

OJD-Led Actions to Alleviate Burdens on the Public Defense System, 2022-present

This document describes OJD's work to alleviate burdens on the public defense system from January 2022-present. Sections I-III describe actions by trial courts, Section IV describes efforts led by the Chief Justice, and Section V summarizes State Court Administrator actions. The most recently added content is contained in Section II, Case Resolution Efforts Survey Results (May 2023). Highlights from the May 2023 survey include the following:

- **Developing attorney capacity through cases on warrant status:** Lane County Circuit Court monitors cases on warrant status and inactivates attorney appointments after six months. Deschutes County prioritized processing warrants; handling 1,650 warrants since April 2022 that were placed in pending status during the pandemic. This has eliminated a backlog without overwhelming public defenders, district attorneys or the jail.
- **Settlement conferences & scheduling:** In February 2023, Columbia County Circuit Court implemented a new criminal case management and docket plan that focused on efficiencies. Changes included elimination of status hearings that were for scheduling purposes, taking pleas and hearing other issues at pretrial conferences, and having in-custody defendants transported to the courthouse for pretrial conferences to provide an opportunity for the defendant to consult with their attorney. Deschutes increased settlement resources in major crime cases, avoiding over 13 weeks of jury trial time on the docket since January 2023.
- **Reducing court filings:** In Crook/Jefferson counties, district attorneys and defense counsel agreed to send a written notice to defendants advising them they were out of compliance on bench probation prior to filing a Motion to Revoke Probation and giving a defendant an opportunity to get into compliance prior to Court involvement and appointment of counsel. A defendant may still contact their last assigned attorney with any questions. This eases the number of filings in court.
- **Early Case Resolution:** Multnomah County is one of many judicial districts with early case resolution dockets. Beginning in June, this new docket will be for low-level felony cases where the defendant is out-of-custody. Defendants on this docket will all be represented by the same attorney.

I. Trial Court Actions

- General, statewide efforts:
 - Courts are working closely with OSCA staff to ensure data collection on unrepresented persons is as accurate as possible.
- Courts most impacted by the public defense system challenges:
 - Intensive daily evaluation of misdemeanor and felony arraignment dockets and jail custody lists (pre- and post- arraignment/release decision), as well as working closely with defense providers to understand provider capacity for that day/week to allocate appointments accordingly.
 - Continuing efforts to increase current defense provider capacity by reaching out to private bar attorneys who are qualified to work with OPDS and take court-appointed cases.
 - Closely evaluating defense provider capacity in the immediate, mid-, and long-term to forecast future representation issues.

- Developed or in the process of developing protocols to prioritize public defender assignments.
- For courts that are not currently impacted by the public defense system burdens:
 - Work collaboratively with stakeholders to anticipate and prepare for potential public defense provider shortages.
- Counties experiencing the most significant shortages have provided additional local efforts below.
- Multnomah County:
 - Actively monitoring defendant/public defender status (daily) – total days without attorney, number of set overs, approaching statutory timelines.
 - Developed protocols to prioritize limited public defender resources to ensure representation for defendants in custody and those charged with domestic violence and person crimes, maximize assignments to higher risk cases, and minimize cases with no public defender assigned.
 - Expanded scope of specialized Resolution Dockets to increase opportunities for case closure by plea or trial.
 - Assigned Senior (retired) Judges for specialized settlement dockets focusing on serious crime types.
 - Compiled detailed spreadsheets of oldest custody cases and worked with court data, Sheriff's office data, and lists from prosecution and defense to identify priority cases for trial or settlement.
 - Court-issued email reminders to lawyers regarding call and trial dates.
 - Issued temporary 30-day grace period from court appearances for new attorneys and newly felony-qualified attorneys.
 - Consolidated felony morning call dockets to reduce number of appearances.
 - Cross-trained OJD staff to allow for early resolution of cases in the Justice Center.
 - Worked with district attorney's office to improve discovery practices (DA developed new reminder system to ensure timely discovery).
 - Modified judge assignments to place judicial officers in felony arraignments for 3-week assignments (instead of the normal weekly judge rotation) for consistency in handling attorney appointment issues.
 - Created new analyst position at the Multnomah Circuit Court to focus on criminal case data analysis and implementation of procedural changes.
 - Expanding omnibus motions beyond dispositive motions to be heard in advance of trial.
 - Working with Sheriff's Department to address available staffing for court hearings to minimize transport delays for hearings and trials.
 - Exploring and implementing increased use of remote appearances to reduce in-person court appearances.
 - Working with justice system stakeholders to implement a two-week pilot to restructure the felony arraignment docket to allow more time for attorney-client communications and evaluate feasibility.
 - Working to develop a process to consolidate cases as early as possible—preferably at arraignment—to reduce the appointment of multiple attorneys to a single

- individual.
 - Worked with stakeholders to modify the Multnomah County Justice Reinvestment program procedures to assist in getting LS/CMI assessments scheduled and identifying priority cases in need of a judicial settlement conference.
 - Extended the first court date setting for misdemeanors to allow attorneys additional time to catch up on their existing caseload.
- Washington County:
 - Implemented specialized limited duration settlement dockets.
 - Convening public safety stakeholder meetings to discuss and evaluate additional ways to address the immediate public defense provider shortage (e.g., Wingspan #3 Docket for unrepresented persons, duty attorney, etc.) and discuss stakeholder staffing/resources that may affect defense providers and their work with clients (e.g., jail staffing and bed levels, probation case officer staffing, etc.).
 - Wingspan 3 Dockets were comprised of backlogged out-of-custody criminal cases without court-appointed counsel. Local criminal justice system partners – with PDSC support – resolved backlogged out-of-custody criminal cases without court-appointed defense attorneys. Wingspan 3 Dockets occurred for five successive Court Mondays, February 13-March 13, 2023. As of April 2023, more than 60% of Wingspan 3 cases were resolved.
 - Working with OPDS to develop protocols to prioritize public defender assignments.
- Marion County:
 - Engaged in regular meetings with OPDS to discuss public defense providers concerns and identify potential solutions and prioritization of appointment.
 - Convened public safety stakeholder meetings to discuss and evaluate additional ways to address the immediate public defense provider shortage.
 - Development of specialized mass settlement dockets conducted inside the jail to reduce caseloads and transports.
- Coos County:
 - Convened public safety stakeholder meeting to discuss and evaluate additional ways to address the immediate public defense provider shortage.
 - Court continues to accept change of pleas up to the day before trial for good cause reasons.
 - Jury trial days currently limited to Tuesday through Thursday to alleviate public defender scheduling constraints.
 - Extended timelines for negotiation between parties.
 - Increased time from arraignment to final entry of plea in felony cases to parallel the time given in misdemeanor cases. This will allow more time for defense counsel to review discovery, negotiate and appear in court.
 - Modify local court practice to accept no contest pleas on misdemeanor and low level felony charges that otherwise would have required a guilty plea.
- Jackson County:
 - Responded to legislator request for information on specific issues in their county, such as the number of people in custody and the urgency of resolving the lack of

attorneys appointed.

- Umatilla County:
 - Worked with OPDS to set case assignment guidelines to ensure defendants are represented.
- Deschutes County:
 - Significantly increased settlement resources in major crimes cases. This also included one week of additional training (for the PJ who does these) at the National Judicial College in Reno, NV with the goal of learning additional case resolution strategies.
 - Increasing time from arraignment to first entry of plea to allow attorneys to gather discovery, meet with the client and return to court. This avoids needless continuances.
 - Created special “case resolution” days – 12 cases per day – that will be in person with clients and attorneys and a judge who will facilitate settlement, take pleas, and handle sentencing if appropriate. Defense attorneys will populate this docket and select the cases.
 - All of the above suggestions came from the heads of the local public defense service providers following a second working lunch organized by the court.

II. Case Resolution Efforts Survey Results (May 2023)

Courts provided the following information:

- “We have a robust pretrial program & services which secure court appointed application and eligibility as well as identify treatment court eligible participants early for early entry and disposition; We have an early disposition program prior to attorney appointment through a public defender; Settlement conferences are conducted on Measure 11 cases; All of these as well as DA Diversions, conditional discharges, etc. are cause to keep cases with fair resolution and caseloads at a decent amount. Our consortium dissolved through failed negotiations with OPDS which created a new contract with several attorneys that only made attorney situation worse for our district due to the amount of conflicts it caused and out of area attorney's getting double credit. However, with attorney's capped, we have sought out the bar and attorneys that are willing to go beyond their cap at hourly rate. We work with OPDS for preliminary approval and appointment. We have been able to ensure all defendants in and out of custody have had counsel timely.” (Union/Wallowa Counties)
- “1. I have met with the DA to encourage reducing more cases to violations at the time of arraignment. This has resulted in more cases being resolved at the first appearance. 2. I met with parole and probation and probation officers are offering more structured sanctions on the probation violations so the formal probation violation may be dismissed if the offender accepts a sanction. This resolves the violation without court resources. 3. We have been utilizing judicial settlement conferences at a much greater frequency. 4. I have been prioritizing appointments for in-custody defendants and deferring appointments for out-of-custody defendants to conserve attorney resources; however, Lincoln County is now in the situation where all attorneys in our local consortium have reached capacity.” (Lincoln County)

- “We have attempted to keep track of case counts for attorneys so we can know when they are close to completing their contract and we can triage cases until that occurs. We have reached out to other counties' attorneys that have a surplus so they can agree to take cases in our county. We haven't quite got to the point of limiting appointments for in-custody only cases, but that point is coming.” (Malheur County)
- “Consistent with earlier 2022 prioritization, Benton County Circuit Court places continued emphasis on settlement conferences.” (Benton County)
- “Our assumption has been that the best way the court can help reduce the number of unrepresented defendants is by efficiently resolving criminal cases. Our theory is that resolving cases frees attorneys up to take new cases. So, historically, every criminal case must have a settlement conference prior to being set for trial. To ensure that cases are actually set for trial, those settlement conference dates are set at arrangement. Trial dates are set at failed settlement conferences. More complex criminal cases may get assigned out of trial call for longer, more involved, settlement conferences. We have started preparing a training for newer judges to make those settlement conferences more effective. We also monitor criminal cases on warrant status and inactivate attorney appointments after six months. We have a court clerk affirmatively monitor our unrepresented list and connect with OPDS regularly. The PJ meets with community partners regularly to solicit feedback on how to improve case management and efficiency.” (Lane County)
- “The court is only now hitting a point where we have attorneys maxing out their case numbers. We are working closely with the PDSC analyst to determine which attorneys have not hit their case numbers and have been distributing cases to conflict providers or other attorneys in the same firm who are not case number limited. We are doing so to ensure that public resources are being properly protected.” (Grant/Harney Counties)
- “We have utilized weekly status hearings when a defendant has not had an attorney to continue to check on the status of getting one. The TCA communicates with OPDS before each status for the cases we have asked for highest priority to be given to. The PJ has also talked individually with potential attorneys to help facilitate appointments. We continue to prioritize criminal cases to encourage timely disposition, including allowing cases to change their plea on the day of trial.” (Yamhill County)
- “In February 2023 we implemented a new criminal case management and docket plan, focusing on a creating efficiency for all parties involved. We eliminated status and scheduling hearings where the only purpose of the hearing is to set the next court date. We restructured pretrial conferences so pleas can be entered at those hearings and attorneys can address issues preventing a case from moving forward, such as discovery, with a judge. We have worked with our jail to have in custody defendants transported to the courthouse for pretrial conferences so the defense attorney can speak with their client and/or review and sign a plea petition in court. We continue to embrace to the use of remote appearances for most hearings; however, we do require some in-person hearings. For instance, we realized defense attorneys were having a hard time connecting with some out of custody defendants when PTCs [Pretrial Conferences] were done remotely. We now have PTCs done in person, which is helping attorneys connect with their clients so they can move the case forward. There is an option to appear remotely still for PTCs if they are going to enter a plea. We have been communicating with our local consortiums and checking to see if they are reaching capacity. We are experiencing the shortage of defense attorneys when all of the local consortium attorneys are conflicted on a case and a private bar attorney is needed. We are planning on setting a meeting with OPDS to see what, if anything, we can do to address

this issue.” (Columbia County)

- “We are allowing remote appearances by out-of-county attorneys for arraignments, release hearings and case management sessions. This allows OPDS to assign attorneys who otherwise would be reluctant to travel to southwest Oregon on a regular basis. We are also discussing with the jail the use of video conferencing between in-custody defendants and out-of-county attorneys. We have used and will continue to use senior judges to handle settlement conferences in major felony cases and multiple day civil trials. We have relaxed our practice of not allowing negotiations in criminal cases after the case has been set for trial. If requested, we will allow up to two weeks to negotiate a settlement even though a trial date has been set. We will consider late pleas on criminal cases up to a day before trial if circumstances have changed since the trial date was set, for example late discovery. We have met with representatives of OPDS, the DA and the local PD to discuss ways to reduce the time spent by attorneys on criminal cases. The DA’s discovery procedure ensures timely production of materials to the defense. To reduce the trial schedule of the DA and defense counsel we have not been setting jury trials on Fridays, although this will change once the local PD office is fully staffed. We are allowing no contest pleas in misdemeanor and low level felony cases in circumstances where those pleas were not accepted before.” (Coos/Curry Counties)
- “Significantly increased settlement resources in major crimes cases. Avoided over 13 weeks (approximately 67 days) of jury trial time on the docket since January 1, 2023 by conducting focused judicial settlement conferences that resulted in the resolution of major crimes cases. This strategy followed one week of additional training at the National Judicial College in the fall of 2022 for the Presiding Judge, who conducts these settlements, to learn additional case resolution strategies. Created special “case resolution” days – 12 cases per day – held in person with clients, attorneys and a judge who facilitates settlement, takes pleas, and handles sentencing if appropriate. Defense attorneys populate this docket and select the cases. Increased the time from arraignment to first entry of plea to allow attorneys to gather discovery, meet with the client and return to court. This avoids needless continuances. The above suggestions came from the heads of the local public defense service providers following a second working lunch organized by the court. Moved the trial readiness docket to Tuesdays instead of Thursdays to allow attorneys to more effectively anticipate and plan for their trial dockets the following week. This was the result of feedback provided by the local bar association, including public defense providers, during listening sessions conducted by the court in March 2023. Strategically processed over 1,650 warrants since April 2022 that were placed in a pending status during the pandemic. This has eliminated the backlog without overwhelming our local public defense providers, the District Attorney’s Office or the jail.” (Deschutes County)
- “In addition to encouraging settlement conferences, the local District Attorney’s office has engaged in making offers at early appearances in an effort to settle those cases as soon as possible. So far, the consortium has had attorneys present at those appearances to provide limited guidance in those cases. We continue to have the privilege of a Senior Judge who provides additional service in settlement conferences. Judges on the bench have for some time prioritized cases as to making appointments for counsel for those who qualify. Until recently, we have been able to ensure that persons who remain in custody have local counsel appointed. For persons who remain out of custody, our practice has been to appoint OPDS and then continue the case for future appearance. Lately, this has also been true for cases where persons remain in custody, unless the judge is advised that local counsel who would qualify for an appointment to represent the person can accept the appointment. Otherwise, we believe that it is important to make sure that OPDS be advised as to the

current status of unrepresented persons so that other counsel might be available for appointment. We have also experienced local counsel who have contacted OPDS to participate in the recent civil program so that those persons can be qualified for appointment.” (Linn County)

- We have worked to respond by:
 - Reducing the number of court appearances required to reach resolution of a given case. Allowing removal of unnecessary appearances upon email request by attorney. Specifically, only one case management conference is generally scheduled per case. That appearance and any follow up status hearing may be cancelled on the request of the attorney to set a plea/sentence hearing or trial.
 - We have continued to hold arraignments, case management conferences, status hearings and most misdemeanor pleas and sentencings by remote means.
 - Providing flexibility in mode of appearance: Attorneys may request that many other in person matters be scheduled remotely (and vice versa). We have simplified the process to request changes in the mode of appearance with forms available on our website.
 - We regularly hold remote settlement conferences for all case types when requested. We will begin allowing attorneys to select their own scheduled times through Bookings later this month.
 - We have held meetings with the full criminal bar and bench. The Presiding Judge speaks with the head of consortium regularly. (Clatsop County)
- “We have had several meetings with our interim District Attorney and representatives of the defense bar to discuss docketing strategies and priorities. We have a shortage of prosecutors and defense counsel so we have restructured our dockets to minimize overlap for lawyers who must appear in multiple courtrooms/treatment courts. We offer judicial settlement conferences for all serious felony cases. We have developed a "fast track" settlement docket to facilitate quick resolution for lower-level cases. We have developed docket strategies and plans for in-custody and out-of-custody unrepresented persons that are consistent across courtrooms.” (Klamath County)
- “Our case resolution efforts have expanded to a coordinated effort looking at the number of filings, case management, case resolution and remote appearances and involving the Court, Public Defenders and District Attorneys. This includes regular meetings and communication. The results have included scheduling pretrial conferences 45 minutes twice a month for each attorney with a designated day and time freeing up the defense attorney's schedule. Defense attorneys are able to schedule out a pretrial conference for out of custody based on the status of their investigation and availability to spread out their responsibilities. Out of custody trials are scheduled deferring to a defense attorney's availability for trial. The District Attorneys have established standard plea offers for low level misdemeanors, so no one needs to wait for a formal plea offer to issue. The District Attorneys and Defense Counsel agreed to send a written Notice to Defendants advising them they were out of compliance on bench probation prior to filing a Motion to Revoke Probation and giving a Defendant an opportunity to get into compliance prior to Court involvement and appointment of counsel. A defendant may still contact their last assigned attorney with any questions. This eases the number of filings in Court. Exceptions are those who absconded from supervised probation. In custody defendants are subject to a mandatory settlement conference to facilitate case resolution prior to a trial. Out of custody defendants with a case pending more than 180 days may be referred to an informal settlement conference docket and that has been successful. Finally, we have made use of Plan B judges for additional jury trial days to work on case resolution for aging cases and that has been successful in addressing some of the backlog. The Court makes use of remote appearances for all pretrial conferences and other hearings and that has been beneficial for non-local representation. The Court makes every effort to balance the need for speedy case resolution and the needs of the defense bar to ensure

representation and I am very proud of our efforts. Currently all defendants in our judicial district with appointed counsel have an attorney assigned to them.” (Crook/Jefferson Counties)

- “In addition to the other efforts in Multnomah, we are adding an Early Case Resolution Docket for low-level felony cases where the defendant will not be held in custody and they have not had an attorney appointed. At their arraignment hearing, these cases will be set on a Wednesday docket 2 weeks out. They will be represented for the Early Resolution Docket by Jon Sarre from Multnomah's Public Defense Consortium. This new docket structure will start at the beginning of June.” (Multnomah County)

III. Case Resolution Efforts Survey Results (February 2022)

Courts provided the following information:

- “To continue to hold jury trials and keep cases moving during the pandemic, the Multnomah Circuit Court pioneered the development of a business process for fully remote jury selection to ensure that the court has enough jurors available for trials when social distancing limits the number of jurors we can have onsite. For that reason, we continue to conduct grand jury selection remotely to ensure that there are enough trial jurors onsite.” (Multnomah County)
- “Our biggest issue was because of the small courtroom, Courtroom 108. We changed how we docketed so that WebEx hearings would be held in Courtroom 108 and we could use most of the time in the large courtroom for jury trials. We also are working with the County to get a different larger space for a replacement courtroom within the Courthouse so that we can do jury trials in both courtrooms again.” (Tillamook County)
- “On criminal matters we have a case management system where the state is expected to make its best offer. We will also do JSCs on request for criminal matters. We require JSCs on civil matters and mediation or other dispute resolution on domestic relations. Occasionally we do JSCs on juvenile matters.” (Clackamas County)
- “Our court has had a rule for some time that we would not allow negotiations in criminal cases after a case is set for trial. We have relaxed this rule and encouraged increased settlement conferences. This has proven helpful in processing cases. We have also had a great deal of help from a local Senior Judge who has made time available on a regular basis to act as a settlement judge. His experience on the bench has proven to be valuable in adding a "judicial credibility" to settlement efforts in criminal, domestic relations and civil cases. His contribution has been to offer whole days of time to attempt to assist in settlement. Additionally, we have during the pandemic proceeded with trials, bench trials and other dockets in person and by remote means.” (Linn County)
- “We have continued to move cases along in a timely manner throughout the past 2 years in our District. This has included using alternate venues apart from the courthouses, such as the Community Building and the Fairgrounds, to conduct larger sized jury trials. We have used Plan B judges for settlement conferences in several murder cases and to hear a large volume of habeas corpus cases from the Shutter Creek prison. The crisis we currently face is the lack of attorneys to appoint for indigent defendants in criminal cases, both in and out of custody. In Coos, for the short term, we have relaxed our court practices in criminal cases to allow more time for defense counsel to investigate and negotiate before entry of final plea, encouraged the use of no contest pleas on misdemeanor and low level felony charges, and accepted late pleas on cases up to the

day before trial if good cause. We have also encouraged out of county counsel to appear remotely for preliminary proceedings in criminal cases such as arraignments, release hearings, requests for more time and trial settings. The large jail in Coos has limited the types of cases in which defendants would otherwise be held, which in turn has reduced the pressure of setting trials within 60 days and arranging for lawyers to take in-custody cases that need to be tried promptly.” (Coos/Curry Counties)

- “In Jackson County we have a robust criminal settlement conference program focused on resolving pending Measure 11 cases. The goal is to reduce the number of people held in the jail on pretrial holds. It has been a very successful program. Several judges have participated in the judicial settlement conference program. We also have a judge focused on early resolution of criminal matters in misdemeanor and repeat offender cases. The District Attorney is also engaged in creative resolution of cases in an attempt to resolve misdemeanor non person crimes. I think these programs have helped our court keep up with the flood of criminal matters, particularly where we do not have adequate jail space or pretrial resources.” (Jackson County)
- “Primarily focused on Crook County cases because COVID restricted our ability to conduct jury trials safely. In August 2021, we scheduled 15 jury trial days for the month instead of 6. We had 15 cases go to trial, 72 cases dismissed by the DA Office, and many others resolve through plea and sentencing. We are adding additional trial dates on the docket for the next 6-9 months to work on jury trial demand backlog. We also made use of mandatory settlement conference for in custody defendants and older cases to great success. Our strategic focus to catch up on older misdemeanor cases is to schedule all cases for settlement conferences and if resolved conduct the plea and sentencing immediately in the courtroom. Overall the use of judicial settlement conferences has been instrumental in case resolution.” (Crook/Jefferson Counties)
- “Every Criminal Case must have a settlement conference prior to being set for trial. To ensure that cases are actually set for trial, those settlement conference dates are set at arrangement. The majority of criminal cases resolve short of going to trial. More complex criminal cases may get assigned out of trial call for longer, more involved settlement conferences. All Domestic Relations cases with less than two attorneys are automatically set for a status conference. At that status conference, all DR cases with no attorneys are set for a judge led settlement conference. DR cases with attorneys may be set for those settlement conferences. We have room to improve on Civil Settlement conferences. They can be set to be assigned on the trial docket but this option is contingent on judicial availability. We also have the option of using Plan B Judges to do civil settlement conferences. We had success doing this in 2021 but that success came at the cost in terms of staff time. We have discussed ways to streamline this administrative work of this project and will implement them soon.” (Lane County)
- “We are continuing to move cases rapidly. We have opened up a settlement conference process to help improve communication between defense and prosecutors to move criminal cases and increase capacity for both sides.” (Polk County)
- “Washington County Circuit Court has been operating on-site and in-person during the pandemic. Court operations have been restricted to implement COVID-19 hygiene and safety measures. Remote hearings -- with in-person and remote participants -- have allowed us to hear and resolve cases. Social distancing, in particular, has limited our ability to conduct criminal jury trials. We now have a backlog of criminal cases with very serious charges (e.g., murder, rape, burglary) waiting for jury trials. In some cases, criminal defendants are in custody waiting for trial without appointed defense counsel because of the current OPDS court-appointed counsel shortage crisis. Local criminal

justice system leaders are meeting now to brainstorm and implement ideas to resolve cases, especially old cases from the two year pandemic, short of trial.” (Washington County)

- “We have been consistently holding trials throughout the pandemic, with the exception of a few weeks/months at the beginning. We have a Pro Tem Judge conducting family law settlement conferences. We have also had Plan B judges conduct settlement conferences on both criminal and civil cases, and I recently appointed myself a settlement conference on two murder cases that settled.” (Josephine County)
- “We have been having jury trials since June 2020. We continue to have settlement conferences on all major felony cases in and out of custody.” (Klamath County)
- “We have had the pleasure of working with Senior Judge Henry Kantor as a settlement judge on our criminal cases since August 2020. During that time, he has resolved 36 of 44 cases. Until late 2021, we referred only the most complex felony cases to Judge Kantor, making that resolution rate even more impressive. Because Judge Kantor conducts settlement conferences remotely by WebEx, his work has enabled defendants to reach resolution of their cases even during times COVID levels and restrictions were high.” (Clatsop County)
- “We are reducing set overs of pleas and setting cases for trial. We have critical eye on trial continuances to ensure a culture of attorney expectations that trial will go on dates set unless actual good cause is demonstrated. I do want to address settlement conferences. Settlement conferences for districts with 1 or 2 judges greatly reduce our flexibility in setting trials.” (Malheur County)
- “We opened a 10,000 sq. foot courtroom at the Deschutes County Fairgrounds in October of 2020 to move cases along during the pandemic. Since opening, we have concluded 27 jury trials at the fairgrounds courtroom. Prior to that, Deschutes County requested and was approved for use of Senior Judges (Plan B), to resolve primarily in-custody Measure 11 cases. The settlement conferences have proven effective in the 90% range. Deschutes County also renovated two courtrooms early in 2020 to allow for criminal cases to proceed to trial in our courthouse. Our most recent efforts include conversations with our OPDS providers to discuss how we can reduce case counts rapidly over the next several months. Early ideas include increased settlement conference resource and dedicated case resolution dockets. These conversations are ongoing.” (Deschutes County)
- “Benton County Circuit Court effectively prioritized settlement conferences in 2022 to reduce the number of pending cases. Additionally, with the hire of a Release Assistance Officer, the court has resumed rigorous ACP reviews of all applications for appointed counsel.” (Benton County)

IV. Actions taken by former Chief Justice Martha Walters and/or Chief Justice Flynn

- Worked with the Oregon State Bar (OSB) to expedite admission of out-of-state lawyers to practice in Oregon (comity rule).
 - As of April 2023, 21 attorneys have been assigned to 1,247 criminal & juvenile cases.
- Contacted the Professional Liability Fund to allow retired attorneys to practice on a limited basis.
 - 76 reinstatement applicants have been reinstated to an active or inactive

status. There are also currently an addition 38 reinstatement applications that are being processed or in-progress.

- Encouraged all judges and courts to convene local meetings and implement improvements.
- Wrote articles highlighting the value and importance of public defense providers and need for additional providers.
- Hosted and/or engaged in conversations at all levels of state government – from local jurisdictions to state workgroups and three-branch leadership discussions.
- Supported Oregon law schools’ efforts to increase opportunities for engagement and awareness of public defense, including discussions with the Dean of the University of Oregon School of Law regarding actions the school could take to encourage law students to pursue careers in public defense and providing support for a request from the Willamette University College of Law to establish a public defense clinic.
- Encouraged all system stakeholders to identify potential solutions to address the public defense shortage.
- Directed collaborative efforts between Uniform Trial Court Rules (UTCRC) Committee and Chief Justice’s Criminal Justice Advisory Committee (CJAC) to review UTCRC proposals from Oregon Criminal Defense Lawyers Association (OCDLA).
 - At the direction of the Chief Justice, a group of CJAC and UTCRC committee members formed the Case Processing Subcommittee to address the UTCRC proposals from OCDLA. The subcommittee’s report was provided to the UTCRC committee and the proposals were discussed at the March 17, 2023 UTCRC committee meeting. Some proposals were recommended for adoption in whole or in part, others were not recommended, and two were referred back to the Case Processing Subcommittee for further discussion and development.
- Encouraged local courts to identify and support efforts to improve system efficiencies, as well as efforts to resolve cases whether by plea or trial.
- Invited and welcomed stakeholder proposed solutions and, where appropriate, offer support and resources.

V. Office of the State Court Administrator (OSCA) Actions

- Added a full-time criminal analyst position to evaluate and develop data and identify opportunities for statewide improvements.
- Committed significant senior judge resources to support case resolution efforts and to meet counsel’s requests for Judicial Settlement Conferences.
- Worked with OPDS to develop consistent data collection on unrepresented persons in each judicial district and developed public dashboard to show location and status of unrepresented persons.
 - Continue to make improvements to the public dashboard, including updating the dashboard to show cases where a defendant is in Department of Corrections’ custody. Office of Public Defense Services (OPDS) and OJD continue to collaborate and now plan to create a dashboard to track attorney capacity for use by judges looking to appoint attorneys to public defense cases.
- Worked with OSB to create temporary Bar numbers in the Odyssey case management system to identify attorneys admitted through comity.

- Working with OSB to evaluate changes in conflict rules to increase representation opportunities.
- Assigned OSCA staff members to engage in state-level workgroups, subgroups, and local court meetings with stakeholders.
- Responding to requests for data, information relating to court processes, and other requests from legislators, legislator and legislative professional staff, and other interested parties.
- Working collaboratively with OPDS to improve and refine data collection efforts, as well as continue to provide opportunities for OPDS involvement on OJD-led stakeholder committee(s).
- Ongoing collaboration with OPDS to develop additional data report