

Members:

Jennifer Nash, Chair
 Susan Mandiberg, Vice Chair
 Peter Buckley
 Robert Harris
 Alton Harvey, Jr.
 Tom Lininger
 Jennifer Parrish Taylor
 Robert Selander
 Addie Smith

**Nonvoting Member:**

Brook Reinhard
 Jasmine Wright
 Rep. Paul Evans
 Sen. Floyd Prozanski

Executive Director:

Jessica Kampfe

Oregon Public Defense Commission

Meeting will occur virtually.
 Wednesday, September 18, 2024
 9:00 AM – approx. 1:00 PM PST
 Via Zoom*

Administrative Announcement

This is a public meeting, subject to the public meeting law and it will be recorded. Deliberation of issues will only be conducted by Commission members unless permitted by the Chair. Individuals who engage in disruptive behavior that impedes official business will be asked to stop being disruptive or leave the meeting. Additional measures may be taken to have disruptive individuals removed if their continued presence poses a safety risk to the other persons in the room or makes it impossible to continue the meeting.

AGENDA

Approx. Time	Item	Lead(s)
9:00-9:05	Welcome	Chair Nash
9:05-9:35	Public Comment	
9:35-9:45	Update: Unrepresented Persons in Oregon Courts	Jessica Kampfe Harry Noone
9:45-9:55	Update: Budget	Ralph Amador
9:55-10:20	Update: Accounts Payable <ul style="list-style-type: none"> Work Group Update 	Ralph Amador
10:20-10:35	Action Item: Policy Updates <ol style="list-style-type: none"> Preauthorized Expense Schedule of Guideline Amounts Routine Expenses 	Amy Jackson Kim Freeman
10:35-10:40	Update: Executive Director Performance Evaluation Process	Vice Chair Mandiberg
10:40-10:50	Briefing: Survey Results on DAS Best Practices for Boards and Commissions	Vice Chair Mandiberg

10:50-11:10	Briefing: Key Performance Measures	Kim Freeman
11:10-11:20	Update/Action Item: OPDC Federal Public Loan Forgiveness Program Policy	Jessica Kampfe
11:20-11:30	**** Break ****	
11:30-11:45	Briefing: Unrepresented Crisis	Lane County Circuit Court Presiding Judge Jay McAlpin
11:45-11:55	Update: Legislative	Lisa Taylor
11:55-12:10	Update: OPDC Six-Year Plan	Jessie Lenhardt - Moss Adams
12:10-12:20	Update: FCMS	David Martin
12:20-12:40	Briefing: Provider Contract Extensions	Jessica Kampfe
12:40-12:50	Update: Director's Update	Jessica Kampfe
1:00 (Approximately)	*** Adjourn ***	

**To join the Zoom meeting, click this link: <https://zoom.us/j/99135057528>. This meeting is accessible to persons with disabilities or with additional language service needs. Our Zoom virtual meeting platform is also equipped with Closed Captioning capabilities in various languages, which agency staff can assist you with setting up ahead of meetings. Requests for interpreters for the hearing impaired, for other accommodations for persons with disabilities, or for additional interpreter services should be made to opds.state@opds.state.or.us. Please make requests as far in advance as possible, and at least 48 hours in advance of the meeting, to allow us to best meet your needs. Listed times are an estimate, and the Chair may take agenda items out of order and/or adjust times for agenda items as needed.*

***The commission welcomes public comment. There is a limited amount of time to provide public comment during the meeting, with each commentator allowed up to three minutes of time. However, the time limit per person for public comment may be limited by the chair if time constraints require.*

If you are interested in providing virtual public comment to the OPDC, please email your request no later than 5:00 PM PT September 16, 2024 to opds.info@opds.state.or.us. Please include your full name, organization/entity name, email, and phone number with your request. You will be provided a meeting link to join the meeting as a panelist for the public comment portion of the meeting.

The commission also welcomes written public comment. If you wish to provide written public comment, please email your comment to opds.info@opds.state.or.us. Please include your full name, organization/entity name, email, and phone number on your correspondence. Written comment regarding action items shall be submitted no later than (two (2) business days prior to the meeting). All written comment received by the close of business two (2) business days in advance of the meeting will be provided to Voting and Non-voting Members and posted to the public on the OPDC website prior to the meeting.

Written comment on agenda topics can be submitted up to two business days after the meeting. Any written comment that is received after meeting and within two business days from the posted meeting time will be provided to Voting and Non-voting Members, posted to the public on the OPDC website as soon as practicable, and will be included in the material for the subsequent OPDC regular meeting.

Next meeting: October 16, 2024, 9am – 1pm

Meeting dates, times, locations, and agenda items are subject to change by the Commission; future meetings dates are posted at: <https://www.oregon.gov/opdc/commission/Pages/meetings.aspx>



Oregon Judicial Department

Unrepresented Crisis – September 2024 Update

Key Insights

[Unrepresented Trends](#)

The total number of unrepresented individuals has reached a new record high with 3,875 unrepresented individuals and 4,345 unrepresented cases. ([Figure 1](#)). Daily updates are available at the [Unrepresented Individuals Dashboard](#) on the OJD website.

[Unrepresented – In Custody](#)

Most unrepresented individuals in custody are being held in custody on the unrepresented case. Some unrepresented persons in custody are not being held on the circuit court case, but are being held on separate matters (e.g., a federal court hold). Others are held in custody in another county where they are represented by counsel but are released on the unrepresented case in the first county.

[Unrepresented – Out-of-Custody](#)

On average, unrepresented individuals out of custody have three court appearances and wait 96 days before they are assigned an attorney. Unrepresented individuals with alleged probation violations wait longer on average, 120 days, before being assigned an attorney.

[Unrepresented – Post-Conviction Relief and Habeas Cases](#)

In some courts, the unrepresented cases are primarily post-conviction relief (PCR) or Habeas Corpus cases. The number of unrepresented PCR/Habeas cases has been declining.

[Unrepresented by County](#)

The crisis continues to be most severe in Jackson, Marion, Multnomah, Washington, and Douglas counties. ([Figure 7](#)). Deschutes, Clatsop, Coos, Clackamas, and Malheur counties are seeing increasing numbers of unrepresented individuals.

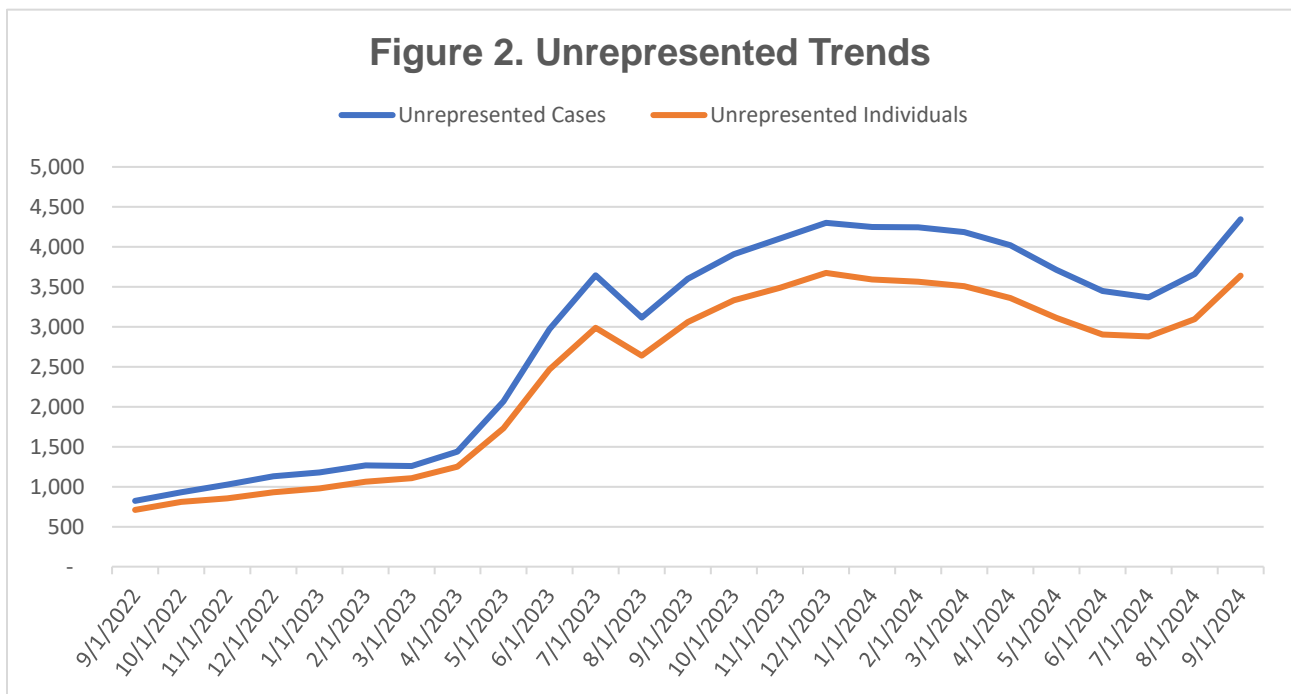
The severe crisis has existed longest in Jackson, Marion, and Multnomah counties, and the number of unrepresented individuals is rising in all three counties. ([Figure 8](#), [Figure 9](#), [Figure 10](#)). In Deschutes and Coos/Curry counties, the local public defender offices lost attorneys this year, contributing to a dramatic increase in unrepresented individuals. ([Figure 11](#), [Figure 12](#)).

Unrepresented Trends

Figures 1 and 2 show the number of unrepresented individuals is continuing to increase. In August 2024, the number of unrepresented individuals surpassed the previous December 2023 record high. As of September 1, 2024, the number of unrepresented individuals and cases again hit record-setting levels.

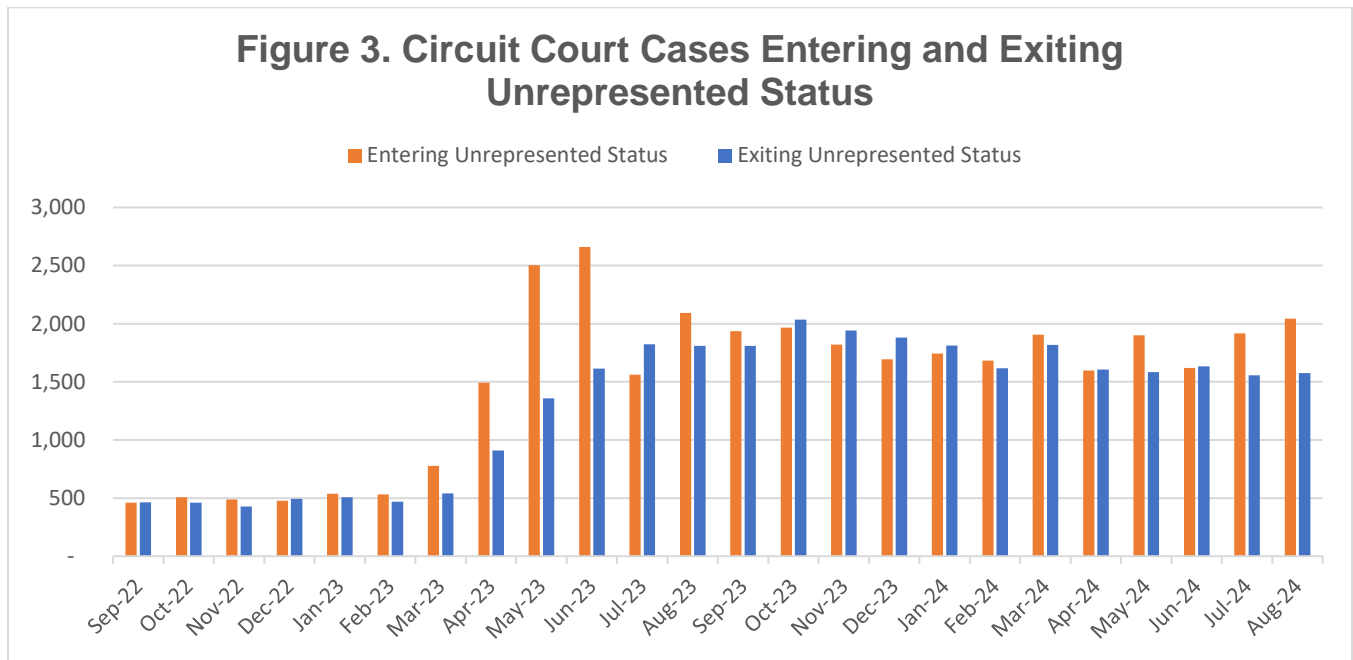
Figure 1. Number of Unrepresented Persons and Cases on First of Each Month						
	04/01/24	05/01/24	06/01/24	07/01/24	08/01/24	09/01/24
Total Unrepresented persons	2,671	2,747	3,210	3,097	3,306	3,875
Total Unrepresented cases	3,110	3,184	3,707	3,685	3,952	4,345
Misdemeanors	1,693	1,769	2,082	2,217	2,282	2,616
Felonies	1,305	1,340	1,552	1,414	1,611	1,642
Non-criminal cases	112	75	73	54	59	87

Source: OJD Odyssey Data (eCourt).



Source: OJD Odyssey Data (eCourt).

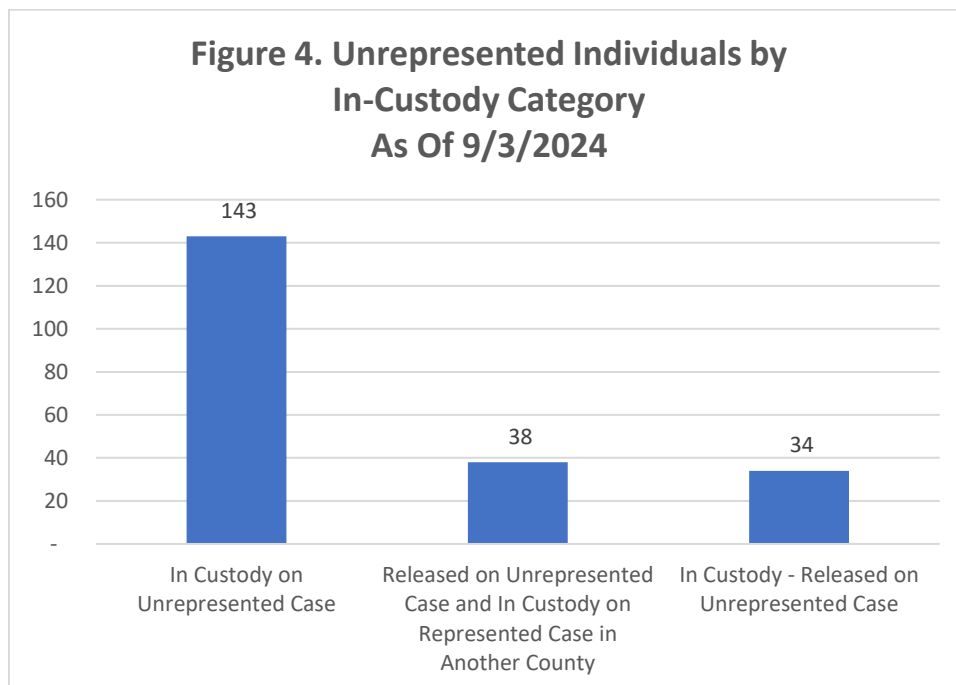
Figure 3 shows the number of unrepresented cases entering and exiting unrepresented status by month and year. In July and August 2024, the number of cases exiting unrepresented status remained roughly the same, while the number of cases added to the unrepresented list grew in significantly larger numbers.



Source: OJD Odyssey Data (eCourt).

Unrepresented – In-Custody

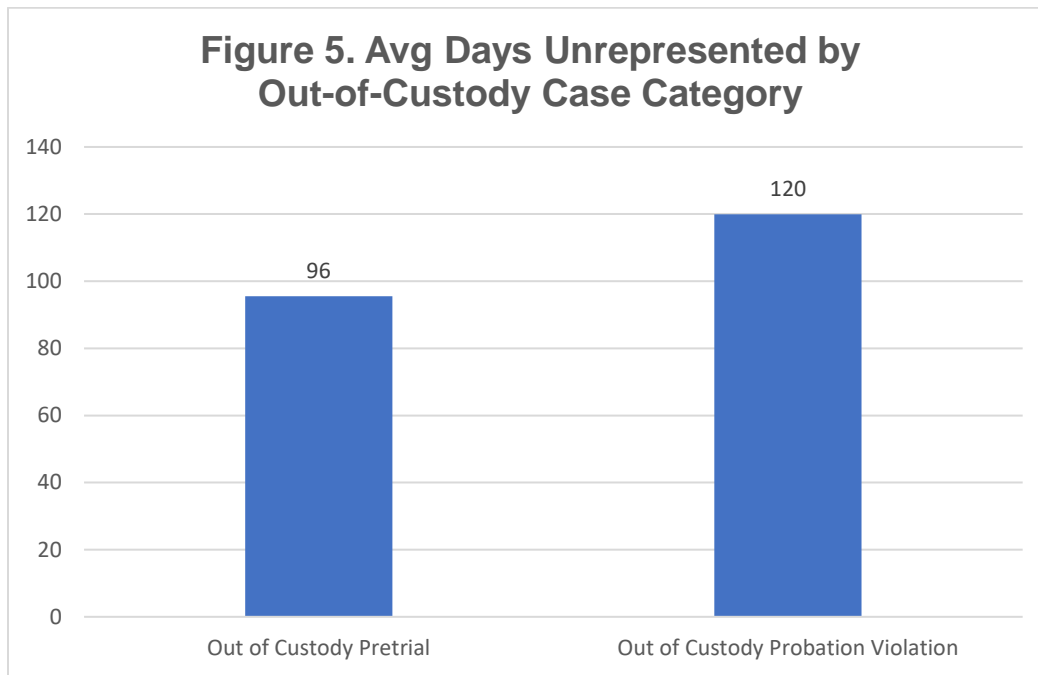
Figure 4 shows the number of unrepresented individuals by in-custody category. On 9/3/24, most of the unrepresented individuals in custody were held on the unrepresented case. There were 34 individuals released on the unrepresented case but held in custody on other matters that do not come before a circuit court, such as federal holds, parole violations, or probation violation administrative sanctions.



Source: OJD Odyssey Data (eCourt).

Unrepresented – Out-of-Custody

Figure 5 shows the average days an individual is unrepresented by out-of-custody case category. Unrepresented individuals in out-of-custody pretrial cases appear in court, either remotely or in person, an average of three times before an attorney is appointed. Unrepresented individuals in out-of-custody probation violation cases appear an average of nine times prior to an attorney appointment. The longer a person remains on pretrial release, i.e., the longer it takes to resolve their criminal case, the more likely a person will fail to appear in court or violate pretrial release conditions.¹



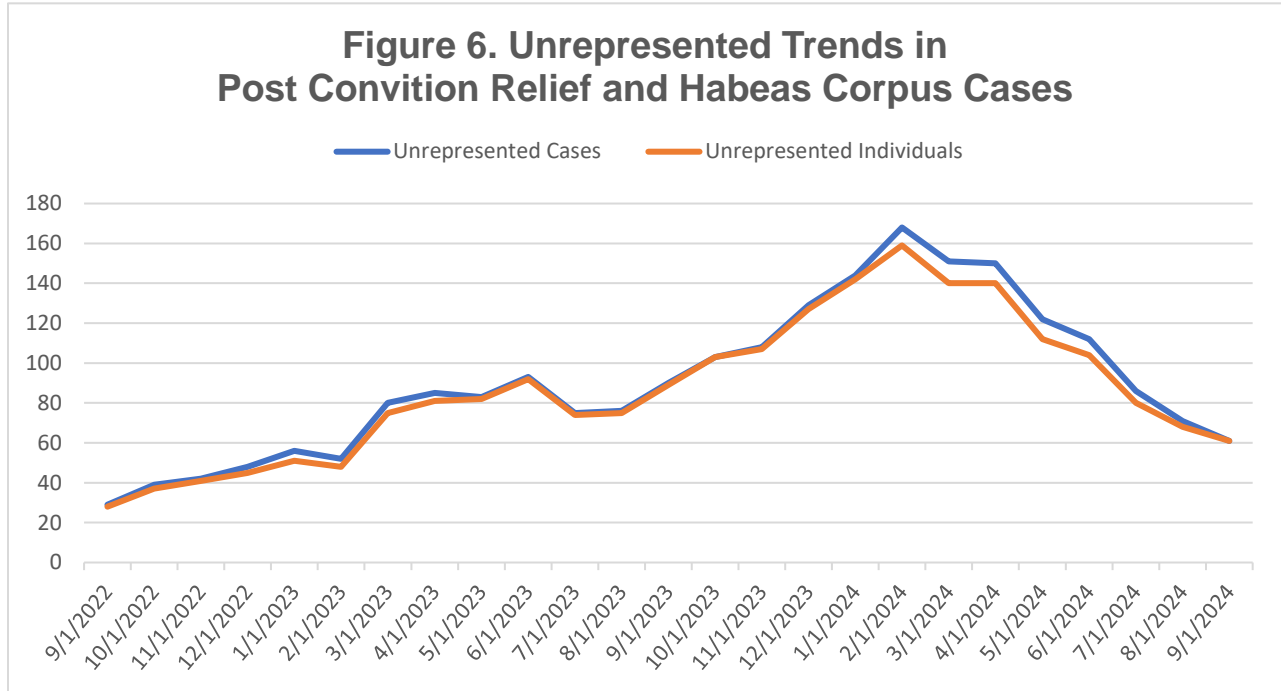
Source: OJD Odyssey Data (eCourt).

Unrepresented – Post Conviction Relief and Habeas Corpus

Figure 6 shows the unrepresented trends in Post Conviction Relief and Habeas Corpus (PCR/Habeas) cases by month. The average time an individual is unrepresented in these cases is 67 days. The longest an individual has been unrepresented in a PCR/Habeas case is 278 days. Habeas cases are filed by individuals being held in custody, whereas in a PCR case an individual may be in custody or out of custody. A PCR petition must be filed within two years of entry of the judgment of conviction. In some judicial districts with state prisons, a

¹ Advancing Pretrial Policy and Research. *Roadmap for Pretrial Advancement*. (2022), 16, <https://cepp.com/wp-content/uploads/2022/04/Roadmap-for-Pretrial-Advancement-April-2022.pdf>.

majority of the unrepresented cases are PCR/Habeas cases, such as in Malheur, Crook/Jefferson, and Umatilla/Morrow counties.

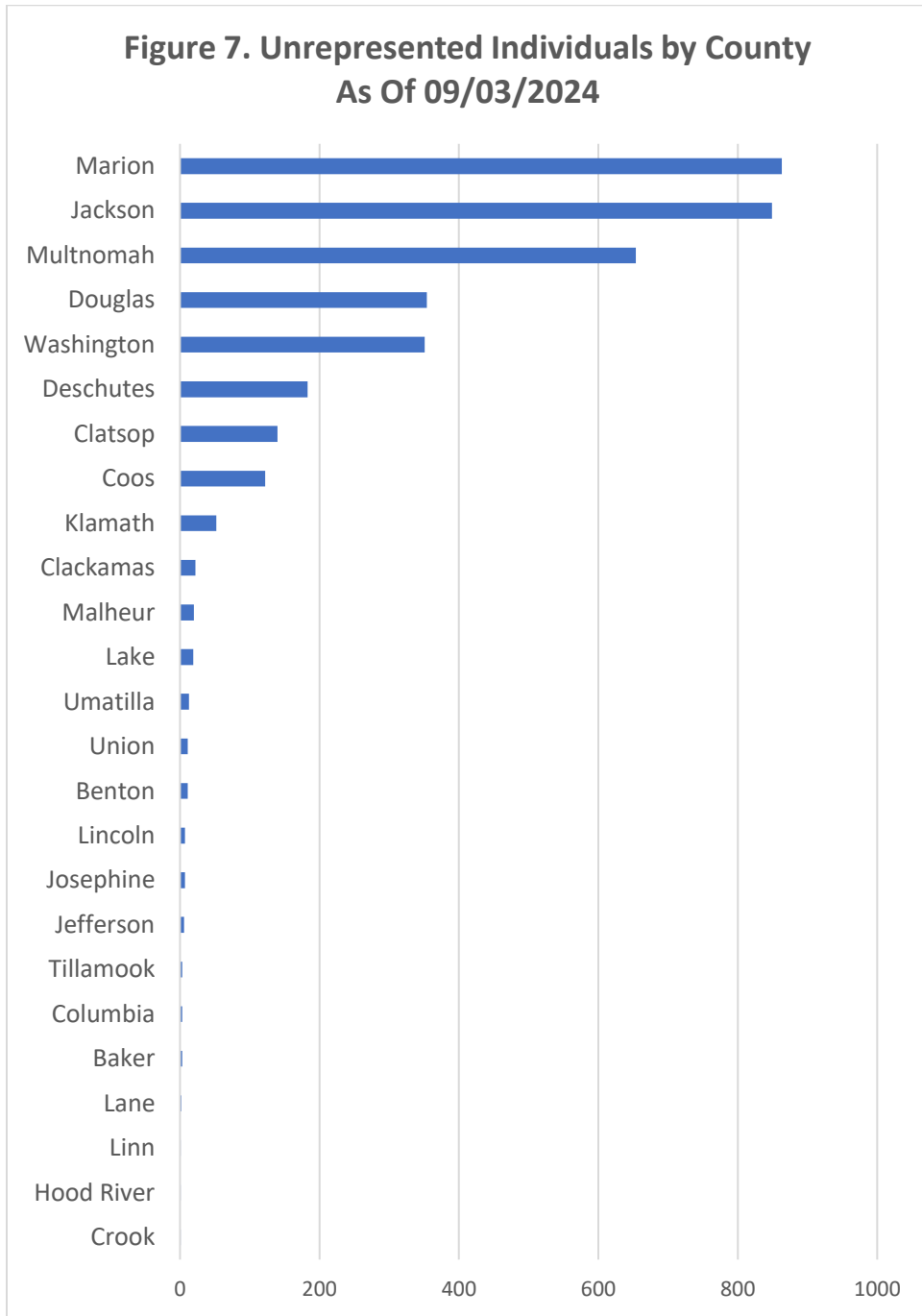


Source: OJD Odyssey Data (eCourt).

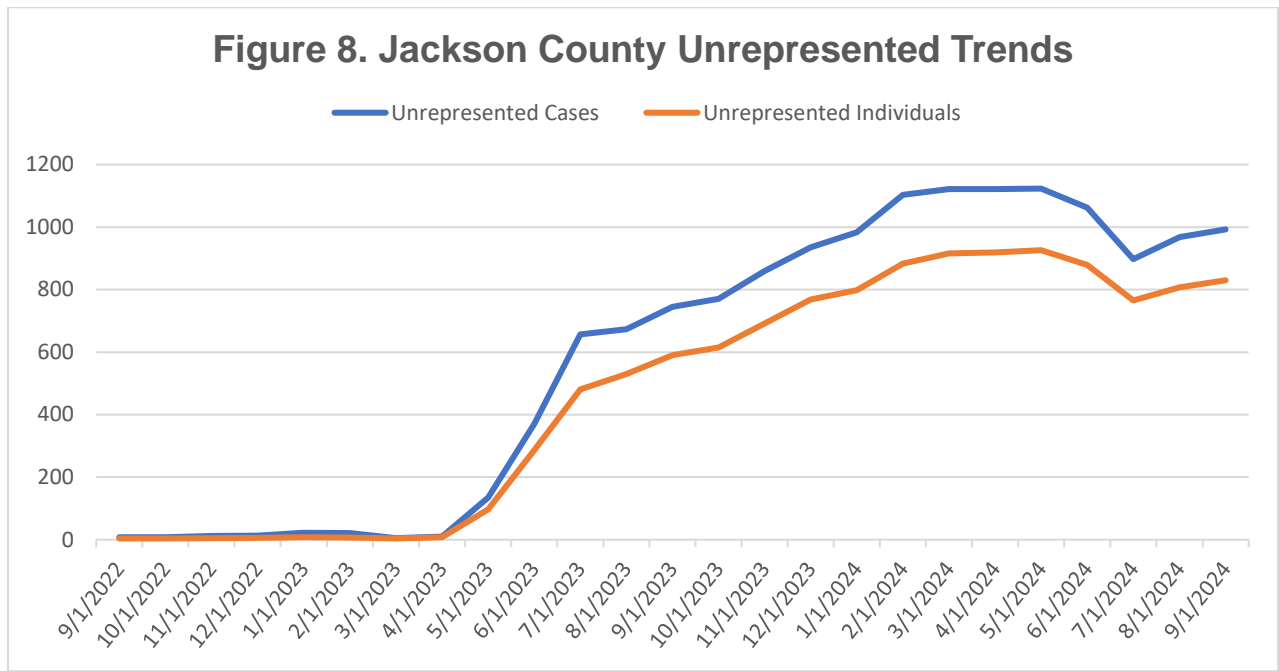
Unrepresented by County

Figure 7 shows the number of unrepresented individuals by county. **Figures 8-12** show the unrepresented trends in Marion, Jackson, Multnomah, Deschutes, and Coos/Curry counties, to help illustrate how differently the crisis presents itself. Marion, Jackson, and Multnomah counties consistently have had the highest number of unrepresented individuals in the state. While Marion County had the highest number of unrepresented individuals at 854 on September 1, 2024, Jackson County had the highest number of unrepresented cases at 993.

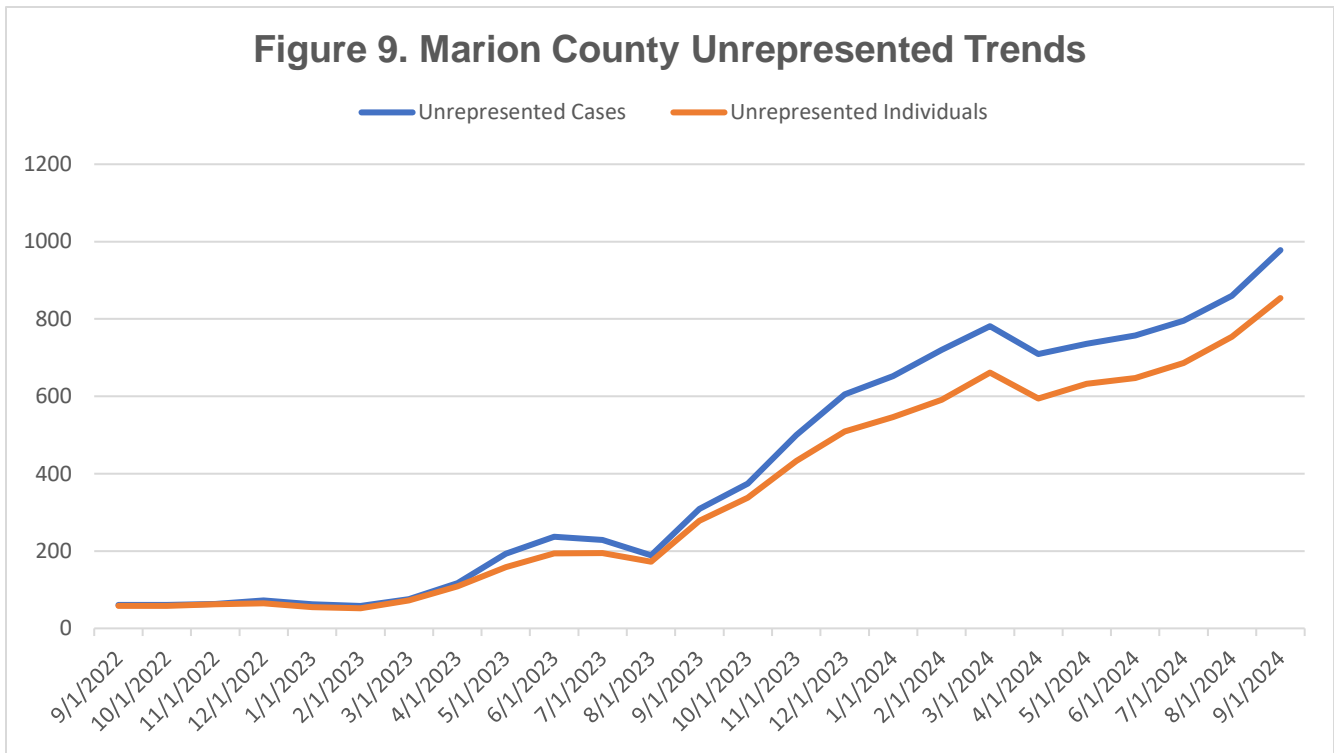
The number of unrepresented individuals in Multnomah County has grown by 208 since August 1, 2024. Deschutes and Coos and Curry counties have seen attorneys leave the local public defense offices and are continuing to see increases in the number of unrepresented individuals in each county. OPDC reported that the Deschutes public defender office was able to fill most of its vacancies; however, the number of unrepresented individuals continues to increase.



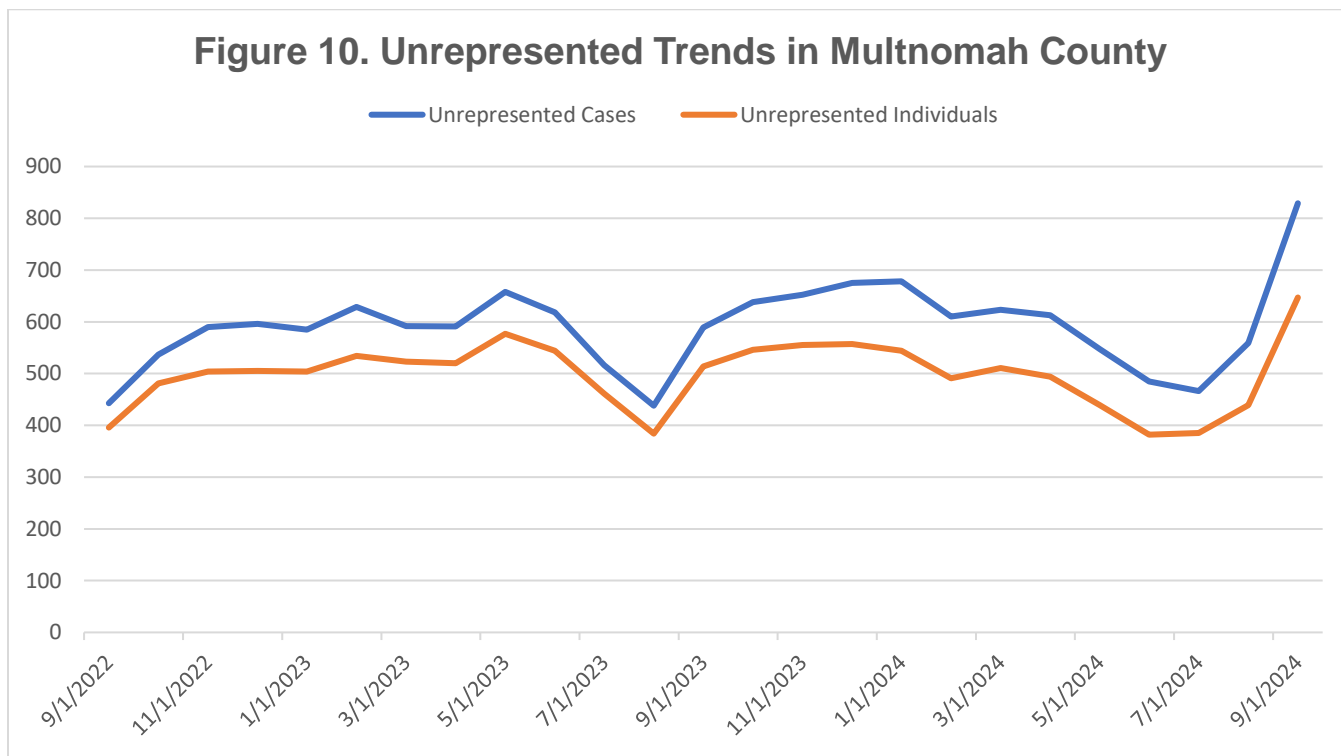
Source: OJD Odyssey Data (eCourt).



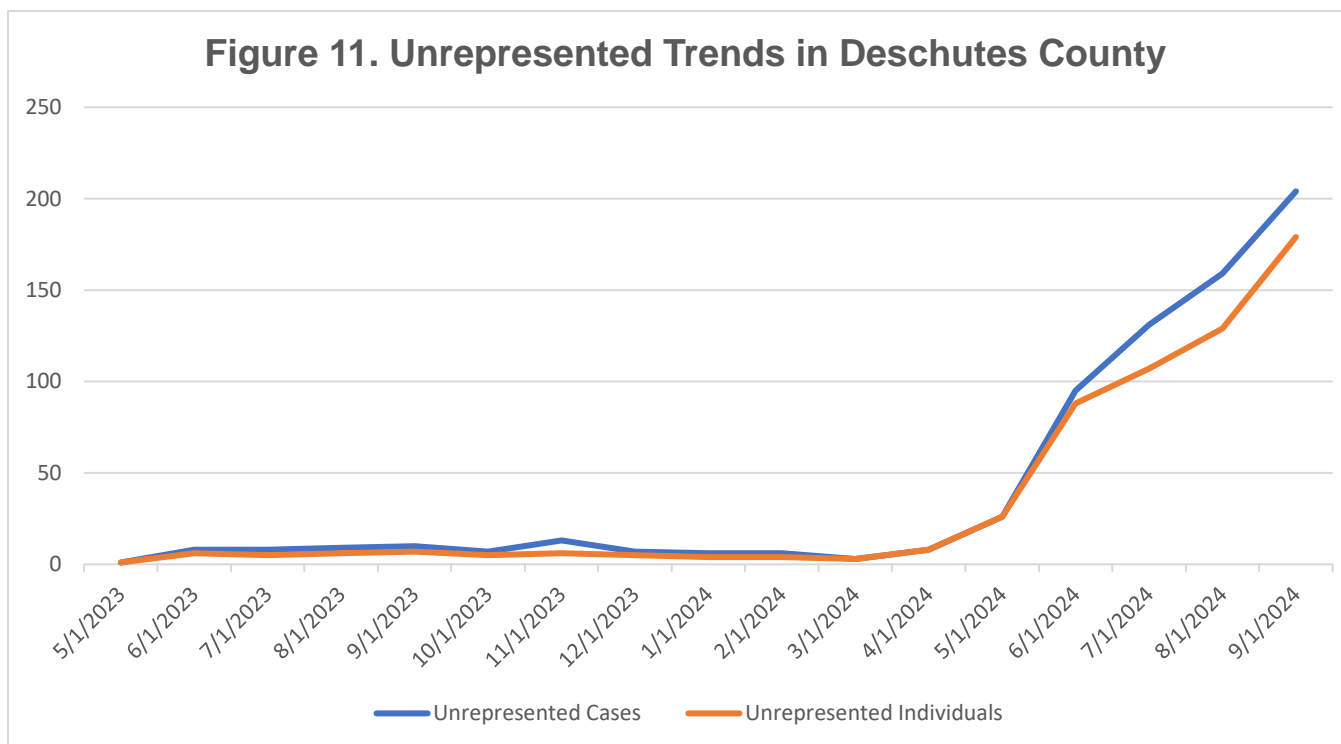
Source: OJD Odyssey Data (eCourt).



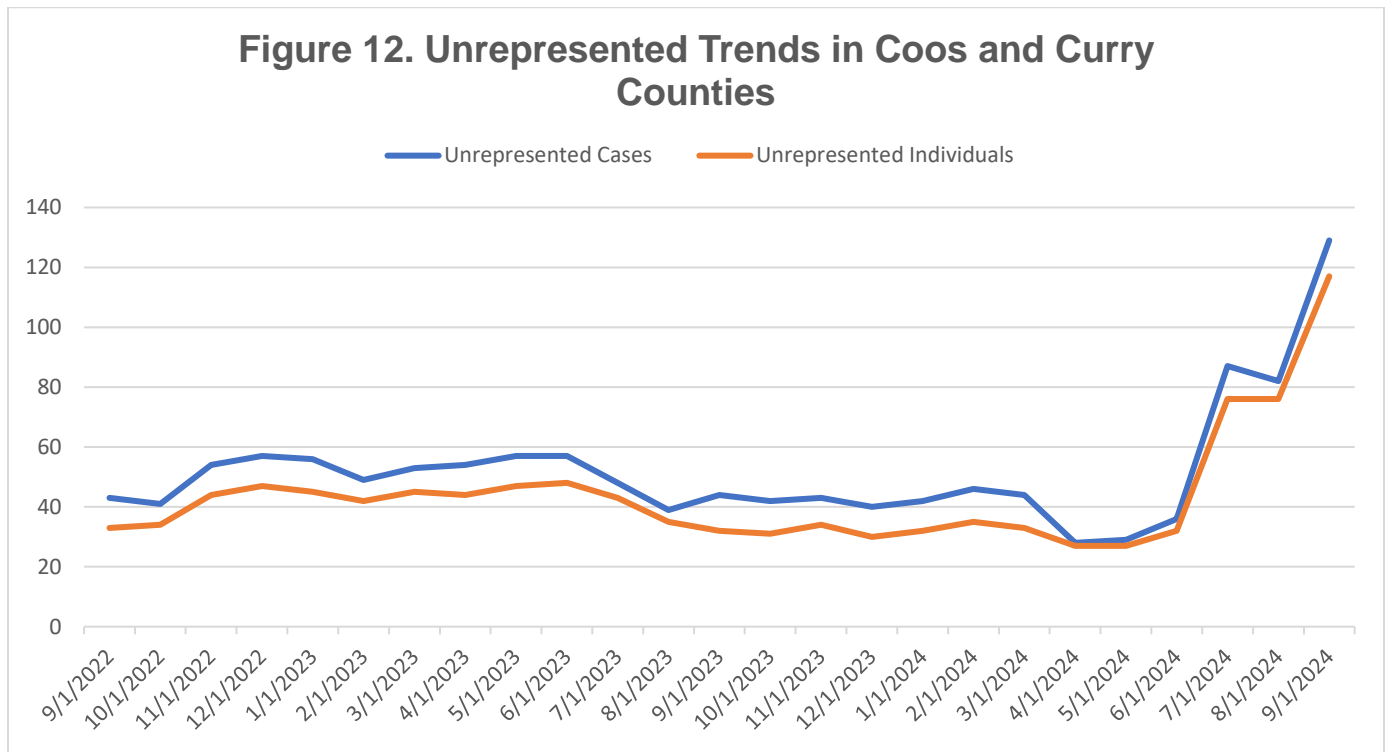
Source: OJD Odyssey Data (eCourt).



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Source: OJD Odyssey Data (eCourt).



Source: OJD Odyssey Data (eCourt).



Date: September 18, 2024

To: Jennifer Nash, Chair of OPDC
Susan Mandiberg, Vice Chair
OPDC Commissioners

Cc: Jessica Kampfe, Executive Director

From: Ralph Amador, Chief Financial Officer
Karla Bethel, Accounts Payable Manager

Re: AP Billing to Process Time Workgroup

Nature of Presentation: Briefing

Background:

The Commission directed OPDC to form a workgroup with stakeholders to discuss the issues surrounding billings and the time it takes to process payments at the August 21, 2024, meeting. In response, OPDC identified the following categories as the four main types of vendors based on volume of work as well as those who have voiced the greatest level of concern on this topic:

- Attorneys
- Investigators
- Interpreters
- Psychologists

On September 5, 2024, the agency hosted the first Teams meeting for the workgroup to discuss the concerns surrounding billing to payment times. The following external vendors were invited to attend the meeting:

Attorneys: Elizabeth Baker
Shawna Meyer
Patrick Sweeney

Investigators: Dawn Hartwell
Joel Manley
Skip Raddle

Interpreter: Adrian Arias

Psychologists: Breann Martin (Western Clinical)
Lizzy MacKenzie (Northwest Forensic)

Commissioner: Brook Reinhard

The agency presented information regarding the increase of volume overall in Accounts Payable, and then discussed improvements that have already been implemented to try to work with this increased volume. Agency restraints were reviewed and OPDC shared examples of invoices and common billing issues. This helped demonstrate some of the situations that come up frequently for Accounts Payable. Those situations directly impact the payment processing times. This was shared to give some additional context to vendors, so they could have an initial understanding while assisting with developing solutions.

One initial discussion was on the topic of adjustment letters and the time taken to advise providers of payment adjustments made, both to increase or decrease a payment. The overall consensus from the group was that while they do take more time from Accounts Payable staff, this is a valuable process on the vendor side, because it helps them to understand when they have made a billing error. The provider consensus was that they would like to see us maintain the process of providing that information.

The group discussed several barriers and issues they face around billings, and made several suggestions that the agency is now working on implementing:

1. Routine Records Reimbursement
2. FAQs for Accounts Payable
3. FAQs for Pre-Authorized Expenses
4. Interpreters Policy Modification & FAQs for Interpreters

Overall, the group found the meeting very useful and agreed that it should continue. OPDC asks that over the next several weeks, if any other vendors would like to provide input, they can feel free to contact the members of the workgroup and share their thoughts, so they may be relayed at the next meeting. The agency is open to all suggestions and is looking forward to continued progress with this workgroup.

The next meeting is currently scheduled for October 3, 2024, at 10:00 a.m.

Agency Recommendation: Implement the workgroup recommendations and continue the workgroup with a minimum of two more meetings.

Fiscal Impact: None to date.

Agency Proposed Motion: N/A



**Oregon
Public
Defense
Commission**

Date: September 18, 2024

To: Jennifer Nash, Chair of OPDC
Susan Mandiberg, Vice Chair
OPDC Commissioners

Cc: Jessica Kampfe, Executive Director

From: Kimberley Freeman, CAP Manager
Amy Jackson, Senior Policy Analyst

Re: Pre-Authorized Expenses (PAE) policy

Background:

On June 13, 2024, the Commission approved changes to the Pre-Authorized Expenses (PAE) policy. Since that time, the Policy Team has received both internal and external feedback. The changes reflected in the policy before the Commission today are due to that feedback. The agency continues to refine the policy and will be bringing it back again in December. Over the next 90 days the agency will be reviewing additional suggestions and comments received prior to October 21, 2024. Any additional provider feedback should be submitted to Policy@opdc.state.or.us prior to that date.

The following sections of the policy have been changed:

- Section 3.6 – Added language to include an attorney can be funded for immigration counsel if OPDC’s designated vendor is unavailable.
- Section 3.8 – Amended the language to state that Pre-Authorization is only required if the interpreter’s rate exceeds the rate listed in the Schedule of Guideline Amounts OR if there is not an OJD Certified or Registered interpreter available.
- Section 3.9 – Removed language from Investigators that only one request shall be submitted.
- Section 3.11 – Removed from Mental Health Professionals, “In jurisdictions with a Rapid Aid and Assist Docket, attorneys must submit a PAE request. However, the mental health professional can proceed with the forensic evaluation once the request is submitted and do not need to wait for approval before work can begin.”
- Section 3.19 – Changed the noted reference that section 3.17 does not apply to interpreters to 3.19.

Agency Recommendation:

Approve Pre-Authorized Expense policy changes.

Fiscal Impact:

None

Agency Proposed Motion:

Agency recommends the Commission approve the proposed changes listed above for the Pre-Authorized Expenses (PAE) Policy effective October 1, 2024, which will supersede any prior memo or policy.



<u>POLICY NAME:</u>	Pre-Authorized Expenses	Number: 404.060.001
<u>DIVISION:</u>	Administrative Services	Effective Date: 10/2/2024
<u>RESPONSIBLE SECTION:</u>	Pre-Authorized Expenses Division	
<hr/>		
<u>APPROVED:</u>	Oregon Public Defense Commission	Approval Date: 9/18/2024

PURPOSE: Establishes eligibility, criteria, service types and time frames for which authorization of Pre-Authorized Expenses (PAE) (formerly Case Support Services) will be considered.

AUTHORITY: ORS 151.216, 151.225(1)(c), 419A.211, 419B.201, 419B.518, 419C.206

APPLICABILITY: This policy applies to all requests for authorization of Pre-Authorized Expenses (PAE) submitted to OPDC and supersedes any previous memorandum or version of the policy.

POLICY

SECTION 1 – IN GENERAL

Persons determined to be eligible for court-appointed counsel are entitled to necessary and reasonable fees and expenses for investigation, preparation, and presentation of the case for trial, negotiation, and sentencing. This includes persons who are *pro se* or have retained counsel but who are found by the court to be financially eligible for appointed counsel. OPDC does not need a copy of the order authorizing expenses, but the order must be reflected in OEI.

By accepting any public defense case assignment or related work, vendors agree to comply with all OPDC policies and procedures as may be amended from time to time.

Requests for authorization of expenses must be submitted by Counsel other than where statute specifically allows otherwise.

The total anticipated service fees and out of pocket expenses that will be incurred between the effective and expiration date of an Authorization must be outlined in the submitted request. Authorizations may include services hours to be performed out of the state of Oregon. A separate request must be submitted for any case related travel expenses, not included on the original Authorization, referencing the related PAE number.

OPDC shall review each request and determine whether the amount is necessary, reasonable, and properly payable from public defense funds. Pre-authorization does not guarantee payment of any fee or expense that is later determined to not be necessary or reasonable at the time the fee or expense was incurred. If the expense is determined to not be necessary or reasonable the invoice may be denied.

The Schedule of Guideline Amounts establishes expected rates for most fees and expenses. The amounts shown are not equivalent to a pre-approved cost and is not a substitute for pre-authorization.

Services must be obtained within the parameters outlined in the Schedule of Guideline Amounts whenever possible. Counsel should first attempt to secure providers within their jurisdiction or a neighboring jurisdiction. A qualified in-state Service Provider or expert is required unless none are available, or the use of an out-of-state expert is more economical and has been authorized by OPDC.

OPDC will fund expenses only if the expense was preauthorized and it is at the rate indicated in Schedule of Guideline Amounts or, if at a higher rate, only when Counsel has shown compelling circumstances and OPDC has authorized the higher rate.

1.1 Responsibilities of Counsel or Person Who Is *Pro Se*

Counsel and *pro se* persons who receive authorization for services must:

- **Before incurring costs for services expected to be paid from public defense funds**, ensure that any prospective Service Providers are aware of OPDC policies and the Schedule of Guideline Amounts.
- Forward a copy of the Authorization form from OPDC to the Service Provider.
- Maintain oversight of services and provide ongoing communication with the Service Provider regarding the status of the case, including when a case has been closed and services are no longer required.
- Certify completed services. Once OPDC has developed a formal process and implemented a case management system, counsel shall review service provider's invoice to verify that services performed are consistent with that approved in the pre-authorized expense request. Certification will be accepted via signature on the invoice, or an email attached to the invoice that notes the client's name, case number, and service start and end dates shown on the invoice. This requirement does not apply to *pro se* persons.
- Authorizations do not transfer. If Counsel withdraws or new Counsel is appointed, any unused PAE shall be inactivated, and new counsel shall seek pre-authorization of any reasonable and/or necessary expenses. Any PAE that has had work performed shall be submitted for payment within 180 days.

1.2 Responsibilities of Service Providers

Service Providers must obtain and review a copy of the Authorization. The Authorization is sent to and should be obtained from Counsel that requested the service. The Authorization will specify the service hours and expenses authorized and should be reviewed prior to performing any services. The Service Provider must submit a copy of the Authorization with their invoice. The Authorization is sent to and can be obtained from the Counsel who requested the service.

Service providers must perform the services and submit the bill within 180 days of the authorization date unless an exception has been granted on the Authorization.

Service Providers who perform services are responsible for complying with all applicable requirements, including but not limited to, licensing that the State of Oregon or another state or country may require for the performance of services in those jurisdictions.

1.3 Engaging Relatives for Compensable Services

Prior to engaging any relative or member of the household, as defined by ORS 244.020, counsel should first provide notification of the relationship and potential services to OPDC.

An individual appointed, employed, promoted, or advanced in violation of this section is not entitled to pay, and may not be paid from public defense funds.

1.4 Expenses Incurred Prior to Authorization

Under limited circumstances, OPDC may authorize an expense after the expense has been incurred. An explanation of the exigent circumstances that required the expense to be incurred before requesting pre-authorization or before OPDC could act on a request is required. Exigent circumstances DO NOT include requests that Counsel failed to submit before services were needed.

1.5 Rush Requests

Requests to “rush” processing of a request for pre-authorization will only be considered for trial or other major court events impacting the case in two weeks or less, or when an expert services appointment is available in the next two weeks and must be booked to preserve it.

1.6 Contact Information

Pre-Authorized Expense Requests & Reconsideration Inquiries: CSS@opds.state.or.us

SECTION 2 – REQUESTS FOR PRE-AUTHORIZATION OF EXPENSES

A request for pre-authorization of expenses must be submitted on the Pre-Authorized Expense Request form. The request must include the total expected maximum number of hours of services, maximum amount of fees and expenses including any anticipated need for travel to be completed during the term of the Authorization. All requests are subject to review. OPDC will determine whether the request for services and the outlined expense is necessary, reasonable, and properly payable from public defense funds. Requests will be reviewed within 5 business days of receipt as staffing allows.

Authorizations may include fees for services performed out of the state of Oregon. A separate request must be submitted for any case related travel expenses, not included on the original Authorization, referencing the original related PAE number.

The form submitted must be the most current version available on the OPDC website (<http://www.oregon.gov/opdc/provider/pages/forms.aspx>) all information must be completed on the form, including the highest case type of all related cases, and it must be signed by Counsel, or the request will be denied.

The Pre-Authorized Expense Request form is submitted by clicking the “Click here to email this request to OPDC” button at the end of the form. This generates an email to the OPDC PAE team with the form attached for processing. The form may also be submitted by email to OPDC at CSS@opds.state.or.us. The case information (case name, number, county, highest case type) must be entered on the form and will be verified with the Oregon eCourt Case Information (OEI).

Each Authorization can only be invoiced against once. Any invoice submitted a second time on a single Authorization will be denied.

Requests for authorization of services may be submitted as often as needed to provide necessary and reasonable services including for additional services on the same case during the original Authorization term.

Court-appointed Counsel must have submitted an Attorney Qualification form within the previous two years and been approved by OPDC to accept appointments for specified case types in order to process the requests for Authorizations.

2.1 Authorization Effective Date and Expiration

If a request is authorized, OPDC will generate a Pre-Authorized Expenses Authorization with the effective date. This Authorization must be submitted with the related invoice. The Authorization effective date will generally be no earlier than the date counsel was appointed.

Authorizations expire 180 days from the effective or approval date, whichever is greater, of the Authorization unless counsel has provided sufficient reason for OPDC to grant an extension. Providers shall complete services and bill on the invoice within 180 days of the effective or approval date, whichever is greater, on the Authorization. Invoices for services for which the Authorization has expired will not be paid.

2.2 Overhead Expenses

Overhead expenses, including services performed by an employee or an independent contractor of Counsel or Service Provider, are not reimbursable, except in extraordinary circumstances with the pre-authorization of OPDC. Overhead expenses, except as otherwise expressly provided in this policy, include, but are not limited to:

1. Travel time and expense between home and office
2. Paraprofessional Services (law clerk, legal assistant, paralegal, administrative, and secretarial services)
3. Timekeeping and bill preparation
4. Rent and utilities
5. Office equipment and supplies, including flash drives and other storage devices or other item purchased in bulk that cannot be associated with a specific case.
6. Library materials
7. Computerized legal research software, installation, and monthly access fees.

Overhead expenses will only be authorized as pre-authorized expenses if OPDC determines that the expense is necessary and reasonable, and the agency concludes funding the requested expense would be more cost-effective than not doing so.

PAE requests for paraprofessional services in Murder cases are typically allowed.

2.3 Amendment of Authorization

OPDC will consider requests for amendment of an Authorization only when the request to amend the Authorization is made within 30 days of issuance and no payment has been made on the Authorization for approved services.

PAE authorizations that have been paid in part shall NOT be sent back to the PAE division for reconsideration or amendment. A new PAE request shall be prepared by Counsel and submitted.

If there is a change in Service Provider a new request for authorization must be submitted.

2.4 Reconsideration

If a request for pre-authorization is denied or approved in part, it will be reflected on the Pre-Authorized Expense Authorization.

Counsel may request reconsideration of the denial or partial approval via email at CSS@opds.state.or.us . The email must have **RECONSIDERATION REQUEST** in the subject line. The request must include the PAE authorization number and any additional rationale or documentation, and it must be submitted within 30 days of the denial or processed date. It will be reviewed by the Reconsideration Panel for approval or denial within 10 business days.

The reconsideration panel will consist of representatives from the Pre-Authorized Expense Division, General Counsel and Budget. All decisions of the reconsideration panel are the final decision of the agency.

Pursuant to ORS 135.055, an appeal of the panel's decision must be submitted to the Presiding Judge in the court in which the subject case is pending or the Chief Judge or Chief Justice when the request involves an appellate case. All motions requesting the court's review must be in writing, filed with the court within 21 days of the date of the reconsideration denial, and served on OPDC via email at CSS@opds.state.or.us. The court shall review the agency's decision pursuant to an abuse of discretion standard. The court shall notify the provider and OPDC when a decision has been made.

2.5 Confidentiality

ORS 135.055(9) prohibits disclosure of requests and administrative orders for pre-authorization of non-routine fees and expenses, and billings for such fees and expenses, to the district attorney before the conclusion of the case.

ORS 135.055(10) permits disclosure to the district attorney of the total amount of moneys determined to be necessary and reasonable for non-routine fees and expenses at the conclusion of the trial in the circuit court.

ORS 40.225(5) provides that the lawyer-client privilege is maintained for communications made to OPDC for the purpose of seeking pre-authorization for, or payment of, non-routine fees or expenses.

ORS 192.355(4) exempts from disclosure under the Public Records Law information submitted to a public body in confidence and not otherwise required by law to be submitted, where such information should reasonably be considered confidential, the public body has obliged itself in good faith not to disclose the information, and when the public interest would suffer by the disclosure.

OPDC will keep confidential all information regarding the cost of representation of a client and Pre-Authorized Expenses in a particular case, except as follows:

- 1) OPDC may release, upon request at the conclusion of the case, the total amount of money paid for representation in the case.
- 2) OPDC shall disclose information regarding the cost of representation and Pre-Authorized Expense requests in a particular case to:
 - (a) Counsel who represents or represented the Client in the case.

- (b) Counsel who represents the Client in a matter arising out of a particular case.
 - (c) To the client, upon written request from the Client, except that OPDC shall not disclose information to the Client that it is prohibited from disclosing under state or federal law.
- 3) OPDC may disclose to appropriate authorities' information regarding the cost of representation and Pre-Authorized Expense requests when such information is reasonably believed to be evidence of, or relevant to, alleged criminal activity on the part of the court-appointed Counsel or other OPDC paid Providers.
 - 4) OPDC may disclose information regarding the cost of representation and Pre-Authorized Expense requests in a particular case in response to a subpoena for records following the conclusion of the case if the court issues a protective order.
 - 5) OPDC shall disclose information regarding the cost of representation and Pre-Authorized Expense requests as otherwise required by law.

This policy does not prohibit OPDC from disclosing statistical information that cannot be identified with any particular case.

SECTION 3 – EXPENSES THAT REQUIRE PRE-AUTHORIZATION

The following services may be funded if the agency, after having reviewed the request for Pre-Authorized Expenses, concludes the proposed service and expenditure is necessary and reasonable for investigation, preparation, and presentation of the case for trial, negotiation, and sentencing.

PERSONNEL:

3.1 Alternative Sentencing Evaluation (OPE)

An Alternative Sentencing Evaluation consists of a client interview, LS/CMI risk assessment, and ASAM evaluation and concludes with a written report. OPDC will consider requests for Alternative Sentencing Evaluations only when the presumptive sentence is a prison sentence.

3.2 American Society for Addiction Medicine (ASAM)/Drug and Alcohol Evaluation

OPDC will authorize an ASAM evaluation to assess and diagnose the client's chemical dependency when it is reasonable and necessary to investigate, prepare, and present the case. OPDC will not authorize an ASAM evaluation as a substitute for another agency (*e.g.*, Oregon Department of Human Services) fulfilling its obligation under statute, regulation, or court order to provide this service. An ASAM evaluator must have their current license on file with OPDC.

3.3 Associate/Research Counsel

Counsel may seek funding for an attorney to serve as Associate/Research counsel to assist with legal research or case preparation. Associate/Research counsel does not serve as an expert, is not appointed to the case and does not provide direct client representation. Associate/Research counsel may be approved in cases where it's reasonable and necessary, *i.e.*, murder, juvenile waiver, cases subject to ORS 137.719 and 137.725, Jessica's Law cases or any case in which OPDC deems an Associate/Research attorney is reasonable and necessary. The temporary hourly increase program rates do not apply to Associate/Research counsel approvals.

3.4 Case Managers and Social Workers

Case managers and social workers may be authorized when necessary and reasonable. Case managers and social workers must have:

- a Bachelor's or higher level degree in Social Work/Human Services or a closely related field; OR
- a Bachelor's degree in a field not closely related to Social Work/Human Services and one year of human services related experience (*i.e.*, work providing assistance to individuals and groups with issues such as being economically disadvantaged, unemployment, abuse and neglect, substance abuse, aging, disabilities, inadequate housing).
- a combination of equivalent experience in related fields including lived experience in the criminal and juvenile systems. Providers requesting approval based on lived experience in recovery must have a minimum of three years documented sobriety and shall possess a Certified Recovery Mentor (CRM) or Peer Wellness Specialist (PWS) certificate. Other certificates or programs that offer similar training around peer support may also meet this criteria.

Mileage and/or time spent transporting a client is not compensable. Travel time is included in the hours authorized.

3.5 Dual Diagnosis Evaluation

An evaluation consisting of a client interview, multi-level assessments, and possible interviews of others to determine if a person meets the criteria for a diagnosis of both a substance abuse disorder and a mental health disorder.

3.6 Expert Attorney Services

In post-conviction relief cases, or other cases in which a lawyer's duties or standard of care is an issue of fact, Counsel may seek funding for an attorney to serve as an expert. Additionally, Counsel may seek funding for an attorney if the case requires specialized legal advice.

Counsel may secure immigration advice for their clients, in accord with *Padilla v. Kentucky*, through the agency's designated immigration counsel vendor. An attorney other than the agency's designated vendor will only be funded if a legal conflict of interest exists **or if OPDC's designated vendor is unavailable.**

Ethics counsel is an overhead expense and will not be funded.

3.7 Forensic Experts

An expert from one of the many different fields of science that can be applied for forensic investigations including but not limited to:

- Accident Reconstruction
- Arson
- Ballistics
- Biology
- Biomechanical Engineer
- Computer
- Criminalist
- Fingerprint
- Handwriting
- Linguistics
- Toxicologist
- Traffic Engineer
- Use of Force

Overhead expenses such as photocopies, postage or telephone calls are considered part of the Provider's rate and not subject to reimbursement.

Policy Name: Pre-Authorized Expenses

3.8 Interpreters and Assistive Communication Devices

Pre-Authorization is only required if the interpreter's rate exceeds the rate listed in the Schedule of Guideline Amounts OR if there is not an OJD Certified or Registered interpreter available. ~~[Counsel must request pre-authorization for interpreters only when rates exceed the Schedule of Guideline Amounts amount.]~~ Pre-Authorization is not needed for interpretation within the guideline rates for authorized investigation, mitigation, psychiatric and polygraph services.

Mileage out of the state of Oregon over 100 miles must be preauthorized.

Except as provided in ORS 45.275(7) (Appointment of interpreter for non-English-speaking party, witness, or victim), an interpreter is subject to the provisions of the Oregon Evidence Code relating to qualification as an expert and the administration of an oath or affirmation that the interpreter will make a true and impartial interpretation of the proceedings in an understandable manner using the interpreter's best skills and judgment in accordance with the standards and ethics of the interpreter profession.

Interpreters who are certified by the Office of the State Court Administrator, under ORS 45.291 for out-of-court attorney/client communication, must be used unless none are available. The State Court Administrator establishes categories of certificates based on the nature of the interpreter services to be provided, including categories for interpreters for persons with disabilities and non-English-speaking persons. If no certified interpreter is available, counsel must use a qualified interpreter, as defined in ORS 45.275(8)(c).

~~[If no OJD Certified or Registered Interpreter is available and outside sources are needed, pre-authorization is required.]~~

3.9 Investigators

Counsel shall submit requests for investigation using the case number with the highest charge. ~~[Only one request shall be submitted.]~~ Counsel should not submit a request for each case number. To be funded for investigation services the person must be licensed by the Department of Public Safety Standards & Training.

All requests for and approvals of investigation services must include a conservative, projected maximum expense for services and number of hours. The hourly rate includes all overhead expenses. Travel time is included in the hours authorized. Mileage outside of the state of Oregon over 100 miles must be preauthorized.

To receive reimbursement to counsel for investigation, the services requested and performed must be for an employee, that is not already funded under contract. OPDC will only reimburse counsel at the rates set in the Schedule of Guideline Amounts.

3.10 Medical Experts

Medical experts include, but are not limited to, doctors, nurse practitioners, nurses, physical therapists, occupational therapists, chiropractors, speech therapists, hematologists, radiologists, sleep pathologists, veterinarians, pharmacists, and geneticists.

3.11 Mental Health Professionals

Mental health professionals include psychiatric nurse practitioners, psychologists, psychiatrists, and neuropsychiatrists. OPDC will authorize an evaluation by such a mental health professional when it is reasonable and necessary to investigate, prepare, and present the case. OPDC will not authorize a mental health, psychological, neuropsychological, psychiatric, or neuropsychiatric evaluation as a substitute for another agency (*e.g.*, Oregon Department of Human Services) fulfilling its obligation under statute, regulation, or court order to provide the service.

When a mental health expert is required to testify, trial Counsel should accommodate those witnesses, and whenever possible, attempt to take their testimony out of order.

[In jurisdictions with a Rapid Aid and Assist Docket, attorneys must submit a PAE request. However, the mental health professional can proceed with the forensic evaluation once the request is submitted and do not need to wait for approval before work can begin.]

3.12 Mitigators

Mitigation specialists gather and investigate historical data and anecdote into a client and their life. The client background research includes but not limited to, investigating a client's formative experiences including traumas, cognitive functioning, mental health, physical health, addiction, religious background, traumatic brain injuries, substances/toxin exposure in utero and through life, genetics, environmental factors, and family health histories. A mitigation specialist assists the attorney by documenting these factors through records and interviews to integrate this information into the client's defense. Mitigators shall, at the minimum, be licensed by the Department of Public Safety Standards & Training. Mitigators may be available in cases where it's reasonable and necessary, i.e., murder, juvenile waiver, cases subject to ORS 137.719 and 137.725, Jessica's Law cases or any case in which OPDC deems a mitigator is reasonable and necessary.

Travel time is included in the hours authorized.

3.13 Paraprofessional Services

OPDC will consider requests from non-contract hourly counsel for paraprofessional services, such as legal assistants, law clerks, legal secretaries, paralegals (non-attorney & attorney), litigation support & data management, to assist Counsel with non-legal services, including file redaction and file organization.

Contract counsel is required to secure, at their expense in whole or in part from contract funds, any support services necessary to perform contract obligations.

Contract counsel may be reimbursed for paraprofessional services as a Pre-Authorized Expense at the rate shown in the Schedule of Guideline Amounts only when OPDC determines there are extraordinary circumstances as outlined in the Overhead section of this policy. To receive reimbursement to counsel, the paraprofessional services requested and performed must be for counsel's employee. Counsel may not seek reimbursement for an employee that is already funded through overhead under contract. OPDC will only reimburse counsel at the rates set in the Schedule of Guideline Amounts. In all other instances payment shall be paid directly to the service provider.

Any request for authorization must include a description of the tasks to be assigned.

3.14 Polygraph Examinations

Polygraph services will only be authorized when the service is necessary for case negotiation and resolution.

OPDC will not authorize polygraph expenses for testing the truthfulness of communications between a client and appointed counsel.

3.15 Process Servers and Other Personnel to Secure Witnesses

Counsel shall use the most economic method available for process service. Service may be effectuated by the Sheriff pursuant to ORS 21.300, an investigator, or a process server.

In circumstances where counsel needs an out-of-state court order to compel the appearance of an out-of-state witness, counsel may retain the services of an out-of-state attorney at the hourly attorney rates published in this policy.

3.16 Testimony rates

OPDC does not, as a matter of course, authorize differing rates for vendor services based upon whether a vendor testifies.

3.17 Transcription Services

Transcription is the process of converting a stenographic or electronically recorded word into a written document. The rate for transcription services of court proceedings is set by ORS 21.345. A rate exception may be made for audio transcription that is a rush and/or inaudible. Rate exceptions shall not exceed \$1.00 above the rate set by statute, even if both exceptions are applicable.

OPDC may pay additional rates for transcription of recorded word that is not associated with a court proceeding, but only if it is requested before the expense is incurred and only when appointed Counsel has shown compelling circumstances and authorization is granted by OPDC.

In addition to the page rate, OPDC may reimburse a person providing transcription services for:

- Costs incurred attending depositions
- Appearance fees
- Time spent reviewing notes or similar tasks related to preparing transcripts

OPDC will pay for one original but no copies of a transcript.

Grand Jury transcripts are considered routine expenses and do not require pre-authorization when billed at the guideline rate. Transcript requests that exceed the guideline rate require pre-authorization.

3.18 Translation and Transcription Services

Interpretive services not related to attorney-client or court communication, such as translation and transcription of recorded discovery, interviews, or other audio or video, must be preauthorized. A Forensic Transcription Translation will only be provided if the service is reasonable and necessary.

3.19 Cancellations and Missed Evaluations and/or Examinations

In the event any Service Provider schedules an evaluation or examination with a client and the client fails to appear, OPDC will pay the following amounts:

- A maximum of 2 hours at half of the approved hourly rate, OR
- 50% of the flat rate amount approved

OPDC will not pay for a missed appointment that is attributable to Counsel. Once a client misses two appointments, Service Provider shall submit the PAE for payment, and Counsel and Service Provider shall not schedule another appointment without submitting a new PAE request.

Note that section **3.19 [3.17]** does not apply to interpreters, (see Routine Expense Policy Section 1.5), investigators, mitigators or case managers.

SERVICES:

3.20 Client Clothing

OPDC may authorize the purchase of appropriate attire for court appearances for a client. Counsel must contact contractors who maintain “clothing rooms” to determine whether suitable clothing is available prior to submitting a request to OPDC. If Counsel receives pre-authorization to purchase clothing for a client, that clothing must be provided to a “clothing room” upon completion of the case. Dry cleaning or commercial laundering of purchased or borrowed clothing, prior to return or donation to a “clothing room,” is reimbursable without pre-authorization.

3.21 Lay Witness Travel Expenses

All lay witness related travel expenses including meals, lodging, rental car, rideshare and/or airfare require pre-authorization.

3.22 Travel-Related Compensable Time

Travel time must be pre-authorized. Except as limited by this section, hours spent in-transit between a specified point of departure and destination may be invoiced as travel time at the provider’s full rate. If the service requested is a flat rate travel time shall not exceed \$75/hr.

Once the destination has been reached, hours spent at the destination may not be counted as hours in-transit. However, service hours spent working on a case at the specified destination, may be invoiced accordingly.

Time in transit between home and office, home and a court, or office and a court within assigned jurisdiction are not compensable for Counsel. Assigned jurisdiction is defined as the county where Counsel’s office is, as reflected in Counsel’s business registration with the Secretary of State.

Time in transit between home and office is not compensable, but time in transit between office and a court is compensable for Service Providers.

Time spent transporting a client is not compensable.

Time spent in or awaiting transit is compensable. When possible, case work should be done in transit.

3.23 Travel Expenses

Travel expenses must be authorized before the expenses are incurred. Mileage, meals, lodging, airfare, and other similar travel costs must be pre-authorized except for mileage and parking specifically outlined in the Routine Expenses Policy.

All out-of-state travel related expenses (i.e., airfare, lodging, car rental, etc.) and mileage 100 miles or more must be preauthorized.

Traveler must plan with establishments that offer General Services Administration (GSA) or commercial rates where available. GSA rates can be reviewed at <https://www.gsa.gov/travel/plan-book/per-diem-rates>. **If GSA rates are unavailable, written documentation from the hotel or car rental establishment should be requested when informed that a higher rate will be necessary due to a lack of availability at approved rates.** Documentation, with an explanation of what exigent circumstances exist that required you to incur the expense without requesting pre-authorization, must be submitted with the invoice.

OPDC does not amend travel Authorizations for GSA rates. Please request written documentation **from the hotel or car rental establishment** when you are informed that a higher rate will be necessary due to a lack of availability at approved rates. Please include that documentation and an explanation when you submit your invoice. This will provide the documentation we need to consider payments over the preauthorized amount. Submitting this with your invoice will eliminate the need for our accounts payable team to reach out for clarification which slows processing time.

3.24 Airfare

Traveler must fly coach regardless of funding source unless the difference is paid from the traveler's personal funds.

Arrangements for airfare must be made through OPDC and the expense will be sent directly to OPDC. When a request for airfare is preauthorized, OPDC will notify the travel agency that holds the state contract that the expense has been approved. OPDC will provide the travel agency with the pertinent information regarding the trip. Counsel or the Service Provider must contact the travel agency to make the travel arrangements.

Travel arrangements must be booked within **60 days** of the PAE Authorization effective date.

Airfare may be purchased outside the state contract only with prior approval from OPDC. The purchase price of the ticket must be less than the available contract price and the ticket must be paid for in advance. Cancellation insurance is suggested. Additional costs incurred because the Provider failed to obtain cancellation insurance are not reimbursable.

3.25 Car Rental

Arrangements for a rental car may be made through the travel agency that holds the state contract for airfare.

Travelers must rent a compact car from the least expensive rental agency. Rental of any other size or type of vehicle must be specifically justified and approved. Any insurance costs related to the car rental are the responsibility of the vendor. **If a compact car is unavailable, written documentation from the car rental establishment should be requested.**

OPDC will reimburse for fuel, not mileage, upon submission of an original receipt.

3.26 Lodging

Lodging expenses must be preauthorized. Original receipts must be submitted with the Mileage and Travel worksheet. If lodging is required in multiple cities, separate Authorizations must be requested.

Lodging will be reimbursed for total cost of lodging, including taxes using the Federal GSA per diem amounts. OPDC will not pay for cleaning fees or incidentals unless the total cost is less than or equal to the applicable per diem rate. To be eligible to request lodging reimbursement, travel must be more than 50 miles one way from counsel's assigned jurisdiction. Assigned jurisdiction is defined as the county where Counsel's office is, as reflected in Counsel's business registration with the Secretary of State. OPDC is not responsible for any damages or additional fees beyond what is approved in the pre-authorized expense authorization.

The traveler must request a government or commercial rate. If the hotel requires proof of state affiliation, OPDC can provide a letter on the traveler's behalf.

Non-commercial lodging of \$25 may be claimed if it is more economical, and the traveler arranges for the accommodations. The traveler must submit a brief written explanation as to the types of alternate accommodations used unless it was specifically authorized.

The OPDC accounts payable manager may approve direct billing from a hotel. Direct billing must be approved in advance and is reviewed on a case-by-case basis. If approved, Counsel will be responsible for facilitating the lodging arrangements. The direct bill is only valid for that specific lodging and does not include incidentals. Counsel should send requests for direct billing to AccountsPayable@opds.state.or.us (Attention: Accounts Payable manager).

3.27 Meals

Meals must be pre-authorized. Generally, a meal allowance will be approved only when lodging is authorized. If lodging was not authorized but the traveler's departure or return time and the distance traveled are such that lodging would be justified, meals may be reimbursed if OPDC determines it reasonable.

To be eligible to request day trip meal reimbursement, travel must be more than 100 miles one way, departure and arrival times are reasonable and align with time(s) services are provided.

Travel times must be provided, meals will be reimbursed at GSA per diem rates applicable to the geographic area and time of travel.

3.28 Mileage

Reimbursable mileage is paid at the rate shown in the Schedule of Guideline Amounts and must be submitted with all information on the Mileage and Travel worksheet.

Mileage over 100 miles out of the state of Oregon must be pre-authorized.

If a private vehicle is used for a trip when the use of a rental car or air travel is an option and is more economical than personal vehicle mileage, OPDC will pay the traveler the amount of the most economical method of travel. When determining the amount to pay, OPDC will consider the overall cost of the trip, including travel time.

Mileage related to transporting a client for any reason including to Counsel's or Service Provider's office, appointments of any kind, the courthouse or other location where a hearing or judicial appearance is scheduled is not an allowable expense and will not be reimbursed.

Approved by: OPDC
Prepared by: Policy Division
Reviewed by: Executive Team

Publish: Internally & Externally



Date: September 18, 2024

To: Jennifer Nash, Chair of OPDC
Susan Mandiberg, Vice Chair
OPDC Commissioners

Cc: Jessica Kampfe, Executive Director

From: Kimberley Freeman, CAP Manager
Amy Jackson, Senior Policy Analyst

Re: Schedule of Guideline Amounts

Background:

On June 13, 2024, the Commission approved changes to the Schedule of Guideline Amounts. Since that time, the Policy Team has received both internal and external feedback. The changes reflected in the policy before the Commission today are due to that feedback. The agency continues to refine the policy and will be bringing it back again in December. Over the next 90 days the agency will be reviewing additional suggestions and comments received prior to October 21, 2024. Any additional provider feedback should be submitted to Policy@opdc.state.or.us prior to that date.

The following sections of the policy have been changed:

- Added Accident Reconstruction with a Guideline Amount of \$150/hr. - \$325/hr. with an Hourly Guideline of 20 hrs.
- Corrected File Conversion from “hourly” to “per file”.

Agency Recommendation:

Approve Schedule of Guideline Amounts changes.

Fiscal Impact:

Unknown. Some fiscal impact will occur due to expenses to be paid towards the addition of Accident Reconstruction.

Agency Proposed Motion:

Agency recommends the Commission approve the proposed changes listed above for the Schedule of Guideline Amounts effective October 1, 2024, which will supersede any prior memo or policy.



PROCEDURE NAME:	Schedule of Guideline Amounts (Credentials included)	Number: 404.060.002
RESPONSIBLE SECTION:	Pre-Authorized Expenses Division	Effective Date: 10/1/2024

INTRODUCTION

This document covers rates paid by the Oregon Public Defense Commission to vendors for services provided in public defense cases and supersedes any previous memorandum or version of the document.

ATTORNEY FEES (Temporary Hourly Increase for Unrepresented list)	
Misdemeanor, contempt, and probation violation, any Class C felony and felony drug possession	\$164/hr. soft cap \$10k
Class A and B felony, juvenile dependency, termination of parental rights, juvenile delinquency, habeas corpus, post-conviction relief, civil commitment, and Psychiatric Security Review Board cases (PSRB), material witness, extradition/fugitive, appeals, waiver co-counsel; discretionary co-counsel	\$164/hr. soft cap \$50k
Ballot Measure 11 and felony sex offenses (Class A, B & C)	\$175/hr. soft cap \$50k
Murder and Jessica’s law (including mandatory co-counsel and cases subject to ORS 137.719	\$200/hr. soft cap \$75k

INVESTIGATION (Temporary Hourly Increase for Unrepresented list)	
All case types. No rate exception for bilingual	\$75/hr.

ATTORNEY FEES Effective date: 10/1/2023 (Applies to all appointments not subject to the Unrepresented list)	
Tier 1 – Murder, JLaw, Measure 11, AFEL, BFEL, Appeals, Habeas Corpus, Mandamus, Post Conviction Relief and all Juvenile cases	\$145/hr.
Tier 2 – All other case types	\$130/hr.

ALL OTHER SERVICE PROVIDERS			
Service	Guideline Amount	Hourly Guideline	Required Credentials
Accident Reconstruction	\$150/hr. - \$325/hr.	20 hrs.	
Accountant	\$200/hr. - \$270/hr.		Accountant or forensic accounting degree
Alternative Sentencing Evaluation (OPE)	\$40/hr. \$450/flat rate	7-12 hrs. Flat rate must be approved and is not guaranteed.	
Arson Expert	\$160/hr. - \$515/hr.	20 hrs.	
American Society for Addiction Medicine (ASAM)/Drug and Alcohol evaluation	\$435/flat rate		QMHA/QMHP/CAD C certification
Associate/Research Counsel	\$145 or \$130 (Tier 1 or Tier 2)	20 hrs.	J.D.
Audio, Video, or Photo Analyst Digital Forensic Analyst	\$165/hr. - \$300/hr.	20 hrs.	

Service	Guideline Amount	Hourly Guideline	Required Credentials
Ballistics/Firearms Expert	\$165/hr. - \$300/hr.	20 hrs.	AA or higher degree in related field or direct ballistics and or firearm investigation field experience
Biomechanical Engineer	\$165/hr. - \$420/hr. \$5,400/flat rate	20 hrs. Flat rate must be approved and is not guaranteed.	B.S., MSME, PhD, MD (pay scaled to degree)
Case Manager	\$45/hr.	20 hrs.	-A Bachelor's or higher-level degree in Social Work/Human Services or a closely related field; or -A Bachelor's degree in a field not closely related to Social Work/Human Services and one year of Human Services related experience; or -A combination of equivalent experience (see Policy)
Chemist Expert	\$40/hr.	20 hrs.	BA minimum
Criminalist Expert	\$100/hr. - \$220/hr.	20 hrs.	AA to BA education, or DPSST certification for law enforcement experience
DNA Expert	\$190/hr. - \$435/hr.	20 hrs.	Licensed professional
Doctor - General	\$110/hr. - \$270/hr.	20 hrs.	Licensed professional
Doctor - Specialist	\$165/hr. - \$380/hr.	20 hrs.	Licensed professional

Service	Guideline Amount	Hourly Guideline	Required Credentials
Dual Diagnoses/Mitigation reports for mental health and drug addiction	\$130/hr. \$1,300/flat rate	10 hrs. Flat rate must be approved and is not guaranteed.	QMHA/QMHP and CADC minimum
Eyewitness/Memory Perception	\$165/hr. - \$325/hr.	10 hrs.	PhD or equivalent doctorate level degree
File Conversion	\$27/ per file hr.	varies	
File Organization	\$45/hr.	10 hrs.	
Fingerprint Analyst Expert	\$245/hr.	20 hrs.	BA or BS in relevant field (forensic science, biology, criminal justice)
Forensic Expert Computer/Cellphone Analyst Expert	\$165/hr. - \$300/hr. \$2,175 (per unit for information extraction)	25 hrs.	BS in related field (computer science, computer forensics, cybersecurity)
Gang Expert	\$110/hr. - \$270/hr.	20 hrs.	PhD or engagement experience
Guardian Ad Litem	\$130/hr. (attorney) \$50/hr. (non attorney)	10 hrs.	Attorney non-attorney providers
Geneticist	\$45/hr. - \$320/hr. \$1,090 - \$3,265/flat rate	20 hrs. Flat rate must be approved and is not guaranteed.	Licensed Professional (MD or PhD)
Handwriting Analyst Expert	\$135/hr. - \$165/hr.	10 hrs.	Direct certification or BA/BS in forensic related field

Service	Guideline Amount	Hourly Guideline	Required Credentials
Hematologist	\$380/hr.	10 hrs.	Licensed professional
Interpreter/Translator and Assistive Communication Devices (spoken languages)	\$57/hr. – certified \$42/hr. – registered \$34/hr. – non-certified		OPDC follows the State Court Administrator’s rates and qualifications.
Interpreter - American Sign Language – (OJD Certified)	\$74/hr. - certified	N/A	ORS 45.291 and ORS 45.275
Investigator	\$55/hr. -monolingual \$60/hr. -bilingual	Varies	DPSST certification
Jury Consultant	\$50/hr.	10 hrs.	
Law Student / Clerk	\$15/hr. - \$30/hr.	Varies	
Legal Expert/Consultant Attorney	\$155/hr.		JD
Linguist Expert	\$110/hr. - \$165/hr.	15 hrs.	
Litigation Support Expert	\$70/hr. - \$150/hr.	50 hrs.	
Mitigation Specialist	\$70/hr.	25 hrs.	Mitigators shall, at the minimum, be licensed by DPSST.
Neurologist (MD)	\$165/hr. - \$435/hr.	20 hrs.	Licensed professional
Neuropsychologist (PhD/ PsyD)	\$165/hr. - \$435/hr. \$2,180 - \$2,720/flat rate	20 hrs. Flat rate must be approved and is not guaranteed.	Licensed professional
Nurse	\$55/hr. - \$135/hr.	20 hrs.	Licensed professional

Service	Guideline Amount	Hourly Guideline	Required Credentials
Nurse Practitioner	\$110/hr. - \$165/hr.	20 hrs.	Licensed professional
Occupational Therapist	\$220/hr.	20 hrs.	Licensed professional
Other Medically licensed Expert (MD, DO)	\$270/hr. - \$410/hr.	20 hrs.	Licensed professional
Paraprofessional Services (Legal assistant, paralegal and secretarial services)	\$30/hr. - \$55/hr.	Varies	
Pharmacist	\$165/hr. - \$325/hr.	20 hrs.	PharmD
Physical Therapist	\$165/hr.	20 hrs.	Licensed professional
Plethysmography	\$315/hr.	20 hrs.	OHA certification
Polygrapher	\$435/flat rate - \$545/flat rate		DPSST certification
Process Server	\$35/per location	N/A	Service may be effectuated by the Sheriff pursuant to ORS 21.300, an investigator, or a process server.
Psychiatrist (MD)	\$160/hr. - \$380/hr.	20 hrs.	Licensed professional
Psychologist (PhD) (Certified forensic) Rate is based on years of experience	0-7 yrs. = \$190/hr. 8-15 yrs. = \$200/hr. 16+ yrs. = \$220/hr. Bilingual receives \$25/hr. more	20-25 hrs.	Licensed professional
Psychologist (PhD) (Non-certified forensic) Rate is based on years of experience	0-7 yrs. = \$165/hr. 8-15 yrs. = \$175/hr. 16+ yrs. = \$190/hr. Bilingual receives \$25/hr. more	20-25	Licensed professional

Service	Guideline Amount	Hourly Guideline	Required Credentials
Radiologist	\$270/hr. - \$380/hr.	20 hrs.	Licensed professional
Redaction/Document processing	\$40/hr. - \$130/hr.	15 hrs.	
Sleep Pathologist	\$165/hr. - \$520/hr. \$2,015 - \$6,050/flat rate	20 hrs. Flat rate must be approved and is not guaranteed.	Licensed professional
Social Worker (forensic)	\$80/hr. - \$110/hr.	10 hrs.	MSW licensed
Speech Therapist Expert	\$95/hr. - \$245/hr.	10 hrs.	Licensed professional
Toxicologist	\$165/hr. - \$545/hr.	20 hrs.	
Traffic Engineer Expert	\$110/hr. - \$190/hr. \$4,320/flat rate	10 hrs. Flat rate must be approved and is not guaranteed.	
Transcriptionist	\$4.25 per page (rate set by statute)	N/A	Must have completed a training program through a court reporting school, approved by National Court Reporting Association (NCRA)
Transcriptionist/Translation	\$34/hr. - \$74/hr.	20 hrs.	A forensic transcription translation will only be provided if the service is reasonable and necessary.

Use of Force Expert	\$95/hr. - \$325/hr.	30 hrs.	DPSST certification for law enforcement; JD for higher rate
Veterinarian	\$165/hr. - \$270/hr.	10 hrs.	Licensed professional

ROUTINE CASE EXPENSES FOR COUNSEL & INVESTIGATORS (PAE not required)		
Blank CD/DVD, case, and label	\$1.00 each	For media, case, and label
Discovery	Actual cost	Receipt required.
Mileage	Mileage will be paid at the GSA rate at the time of travel	Excludes counsel's trips between office and courthouse unless authorized.
OECI Searches	\$0.25 per minute of usage	When provider has subscription for OECI
Parking	Actual Cost	Trip must qualify for mileage payment. Receipt required if over \$25.00.
Photocopies, in-house, B&W	Max. \$0.10 per page	Also applies to in-coming faxes.
Photocopies, in-house, Color	Max. \$0.50 per page	
Scanning, In-house	Max. \$0.05 per page	
Photocopies & Scanning by Vendor	Actual cost	Receipt required.
Photocopies, State Court/Other Government entities	Actual cost	Certified copy costs also paid if necessary. Receipt required.
Photograph production, in-house and vendor	In-house: \$0.40 for 3x5 or 4x6 \$1.20 for full page Actual cost if vendor	In-house must be produced on photo quality paper, otherwise in-house color copy rate. Receipt required if produced by vendor.
Postage	First-class mail	No receipt required.

Process Service	\$35/per location	Service may be effectuated by the Sheriff pursuant to ORS 21.300, an investigator, or a process server.
Records	\$300/per record (all case types except murder) \$500/per record (any level of murder)	See Routine Expense policy
ROUTINE CASE EXPENSES FOR COUNSEL & INVESTIGATORS (PAE not required)		
Special Delivery	UPS, Fed Ex, USPS Express mail, messenger service	Receipt & explanation required.
Telephone	Actual Cost	International charges, including those for faxes, and charges for collect calls from client at an institution. Receipt required.

TRAVEL EXPENSES		
Airfare	Must be arranged through state contract. Contact information will be on the PAE Approval.	Varies
Meal Allowance: Day Trips	Breakfast: \$14.00 (departure before 6 am) Lunch: \$17.00 (departure before 6 am/ return after 2 pm) Dinner: \$28.00 (return after 8 pm) (Justification must be provided & distance must be more than 100 miles one way)	Travel times must be reported.
Meal Allowance: Overnight (no time provided)	First day: Dinner only: \$28.00 Second & subsequent full days: \$59.00 Last day: Breakfast & Lunch: \$31.00	No departure or return times provided

Meal Allowance: Overnight (time provided)		Departure time:	Return time:	Travel times must be reported.
	Breakfast: \$14.00	Before 6:00 am	After 9:00 am	
	Lunch: \$17.00	Before 11:00 am	After 2:00 pm	
	Dinner: \$28.00	Before 5:00 pm	After 8:00 pm	
Mileage	See PAE & Routine Expense policies.			GSA rates apply
Parking	Receipt required if over \$25.00. Must have qualifying mileage.			Actual cost
Rental Car	Compact vehicle (unless otherwise pre-authorized) plus fuel with submission of original receipts. Insurance costs will not be reimbursed.			Varies



Date: September 18, 2024

To: Jennifer Nash, Chair of OPDC
Susan Mandiberg, Vice Chair
OPDC Commissioners

Cc: Jessica Kampfe, Executive Director

From: Kimberley Freeman, CAP Manager
Amy Jackson, Senior Policy Analyst

Re: Routine Expenses policy

Background:

On June 13, 2024, the Commission approved changes to the Routine Expenses policy. Since that time, the Policy Team has received both internal and external feedback. The changes reflected in the policy before the Commission today are due to that feedback. The agency continues to refine the policy and will be bringing it back again in December. Over the next 90 days the agency will be reviewing additional suggestions and comments received prior to October 21, 2024. Any additional provider feedback should be submitted to Policy@opdc.state.or.us prior to that date.

The following sections of the policy have been changed:

- Section 1.5 (C) – Amended mileage reimbursement to “Travel time will be paid on actual times reported.”
- Section 1.5 (D) – Removed “fee statement” from Interpreter Worksheet.
- Section 1.5 (I) – Amended time and expenses be billed on the “Interpreter Worksheet or an invoice.”
- Section 1.5 (J) – Added “When feasible” and amended to “shall” certify the interpreter’s time by signing the Interpreter “Worksheet or invoice”.

Agency Recommendation:

Approve Routine Expenses policy changes.

Fiscal Impact:

None.

Agency Proposed Motion:

Agency recommends the Commission approve the proposed changes listed above for the Routine Expenses Policy effective October 1, 2024, which will supersede any prior memo or policy.



<u>POLICY NAME:</u>	Routine Expenses	Number: 404.050.001
<u>DIVISION:</u>	Administrative Services	Effective Date: 10/1/2024
<u>RESPONSIBLE SECTION:</u>	Accounts Payable	
<u>APPROVED:</u>	Oregon Public Defense Commission	Approval Date: 9/18/2024

PURPOSE: Establishes eligibility and criteria for which Routine Expenses will be paid.

AUTHORITY: ORS 151.216, 151.225(1)(c), 419A.211, 419B.201, 419B.518, 419C.206

APPLICABILITY: This policy applies to all requests for reimbursement of routine expenses submitted to OPDC and supersedes any previous memorandum or version of the policy.

EXPENSES REIMBURSABLE WITHOUT PREAUTHORIZATION

Reasonable and necessary case related out of pocket expenses will be reimbursed where it is not considered overhead and/or part of the hourly rate of a specific service type.

OPDC will consider out of pocket expenses not shown in policy with a written explanation and any other necessary documentation that show the expense to be reasonable, necessary, and properly payable from public defense funds.

Contract Counsel should submit billings every 90 days or whenever the out-of-pocket expenses total \$100.00 or more.

Out of pocket expenses include the following:

1.1 Cleaning Costs for Client Clothing

Dry-cleaning fees for client clothing following the conclusion of trial, when supported by a receipt.

1.2 Discovery

The custodian's actual cost of printing electronic discovery, but not more than a reputable private vendor would charge for making copies. In lieu of obtaining printed copies, OPDC will reimburse counsel for flash drives, CD's, or other storage devices up to \$10.00 without a receipt. In addition,

OPDC will pay for one copy for the client. Any additional copies must be preauthorized. OPDC will not pay premiums for expedited copies unless appointed counsel gives a reasonable explanation of why this situation could not have been avoided.

- A. For criminal cases, discovery is material obtained from the District Attorney, Department of Justice, or prosecuting authority.
- B. For a juvenile case, discovery is material obtained from the District Attorney, County Juvenile Department, Department of Justice, Department of Human Services, or any other party to a dependency case.
- C. For post-conviction relief cases, discovery is a copy of trial counsel's file, appellate counsel's file, the District Attorney's file, the court file, and the material obtained from the defendant in the post-conviction case (e.g., the Superintendent of the Department of Corrections).
- D. Discovery materials include audio and video media, photographs and other similar items obtained from the sources described above.

1.3 Fax

Fax transmittals will be reimbursed at the rate of a regular international telephone call. Vendor may request reimbursement at the same rate as for in-house black and white copies for faxes received.

1.4 Grand Jury Transcripts

Grand Jury transcripts will be reimbursed at the rate set by ORS 21.345.

1.5 Interpreter Services:

Counsel must request preauthorization for interpreters only when rates exceed the Schedule of Guideline Amounts amount.

Except as provided in ORS 45.275(7) (Appointment of interpreter for non-English-speaking party, witness, or victim), an interpreter is subject to the provisions of the Oregon Evidence Code relating to qualification as an expert and the administration of an oath or affirmation that the interpreter will make a true and impartial interpretation of the proceedings in an understandable manner using the interpreter's best skills and judgment in accordance with the standards and ethics of the interpreter profession.

Interpreters who are certified by the Office of the State Court Administrator, under ORS 45.291 for out-of-court attorney/client communication, must be used unless none are available. The State Court Administrator establishes categories of certificates based on the nature of the interpreter services to be provided, including categories for interpreters for persons with disabilities and non-English-speaking persons. If no certified interpreter is available, counsel must use a qualified interpreter, as defined in ORS 45.275(8)(c).

If no OJD Certified or Registered Interpreter is available and outside sources are needed, preauthorization is required.

- A. Mileage out of the state of Oregon over 100 miles must be preauthorized.

- B. OPDC will pay a one-hour minimum if the service provided requires less than one hour.
- C. Travel time will be paid on actual times reported. Mileage will be reimbursed on actual miles traveled. ~~Travel time will be paid pursuant to section 3.20 of the Pre-Authorized Expenses policy.~~
- D. If the interpretation service is provided by telephone or video and the interpreter is not at the same location as counsel when the service is provided, the interpreter should indicate that on the Interpreter **Worksheet** ~~[Fee Statement worksheet]~~ and fill in the name of counsel for whom the service was provided. Indicating “telephone approval” on the signature line is NOT sufficient.
- E. OPDC will not pay for counsel to use an interpreter to deliver a message to or request information from the client unless counsel or counsel’s staff person participates in the communication.
- F. An interpreter may not bill OPDC more than once for the same period of time.
- G. Actual time of service must be recorded even if an appointment was less than one hour and the interpreter is claiming the fee for one hour of service.
- H. OPDC will pay for actual time worked for services that combine translation and transcription of written communications between the attorney and the client or the court and the client.
- I. Interpreters shall bill for time and expenses on the **Interpreter Worksheet or an invoice** ~~[Interpreter Fee Statement form and the Interpreter’s Travel Worksheet]~~ and shall bill no more than every two weeks and not later than 180 days after service date.
- J. **When feasible**, counsel, or a person designated by counsel, ~~[must]~~ **shall** certify the interpreter’s time by signing the Interpreter **Worksheet or invoice**. ~~[Fee Statement form.]~~
- K. Other interpreter services not related to attorney/client communication or court/client communication, such as translation and transcription of recorded interviews must be preauthorized.
- L. If the interpretation is in conjunction with an in-custody polygraph or in-custody evaluation, OPDC will pay a four-hour minimum regardless of time spent interpreting. Actual interpretation time must still be documented. Interpreters must notate on the interpreter worksheet the name of the facility where services took place and identify the type of service, e.g., polygraph, psychological evaluation or drug and alcohol evaluation.

1.6 Mileage

Routine mileage does not include travel between counsel’s office and the courthouse or other location where a hearing or judicial appearance is required unless the appearance or hearing is outside of counsel’s assigned jurisdiction or exceeds 50 miles round trip. Assigned jurisdiction is defined as the county where counsel’s office is, as reflected in counsel’s business registration with the Secretary of State.

Mileage out of the state of Oregon over 100 miles must be preauthorized. Allowable routine mileage is outlined in the sections below:

- A. The departure and destination city are required for mileage reimbursement.
- B. Qualifying case related attorney or attorney staff mileage that is out of county, or in a county that exceeds 50 miles round trip, is routine mileage. This mileage applies specifically to actual location of the travel and not the county assigned to the case.

The General Services Administration (GSA) rates for mileage can be reviewed at [Privately owned vehicle \(POV\) mileage reimbursement rates | GSA](#).

1.7 Parking

Parking costs may be reimbursed, without specific preauthorization, when incurred during case related travel that qualifies for mileage reimbursement or if other travel expenses have been preauthorized and it does not exceed the Schedule of Guideline Amounts. The actual cost of parking, when the travel qualifies for mileage payment, may be reimbursed.

1.8 Photocopies and Document Scanning

Actual costs supported by detailed documentation at rates outlined in the Schedule of Guideline Amounts. Reimbursement for services provided by a third party must be supported by a receipt.

1.9 Postage

The most economical method of shipping must be used. Standard postage and shipping materials will be reimbursed. Expenses for First-class mail, Express mail, or to insure will only be considered when supported by an explanation and is determined to be reasonable by OPDC. Receipt required if the cost to send an individual item exceeds \$25.00.

1.10 Process Service:

Counsel shall use the most economic method available for process service. Service may be effectuated by the Sheriff pursuant to ORS 21.300, an investigator, or a process server.

- A. ORS 21.300(1)(a) provides that no fee shall be charged to the state by the county sheriff for cases in which the party requesting service has court-appointed counsel.
- B. If the investigator for the case, who is paid from the PSA, perfects service, the investigator will be paid the hourly rate for time spent locating and serving or attempting to serve a witness if the number of hours does not exceed the total hours preauthorized.
- C. If a different investigator is used for the sole purpose of providing process service, the investigator will be paid the amount in the schedule for each location where service is made or attempted.

1.11 Records

The cost of an individual medical, school, birth, DMV, and other similar record including records obtained from the Oregon State Bar, 911 Recordings and Emergency Communication Recording Logs that do not exceed the Schedule of Guideline Amounts.

The cost for 911 recordings and Emergency Communication Recording Logs, including film, film developing, photos, audio and video tapes, compact discs, and exhibit materials that do not exceed the Schedule of Guideline Amounts.

1.12 Telephone calls

Collect calls and international telephone charges to Counsel or a Service Provider from a client in a jail, prison, hospital, or other similar government institution will be reimbursed.

1.13 Witness fees/mileage

Counsel or the witness shall submit the subpoena which indicates the number of days the witness' attendance was required as well as the total mileage amount unless the mileage was previously approved through Case Support Services. Lay witness fees and mileage expense for attendance will be reimbursed at the rate set by statute.

The following expenses are considered Routine:

1.14 Appellate Transcripts

Transcription is the process of converting a stenographic or electronically recorded word into a written document. The rate for transcription services of court proceedings is set by ORS 21.345.

When an Oregon circuit court or appellate court has made a determination that a person is eligible for appointed counsel at state expense and/or issued an order for appointment of counsel, in a case of the following case types, OPDC authorizes production of a transcript at state expense for use in an appeal or judicial review of a judgment or order in that case:

- Criminal;
- Juvenile delinquency;
- Juvenile dependency;
- Termination of parental rights;
- Civil commitment;
- Post-conviction relief;
- Habeas corpus;
- Psychiatric Security Review Board; and
- State Board of Parole and Post-Prison Supervision.

OPDC will pay for one original but no copies of a transcript.

1.15 Court Ordered Psychological Examinations

Costs associated with court-ordered psychiatric or psychological evaluations to determine if a defendant is fit to proceed unless the evaluation was requested by the prosecution [ORS 161.365(7)]. If the evaluation is conducted by a certified evaluator in private practice, OPDC shall pay a reasonable fee including travel time and mileage. If the evaluation is conducted by a certified evaluator employed by the Oregon Health Authority or a community mental health program established under ORS 430.610-670, OPDC shall pay all costs including transportation of the defendant.

1.16 Hourly Attorney Billings

Counsel appointed to a case on an hourly basis shall submit billings monthly provided that the amount is \$130.00 or more. The amount requirement does not apply to the final billing on the case.

Approved by: OPDC
Prepared by: Policy Division
Reviewed by: Executive Team

Publish: Internally & Externally

MEMORANDUM

TO: OPDC Commission
FR: Susan Mandiberg, Chair, Governance Subcommittee
RE: Executive Director Performance Review
DT: September 9, 2024

Under ORS 151.213(6)(b), the voting members of the Commission currently appoint an executive director (ED) for a four-year term and have the power to terminate the appointment for cause.¹ This memo sets out the Committee on Governance’s proposal to fulfill this duty by conducting and evaluating review of the ED’s performance before the end of the calendar year.

At the August Commission meeting, the Committee on Governance presented and discussed a memo explaining the rationale and details of the proposed review. To date, the Committee has received no feedback. The Committee on Governance met on Sept. 9. Based on a discussion during the portion of the meeting without a quorum, two members are suggesting one amendment to the previous memo (Executive Team & Direct Reports); in addition, the discussion raised a concern that I will discuss at the Commission meeting.

This memorandum presents the following proposal for vote as an action item.

I. STEPS IN THE REVIEW PROCESS

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 1. Commission approves review process. | September 18 |
| 2. OPDC Human Resources Director and OPDC Board Chair send introductory letter to potential evaluators asking for notice by 9/30 from those unwilling to participate. | September 19-30 |
| 3. Release of survey to evaluators through confidential dedicated Survey Monkey site with 2-week deadline to respond. | October 1- 15 |
| 4. HR Director and Commission Chair give progress report (with no details of survey results) to Commission at Oct. 16 meeting. | October 16 |
| 5. Board Chair and Human Resources Director present survey results to Commission at Executive session. | November 13 |

¹ “The voting members of the commission shall [a]ppoint, by a two-thirds vote, an executive director for a term of office of four ear. The term may be terminated for cause by a majority vote of the voting members after notice and a hearing.”

II. EVALUATORS

As noted at the August Commission meeting, we are basing our evaluation on the Guidance used by the executive branch for bi-annual performance reviews of directors of small, independent agencies. The Guidance sets out four categories of required evaluators: Commission Members, Direct Reports and Executive Team Members, Parties of Interest, and Peers. As the evaluation focuses on the Executive Director, not the agency or Commission, evaluators should have had significant personal interactions with Director Kampfe.

The memo presented in August explains the categories and the rationale the Subcommittee used to decide individual proposed evaluators. As set out in that memo, the Governance Subcommittee proposes contacting the following persons to be evaluators (a total of 40 evaluators if all agree to participate):

Commission Members. All 13 Commission members.

Direct Reports and Executive Team Members

Executive Team & Direct Reports

Members of the Executive Team and Direct Reports as of October 1, 2024

Parties of Interest & Peers

Parties of Interest

Lawyers in consortia

1. Karen Stenard (Lane County, juvenile)
2. Michele Bartov, (Clackamas County, criminal & juvenile)

Lawyers with law firm contracts

3. John Lamborn (Harney County, criminal & juvenile)
4. Jack Morris (Hood River & Wasco Counties, criminal & juvenile)

Lawyers in nonprofits

5. Grant Hartley (Multnomah County, criminal & juvenile)
6. Shannon Wilson (Marion County, criminal & juvenile)
7. Robert Manske, (Coos County, criminal & juvenile)

Investigators

8. James Comstock (Multnomah County)

Peers

1. Lisa Sumption, E.D. Oregon State Parks (current mentor)
2. Helen Hirschbiel, E.D. Oregon State Bar
3. John Borden, OPDC's Legislative Fiscal Officer
4. Sen. Janeen Sollman, Co-chair Ways and Means Public Safety Subcommittee
5. Rep. Jason Kropf, Co-chair Judiciary Committee
7. Constantine Severe (Governor's public safety advisor)
8. Zach Gehringer (CFO for Department of Administrative Services)
9. Christy Monson (Oregon Department of Justice)
10. Meagan A. Flynn (Chief Justice)
11. Nancy Cozine (State Court Administrator)
12. Phillip Lemman (Deputy State Court Administrator)

III. REQUIRED QUESTIONS AND SCORING

The Guidance has performance metrics to which all evaluators are asked to respond.

Parameters with Scaled Responses

For eleven parameters, the evaluator is asked to respond using this scale:

- Unacceptable
- Acceptable
- Effective
- Very effective
- No opportunity to observe

There is also a space for textual comments

There are eleven parameters using the scale:

1. This individual promotes a customer service centered organization.
2. This individual collaboratively manages the resources they are entrusted with to achieve the best possible outcomes for Oregonians.
3. This individual embraces and leads through change.
4. This individual creates and fosters an environment where everyone has access and opportunity to thrive.
5. This individual owns and takes responsibility for quality of outcomes for Oregonians.

6. This individual operates with urgency, transparency, and accountability.
7. This individual is honest and transparent regardless of the situation.
8. This individual is consistent in communicating to their own agency what is happening at the enterprise level (executive branch).
9. This individual regularly shares what is happening within their agency.
10. This individual builds DEI organizational capacity.
11. This individual fosters and promotes an inclusive workplace environment.

Questions Requiring a Textual Answer

Three questions ask the evaluator to provide a textual answer:

1. What are some leadership strengths you have observed in this individual?
2. What are some leadership opportunities for growth in this individual?
3. Additional comments or feedback.

MEMORANDUM

TO: Oregon Public Defense Commission

FR: Susan Mandiberg, Chair, Governance Subcommittee

DT: September 9, 2024

RE: Key Performance Measures (KPM) Best Practice Survey

INTRODUCTION

The KPM Survey is part of the budget process, and OPDC is required to submit to the Department of Administrative Services (DAS) and the Legislative Fiscal Office (LFO), not later than October 1 of each year, a report on our progress in meeting performance measures. ORS 291.110(1)(g). Submission requires numeric responses and can also include textual comments.

The Commission Best Practices Evaluation is one of 5 KPMs. This year's evaluation resulted from a survey sent to all commissioners and to 14 staff members who have worked with or appeared before the Commission. The questions on the survey (*i.e.*, the performance measures) are mandated, but the way responses are measured is not. Our survey gave respondents the opportunity to rate performance on a scale¹ and to give textual responses. Twelve commissioners and nine staff members responded.

The information in this Memo was made available to the Governance Subcommittee and was discussed at the Subcommittee's Sept. 9 meeting. We did not have a quorum at the meeting, and so we did not take any official actions. The Subcommittee does have recommendations to make to the Commission as a whole regarding responses to DAS and LFO. These recommendations are included for discussion purposes, not as an action item.

GOVERNANCE SUBCOMMITTEE RECOMMENDATIONS

1. OPDC should report the numeric survey responses (*i.e.* the numbers and numbers responding, not the percentages) from both commissioners and staff.
2. OPDC should not report respondents' textual comments.
3. OPDC should include a textual comment of its own reminding DAS and LFO that the current Commission has been in existence only since January, 2024 and warning that some survey responses might be based on interactions with the previous Commission (PDSC).
4. The Governance Subcommittee should begin to evaluate the responses for internal purposes, that is, to develop suggestions for how OPDC can improve.

¹ Strongly agree—agree—neither agree nor disagree—disagree—strongly disagree.

SURVEY REPOSSES: DATA AND COMMENTS

The following information was in the Memo made available to the Governance Subcommittee.

How to read the charts

- The numbers in parentheses (x/x) indicate the number of respondents who answered the question compared to the number of respondents who participated in the survey.
- The first numbers in the grid represent the percentage of respondents giving each type of value answer. The numbers in brackets [x] is the number of responses.
- “No opinion” is short for “neither agree nor disagree.”

Suggestions for interpreting the charts

- I am aware that people often struggle between “agree” and “strongly” agree, or between “disagree” and “strongly disagree.” For that reason, I included a column in which the two “agree” responses are merged and the two “disagree” responses are merged.
- In interpreting the responses to each question, I recommend focusing on the *number of respondents* as opposed to the percentages. Given the small sample size in each group (commissioners and staff), the percentages can be misleading.

Question 1: Executive Director’s performance expectations are current.

	Commission (12/12)		Staff (9/9)	
	Number	Percentage	Number	Percentage
Strongly agree	3	25.00	4	44.44
Agree	2	16.67	3	33.33
Total agreeing	5	41.67	7	77.77
No opinion	4	33.33	1	11.11
Disagree	3	25.00	0	0.00
Strongly disagree	0	0.00	1	11.11
Total disagreeing	3	25.00	1	11.11

Commission textual responses

- It is on the Governance Subcommittee's "to do" list to articulate expectations explicitly.
- We’re still working on that.

Staff textual responses

- I believe that the Executive Director is performing very well.
- I am unaware of whether performance expectations have been identified or are current.

Observations

About the same number of staff as commissioners agree that this measure is being met; however, more than twice as many commissioners as staff disagree that it is being met.

There is at least one way to explain the discrepancy. A majority of staff may believe that the ED is meeting *their own* performance expectations, resulting in concluding that the measure is being met. Most Commission members, on the other hand, may have answered based on their realization that the Commission has not set performance expectations for the ED. The textual comments seem to support this explanation.

Takeaway

The Governance Subcommittee needs to begin to articulate ED performance expectations. It might be useful to see the types of performance expectations articulated for executive directors of selected executive branch agencies with volunteer commissions. The following executive branch agencies appear to have volunteer commissions responsible for policy making and oversight:

- The Oregon Business Commission (agency: Business Oregon)
- The Liquor & Cannabis Commission (agency: OLCC)
- The Land Conservation & Development Commission (agency: Dept. of Land Conservation & Development)
- The Transportation Commission (agency: ODOT)

Question 2: Executive Director receives annual performance feedback.

	Commission (12/12)		Staff (8/9)	
	Number	Percentage	Number	Percentage
Strongly agree	2	16.67	1	12.50
Agree	1	08.33	2	25.00
Total agreeing	3	25.00	3	37.50
No opinion	5	41.67	4	50.00
Disagree	4	33.33	0	0
Strongly disagree	0	0.00	1	12.50
Total disagreeing	4	33.33	1	12.50

Commission textual responses

- We are currently setting up a procedure for this to occur.
- Do not know what former Commission did. We are planning to do this in the fall.
- The Governance Committee is in the process of putting that together.
- We're working on that.

Staff textual responses

- I am not aware if the Executive Director receives annual performance feedback.
- I believe that the first one will occur in the near future as outlined by SB 337.

- I am unaware of whether performance reviews have been conducted.

Observations

A large number of commissioners and staff neither agreed nor disagreed that this measure is being met. Slightly more commissioners disagreed than agreed that the measure is being met, while most staff with an opinion think it is being met.

The textual answers support the conclusion that the change in commission and the fact that the annual performance feedback is in process made this a difficult question to answer.

Takeaway

We should conclude the ED performance review this fall, as planned, and compare responses.

Question 3: The agency’s mission and high-level goals are current and applicable.

	Commission (12/12)		Staff (8/9)	
	Number	Percentage	Number	Percentage
Strongly agree	2	16.67	3	37.50
Agree	6	50.00	2	25.00
Total agreeing	8	66.67	5	62.50
No opinion	4	33.33	0	0
Disagree	0	0.00	3	37.50
Strongly disagree	0	0.00	0	0
Total disagreeing	0	0.00	3	37.50

Commission textual responses

- Some are. But some aren’t.

Staff textual responses

- Sometimes are goals are changed by others, so it can make this difficult to manage.
- They are outdated and are being worked on with a consultant.
- The mission and goals are currently under review for updating to current climate and agency structure.

Observations

An arguably significant minority of staff do not think this measure is being met, while no commissioners had that opinion.

There are a number of possible explanations for this discrepancy. For example,

- Staff who are involved in the day-to-day work of articulating and meeting goals are probably more aware than commissioners of how difficult a task this is. The staff textual comments support this explanation.
- Commissioners may be unaware of specific goals shared by staff but not yet communicated to the Commission.

Takeaway

It might be advisable for staff to report to the Commission about which specific goals are creating problems and which goals are still in the formulation stage.

Question 4: Commission reviews the Annual Performance Progress Report [the Key Performance Measures; on Sept. Cmmn' mtg]

	Commission (12/12)		Staff (8/9)	
	Number	Percentage	Number	Percentage
Strongly agree	1	08.33	2	25.00
Agree	5	41.67	3	37.50
Total agreeing	6	50	5	62.50
No opinion	5	41.67	1	12.50
Disagree	1	08.33	1	12.50
Strongly disagree	0	0	1	12.50
Total disagreeing	1	8.33	2	25.00

Commission textual responses

- I know we're working on this now.
- Don't know what former Commission did. We are in the process of doing this.

Staff textual responses

- It is my understanding the commission has not reviewed the KPMs in the past.
- I do not believe that the current or former commission has reviewed an annual performance progress report during the last few years.

Observations

Twice as many staff as commissioners disagree that this measure is being met. Five times as many commissioners than staff had no opinion on this issue.

As with other measures, the transition to a new commission is likely affecting responses. It is unclear who among current commissioners and staff know whether the former commission reviewed the KPMs.

Takeaway: The fact that the Commission is reviewing the current KPMs should make this measure easier to evaluate positively in the future. The Governance Subcommittee should continue to engage in this task.

Question 5: Commission is appropriately involved in review of agency’s key communications.

	Commission (12/12)		Staff (9/9)	
	Number	Percentage	Number	Percentage
Strongly agree	2	16.67	2	22.22
Agree	5	41.67	2	22.22
Total agreeing	7	58.34	4	44.44
No opinion	2	16.67	2	22.22
Disagree	2	16.67	2	22.22
Strongly disagree	1	08.33	1	11.11
Total disagreeing	3	25	3	33.33

Commission textual responses

- I think we are getting better at this but still have a way to go.

Staff textual responses

- Is this the role of the commission. The commission should set policy, assist with the strategic plan, ensure we receive adequate funding to maintain the services and the agency.
- I believe that the commission is starting to support the agency better but did not previously agree or review agency key communications.

Observations

While the numeric responses are relatively consistent across commissioners and staff, the textual responses may indicate that neither group is entirely sure what extent of review is appropriate.

Takeaway

The governance committee might want to work with the ED to articulate guidelines for both commissioners and staff on this issue. Topics could include defining “key communications,” the level or type of appropriate review, and the process for engaging in such review. Staffing availability and timing of communications will no doubt be important factors.

Question 6: Commission is appropriately involved in policy-making activities.

	Commission (12/12)		Staff (9/9)	
	Number	Percentage	Number	Percentage
Strongly agree	4	33.33	1	11.11
Agree	6	50	6	66.67
Total agreeing	10	83.33	7	77.78
No opinion	1	08.33	0	0
Disagree	1	8.33	1	11.11
Strongly disagree	0	8.33	1	11.11
Total disagreeing	1	08.33	2	22.22

Commission textual responses [none]

Staff textual responses

The policies that have been reviewed by the commission, the commission has provided input and suggestions.

Observations

While a majority of both commissioners and staff agree that this measure is being met, twice as many staff as commissioners disagree. Lacking applicable textual responses, it is impossible to know whether those staff believe the Commission is too involved or not involved enough.

It is difficult to know whether the disagreeing staff are basing their response on an assessment of the current Commission or on an assessment of the previous commission (the PDSC).

Takeaway

It would be useful to know the following:

- The ED’s sense of how, if at all, the approach of the current Commission differs from the approach of the previous Commission regarding involvement in policy-making activities.
- Does the agency have any policies that the current Commission has not been involved in developing or reviewing. If so, what are they?
- Reasons why the two staff members disagree that the measure is being met, if these staff members were willing to elaborate; they could certainly do this anonymously.
- What guidance the staff has been given regarding the Commission’s role.

The governance committee might want to work with the ED to articulate more precisely the Commission’s role in policy making.

Question 7: The agency’s policy option packages are aligned with their missions and goals.

	Commission (12/12)		Staff (9/9)	
	Number	Percentage	Number	Percentage
Strongly agree	7	58.33	2	22.22
Agree	3	25	5	55.56
Total agreeing	10	83.33	7	77.78
No opinion	2	16.67	1	11.11
Disagree	0	0	1	11/11
Strongly disagree	0	0	0	0
Total disagreeing	0	0	1	11.11

Commission textual responses11

- I think we are getting better at this. I’m not sure what policies the agency has that we don’t know about, though.
- I’m concerned about the strategy of the POPS with our goals.

Staff textual responses [none]

Question 8: The Commission reviews all proposed budgets (likely occurs every other year).

	Commission (12/12)		Staff (9/9)	
	Number	Percentage	Number	Percentage
Strongly agree	5	41.67	2	22.22
Agree	7	58.33	6	66.67
Total agreeing	12	100	8	88.89
No opinion	0	0	1	11.11
Disagree	0	0	0	0
Strongly disagree	0	0	0	0
Total disagreeing	0	0	0	0

Commission textual responses

- Our ability to do this effectively would be improved by having a Budget Subcommittee that could look at relevant documents prior to Commission meetings.

Staff textual responses [none]

Question 9: The Commission periodically reviews key financial information and audit findings.

	Commission (12/12)		Staff (8/9)	
	Number	Percentage	Number	Percentage
Strongly agree	3	25	1	12.50
Agree	6	50	5	62/50
Total agreeing	9	75	6	75.00
No opinion	2	16.67	2	25.00
Disagree	1	8.33	0	0
Strongly disagree	0	0	0	0
Total disagreeing	1	8.33	0	0

Commission textual responses

- Audits are just getting going now. Plan for commission review is pending and ongoing.

Staff textual responses

- The commission should review key financial information -which there is a budget update each month. Audit findings I am not sure if these are presented and shared with the commission.
- There seems to be review of financial information but insufficient inquiry regarding that information.

Observation: A Budget Subcommittee (see Question 8) might also solve the issue raised here.

Question 10: The Commission is appropriately accounting for resources.

	Commission (12/12)		Staff (9/9)	
	Number	Percentage	Number	Percentage
Strongly agree	2	16.67	0	0
Agree	4	33.33	6	66.67
Total agreeing	6	50	6	66.67
No opinion	5	41.67	1	11.22
Disagree	1	8.33	1	11.11
Strongly disagree	0	0	1	11.11
Total disagreeing	1	8.33	2	22.22

Commission textual response

- If you mean the commission as the Commissioners, I don't think this is being done very well.
- Not sure what "resources" this question addresses.
- I am uncertain whether all these questions refer to the commission (13-member body) or the agency (confusingly, also called the commission.) I think the Commission (body) is appropriately accounting for resources. I am frustrated by the unclear budget reports of the Commission (agency) and the way LFO is requiring the Commission to account for budgetary resources without considering cost-savings of one program relative to another.
- I am not sure what resources are referenced by this question or how the Commission is supposed to account for them.
- The Commission or the Agency? Seems not in the commission's role to account for all resources. That's agency's job.

Staff textual responses

- I believe the commission needs to fully understand our budget and our needs.
- The new commission is starting to take into consideration the budgeted resources in their decisions.

Observations

A significant number of respondents from both commissioners had no opinion or disagreed that this measure is being met. The non-agreeing responses might be due to a number of factors, some of which are supported by the textual answers:

- It is unclear what "resources" the performance measure is addressing.
- Given that "Oregon Public Defense Commission" refers to both the agency and the volunteer group, respondents may have been uncertain whether the question goes to the agency, the volunteer group, or both.

Takeaway

It might be useful for the Commission to develop (or obtain) a list of the various types of resources under the control of the agency, how the agency is accounting for the use of each, and whether and how the agency reports this accounting to the Commission.

Question 11: The agency adheres to accounting rules and other relevant financial controls.

	Commission (12/12)		Staff (9/9)	
	Number	Percentage	Number	Percentage
Strongly agree	3	25	2	22.22
Agree	6	50	4	44.44
Total agreeing	9	75	6	66.66
No opinion	2	16.67	2	22.22
Disagree	1	8.33	0	0
Strongly disagree	0	0	1	11.11
Total disagreeing	1	8.33	1	11.11

No textual responses.

Question 12: Commission members act in accordance with their roles as public representatives.

	Commission (12/12)		Staff (9/9)	
	Number	Percentage	Number	Percentage
Strongly agree	5	41.67	0	0
Agree	7	58.33	6	66.67
Total agreeing	12	100	6	66.67
No opinion	0	0	1	11.11
Disagree	0	0	2	22.22
Strongly disagree	0	0	0	0
Total disagreeing	0	0	2	22.22

Commission textual responses [none]

Staff textual responses

- I have only observed this through the commission meetings.
- Work in progress but they are starting to act as commissioners in lieu of advocates for providers.

Question 13: The Commission coordinates with others where responsibilities and interests overlap.

	Commission (11/12)		Staff (7/9)	
	Number	Percentage	Number	Percentage
Strongly agree	2	18.18	0	0
Agree	4	36.36	4	57.14
Total agreeing	6	54.54	4	57.14
No opinion	4	36.36	1	14.29
Disagree	1	9.09	2	28.57
Strongly disagree	0	0	0	0
Total disagreeing	1	9.09	2	28.57

Commission textual responses

- I think the agency does this, and I think the Chair does this, but I’m not aware of “the Commission” doing this. Not sure who other than the Chair would do this, though.
- The agency coordinates with others. Other than the Chair, since 1/1/24 this Commission has not had the chance to coordinate with the legislature. We coordinate with providers only at Commission meetings, by and large.
- The Agency keeps commission at arms length too often.

Staff textual responses

- I cannot answer this question as I do not know if this is happening.

Observations

Ten Commissioners and staff agree that this measure is being met, however eight people either have no opinion or disagree. As the textual answers suggest, the large number of people not “agreeing” could be due to the performance measure being unclear in at least two ways:

- Does the measure apply to the agency, to the volunteer commission, or to both?
- If the measure applies to the volunteer commission, which are the “others” with whom should commissioners (other than the Chair) be coordinating?

Takeaways:

It might be useful for the Commission to know with which other executive or judicial branch agencies or entities OPDC staff coordinates on a regular basis.

It might be useful for the Governance Subcommittee to poll Commission members on whether they feel that “the agency keeps commission at arms [sic] length too often,” including suggestions for remedying the situation. Answers could lead to a discussion (which we really haven’t had) about the appropriate relationship between the volunteer commission and the agency.

Question 14: The Commission members identify and attend appropriate training sessions.

	Commission (12/12)		Staff (7/9)	
	Number	Percentage	Number	Percentage
Strongly agree	0	0	1	14.29
Agree	6	50	2	28.57
Total agreeing	6	50	3	42.86
No opinion	4	33.33	2	28.57
Disagree	2	16.67	2	28.57
Strongly disagree	0	0	0	0
Total disagreeing	2	16.67	2	28.57

Commission textual responses

- We could be better trained on the legislative process and the various executive branch agencies that we will have to deal with.
- We could benefit from additional training, for example, regarding the legislative process and the structure of the executive branch.

Staff textual responses

- I am not aware of specific training sessions for commission members to attend.

Observations

Twice as many commissioners than staff agree that this measure is being met. Similarly, twice as many commissioners than staff have no opinion.

Takeaway

Many commissioners may not be aware of training that would make our job easier or better informed, and we also are probably unaware of the types of training that the executive branch could make available. If more training is available, it would be useful to know how many commissioners would want to take advantage of each type.

Question 15: The Commission reviews its management practices to ensure best practices are utilized.

	Commission (11/12)		Staff (7/9)	
	Number	Percentage	Number	Percentage
Strongly agree	1	9.09	1	14.29
Agree	2	18.17	2	28.57
Total agreeing	3	27.27	3	42.86
No opinion	5	45.45	4	57.14
Disagree	2	18.18	0	
Strongly disagree	1	9.09	0	
Total disagreeing	3	27.27	0	0

Commission textual responses

- I am not sure what “its management practices” refers to with regards to the Commission, as opposed to the agency.
- "Its" seems to refer to the Commission, not the agency. I'm not sure what the Commission's management practices are. If "its" refers to the agency, I do not think the Commission has reviewed those.
- We're working on this through the governance subcommittee which is new.

Staff textual responses

- Is there a document for management practices for the commission? Does this document indicate what best practices are?

Observations

An equal number of commissioners agreed as disagreed that this measure is being met. A majority of staff had no opinion.

Again, it is unclear whether the performance measure applies to the volunteer commission, the agency, or both. Thus, it is unclear how each respondent understood the question. It also may be unclear whether the “best practices” referenced in the question refer to the measures in the KPM itself, or whether the question references management practices defined elsewhere.

Takeaway: The Governance Subcommittee should consider doing the following:

- Ascertain whether the “best practices” mean management practices other than those in the KPM.
- Clarify the management practices currently used by the agency.
- Seek out independent measures or guidance as to good management practices.
- Discuss whether the volunteer commission should adopt its own management practices and, if so, what those should be.



Date: September 18, 2024

To: Jennifer Nash, Chair
Susan Mandiberg, Vice Chair
OPDC Commissioners

Cc: Jessica Kampfe, Executive Director

From: Kim Freeman, CAP Manager

Re: 2024 Key Performance Measures (KPM)

Nature of Presentation: Briefing

Background:

The Annual Performance Progress Report (APPR) is the primary expression of agency performance measured against legislatively approved Key Performance Measures (KPM). The APPR report is required by each state agency with a report submission date of October 1, 2024.

The agency currently has five KPM's:

- Appellate Case Processing - Median number of days to file opening brief.
- Customer Service - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent", overall customer service, timeliness, accuracy, helpfulness, expertise, and availability of information.
- Best Practices for Boards and Commissions - Percentage of total best practices met by the Commission.
- Trial Level Representation - During the term of the OPDC contract, percent of attorneys who obtain at least 12 hours per year of continuing legal education credit in the area(s) of law in which they provide public defense representation.
- Parent Child Representation Program (PCRP) - Percent of PCRP attorneys who report spending approximately 1/3 of their time meeting with court appointed clients in cases which the attorney represents a parent or child with decision-making capacity.

The agency conducted stakeholder engagement for the first time in three years for the following KPM's:

- Customer Service Survey - The survey was conducted through SurveyMonkey via email to 1705 people which included all active public defense contract and hourly attorneys, all active contract administrators, and all interpreters, investigators and psychiatric experts that have billed OPDC since January 2023. There were 184 people who responded to the survey for a 11% response rate.

- Best Practices for Boards and Commissions - The survey was conducted through SurveyMonkey via email through our HR Director. The survey was sent to all commissioners and to 14 staff members who have worked with or appeared before the Commission. Twelve commissioners and nine staff members responded.
- Trial Level Representation - All contracted attorneys received an email to answer one question: Did you complete 12 hours of Continuing Legal Education (CLE) from July 1, 2023 - June 30, 2024. The question was sent to 784 contract attorneys with 266 or (35%) of those attorneys responded.

The current KPM's have been in place since 2016. (See website)

<https://www.oregonlegislature.gov/lfo/Pages/KPM.aspx>

There is a formal procedure that the agency must follow to obtain legislative permission before making any changes to the KPM's. A customer service survey will always be one of the KPM's for the agency.

Agency Recommendation:

The Commission reviews KPM report to be submitted by October 1, 2024.

Fiscal Impact:

None

Agency Proposed Motion:

OPDC staff is recommending the Commission accept the briefing, with the understanding that the KPM report will be submitted by October 1, 2024.

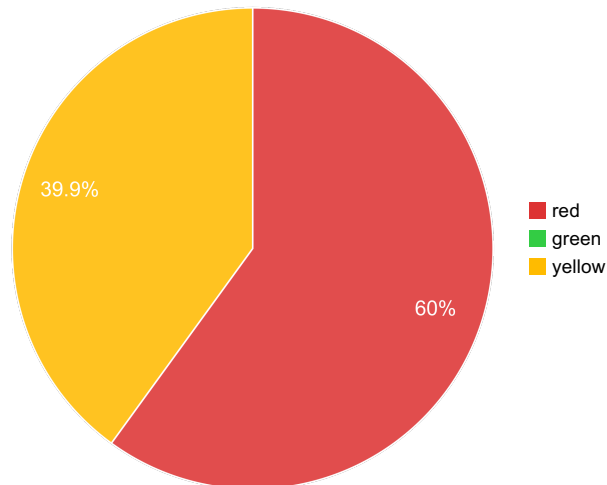
Public Defense Services Commission

Annual Performance Progress Report

Reporting Year 2024

Published: 9/11/2024 9:48:01 AM

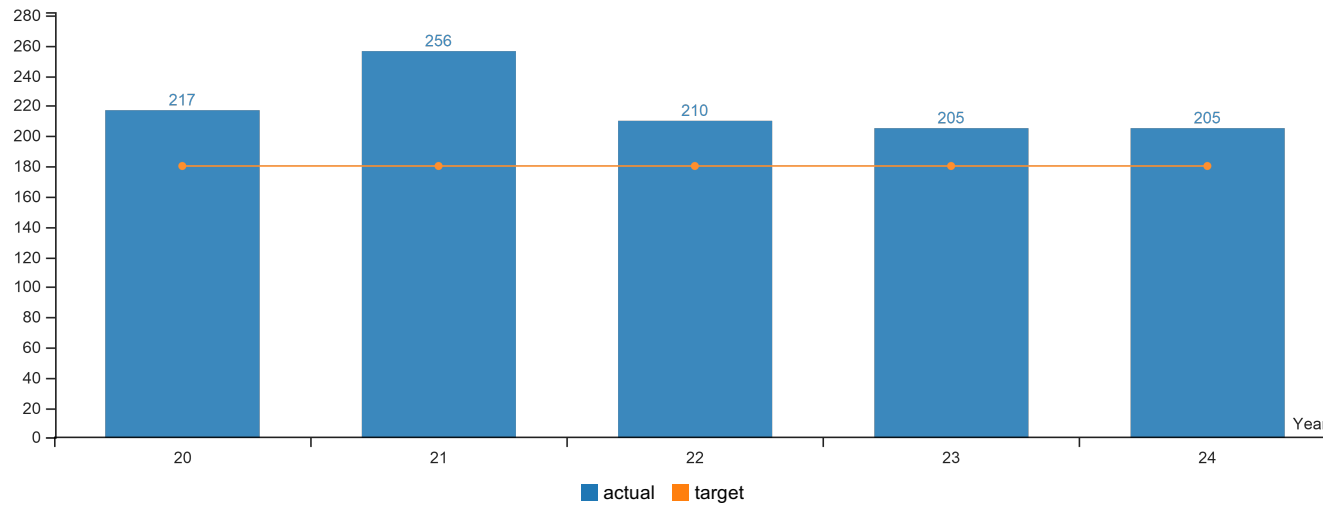
KPM #	Approved Key Performance Measures (KPMs)
1	APPELLATE CASE PROCESSING - Median number of days to file opening brief.
2	CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.
3	BEST PRACTICES FOR BOARDS AND COMMISSIONS - Percentage of total best practices met by Commission.
4	TRIAL LEVEL REPRESENTATION - During the term of the OPDS contract, percent of attorneys who obtain at least 12 hours per year of continuing legal education credit in the area(s) of law in which they provide public defense representation.[1] [1] Case types listed in the 2014-2015 Public Defense Legal Services Contract General Terms are: criminal cases, probation violations, contempt cases, civil commitment cases, juvenile cases, and other civil cases.
5	PARENT CHILD REPRESENTATION PROGRAM (PCRP) - Percent of PCRP attorneys who report spending approximately 1/3 of their time meeting with court appointed clients in cases which the attorney represents a parent or child with decision-making capacity.[1] [1] For a discussion on determining decision-making capacity, see The Obligations of the Lawyer for Children in Child Protection Proceedings with Action Items and Commentary, Oregon State Bar, Report of the Task Force on Standards of Representation in Juvenile Dependency Cases (2014).



Performance Summary	Green	Yellow	Red
	= Target to -5%	= Target -5% to -15%	= Target > -15%
Summary Stats:	0%	40%	60%

KPM #1	APPELLATE CASE PROCESSING - Median number of days to file opening brief.
	Data Collection Period: Jan 01 - Dec 31

* Upward Trend = negative result



Report Year	2020	2021	2022	2023	2024
Median Number of Days to File Opening Brief					
Actual	217	256	210	205	205
Target	180	180	180	180	180

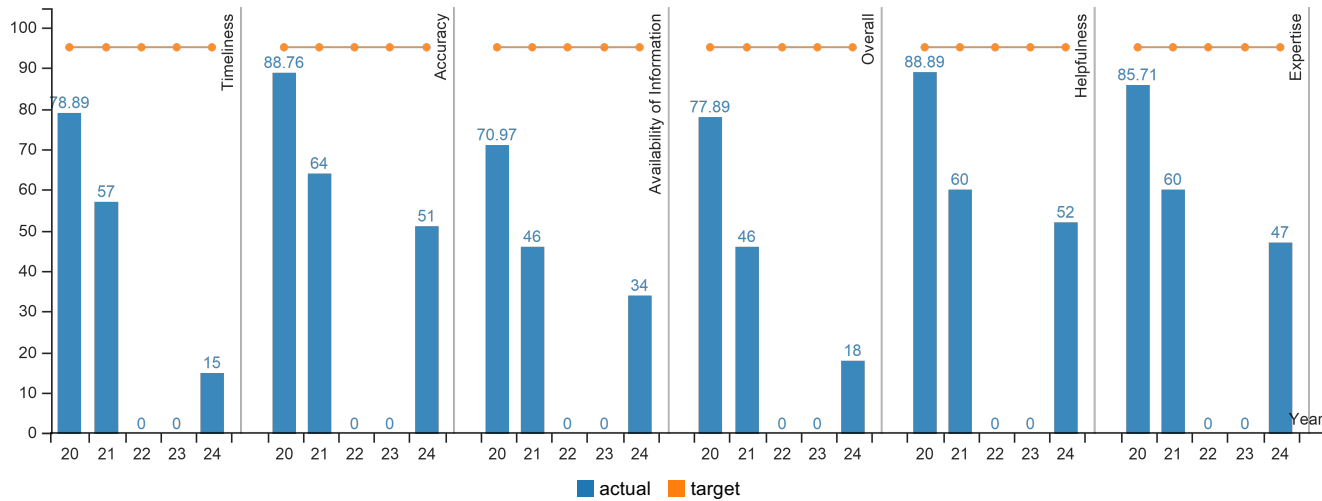
How Are We Doing

The Appellate Division neither gained nor lost ground during the 2023-24 fiscal year in its effort filing opening briefs in 180 days or less in at least half of its cases. The median filing date rose sharply to 256 days during the 2020-21 fiscal year due to a confluence of events: the disruption in productivity caused by instituting a primarily remote-work environment after a prolonged three-year period of increasing referrals without a corresponding increase in workforce capacity, which had accumulated an unprecedented number of open, unbriefed cases in the Criminal Appellate Section. The median filing date during the 2021-22 fiscal year fell to 210 days, as the Appellate Division’s attorneys and support staff adjusted to new conditions and focused on eliminating the backlog of cases, while pandemic-related conditions resulted in significantly fewer cases being resolved in the circuit court and referred for appeal. During the 2022-23 fiscal year, the Appellate Division maintained productivity and—despite that the number of cases referred each month for appeal have reached historical levels—further reduced the median filing date to 205 days. During the 2023-24 fiscal year, the Appellate Division kept pace with the case referrals—neither allowing the backlog of cases to accumulate nor making significant gains toward its goal.

Factors Affecting Results

The ability to meet and exceed the goal correlates positively to the number of experienced attorneys and negatively to the number of cases and the complexity of cases referred. Attracting, training, and retaining competent attorneys affect progress toward the goal. The agency does not control the number or type of referred cases.

KPM #2	CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.
	Data Collection Period: Jan 01 - Dec 31



Report Year	2020	2021	2022	2023	2024
Timeliness					
Actual	78.89%	57%			15%
Target	95%	95%	95%	95%	95%
Accuracy					
Actual	88.76%	64%			51%
Target	95%	95%	95%	95%	95%
Availability of Information					
Actual	70.97%	46%			34%
Target	95%	95%	95%	95%	95%
Overall					
Actual	77.89%	46%			18%
Target	95%	95%	95%	95%	95%
Helpfulness					
Actual	88.89%	60%			52%
Target	95%	95%	95%	95%	95%
Expertise					
Actual	85.71%	60%			47%
Target	95%	95%	95%	95%	95%

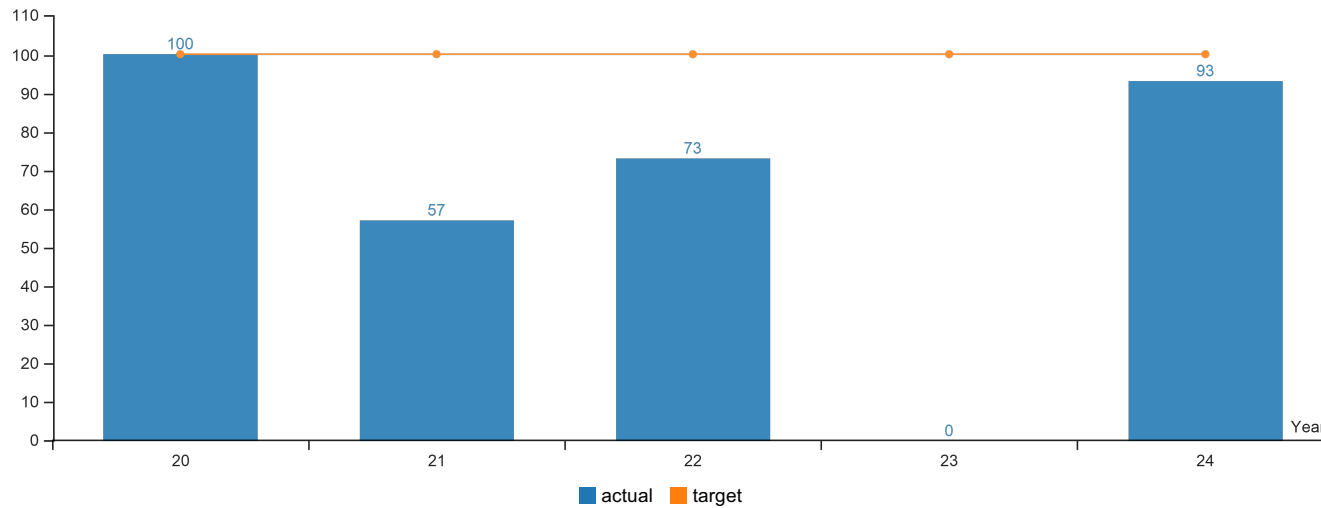
The agency conducted the Customer Service Survey through SurveyMonkey via email to 1705 people which included all active public defense contract and hourly attorneys, all active contract administrators, and all interpreters, investigators and psychiatric experts that have billed OPDC since January 2023. There were 184 people who responded to the survey with a 11% response rate. The survey asked 2 additional questions to assist the agency with who responded to the survey. We asked how long they have been in their current role along with their position. Of the respondents 38% are vendors and 32% are contract attorneys and most of the respondents have been in their current role for 10 or more years (44%) or 0-5 years (30%). The customer service survey has not been completed for the past 3 years.

Factors Affecting Results

The survey was disseminated in June 2024 at this time the agency was severely behind in processing Pre-Authorized Expense (PAE) requests and processing Accounts Payable payments. Overall, 66% of respondents rated OPDC staff ability to provide services correctly the first time as fair or good. The agency will be reviewing all comments received and looking to improve communication and processes.

KPM #3	BEST PRACTICES FOR BOARDS AND COMMISSIONS - Percentage of total best practices met by Commission.
	Data Collection Period: Jan 01 - Dec 31

* Upward Trend = positive result



Report Year	2020	2021	2022	2023	2024
Percentage of total best practices met					
Actual	100%	57%	73%		93%
Target	100%	100%	100%	100%	100%

How Are We Doing

The Commission completed the DAS Self-Assessment of Best Practices for Boards and Commissions. The self- assessment survey was completed through SurveyMonkey via email and sent to 13 commission members along with 14 staff members who have worked with or appeared before the commission. This self-assessment has not been completed since 2020.

Commission members were surveyed on the 15 questions from the DAS Best Practices using a 5-point Likert scale, ranging from strongly agree to strongly disagree. Those survey responses were then tabulated per question, with a score of 1 to 5. Any question resulting in a score of above 3 was assigned a “Yes” on the DAS Best Practices. Overall, the Commission members self-assessment resulted in a score of higher than 3 for 14 out of 15 categories.

Factors Affecting Results

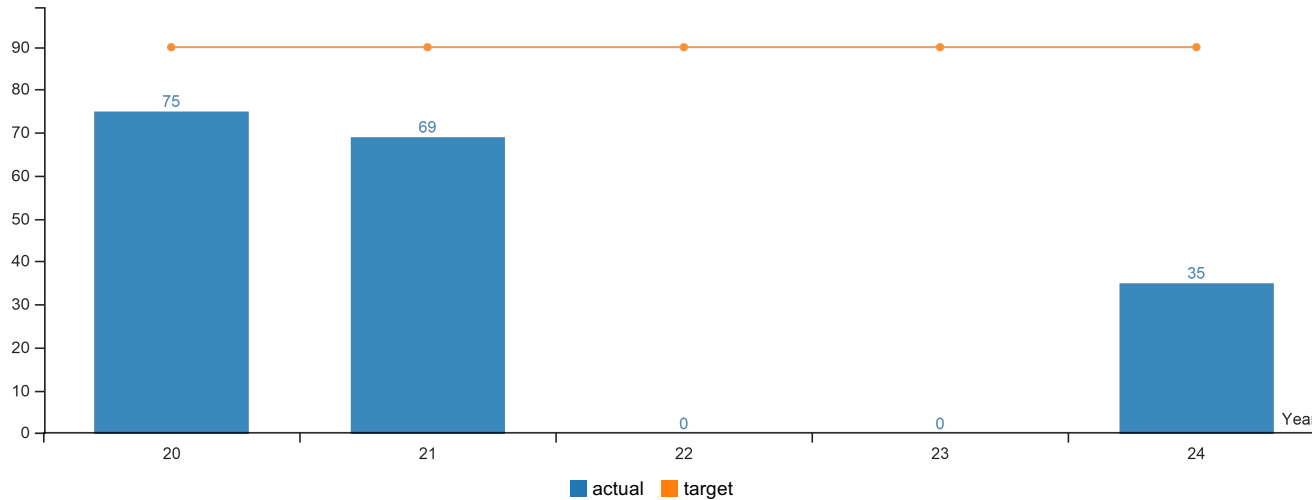
The existing Commission is a new Commission, having existed for less than nine months. It was created by SB 337 (2023) and Commission members took their positions on January 1, 2024. The Commission has 13 members, with 9 voting members and 4 non-voting members.

The Commission has been attentive to establishing good governance and complying with best practices. In December 2023, prior to assuming their positions, Commission members attending an onboarding session that included a presentation on best practices for commissions. In January, the Commission created a Governance Subcommittee to develop bylaws and improve agency governance. In March, the Commission held a two-day retreat which included an additional presentation on best practices for commissions and training relevant for public officials. It also formally adopted bylaws at this time.

The Governance Subcommittee has continued to meet monthly. In October, the Subcommittee will discuss the DAS Self-Assessment in the more detail and determine what recommendations should be made to the full Commission. The Commission will also re-evaluate its bylaws at the end of the year.

KPM #4	TRIAL LEVEL REPRESENTATION - During the term of the OPDS contract, percent of attorneys who obtain at least 12 hours per year of continuing legal education credit in the area(s) of law in which they provide public defense representation.[1] [1] Case types listed in the 2014-2015 Public Defense Legal Services Contract General Terms are: criminal cases, probation violations, contempt cases, civil commitment cases, juvenile cases, and other civil cases.
	Data Collection Period: Jan 01 - Dec 31

* Upward Trend = positive result



Report Year	2020	2021	2022	2023	2024
Percent of Attorneys with 12 CLE Credits Annually					
Actual	75%	69%			35%
Target	90%	90%	90%	90%	90%

How Are We Doing

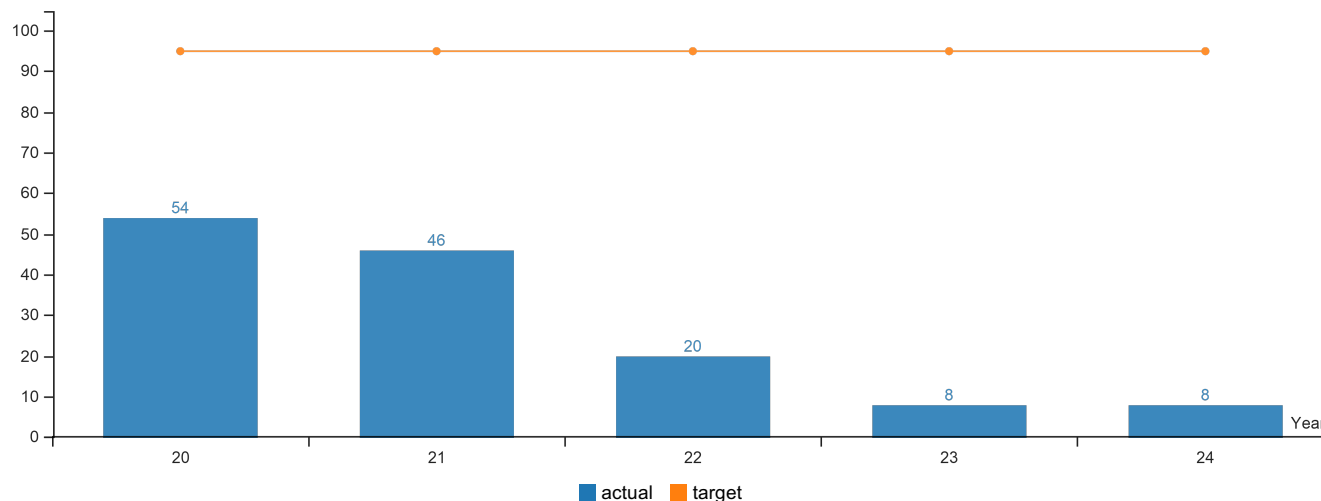
The survey was sent to 748 contract attorneys, and 266 (or 35%) of those attorneys responded. Of the respondents, 89% reported obtaining at least 12 CLE credits related to public defense work in the fiscal year ending June 30, 2024.

Factors Affecting Results

Until this year, OPDC had not collected survey data for this measure since that collected for the 2020 calendar year. Under OPDC’s 2023-2025 public defense legal services contracts, attorneys working under those contracts are required to complete 12 hours of CLE credit related to the subject matter areas for which they are contracted (e.g., criminal or juvenile cases) during the two-year contract period. Of those attorneys who did not respond and those who responded that they had not completed 12 hours of relevant CLE credit in the previous year, many of those have likely completed some lesser number of relevant CLE credit hours and/or will likely fulfill this obligation prior to the expiration of the current contracts on June 30, 2025.

KPM #5	PARENT CHILD REPRESENTATION PROGRAM (PCRP) - Percent of PCRP attorneys who report spending approximately 1/3 of their time meeting with court appointed clients in cases which the attorney represents a parent or child with decision-making capacity.[1] [1] For a discussion on determining decision-making capacity, see The Obligations of the Lawyer for Children in Child Protection Proceedings with Action Items and Commentary, Oregon State Bar, Report of the Task Force on Standards of Representation in Juvenile Dependency Cases (2014).
	Data Collection Period: Jul 01 - Jun 30

* Upward Trend = positive result



Report Year	2020	2021	2022	2023	2024
Percent of PCRP Attorneys Spending 1/3 Time Meeting With Clients					
Actual	54%	46%	20%	8%	8%
Target	95%	95%	95%	95%	95%

How Are We Doing

This Key Performance Measure was intended to provide data regarding the time that attorneys spend with parent clients and child clients who have decision-making capacity, excluding very young child clients who have diminished capacity to make decisions and direct their attorney in litigation. However, data gathered by the Parent Child Representation Program (PCRP) program does not distinguish based on decision-making capacity. Therefore, the data reported for this KPM includes time spent with all clients.

During this contract cycle, 8.4% of the PCRP attorneys report spending approximately one-third of their time meeting with clients. PCRP attorneys spent an average of 22.2 %of their time meeting with clients.

Factors Affecting Results

This measure analyzes attorney performance in the ten counties in which the PCRP has been implemented: Linn and Yamhill (2014), Columbia County (2016); Coos and Lincoln Counties (2018); Multnomah County (2020); and Benton, Clatsop, Douglas, and Polk Counties (2021). It includes data from lawyers who represent child clients who range in age from newborn to age 21 and lawyers who represent a parent or other party. This means that the percentages are necessarily skewed as lawyers who represent babies and very young children who lack the capacity to make decisions and direct their lawyer in the litigation generally will not and should not spend one third of their time with those clients.

As with earlier KPM reports, there has been a continued decline in this measure despite the average time attorneys spent with their clients remaining the same/very similar – 22.2%. The lower rate of attorneys who report meeting the one-third target is due to a number of different factors that are likely not related to performance or outcomes. In other words, this KPM should be adjusted to more

accurately reflect the what the agency is seeking to measure. A few of these factors are identified and briefly discussed below.

How is “client time” entered?

This measure relies entirely on how attorneys record and submit their time in the “client time” category. In PCRP meetings across the state, attorneys frequently have questions about how to accurately account for client time. It became clear that not all attorneys enter time the same which impacts this KPM. For example, most attorneys speak to their clients privately before court starts; some attorneys include this time in “court time” while others enter it as “client contact.” If OPDC continues with this same KPM, clearer direction on how and what to enter as “client time” should be issued.

How is “client time” defined?

Currently, “client time” accounts only for confidential meetings between a client and their attorney. The purpose behind this was to focus on what builds the attorney-client relationship. Throughout PCRP meetings across the state, many attorneys advocated for expanding this definition to include valuable attorney-client interactions involving other parties. The four most common mentioned were: Family Decision Meetings, Caseworker meetings, Case Manager meetings, and Citizen Review Board hearings. They believe that these are prime examples of the type of meetings attorneys would not have or would not attend when their caseloads were higher. They also felt that these were often some of the most effective ways to build the attorney-client relationship because they involve the client and attorney working together more closely in what feels more impactful than in court.

Case Managers and client relationships:

The Parent Child Representation Program case managers add to the client communication time with the defense team. Case managers are social service professionals and work as part of the legal representation team in 10-15% of the cases. Case managers work with attorneys to address non-legal barriers and help achieve timely and sensible case resolution is a best practice and a critical component of the success of the PCRP. The PCRP case managers are required to spend at least 85% of their time in direct service work, providing an additional investment in client contact by the defense team.

Since this KPM was developed, the role of case managers has continued to evolve and grow. Attorneys and case managers better understand how to work together and how to best work with their clients. Often, the case manager-client relationship is as important as the attorney-client relationship in terms of moving a client towards their desired outcome. It is unclear if the current KPM contemplated the active role case managers currently have in these cases. This would be a useful area to consider accounting for in this or a modified KPM.

The agency needs to continue monitoring the quality of work provided by lawyers in the Parent Child Representation Program. Additional consideration should be given to the data collection and utilization process. There should be further examination of which metrics are most sensible to measure and which are indicative of standards-based legal representation associated with improving client engagement and court outcomes. Mixed-methods (quantitative and qualitative) data should also be used to establish benchmarks which are indicative of effective legal representation. OPDS continues its agency-wide restructuring and modernization, which will include refinement and improvement of PCRP data collection, analysis, and application.



**Oregon
Public
Defense
Commission**

Date: September 18, 2024

To: Jennifer Nash, Chair
Susan Mandiberg, Vice-Chair
OPDC Commissioners

From: Eric Deitrick, General Counsel

Re: Public Service Loan Forgiveness (PSLF) Policy Update

Action: Action Item.

Background: In 2007, the PSLF program was established under the College Cost Reduction and Access Act. The program authorized loan forgiveness for persons who worked full-time for qualifying public service employers and made 120 qualifying monthly payments on their loans while doing so. Non-profit organizations and government offices are qualified employers.

The program was not accessed as frequently as expected. Applicants with existing student loans were required to refinance those loans to access the program, and the administrative rules regarding qualifying loan types were not clear. In 2021, the federal government offered a limited duration waiver of the preexisting administrative rules and extended the PSLF program to any loan type.

On July 1, 2023, the federal government again updated its administrative rules and extended PSLF to those “who work as a contracted employee for a qualifying employer in a position or providing services which, under applicable state law, cannot be filled or provided by a direct employee of the qualifying employer.” Such contractors are eligible for PSLF if they provide a public service “full-time,” which is defined as 30 hours or more per week on average for the employment period.

There has been significant discussion in public defense circles about what this rule change means for public defense providers, particularly for those in states like Oregon that rely, or have relied, exclusively on contractors. Prior to SB 337 (2023), OPDC was prohibited from employing trial-level public defenders. There are non-profit public defender organizations in Oregon. However, those organizations have not been funded by the state in all judicial districts. Additionally, even if they were, Oregon’s Rules of Professional Conduct impute an attorney’s conflict of interest to the entire firm, making it necessary for Oregon’s public defense system to rely upon contract attorneys not employed by non-profit public defender offices. As a matter of law, there are positions within Oregon’s public defense system that could not be filled by employees of qualified employers.

For contract attorneys in consortia or law firms, OPDC does not have data upon which it can rely to certify that an attorney meets the PSLF definition of “full-time.” This draft policy contemplates that OPDC will certify a PSLF application when:

- A public defense provider applies for PSLF and attests they meet the criteria;
- OPDC receives an independent attestation from a contract administrator that the applicant was a public defense provider;
- OPDC receive an independent attestation from a contract administrator or their employer that they meet the PSLF definition of “full-time” for the defined period.

OPDC has developed template forms to satisfy the attestations. Once the policy is approved, agency staff will place the policy and relevant attestations on the website.

OPDC cannot guarantee that the federal government will approve a PSLF application, as it remains unclear how the “under applicable state law, cannot be filled or provided by a direct employee of the qualifying employer” provision will be interpreted and applied.

Agency Recommendation:

OPDC staff is recommending the Commission approve the policy.

Fiscal Impact:

None.

Agency Proposed Motions:

I move the Commission to approve the agency’s PSLF Policy.



Policy Name: Public Service Loan Forgiveness for Contractors	Number: 404.070.008
Division: Administrative Services	Effective Date: 10/1/2024
Responsible Section: Compliance, Audit, and Performance	
Approved by: Oregon Public Defense Commission	Approval Date:

PURPOSE: Establish criteria for agency certification for Contractors that have contracted with the Oregon Public Defense Commission (OPDC) that provide representation to those entitled to public defense services to be eligible for Public Service Loan Forgiveness (PSLF).

AUTHORITY: ORS 151.216 (1)(b)(A), 34 CFR § 685.219 (b)

APPLICABILITY: This policy applies for all requests for PSLF for Contractors that have contracted with OPDC.

POLICY:

SECTION 1 – IN GENERAL

The Public Service Loan Forgiveness Program is intended to encourage individuals to enter and continue in full-time public service employment by forgiving the remaining balance of their direct loans after they satisfy certain public service and loan payment requirements. As of July 10, 2023, 34 CFR § 685.219 (b) was amended to expand the definition of “employee” for PSLF program purposes to include “an individual who works as a contracted employee for a qualifying employing employer in a position or *providing services which, under applicable state law, cannot be filled or provided by a direct employee of the qualifying employer.*” Contractors that have provided trial-level public defense services may fall within the expanded definition of “employee”.

With the change to federal regulations regarding PSLF, more public defense providers may be eligible for the program. Under the new PSLF rules, these individuals may now be eligible for student loan forgiveness under PSLF, even though they are not W-2 employees but are instead contractors working for qualifying organizations. Prior to the change, PSLF was only available to public defenders that were employed by the government or at a non-profit with the requirement of ten years of full-time employment to be eligible. For OPDC, this means that attorneys in consortia and other private bar attorneys may be eligible for PSLF. Now, any public defense contractor may be eligible if they have been engaged in public defense work “full-time” for ten years, which is defined by PSLF as working during the period of being certified:

Full-Time employment, for PSLF purposes, means working 30 or more hours per week on average for the employment period on the form regardless of whether the employer considers that Full-Time for other purposes. Working less than 30 hours per week on average is considered Part-Time. When determining if a borrower is Full-Time, an employer must include all hours, including vacation, leave time, or any leave taken under the Family Medical Leave Act of 1993. However, do not include time spent performing volunteer services.

SECTION 2 – REQUESTS FOR OPDC CERTIFICATION

OPDC is directed to adopt policies for public defense providers that ensure resources are in accordance with national and regional best practices and to promote policies for public defense provider resources. Under authority of ORS 151.216 (1)(b)(A), OPDC agrees to independently certify an eligible Contractor's PSLF application if:

- The Contractor certifies to OPDC (under penalty of perjury) that the information contained in their individual PSLF application is accurate, and
- The relevant contract administrator and/or employer certifies to OPDC (under penalty of perjury) that the information contained in the Contractor's PSLF application is accurate. For each application, the contract administrator must certify that the applicant provided public defense services pursuant to the contract. In addition, either the contract administrator or the applicant's employer must certify that the applicant meets the PSLF definition of "full-time."

A Contractor can submit a request for a Contractor Certification for PSLF to OPDC for eligibility review. All submitted requests are subject for review and will be reviewed within thirty days of receipt. To submit a request for Contractor Certification the following required documents are to be submitted through OPDC's secure Policy eFax. <https://www.oregon.gov/opdc/general/Pages/roster.aspx>

- Completed and Signed Public Service Loan Forgiveness (PSLF) & Temporary Expanded PSLF (TEPSLF) Certification & Application. [Public Service Loan Forgiveness \(PSLF\) & Temporary Expanded PSLF \(TEPSLF\) Certification & Application \(studentaid.gov\) https://studentaid.gov/sites/default/files/public-service-application-for-forgiveness.pdf](https://studentaid.gov/sites/default/files/public-service-application-for-forgiveness.pdf)
- OPDC Public Service Loan Forgiveness Certification for Contractors Form completed by the Contract Administrator or the applicant's employer establishing the time period that the applicant provided public defense services pursuant to the contract and attesting that the service provided by the applicant meets the PSLF definition of "Full-time". The OPDC Full-Time Employment and Established Time Period Certification Form must be signed by the Contract Administrator or the applicant's employer and the applicant.

SECTION 3 – ELIGIBILITY REVIEW

In order to certify the PSLF application, OPDC will review the submitted Contractor Certification request to confirm the Contractor meets the eligibility criteria for OPDC approval to certify. OPDC will certify the PSLF application once the following requirements are met:

- Review and verify the information provided by the Contractor in Section 4 of the Public Service Loan Forgiveness (PSLF) & Temporary Expanded PSLF (TEPSLF) Certification & Application is accurate.
- Verify the Contractor was providing public defense services pursuant to a contract.
- Verify the periods of time the Contractor was providing public defense services.
- Confirm the Contract Administrator or Employer certifies that Contractor meets the full-time eligibility criteria to qualify for the PSLF Program.
- Verify the OPDC Attestation Form is complete.
- OPDC to complete and sign Section 5A once the OPDC Attestation Form is verified.

OPDC will provide an approval letter to certify the approval of Public Service Loan Forgiveness to the Contractor once the submitted eligibility criteria has been verified. An approval from OPDC does not guarantee that the federal government will approve the application, as it is not yet clear how the federal government will interpret and apply the new rule.

If OPDC determines the Contractor does not meet the eligibility requirement to provide the certification, then OPDC will send a Notice of Denial.

SECTION 4 – ACCOUNTABILITY

OPDC will review the OPDC Attestation Forms signed by the contract administrators and the public defender’s employer to verify the public defender completed “full-time” work for ten years. If OPDC concludes an application is untruthful, the OPDC will notify PSLF and any other agency with regulatory authority over the person’s licensure and/or profession.

Public Service Loan Forgiveness Certification for Contractors

The Oregon Public Defense Commission (OPDC) will provide agency certification for Contractors that have contracted with OPDC that provide representation to those entitled to public defense services to be eligible for Public Service Loan Forgiveness (PSLF). The PSLF Certification for Contractors Form was established in accordance with 404.070.008 (Public Service Loan Forgiveness for Contractors) and is to be completed and signed by the Contract Administrator and/or employer.

CONTRACTOR INFORMATION

SSN		Date of Birth	
First Name		Last Name	
Address		City	
State		Zip	
Telephone - Primary		Email	

EMPLOYMENT PERIOD:

<i>Employment or Certification Begin Date</i>	
<i>Employment or Certification End Date</i>	

A Contractor is eligible for OPDC agency certification if they have been engaged in public defense work “full-time” for ten years, which is defined by PSLF as working during the period of being certified:

***Full-Time employment**, for PSLF purposes, means working 30 or more hours per week on average for the employment period on the form regardless of whether the employer considers that Full-Time for other purposes. Working less than 30 hours per week on average is considered Part-Time. When determining if a borrower is Full-Time, an employer must include all hours, including vacation, leave time, or any leave taken under the Family Medical Leave Act of 1993. However, do not include time spent performing volunteer services.*

The Contract Administrator and/or employer certifies to OPDC (under penalty of perjury) that the information contained in the Contractor's PSLF application is accurate. The Contract Administrator and/or employer certify that the Contractor engaged in public defense work full-time for ten years and the time period provided by the Contractor for public defense services pursuant to the contract.

Contractor Administrator and/or Employer Certification		
Name:	Phone Number:	
Title:	Email:	
Signature:		Signature Date:

OPDC will review the OPDC's PSLF Application and the Full-Time Employment Certification and Established Time Period Certification Form signed by the Contract Administrator and/or employer to verify the Contractor's established time period for contract employment. If OPDC concludes a PSLF application and/or OPDC Certifications are untruthful, the OPDC will notify PSLF and any other agency with regulatory authority over the person's licensure and/or profession.

Contractor Signature		
Name:	Phone Number:	
Title:	Email:	
Signature:		Signature Date:

Oregon Public Defense Commission

FCMS Project

September 18, 2024

Jessica Kampfe, Executive Director
Jessica.Kampfe@opdc.state.or.us

David Martin, CIO
Presenting



Presentation Overview

OPDC FCMS Stage 2

Accomplishments

- Kick-Off 9/9
- 3 of 18 Artifacts Passed 9/10.
- Round 1 Edits Complete 9/13.
- Round 2 Edits Complete 9/26.

Next Steps

- Stage Gate Approval – 10/3.
- RFP Post 10/4.
- Procurement Activities Start in October.
- Change Management Activities Ramp up in October.
- Governance Meetings – ESC and Project Team Meetings resume in October.
- Bond Funding Approval.



Risk Governance

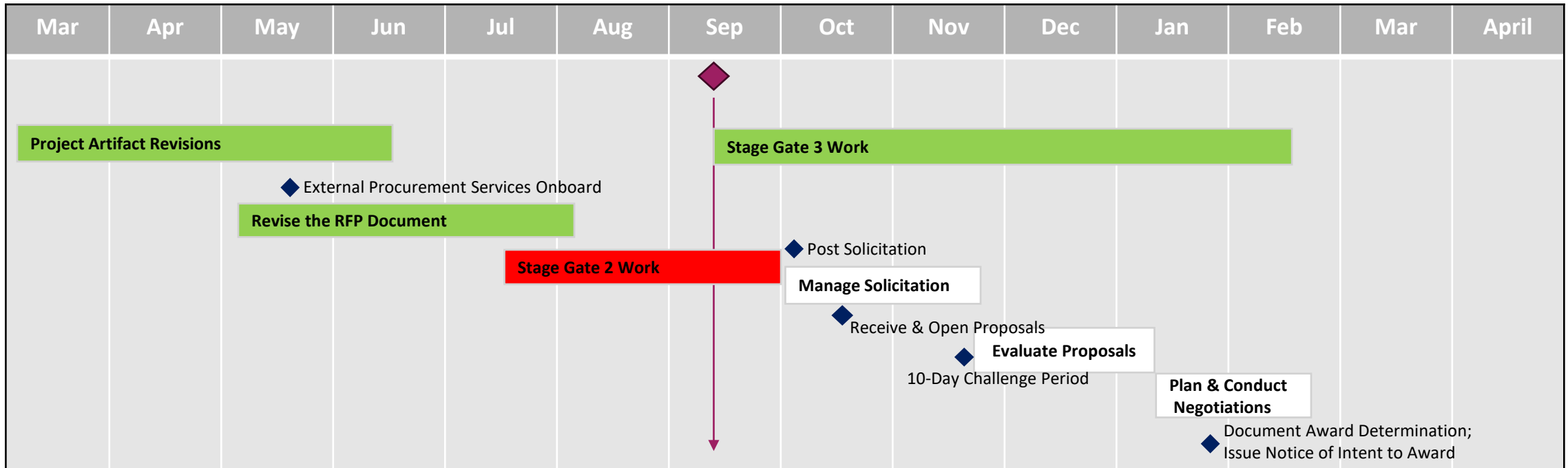
- 1. EIS Stage Gate Approvals** – mitigating Stage Gate 2 review rounds with LFO, DAS, EIS on critical path timeline.
- 2. Bond Funding** – mitigating Bond Funding risk with application submitted to DAS for approval of \$13 million estimated.
- 3. Schedule** – risks around critical path for turn-around of Stage 2 edit reviews on 15 remaining artifacts. Mitigation with all hands-on deck approach to turn around artifacts in 24-48 hours.
- 4. LFO Concerns of Schedule/Scope/Budget** – Addressed and shared significant work to date and artifacts for Schedule/Scope/Budget.

Schedule – Critical Path

- Stage Gate 2 Artifacts Approved – 9/26
- Stage Gate 2 Approval Memorandum – 10/3
- Publish RFP October 4, 2024
- Deadline for Questions, October 17, 2024
- RFP Addendum answering questions published November 1, 2024
- RFP Protest period ends November 18th, 2024
- Proposals due deadline, November 19, 2024
- Round 1 Evaluations complete, December 12th, 2024
- Round 2 Evaluations and Scoring Complete, January 13th, 2025
- Demos held January 2025 (TBD)
- Notice of Intent to Award published January 29th, 2025
- Protest period ends January 29th, 2025

Dependencies

- Requires external Procurement service are in place
- Large sets of requirements take more time to score
- Timeline may shorten if a 3rd round is not needed
- Stage Gate 2 Approval Needed prior to RFP Send



Status

FCMS Monthly Project Status Report - September

Project Status – Medium Risk *Critical Path items for Stage Gate 2 Approval and Procurement Timeline allow little lag in schedule presenting timeline constraints.

Budget Status – Medium Risk *Until Bond Funding is officially approved, and POP 101 approval completes; status unchanged.

Schedule Status - High Risk *Multiple resources with unplanned absence & vacation/staffing shortages, capacity constraints for for key resources will impact Stage Gate 2 Approval Timeline for an RFP send to 10/4.

Resources Status - Low Risk *Moss Adams contractors for OCM & 2nd BA, 2nd PM onboarded, significant reduction in risk.

Scope Status - Low Risk *RFP Legal Sufficiency Review complete, Scope Alignment solidified with Stage 2 Reviews for 18 PMBOK Artifacts.

Thank you

