

**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.  
Thursday May 23, 2024  
9:00 AM – approx. 11:00 PST  
Via Zoom\*

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# AGENDA

<b>9:00–9:05</b>	Welcome	Chair Nash
<b>9:05-10:05</b>	Executive Session**	Chair Nash
<b>10:05-11:00</b>	<b>Briefing and Action Item:</b> Hourly Rate and Economic Survey <ul style="list-style-type: none"> <li>Adoption of Compensation Formula</li> <li>Direction for Policy Option Packages</li> </ul>	Jessica Kampfe Eric Deitrick
<b>11:00</b>	<b>***Adjourn***</b>	

*\*To join the Zoom meeting, click this link. <https://zoom.us/j/92483003481>. 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](mailto: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 will meet in executive session pursuant to ORS 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation. Representatives of the news media and designate staff shall be allowed to attend the executive session. All other participants may not attend. Representatives of the news media are specifically directed not to report on or otherwise disclose any of***

*the deliberations or anything said about these subjects during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session. At the end of the executive session, we will return to open session.*

*Next meeting: **June 13, 2024, 8am – 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  
Public  
Defense  
Commission**

**Date:** May 16, 2024

**To:** Jennifer Nash, Chair  
OPDC Commissioners

**Cc:** Jessica Kampfe, Executive Director

**From:** Eric Deitrick, General Counsel

**Re:** Hourly Rate & Economic Survey

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**Action:** Briefing and Vote.

**Background:** SB 337, Section 96(1) (2023) provides the following directives to OPDC:

- The Oregon Public Defense Commission shall conduct a survey and economic analysis to establish a formula for the commission to use to calculate an hourly pay rate, taking into account overhead expenses, market rates and regional differences in the cost of living, for appointed counsel who are not employees of the commission or a nonprofit public defense organization.
- The commission may conduct the survey and economic analysis internally or may contract with an outside entity. The survey and economic analysis must be completed, and the hourly pay rate calculated no later than July 1, 2025.
- After the hourly pay rate described in paragraph (a) of this subsection has been calculated, and beginning with contracts entered into on or after July 1, 2027, the hourly pay for appointed counsel who are not employees of the commission or a nonprofit public defense organization may not be lower than that amount.
- The commission may conduct another survey and economic analysis described in this subsection to establish a new formula and calculate a new hourly rate.

SB 337 included funding for the survey and economic analysis, and OPDC staff contracted with Moss Adams to conduct the survey and economic analysis for both attorneys and other core support staff. Although the survey and economic analysis are not required to be completed prior to July 1, 2025, OPDC requested the work be done expeditiously to align with the agency's development of Policy Option Packages (POPs) for the '25-'27 biennium. Policy Option Packages are agency proposals to increase its budget beyond merely maintaining its current service level (CSL). OPDC staff's intent is that this survey and analysis inform the Commission in its consideration of the agency's POPs.

Historically, the agency has not utilized data-informed or formulaic approaches to establishing compensation rates. The mandate to do so in SB 337 affords OPDC an opportunity to realign the workforce with market conditions and use those adjusted rates as a foundation for future rate calculations. Specifically, SB 337, Section 94 states that the payment of panel counsel:

- May not be lower than the hourly rate established by the commission.
- Shall be adjusted to reflect the same percentage amount of any positive cost of living adjustment granted to employees in the management service in other executive branch agencies.
- May not provide a financial conflict of interest or economic incentives or disincentives that impair an attorney's ability to provide effective representation.

The enclosed report satisfies Moss Adams' contractual obligation to conduct a survey and economic analysis to establish a formula for the commission to use to calculate an hourly pay rate.

**Agency Recommendation:**

OPDC staff is recommending that the Commission adopt the formula in the report as the formula the agency shall use to calculate the hourly pay rate for panel attorney members and other core support staff. OPDC staff is also seeking direction from the Commission on whether, in developing POPs, the agency should attempt to be a market leader, market matcher, or market lagger.

**Fiscal Impact:**

No fiscal impact.

**Agency Proposed Motions:**

- Move to adopt the formula in the Moss Adams Hourly Rate and Economic Survey as the formula the agency shall use to calculate the hourly pay rate for panel attorney members and other core support staff.
- Move to direct OPDC staff to, in developing its POPs to establish new rates for panel attorney members and other core support staff, use a market leader/matcher/lagger approach.