

Robert Selander: I agree with Rob, we need to take that up. But I think as presented, this is an important step forward. I had a question about dates because I didn't understand. There was a June 1<sup>st</sup> date, but that apparently is not the date that this would take effect. My question is what date would this effect? How far out? Assuming it's approved.

Lisa Taylor: Monday?

Jennifer Nash: And I would also suggest we make it July 1<sup>st</sup>, because we don't have a commission meeting where we would approve those payment policy changes until mid-June unless we put it on the May agenda. So, it makes sense to make it affective July 1<sup>st</sup> to make sure that we don't have it lapse. Mr. Amador?

Ralph Amador: Excuse me, Chair Nash. This would become affective...I mean the changes and everything...we can start doing this Monday. We'll have the forms ready Monday. A lot of this is already being done now because we're not turning things away in folks that have just been doing it, but we would make it formal in our policy July 1. So, I'm sorry for the confusion there. So, we would formalize it in the policy July 1. It's happening now. We'll have the forms updated. They're being worked on right now so that it will reflect correctly. And those will be ready by Monday. So, hopefully that's clear enough for everybody.

Jennifer Nash: So, in your materials, you say through June 1 for all outstanding...

[Crosstalk 00:01:35]

Ralph Amador: Right.

Jennifer Nash: But you really mean you agree it should be through July 1?

Ralph Amador: If that's what the Chair and the commission would like, we can change it to July 1, yes.

Jennifer Nash: Okay. I think that makes sense.

Ralph Amador: Okay.

Jennifer Nash: Just to make sure that we don't have it lapse.

Ralph Amador: Sure.

Jennifer Nash: Judge Selander, you had a question, comment?

Robert Selander: Thank you.

Jennifer Nash: Okay. Any other questions or comments that anyone has? All right, just to recap, the motion would be to make changes to the preauthorized expense submission process by amending the policy to increase the number of hours that are authorized for investigation to 150 hours...on the short form, to 150 hours for PCRA, PCR, and J Law cases, and I'm assuming you also mean... Oh, no, murder cases are... Never mind. To 150. Measure 11 to 120 hours, and A felony, B felony, C felony, D felony, domestic violence, PCS, U felony to 80 hours. That when the short form is submitted, it's affective immediately. Investigation work can begin immediately. Mileage that's automatically authorized on the short form would be increased to 250 miles.

If there is a service provider that needs to stay overnight to finish a task due to an emergency, which we haven't defined, OPDC recommends that attorneys or service providers be authorized for one night's lodging and meals at the guideline rate without having to seek preauthorization, and then authorization must be requested and approved retroactively. And that for initial psychosexual evaluation requests where a sex offense has been charged, those would move to a short form submission, and providers could begin work immediately upon submission. With that, is there a motion consistent with...? And that this would start immediately and be affective through July 1, 2024. Is there a motion to that effect? Commissioner Mandiberg moves. Is there a second? Oh, Director...

[Crosstalk 00:04:12]

Susan Mandiberg: I think you have to add that it becomes formalized in policy on July 1<sup>st</sup>.

Jennifer Nash: Yes. That's what I meant by July 1<sup>st</sup>. Yes, thank you.

Susan Mandiberg: I'll move it be adopted.

Jennifer Nash: Did you want to say something, Director Kampfe?

Jessica Kampfe: Oh, thank you. I heard that it becomes affective immediately, and the forms will be available on Monday. They will not be available today.

Jennifer Nash: Thank you. All right. Is there a second to the motion? Commissioner Parrish-Taylor seconds. And Mr. Deitrick, could you call a roll call vote?

Eric Deitrick: Certainly. Chair Nash, how do you vote?

Jennifer Nash: Yes.

Eric Deitrick: Commissioner Selander?

Robert Selander: Yes.

Eric Deitrick: Commissioner Smith?

Addie Smith: Yes.

Eric Deitrick: Commissioner Buckley?

Peter Buckley: Yes.

Eric Deitrick: Commissioner Parrish-Taylor?

Jennifer Parrish-Taylor: Yes.

Eric Deitrick: Commissioner Mandiberg?

Susan Mandiberg: Yes.

Eric Deitrick: Commissioner Lininger?

Tom Lininger: Yes.

Eric Deitrick: Commissioner Harris?

Rob Harris: Yes.

Jennifer Nash: All right, vote passes. Thank you. Then there's a second action item accompanying this where there was... It looks like we approved some... Well, not apparently. We did. Approve rate changes, but there was a mistake about what case types were included, and the agency is asking to correct that. Mr. Amador, if you want to further explain, please do.

[Crosstalk 00:05:44]

Eric Deitrick: I can take that one, Ralph, if you want. The commission has approved... Aside from the temporary hourly increase program rates, our standard rates for lawyers, there are two tiers – \$145 an hour for the more serious case types and \$130 per hour for the less serious case types. It came to our attention that there are different types of proceedings that we fund that will fit into those buckets including habeas corpus actions, mandamus proceedings, post-conviction release cases. And then we do... Even though we have an appellate division, we still fund attorneys in the field to do appeals on an hourly rate basis as well. And so the recommendation is to move those case types into tier two, the \$145 per

hour rate. This is what we've already been authorizing them, it just hasn't been memorialized in the policy, and that's why it's before the commission today.

Jennifer Nash: Thank you. Are there any questions or comments about this request? All right. Do I have...? The motion is that the commission approve the case type adjustments to the standard hourly attorney rates as outlined in the agency recommendation dated April 10<sup>th</sup>, 2024, that is contained in the commission materials. Is there a motion to that effect?

Peter Buckley: I make the motion.

Jennifer Nash: Commissioner Buckley makes the motion. Is there a second? Commissioner Mandiberg seconds. Mr. Deitrick, could you make a roll call vote?

Eric Deitrick: Sure. Chair Nash?

Jennifer Nash: Yes.

Eric Deitrick: Commissioner Selander?

Robert Selander: Yes.

Eric Deitrick: Commissioner Smith?

Addie Smith: Yes.

Eric Deitrick: Commissioner Buckley? I think you are muted, Commissioner Buckley.

Peter Buckley: Yes.

Eric Deitrick: Commissioner Parrish-Taylor?

Jennifer Parrish-Taylor: Yes.

Eric Deitrick: Commissioner Mandiberg?

Susan Mandiberg: Yes.

Eric Deitrick: Commissioner Lininger?

Tom Lininger: Yes.

Eric Deitrick: Commissioner Harris?

Rob Harris: Yes.

Jennifer Nash: All right, the motion passes. And before we move on to the next agenda item, is the commission interested in making a...? It's not an action item because we can't do that but a recommendation or asking...or direction to the agency to attempt to do its best as quickly as possible to get payments down to below 30 days? All right, everyone is saying yes, so let's... So, by consensus, we are asking the agency to do that and to report back in the May meeting and in each director's report, actually, about what the status is of that in subsequent commission meetings. Thank you. Okay, moving on to the next action item, which should be quick thankfully. I am very pleased to inform the commission that Commissioner Mandiberg has agreed to be the vice chair.

I asked for volunteers, and Commissioner Harris volunteered, and Commissioner Mandiberg volunteered. And I talked with both of them, and Commissioner Harris agrees that Commissioner Mandiberg would be a wonderful choice for vice chair, and I agree. She and I have already met and kind of, my word, spitballed a rough list of all of the things I do, which I'm sure is not as the chair, so that we can try to delegate and separate out those and make them more formal, who's doing what. And so I am asking that we elect... I'm making the motion [Laughs] that we elect Commissioner Mandiberg as the vice chair. And do I have a second?

Jennifer Parrish-Taylor: I'll second it.

Jennifer Nash: Perfect. I suppose we need a roll call because we're on video. So, with that...

Eric Deitrick: Chair Nash, how do you vote?

Jennifer Nash: Yes.

Eric Deitrick: Commissioner Selander?

Robert Selander: Yes.

Eric Deitrick: Commissioner Smith?

Addie Smith: Yes.

Eric Deitrick: Commissioner Buckley?

Peter Buckley: Yes.

Eric Deitrick: Commissioner Parrish-Taylor?

Jennifer Parrish-Taylor: Yes.

Eric Deitrick: Commissioner Mandiberg?

Susan Mandiberg: Yes.

Eric Deitrick: Commissioner Lininger?

Tom Lininger: Yes.

Eric Deitrick: Commissioner Harris?

Rob Harris: Yes.

Jennifer Nash: Perfect. Yay. Motion passes. All right, so the next item is for...the action item is adoption of the bylaws. We could take a break, but I before that... [Laughs] Everybody is saying no. That's fine. I'm happy to move forward. I know we're going to... I'm going to lose... We are going to lose Peter and others maybe very quickly, so move on to this action item. Turn it over to Commissioner Mandiberg. I just want to say thank you. This is wonderful. And I especially absolutely love the beginning section of this where you have your little...the charts with all of the articles in the... Anyway, it's wonderful. So, with that, I'll let you take over for the presentation. Thank you.

Susan Mandiberg: Well, yeah. I mean, I do these charts for myself. Because as we've discussed, I think visually it helps me block things out. So, I'm glad that some other people find them helpful. Hopefully everybody looked at the red line version and looked at the memo that explains some of the most important changes that were made since our commission meeting in March. And I don't think we need to go through it section by section, but I just wanted to point out that it's the result of a number of subcommittee meetings as well as our commission meeting in March. I think that one way to think about these bylaws is that they are dealing with three main dynamics. And the first is the relationship between the commission and the agency.

That takes place in Article 3, Article 2, subsection 9, subsection B, and several provisions that set guidelines for communications between staff and nonvoting commissioners who have contracts with OPDC. So, trying to clarify the direction of decision making, and reporting, and communication between the commission and the agency. The second big category is relationships between the commission and the agency on the one hand and the public on the other hand. So, those occur in Article 2, sub 1E with individual communications of commissioners with public and the press or with the legislature in III 1D, clarity

about the different kinds of meetings so that we all know what's going on at the different meetings and what the schedules are for public participation, notice, and materials.

And then a clarified grievance procedure in Article 6. The third big bucket is internal commission organization, and we take care of that in Article 2, Article 3 sub 1, Article 5 that deals with subcommittees, and also Article 5 sub 2 that deals with the audit committee. And as the memo points out, there's a clarification in here about exactly what the audit committee is meant to do, who it works with, and who reports to the commission, which is not the audit committee. It's the OPDC auditors who then report to the commission. So, I think that the current state of the bylaws clarifies a lot of what was hazy with the former commission and what was hazy in terms of the commission relationship to the public. And that was the goal of drafting these bylaws. So, I'm happy to answer any questions or clarifications that people want. Other than that, I think it's all in the written materials.

Jennifer Nash: Are there any questions, or comments, or clarifications?

Susan Mandiberg: I think Brook's hand is up.

Jennifer Nash: Aw, yes, Brook. Thank you.

Brook Reinhard: Sure. So, two things. First, I just noticed as I was rereading, again, the bylaws... I think that having three minutes for public comment for people who are used to addressing the commission is really appropriate, particularly because those folks know how to put comments in writing. I never had an issue with a three-minute limit when I was testifying before I was on the commission. But I do think that three minutes is a bit of a disservice to people who are not used to talking to a public body. In particular, I've noticed that some people who have never talked before get super nervous. They use up their time, and it seems like they're really frustrated. So, I don't think this needs to be in the bylaw, but I would suggest that maybe the Chair consider giving additional time to people who have never testified before the commission.

I think it would be pretty helpful, and it doesn't seem like that's usually what takes up the most time at meetings. So, I just wanted to throw that out there. The other thing is I continue to think it would be useful if nonvoting members could make motions. I understand that that's not currently on the table. I think it would be helpful for dialogue. I certainly feel like I'm talking a lot as it is, so I don't want to dominate things any more than I am as a nonvoting member. But I think it would be helpful if the board nonvoting members could still make motions. Those are my comments. Thanks.

Jennifer Nash: Thank you. Two comments about your comments. One, your point about public comment is well taken. And when I learned yesterday that we had a judge who was going to present information during public comment, I had no intention of cutting him off. I mean, I was hoping he wasn't going to take 20 minutes. But on the other hand, it was like he's just going to... If it blows through the time, it blows through the time. So, that's why also I suggested that he come back and invited him back so we could have further dialogue. But, yes, your point is very well taken, and I think that's just a game time call. And then I think... And Mr. Deitrick can talk about this, but I think there was DOJ advice that was sought about the voting versus nonvoting members and whether or not they could make motions. Is that right?

Eric Deitrick: Yeah, that's right. We looked at it here, and we talked with the DOJ, and they looked at it. And I think for either Brook or Jasmine and nonvoting members, it's perfectly appropriate for you to basically say, "If I were to make a motion, here's what it'd be." It's just that the vote is the culmination of the motion that's made. And so as a foundation piece, the motion needs to be made by a voting member. But your contribution and Jasmine's contributions are to exactly what you're doing, talk about what you'd like to see happen. I don't think the prohibition on you making a motion is intended to prevent you from doing that.

Jennifer Nash: And also Senator Prozanski and Representative Evans, who are also nonvoting members. But, yes, I think that works, too. I mean, you could state what you thought the motion should be if you wanted to make a motion, and then someone could just make that motion. Tom?

Tom Lininger: Hi. By the way, I didn't raise my hand to make this point. But if Brook or any other nonvoting member would like to just send me a chat, I would instantly make whatever motion you have in mind. I have great faith in our nonvoting members and understand why that constraint is frustrating. The reason I raised my hand some time ago is I just wanted to recognize that Rob and Susan are such super stars. In my brief on this commission, I have been so impressed by all the work they do both in our commission meetings and in their separate subcommittee meetings. And I wish we had more positions to honor both of them as wonderful colleagues. I think they both would have been great vice chairs. Then, Susan, thank you so much for clarification of what oversight means. I thought the way you wrote that up really addressed the question I raised last March. Just generally, these bylaws look great. You did a wonderful job.

Susan Mandiberg: Thank you. Judge Selander? Selander, sorry.

Robert Selander: Yeah, Susan, I had a question about communications not subject to public meeting laws.



Susan Mandiberg: Right.

Robert Selander: You have crossed out ex parte contacts. And my question is, number one, in terms of commissioners, what is ex parte contact? And number two, by crossing that out, does that mean all ex parte contacts are subject to public meeting laws?

Susan Mandiberg: I crossed out the term ex parte contacts because I thought that term was not very clear, especially for people who aren't lawyers, or used to bureaucratic types of communications, or didn't study Latin in high school. I thought that explaining what kinds of communications we were talking about was more clear than just referring to ex parte contacts. So, I was hoping that under subsection A and B when we were discussing or when we were laying out the specific types of communications, that would let people know more clearly what they could and couldn't do without being subject to public meeting laws.

Robert Selander: I guess my specific question is by crossing it out...having it in and crossing it out causes me some problems. You make reference to commission members having communication with OPDC staff. If I have contact with a member of the public or a contractor on commission business or matters before the commission, that's ex parte contact, but I don't think that is covered by public meeting law rules. Am I correct?

Susan Mandiberg: I think that's automatically not covered by public meeting... Certainly individual communications with a member of the public... If I sat down with a provider, for example, I think that that's automatically not covered by public meeting laws the way that public meetings set out their definitions. Similarly, as I understand those definitions in the law, they're not...my communication with a member of the staff is not covered by public meeting laws. So, I didn't see any need to reiterate that in the bylaws. But obviously if commissioners want that reiterated in the bylaws, we can certainly do that.

Robert Selander: Susan, I wouldn't have asked the question except you took out ex parte contacts. That's what caused me... I agree with you, I don't think it is subject to the public meeting laws, but I have been bound by ex parte contacts for years. And it concerned me.

Susan Mandiberg: Yeah, it was just a question of trying to clarify the heading.

Robert Selander: Thank you.

Jennifer Nash: Do you have other questions or comments? All right. Well, thank you again. These are wonderful. And thank you for the governance committee and

particularly, Susan, your work on this. Very, very much appreciated. All right. So, with that, is there a motion to adopt the bylaws dated today, I believe?

Tom Lininger: To moved.

Jennifer Nash: Thank you. The memo date is April 10<sup>th</sup>, but of course today is the 17<sup>th</sup>. Is there a second for the motion?

Rob Harris: Second.

Jennifer Nash: All right. Mr. Deitrick?

Eric Deitrick: Chair Nash?

Jennifer Nash: Yes.

Eric Deitrick: Commissioner Selander?

Robert Selander: Yes.

Eric Deitrick: Commissioner Smith?

Addie Smith: Yes.

Eric Deitrick: Commissioner Buckley?

Peter Buckley: Yes.

Eric Deitrick: Commissioner Parrish-Taylor?

Jennifer Parrish-Taylor: Yes.

Eric Deitrick: Commissioner Mandiberg?

Susan Mandiberg: Yes.

Eric Deitrick: Commissioner Lininger? Commissioner Harris?

Rob Harris: Yes.

Jennifer Nash: All right, the motion passes. And I will say now that we have bylaws, we've identified and...we've previously identified and now formally identified a new subcommittee...legislative subcommittee. So, please get Addie your, "Yes, I'm

willing to be on this committee,” as soon as possible, please. And then once we’ve identified who’s going to be on the committee, I will sign...

[Crosstalk 00:24:13]

Addie Smith: Just do you want to just briefly go over the scope of that committee with everyone so that they know it’s more than just the reports? Which are riveting and very worthwhile.

Jennifer Nash: I think what we talked about before was reports but also identification, and vetting, and discussion of substantive and procedural type law changes that we might want to pursue with the legislature. Legislative changes I guess is a good way to put it. And I could also... I mean, the committee can develop its own scope, but I would certainly think that there is lots of reports that are not just the reports we’ve looked at now but lots of communication that needs to go to the legislature. It seems like that is a natural resting place for that work to be done ahead of any formal approval. Then if the committee and the agency has other suggestions about things that seem like a good fit for the committee then we can have a more, I don’t know, formalized outline of what that work would be once it's developed fully. Yes, Tom? You’re muted.

Tom Lininger: Is this a solicitation of volunteers, or is Addie going to pick volunteers or pick subcommittee members?

Jennifer Nash: Oh. [Laughs]

Tom Lininger: I just had two questions. I’ve been trying to budget time so I could be on one subcommittee because working full time, I can only do one. I was wondering what other opportunities are coming down the pike. I mean, there was the 6<sup>th</sup> Amendment subcommittee. I forget the title. Are there other subcommittees that people will be recruiting for, or is now a good time to just jump in?

Jennifer Nash: Well, I think the govern... Well, I don’t know. Because the governance committee took on the bylaws, and it should morph into taking on other work. I didn’t see that committee as a temporary committee. And I think the question is what do they now do. Do they take on the...do they continue with just governance and oversight, or do we also have a second...or third, I’m sorry, at this point, subcommittee that deals with workload development and things like that. So, I think that’s worth a discussion, a longer discussion, to have. And maybe the agency could identify, and we can take that up in the May meeting if we think that there are other...or the governance subcommittee could discuss if there are other subcommittees that we think need to be formed. But that’s a good question.

Tom Lininger: Yes, I'd like to volunteer to be on the subcommittee with Abby. I'm kind of time constrained until the end of May, but would like to be on the subcommittee with Abby.

Jennifer Nash: Fantastic.

Tom Lininger: Or Addie. Forgive me for saying Abby.

Jennifer Nash: Okay. All right. Well, I'm happy to say we got through all the action items intact, with all the commission members. [Laughs] So, that's fantastic. So, the next item on the agenda, which is a briefing regarding the discussion of the draft comprehensive public defense report, which we're being briefed on now, we'll take up in May to formally approve. Sorry, Ms. Taylor, go ahead.

Lisa Taylor: Yeah. Thank you. Yes, I'm back with another riveting report. Thank you, Addie. We have our Comprehensive Public Defense Report, which was directed under Senate Bill 337, and this is a report unlike the other ones you've approved this today. This report goes to the judiciary committees of the legislature, so that's why it's not on the same timeline as these other reports. 337 is due May 15<sup>th</sup>, so that provides us with additional time. Would you like me to share the screen and go through this report, or would you like me to just kind of talk about the general idea of the report and what would be most helpful from the commission?

Jennifer Nash: Sorry, I'm doing two things at once. I also got a request or a question from Director Kampfe about the time, because it's now one, and we were noticed to go past...or noticed to go to one. If we're going to go past one... So, I was looking at the agenda. I do think that we should go past one because the other things that we have on the agenda are shorter, but they're important that we talk about. And so I think we should plan for maybe another 30 to...well, 40 minutes, 45 minutes. And we'll try to move through those as quickly as possible, but we should talk about the other things that are on the agenda as well. So, there is that. And then to your question, are there people...? Do we want to have the report shared as we did at the beginning, or do we just want to have...do you have questions, or comments, or concerns that you would rather just after Ms. Taylor's summary take up? So, nod your head if you want a full report on the screen.

[Crosstalk 00:30:07]

Jennifer Parrish-Taylor: Are we going to be reviewing anything that requires a vote? Because a number of us have to leave at one.

Jennifer Nash: No, we are not.

Jennifer Parrish-Taylor: Okay.

Jennifer Nash: All right. So, the consensus is no, we don't need to see the report on the screen. So, if you want to just give a summary, Ms. Taylor.

Lisa Taylor: Yeah. So, this report is, again, an iterative report. I believe we'll be turning it in once a year for the foreseeable future. I think it goes into 2030. 2036. So, this report is just about how we will be providing public defense services in Oregon in the future. So, it is a very broad report, and it is one of those very long-term planning reports. If you go through the report, what you'll see is we do our fiscal projections based on workload, which is directed by the budget note. And this is kind of a culmination of we have our caseload forecast, which was just recently produced by OEA, the Oregon Economic...

Anyway, part of DAS. Then we have our hours per case, which come from the Oregon study or the national hours. Again, that will be something that you guys will need to adopt or discuss in the future. Then we'll have the hourly rate, which, again, we'll be having an economic study which will come before this commission in the future. Then basically our financial projections based on workload would be a combination of those three factors with potentially other mitigating circumstances worked in once we have those discussions. Then we go into the public defense delivery, which is actually how public defense will be provided. We discuss workload versus caseload and the differences there.

Then we talk about our transition to the future state, which, again, based on 337 is the state employees, the nonprofit public defenders, and the panel attorneys. Then we talk about standards and oversights and what those qualification and performance standards are going to look like and look like currently. And then finally, some training and supervision. Then we go into the six-year plan. That section is actually blank right now because we haven't taken it up since that was removed from this commission meeting. I think that section of the report will actually be completely removed since we won't have approved that in time for the May 15<sup>th</sup> deadline.

And then of course the appendix which had the six-year report will be removed, but we will be referencing the Oregon study from the ABA. What would be the most helpful from this commission, especially given our short timeline here, would be feedback in the form of an email if that would be acceptable. I really am looking for feedback from this commission about this report. We want to make sure it's going in the correct direction. This might also be something that the legislative committee takes up. So, we can have a fuller discussion in that committee before it's brought forward to the full committee in May.

Jennifer Nash: I think that makes a lot of sense to have the legislative committee looking at that. And of course, the difficulty with this report is that it includes a lot of policy issues that the commission really has not decided on yet. But I think it's also okay to say that in the report. Like, "Here are the things that we have to talk about and that we have to decide. And the commission is going to be taking these issues up." And just kind of lay out what the decision points are and what needs to...what the vision is and what needs to happen, and kind of the timeline for those things needing to happen.

Because, I mean, we can't tell them what a workload model is because we haven't adopted a workload model. There are things that we just can't put in here but telling them that. Like, "These are things that the commission will be taking up, and here is why, and here is the potential impact, and blah, blah, blah." So, I think that's... But this is a nice framework to start, and I really appreciate that. Especially developing it on a full clock is difficult. But, yes, I think the legislative committee can take up the getting this ready for the next meeting. Are there other comments, questions, concerns?

Rob Harris: Yeah, I think this is too long with too much information and mixed policy and process to really to really intelligently comment in this meeting here today. I see a lot of issues that I would like to have understood and addressed. I know it's sort of a overlap on your six-year plan, too, from what I can tell just going through it. So, are you saying, Lisa, that you'd just like to have an...or the agency would just like to have an email with concerns or questions from commissioners? Is that what I understood?

Lisa Taylor: Yes, I think that would be helpful. I'm also happy to hear comments now. I was just looking at time wise.

Jennifer Nash: I think an email might be really helpful, and cc that or make sure that Addie has that. And it can be taken up in the legislative committee. And then she can provide that feedback at the May meeting and how it was distilled into the final product that we're looking at. Does that sound like a good process, Rob?

Rob Harris: Yeah, that's fine. I want to understand a little bit how this report coincides, or overlaps, or is separate from the six-year report, or is it the same? Or is this six-year plan an amendment to this? Can you explain how these two work together?

Lisa Taylor: Yeah...

[Crosstalk 00:36:24]

Lisa Taylor: Go ahead. Sorry. Okay. Yeah, so the initial plan for this was to include the six-year report, kind of summarizing that at the end of this report. They are two separate reports. I might think of them... And, Chair Nash, please correct me if you were thinking of this differently. It's almost like our comprehensive plan would be a plan about how we could implement the parts of the six-year plan that we're planning to implement. But also, this report goes much deeper than the six-year plan. It's not just about numbers and how we get and pay for lawyers. It's also about the qualifications of those lawyers, how we're going to set up the panel of attorneys that 337 directs. So, it goes a lot more into the planning for the implementation of Senate Bill 337.

[Crosstalk 00:37:22]

Jennifer Nash: I think that's right, and I think we commissioned the six-year plan to help us develop the comprehensive public defense plan. And this comprehensive public defense plan is a report that goes to the legislature specifically, but we can obviously...and should...use it to answer our...have it be our broader plan, which is why it's kind of a difficult report. Because a lot of the things that we would put in here we haven't talked about or decided yet. So, it becomes... It's like how can you have a plan before you have a plan? So, I think... That's part of the... But I also think the legislature is used to that. And certainly with us, they're used to that. And we have the chair of the judiciary committee, who has now left, but he's on our commission. [Laughs] So, certainly he's going to understand that those issues are...the senate judiciary committee...that those issues are issues that we need to address.

Susan Mandiberg: Can somebody take responsibility for letting the voting and nonvoting commissioners who have left...that you would welcome emails giving feedback about this, because I don't want them to be left just because they had to leave at one o'clock.

Jennifer Nash: I can send a group email to everyone that includes that.

Susan Mandiberg: Great.

Jennifer Nash: All right, thank you. Are there any other comments, or questions, or concerns, or anything on this topic?

Addie Smith: I would just like to say, I know we're really short on time, but I appreciate getting the report one month in advance of when we're voting on it. I know that's what we're moving towards, so just bit thumbs up on helping us get to there. And certainly email Lisa and cc me thoughts, comments, concerns. We'll try and take them up and address them in legislative sub and then bring you

back something that's going to require less motions with pluses signs so to speak.

Jennifer Nash: Thank you. I'm making myself a note so I can remember what I need to do. All right. Moving on to director's report.

Jessica Kampfe: My director's report will be very brief. When this commission meeting was added to our schedule, it was really with a focus of doing the work to get the reports out the door and everything that needed to come in front of the legislature in May. So, the other parts of this meeting are really slimmed down. I just wanted to let commissioners know that we have an open house coming up on May 9<sup>th</sup> from 4:30 to 6:30 PM at our new Mid-Willamette Valley trial office. So, you all are invited to come down and meet some of the lawyers that are doing that direct representation at the trial level and hear from Mr. Jeffers about how that office is doing.

Jennifer Nash: Thank you. All right. How about an update on the unrepresented persons?

Jessica Kampfe: This will also be brief because we had not initially planned on having this update for this meeting. So, I just have a couple of slides with the numbers. Mona, is it possible for you to share that? [Pause] So, we can see that the unrepresented numbers are...while they're trending up slightly, they're pretty much holding steady. So, the big spike that we saw in the spring and summer of 2023 came down once the new contracts were put into place that as Commissioner Nash noted earlier prorated the MAC every month instead of having it be just an annual total. So, that has had an impact of keeping the numbers from skyrocketing again. But other than that, they're pretty much holding pretty steady. Mona, the next slide.

This is having to do with the out of custody unrepresented persons, and we can see that that is where the bulk of the unrepresented cases are is with the out of custody folks, and that those numbers have also been holding pretty steady since that big spike. We have not made a lot of progress in bringing them back down from the spike that happened in late spring, early summer of 2023, but we have avoided a big increase in them since that time. I think that might be it for unrepresented update. We'll have a more thorough unrepresented update for you all in just three weeks' time when we come back. I think it's May 8<sup>th</sup> is our next commission meeting. It's early May, so it's a short time. We'll be prepared for a much more detailed conversations at that time.

Jennifer Nash: And just a note about the numbers... I mean, there's still too many, period. But the out of custody numbers include about 50% of those are on warrant status. So, it is over 3,000, but half of those people are out on warrant. So, it's still not good, but it's not 3,000 live, active cases. Rob?



Rob Harris: Yeah, I was going to have some questions around this today, but I'm going to defer that until May when we get a fuller report and maybe talk a little bit to the folks there at the agency and you, Jennifer, as far as what I think is...I would like to hear. I think some of the good news... I was looking at this the last couple of weeks, and a lot of the in custodies... That's way too many in custodies, but many of them, they show up in custody one day, and they're off the list in three days because they are...they do find somebody. So, even though it may say 100, many of those just didn't have a lawyer at the time of arraignment, and they'll pop up. Then they come back. Still not good, but it's not like we have 100 people sitting in jail for six months waiting for lawyers. The unrepresented is more of a concern.

They're going months and months sometimes lawyers, and that certainly is a concern for all of us. So, I wanted to say that, but I... And like I say, I'll work with you on coming up with some ideas about some information I would like to hear. I do think this should be one of our first agenda items, not deferred to the end because it's sort of like one of those things, like we're buttoned up for time, and we're going to quickly move through this. I tend to agree with some other speakers here today, that we can't ignore this problem. And I know we're not. But maybe we should be giving a little more priority to solve this problem, because it appears like almost close to being solvable. I mean, if we're at the point where those numbers are holding steady on the out of custody, maybe a little extra effort...

And Clackamas County was able to do it. And I guess... I think we should dig into some of these providers in some of the counties where they are handling it, and others where they're unable to for whatever reason and find out what resources we can get to those counties or help them get these numbers down. But the only way we can do that is if we know what's going on in each of these counties and each of these providers. But that's the type of information I think we need to know. Then if it's something we can solve by directing resources to those counties in one way or another, let's do it.

Let's get these numbers down. Because it looks like we're holding... Like I say, we're holding steady, which means maybe we're handling the current caseload, but we're swapping out people who have been on the waiting list for two months, and the person who now just gets arraigned has to wait. Anyway, I think there's more information and work to be done on this, and I think it should be given some priority.

[Crosstalk 00:45:57]

Jessica Kampfe: Thank you, Rob. Oh, excuse me. I was just going to say thank you, Rob. And I will reach out to you to set up a meeting so that we can talk about what would be most helpful in the unrepresented report.

Rob Harris: Thank you.

Jennifer Nash: I will say, too, I think that one of the things that's kind of hidden that we're going to figure out pretty quickly hopefully...I mean very quickly. I'd say 60, 90 days. Is we should see a bigger trend in the unrepresented as the statewide offices come more online because one of the things that's been happening is there's been a massive issue with discovery – not being able to obtain discovery because of OJD firewall issues. So, that issue has just been resolved this week. So, it's really limited the number of cases that the state trial lawyers could take because they literally were unable to get discovery on cases. So, the numbers were artificially deflated.

Well, I shouldn't say artificially because they weren't artificially deflated. They were deflated about what number of cases could be taken because of technology issues. So, once that happens... And we've largely solved the in custody unrepresented persons in those counties. Those lawyers will probably start taking, I think the plan is, out of custody unrepresented cases, and we'll start to see an impact on those numbers. So, fingers crossed. I mean, we'll have a lot more data, I think, in the next 60 to 90 days about those offices, too. Okay. And the last item is the budget. Is Mr. Amador available? Maybe not.

Jessica Kampfe: Ralph?

Jennifer Nash: Ralph? Okay. So, we may have to defer that. Our next meeting is in three weeks, so the budget numbers aren't going to change much between now and three weeks from now. Our next meeting is May 8<sup>th</sup>. So, we'll just have a budget report in the next meeting.

Jessica Kampfe: I do believe Mr. Amador just messaged me that he's with us, so I don't know if he's having a tech issue.

Jennifer Nash: Oh, okay. I don't...

Jessica Kampfe: Ralph, are you able to hear us? Maybe it will have to wait.

Jennifer Nash: Yeah, we can wait. So, May meeting preview – six-year plan discussion, preliminary discussions about... Oh, there's Mr. Amador. Preliminary discussions about the public...I mean, sorry, policy option packages that the agency may want to request from the legislature. That's a discussion, not a decision. Then the comprehensive public defense plan report that we just discussed. Also, as a

reminder to the commissioners who are here if they haven't already responded... And maybe, Susan, you can put this in your email to the commissioners. Please respond to Mona about whether or not you need lodging for the June in person meeting as soon as humanly possible. Thank you. And whenever she sends you emails, please respond like right away. Thank you. Public service announcement. All right, Mr. Amador.

Ralph Amador: Can you hear me?

Jennifer Nash: Yes, we can hear you.

Ralph Amador: I'm doing the budget update. Mona, can you put that up? Thank you. Sorry for that. My connections are bad, and I have a lot of construction outside my window right now. Chair Nash, members of the commission, Ralph Amador, chief financial officer. Here is a budget update for the month ending February 2024. Currently, we're looking at a positive variance of four million dollars overall for the agency. What this shows here is that where each... It's not as comprehensive a view as before, but this is just an overview to show where we're at forecast wise, variance wise for each of the divisions that are in the commission. The differences I've added at the far right is the 2024 session change. These are additions that were made to the budget, and it equated to about 35 million dollars.

However, that does not say that our variance now is 40 million dollars. Because with these changes will come projections that have not been entered into our stuff yet. So, our next report... And the reason for this is because the bill that has a lot of these things has not been signed by the governor yet. So, while they're there, they're not there. She has until I think tomorrow to finish up. Or today to finish up if she hasn't already done so. When I checked last, it hadn't been signed yet.

So, quarterly adjustments need to be made for adult and juvenile PCRCP caseloads. There were changes and additions. 40 amendments were done over the course of this last quarter that are going to change the adjustments in the adult trial division and the juvenile division, and in parent/child representation because there was additions that were made for MAC and FTE. So, this is a snapshot of where we are right now. I will say that we will be making our payments on time this month, and we have compiled the incentive payments are the 9.9... That portion for April will be going out as well with the payments on the 25th. So, with that, if there's any questions, I'm happy to answer.

Jennifer Nash: Are there any questions? This is... I like this format. It's very easy to read. It's much easier than the usual format. Although the usual format is helpful, too, but this is great. Thank you, Mr. Amador. All right, I don't see any questions.

Thank you for your information. Very much appreciated. Okay. Is there anything else for the good of the order before we adjourn? Sorry for running 20 minutes over. But all things considered, I think that was a miracle. So, next time, hopefully I'll be on time. All right. I'll... Well, do we...? We don't need a motion because we're just having an informational meeting. There aren't enough voting members to make a motion. Oh, yeah, there are. There's five of us. Okay. Is there a motion to adjourn? All right. And a second? Anybody object? No? All right. Oh, Tom, you're muted.

Tom Lininger: I was wondering if I could talk to you just for a second after the meeting. Would you mind holding on for just a second?

Jennifer Nash: Actually, yes, because we're being recorded in a public meeting. So, why don't you just call me?

Tom Lininger: Oh, okay. I was just going to mention that I can't attend the June meeting in person for the reasons I've explained before.

Jennifer Nash: Oh, no, I remember that, and I understand. I think it's going to be a hybrid meeting. Not everyone is going to be there in person, and I know that you will not be there for some of the meeting. So, you are excused. [Laughs] All right, thank you, everyone.

Tom Lininger: Thank you.

Jennifer Nash: See you in May.