

Oregon Public Defense Commission

Unrepresented Persons Update

January 15, 2025

Jessica Kampfe, OPDC Executive Director

Harry Noone, OPDC Research Analyst

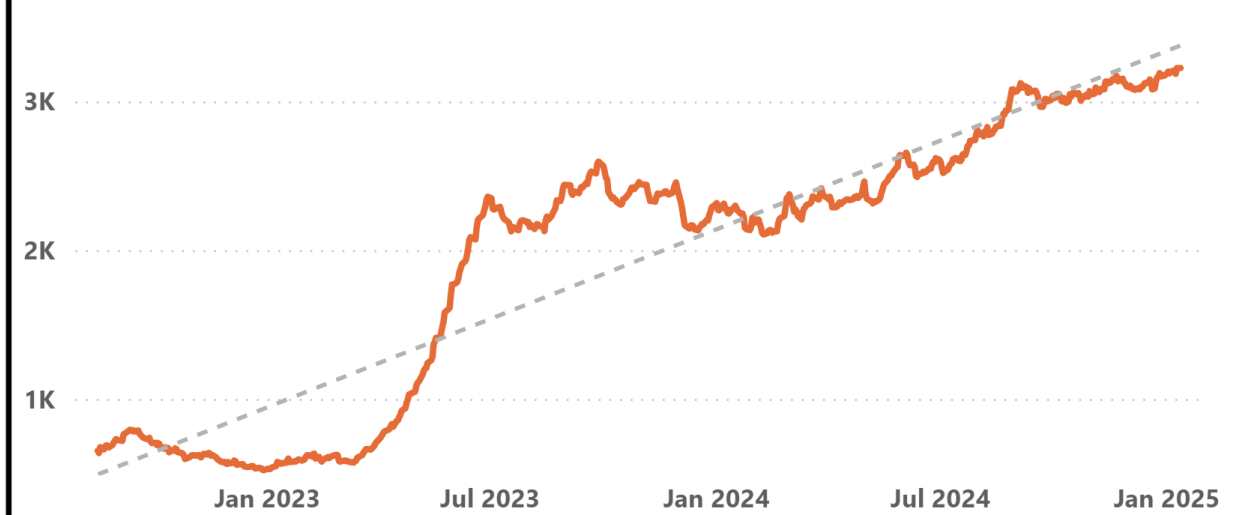


Unrepresented Population Trends (8/1/22 – 1/13/25)

In Custody - Unrepresented Individuals



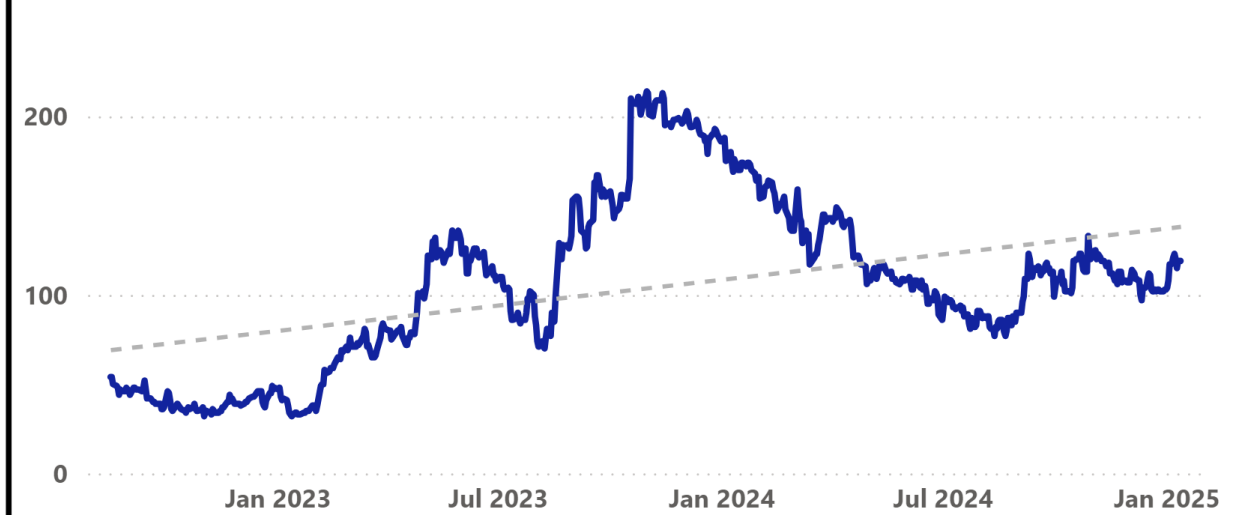
Out of Custody Pretrial - Unrepresented Individuals



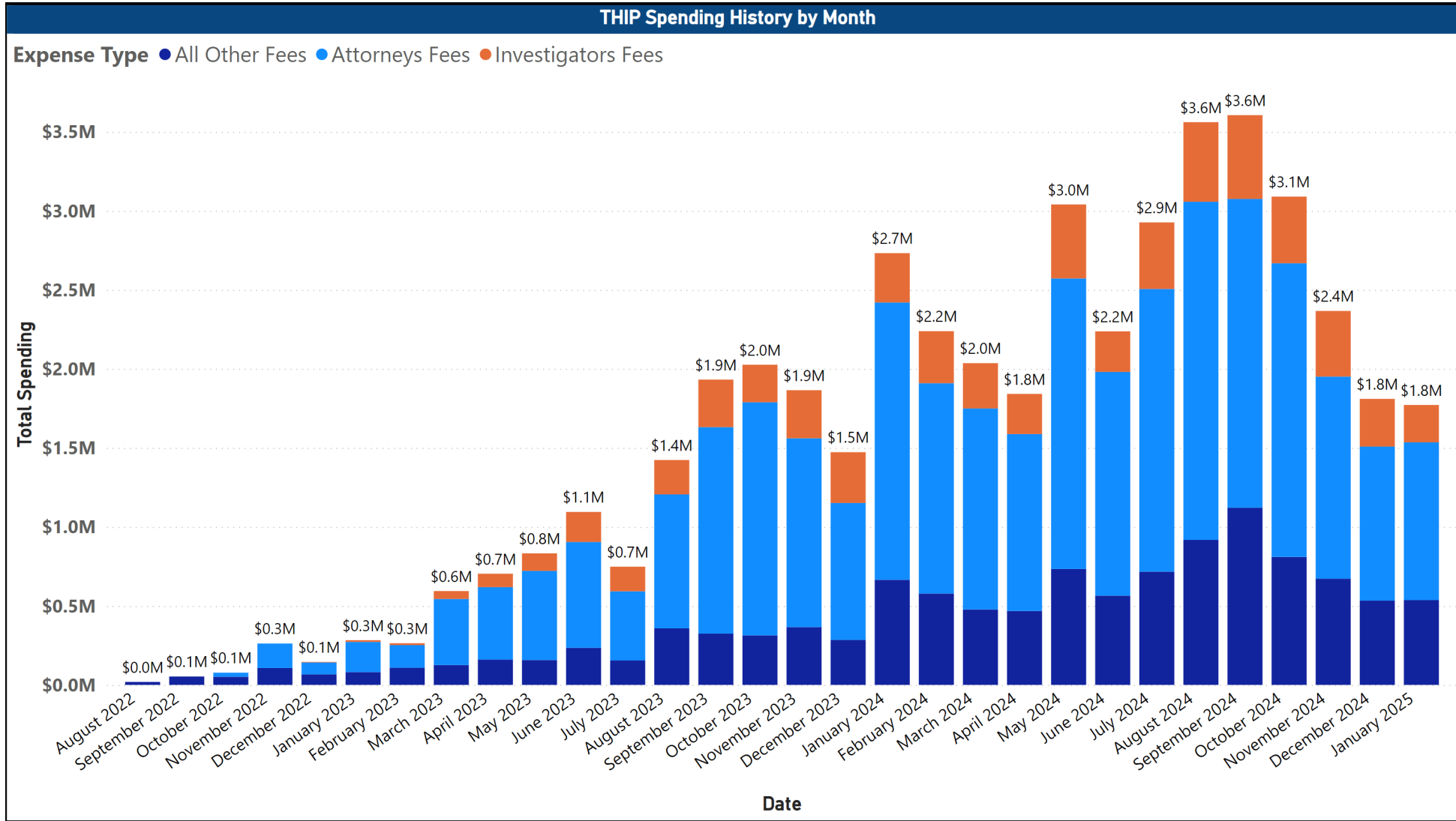
Out of Custody Probation Violation - Unrepresented Individuals



Non-Criminal Case Types - Unrepresented Individuals



THIP Program Overview (8/1/22 – 1/13/25)

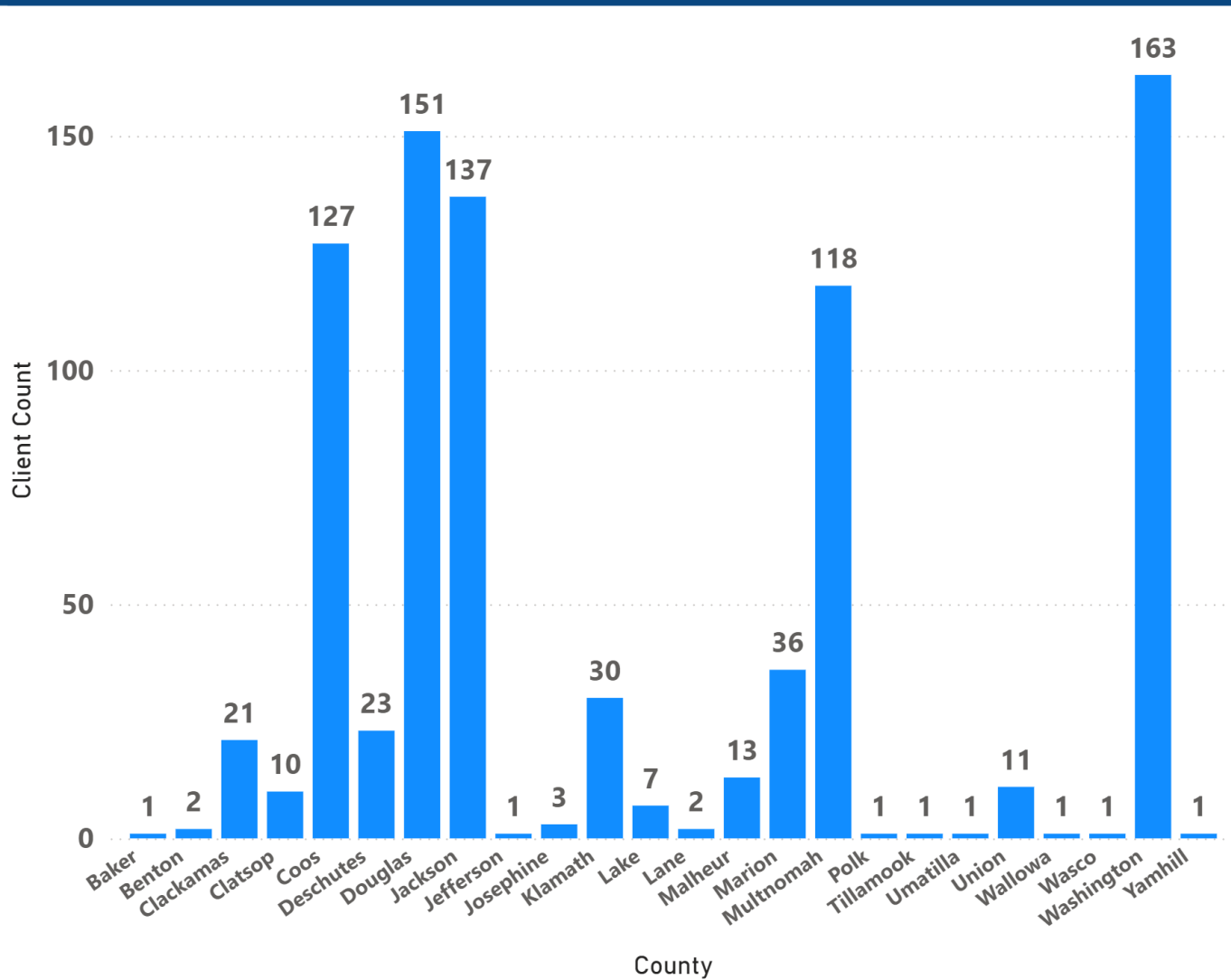


THIP Attorneys	Total THIP Cases
269	7,625
THIP Client Count	
Client's Highest Charge	Clients
Civil Commitment	82
Delinquency	111
Dependency/Termination	196
Jessica Law	67
Major Felony	460
Measure 11	574
Minor Felony	1,538
Misdemeanor	1,604
Murder	180
Other	2
PCR/Habeas	72
Probation Violations-Criminal	226
Total	5,112
Total THIP Spending	
Category	THIP \$\$ Paid
All Other Fees	\$12,894,877
Attorneys Fees	\$28,558,567
Investigators Fees	\$5,600,182
Total	\$47,053,626

* THIP Attorneys is a count of active Hourly Agreements as of 1/13/2025

Betschart Assignments Coordinated by OPDC Analysts

Betschart Client Count by Case County

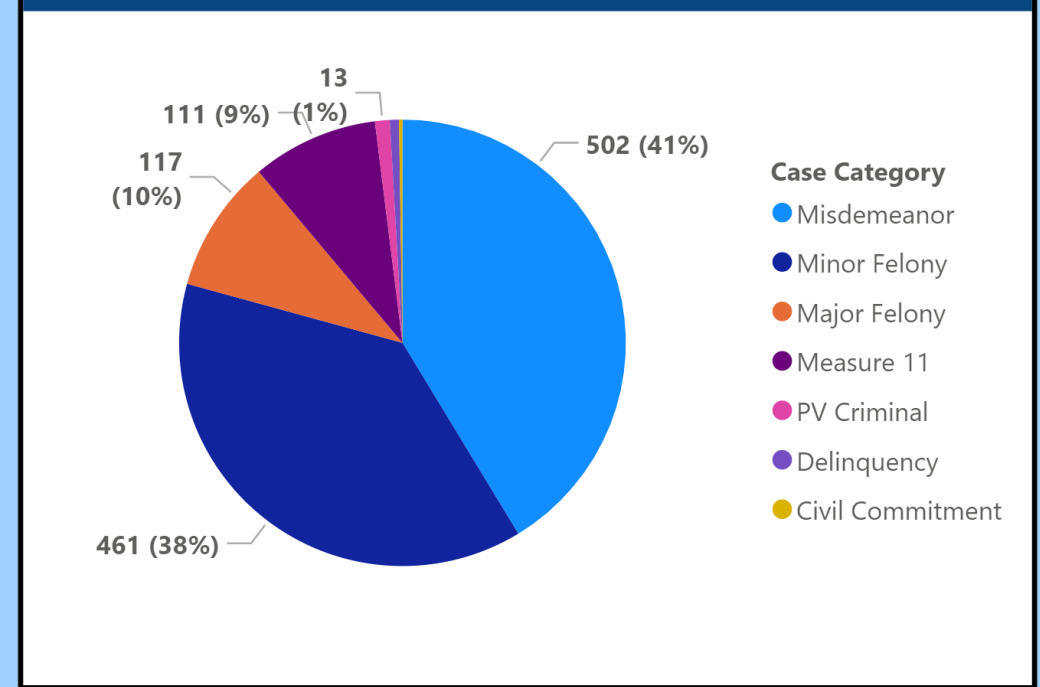


Betschart Assignments by Program

Assignment	Attorney Count	Client Count	Case Count
Contract	58	114	135
Hourly	126	604	857
Trial Division	17	146	222
Total	189	857	1214

Betschart Assignments

Client Count



Thank you



Oregon Public Defense Commission

Budget Presentation

Period ending – November 30, 2024

January 15, 2025

Jessica Kampfe, Executive Director
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Ralph Amador, Chief Financial Officer
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Criminal

Budget	279,283,241
Spent	187,124,615
Planned	83,370,058
Remaining	8,788,568

Budget Burn rate = spent/remaining
67%/71%

Juvenile

Budget	51,227,439
Spent	36,078,582
Planned	15,243,828
Remaining	(94,971)

Budget Burn rate = spent/remaining
70%/71%

Parent Child Representation Program

Budget	56,634,287
Spent	39,421,607
Planned	16,569,732
Remaining	642,948

Budget Burn rate = spent/remaining
70%/71%

Preauthorized Expense

Budget	58,617,686
Spent	42,361,239
Planned	25,647,570
Remaining	(9,391,123)

Budget Burn rate = spent/remaining
72%/71%

Court Mandated Expense

Budget	80,282,573
Spent	61,802,184
Planned	27,604,438
Remaining	(9,124,049)

Budget Burn rate = spent/remaining
77%/71%

Pilot Project – Trial Services

Budget	10,725,138
Spent	3,919,587
Planned	5,129,562
Remaining	1,675,989

Budget Burn rate = spent/remaining
37%/71%

Appellate Division

Budget	26,424,696
Spent	17,807,728
Planned	8,138,339
Remaining	478,629

Budget Burn rate = spent/remaining
67%/71%

Compliance, Audit, and Performance Division

Budget	7,069,293
Spent	3,690,654
Planned	2,490,987
Remaining	887,652

Budget Burn rate = spent/remaining
52%/71%

Administrative & Executive Divisions

Budget	22,875,617
Spent	15,260,985
Planned	6,685,459
Remaining	929,173

Budget Burn rate = spent/remaining
67%/71%

Financial/Case Management System

Budget	8,656,736
Spent	1,252,412
Planned	3,103,121
Remaining	4,301,203

Budget Burn rate = spent/remaining
14%/71%

Special Programs, Contracts, Distributions

Budget	12,438,908
Spent	9,135,683
Planned	3,927,000
Remaining	(623,775)

Budget Burn rate = spent/remaining
73%/71%

Oregon Public Defense Commission

Budget	614,235,614
Spent	417,855,276
Planned	197,910,094
Remaining	(1,529,756)

Budget Burn rate = spent/remaining
68%/71%

Thank you



Oregon Public Defense Commission

Governor's Budget *(Highlights)*

2025 - 2027

January 15, 2025

Jessica Kampfe, Executive Director
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Ralph Amador, Chief Financial Officer
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The numbers

The GRB represents a 17.3 percent funding increase.

GF increase of \$94.7 million

TF increase of \$106.1 million

The GRB represents a 74.9 percent position increase.

Position increase of 134

FTE increase of 122.57

	2023-25	2025-27
	Leg Approved Budget	Governor's Budget
General Fund	591,596,364	686,355,727
Other Funds	22,352,949	33,732,605
Total Funds	613,949,313	720,088,332
Positions	179	313
FTE	157.89	279.46

Reductions

By statute agencies must put forth a CSL reduction list as a part of the budget build.

DAS CFO uses this list to take reductions as necessary to support the Governor's budget goals.

Areas	General Fund
Manadated Caseload	(6,834,894)
Vacancy Savings	(3,454,741)
Services and Supplies	(20,956,735)
Requested Inflation	(26,024,950)
Statewide adjustments	(183,157)
Total	(57,454,477)

Investments

2023-25 Emergency Boards

POP 101

POP 103

POP 104

POP 106

POP 107

Additional THIP

Package Titles	Total Fund	Position/FTE
Emergency Boards	547,963	5/2.99
Financial Case Management System	16,677,222	8/7.40
Direct Representation Investment	27,204,155	113/84.07
Service Provider Rate Stabilization	37,967,096	
Robust Agency Support Investment	4,433,377	15/13.20
THIP Carryover	26,879,814	
THIP additional investment.	18,920,249	
Total	132,629,876	141/107.66

Thank you



Oregon Public Defense Commission

Public Defense Provider Policy Updates

January 15, 2025

Shannon Flowers, Trial Support & Development Manager
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Proposed Policy Updates

- New: Interim Hourly Attorney Policy
 - Amended: Contract Funding for SPPE Provisional Licensees
-

Interim Hourly Attorney Policy

- Historically, attorneys billing at an hourly rate provided representation in a small percentage of public defense cases, typically when contract attorneys had conflicts of interest.
- Over the previous three years, OPDC has seen substantial growth in public defense representation provided by hourly attorneys, under the Temporary Hourly Increase Policy (THIP) but also in cases paid at OPDC's standard hourly rates for attorneys.
- The proposed policy extends two requirements under THIP to all public defense representation provided at an hourly rate:
 1. Qualifications approved by OPDC within the previous three years
 2. Agreement with OPDC to provide legal representation to eligible clients
- The agency recommends adopting this policy.

SPPE Policy Update

- Updates the policy adopted in June 2024 which allowed contractors to fill 1.0 FTE vacancies in contracts with provisional licensees under the Oregon State Bar's Supervised Practice Portfolio Examination (SPPE) program.
- Proposed changes to the policy
 - Remove limitation that an SPPE provisional licensee may only fill a 1.0 FTE vacancy
 - Add requirement that the supervising attorney for the provisional licensee submit an affidavit or declaration to OPDC attesting that the provisional licensee provided representation in public defense cases for an amount of time proportionate to the provisional licensee's FTE under the contract.
- The agency recommends adopting the proposed policy changes.

Thank you



Oregon Public Defense Commission

**Public Defense
Provider
Qualification &
Performance
Standards**

January 15, 2025

Shannon Flowers, Trial Support & Development Manager
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**Draft Core Staff Role
Definitions, Qualification
Standards & Performance
Standards**

Statutory Framework

In ORS 151.216, the legislature has directed OPDC to, among other things:

- “Establish and maintain a public defense system that ensures the provision of public defense services consistent with the Oregon Constitution, the United States Constitution and Oregon and national standards of justice”;
- “Adopt policies for public defense providers that . . . [e]nsure compensation, resources and caseloads are in accordance with national and regional best practices;
- “Develop, adopt and oversee the implementation, enforcement and modification of policies, procedures, minimum standards and guidelines to ensure that public defense providers are providing effective assistance of counsel consistently to all eligible persons in this state as required by statute and the Oregon and United States Constitutions.”

Six-Year Plan to Reduce Representation Deficiency

Key Intervention: Fund Core Support Staff

- Having support staff enables public defenders to focus their work time on those tasks that require a licensed attorney
- Facilitates quicker and more cost-effective reduction of Oregon's representation deficiency

Laying the Foundation

Each of the core support staff roles identified in the *Six Year Plan* needs:

- Clear definition of the role and the type of work someone in that role can perform
- Standards for qualifying to perform the role
- Performance standards for each role

Stakeholder Engagement

- In April 2024, OPDC convened six workgroups to assist in defining these core staff roles and developing qualification and performance standards for them.
- Comprised of OPDC staff and attorney and non-attorney public defense providers.

Legal & Administrative Support

Investigators & Mitigation Specialists

Case Managers

Interpreters

Technological Support

**Provisional Licensees & Certified Law
Students**

Definitions and standards developed for:

- Office support staff
 - Legal assistants
 - Paralegals
 - Fact investigators
 - Mitigation specialists
 - Case managers
 - Interpreters
 - Information technology staff
 - Provisional licensees
 - Certified law students
-

Structure of the Document

- Starts with performance standards applicable to all public defense staff roles related to matters such as confidentiality, conflicts of interest, and unauthorized practice of law
 - For each core staff role:
 - Definition of the role
 - Qualification standards
 - Performance standards specific to the role
-

Future of Core Staff Definitions & Standards

- Part of a larger body of work related to implementing the *Six Year Plan* and the legislative directives set out in Senate Bill 337 (2023).
 - Full implementation will take several years and will require a thoughtful transition plan, as well as additional funding to implement oversight and training programs to support compliance with qualification and performance standards.
 - Standards will likely become part of one or more manuals for public defense providers in Oregon.
-

Attorney Qualification & Performance Standards Development Process

Stakeholder Engagement

- November 2024: OPDC convened four workgroups to assist in developing qualification and performance standards for public defenders.
- Organized around the major public defense practice areas.

Criminal

Juvenile Delinquency

Juvenile Dependency

Quasi-Criminal

Next Steps

February 2025 Commission Meeting

- Action Item: Core Staff Role Definitions, Qualification Standards & Performance Standards
- Briefing: Attorney Qualification Standards

March 2025 Commission Meeting

- Action Item: Attorney Qualification Standards

April 2025 Commission Meeting

- Briefing: Attorney Performance Standards

May 2025 Commission Meeting

- Action Item: Attorney Performance Standards
-

Thank you



Oregon Public Defense Commission

FCMS Project

January 2025

Jessica Kampfe, Executive Director
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David Martin, CIO, FCMS
Presenting



OPDC FCMS Stage Gate 3

OPDC – Financial Case Management System Project Status

Accomplishments

- 1. Addendum #3:** Completed and Posted to Oregon Buys December 5. This extended Proposals Due Date to January 10th.
- 2. Addendum #4:** Follow-up Vendor Question Responses posted to Oregon Buys December 24th.
- 3. Moss Adams Discovery Report Findings:** Distributed to the ESC December 13th.

OUR VISION

Next Steps

- RFP Proposals Due January 10th
- Evaluation Round 1 Procurement starts mid January – February 19th
- Moss Adams Change Management Discovery Report Findings Presentation January 13
- Use Case work, Benefits Management Plan, and numerous artifacts for Stage 3 ongoing through March 2025



Risk Governance

- 1. Executive Branch Transition: Procurement Impacts** – OPDC may have impacts to timeline and authority of the procurement schedule for FCMS due to the Executive Branch transition.
- 2. Change Management**– OPDC has yet to secure a communications lead for Change Management which has several downstream impacts in our Change Management effort with Moss Adams due to limited resources available.

Schedule – Critical Path

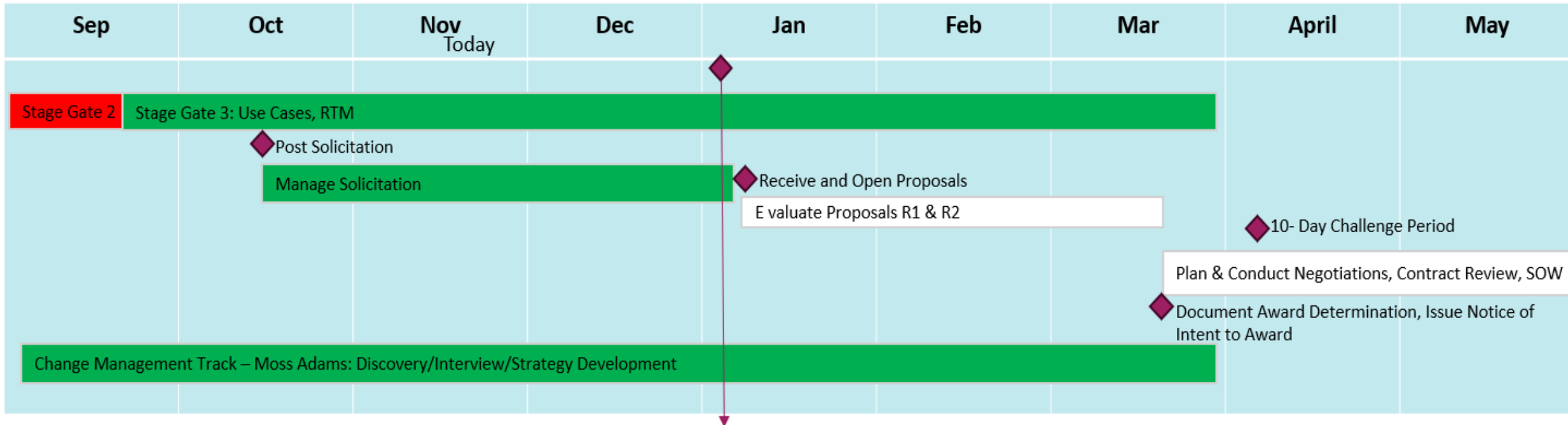
- Proposals due deadline, January 10th, 2025
- Round 1 Evaluation complete, February 10th, 2025
- Round 2 Evaluation complete, March 13th, 2025
- Notice of Intent to Award published March 24th, 2025
- Protest period ends March 31st, 2025

*Schedule as of January 3rd, 2025.

Procurement Timeline

Current Dependencies

- Large sets of requirements take more time to score
- Timeline may shorten if a 3rd round is not needed
- Executive Branch Procurement Authority and Timeline impacts may occur.



Status

FCMS Monthly Project Status Report - November

Project Status – Medium Risk *Critical Path items for Procurement Timeline allow little lag in schedule presenting timeline constraints. Executive Branch Transition impacts for Procurement Timeline concerns noted in Risk Log.

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

Schedule Status - Medium Risk *Multiple resources assigned to multiple tracks scheduled at the same time: Moss Adams Change Management deliverables, Procurement Milestones, Use Case, Process Map work, & overall Stage 3 Work. Executive Branch Procurement Timeline Impacts may occur.

Resources Status - Medium Risk *Change Management needs a dedicated Communications Lead which is not currently filled for FCMS. Resourcing on multiple tracks of work for BA capacity continues to be a risk. Many resources at or over capacity during critical path timeline. Continuing to monitor closely.

Scope Status - Low Risk *Stage Gate 2 Passed.

Thank you



Oregon Public Defense Commission

Director's Report

January 15, 2025

Jessica Kampfe, Executive Director

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Director's Report

Follow-Up from December Commission Meeting

During the December Commission Meeting, Commissioners asked clarifying questions regarding the survey results from the first half of the retention funding in 2024.

Question asked: What question(s) did we ask on the survey?

Answer:

a. We asked 1 question, the same from the 2023 survey:

i. Please select all the boxes that apply and provide an explanation of how you used the attorney incentive payment.

1. The responder could select as many of the drop-down boxes as needed:

a. Attorney Bonus

b. Attorney Salary Increase

c. Staff Bonus

d. Staff Hours Increased

e. Office Overhead (e.g. attorney benefits, office space, tech services)

f. Hiring

g. Other

ii. The box with the Explanation

1. This was completed by the contract administrator – this is whom the survey was sent to.

Director's Report

Follow-Up from December Commission Meeting

Question asked: Who was the survey directed to?

Answer:

Contract Administrators completed the survey.

Question asked: Where did we get our data from?

Answer:

The data came in the form of the completed Nintex form – Attorney Retention Incentive Payment Usage. It was compiled by Harry Noone, OPDC Research Analyst, and there was no manipulation of the data.

Question asked: Did all counties receive funds?

Answer: Yes, this would not impact retention numbers of counties who received funds vs. counties who did not receive funds.

Director's Report

Upcoming Events

Legislative Subcommittee Meetings - 2025

- First meeting of 2025: Friday, January 24th, 9:00am to 10:30am
- Monthly recurrence on the fourth Friday of each month at 9:00am

Commission Workgroup Meetings - 2025

- Virtual Meetings held the second Thursday of each month from 5:00 to 6:30pm
- Open forum opportunity for Commission members to discuss a variety of topics
- Members of the public may attend as spectators

Accounts Payable Workgroup Meeting

- Thursday, February 6th, 10:00am to 11:00am

Director's Report

Updates



Public Criminal Caseload Dashboard

- Training was facilitated on December 18th by the Data and Research Team
- The training was recorded and posted to the OPDC website and Youtube Channel
- All questions received during the training have been documented and posted on the OPDC website



Provider Contracts

- Extension of contracts: to be discussed at February Commission Meeting
- Draft of new standard public defense contracts: Department of Justice is drafting the contracts, OPDC hopes to complete this process by March 2025
- Development of attorney qualification and performance standards: to be discussed at February Commission Meeting with a briefing on draft standards
- Development of attorney workload standards: to be discussed at February Commission meeting regarding how to include in the Governor's requested budget



The Trial Division celebrated their first year!

By the numbers:

- Cases appointed as of 1/13/25: 1,123
- Cases closed: 443
- Cases dismissed: 16.7%
- Probation cases: 19.4%
- Discharged cases: 2.9%

Thank you

