

## CASELOAD REPORTING FAQ

1. Does this apply to private bar conflict court appointed attorney?
  - a. This applies to all attorneys handling non-PCRCP public defense cases.
2. Does this apply to hourly attorneys?
  - a. This applies to all attorneys handling non-PCRCP public defense cases.
3. Is it the number of cases opened that month (i.e. case appointments) or the number of cases the attorney had “open” in the previous month?
  - a. We are asking for all cases that are open, not how many were appointed or opened, during the reporting period be listed. If a case was appointed in December and remains open until June 20th it would appear on the December through June submissions.
4. Was this intended to be required of the capital contractors? Our cases do not change as frequently so would seem a needless monthly report.
  - a. This applies to all attorneys handling non-PCRCP public defense cases. There are fewer changes but we are using the same reporting requirements for all at this time.
5. How do you want the list to be formatted – alphabetically or appointment date or case number or what?
  - a. The formatting requirements are that the columns be in the order shown on the template. You do not have to enter information for the optional columns, but the column must be there. The information in the columns must be formatted as in the template. Other than that, it does not matter what order.
6. Am I supposed to now bill by a different method than the one I have been using? I just have started to use the current system in an efficient manner.
  - a. The new form is for caseload reporting and does not affect billing.
7. How do you want us to report these cases? Do you want me to report the lawyer as firm name for last name, no first name?
  - a. The attorney that is assigned the case, never the firm.
8. Do you want me to list myself for all of these cases, though that would make it look like I personally am handling a ton of cases that my associates are handling?
  - a. No, only the attorney assigned the case. The administrator and/or managing attorney that makes assignments should not be shown as representation.
9. Do you want me to list the associates that are handling the cases even though technically they are NOT contracting with OPDS and only my firm is, and should those employees leave my firm they would not take those cases with them?
  - a. All attorneys that work for your firm and are assigned public defense cases are part of the contract. All cases assigned or reassigned should be reflected on the report. You can note in the comments if the case has been transferred from the original assignment if you wish but all we want to see is who is assigned and working the case during the reporting period. If an attorney leaves your firm one of two things will happen; 1) cases assigned to the exiting attorney will be reassigned within your firm and that will be reflected on the caseload report or 2) the exiting attorney is maintaining a relationship with OPDS and will take the cases with them and they will be responsible for reporting.
10. If a case from a previous month is later indicted on a higher charge, how do you want that handled/reported?
  - a. The report should show case type and related information that is applicable for the reporting period.

11. Do you care if a case is reassigned to another attorney in the consortium a month or so after the first attorney was appointed? If so, how should that be reported?
  - a. The report should show the attorney that was assigned during the respective reporting period.
12. Do you still want new participants in Treatment Court reported each month, and if so, should the Code still be DGPM?
  - a. If there is a case number and an attorney assigned, please include on the report.
13. Do the attorneys still get reimbursed each quarter for mileage for any attorney case-related travel that is at least 60 miles round trip?
  - a. Reimbursement policy is not addressed by caseload reporting.
14. The template eliminates the zeros when you type them in. So my bar number starts with 00 and a lot of my attorneys have 02 or 03 bar numbers.
  - a. Enter the full bar number but if the formatting changes it don't worry. It should not be a problem, but we have not completed all testing. If it proves to be an issue, we will communicate that out to everyone.
15. We have previously been reporting with attorney initials and bar number, but on your report it has the attorney's full name instead of initials. Does it have to be the attorney's full name, or does initials still work for your requirements?
  - a. Although we initially considered the last name a required field (first name was not required) we have reconsidered and will make that optional. The column needs to be there, but it does not have to contain information.
16. I just want to confirm that your intent is that I report my caseload on the 20<sup>th</sup>, and then confirm when emailed by the 25<sup>th</sup> of each month?
  - a. Yes, the caseload report is to be submitted by the 20th and then there will be an email on the 25th requesting validation of the information submitted. The email on the 25th will contain the list of cases reported, a validation code and a link to submit the code. All that is required by the 28th is that the submission's accuracy is validated via the link in the email and providing the validation code and your bar number.
17. What if I am full and have no cases assigned?
  - a. If you have no open public defense cases during the reporting period, you do not have to submit the report. The email on the 25<sup>th</sup> will indicate that there were no open cases submitted and you will validate that by submitting the code.
18. Does OPDS want a list of open appeals cases (total open caseload) for each month?
  - a. Through feedback such as this and internal discussion we have decided that we will need to create a separate form for reporting appellate caseloads. Do NOT report appellate work on this form.
19. The proposed reporting format contains fields for ORS and incident date. This is not information that we've been reporting to OPDS on appeals since those are irrelevant (and they don't apply in dependency appeals), and there isn't the same kind of charging instrument in an appeal.
  - a. Through feedback such as this and internal discussion we have decided that we will need to create a separate form for reporting appellate caseloads. Do NOT report appellate work on this form.
20. Juvenile dependency appeals cases may contain several case numbers because of the way case numbers are assigned in OEI. At the appeals level, although there could be several case numbers, we think of them as 1 case because they pertain to the same client and cover the same issues. Do you want us to report each individual case number or would you rather us report only one number (eg—the first case number assigned through OEI).

- a. Juvenile Dependency cases where the parent has public defense representation, only the case number of the eldest child should be reported.
  - b. Juvenile Dependency cases where the child has public defense representation, the case number for each child represented should be reported.
  - c. Juvenile TPR cases numbers are assigned to each parent(s) but not to the child. Only the case number for the mother should be reported, unless there is only one parent, in which case, that parent's case number should be used..
21. Are there resources available for OPDS to help offset our costs to accommodate the new reporting requirements?
- a. There is no funding for offset of any expense related to the reporting.
22. I have questions regarding the caseload reporting specifically as to whether the consortium's administration reports case stats and other information required for our attorneys? The individual attorneys do not have to report individually. They will have to validate individually.
- a. You are correct. The administrator will report for their attorneys and a separate validation of the caseloads reported by the administrator will be done by the individual attorneys. They will not have to create and report their caseloads separately.
23. I see an "appointment date" like we used to call "open date" but not a "close date" or anything that would allow attorneys to indicate when they open and close a case in the same month or anything like that.
- a. The case would be reported the month it was opened and would not be on the next month's report because it will no longer be open. It is understood that it is not technically open at the end of the period but it will reflect the case was open during that period and not the next.
24. I submit the reports for my office so is it possible for me to be included on the validation email for each of "my attorneys"?
- a. The validation email is for the individual attorney to review what was submitted by the administrator and verify accuracy. If there is an error they are to reply to both the submitting administrator and [case.load.report@opds.state.or.us](mailto:case.load.report@opds.state.or.us) email to indicate necessary corrections. That should be the only administrator involvement in that process.
25. What is the purpose of the comments section? Is this where you want us to report information about the case, such as the case involves multiple incidents multiple victims, or involves a vast amount of discovery. There have been multiple discussions about how OPDS is now buying time not cases. Is this the form we will be using to establish how much a case or cases required?
- a. The Comments section is optional. We are not asking for any specific information. If there are no comments it will not generate an error.
26. We are verbally appointed by the court on day X, but the court does not sign the order officially appointing us until day Y, sometimes a week or more later. Which date do you want us to use in the spreadsheet? Sometimes we are appointed at the end of a month and the order is not signed until the NEXT month, but I have always instructed lawyers to use the date that the court verbally appoints them as their appointment date for purposes of payment and case counting for that month.
- a. Please use the appointment date, from the order, that is entered into Odyssey, regardless of when that occurs.
27. On criminal matters, when there is a different incident date on the same indictment/charging instrument, they will reflect the same case number but are actually

different cases. For example, my client allegedly burglarizes a home on January 1, 2021. He then goes back on January 10<sup>th</sup>, 2021 because he thinks they might have more stuff he forgot to steal. When he is indicted/charged, it will likely be on one case number but listing the two completely different crimes in the charging form with different dates. These are different cases despite having the same case number. How do we report this? Do we put the same case number on a different line, noting the different incident date?

- a. Please report the most serious charge and the related incident date. We are modifying the template to incorporate a column indicating the number of incidents related to a case number.

28. When there is co-counsel on a case, how do we report this? Both lawyers are actively handling the case.

- a. Please report all cases for each assigned attorney. If co-counsel is assigned, both attorneys should have the same case number reflected.

29. There is a column for BOTH case number AND petition number, but what are they supposed to put for petition number? I do not understand why there are two columns. For the last several years, If a new petition is filed on the same parents, it has been getting a new case number. Now, starting this year they are using a different numbering system where they will file on the OLD case number and call it an 02 petition. Is this what you mean by petition number? Something like an 02 or 03 petition?

- a. Please report the most serious offense. We have amended the template to include a Complex Case column where the number of petitions can be noted (optional).

30. I am willing to certify that I gave my best efforts to ensure accuracy and completeness but I am not willing to guarantee that it is, in fact, complete and accurate.

- a. The general terms of contracts with OPDS as well as the Oregon Rules of Professional Conduct, require you to know who your clients are and to report that information to OPDS in the manner prescribed. While the word “guarantee” will not be used in the validation email, the agency anticipates you will confirm that the list of cases reported is complete, true, and accurate as will be indicated by the submission of the validation code.

31. When you are asking for the incident date, do you mean the incident date in the charging form or the incident date listed in the police report? For example, our DA's are lazy and might put 3 different charges in the same form but charge them all as “on or between” a particular date range, even though there are 3 separate acts on 3 separate dates. Historically, we have been able to claim 3 separate cases for this, because we are using the police report and not the charging form dates. Which is correct?

- a. Please use the incident date for the most serious offense on the charge form.

32. Under case type, charge, and ORS, do I list only the most serious charge on the case, or ALL charges on the case?

- a. Yes, you would list the most serious charge on the case

33. If case is an A misdemeanor...would I list it as such or just as MISS?

- a. It would be MISS, see case type list in the February 1, 2021 memo or at <https://www.oregon.gov/opds/provider/Pages/case-load.aspx>

34. Do we include cases that we have subbed off of or cases that have changed class codes, particularly if the original appt and the change happen in the same month. For example, community court cases that move to the misdocket? Or Felony cases that are reduced to misdemeanors? In past times, we had the credit column. So the credit on those cases was 0 and the explanation/comment contained an explanation, i.e. “SOA” or “cc to misd ct” or “Originally charged as a CFEL.” Do I just delete the lower class types – and the cases that we subbed off of/removed from?

- a. The attorney assigned and the most serious offense as of the end of the reporting period should be reported. We are no longer using a “case credit” model.
35. I haven't been appointed. I was asked by OPDS to look into how to assist the client in getting the judgment fixed but it wasn't a court appointment as I am dealing with the DAs, DOJ and DOC to try to resolve the matter. So, in those types of unusual cases (which I seem to get a lot of) what date would I put?
- a. If a case is reviewed at the request of OPDS and not appointed, please use the date of the OPDS request.