

Chair Jennifer Nash: Good afternoon and welcome to the June 20th continuation of the June 13th, yes, Oregon Public Defense Commission. I'm Jennifer Nash, chair of the commission. We are here to continue with a presentation and voting on the agenda that was published for the June 13th meeting, also republished for today's meeting. We are not going to have public comment because we are continuing with the already scheduled agenda that wasn't completed. So, we'll start with a briefing from Director Kampfe regarding policies for public option package concepts.

Jessica Kampfe: Thank you, Chair Nash, and members of the commission. I will ask Mona to pull up the policy option package slide deck for me. Thank you, Mona. I want to start by thanking the members of our commission who made time on June 14th to meet as a workgroup and help the agency to make sure that we were aligned in the concepts that we were building into the policy option packages. Particularly the policy option packages that are intended to implement the public defense reform. And so that would be policy option packages two, three, four, and five, and seven... No, two, three, four, and five.

So, moving from this slide to the next one, I think we'll start walking through them. I'm going to go really quickly through the policy option packages that we thoroughly discussed at our last commission meeting because there's been no change. So, policy option package 101 is for the Financial and Case Management System for the agency. Nothing has changed since you saw this last go-around. Mona? And the agency continues to recommend approval. Next slide.

Policy option package number 106 for agency administrative staff. Nothing has changed in this since you saw it last time, and we continue to recommend approval. For the THIP policy option package, I do want to spend a moment talking about this. Nothing has changed with the buildout of THIP since you all saw it last time, and the commission gave the agency some direction in terms of changes that you would like to see to this. So, the direction that we received from the commission at our last commission meeting was to consider building out another version of this policy option package, if the commission were to extend this program beyond the December 31st sunset date all the way till the end of the fiscal biennium.

Later in your agenda, you will have another action item around the Temporary Hourly Increase Program and whether or not the commission wants to expand the scope of that program to address that chart. So, with that in mind, the agency's recommendation on this has changed slightly. If, Mona, you could show the recommendation slide? So, at this time, we're going to recommend that the commission approves this policy option package with direction to the agency to add options if THIP is extended beyond December 31st, 2024, and if THIP is expanded in scope to include the Betschart release cases. So, we have

not yet calculated the cost of those things, but with the commission's direction, we would build those options into a policy option package. Since that's new, does the commission want to stop and talk about this?

Chair Jennifer Nash: I have a question.

Jessica Kampfe: Yes.

Chair Jennifer Nash: So, you would like us to vote on three things for this policy option package. One is the general policy package to... I'm sorry. No, two, right? One, if we extend THIP past December 31st, 2024, and then secondly, if it should be expanded to include the Betschart release?

Jessica Kampfe: Thank you so much for the question. Currently, this policy option package is designed to cover costs that we incur until December 31st that carry into next biennium. Because we know that a case appointed on December 31st of 2024 may not resolve before the end of this biennium, and that we can expect we'll have costs next biennium associated with that case.

So, as the policy option package is currently written, what it's anticipating is the program, it ends on December 31st, which is when it's currently set to expire, and it doesn't expand in scope. It stays narrowly tailored in custody. So, the first piece would be cover the bills that we incur next biennium from the program we're running right now. And then the second piece would be if the commission wants us to anticipate that the program would be extended to the end of the fiscal biennium, writing a policy option package to cover those additional expenses.

And then the third piece would be if the commission anticipates that the scope of the program would be expanded to include persons released pursuant to Betschart, then we would anticipate increased costs. Or at least the fiscal impact is unknown or uncertain at this time, so writing it to include those cases. So, there's sort of three ways to go with this. At a minimum, the agency is asking the commission to cover the costs next biennium that we incur this biennium, even if none of the expansion happens.

Chair Jennifer Nash: Thank you for the clarification. Are there any questions? Commissioner Harris?

Rob Harris: Thank you, Chair Nash. So, a question. So, the POP 107 has not changed from last time. Is the THIP program already approved through December 31st? I thought it was not approved yet. I thought we were going to extend it to that date.

Jessica Kampfe: At your last commission meeting, you extended the THIP program to December 31st of 2024.

Rob Harris: Okay, so that's been done. And so this one would just say any billing on those appointments that occur through December 31, you're just asking that that be included as a POP budget item for next biennium. Is that what 107 is about?

Jessica Kampfe: Yeah, that's right. So, any expenses that we incur on the case that are appointed prior to December 31st or prior to January 1. We expect we'll have some costs that carry over into next biennium, and it's just allowing us to pay those costs next biennium.

Rob Harris: So, the commission, I think, sort of agreed that we should just keep the program in place since the hourly panel rate is going to go up, we assume, starting July 1, and we don't want to have a six-month period where there's a drop in compensation because it could affect the unrepresented crisis. So, are you going to do a new POP for that? Or what...

[Crosstalk 00:08:12]

Jessica Kampfe: Thanks, yes.

Rob Harris: ...recommend?

Jessica Kampfe: Thank you for the question. This is like a legislative procedure question.

Rob Harris: Right.

Jessica Kampfe: So, the next thing that the commission would need to do is direct the agency to send a letter to the Emergency Board, asking for funding to extend the program from January 1 to June 30th, 31st, I don't remember how many days are in June, and then the agency would send that request to the Emergency Board. The Emergency Board would make a decision about whether or not they wanted to fund that request, and then we would come back to the commission and say you do or do not have money to extend this program.

Rob Harris: Okay, got it. Thank you.

Jessica Kampfe: Are we ready to move on, Chair Nash?

Chair Jennifer Nash: Yes, thank you.

Jessica Kampfe: This is the recruitment and retention policy option package. And you all heard a presentation from OCDLA, which is the only information that we've added to

the slide is OCDLA recommendations. I do think that this requires some discussion and direction from the commission. The agency's recommendations are that we continue and expand existing programs. Specifically, the Legislature allocated funding to create clinical public defense programs in law schools. It was one-time funding. The agency is recommending that we ask to have that funding continued into the next biennium.

The agency currently pays for training supervision in the nonprofit public defender offices. You all heard about the benefits of the SPPE route to admission to being a lawyer, and in order for SPPE applicants to be able to use that path, there needs to be supervisors that can supervise them. The agency's recommending a policy option package be created to expand training and supervision so that we can use it to bring in more SPPE folks. When you all approved the SPPE policy that the agency put forward, it was limited to places that already had those trainers and supervisors in it, and the commission specifically talked about coming back and considering whether or not we could expand it to the private bar, to the panel. In order to do that, we would need to actually pay for those training positions for more diverse types of public defenders in order to expand the program. So, we would recommend that the commission seek some investment in training and supervision so that we can better utilize the SPPE.

And then you heard recommendations from OCDLA, and so I wanted to save space for the commission to consider recommendations from OCDLA that you would like to fund. For clarity, OCDLA's recommendations included investments this biennium and investments next biennium. Investments this biennium are not part of a policy option package. It would be investments for next biennium that would be part of a policy option package. So, we are definitely looking for some discussion and direction from the commission in this area.

Chair Jennifer Nash: And are you wanting to have that discussion and direction now?

Jessica Kampfe: Yes, please.

Chair Jennifer Nash: At this particular point. Okay, thank you. I did not see which person had their hand raised first between Tom and Peter. So, jump in.

Peter Buckley: Go ahead, Tom.

Tom Lininger: Peter, why don't you go ahead?

Peter Buckley: Okay, I'll be just real quick. I'm very supportive of this. I just believe that we're not doing enough in recruitment. This is an expansion of the efforts to do

additional recruitment. We have to bring in more attorneys. So, I'm very supportive.

Chair Jennifer Nash: Thank you. Go ahead, Tom.

Tom Lininger: Thank you. I agree with Peter, and I just wanted to point out one other consideration that makes me favor a very robust POP for recruitment and retention. I think we had a discussion at a recent meeting about the need to be market leaders with our pay rate. And now it appears, I think some people made a sensible decision last Friday that it may be hard to be market leaders, we might have to match the market. So, I think that only heightens the urgency of strong recruitment. I think if the pay rate may not be as enticing as we hoped a couple months ago, but at least matches the market, we really need to facilitate the transition from law school to public defense practice. So, I would favor including all of these, certainly continuing the misdemeanor clinic, expanding the training for SPPE supervisors, and I also like those OCDLA recommendations. I would just want to broaden our recruitment program as much as is possible and politically feasible. Thank you.

Chair Jennifer Nash: Thank you. And just so that we can have the number in front of us, I just looked up the email that we received last week regarding OCDLA recommendations. It's \$118,200 from the next biennium, which is a very small amount of money in the big scheme of things. Commissioner Harris?

Rob Harris: Thank you. A couple of questions. Is there a point person at the agency that is sort of in charge of the training and what this budget would be, Jessica?

Jessica Kampfe: Thank you, Commissioner Harris. There is not. We have a position, a vacant position for a training coordinator, but we do not have a person in that position.

Rob Harris: Thanks. Second then, I guess, so if we were to approve this POP, we're not getting any actual numbers here, at least I don't see any. Have you put numbers down for the cost of each one of these bullet points? Are you to that point yet?

Jessica Kampfe: Commissioner Harris, we are not. I mean, the cost for the continuation of the law school misdemeanor clinic would be pretty straightforward since it's a continuation of an existing program that just got started. And we have the ability to look at the cost for the law student stipends that we did last year. I believe that we received some follow-up materials after our last commission meeting, but we have not yet priced out these various policy option packages. A component of the training for the Supervised Practice Portfolio Examination can be found in part of the Workforce Development because that anticipates a supervision-to-attorney ratio of 1 to 10. But the short answer is no, we have not worked through the math on all of these policy option package pieces yet.

Rob Harris: Okay, thank you. And I do agree that I think the OCDLA recommendations, there was 30,000, I think, for this biennium, whatever that package included, and it was 118,000, I guess, for the next two years to continue that. I would strongly support that because I think that the private bar is going to be able to make good use of that, and I think it's also good to have them do a lot of their outreach that they're doing now. They got a lot of resources in place that have done this, and it seems like a quick way to get it going, so thank you.

Chair Jennifer Nash: And Director Kampfe, before I have Commissioner Reinhard, we're going to address the actual numbers for these POPs in the July meeting, correct? All right. Okay. Commissioner Reinhard?

Brook Reinhard: Like my fellow commissioners, I'm really strongly in favor of this. I think these are some of the long-term ways we build ourselves out of the that we're in, and I think all of the proposals here are worthy of an investment. I would point out that I'm a little unclear about whether the \$405,000 that would fully support 45 law graduates who are doing public defense jobs for three months, I don't quite understand the timing of that, and that feels a bit squishier than the rest of the proposals. I don't think it's a bad proposal either, but, I mean, one way we fund clerk programs now is we have clerks apply for financial aid through the University of Oregon, which has OLSPIF, whatever it stands for, which is public interest funding. So, we get some of the public interest funding paid for anyway.

Would it be great to have \$9,000 per student to do funding? Absolutely. I just would hate to lose the rest of these proposals if we're sticking on one thing when that's by far the biggest number. I don't think it's a bad idea whatsoever. It just seems like compared to the rest of this, it seems like there should maybe be more things explored and fleshed out on that part of the proposal. That's my only comment, but I support it too.

Chair Jennifer Nash: Are there any other comments, questions? Commissioner Buckley.

Peter Buckley: Just to comment on that. That's a really great point, but the Legislature is able to pick and choose. They can take the POP and take it apart and they can say, "Well, we think seven of these ideas are great, but the eighth idea, we're going to cut in half." So, the POP is not an all-or-nothing proposition.

Chair Jennifer Nash: Thank you. And I see that Commissioner Smith is here. Yay. Commissioner Smith.

Addie Smith: Hi, happy to be here. I'm just going to build on what Peter is saying, although it's hard, Commissioner Buckley, Peter, and now is probably not the right moment, we may want to revisit this. But I think that point is really well taken that each of

these POPs individually can be taken apart, and the POPs can be picked or chosen by the Legislature. So, at some point today, I want to talk a little bit about setting up a process for some prioritization and who we should be talking to. I, of course, think all of these are very important and want to support all of them. And I don't want us to be caught unprepared or to have our legislative director or executive director caught with a 20-minute turnaround to provide A or B without us having thoroughly thought through and provided guidance on that. So, we can put a pin in that, but since that just came up, I wanted to build on that because that's something I've been spending a lot of time thinking about.

Chair Jennifer Nash: I think that's very helpful and very important for us to consider. Thank you. All right. Are there other comments, questions on this POP? All right. Director Kampfe.

Jessica Kampfe: Thank you. All right, Mona, let's keep it moving. We can go to the next slide. Here, we're getting to the policy option packages that all work together in terms of creating and implementing the workload model. So, the POP 102 is criminal contract facing. POP 103 is our state agency Trial Division. POP 104 is hourly for attorneys as well as core staff. And POP 105 is juvenile contracts. And so this is all about implementing the workload model for our public defenders. And this is the POP that we really had a lot of progress working through with the support of the commissioners that were able to participate in our workgroup meeting on Friday. And so I'm hopeful that they will also help me in our explanation because the stuff gets really complicated, and there are difficult choices that have to get made when we get into the nitty gritty. All right, Mona, let's go.

So, I took these from sort of most simple to most complicated. So, there's no changes in the POP 103. This is for continuing to build out the Trial Division. We are looking at growth above CSL, above our current service level of having to add 160 lawyers to the system. We had to make choices about where we wanted to budget for those lawyers to be added to the system. And under this breakdown, we have 40 of the 160 being added into the Trial Division offices. So, that's the assumption that is in here. And the projected budget... This is lawyers and all of the core staff that is really necessary in order for that lawyer to realize their full capacity in terms of being able to provide representation, and the budget for it is 22.6 million. Next. We are recommending you approve it.

Chair Jennifer Nash: Any questions or concerns? All right.

Jessica Kampfe: Here we have the panel attorneys and hourly support. So, what you're seeing in here are three different levers. So, the first lever is how much of that growth do we want to put in our hourly attorneys? So, of the 160, we put 40 in Trial

Division. We're putting 40 new full-time lawyers in hourly. This is new capacity, not currently existing in Oregon. So, that's the first lever. The second lever is increasing the funding for those hourly attorneys, and we're going to get to a slide talking through how we got to the rates that we landed on. And then the third lever is either increased funding or funding at all for the core staff that supports these lawyers.

Into this policy option package, you're going to see the funding for core staff to support different kinds of lawyers. So, you're going to see hourly lawyers, the core staff they use is in here. Also, many of our contracted lawyers use our preauthorized expense process to be able to hire people hourly to do that work on their cases. So, for example, a private bar public defender is very likely to not have an in-house investigator, but instead use our PAE process to contract with somebody to do investigation on their cases or hire somebody on a case-by-case basis to do investigation on their cases.

So, this policy option package includes the funding for the 40 new lawyers, the increased rates for lawyers, increased rates for investigators, mitigators, and core staff, but also assuming more of these types of people because we're adding to the pool of lawyers that is going to... If we increase the number of lawyers in this pool, we're going to need to also increase the number of support staff. All right, next slide.

So, you all have seen this slide before. This is how we got to the calculated hourly rate for the attorneys. We adopted the 1578 billable hours, and with the informed discussion from the workgroup, we chose to set it at the market match rate. The formula is as set forth here, and it results in our calculated hourly rate for attorneys, and we're looking at doing that in two tiers. Next slide, Mona. Okay.

So, the hourly rates for core staff were also in here, and they are calculated based on the economic survey. So, in the economic survey that you all saw, it had the market match for different core staff categories. That economic survey did not have the same information for the investigators and mitigators because I think mitigators was not a category that they had. So, we built the policy option package assuming 75 an hour for investigators and 85 an hour for mitigators. And now we're at our discussion point.

Chair Jennifer Nash: Questions, concern, discussion?

Rob Harris: I think one thing that we discussed in the workgroup is this POP would have two components, one for the attorneys and one for the staff. So, you're going to break that down into two different numbers. Is that right?



Jessica Kampfe: We have tables and spreadsheets and all that that shows how much of it goes for the cost of the attorney and how much of it is for the cost of the staff, and which staff positions and at what ratio we're calculating the attorney-to-staff need.

Rob Harris: And is this POP just for the 40 new lawyers you anticipate having on the panel or would this cover all of the panel attorneys? Is that what the calculation is going to be?

Jessica Kampfe: It's for all of the panel attorneys. So, it increases the hourly rate for everyone – the existing lawyers that are doing hourly plus the 40 new. And it also has the core staff for the entire growth. It's actually got a lot of growth in core staff because it anticipates for existing contractors, like consortium members who hire their expert witnesses hourly. Right? You're hiring your investigator, your case manager hourly, the increased rates for those folks plus the increased rates for all of the people who are hourly lawyers.

Rob Harris: Okay, thank you.

Chair Jennifer Nash: Any other questions, concerns? Commissioner Buckley?

Peter Buckley: We'll get the numbers on this at our July meeting?

Jessica Kampfe: Yes, you'll get the numbers on it at your July meeting, and I believe Mr. Amador is present today. If you all have specific questions, we have reviewed a great number of numbers.

Peter Buckley: I look forward to seeing that. Thank you.

Jessica Kampfe: Okay.

Chair Jennifer Nash: Commissioner Selander?

Bob Selander: Yeah, but my question is if we add 40 lawyers, what will that do to the unrepresented population?

Jessica Kampfe: By adding the lawyers, especially in this workload model, our expectation is that we're going to be able to address... This is our path out of the unrepresented persons problem. So, our current service level budget based on the projected caseloads shows that we would need to add 67 lawyers just to be able to tread water. That doesn't get us out of the unrepresented crisis. That's just what we need to keep up with what we expect to be growth in the number of case filings.

Our policy option packages are to add resources beyond current service level. And the implementation of the workload model is the path out of the unrepresented persons crisis. And so we would expect that as we are adding lawyers to the system, but not just lawyers, lawyers with the core staff. Because a lawyer who doesn't have the staff to support them can't do 100% of their capacity. They're limited. So, in order to realize the full capacity of a lawyer, you need to have those core staff positions. And so by building this model that has sustainable, reasonable caseloads for lawyers, pay that's going to both attract new lawyers and keep them in the profession long term, and building in that staff, we're really realizing the full potential of public defense, and that is the path out of the unrepresented crisis.

Bob Selander: So, you would anticipate that if we get the 40 new lawyers, that at the end of next biennium, we will be out of the crisis?

Jessica Kampfe: Well, I want to be clear that the 40 is just in this piece. So, it's 67 to keep treading water, but on top of the 67, it's also 160 – 40 in our trial offices, 40 in our hourly, and 80 in our contracts.

Chair Jennifer Nash: Commissioner Harris.

Rob Harris: So, Director Kampfe, a couple of questions. I had the one question at the workgroup about when the money gets put in those buckets, how do you get them out of the buckets if the bucket changes or you need more money in a different bucket? I understand the rebalancing and stuff, but are you anticipating lawyers moving from contract to hourly? Are part of your projections are saying you're going to move a county to hourly and get away from the contract in '25. Is that anticipated or are you anticipating the contracts in place for providers are going to remain, largely at least, remain in place through 2027? Or are we really looking at sort of more of a wholesale push to get more hourly people and fewer contractors starting this biennium? And if so, I want to make sure the POPs take that into account because, like I say, there's money that goes into certain buckets. So, if you're anticipating that, have you considered where the money goes into what bucket?

Jessica Kampfe: Thank you for the question. We are anticipating the same ratios of contractors to hourly providers in the next biennium. So, this modeling does not anticipate anybody who is currently a contractor switching to an hourly system. That certainly could happen, and we would need to make adjustments, but right now this anticipates that counties that currently have contracted providers would continue to have those contracted providers and not a wholesale switch from one delivery model to another.

Chair Jennifer Nash: On that, just to follow up on that, I know we broadcast or telegraphed or messaged, whatever, that if people in 2025, it's optional to move from contract to hourly. So, I understand we have no way of knowing who might do that, if anyone. But what I don't want to have happen is if we get this money allocated in the way that it is allocated now, and we have people that want to move to hourly, I think – I mean, I realize that's a decision point for later – but I think we need to facilitate that and then talk about a rebalance other than just saying, "Gee, we don't have that money in that bucket for you to do that." Does that make sense?

Jessica Kampfe: Thank you. That definitely makes sense. And just on the timing, we won't receive a budget from the Legislature until June of 2025. So, we will have time to make adjustments if we need to. The other thing that we can do is during the short session in 2026, if we need to rebalance money from one budget bucket to another, there'd be an opportunity to course correct at that point in time. So, we won't be totally stuck, but we will have to engage with our legislative partners and make sure that we're being really transparent about ways in which the system's changing, why the funding needs to change to support the model. So, as long as we're being open in those conversations, it should be feasible. It's just a matter of going through the process.

Chair Jennifer Nash: Great. Thank you. All right. I think we're ready for 102.

Jessica Kampfe: All right. This is criminal contracts. So, in the criminal contracts, we are using a standard of 2080 hours. And the reason we're using that standard is this is not billable hours. This is work hours. And so we would expect that people that are working full time are working a 2080-hour schedule. So, it does have that 2080-hour standard built into it. We built it with an implementation timeline as outlined in the six-year plan with one-third of implementation every biennium. We are using the market match rates, not the contract rates. Sorry, there is a typo in my slide. So, we built it at the market match rates.

And then we also built 102 to pay the full cost of the in-house core staff for nonprofit public defender offices. I'm using nonprofit as shorthand for large public defender offices. There may be some for profit. I actually believe that the Hood River office is now a nonprofit office, but that has been one of the larger law firms that has done a lot of in-house stuff, even though it hasn't been a nonprofit. So, this is the formula that we used. It's based on the economic surveys. So, we looked at the market match rate of pay, added in the payroll and taxes, added in the cost of the benefits, added in the cost of overhead, and that got us our calculated rates for the contracts. So, this is how we built it for the attorneys. And we did the same thing for the core staff. Mona, if you can bring me to the next slide.

So, for the core staff, this says calculated hourly rate. It should be contract rate. We looked at the same ratios that you all saw in the previous materials provided and used the same market match rate, payroll taxes, benefits, office overhead, and then calculated the cost of these types of core staff for the law firms to bring in-house. The idea being that the law firms traditionally do this stuff in-house, and then the smaller shops, solo practitioners, consortia members that have smaller shops typically use the hourly PAE model in order to access these services. So, we added the funding there for the folks that have traditionally used that path to get these kinds of supports funded, and then the contract model for the nonprofits. Next slide, Mona.

All right. This brings us to the agency's recommendation, which is that we fund the criminal contracts at one-third of the implementation costs for the six-year workload plan using the market rate, the 2080 hours, and funding for in-house core staff for nonprofit public defender offices, recognizing that the corresponding funding for the other contractors exists on the hourly PAE side.

Chair Jennifer Nash: All right. Discussion, questions? Rob, I'm going to ask you to maybe explain the 2080.

Rob Harris: So, I think of the 2080 versus 1578 is they apply to different things. So, the Moss Adams, the way I understand it, the Moss Adams salary survey used 2080 because that's the number that their database used. These were DAs or whoever, public defenders, full-time people, people who had a W-2 that said 2080. They obviously, sure, 2080s are scheduled, but then they have holidays and time off and vacation, all that stuff. But for Moss Adams to come out with an actual cost of running an office, they wanted to know how much the compensation was. Everyone else was telling them, "This is our data based on 2080." So, they used that number to come up with the cost for an attorney in their survey. So, that was the number they used, and then they used the cost of 10% payroll taxes, the 40% overhead, and they came up with a number. And that would be a good number for the cost of having a lawyer on a W-2 working full-time. And then they built that number out from there. That's the way I understand it.

Then what you do is you say, okay, that's \$300,000, whatever the number is, \$300,000 is what it costs. Well, for a lawyer in private practice, they still have that \$300 cost, but they can't bill 2080. So, that's not how you figure out what their hourly rate is. A full-time, what we call duty hours or time kept hours, client hours, is 1578. And that's pretty reasonable. We've decided that's what we've adopted. So, we take that 300,000 divided by 1578 because that lawyer is working at least 2080 hours too, just can't bill for a lot of the time walking down the hallway, using the restroom, or chatting about the copying machine or

whatever. So, they end up with the same compensation, but the 1578 measures a different thing. 2080 is based on the data.

The other thing though is workload. How much time that attorney is available to do cases based upon the national standards, based upon the hours per case. And I guess my question for Jessica is when we try and figure out how many lawyers we need, I'm assuming what a lawyer's workload should be, I'm assuming we're always using 1578 as the duty hours. So, when you say workload plan at market rate, 2080 hours, I think that's fine as far as using the Moss Adams information to measure the cost of having a full-time lawyer at an office under contract. But I'm assuming their workload is based on 1578 available duty hours. So, we make sure that the nonprofit lawyers aren't expected to take more cases than a private lawyer. And so that's a comparable workload. Am I understanding that correctly, Director Kampfe?

Jessica Kampfe: Yes, Commissioner Harris, you're understanding it correctly. And Moss Adams is taking the commission's direction from this spring and revising the workload plan. We will receive a revised plan from them this summer, but the timing doesn't line up for us to be able to have it in front of you today. So, I was using some shorthand in my slides.

Rob Harris: Okay. Thank you.

Chair Jennifer Nash: Thank you. I just wanted to make sure that, for the sake of our audience, they understood how the workgroup got to... It may look like we backpedaled from 1578, but we didn't. And that's really what I was asking Commissioner Harris to explain, that we tried to do an apples-to-apples comparison. So, that's why there's a difference between the hourly rate for contractors and the contract rate at 2080. So, are there any other questions or comments about this POP before we move on to 105, which is juvenile? All right, Director Kampfe.

Jessica Kampfe: Thank you. So, you're going to see very similar drivers in the juvenile. So, here we're looking at implementing the workload standard at 2080 under the juvenile contracts, the implementation of that workload standard at a third of the six-year plan each biennium. We used the market match rates, and we are looking at paying the full cost of in-house core staff for the nonprofit public defender offices. And again, nonprofit is kind of a stand-in for law firms that take these things in-house typically. Really, we're seeing the implementation of this workload plan for juvenile as sort of the next step in PCRCP.

So, with the Parent Child Representation Program, we have long taken a step in juvenile towards implementing a workload model. So, the Parent Child Representation Program, which exists in only 10 of our counties, provides lawyers with the access to more core staff, specifically case managers as part of

the defense team. And those case managers can be either in house, which they are in some of the law firms, but they also can be under contract with folks that can't take them in-house. The agency has contracts with some case managers, and the Parent Child Representation Program, much like other workload models, requires that lawyers do timekeeping.

Our Parent Child Representation Program has an annual open caseload number of 80 open cases. We've heard for a long time from practitioners in the program that the 80 number is too high, and that they want to see that number come down so that they can give better representation for their clients. And so by the commission's work to adopt the Oregon studied caseload numbers for juvenile, we're really building on the progress that we've made with PCRCP. And so this looks like building that out statewide. So, improving the counties that are already in PCRCP, as well as elevating the counties that haven't had access to PCRCP in the past so that we've got an even playing field for everybody with access to a workload model, with the time tracking component, but also with the core staff to help support lawyers.

Chair Jennifer Nash: Any questions or comments about the juvenile? Commissioner Harris.

Rob Harris: Wouldn't be a presentation without me asking at least one question. Is this POP, will it include money for private practitioners for like paralegal, investigative, all that sort of services, case management, whatever they may use?

Jessica Kampfe: I might have to ask Mr. Amador to help me on this one because I'm not sure what the agency's current practice is. My suspicion is that that exists actually in the hourly POP because current juvenile practitioners use the same PAE process that criminal practitioners use to access those services. So, the buildout for that, for juvenile and for criminal, both exist in the hourly. Mona, can you move to the next slide? So, these are the types of core staff that we're looking at building out, and this is how we calculated the cost. It's very similar to what we did on the criminal side.

There is a little bit in juvenile of there are counties that have consortia that do the PCRCP model, where they have contracts for case managers, and they're not doing the PAE process for the case managers. So, we would expect those types of case manager contracts to be under this model, this nonprofit model, nonprofit being shorthand for under contract as opposed to hourly, but that juvenile practitioners who have traditionally accessed support services, core staff services through the PAE process would still be able to do so but would need to do so through PAE.

Rob Harris: Yeah. The one area I was looking at on this slide is the Paralegal/Legal Assistants, which is not something the private attorneys would contract out and

bill through PAE. The investigators and case managers, sure, but not the paralegal, legal assistants, or supervisors. Hopefully, they don't need supervisors, and they wouldn't care to do that. But it seems like we did it for the panel lawyers to carve out some money for some of these things, and maybe for the hourly folks or, well, anyone who's doing that that's not a nonprofit, I guess. There's law firms that do this. There's folks that do this. I think that they should be able to get that paralegal billing done as well. And so I think there may be some number or some value that should be placed on that.

Chair Jennifer Nash: That's the way it's done now. If you're a private lawyer, you can ask for a PAE for a paralegal or a PAE for...or a case manager, if there's not a case manager under contract, and investigators, same thing. So, I think the way we discussed this before is that that would continue exactly the same way as it is now, which means it would be in the hourly POP. Is that right?

Jessica Kampfe: Yes. We built funding into the hourly POP for paralegals and legal assistants to be able to be accessed by private bar public defenders at an hourly rate. There are some folks in our system that do this now, particularly on murder cases. We don't see a lot of asks around it for other types of cases. We're building a POP, anticipating an increase in the number of folks that would access paralegal and legal assistant services hourly.

Chair Jennifer Nash: Commissioner Smith did you have a question?

Addie Smith: I was going to ask specifically about access to case managers. I think that's part of what people really appreciate about the PCRCP, people being clients and attorneys and the Legislature, all across the board. So, I just want to make sure that as we're talking about this, and I like the discussion of sort of augmenting what's already happening and increasing access in our non-PCRCP counties, that we're continuing to keep that at the forefront and ready to ask questions on that. Answer questions, sorry. I appreciated Rob's question. It was right on with what I was wondering.

Chair Jennifer Nash: Perfect. Any other comments or questions about POP 105? Okay. I don't think we've talked about 106. Oh, 109. Okay.

Jessica Kampfe: Yes, I've got them out of order in my slides. So, this is the unrepresented persons plan. As everyone knows, the governor has asked us to present a plan to her by August 1st. We wanted to hold space for any funding that we would need next biennium in order to implement that plan. Our Legislative Subcommittee is meeting on June 27th, and they are going to be starting to work with our agency staff in developing this plan. And then the plan will be back in front of the full commission for approval on July 24th. So, the agency

wanted to make sure that we were including any particular aspects that were specific to this plan and holding space for that in our policy option packages.

Chair Jennifer Nash: Thank you. Any questions, concerns? Okay.

Jessica Kampfe: Next slide, Mona.

Mona Riesterer: I think that's all we have.

Jessica Kampfe: Oh, that's everything. Okay.

Chair Jennifer Nash: I don't think, unless I missed it, we saw a slide on the administrative staff, but that's the same as you presented on the 13th, correct?

Jessica Kampfe: That is the exact same as we presented on the 13th.

Chair Jennifer Nash: All right. Thank you. All right. Generally speaking, before I move to action items, are there any questions or concerns that we want to talk about before I start down my list? And I'm just going to start at 101 and work my way down. Okay. All right. With that, is there a motion to approve conceptually POP 101 for the Financial Case Management System, which right now has a budget of approximately \$15 million, and some of that will be offset by money that we currently have that we have to return.

Peter Buckley: Madam Chair, I'm glad to make the motion. I'm also wondering is it possible to make a motion to accept the agency recommendations on all the POPs that are presented?

Chair Jennifer Nash: All right. Is there a second? Thank you. So, I'm going to list them one by one, but we have a motion from Commissioner Buckley to approve all of them, and a second from Commissioner Lininger to approve all of them. So, let's call for a vote then on POP 101. Well, we have to do a roll call.

Jessica Kampfe: Eric, can you do roll call since they...

Eric Deitrick: Yes. Commissioner Nash, how do you vote?

Chair Jennifer Nash: Yes.

Eric Deitrick: Commissioner Selander?

Bob Selander: Yes.

Eric Deitrick: Harris?



Rob Harris: Yes. Yes.

Eric Deitrick: Lininger?

Tom Lininger: Yes.

Eric Deitrick: Commissioner Smith?

Addie Smith: Yes.

Eric Deitrick: Buckley?

Peter Buckley: Yes.

Eric Deitrick: Six votes. The motion passed.

Chair Jennifer Nash: Thank you. All right. Moving to POP 102, the criminal contract. Approve the POP for the criminal contract model with one-third implementation at the market match rate using 2080 hours and in-house staff included. We have a motion and a second. We're ready for a vote.

Eric Deitrick: Commissioner Nash?

Chair Jennifer Nash: Yes.

Eric Deitrick: Commissioner Selander?

Bob Selander: Yes.

Eric Deitrick: Harris?

Rob Harris: Harris, yes. I didn't hear my name, but I think I was third.

Eric Deitrick: Commissioner Lininger?

Tom Lininger: Yes.

Eric Deitrick: Smith?

Addie Smith: Yes.

Eric Deitrick: Commissioner Buckley?

Jessica Kampfe: And Mr. Deitrick, you are cutting in and out. When you do the roll call vote, will you lean in close to your computer so we can hear you better?

Eric Deitrick: Yeah, I'm trying to think if I have the wrong microphone on, I apologize.

Chair Jennifer Nash: I'll talk a little bit slower to let you to turn the other microphone on. All right, POP 103, which is the Trial Division with a \$22.6 million price tag that includes 40 attorney positions and accompanying staff. We have a motion and a second, and we're ready for a vote.

Eric Deitrick: Commissioner Nash?

Chair Jennifer Nash: 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: Commissioner Buckley?

Chair Jennifer Nash: And Commissioner Buckley, I don't know if it's just me, but I'm having trouble hearing you. Oh, everybody's saying that. Okay. But we did see your mouth move to say yes. All right. POP 104, which is the hourly rate, including 40 new panel lawyers at the market match with 1,578 billable hours. That also includes investigators at the rate of \$75 per hour and mitigators at the rate of \$85 per hour. We have a motion from Commissioner Buckley and a second from Commissioner Leininger, and we're ready for a vote.

Eric Deitrick: Commissioner Nash?

Chair Jennifer Nash: 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: Commissioner Buckley?

Peter Buckley: Yes.

Chair Jennifer Nash: Perfect. All right. Moving on to POP 105, which is the juvenile contract, which is the one-third implementation at the market match rate, 2,080 hours with in-house staff included. So, we have a motion and a second, and I vote 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: Commissioner Buckley?

Peter Buckley: Yes.

Chair Jennifer Nash: Thank you. Motion passes. POP 106 is OPDC administrative staff, and that is staff that was included in our presentation on June 13th, 2024. We have a motion and a second.

Eric Deitrick: Commissioner Nash?

Chair Jennifer Nash: 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: Commissioner Buckley?

Peter Buckley: Yes.

Chair Jennifer Nash: All right. Now, moving on to POP 107, there's three things that I want to vote on. The first one is to authorize the agency to include in the policy option package to pay bills for cases that are appointed through December 31st, 2024, in the next biennium. So, let's start with that, and we have a motion and a second.

Eric Deitrick: Commissioner Nash?

Chair Jennifer Nash: 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: Commissioner Buckley?

Peter Buckley: Yes.

Chair Jennifer Nash: All right. The second iteration of this is we don't have to make the decision to do this. We're making the decision to include the money in the POP in case we do it, I think. If the commission authorizes it to be extended from January 1st, 2025, to June 30th, 2025, the money throughout the next biennium to pay those bills that will come due in the next biennium. That's what this motion is for, and we have a motion and a second.

Eric Deitrick: Commissioner Nash?

Chair Jennifer Nash: 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: Commissioner Buckley?

Peter Buckley: Yes.

Chair Jennifer Nash: The third iteration, I'm going to try to wrap up two things into one here, then deal with the next agenda item. And that is in the POP... Well, let's do two things. Let's do the first one first. Let's do the expansion first, it might be easier. So, as we know, the Ninth Circuit issued an opinion that requires persons who are held in custody without a lawyer for more than seven days to be released. The agency and OJG are working on making sure that they identify those people that are subject to that ruling, and that's an ongoing process.

One of the things that came up during those discussions was, hey, under our current policy, if those people are released after seven days, they're no longer eligible for the enhanced hourly rate. They're just going to go on the unrepresented list, which is really not something I think that we want to deal with. And I'm being told that Director Kampfe would like to present her slides on this, so let's have her do that.

Jessica Kampfe: Okay. So, Commissioner Nash, my understanding is we're just tabling the third part of that POP. We'll get through this THIP conversation.

Chair Jennifer Nash: Yeah.

Jessica Kampfe: We'll tag it onto that.

Chair Jennifer Nash: It's hard to have it without knowing what we're talking about. Yep.

Jessica Kampfe: Thank you so much. Mona, can you pull up my THIP slides?

Mona Riesterer: Just one second.

Jessica Kampfe: So, Chair Nash set me up for success by having introduced this concept. The Ninth Circuit opinion in Betschart goes into effect tomorrow, and so we are going to talk with you all today about whether or not to expand the THIP program to address the ruling. In order to have that conversation, I wanted to let the commission know what we're already doing. So, the agency has been partnering with the Oregon Judicial Department to create a list to prioritize Betschart cases. So, these are cases where the individual potentially qualifies for release pursuant to the Betschart ruling or does qualify for release. So, it's a more narrowly tailored version of the unrepresented list.

We are reaching out to judges and contract administrators and asking them to prioritize cases on the Betschart list for appointment. So, that means taking appointment for contracts as well as other ways. We are internally prioritizing the Betschart cases for our Trial Division. So, that will be sort of the first sweep that our Trial Division takes when they're accepting appointment on new cases

will be to look at the cases that are on the Betschart list. And we've added MAC in Deschutes, Marion, Tillamook, Yamhill, and Umatilla counties that will come online on July 1. So, we're increasing the amount of capacity that we have under contract in some of the counties that are generating cases that are likely to be subject to Betschart.

We are asking the commissioners to consider expanding our existing temporary increased hourly rate to include persons released pursuant to Betschart. So, currently, that program only applies to appointments when a person is in custody at the time of appointment. And now, some folks that would not normally be released from custody are likely to be released from custody under the Betschart decision. And so, what we're bringing in front of you is a request to expand the program to include the folks that would be released only because of Betschart.

I want to flag for the commission that we have a couple of limitations. The first is we aren't tracking Betschart releases, and OJD is not yet tracking Betschart releases. So, somebody on the Betschart list could get released for a few different reasons. They might post bail. They might be population released due to overcrowding in a jail. They might have a release hearing where a judge decides that they meet standard release criteria and released them from custody, or they might be released pursuant to the Betschart decision.

Currently, we cannot differentiate between those four types of release decisions. We are in active conversation with the Oregon Judicial Department about business processes and potentially creating a flag so that we can identify cases that would be released pursuant to Betschart. We won't be able to implement this change until we're able to identify which cases are released pursuant to Betschart. So, right now, we're not ready to implement the change to the policy because we are missing that critical piece of information.

The other limitation that we're experiencing is that the fiscal impact of this decision is indeterminate. We are in conversation with our legislative fiscal analyst to work through that piece, but before any new expansion is actually implemented by the agency, we want to make sure that we have common agreement and that we're working with the same information as the Legislature. I see a couple of hands, Chair Nash.

Chair Jennifer Nash: Yeah, Commissioner Reinhard.

Brook Reinhard: Rob was first.

Chair Jennifer Nash: Oh, I'm sorry, Commissioner Harris.

Rob Harris: It's probably a pretty quick question, one you may not be able to answer, but if someone is Betschart released, that means it wasn't a population release, it wasn't a bail, it wasn't a recog, this is someone they would prefer not to release. So, once they get a lawyer, is there a risk that they'll take them back into custody?

Jessica Kampfe: From my understanding, they would have to violate the release agreement to go back into custody, so getting a person a lawyer would not mean that the person goes to jail. One of the sort of quirky things about Betschart is that it says you have to be unrepresented for seven days without a lawyer, but there's some limitations on folks it doesn't apply to. It doesn't apply if you fired your lawyer. It also doesn't apply if your release agreement was revoked. I suspect, and human behavior's hard to predict, but I suspect it's likely judges who have to release people pursuant to Betschart will put very strict conditions on their release, which would make it harder to get through pretrial release without revoking your release agreement.

If they come back into custody having been released pursuant to Betschart, and then their release agreement gets revoked, they would actually no longer qualify to be on the Betschart list because they're no longer eligible for the seven days. There's a lot of nuances in how this case will apply when it hits the ground that we are working through right now, and that's kind of one of those pieces.

Chair Jennifer Nash: I will say for our purposes, that would be no different than, like just in terms of what we're authorizing payment for, it would be no different than somebody who remained in custody. So, I think that's a good question, Rob, one I hadn't thought of, but I think for commission purposes, money's the same. Commissioner Reinhard?

Brook Reinhard: Yeah, that question, Rob, was great. I was going to ask a pretty simple question, which is OJD's dashboard is fairly useful for getting a snapshot of what our unrepresented crisis looks like. Right now below in custody, there's a separate one that's cross-jail in custody, I guess like a Lane County defendant who's in Multnomah County Jail or something else, it seems like it wouldn't be hard – I know I'm volunteering OJD for this, but judges volunteer me for stuff all the time, that's a joke. A third area underneath in custody, before out of custody, which would be Betschart releases because then it could at least be tracked, and it might be helpful for the Legislature. So, I know that's beyond what we can do, but I know contractors use that dashboard pretty regularly to see what's out there.

Jessica Kampfe: Thank you so much for teeing up a conversation about the dashboard. That brings me to my next slide. Well, maybe a couple slides. All right. This is what



we've spent on THIP so far, so in terms of talking about what the fiscal impact was, just wanted to let the commission know how much we have currently spent in THIP. This is bills paid. This is not invoices, this is bills paid for the entirety of the program, and this is a slide that you should be getting used to seeing because we're showing it every time we have a conversation about unrepresented. Next slide, Mona. Okay, these are the folks that are subject to the Betschart ruling, and this is language that the Oregon Judicial Department now has with their brand-new dashboard. So, when you go to their new dashboard, this is the language that you see describing who is reflected on the dashboard and what the definitions of each category is. Next slide.

And OJD's new dashboard is public facing, and it does have a specific breakout for Betschart cases. So, we can look at the dashboard today, Betschart goes into effect tomorrow. We can see that there are 17 people across the state that will be released tomorrow under Betschart if we're not able to identify counsel for them because they are currently subject to release under the ruling. So, when the ruling goes into effect tomorrow, we would expect those 17 people to be released from custody. We can see there's 28 people across the state who are in custody unrepresented, and potentially subject to Betschart. That means that they are in days one through six. So, we are actively looking to identify counsel on these folks' cases because if we don't identify counsel by day seven, they would move to the subject to McShane category.

In terms of county-by-county breakdown, we can now see the unrepresented population in each county that's in custody. And then if it's light blue, they're not subject to Betschart release. So, Multnomah County has 43 in-custody unrepresented individuals, none of them are subject to Betschart. Jackson County has 20 in-custody unrepresented individuals, 11 of them are potentially or subject to Betschart. And we have that sort of county-by-county breakdown where we can see how many folks in each county are potentially or actually subject to Betschart. Next slide. OJD is actually publishing the very specific information about every individual on this list, and this is all publicly available information, mostly from jail websites. And so we can see exactly who all of these folks are, what they're charged with, what county they're in, and this is now part of OJD's public facing dashboard.

Chair Jennifer Nash: I have a question.

Jessica Kampfe: Yeah.

Chair Jennifer Nash: Why is there a person who's had one previous attorney on that list if they're not... I mean, you don't know this, but why is that there? Because I thought if they had another lawyer, then they're not eligible.

Jessica Kampfe: So, under the Betschart ruling, if they fire their lawyer, they're not eligible.

Chair Jennifer Nash: Oh.

Jessica Kampfe: But if the lawyer withdraws for a different conflict, they are eligible, and the seven days starts ticking at the time that the lawyer is removed from the case.

Chair Jennifer Nash: Thank you very much.

Jessica Kampfe: Next slide, Mona. Okay. So, that brings us to our discussion slide. I wanted to make sure that the commission knew that the agency's been working really closely with OJD to be able to identify what cases are subject to Betschart, to be able to track the cases. The thing that we're missing is with regard to when somebody actually is released, whether that release is subject to Betschart or not. And I think the trickiest thing to Commissioner Reinhard's question about building in a code or a tracker may very well be that the Betschart ruling actually applies to the sheriff's offices. They are the defendants in that case. And so if the sheriff's office makes a decision to release somebody pursuant to Betschart, that's not necessarily going to be something that a judge can enter into Odyssey. So, I think OJD is working through some business processes and trying to figure out how we would actually track the decision to release somebody based on Betschart versus some other release criteria.

Because we have some gray area in terms of implementation, the agency is not ready to expand that immediately to people released pursuant to Betschart. We are working to be able to do that. But the pieces that are missing are we need adequate information about who's released pursuant to the decision versus released for a different reason. And we need to make sure that our math is correct with regard to the funding implementation. So, what we're asking the commission to do is to expand the Temporary Hourly Increase Program to apply the enhanced rates to unrepresented defendants released from custody pursuant to Betschart at such time as the agency has access to adequate information and funding to implement that expansion. So, we don't have to come back in front of you all to ask permission once we actually have the capacity to do it. In the meantime, we will continue to use the tracker to put all available resources towards this, including working with contract administrators, judges, and our Trial Division to get people counsel within that seven-day window.

Chair Jennifer Nash: And is there a motion to that effect? Or any questions, I suppose, beforehand? Okay. Is there a motion?

Peter Buckley: I'm happy to make that motion.

Chair Jennifer Nash: All right. Commissioner Buckley makes the motion. Is there a second?

Rob Harris: Second.

Chair Jennifer Nash: Commissioner Harris seconds. All right. Ready for a vote.

Eric Deitrick: Commissioner Nash?

Chair Jennifer Nash: 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: Commissioner Buckley?

Peter Buckley: Yes.

Eric Deitrick: With that, Chair Nash, I believe we were at POP 107.

Chair Jennifer Nash: So, now the third subset of POP 107, which is now that we have voted to expand when the agency is ready for implementation, the THIP program to Betschart releases. The motion would be to include in this POP a budget for payment of those bills that come due in the next biennium. And we have a motion to that effect and a second, and we're ready for a vote.

Eric Deitrick: Commissioner Nash?

Chair Jennifer Nash: 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: Commissioner Buckley?

Chair Jennifer Nash: I did, yes, okay, all right. All right. Moving on to POP 108, recruitment and retention. This is a POP for continued law school misdemeanor programs, law school stipend – law student stipends, not law school stipends – training for new attorneys, OCDLA proposals, and the SPPE supervisors. And if I've forgotten something, anything I forgot was on the slide that was presented to us today. We have a motion and a second.

Eric Deitrick: Commissioner Nash?

Chair Jennifer Nash: 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: Commissioner Buckley?

Peter Buckley: Yes.

Chair Jennifer Nash: Perfect. All right. Moving on to POP 109, unrepresented persons POP, plan POP, which will be more fully, well, completely developed by the Legislative Subcommittee on June 27th. And then the specifics of that and funding for that will be brought back to the commission in July. We have a motion and a second to authorize development of that POP.

Eric Deitrick: Commissioner Nash?

Chair Jennifer Nash: 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: Commissioner Buckley?

Peter Buckley: Yes.

Chair Jennifer Nash: All right. Thank you. That concludes the POPs and the Temporary Hourly Increase discussion. And we're moving on to our next item, which I would like to know... Oh, sorry, Commissioner Smith. Darn it.

Addie Smith: Chair Nash, It's okay. It's going to be quick. I would just like to ask, and I don't think it needs to be formal action, but that Jesse and staff bring us back some suggested prioritization, either at the July meeting or the August meeting, to sort of kick off that conversation and allow us to give them some guidance as we move forward. And I think it should take into consideration the letter we received from the governor, some of the conversations we've been having amongst ourselves, and of course, input of our constituencies, if you will. So, I

don't think it needs to be formal, but I would like to put that on the table, please.

Chair Jennifer Nash: I think that's an excellent suggestion. Thank you. I said darn it because I was going to note we're only four minutes behind, and I'm very happy about that. We were three minutes behind, but Commissioner Smith had to take my minute from me. So, moving on to a briefing regarding the process review for preauthorized expense and accounts payable.

Jessica Kampfe: Thank you. This is a follow-up from our, let's see, I want to say May commission meeting. We started talking about the challenges that the agency is experiencing in being able to timely approve preauthorized expenses and then timely pay our bills for vendors. And so the agency promised the commission that we would come back with essentially a white paper talking with you all about the process that we currently experience.

And so the first portion of this is a process map for our preauthorized expenses. And we have put in yellow the areas within the process map where we have bottlenecks essentially. And so the first bottleneck is whether or not the request is complete. And on the intake side, the kind of errors that we see that slow us down are case number errors, incomplete forms, duplicate requests, attorney bar number errors, and incomplete provider information. And so when we have those types of missing information or incomplete information, it requires us to contact the attorney to request information. And as we know, our providers are very, very busy folks, and so trying to connect with them and get the information slows them down in the work that they're doing and slows us down in the work that we're doing. So, that's the first sort of bottleneck that we experience.

Once we have complete forms, the request is sent to a PAE approver and they have to consider whether or not the request is valid. So, Mona, can you move us to our next slide? The reasons why requests might not be valid are if there's insufficient documentation or a lack of justification or an incomplete description of a service. For example, we've received things like, "Something's wrong with my client, I need an evaluation," as a description for why somebody would be requesting a service. And so that would be an example of an invalid request.

So, when a request is invalid, we have to contact the attorney again and ask them to provide the additional information that is needed in order to process the request. Once we receive a valid request... Mona's moved me to the, "Is it valid?" No. All of the process that happens around trying to validate a request. Thank you, Mona. And then the next bit, once we receive the valid request, we're then able to send the approval to the attorney with the final statement, and so that part goes pretty quickly. But we just wanted to highlight for you all

some of the types of challenges that our PAE folks experience when they are going through this process and where the work gets bottlenecked. It's mostly either in the intake or in the approval space.

So, we are working to improve our functionality around here. So, things that we've done to help improve on PAE are increasing the number of short forms that are available, increasing the number of investigation hours that can be used on the short form, allowing subsequent attorneys to request investigation using the short form. It used to be the case if you were the second attorney on a case, you would basically have to do the long form, and that was not an efficient use of people's time. We are reaching out to providers to get necessary information to process requests instead of rejecting the requests.

We are working with folks that are having a hard time with the form itself. We recognize that the Nintex process is not the easiest process. We are working on decreasing our processing times. I'll have to ask Amy Jackson to tell us where we're at in terms of our PAE processing time, but when we saw you all last week, we were pretty close to caught up. And we are implementing a reconsideration panel process. From our providers, we're asking that people check their form banks and make sure that they're using the most current forms. If you're representing one client on multiple cases, use the case number with the highest charge type. We don't need 15 different requests, one for each case that you represent your client on. Just give us the highest case type. Make sure that your case numbers match your client. Provide a sufficient justification for why the service is necessary. Don't submit multiple requests and make sure that your travel information is correct and complete. That will help us to process your forms faster. I see Commissioner Reinhard has his hand up.

Chair Jennifer Nash: Yeah. Go ahead, Brook.

Brook Reinhard: I've noticed some big improvements already in the PAE time, so I really appreciate the work the agency is putting in, particularly Ms. Jackson's experience in getting this done, so I think it's really great. I know that there are some providers who struggle a lot with OPDC policies. Our office has solved this by employing law clerks who are honestly better listeners than attorneys at doing the procedure. Because I'm not great with remembering how to do things. Our clerks are really, really good at it.

And I just wonder, would it be possible for the agency to have maybe an hour a week of Friday at 1 o'clock, folks who have problems can call into office hours for one hour and the agency can go over it? I know it sounds like I'm signing up staff for a nightmare. That's not what I'm trying to do. It just seems like it might be helpful for an hour a week where folks can know, hey, at least I can hear what other people are doing, even if they don't have time for my question.

Because I do know it's very hard to reach a human in both accounts payable and the PAE department when there's so much obvious work going into these actual requests. So, I just wanted to throw that out there as a possibility.

Jessica Kampfe: Thanks, Commissioner Reinhard. And we have had office hours that we've used in some arenas, including for PAE. We can certainly look at expanding the use of office hours for PAE. It's probably not going to be every day, it definitely won't be on Fridays, but we can look at creating a regular cadence for an office hour for PAE.

Chair Jennifer Nash: Thank you.

Jessica Kampfe: Okay, so that brings us to our accounts payable process map, and just like the first one, we've put in yellow the areas where we are getting bottlenecked. So, the first bottleneck is when the bill comes to a compliance specialist, and they go to verify the math and the rates. And the challenges that we see here is sometimes the preauthorized expense authorization from the PAE is not submitted with the invoice. This is a real challenge for us because our rates have changed a lot over the years, and actually with the THIP program and with the Legislature's investment in increasing rates for vendors by 8% out of the last large session, a number of our rates are different than what they used to be. I suspect many of our vendors, particularly psychiatrists, psychologists, have entered into their billing system what rate they're going to bill at, and so they send us bills that are at a different rate than the rate that our preauthorized expenses are at, and they're actually often underbilling us for their services. So, if they don't send us the preauthorized with the invoice, it's very difficult for us to check that they're actually getting paid at the rate that we authorized them at.

We also are missing essential information, what address we should be sending the check to, the total, and any incomplete service dates. And then we have to, currently, under our policy, if we are looking at reducing the bill by more than \$10, we have to actually contact the vendor and let them know and connect with them before making that reduction. \$10 is a very low threshold for us to have to actually reach out to somebody and make that communication and connection with them, and so a lot of bills get stuck in that piece. Moving along, Mona. All right, keep going. I think I want you to go down. Do you have one more for me? Okay. I may not be the best person to walk us through all this. We might need to bring either Amy or Karla on to talk about these pieces. Is Amy present? I see her connecting.

Amy Jackson: Yes, we are in the room. I'm sorry, where did you leave off, Jessie?

Jessica Kampfe: We're so zoomed in that I can't tell where I left off.



Amy Jackson: Okay, so Karla, this is where we're at. We've used all the aspects. Okay?

Jessica Kampfe: We were looking at the final reviewer stage.

Amy Jackson: Okay, so what happens at this stage, the final reviewer stage?

Karla Betthel: Oh, so upon final review, oh, Karla Betthel for the record, I'm the accounts payable manager, the final review, basically I have accountants that oversee all the work that the compliance specialists already did when they work the bill up and they get the last final set of eyes on the bill. And this is where things can get hung up too because we're verifying the rates all over again. We're verifying that the service is compliant to policy. And that's where we get just another bottleneck because we've got another set of eyes doing this verification, and if we find an error, we have to stop the process and it has to be adjusted before the payment goes to the end of the process where I release it.

Jessica Kampfe: Great. Thank you, Karla. Mona, can you move us to our next slide? So, here are the areas of improvement. The things that we are doing are enhancing our Nintex forms to aid in process speed. We've just moved to paperless processing. I believe that change happened, Karla, is that about a week ago?

Karla Betthel: No, it's been about a month and a half.

Chair Jennifer Nash: Oh, a month and a half.

Karla Betthel: We've been doing it for a while. We're getting the process sped up, but it's making a difference.

Jessica Kampfe: We've been hiring additional staff and adding additional clarifications on policies and procedures, some of which you will have in front of you today. Things that we're asking our providers to do to help support us in this work are to submit their bills timely, to make sure that you're submitting that preauthorization along with the invoice, to make sure that the invoices are complete and have the correct address, the total, and the complete service date, to make sure that the correct hourly rate is being billed, and that there's an appointment order for the attorney in OEI, and to just double-check your math before you send it in. Next.

So, that brings us to our thank you slide. I did want to note that our preauthorized expenses is now processing long forms from June 17th, so we're really close to caught up in PAE. We have in front of the commission a couple of additional items. So, as part of our briefing, we sent over a very late-breaking policy to commissioners. This is not a policy that I need you all's approval for, I

believe that we can implement this administratively, but we did want to review it with you. And Kim, who is leading the review of the emergency policy? Is it Ralph or is it your team?

Amy Jackson: Dr. Kampfe, it is Ralph.

Jessica Kampfe: Okay. Mr. Amador, are you in a position to help walk our commission through the review of the emergency policy?

RA: I am not. I thought Amy was going to do it. That was the last thing I heard.

Amy Jackson: Okay.

Ralph Amador: Sorry.

Amy Jackson: No problem. Amy's got this. Mona, do you have a slide for the policy that was prepared?

Mona Riesterer: I don't have the slide, but I have the memo and the policies that were sent out. I'm happy to share.

Amy Jackson: That would be great, Mona. Thank you so much. Thank you, Mona. I need to [Distortion 01:33:47] screen. Much better. Thank you. So, the commission has heard testimony from providers regarding the untimeliness of payments on invoices being submitted to the agency. The agency expects this to be an ongoing issue, especially now that PAE is fully caught up. Intake has been entering the next day, and as Jessica just mentioned, the reviewers are working on June 17. So, for all intents and purposes, it is caught up. What that means is that over the last 30 days, PAE has processed over 4,000 requests. So, ultimately, of course, that's going to trickle down to accounts payable. In an effort to expedite billings, the agency has drafted a policy that will establish a streamlined review process of invoices to ensure prompt payment to attorneys and vendors. The proposed policy also gives the agency authority to establish guidelines for quality assurance reviews and submitted invoices. Mona, can you go to the policy itself, please?

So, this policy is broken up into three sections, essentially. How bills that are processed with the PAE will process, how routine expenses will be processed, and how THIP cases will be processed. The first part involves PAE. Invoices that are submitted with rates less than OPDC-approved rates will be paid at the rate billed and not adjusted for the increase. What's happening is this. PAE requests are coming in for a particular vendor that received a rate increase January 1st. The request is coming in from the attorney with the old rate. PAE is adjusting it to the new rate and the authorization is going out. The authorization is then provided to the vendor who performs the services. The vendor is then billing the

agency at their old rate. They're not reading the PAE to see that they have been approved at a higher rate. So, of course, then Karla's team gets the bill, and they have to figure out, did they mean to do this? Did they not know? So, at this point, in order to expedite payments, they will no longer be adjusting for increases. Invoices with GSA rates less than the approved rate of the PAE will be paid at the rate and not adjusted. Accounts payable won't be confirming that services performed align with the PAE policy.

Now I expect that there are going to be some questions there, and in anticipation of that question, when the PAE is issued, it is issued in line with the policy. But as I just gave an example of how the invoice is submitted with the wrong rate, sometimes the bill comes in, and it doesn't match what the policy says. Does that make sense? Okay.

Routine expenses. To streamline the review of routine expenses, accounts payable will be verifying case information and OEI to confirm that the client's name is correct, that the attorney is court appointed. They will be confirming the highest charge as well as the case type. They will also be confirming that they'll be looking more closely at the first submission from an attorney billing hourly, so per client. Contract attorney routine expenses that only list one client. Court-ordered psych evals, interpreter billings with only one client. THIP cases – the agency has developed an internal dashboard that will allow accounts panel to verify that cases have been approved. Thank you, Harry [Inaudible 01:38:13]. It makes it much easier for both divisions, including PAE, to verify that the requests that we are receiving are correct, that the rates are correct, certainly for investigators.

If an invoice varies greatly from established rates or supporting documentation for PAE, routine expenses, or THIP, then the invoice will be submitted for the standard review process. Primary goal of this effort is to expedite payment of invoices to ensure that attorneys and vendors are paid in a timely manner. All invoices that receive the streamlined approval process are subject to quality assurance review. To ensure accountability and stewardship of OPDC's resources, OPDC will establish quality assurance guidelines for invoices that have been paid through the streamlined process. Are there any questions?

Chair Jennifer Nash: I have questions. Surprise, I know, right? So, if your PAE invoice policy, the accounts payable will no longer confirm services performed aligned with the PAE policy, you explained that that has to do with payment, except that that's already listed in the first two bullet points. So, were you intending to do something different? Is that intending to apply to something else? It's such a vague statement. And I, A, don't know what it means, and B, it causes me to have some concern about risk in terms of fraud. That I wonder if we could either be more specific, or if that was intended to be just about not paying the rate,

we can take that out because it's already listed in the first two bullet points. So, was there something else you were intending?

Amy Jackson: It's intended to cover just any... Because right now, part of the reason it takes us so long to pay people is we do have to apply all policy, all the policy we have in the agency, and that does take a lot of time. So, we won't be doing that as much. We won't be looking at all the services and reading every line and making sure that everybody complies. So, if we get a PAE where somebody's billing us for something that is not in policy, the PAE policy, we won't be looking for that anymore. We won't be looking for the discrepancies. And that should apply to all of them, to any routine bill, to any THIP program bill. It's that kind of a thing where if we're being billed for things that we typically don't pay for, we're not going to see it during this emergency time.

Chair Jennifer Nash: So, does that mean you're just not going to look at what people are billing for at all? I mean, if somebody bills for – I'm just making this up, obviously – 14 hours for renting an emotional support animal to take to a jail to meet with a client, I mean, you know that's not something we authorize or is in policy. I mean, it's an extreme example, but are you saying no one's going to look at what's actually being billed for?

Amy Jackson: We will be looking for those. There is a statement. I don't see the policy right now. There's a statement in there that does say that that's what we intended when we said that anything egregious that pops out, we're obviously not going to pay somebody \$200 an hour if they only are eligible for 57. But we're not going to be looking at... We look at every invoice very in depth. We make sure we're fully in compliance and audit, and we aren't going to be looking as closely as we are now so that we can hopefully pay these in a much faster manner. So, we will be looking for anything like that. I won't pay anything that's very obviously incorrect. But the thought is when we consistently get billed at \$200 an hour, and you have \$218 an hour coming, and we're consistently adjusting, those are the things we aren't going to adjust for during this time.

Chair Jennifer Nash: Right. All right. Well, I'll wait for to make other comments because other commissioners have comments, and I can't remember who was first, so somebody just chime in.

Peter Buckley: I'm last.

Chair Jennifer Nash: Commissioner Smith, go ahead.

Addie Smith: I think I have more of a process question, which is just as you guys have been putting these puzzle pieces together, we've had a really active vocal, rightfully so, group of investigators and other staff participating, and I think Brooke kind

of alluded to this when he was talking about office hours. Aside from office hours, another thing that seemed to work really well when we were designing some of the SPPE rules that we've been working on was having a workgroup that involved the people who are going to be implementing it, providing feedback, and helping design the solution. I'm wondering if that input was sort of how it was included here, and if it wouldn't make sense as we continue to work through this because I suspect it's going to be a problem that is not sort of magically solved with better policy, although it's an important step forward, if we wanted to think about forming a similar workgroup that was able to bring forward thoughts and ideas from the perspective of the provider to help the perspective of the agency move towards a solution together.

Amy Jackson: Thank you, Commissioner Smith. SPPE, I don't know all of the recommendations that came out of that group, but I could certainly see where that would be an important thing to do going forward.

Chair Jennifer Nash: I think what Commissioner Smith is saying, she's the chair of the Board of Bar Examiners who put together the SPPE program, so she was saying in that process, that's what they did to develop those policies.

Addie Smith: Got it.

Addie Smith: Yeah, I think the agency also presented to us last week the plan and policies around the SPPE for the agency. And my understanding was, and I could be mistaken, that that was developed with a workgroup of folks that wasn't just agency staff, but it was practitioners who are going to be implementing those policies. So, I guess what I'm trying to suggest is, would it be helpful here if we started to bring in some of the folks who are having the most concerns about delayed payment and have them work with you all collaboratively as we continue to develop policies and look for solutions? Because I suspect they probably have insight as the folks who are filling out the forms, trying to get answers, hitting walls, on how to maybe streamline some of it, and I think it's never great when it feels like any type of us versus them. So, if there's a way to start to build collaboration towards the solution, I'm just wondering if that couldn't be something we want to move towards as we continue to tackle this problem. I don't know if that made any more sense. I'm sorry, I'm not being very clear.

Chair Jennifer Nash: I think that's great, and I think Director Kampfe can talk with her team about that, ideas to move forward. Perfect. Okay, Commissioner Reinhard.

Brook Reinhard: I think the suggestion of Commissioner Smith is a really great idea, and I think it would be helpful. I think our providers have been pretty frustrated with this being a four-year-plus issue, and I have some concerns about the optics of this,

of the commission was very much asking, multiple commissioners were asking, "Hey, can we have a way to streamline this for trusted providers?" And the agency response in part is, "Yeah, we can do this, but we're going to dock your allowance because of all the mistakes you guys are making." I feel really uncomfortable if that's what I'm perceiving as part of the message, and if that's not what's meant, my apologies. I am actually really in support of this policy happening as a non-voting member because I think whatever we can do to get money out the door is really important. But I'm not the agency, I don't know, but it's hard for me to understand that this can all be user error on the part of providers, and so I think collaborating with providers and coming up with a solution is really important.

I've spent a lot of time over the last two weeks digging around on the website, trying to find accessible policies, thinking if I were billing, how would I know what to put in there? And it's really hard to figure out what commission policies are still in effect and what isn't. There's 2019 stuff that clearly shouldn't apply, but probably does. When you go to the policy section, there's not a complete list of what policies are available for one thing. It's sort of like practicing in a different county. Like I know what Lane County stuff works because I know all the secret unwritten rules, but I don't really think our providers should have to function that way.

So, if there's a way that we can be updating these policies as we go, and I know that's a big ask, but I'm a little concerned about the idea of, "Well, you didn't follow the right policy," but how easy was it to tell the policy? Anyway, that's a long way of just saying I think having providers on a workgroup on this would be great, and also, I don't see yet that this model policy or this suggested policy is on our website. So, I know we can see it, and we got an email to us about, I don't know, 20 minutes before the meeting, which is fine. I know this is last minute, and that's fine. But if we could put on our website so that providers can be looking at that, that'd be great. That's all I got.

Chair Jennifer Nash: So, between now and the next 12 minutes, we're going to vote to rescind all of those prior messy policies that you're talking about and only put the ones that are current and in fact on the website. Because your point is well taken and has not gone unnoticed, and that is what I'm going to try really hard to do before three o'clock. So, all right, Commissioner Buckley.

Peter Buckley: I'll be very quick. I echo the comments, and I really wish that we can get a workgroup together that includes providers to work out the solutions. I appreciate everything that's been done to try to address this. I, too, am uncomfortable with the idea that if a specialist doesn't know that the rate has been lifted and they bill at a lower rate, that they're just out of luck, that's just their tough luck. I don't feel good about that. Does that leave the agency open

to, three months down the line, does the person submit another invoice asking for the rest of the pay that they're due because the rates were higher than they billed for? Is that just going to add another administrative hurdle? And I'm just not quite sure how, if it's – I know the rates are complicated – but I'm not sure how long it takes to say, "Oh, this person billed me at 160, and they actually should be paid 170, and it's 10 hours. Well, then I should give them an additional \$100." I'm just not sure what that how long that would take to do the accurate payment. So, again, I express that concern. Thank you.

Amy Jackson: Thank you, Commissioner Buckley. If I may, Commissioner Nash, that is one of the things that I hope the PAE team, now that they are caught up, is going to be able to start doing over the next couple of weeks. Now that we have the dashboard that can identify the bills that are coming in with incorrect rates, I'd like to have the PAE team reach out to those providers specifically and find out if it's an IT issue, perhaps they need to update their internal rates, if it's just a, "I didn't know." But I think that if we can help solve that on the PAE side, it will make things better in accounts payable.

Chair Jennifer Nash: Director Kampfe.

Jessica Kampfe: Thank you. And I just want to clarify on that issue of them not knowing. When we send the pre-authorized expense, we are correcting the rate on the front end, and we are sending them notification of the rate that they're allowed to bill at. And they actually have to submit that document, the notification of the rate they're allowed to bill at, along with their bill for us to be able to process the bill. So, we are correcting the error on the front end, but we are continuing to see that they submit a document that says, "I'm allowed to bill at \$200 an hour," and then a bill billing at \$150 an hour. So, there is a disconnect there, but it's not because we aren't telling them what the rate is on every single bill. And that piece wouldn't change. We would continue to tell them what the rate is.

I want to just emphasize, we're trying to balance two things here. One is the need to do sort of comprehensive reform to this system that involves a lot of input from providers, and two is the need to move quickly. And so, as Ms. Jackson stated, there was 4,000 PAs that were processed in the last 30 days that are on their way to account payable right now. And so, we are expecting a big influx of billing to happen in accounts payable pretty much immediately. And so, we're looking at really short-term things that we can do to deal with that before it becomes an issue of people waiting 75 days to get their bills paid, while we're sitting in workgroups trying to figure out how we bring the community together around a solution. So, I think it really can be a "yes and." The agency could put a temporary emergency measure in place that sunsets after so many days and be working with providers to come up with a better solution moving forward.

Chair Jennifer Nash: Yeah, that was going to be my suggestion is that maybe, I mean, I realize we're not voting on this, but maybe you put this in effect only for 90 days and then revisit it rather than it just being a define what an emergency is and then bring that back for us to take a look at. But we're not voting on this. So, thank you for presenting that information to us. I see Commissioner Smith has another comment that she wants to make.

Addie Smith: I was just going to say that's exactly what I was hoping for, not to swap this out for a brand-new workgroup. So, I appreciate that clarification, Director Kampfe. I think it can definitely be a "yes and" and that's what I would hope for. So, I appreciate that.

Chair Jennifer Nash: All right, thank you. And then coming back to our agenda item, there are some, as always, the PAE and AP team comes back with revisions to policy every 90 days. So, we had in our meeting materials some suggested revisions that they wanted to make. And most importantly, there are others, but most importantly, on page one of the PAE, it supersedes any previous memorandum or version of this policy, which I think we're probably going to see in every single one from now on, so that it's very clear what applies and what doesn't. And with that, I'll turn it over to Director Kampfe to go over the remainder of the changes. Or I'm sorry, Ms. Jackson.

Amy Jackson: Thank you, Chair Nash, members of the commission. For the record, Amy Jackson, senior policy analyst. Before the commission today are the quarterly updates to the pre-authorized expense policy, the routine expense policy, and the schedule of grant line amounts. The changes in these policies reflect both internal and external feedback. And as Chair Nash just said, each of them will have a change at the very beginning that makes it clear that the commission approved version supersedes any previous memorandum or version of this policy. Next slide, Mona. So, that is now added to the beginning of each of those documents. With regard to PAE, these are the sections that have changed. Section 3.2, we added drug and alcohol evaluation. That now matches our short forms. It says ASAM/drug and alcohol evaluation. Next slide, please. We added a new section, section 3.3, for associate research counsel. This is to distinguish this type of service from expert legal counsel and co-counsel. Next slide.

Section 3.4, case managers and social workers. At the last presentation of this policy, Commissioner Mandiberg asked the agency to look into expanding this section to include peer mentors and navigators. The Trial Support and Development Division held several workgroup meetings to establish role definitions and qualifications for core staff roles, more of which you will hear about here shortly. As a result of those meetings, we have expanded the language in section 3.4 to include language that allows for a combination of equivalent experience. We also added mileage and/or – thank you, Mona –



mileage and/or time spent transferring a client is not compensable, and it's included in the hours authorized. Next slide, please. We added that same language in section 3.12.

Section 3.16 is new. For some time, OPDC has not been giving a different rate to vendors if they testify. We formalized that in the policy. Section 3.17 was added to clarify for accounts payable that it must be billed at the guideline rate in order to be a routine expense. If it exceeds the guideline rate, then they need to have a PAE. Next slide, please. We added some language to section 3.19 for clarity. That is the cancellation or missed examinations. It doesn't apply to interpreters, investigators, managers [Phonetic 01:56:53], or case managers. And we clarified section 3.26 for lodging, added language regarding cleaning fees and incidentals, added a 50-mile requirement for lodging, and the \$25 non-commercial lodging rate was added, which aligns with DAS policy. The agency recommends that the commission approve the proposed changes listed above to PAE effective July 1st, which will supersede any prior memo or policy.

Chair Jennifer Nash: Thank you, and I just want to note we are going to lose Commissioner Buckley, so I want to do two things. I appreciate the presentation very much, but we have – I should say and – we have in the materials, you did a very nice job of highlighting all of the changes. And I trust that all of the commissioners who reviewed all of the materials, and I would just like, with your permission, to move to a vote on the three things that we need to vote on before we lose Commissioner Buckley, and that is to authorize the changes to the pre-authorized expense policy, the routine expense policy, and the schedule of guideline amounts.

Peter Buckley: So moved.

Chair Jennifer Nash: All right, is there a second? All right, any further discussion? All right, Mr. Deitrick, you want to take a roll call?

Eric Deitrick: Yes. Commissioner Nash?

Chair Jennifer Nash: Yes.

Eric Deitrick: Commissioner Selander?

Chair Jennifer Nash: Commissioner Selander, you're muted.

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: Commissioner Buckley?

Peter Buckley: Yes.

Chair Jennifer Nash: All right, wonderful. Thank you, and I'm sorry to cut your presentation short. I love the highlighting because it made it very easy for us to see what needed to be changed, so thank you, what we were voting on. All right, we do have a briefing on workgroup recommendations that's still on the agenda, it's set for 15 minutes, and the director's update. Director Kampfe, would you like to do that briefing now for Ms. Flowers, or is it all right to bump that to July?

Jessica Kampfe: I think it's fine to bump it to the July. You all have the materials. This is the recommendations that came out of the workgroups, and the agency is working on what we may be able to implement and a timeframe to implement those workgroup recommendations. We aren't looking to adopt any of them. We wanted to be able to share with you all the work that is happening to develop these standards.

Chair Jennifer Nash: All right, great. We are losing our quorum, but we don't have any other action items, so we can just quickly do the director's update, anything that we need to know before July.

Jessica Kampfe: Okay, and I believe Mona has my director update slide, which is very brief. Move to the second one. So, first, I wanted to let you all know that we are sending out our key performance metrics customer service survey. This is something that all state agencies are required to do every year, and so we are surveying folks on the appellate case processing times, customer service, and we have a best practices for boards and commissions that you all will need to fill out, and trial level representation and survey questions around the Parent Child Representation Program. I have a link to the survey here. Everybody should be expecting to receive the survey, and we really ask that you participate in filling out the survey so that we can begin to track how we're doing on things, and then as we make improvements, be able to show how we're doing better in the future, get a baseline, and start building off of it.

I want to remind folks that the Legislative Subcommittee is meeting on June 27th, and they are going to be working on the unrepresented persons plan that's due to the governor on August 1st. The next time you all get together will be June 24th. We'll be looking at adopting that plan that goes out to the governor, and we will also be hearing from circuit court judge, I believe it is going to be Judge Greenlick from Multnomah County, who's going to be doing a spotlight on Multnomah County. We will have an update on the agency's recommended budget, so we're going to be taking the direction you gave us today. We're going to be putting pen to paper, and we'll be back to talk to you about that next commission meeting.

And I appreciate Commissioner Smith's encouragement that the agency also come in with some direction around prioritization, so we'll have that for you, and we will have a briefing from our Judge Greenlick from Multnomah County. That's something you all used to get at every commission meeting, and it's probably been 18 months since the commission has heard from our appellate division, so we'll have an update from them. And then we will pull forward the briefing from the workgroups on the qualification standards. If there's next steps that we need to talk to the commission about, we'll have that in front of you all in July. And that is all.

Chair Jennifer Nash: Just a point of clarification, the next meeting is July 24th, not June 24th. You said June, but we know it's July. I just wanted to say that. And then what time is the meeting for the Legislative Committee on the 27th?

Jessica Kampfe: Good question. I heard Mona say 12 o'clock.

Chair Jennifer Nash: 12 o'clock, all right. All right, sounds great. Okay. And with that, unless there's anybody who has any burning thing to say, we'll end the meeting. We don't need a vote. We don't have a quorum anyway. All right, thank you everybody for your extra time today and your discussion, and thank you for everyone who participated in the workgroup to help streamline the discussion today. All right. Thanks, everyone.