



Oregon Judicial Department

Unrepresented Crisis – April 2024 Update

Key Insights

[Data Share Update](#)

OJD and OPDC have updated and expanded their data share agreement to address the systemic gaps in data collection that prevent OPDC from accurately tracking attorney start and end dates, annual maximum attorney caseload, attorney availability, attorney qualification, and attorney capacity.

[Unrepresented Trends](#)

The number of unrepresented individuals continues to increase, although the rate of growth has stabilized ([Figure 1](#)). For daily updates, you can access the [Unrepresented Dashboard](#) on the OJD website.

[Average Time Unrepresented](#)

People who are out of custody with pending felony cases continue to wait longer, on average, than people who are out of custody with misdemeanor cases ([Figure 2](#)), but significant improvements have been made for people in-custody ([Figure 3](#)).

[In-Custody Data Collection](#)

Maintaining adequate analyst resources for OJD and OPDC is critical to managing the unrepresented crisis given the challenges associated with collecting the in-custody data.

[Unrepresented by County](#)

The crisis is most severe Jackson, Multnomah, Marion, Washington, and Douglas counties and growing more severe in Clatsop and Klamath counties ([Figure 4](#)).

[OPDC Trial Division Offices](#)

The OPDC Trial Division Offices continue to ramp up. Eight attorneys have taken 205 new appointments since December 2023, primarily in Jackson and Multnomah on misdemeanors and minor felonies ([Figure 5](#) and [Figure 6](#)).

[Opportunities to Make Data-Informed Decisions](#)

Most unrepresented cases are misdemeanors and minor felonies ([Figure 7](#)). Unrepresented individuals with multiple unrepresented cases in the same county make up **half** of the unrepresented criminal caseload ([Figure 8](#) and [Figure 9](#)).

A holistic approach to client representation could significantly decrease the unrepresented caseload and provide a higher quality of service to people who need an attorney.

The March 2024 update focused on activities and progress to date on each of the four levers and local court spotlights for Clatsop, Multnomah, and Washington County Circuit Courts. This month’s report will focus on the unrepresented data and opportunities to make data-informed decisions.

Data Share Update

In April 2024, OJD and OPDC updated and expanded their data share agreement to address the systemic gaps that prevent OPDC from accurately tracking attorney start and end dates, annual maximum attorney caseload, attorney availability, attorney qualification, and attorney capacity.

OJD and OPDC will work together to develop comprehensive data sets that provide real-time insights to improve data collection and reporting on current capacity, total open caseloads, and caseload forecasts.

Improved data collection and reporting will also facilitate the enforcement of contract provisions and the reconciliation of attorney caseload reports with OJD’s court data. For example, OJD’s court data show there are still about **1,800** open appointments in warrant status for more than 180 days. Public defense contractors are required to withdraw from those cases but tracking the age of warrants on open appointments is most likely burdensome for providers.

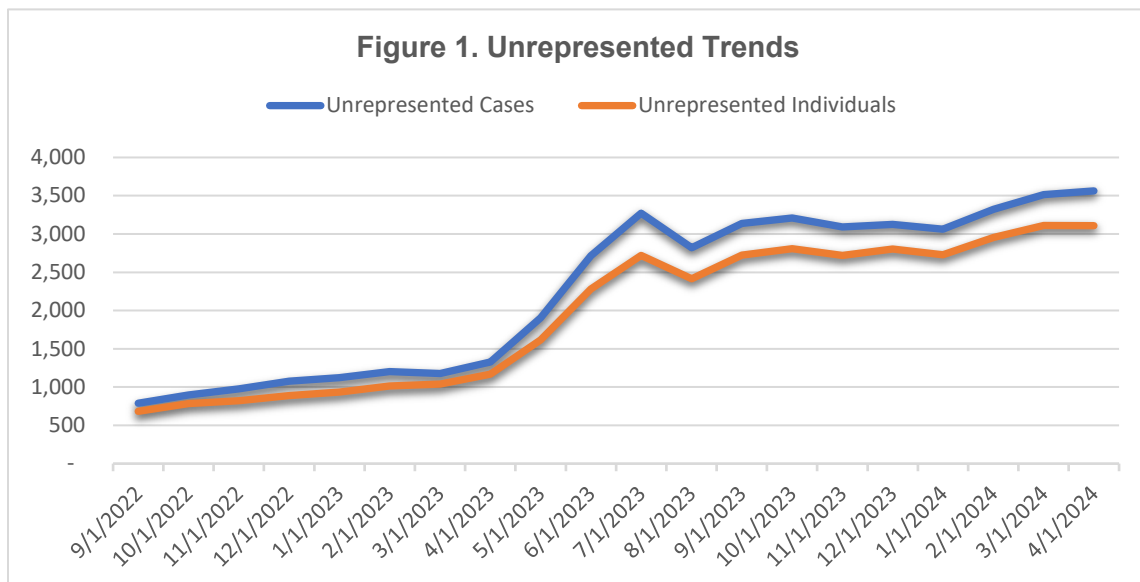


Improved reporting to providers could streamline the process to comply with contract provisions and produce more accurate caseload reporting for attorneys which in turn, will produce more accurate data on attorney capacity and open caseloads.

Unrepresented Trends

The number of unrepresented individuals continues to increase even as new attorneys are added in public defense offices and regional trial division offices.

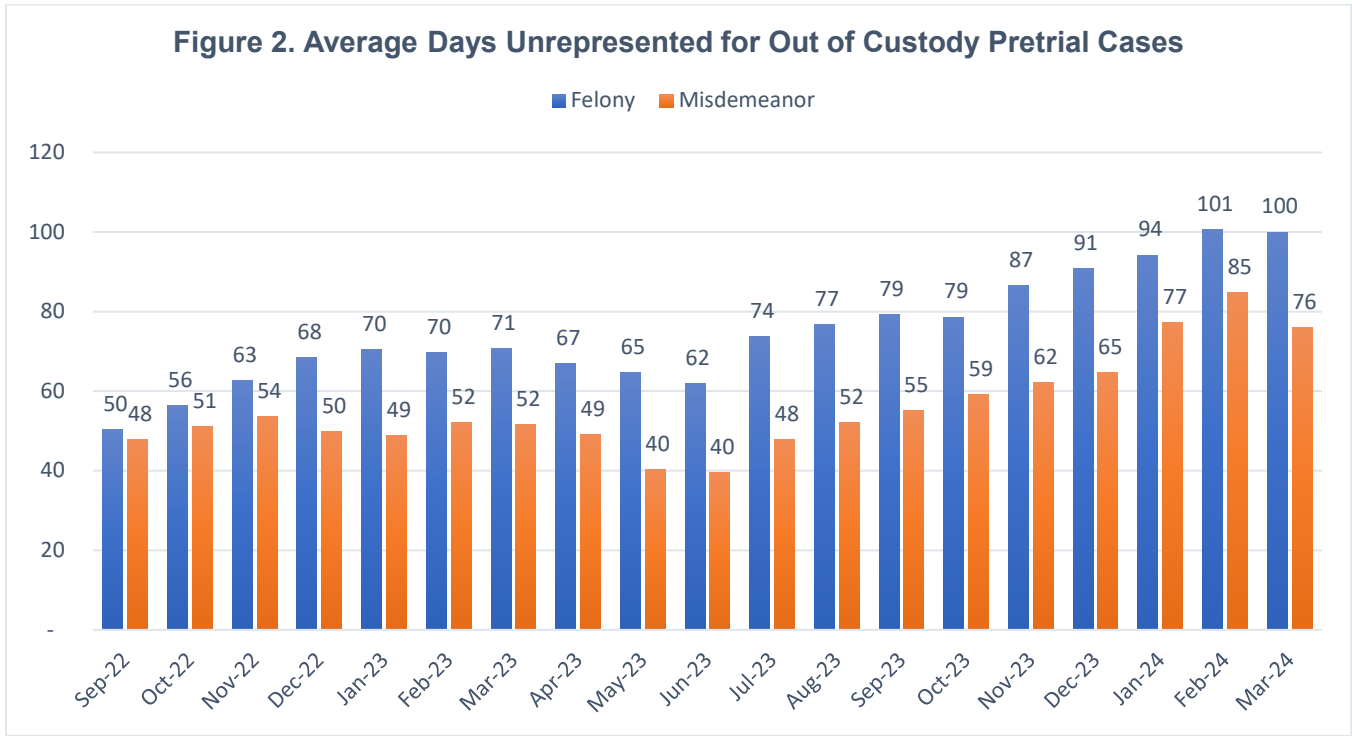
Although more than 20 attorneys have been added to existing contracts since July 2023, the total appointments taken under contract has decreased.



Source: OJD Odyssey Data (eCourt).

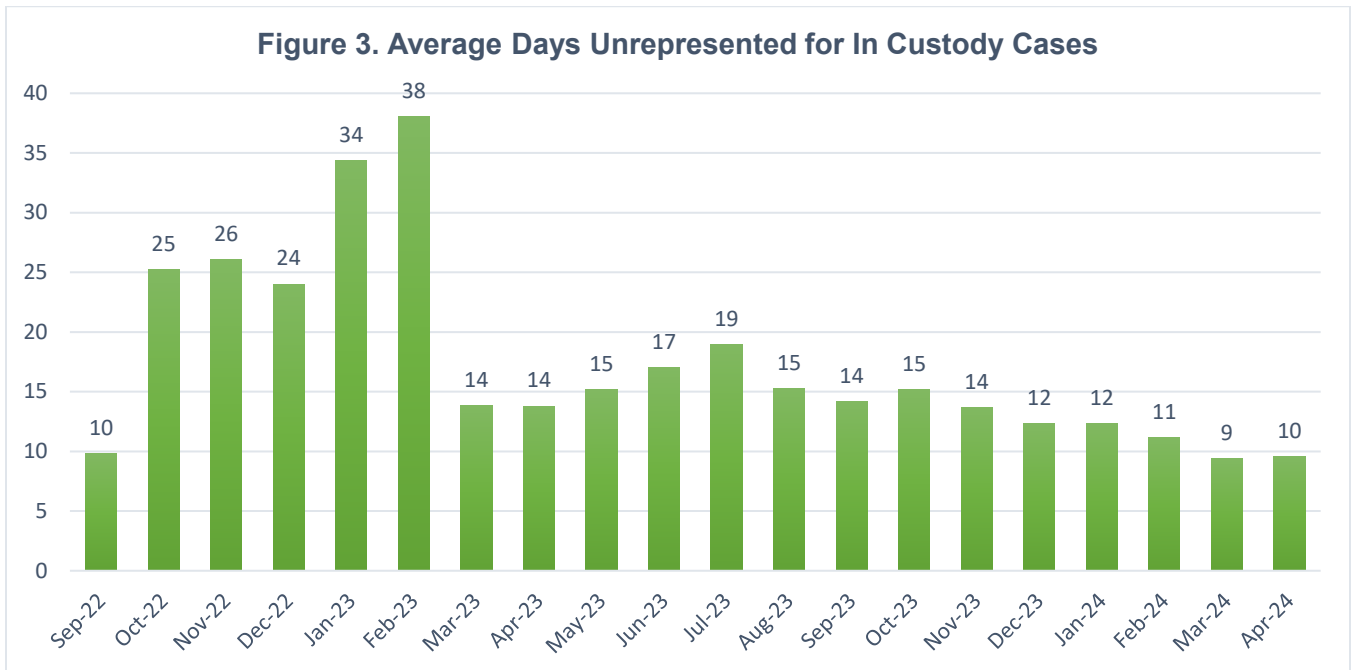
Average Time Unrepresented

People who are out of custody with felony cases continue to wait longer, on average, than people with misdemeanor cases.



Source: OJD Odyssey Data (eCourt).

Significant improvements have been made in the average time an unrepresented person must wait in custody before an attorney is appointed.



Source: OJD Odyssey Data (eCourt).

In-Custody Data Collection

As of **4/15/2024**, there were **33** individuals unrepresented and in custody for more than 10 days and **98** total individuals unrepresented and in custody (does not include individuals in jail in one county and unrepresented on a case in a different county). Although the number of people unrepresented and in-custody fluctuates daily, the numbers have stabilized since August 2023.

Since August of 2022, OJD has collected the in-custody (jail) data once a day either through integrations with individual counties or “screen scraping” programs that collect data from each county’s public jail roster.



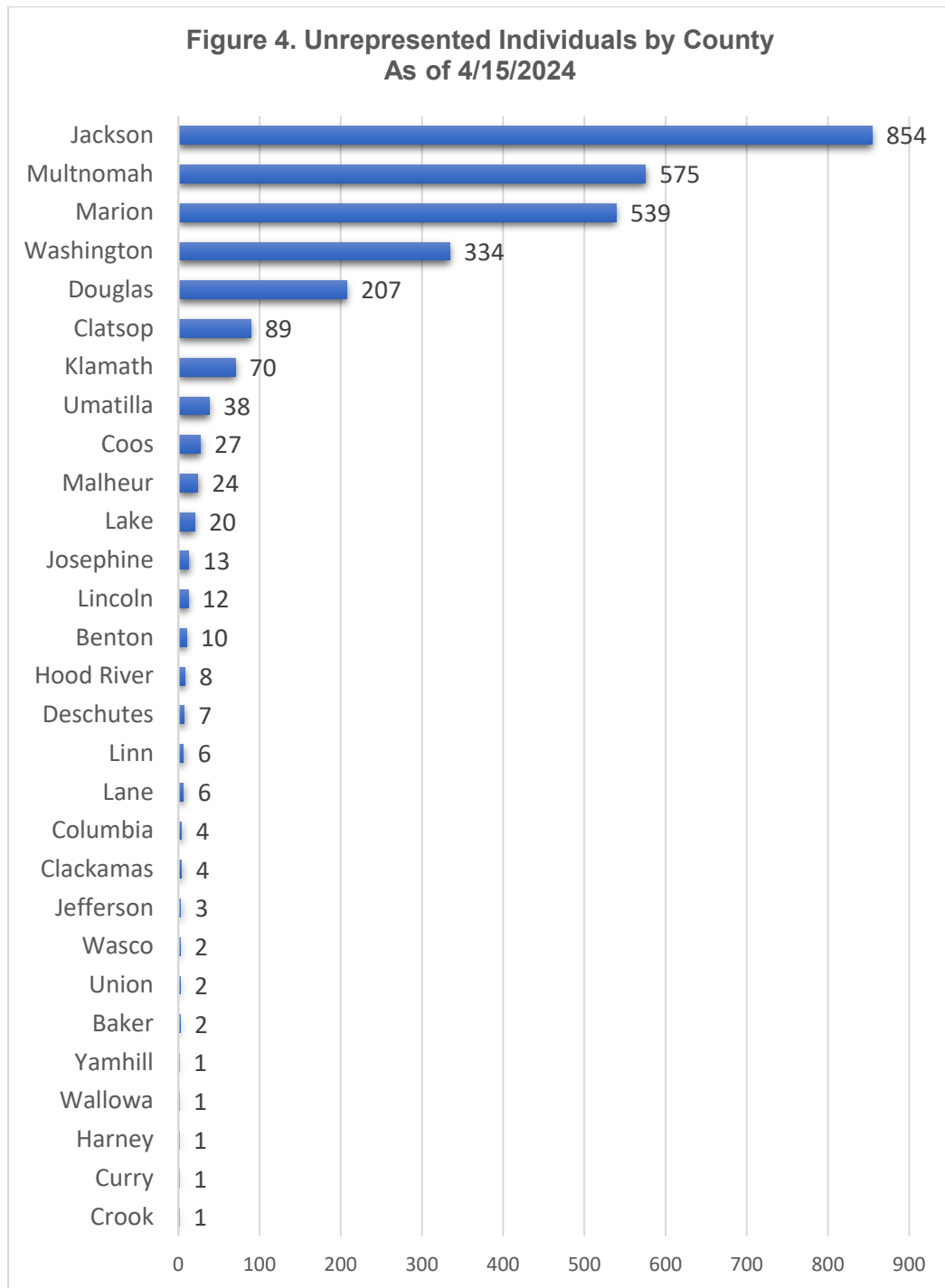
Maintaining adequate levels of analyst resources for OJD and OPDC are critical to manage the unrepresented crisis. The in-custody data often requires monitoring by both OJD and OPDC analysts to verify accuracy of the in-custody data.

The in-custody data is difficult to collect and track for the following reasons:

- There is no uniform jail management system in Oregon, meaning that each individual jail facility maintains its own record-keeping system of bookings, releases, and other data points.
- These systems also categorize, compartmentalize, and store data differently. Often the data needed to match a person across public safety systems is not collected.
- The data is not designed to integrate with other public safety partners and exporting the data can be challenging and costly for counties who do not have in-house resources and may have to contract with vendors and pay fees.
- These systems do not always precisely identify why a person is being held in custody. People who are in custody may have violated the conditions of a prior release agreement, they may have multiple pending cases (some of which they may be represented on), they may be serving a jail sentence, or they may be on a parole or multi-state hold.

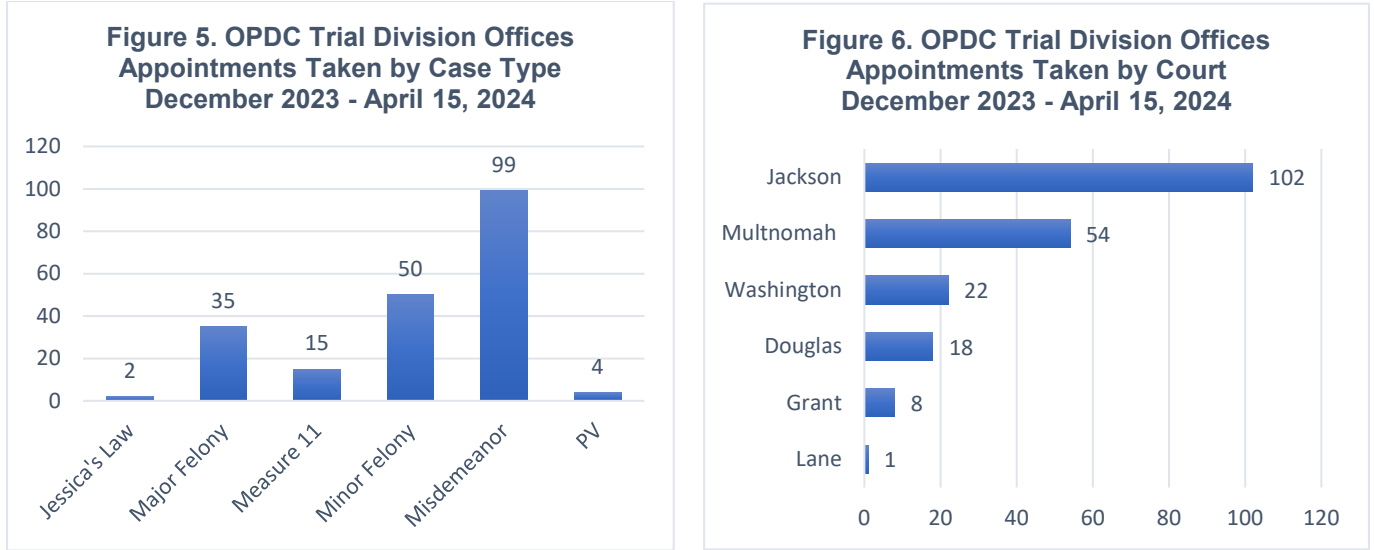
Unrepresented by County

Figure 4 shows the number of unrepresented individuals by county and where the crisis is most severe. The OPDC regional trial division offices are primarily taking appointments in Jackson and Multnomah on misdemeanors and minor felonies.



OPDC Trial Division Offices

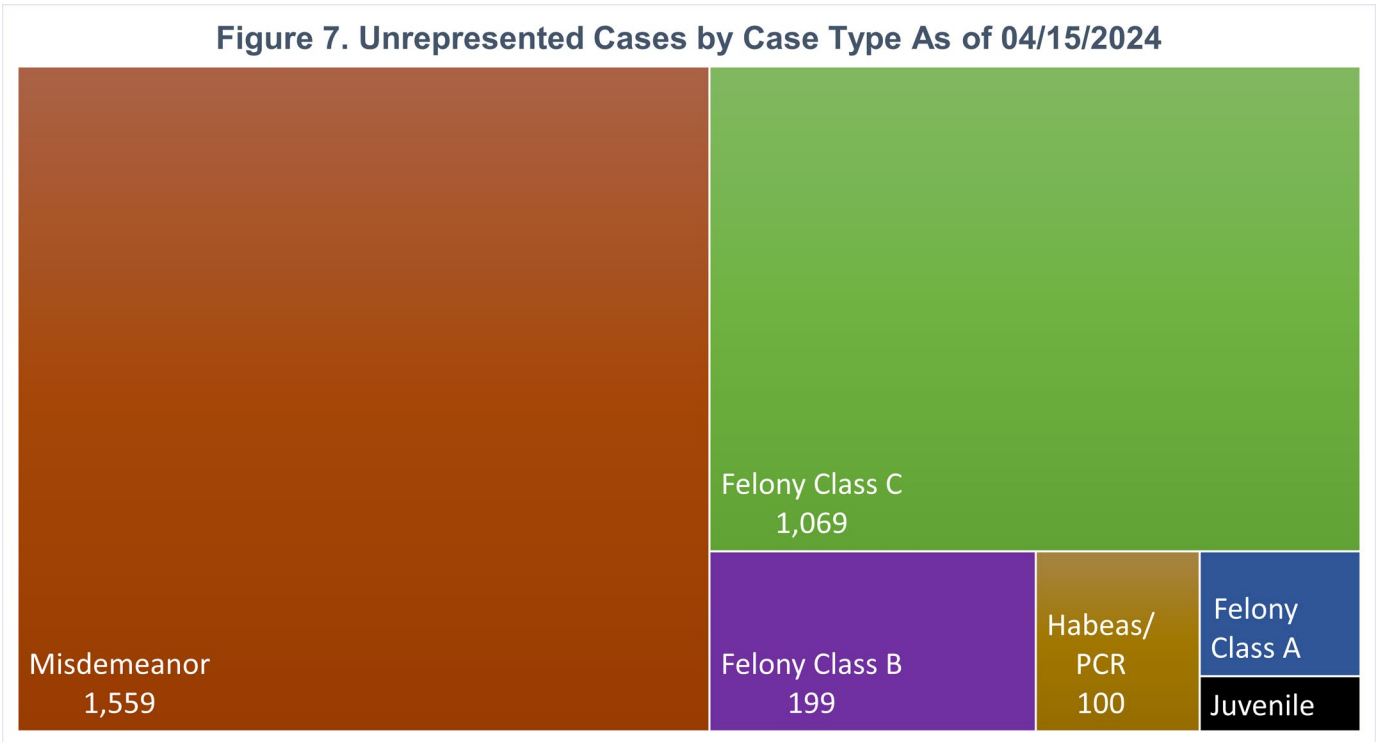
Figure 5 and Figure 6 show the **205** new appointments taken since December 2023 by eight attorneys in the OPDC Trial Division regional offices servicing the Northwest and Southern Oregon regions.



Source: OJD Odyssey Data (eCourt).

Opportunities to Make Data-Informed Decisions

The data in Figure 7 show that most of the unrepresented cases are misdemeanors and minor felonies.



Source: OJD Odyssey Data (eCourt).

An analysis of the unrepresented data show there are several opportunities to consolidate representation for unrepresented individuals who have multiple cases of the same case type in the same county.

- There are **341** unrepresented individuals with **771** cases of the same case type in the same county (Figure 8), and
- there are **213** unrepresented individuals with **539** cases of varying case types in the same county (Figure 9).

Figure 8. Unrepresented Individuals with Multiple Cases – Same Case Type

Case Type	Individuals	Cases
Other (Juvenile or Habeas/PCR)	7	16
Major Felony	13	31
Minor Felony	112	247
Misdemeanor	209	477
Total	341	771

Figure 9. Unrepresented Individuals with Multiple Cases – Varying Case Types

Most Serious Case Type	Individuals	Cases
Major Felony	59	154
Minor Felony	154	385
Total	213	539



Unrepresented individuals with multiple unrepresented cases in the same county make up **half** of the unrepresented criminal caseload.

A holistic approach to client representation will, most likely, be more effective than a case-by-case approach. If an attorney appointed to represent a client could be assigned to all their client’s unrepresented cases for which the attorney is qualified, this could decrease the unrepresented caseload significantly. Courts could work with attorneys to facilitate global resolutions where appropriate, and when not, attorneys could focus on each case consecutively.