

CASELOAD REPORTING FAQ

February 19, 2021

GENERAL

1. What is the difference between caseload and workload and how does that affect my case count for the 2021 contract?
 - a. The 2021 contracts were created around a caseload model, which means each contractor has agreed that each attorney working on the contract will receive a set number of case assignments during the contract period (January 1, 2021 and December 31, 2021). Stated simply, the contract requires a number of appointments per year. In an attempt to better understand the implications of this model we are asking that contractors also track and report their workload which is an accounting of their open cases. An individual attorneys' workload will have no bearing on their 2021 caseload obligation. However, by providing us with your list of open cases we will be able to see the actual number of case an attorney has open, how long it takes to resolve them and much more that will allow us to make data informed decisions in the future. In short, workload is open cases and will be used for oversight and data collection. Caseload is the cases received during the contract cycle and that will be used to calculate FTE.
2. If I am unable to collect information from all associated attorneys by the 20th should I submit the partial information on time or wait and submit it all later?
 - a. Please submit one file with all associated attorneys when it is completed. Please send an email to case.load.reporting@opds.state.or.us and let us know when you anticipate you will be submitting the report.
3. When is a case considered closed?
 - a. A judgement triggers a close except if judgment provides that case should remain open for restitution.
4. What to do about restitution hearings after judgement is entered?
 - a. Case is counted as open for reporting until restitution is resolved or defaults to close in 90 days.
5. For the civil commitments/14 day diversions, do we list those for the month they are assigned and then just take them off the next month since they are not active in the next month?
 - a. Correct, you would report it the month assigned and since it is no longer open the following month it would not be reported.
6. Do I also add our open out of county murders that are paid hourly?
 - a. If they are part of the contract or you are the administrator for those cases then yes. If not then the individual attorney is responsible to report their cases.
7. Habeas matters are typically medically related with no charge? Do you want me to put the charge the plaintiff is in custody for?
 - a. Habeas matters should be reported as such using Habeas as the charge and the Habeas ORS.
8. What is a non PCRPP and a PCRPP attorney?
 - a. PCRPP is Parent Child Representation Program.
9. On PV's do we need to put an incident date? If so, is that the original charging date or the date the show cause was filed?
 - a. Yes the incident date is required. Please use the original charging date.
10. 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.
- 11. 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.
- 12. 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.
- 13. 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.
- 14. 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.
- 15. 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.
- 16. 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.
- 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 25th will indicate that there were no open cases submitted and you will validate that by submitting the code.
- 18. 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.
- 19. 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.
- 20. 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.
21. 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.
22. 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.
23. 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.
24. 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
25. 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?
26. If a case is reviewed at the request of OPDS and not appointed, please use the date of the OPDS request.

REQUIREMENT TO REPORT

1. I am not seeing the reporting requirement in our latest contract. Can you direct me to it?
 - a. Contract rule 7.2.4
2. Does this apply to private bar conflict court appointed attorney?
 - a. This applies to all attorneys handling non-PCRCP public defense cases.
3. Does this apply to hourly attorneys?
 - a. This applies to all attorneys handling non-PCRCP public defense cases.
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. I just want to confirm that your intent is that I report my caseload on the 20th, and then confirm when emailed by the 25th 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.

6. 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.
7. 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.

CSV FILE FORMATTING

1. In my form that I use, I've always included the first and middle name in the column for the first name simply because we have multiple clients with the same last name and first name but different middle name and this is the only way we can differentiate between them in our system. Will this cause an error in the report?
 - a. Please download the template from our website <https://www.oregon.gov/opds/provider/Pages/case-load.aspx>. The columns and headers should not be changed and data is required for all columns except Attorney First Name, Attorney Last Name, Complex Case and Comments. The Client name must have data but it should not cause an error for First and Middle are included in one field.
2. The column stating 'Most Serious Charge' - Do you want me to fill in that section? I haven't had to in the past unless it was a murder charge.
 - a. Yes, this is a required field.
3. ORS - would you like me to fill this out as well?
 - a. Yes, this is a required field.
4. Comments - in this section I would typically put the underlying criminal case number, county, and appeal number. Would you still like me to do that?
 - a. The Comments section is optional. We are not asking for any specific information.
5. You ask for bar numbers and then lawyer's first and last names. That is redundant and requires extra data entry. It is redundant to enter the client's name and case number and then the "name" of the case.
 - a. The bar number is what is used to track the attorney assigned the case. Although we have columns for the first and last name of the attorney, they are optional to complete. The Case Name column has been removed from the new template available on the website. See the below for the required vs optional columns.

County	Client Last Name	Client First Name	Case Number	Most Serious Case Type	Most Serious Charge	Most Serious Incident Date	ORS	Appointment Date	Assigned Attorney OSB	Attorney Last Name	Attorney First Name	Complex Case	Comments
Required	Required	Required	Required	Required	Required	Required	Required	Required	Required	Optional	Optional	Optional	Optional

6. Can we save the .csv format to an Excel worksheet (.xlsx)?

- a. Yes, but you will need to save it again as .csv prior to submission. It is just changing the file type when you save.
7. I have 9 attorneys I will be reporting open cases for – do I upload 9 different files, or just one big one that has all 9 attorneys and their cases listed on it?
 - a. As the administrator you will upload one file. The individual attorneys will receive an email to validate that the list of their cases you submitted is correct.
8. Is there anything we submitted up until this new process that should not be entered in the same way?
 - a. It must be a .csv file type, all columns must be present, columns must be in the same order as the template, the headers must be the same as the template and there must be data in the required columns, optional columns may be blank. The order in which cases are listed does not matter.
9. On the FAQ sheet, some talked about the number 0 not coming up on the spreadsheet when entering bar numbers. The number 0 also does not appear when the ORS number ends in a 0, should we adjust the spreadsheet or leave it alone (without the 0 appearing)?
 - a. Enter numbers including any zeros even if they don't appear, do not adjust the spreadsheet formatting.
10. 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.
11. 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.
12. 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.

CASE TYPE

1. How should individual case types be weighted within the larger case type categories (e.g. JLA, M1, AFEL, BFEL, CFEL)?
 - a. This is in the case count guidelines. As this relates to the contract, it will be determined by the Contract Analyst on a case by case basis.
2. We just had a case come through with three counts. Count 1 is UUMV, a CFEL, however, Count 3 is Poss of Heroin (a BFEL, which used to be a Code "PCS" however the Code PCS does NOT appear in our January 1, 2021 to December 31, 2021 Contract). With that said, 1) what code should I use for this case (what takes priority) and 2) is the PCS code still being used?
 - a. We are removing the PCS code from the case type list. Please report the most serious charge / case type related to the case number.
3. This has to do with the Case Codes that were mentioned in the Caseload Reporting Memo. When sending in our reports to you, I see that there are some specialty court case

codes, that I previously was not using as case types. For Drug court cases and Mental Health court cases, I would place a DR or MH in the "comments" section of my report, so that the state knew these were Drug Court cases or Mental Health court cases. I would use the regular case types, i.e., MISS, CFEL, MPV, etc. but the specialty court info was in the "comments" section.

- a. The case would be reported as the MISS or CFEL until it transferred to the specialty court, then it would be reported for the specialty court it is in. For example: MISS Possession is reported Jan-Mar and in April it is disposed to the drug court, the case type would be DRUG / Specialty Court.
4. For the possession cases that are not new appointed cases but are open from appointments prior to January 1st 2021, do we leave those cases under the previous codes (IE: leave any felony or misdemeanor possession cases as PCS)?
 - a. We will be removing PCS from the case type list so please use the original code
5. If case is an A misdemeanor...would I list is 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>
6. The "Expected Case Types" list on the Feb 1st memo, lists "PCS" codes as "Misdemeanor." Under the last contract, the PCS code applied to all possession charges (Felony and misdemeanor). So, I presume now PCS only applies to misdemeanor Possessions, but Felony Possessions (AFEL, BFEL, CFEL) are once again "felonies" for purposes of FTE weight?
 - a. PCS is going to be removed from the list of case types and you will report a possession as whatever it is charged as.

COMPLEX CASE – INCIDENTS & PETITIONS

1. Is there a specific definition as to what makes a case a "complex case"?
 - a. In order to capture additional complexity that may occur due to multiple incidents or criminal episodes, , successive petitions, and in juvenile cases the number of children associated with a case, put the number in the Complex Case column. This is an optional field .
2. My question is as to multiple underlying case numbers. Example - post conviction case has 4 underlying criminal cases listed as to his claims for post-conviction (but in reality he has 11. Do I just pick one of the criminal cases to list the charge?
 - a. Only report the PCR case number and the incident date for that case number. We do not want all the related cases reported by case number. You can use the Complex Case column to provide the number of underlying cases.
3. How do you want me to report a post-conviction case with multiple underlying criminal cases associated to the claims? We get many cases that have 2, 3, 4, 5, etc. criminal case attached to them. How do I pick the most serious charge from possibly a dozen criminal cases?
 - a. If there are multiple related incidents with multiple of the same most serious offense you would use the first incident and the associated date of the most serious offense.
4. What do we put in there if there are multiple incident dates. The number of total incidents or the one extra incident?
 - a. The total number of incidents. This is an optional column meant to show additional complexity on a case.
5. 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 10th, 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.
6. 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).

JUVENILE

1. If a juvenile case is at the point where annual guardianship reports are being submitted but there is no other activity is that case considered open?
 - a. The contract states to refer to PCRCP guidelines on these matters. Guardianship is not counted as open in PCRCP after 30 days. Please report as open for the month in which there was a court appearance.
2. It was mentioned that for juvenile TPR cases the case number that should be used is for the mother. For TPR cases with multiple children assigned to it, there could be several case numbers for mom.
 - a. If there are multiple case numbers assigned to the mother for multiple children, please report each case number for the mother but if there is another parent, i.e. a father as well, do not report their cases.
3. We are confused about how to report a subsequent petition (not a TPR) on an existing case. A new JDEC or JDEP on an existing client.
 - a. If it is truly a NEW case, unrelated to an existing case, please report separately. See Juvenile section for guide.
4. For Juvi cases, can you clarify what “the number of children associated with a case” means. Because we if we are represented children, they each get their own entry. If we represent parents and let's say they have 5 children, do we put 5 in that column?
 - a. Correct, Juvenile Dependency cases where the parent has public defense representation (JDEP), only the case number of the eldest child should be reported and the number of children or related petitions reported in the Complex Case column.
5. What ORS code would you use for a dependency?
 - a. Please use the applicable juvenile ORS code.
6. Juvenile dependency appeals cases may contain several case numbers because of the way case numbers are assigned in OECI. 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 OECI).
 - 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.
- 7. Juvenile TPR case 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.

REASSIGNMENTS

- 1. Assume attorney A is appointed to represent client in January. In mid February attorney B is appointed to represent client in place of attorney A. Do we report client's case for both attorney A and attorney B in February? I think the answer is yes, but want confirmation.
 - a. Yes, because both attorneys represented during February.
- 2. How do we claim a case when an attorney withdraws and it's reassigned internally to another member?
 - a. As this relates to the contract, it will be determined by the Contract Analyst on a case by case basis. As it relates to reporting it should be reported with the new attorney in the month it is reassigned.
- 3. For conflict substitutions, whoever is working the case that month should have the case on their list. So, if it gets appointed in January and switched in January, it should only appear on the new attorneys list, correct?
 - a. It would appear twice, once for each attorney because they were both assigned the case during that month.
- 4. For substituted cases: when the new attorney puts it on their case count, would you like the appointed date to reflect the date the original attorney was appointed or the date the substitution was filed?
 - a. Please use the date the substitution is filed, the date the new attorney took the case.
- 5. If the conflict is so obvious and/or detected so early that the original attorney never meets or appears with the client should we report for both the originally appointed attorney and the re assigned attorney?
 - a. No, if the case is reassigned immediately and the original attorney did no work on the case then do not report it as part of their caseload.
- 6. 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.
- 7. 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 misd docket? 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(s) assigned and the most serious offense during the reporting period should be reported. We are no longer using a "case credit" model.

SPECIALTY COURT, DIVERSION, AID AND ASSIST, BENCH WARRANT

- 1. How do we claim a case that comes back 365 days after an aid and assist delay?
 - a. The case would be considered open during the aid and assist so it would be reported the whole time.
- 2. How do we claim a case that comes back 180 days after a bench warrant was issued?

- a. Begin reporting using the original charge. You can use the Comments column to indicate a bench warrant.
3. How do we claim a case that has repeated bench warrants for more than 18 months?
 - a. The case would be reported for six months. If there are repeated instances the same rule applies through the last bench warrant.
4. How do we claim a case that comes back 180 days after a dismissal?
 - a. When the case comes back, and it comes back under the same case number, it's a reactivation of the same case for which the attorney previously provided representation.
5. In our county, they do not take us off the case after the 180 day time period. We stay on the case until the defendant is picked up on an active warrant and we start the process again. If we are listing all of these cases (some of which are 5 years or more old), it will not really give an accurate count of our actual active open cases. Are we supposed to be listing these active warrant cases as well?
 - a. If you are talking specifically about bench warrants, we would like them reported for only 6 months even if they are not released by the county.
6. For treatment courts, our courts do not do an appointment order for the treatment court attorney, so what is the appointment date for those? Is it the day the defendant enters treatment court? Is an incident date needed on treatment court cases?
 - a. The original incident date associated with the case. It would not be reported as a separate case.
7. Are the attorneys supposed to be reporting those DUII cases, that have entered Diversion, but are not closed yet? In our office, we have been putting those files in a different category until the diversion period is complete of "pending." So, they won't show up when I do a search of Open files.
 - a. Please consider it closed as of the date of the plea and if the case comes back because of a failed diversion it would be reported as a reactivated case.
8. If there are multiple case numbers related to a treatment court that ended up in a referral, do I list them all, or just one?
 - a. Please just report the case related to the treatment court using the date the attorney was appointed or assigned the case.
9. Some of them are post-prison cases in treatment court, should those be reported any differently?
 - a. No
10. 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.

ATTORNEY VALIDATION

1. If there are errors identified by the attorney reviewing the validation email they should forward the email to the contract administrator and case.load.reporting@opds.state.or.us detailing the needed corrections. The contract administrator will need to make the necessary corrections and resubmit all open cases for that attorney.
2. Each attorney at our office with cases on the report will get a validation email. And they alone are responsible for replying, correct?
 - a. You are correct. They will receive an email listing the cases that were reported as open and they are responsible for reviewing that list for accuracy. If the list is correct all they will need to do is click on a link and submit the validation code contained in the email. If there is an error they need to forward the email to you and to

case.load.reporting@opds.state.or.us detailing what the errors are. You will need to make corrections for that attorney only and resubmit the open cases for that attorney only sending an email to case.load.reporting@opds.state.or.us to let us know it is complete.

3. For the validation process, is there anyway the emails to validate the caseload list can be sent to me as the office manager of our office? Does the actual attorney have to validate their cases or can I do that on their behalf?
 - a. The attorney must validate that the list of cases is correct.
4. 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.reporting@opds.state.or.us email to indicate necessary corrections. That should be the only administrator involvement in that process.

APPELLATE

1. Is Post-Conviction and Habeas considered an appeal? Is it a form of an appeal, but not called appeal?
 - a. PCR is trial work. PCRA, or a PCR appeal, would be appellate work.
2. 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.
3. 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.