



December 1, 2020

To: Capital Public Defense Providers

From: Lane Borg, Executive Director of Oregon Office of Public Defense Services

Re: Capital Public Defense Contracting Policy Change

Dear Oregon Indigent Capital Defense Providers,

Thank you to those Attorneys who took the time to submit a proposal for the 2020 RFP request for Capital Public Defense representation. This letter is to inform you that the Office of Public Defense Services (OPDS) is making a change to the way the agency administers this section of our indigent public defense services, moving away from its previous contracting model to an hourly rate model in the new year.

Beginning January 1, 2021, the agency will fund indigent capital legal representation through the attorney fee statement process under the OPDS Public Defense Payment Policy and Procedures. The hourly rate for lead and co-counsel in a capital case, and for the capital-qualified lead counsel in a murder 1 case, is \$105. Any case assigned under a previous contract at the previous contract hourly rate may be billed at that rate through the completion of the case. Any case assigned on or after January 1, 2021, other than capital or murder 1 cases, will be at the guideline hourly rate of \$75.

A copy of the current Payment Policy may be found on our website at the following address:

<https://www.oregon.gov/opds/provider/Pages/policies-procedures.aspx>

A copy of the attorney fee statement may be found on our website at the following address:

https://www.oregon.gov/opds/Forms/2019_0909AttorneyFeeStatement_fillablepdfversion_FINAL.pdf

Under this new policy, attorneys currently representing indigent clients with pending capital, capital appeal, capital post-conviction relief, and capital post-conviction relief appeal cases may continue the practice of submitting case expenses billing by the 5th of the month, to be paid by the 10th of the month. This policy applies to payment requests for work on capital and murder 1

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cases, only. Any additional provider work expenses incurred on non-capital and non-murder 1 cases must be billed separately, on an hourly basis, at the \$75 guideline rate using the attorney fee statement process under the OPDS Public Defense Payment Policy and Procedures.

A copy of these policies and procedures are available at the following address:

<https://www.oregon.gov/opds/provider/Pages/policies-procedures.aspx>

Please feel free to reach out with questions regarding this policy change.

Thank you,

A handwritten signature in blue ink, appearing to read 'C Lane Borg'.

C Lane Borg
Executive Director
Oregon Office of Public Defense Services