed. So, it's just been an ongoing conversation about how to reconcile those things, I guess. Where people live and what's been happening versus where they need to be versus where they need to be in the future. And so it is an ongoing, incremental process that does require a lot of talk and understanding and we're working on it, I guess I'll just say. Does anybody have any other questions about that? All right. Well, thank you for the briefing and thank you for coming back next month for us to have further discussion. I know it is 12:05, very good timing. We do have a guest who asked to address the commission, Judge Guptill. I don't know if... Hello.

Judge Rebecca Guptill: Hi, are you all able to hear me?

Chair Jennifer Nash: Yes.

Judge Rebecca Guptill: I'm Judge Rebecca Guptill. I'm the presiding judge here in Washington County. So, I think Crystal Reeves was going to assist me by sharing a brief slide show that we can go through as I give you some remarks, if you're ready for me.

Chair Jennifer Nash: Yes, thank you.

Judge Rebecca Guptill: So, again, I am Presiding Judge Rebecca Guptill. I've been the presiding judge here in Washington County since the first of the year. I wanted to update you about a few of the things that we're doing that I think can assist us in reducing the amount of capacity we're using overall with our community of defense attorneys. And so one historic program that we've had for a long time that many of you may be familiar with is our Early Case Resolution Program, it's been around since 2007, and we also have a Deferred Early Case Resolution Program as well. That program relies upon us having essentially attorneys from both Metropolitan Public Defenders and the Oregon Defense Attorney Consortium available to communicate as advisory counsel for defendants on lower-level criminal cases upfront at the time of their initial arraignment.

It has historically been very helpful in terms of resolving cases early on in the process and reducing the need to have a full appointment of counsel on those cases. Historically, it has been around two-thirds rate of resolution, but recently we've seen a drop to just over half or right around half of the cases resolving. Part of this is because we've had a situation where we've actually had a change

in the makeup of the actual defendants. We have far more defendants who are out of custody for a multitude of reasons. One, obviously we release more defendants into the community based on our new release statutes. And we also have had a reduction in jail capacity overall that's changed the makeup to be predominantly out-of-custody defendants versus in-custody and out-of-custody defendants.

So, you'll see that our resolution trends have been going downward, and one thing that we'd like to do is try to figure out how to bring it back to historic levels and maximize that program so that we can reduce the number of cases being assigned out into the community and therefore reduce the level of MAC that we're using. And so one thing we're looking at doing is possibly changing and having set overs for defendants who want additional time to consider offers over to the main courthouse in front of myself or another judge, and possibly seeing if we could increase the number of attorneys who are acting as advisory counsel for the defendants because we've seen that increase in number. Obviously, people deserve to have enough time to communicate with their advisory counsel to make an educated decision. And right now, we've seen that those dockets are ballooning and making those initial appearances with advisory counsel less meaningful, and I think that's part of why we've seen that reduction. Meanwhile, our overall filings in terms of criminal cases are up if anything in Washington County, not down. And so that is also contributing to the significant number of cases that would qualify for that Early Case Resolution Program.

The other thing that I wanted to point out to everyone is that we also have a historic use of using advisory counsel on other dockets, specifically domestic violence deferred sentencing dockets, our DUII diversion docket, and then we're looking at the September 1st start of our conditional discharge docket related to the deflections. And so my hope is that we'll be able to have advisory counsel used to assist people for purposes of those conditional discharge dockets that are surely going to be happening. Right now, we've seen an increase in the number of failures to appear in our county. And so if someone were to actually fail to appear, they won't necessarily be eligible for deflection any longer on their initial citation. They would then be eligible for conditional discharge. We don't yet know the number of conditional discharge cases that we will be having, but because of that failure to appear rate having increased to about 50% at the initial arraignments, I could see that that number could be significantly higher than we would hope.

And my hope is that we can use advisory counsel to assist on that conditional discharge docket similar to our domestic violence deferred sentencing and DUII dockets. I think we have a slide related to that. It just shows kind of where we're at in some of our domestic violence deferred sentencing trends, although it's a

little bit confusing for today's purposes. But if we were to use someone like Ridehalgh and Associates, Ron Ridehalgh has been doing the domestic violence deferred sentencing and DUII diversion advisory counsel program since at least 2005. He's shown that that's a tried-and-true way of helping people to see whether or not they want to enter into that type of program or not, without again, using an increased amount of MAC in our community. As we go into that, again, we don't know the specific numbers that we're going to see, but it is on our radar that that would be a way to not end up using more of the MAC that we have in our community with that increased number of filings that I expect.

I also want to mention a couple of other things we're doing here in Washington County starting on September 1st, and actually we've already started one of them, which is a rotating settlement conference docket with three of our judges. So, we have a judge full-time each week available for settlement conferences, and we are maximizing as many settlement conferences on that docket as possible, and it so far is proving to be very successful in resolving cases short of trial. Part of that was due to necessity. We finally got one additional judge. We still need a couple more to be up to where we should be, but we also are awaiting on our new courtroom. And so because we are down a courtroom currently, we've decided to try to maximize those settlement conference opportunities. And again, I think it's something that if it continues to be successful, we will end up continuing to utilize in the future going forward to provide more meaningful settlement opportunities on cases with counsel.

And then we're moving over to individual dockets coming up as of September 1st, hopefully to have more of an actual judge involvement in cases from start to finish to hopefully help those cases to, one, resolve if they can, and two, have a more certain day of trial for those that need to be tried and should be tried. As of today, Washington County has 307 out-of-custody defendants who are unrepresented. That has stayed fairly consistent over the course of the last few months. There was kind of an increase that happened over the summer, but we've kind of steadily been remaining around the 300 mark for the out of custodies and we're maximizing or prioritizing the older cases getting new counsel first. There are primarily lower-level cases on those out-of-custody matters, lots of driving while suspendeds and DUIs and things at that level.

As of today as well, we have 12 in-custody defendants without counsel equaling 27 cases, and 3 of those defendants are actually subject to the Mosman Order at this time with four cases total subject to the Mosman Order. Since the seven-day deadline has happened, we've stayed afloat, but it has been difficult to manage to find counsel for those in-custody defendants within the timeline. But so far we have been managing. I have heard that we are losing two attorneys from the Metropolitan Public Defenders within the next couple of weeks, but they're hoping to have seven new attorneys start in early October. So, I don't

know what that will do to our overall ability to continue to keep up and stay afloat.

In addition, I'll note that we did have around the summer months at least one attorney who had a major medical condition take her out of being able to have cases. So, that was probably part of the increase in the number of defendants awaiting counsel. And we also obviously lost a defense attorney in our area as well. And so obviously those are unfortunate circumstances. So, I wanted to leave time for questions and discussion, and I'm happy to take any questions at this time.

Chair Jennifer Nash: Thank you very much. We appreciate the information and the presentation. Does anyone have any questions for Judge Guptill? I don't see anyone, but maybe if you could...

Peter Buckley: Rick has a question.

Chair Jennifer Nash: Oh, your hand is in the same spot as this background, so I didn't see that.

Brook Reinhard: My apologies.

Chair Jennifer Nash: Commissioner Reinhard.

Brook Reinhard: Sure. By the way, I can remember Commissioner Smith and I were talking, did we agree to use first names or not? I don't want to be rude if that's not the case.

Chair Jennifer Nash: You can use first names. I'm just used to not doing that.

Brook Reinhard: Oh, okay. I am too. Just we were debating whether we'd agreed several months ago as a commission to that. So, if I slip in the first name, my apologies. I won't do that with Your Honor though. Judge, thank you for your presentation. My question was, for folks who miss an appearance, if they can show good cause for an FTA, similar to like a diversion miss on a DUII, will the court still consider them for the deflection program?

Judge Rebecca Guptill: The short answer is yes. This was actually a conversation topic yesterday at one of our planning meetings with District Attorney Martin and some of the defense counsel that might be a part of the conditional discharge advisory counsel, as well as Judge Colburn, who's likely to be the judge handling these cases. The short answer is yes, we expect that we will end up having a good cause ability to say, okay, this person should still be allowed in. But right now, at least the guidelines say if you fail to appear, you're not eligible. But of course, this is the guidelines set up by our deflection program, and there's a desire to have a good cause ability to override that presumption.

Brook Reinhard: Thank you very much.

Chair Jennifer Nash: Could you maybe explain how advisory counsel is utilized in your county?

Judge Rebecca Guptill: Yeah. So, typically people do still apply for counsel and if they qualify on our DUII diversion or DVDS docket, they would appear I think it's half an hour ahead of the normal docket. So, at 8:30 rather than at 9:00 a.m. for those two dockets, or I think it's 1:00 versus 1:30 for the other, but they appear early. And then Ron Ridehalgh who handles those dockets will have reviewed all of the discovery for the defendants who are on that docket. He'll talk to them about all the basics of entry into diversion or deferred sentencing, communicate that, answer questions for the group. And then he will sit down and talk briefly with each of the defendants about their particular set of circumstances based on the discovery. And then if they choose to enter, then he will assist them in entering the program that day. That's the basic gist. If people reject DVDS or the DUII diversion, then they would get counsel appointed to them.

Chair Jennifer Nash: Okay, thank you. Does anyone have any other questions? All right. Well, it looks like we don't. Well, thank you very much for your time and thank you very much for the information. We really appreciate it. It's very helpful for us to hear from different counties about what's happening and how you're being creative about solving some of the problems that we are dealing with. So, thank you very much.

Judge Rebecca Guptill: Thank you. And I appreciate having the opportunity to talk today. I know Jessica Kampfe probably is familiar with some of the dockets that I've mentioned, having been out here previously, and same with Rob Harris as well. But if you have any other questions or want me to come back and speak about anything different than what I've done today, I'm happy to do so.

Chair Jennifer Nash: Thank you very much. We appreciate it very much.

Judge Rebecca Guptill: Thank you to Crystal Reeves for her assistance.

Chair Jennifer Nash: All right, the next item on our agenda is an update regarding the trial data report.

Jessica Kampfe: Thank you, Chair Nash. And I believe I have Maddie supporting me in this, and she is one of our data analysts, and so she helped pull this together for our presentation today. So, we have a lot of questions we've been asked about what's happening with our pilot state trial level offices. So, we wanted to start talking with the commission about what's happening. We currently have three offices, a Northwest location which is located in Portland and serves

Multnomah, Washington, and Clackamas counties. That office opened in December of 2023. It has four lawyers, two investigators, and three support staff. The second office we opened was in Southwest Oregon. The physical office is located in Medford, and it also serves three jurisdictions. It serves Jackson, Klamath, and Douglas counties. Although for some reasons that I think we'll talk about, and as you can see in the sort of heat map in front of you, primarily they're taking cases out of the Jackson County location or cases charged in the Jackson County Circuit Court. That office also has four lawyers, two investigators, and two support staff.

Most recently we opened the Central Valley office. This office is located in Salem. It does not have a specific geographic region that it's supposed to serve. It's just serving unrepresented persons. And as a result, we have taken some cases that are farther afield out of this office, including in Coos County and in Deschutes County, and those have been high priority Betschart cases. This office is also staffed with two lawyers, two investigators and two support staff. In total, we have accepted appointment on 398 cases and served 223 clients. Maddie, forgive me for this question, but does that include the cases that people brought with them when they came? Okay, so in total we've done 398 cases for 223 clients. And you can see on this map which offices are taking cases in which areas and how many. So, we thought that might be helpful for you all to just be able to visually see where the cases are being appointed. Next slide.

Currently we are using Clio as our case management system, and we have been able to do a fair amount of data tracking in Clio. This is a snapshot of some of that information, although we have developed dashboards that are able to display it in different ways. The trial level offices are currently using the Oregon Project Report Standards. And this is temporary. When the offices opened, that is the direction that we started down. This commission actually adopted the National Public Defense Caseload Standard. And when the commission made that adoption, we were working with Moss Adams to map the Oregon cases into the national standard. And so once that case weight mapping is complete, which I think may be coming in front of you in September, our trial level offices will be able to switch to the National Public Defense Workload Standard. But until we have that case weighting map done, we are still using the Oregon Project Report because that's what we have available to us.

So, we are working under a 2,080 hours and the Oregon Project case weighting, and cases are assigned to the different weights at the point in time that the appointment occurs. We are also collecting real-time caseload data, and we have a dashboard that allows us to look at not only total cases, but open cases by attorney. And you can see what types of cases we've been appointed on, and a number of them are the homicide and sex cases, as well as high-level felony cases. So, just for clarity, those bigger cases, they take up more attorney time.

So, the more heavily we take those high-level cases, the fewer total cases we'd be able to take. If we were to switch and start taking a lot of misdemeanor cases, you would see the overall volume of cases going up more. But the Trial Division has been weighted more towards taking those more serious cases. Also, it's worth mentioning that our Trial Division is doing time tracking. So, we're able to monitor whether or not the case assignment that we're currently using makes the most sense for the representation. All right, Maddie.

So, we've summarized the utilization rates for our trial offices, and as you can see, they are all above the utilization rate that we would expect for the Oregon report. The Southwest office is the most significantly above that standard. So, we are operating in excess of the maximum utilization rate under the Oregon standard. And we've provided more of a breakdown of how that is calculated on a monthly basis because we've prorated that Oregon project standard to a month-to-month basis so that it can reflect the fact that we have hired lawyers periodically throughout the time that these offices have been running and able to prorate their caseload for those hiring dates. And then we have here a visual of the overall number of cases that we've taken since the offices have come online.

Chair Jennifer Nash: Can I just ask a question about the last slide?

Jessica Kampfe: Yes.

Chair Jennifer Nash: So, am I reading this correctly that in the Southwest office, lawyers are working at, excuse the term, 287% of capacity?

Jessica Kampfe: Under the Oregon standard, they are, but a lot of that is actually due to in the Southwest office, we participated in an early resolution court. And so as a result of that, we accepted appointment on a number of misdemeanor cases, and so that had an impact on that total utilization rate.

Chair Jennifer Nash: But what about by time? Do we have that data? So, if I explain my concern, my broader concern, you'll be able to understand. I don't think, even if we're using the Oregon report, if we extrapolated that just roughly under the national numbers, that's way more than most lawyers should be taking. And we don't want to be in a situation where we're burning out our state Trial Division because they're taking too many cases. So, that's really what I'm trying to get at. Is that happening? Are we running these lawyers into the ground? That's really what I want to know.

Jessica Kampfe: So, I can work with Maddie to slice the data in different ways so that it helps to answer your questions better. This is our first time presenting on this to the commission, so we may have better tools that we can use. We have not

displayed this in terms of active timekeeping for them, but we are doing timekeeping in Clio so there is a way to provide some of that information for you. And we also have a tracker that shows what current open caseload is. So, this is cumulative annual caseload, but we also have an open caseload tracker that managers are able to use to make sure that lawyers don't have an excessive number of open cases at any particular point in time. This particular office has also experienced some of the same challenges that many of our providers experience around turnover. And so we have had lawyer positions in this office turnover.

Chair Jennifer Nash: Thank you.

Rob Harris: Jessica, is there a way to code either...ECR type cases so that they don't have a full weight of a standard trial level counsel misdemeanor? I mean, as Judge Guptill was discussing, obviously, if Ron Ridehalgh talks...