

Oregon's new public defense caseload model explained

Fairer resources for providers, better service to clients

Oregon public defense providers used to be assigned cases under a “case credit” model, deemed constitutionally suspect in a comprehensive report by the Sixth Amendment Center in 2019.¹ Since then, the Office of Public Defense Services (OPDS) and its governing body, the Public Defense Services Commission (PDSC), have rejected this model in favor of a standards-based model that supports more reasonable caseloads, compensation, and client representation services.

Out with the case credit model:

- Attorney providers paid contracted attorneys a flat fee per case (e.g., misdemeanor and felony case rates) regardless of case complexity or how much time it took to effectively resolve the case
- Provided a financial incentive for attorneys to take as many cases as possible even if that resulted in more cases than was manageable

In with the Legal Representation Unit (LRU) model:

- Establishes a caseload standard based on national best practices
 - ABA Oregon-specific actuarial study forthcoming will allow the PDSC/OPDS to further refine Oregon-based caseloads
- Establishes a non-urban and urban rate for LRU (attorney and staff)
 - Non-urban range: \$190,000 - \$195,700/annually
 - Urban range: \$205,000 - \$211,150/annually
- Establishes that all providers must be at 115% or less of caseload standards
- Set minimum staffing within LRU at a 1 : 0.5 FTE attorney to staff ratio to ensure providers have adequate help in managing caseloads
- New model developed by the OPDS staff during 2019-2020 and adopted by the PDSC in September 2020
- Changes result in more balanced, considered caseloads for providers and overhead costs met, allowing for better representation for clients

¹ Sixth Amendment Center, [The Right to Counsel in Oregon: Evaluation of Trial Level Public Defense Representation Provided Through the Office of Public Defense Services](#), 208-211 (2019).