

# Strategic Insights Report

February, 2022

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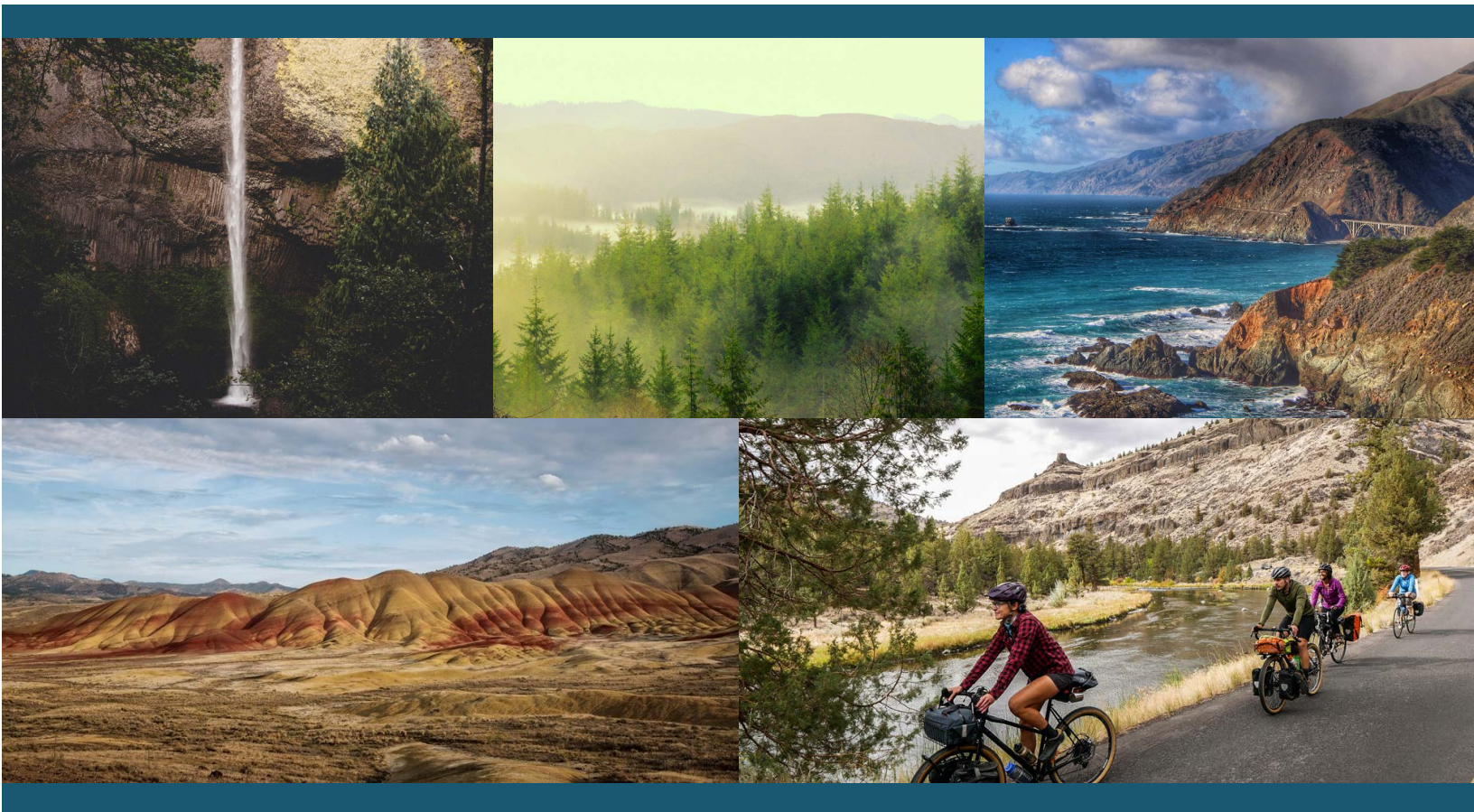




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## Executive Summary

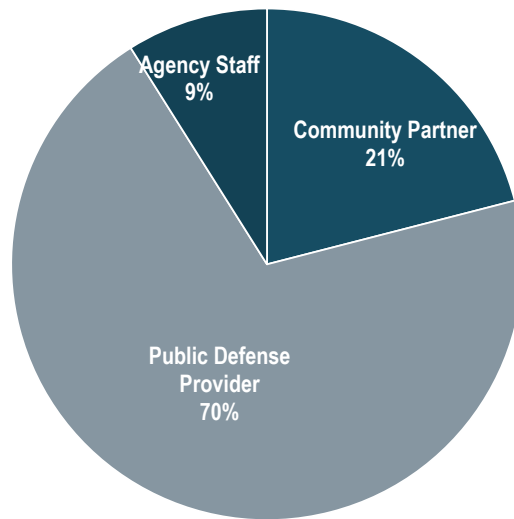
In September 2021, the Public Defense Services Commission (Commission) through the Office of Public Defense Services (Agency) engaged Coraggio Group to assist with its modernization and transformation efforts. Coraggio Group worked closely with the Agency Executive Team to co-create and co-implement multiple workstreams to support their modernization and transformation efforts. One of the key workstreams was a robust stakeholder engagement process. This workstream has a dual purpose of developing insights to inform the strategic planning process and creating pathways for ongoing stakeholder engagement. This report summarizes the data collection and outreach efforts conducted through January 31, 2022.

The purpose of this outreach was to assess the perceptions of current opportunities and challenges in the administration of public defense services held by the public defense professional community and community partners, as well as Agency staff. This report will help inform the Commission's five-year strategic plan and will be utilized as guidance for the internal operation of the Agency, the assurance of quality public defense services, and the improvement of stakeholder relationships.

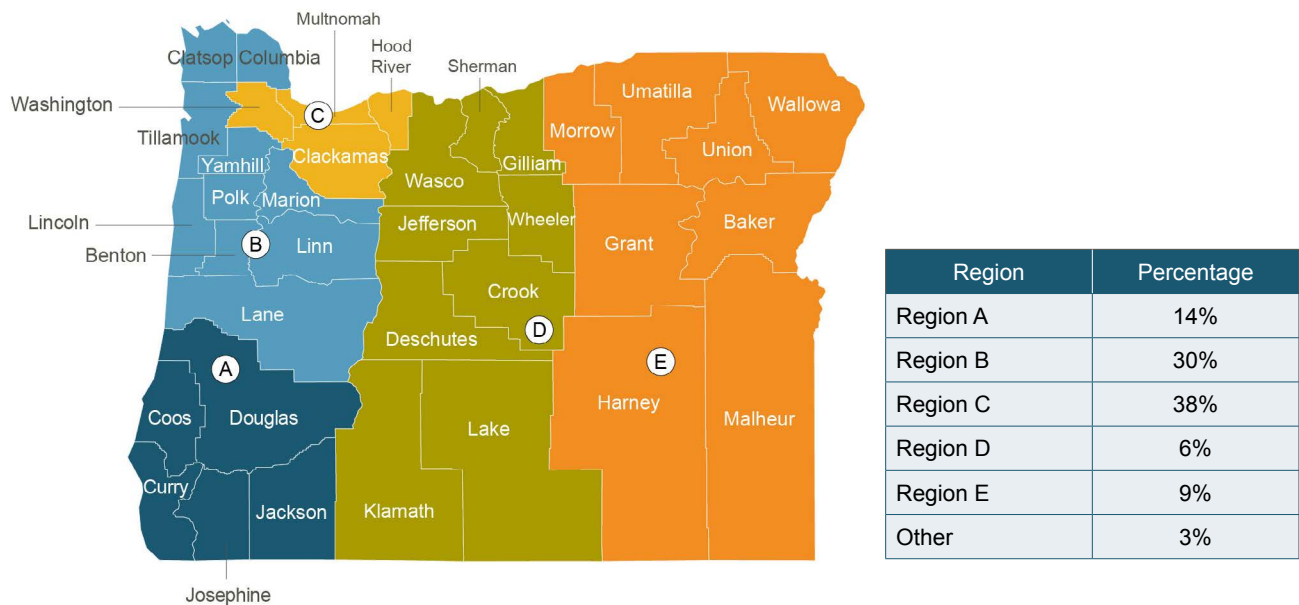
Stakeholder perspectives were captured through three focus groups, eight (8) one-on-one interviews, and three online surveys. Stakeholders included Agency staff, public defense providers and community partners. Responses were received from a total of 836 stakeholders.

Survey Demographics:

**Figure 1 – Survey Respondents by Affiliation N=805**



**Figure 2 – Survey Respondents by Region N=733**



Additional demographic questions were asked to understand stakeholder perceptions by demographic type. Responses to these questions can be found in the Appendix of this report. Unless noted, charts represent the feedback from all survey participants.

With these stakeholder inputs, quantitative questions were analyzed using category means, percentage rates, and frequencies. Qualitative, open-ended questions were analyzed by assigning themes influenced by response content and Coraggio’s interpretation of those responses.



Coraggio then synthesized findings from all data gathering efforts and compiled the findings into key themes for the Commission to consider as it crafts its five-year strategic plan. Each theme reflects insights shared across all data gathering efforts (interviews, surveys, and focus groups). Each theme is supported by relevant data and quotations.

In this document you will see quantitative data related to questions and summary qualitative data from the open-ended questions. Scores that are 4 or above (on a 5-point scale) signify “satisfaction”.

Excluded from this report are the stakeholder engagement results from clients. Data collection efforts related to insights from public defense clients will be consolidated and synthesized after February 15, 2022. Depending on the number of client respondents and how those response may alter the themes and insights contained within this report, an Addendum may be developed to provide client insights.

The themes are grouped into four chapters. Each chapter contains multiple insights to support each theme.

### Chapter One

**Internal Operations:** The Agency faces challenges implementing and overseeing its operations most acutely in the contracting and payment processes, procedures, and policies.

### Chapter Two

**Quality Representation:** The current contracting model is insufficient to meet the Agency’s mission of providing high-quality representation.

### Chapter Three

**Stakeholder Relationships:** Relationship-building with public defense stakeholders is key to improving the public defense system.

### Chapter Four

**Internal Agency Culture:** Although strengths were identified by Agency staff, the Agency needs to focus on key cultural issues to enable the Agency to achieve its mission.



## Chapter One

# Internal Operations

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The Agency faces challenges implementing and overseeing its operations most acutely in the contracting and payment processes, procedures, and policies.

1. The current contracts for the provision of public defense services are insufficient to meet the Agency's mission of providing high-quality representation [Figure 3 – Agency's Current Mission]. Although stakeholders have different individual experiences, participants specifically see the Agency's contracts as a detriment to its ability to deliver public defense services [Figure 4 - Agency]. Participants report that the Agency needs to improve its payment amount and its administration of contracts [Figure 5 – Improvement Opportunities].
  - “They have to completely redesign how they contract. They need to amend relationships with providers and have an organizational structure that works.”
  - “When they switched to a new contracting model it made no sense, but they were telling us that they had the problem solved. That erodes trust.”
  - “[Agency] likes to paint the picture that this system has been broken for decades but it wasn't, you broke it.”
  - “There is lack of messaging, communication, clarity, and accountability. The contracting process is terribly inadequate deeply behind schedule. The caseload metrics in the contract are absurd. They ignore the retention crisis occurring at the trial level. Large disparities between contracts. No coherent mission.”

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2. Differences in payment based on contracting models create inequities within the public defense system. There are a variety of places where participants see pay inequities including the Parent Child Representation Program (PCRCP), the differences in pay between consortium and nonprofit public defense offices, and the difference in payment between public defense providers and district attorneys. The most-cited example is the implementation of the PCRCP, which has created friction between jurisdictions due to the differences in rates. Participants believe the PCRCP program is helpful in stabilizing caseloads and providing adequate rates; however, they are frustrated that the differences in rates make it harder for non-PCRCP areas to recruit and retain attorneys [Figure 9 – Contract Administrators/Business Manager].
  - “Work on the disparities between contractors/pay for attorneys (trial level v. appellate)/contracts. Much progress has been made over the past three years, but providers want the Agency to continue to advocate for more resources and funding for trial level services.”
  - “The public defender model is better than models like the consortium or list model. Public defender office model has more institutional supports, training, and supervision. It is a better institutional model and a better player with other agencies.”
  - “For decades Agency executive leadership has favored certain providers, not been totally honest with the budgeting process, and played providers off against each other. It has abused the budget process to direct funds to providers who claimed a need. Perhaps they did need extra funding, but change the process, don't abuse it. There is a substantial lack of trust between Agency leadership and those providers who are not nonprofit law firms.”



3. There are important differences between the nonprofit public defense offices and providers in the consortium model. Nonprofit public defense providers argue that their offices are better positioned to offer training, oversight, mentorship, and support services needed to provide high-quality representation. They express frustration at the current contracting compensation.
- “[The Agency] needs to listen to its providers and take their views and ideas into account. It needs to stop treating PD offices and consortia the same. Its business end is a mess. You name it and it is probably not working.”
  - “If we continue to have a decentralized system of independent public defense providers, then provider funding needs to be enough to run law offices (i.e., with support staff and overhead), attract and retain high-quality employees (i.e., competitive wages, advancement opportunities, and benefits), and incentivize high quality representation (i.e., manageable caseloads). This kind of funding/system needs to be consistent for all types of public defense attorneys, including trial level, appellate level, juvenile, and post-conviction. None of the contract structures I have heard about or experienced in recent years have not done this, despite that clearly being their supposed goal.”
  - “The Agency needs to embrace a complete dismantling of the current public defense system. As it stands, a relatively low number of highly competent lawyers work in non-profit offices where they are brutally overworked and, despite all the hours they put in, are put in a position where they cannot provide the type of representation that I and other (competent) private attorneys provide on even our lowest-level cases. Meanwhile, the majority of indigent defense providers are, at best, maybe okay at managing clients but have neither the time nor the incentive to zealously advocate for their individual clients. And there are a great number, if not a majority, of indigent defense providers who are blatantly incompetent and but who are still permitted to carry indigent defense caseloads. The Agency should immediately get rid of private consortia and immediately switch to paying the non-profit firms based on an hourly rate. The Agency has or can easily get quality data about average time spent per individual case types. Once the Agency knows approximately how many hours of representation a given firm spends per year on their average caseload so I don’t think this would be particularly difficult. The hourly rate should be high enough to provide both one market-rate attorney salary per 30 hours of attorney and to cover the firm’s overhead expenses. The Agency can handle conflict cases by paying a realistic hourly rate and appointing individual attorneys on a very simple rotating basis. Once this system is in place, the Agency can move toward creating county-based PD offices staffed by govt employees who have pay parity with the DA’s offices.”
  - “Contracting, not being oppositional in contracts with providers, transparency, equality amongst providers, not lying during contract negotiations, not being hypocritical during contract negotiations, not upending the entire system because of a study from an unheard-of organization for no reason without discussion with providers and then doing the opposite of what was even recommended.”

4. Approval of and payment for Case Support Services (CSS) is a particular frustration for participants. Policies regarding criteria for approvals of CSS are hard to understand and inconsistently applied.
- “Right now, trying to figure out any Agency policy is very difficult. Policies are not easy to find and are located all over the place on the Agency’s website. They also are not very clear, and there are often unwritten rules or ‘standard practices’ that no one knows until they’re told. This makes it very difficult for new, and even old, providers to figure out anything. It also creates a lot of inefficiency and probably wastes a lot of the Agency’s employees’ time.”
  - “The accounts payable department is a miasma of ever-changing policies rarely conveyed to providers but used to delay or reduce payments. The prior Agency leadership was indifferent to the needs of providers to be timely paid. The Agency tells providers that they may not be paid timely because of “staff issues” or workloads. That is asinine to say to indigent defense providers who are constantly facing heavy workloads. It bothers me when I have to loan my firm money to pay our monthly overhead costs timely, yet state employees, who always get paid and have benefits complain that they can’t be expected to get providers paid in a timely manner.”
  - “The NRE<sup>1</sup> process has completely changed. I used to so appreciate the support here in what I think is the most important tool the Agency gives to lawyers. But over the last few years the Agency has done a complete 180 in the wrong direction. I now feel like I am fighting the Agency over approval for the tools I need to do my job. It feels like the Agency has become DHS in many ways. The constant denials for reasons that make no sense, or for small typos or processing errors, is infuriating and exhausting. I spend tons of money to pay staff in dealing with these issues. At this point I almost expect a denial for everything. I know many providers who feel the same way and the Agency is going to lose many of them because of this issue if things do not change.”
  - “I still think the speed in payments and responses needs to be improved. Consistency is not always there. For example, NRE1 request for the same services in similar cases will be approved in some instances and denied in others. No discernable reason why. Often seems like it is just a question of who actually processes it. I am also concerned about policies which will increase the administrative burdens on providers and their time, taking away from time that should be used for representation of clients.”
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5. Participants in consortia, law offices, non-attorney professionals, and nonprofit public defense offices show high levels of agreement that they experience frustrating delays in payment for expenses and case support services and attribute the delays to ineffectiveness within the Agency [Figure 10.1 – Agency Invoicing and Expense Process by role; Figure 10.2-Agency by organizational by role]. Participants report that the Agency’s process for reviewing and submitting invoices is cumbersome, results in delayed payments and require significant input from providers [Figure 6 – Improvement Opportunities] [Figure 7 – Agency’s Invoicing and Expense Process]. They note that the communication and administration of invoices for payment are both barriers to receiving timely payments and report that there are inconsistencies in the direction that agency staff provides. Non-attorney providers remain committed to continuing to do state court public defense work but are very dissatisfied with the manner and timeliness of their payment [Figure 8 – Non-Attorney Public Defense Professionals].
- “Why does it take so long getting paid. It’s difficult to run and maintain a business when you don’t know when you will get paid. I have to pay my bill every 30 days, otherwise I have to pay a late fee! The nice thing about your office is everyone is union, so they get paid on time. I have at times gotten paid 38 Calendar days later.... WHY? I wasn’t notified of any problems with my invoice. We used to get paid 3-5 business days after submitting an invoice. You have asked us to be patient so you can restructure and train the staff.... WHY? nothing changed! I’m tired of giving, giving, and more giving to your office, and NOTHING is given back. You guys even got more money to hire more staff, more

1. The Non-Routine Expense (NRE) process is now called Case Support Services (CSS)

computers, and a BIGGER office..... for what? Nothing has changed in your office. I bet if the staff got paid by the piece, everyone's check would be quick!"

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6. Participants in the focus group and interview process, as well as through survey data, note that the Agency needs to increase its accountability for and oversight for provider quality. Participants see the provision of high-quality representation as the Agency's key mission [Figure 3-Agency Mission] and want to see the Agency gain knowledge about the current conditions and needs of providers. Providers would like to see the Agency increase its understanding of the skills, training and experience that are necessary to implement their work [Figure 12 – Non-Attorney Public Defense Professionals]. Of the groups surveyed, nonprofit public defense offices particularly viewed the agency as lacking a sufficient understanding of the current conditions of public defense services and the quality of the work performed, with many participants linking the issue to high caseloads.

- "Leadership and the Commission are out of touch."
  - "They need more awareness of on-the-ground conditions in our counties that are affecting our workloads and caseloads. Our county dealt with COVID very differently than many other counties causing caseloads and workloads to explode, but we are still being scrutinized based on our pickup levels - ignoring how hard it is to close cases. They also take a passive role, requiring a provider to come to them and ask for relief rather than stepping in when they see high caseloads, meaning quality of representation is necessarily being negatively impacted. I'm also not sure how much they keep track of attorneys who are consistently fired or who have an excessive practice of pleading out their appointed cases very quickly."
  - "[The Agency] should ensure consistently high-quality defense representation across the state by supporting attorneys with adequate resources and training as well as creating standards to ensure attorneys appointed are able and willing to provide that standard of defense."
  - "I'd like to see the Agency monitor and hold accountable the firms and attorneys it contracts with. Often, if there is a complaint about a practitioner, there is no one to go to because there is no chain of command or supervisory authority to influence or curtail the conduct."
- 

7. Communication as an improvement opportunity is referenced by both internal and external stakeholders. Agency staff cited communication as the most important priority for the Agency to address [Figure 13-Agency Improvements]. This is also reflected in external stakeholder's level of satisfaction with communication with agency staff [Figure 10.2 - Agency by organizational role]. This improvement opportunity across staff and stakeholders represents a capability and/or resource issue the agency needs to address both externally and internally. However, respondents also report that direct communication with agency staff is a strength for the organization and highlights individual staff capacity for effective communication.

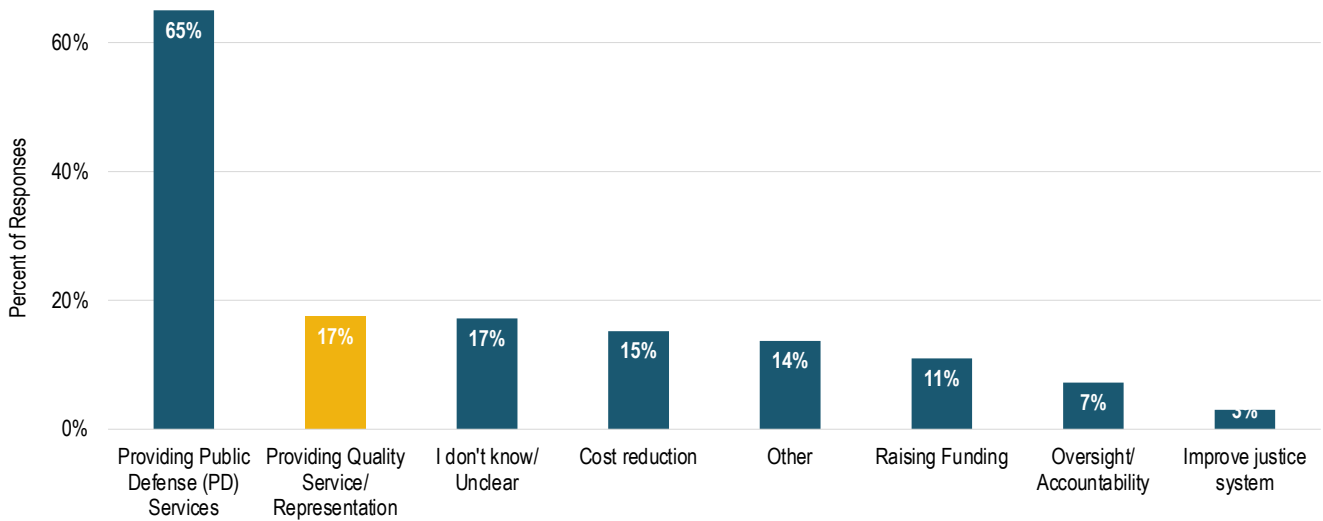
- "Answer phone calls. I never get a human being on the line when I call. Always voicemail. And it can take days to get a call back. Highly frustrating."
- "[The Agency] needs to develop better communication with contractors/practitioners, with the Commission, and with the legislature. The Agency seems to view the contractors/practitioners as their opposition and end up getting defensive when someone disagrees with them. They need to find better ways to communicate so that they can build positive lines of communication."
- "The staff interaction with attorneys is excellent."



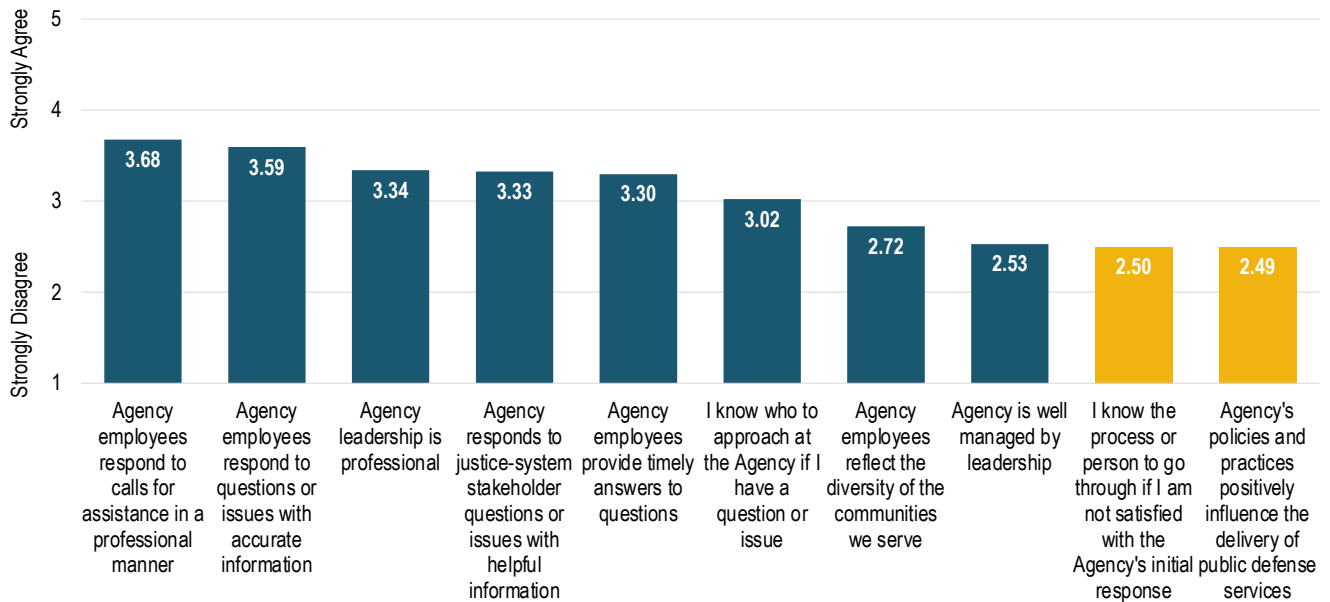
- “Pretty decent communication if you ask. Sometimes it is not accurate, but they usually do not ignore questions.”
- “Our Analyst is prompt and responsive. It has not always been that way. She is a straight shooter”
- “When you are able to talk to someone, the staff professionalism is great.”
- “I like the people with whom I have contact. To me they are enjoyable and professional. Their hands are simply tied by too much bureaucratic red tape.”
- “Most of the attorneys are personable on a one-on-one basis. Each cares about their clients and wants to see only the best outcome for the client.”



**Figure 3 – Agency’s Current Mission N=401**  
 What do you believe the Agency sees as its mission?

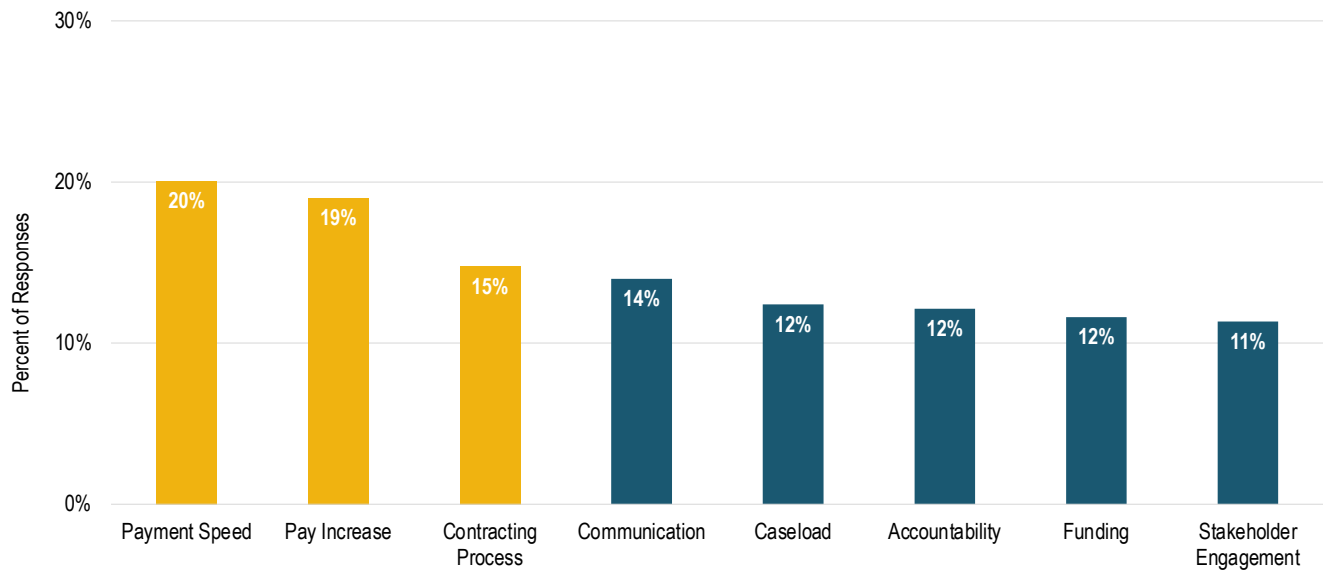


**Figure 4 – Agency N=589**  
 How strongly do you agree or disagree with each of these statements?



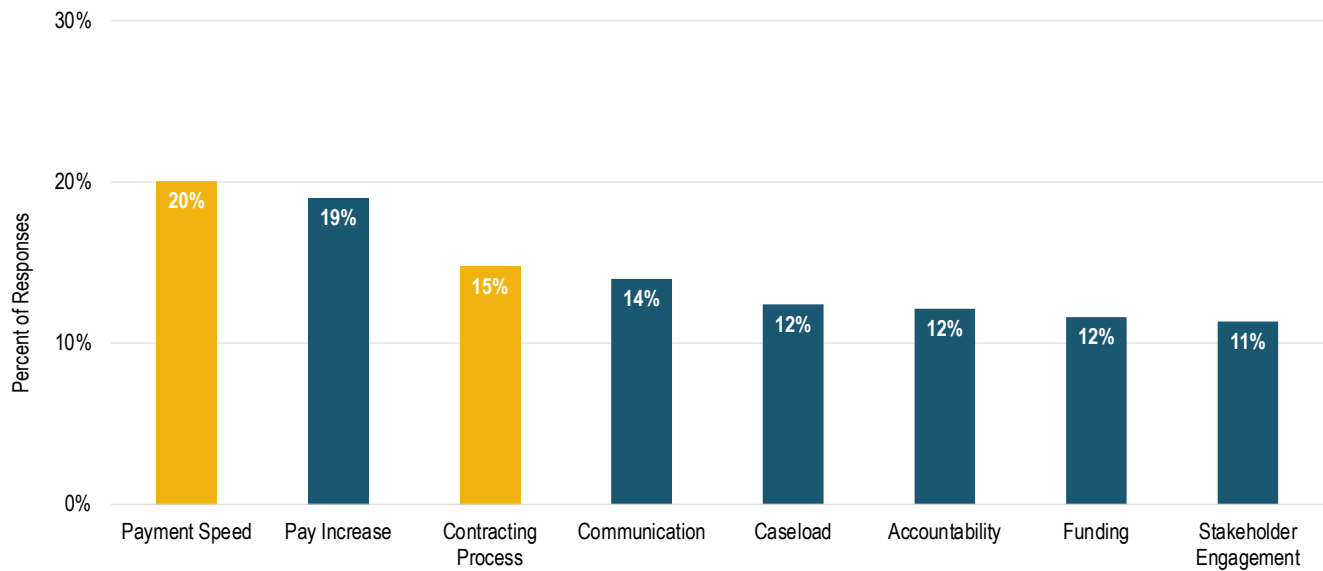
**Figure 5 – Improvements Opportunities N=379**

Where does the Agency need to improve?



**Figure 6 – Improvements Opportunities N=379**

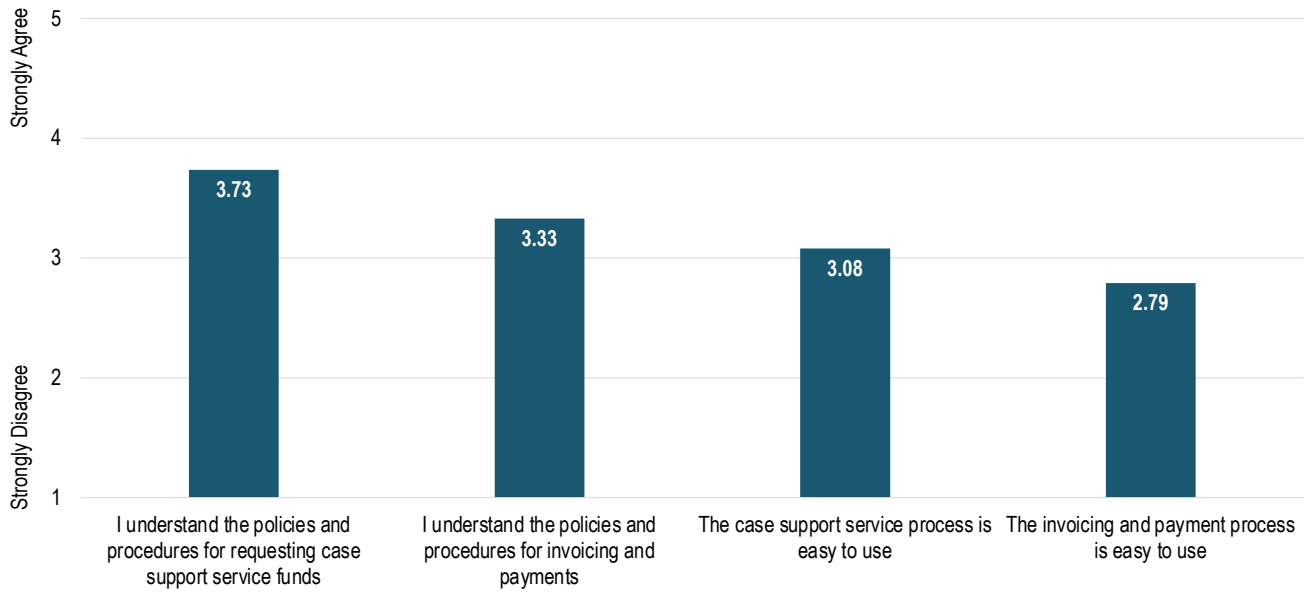
Where does the Agency need to improve?





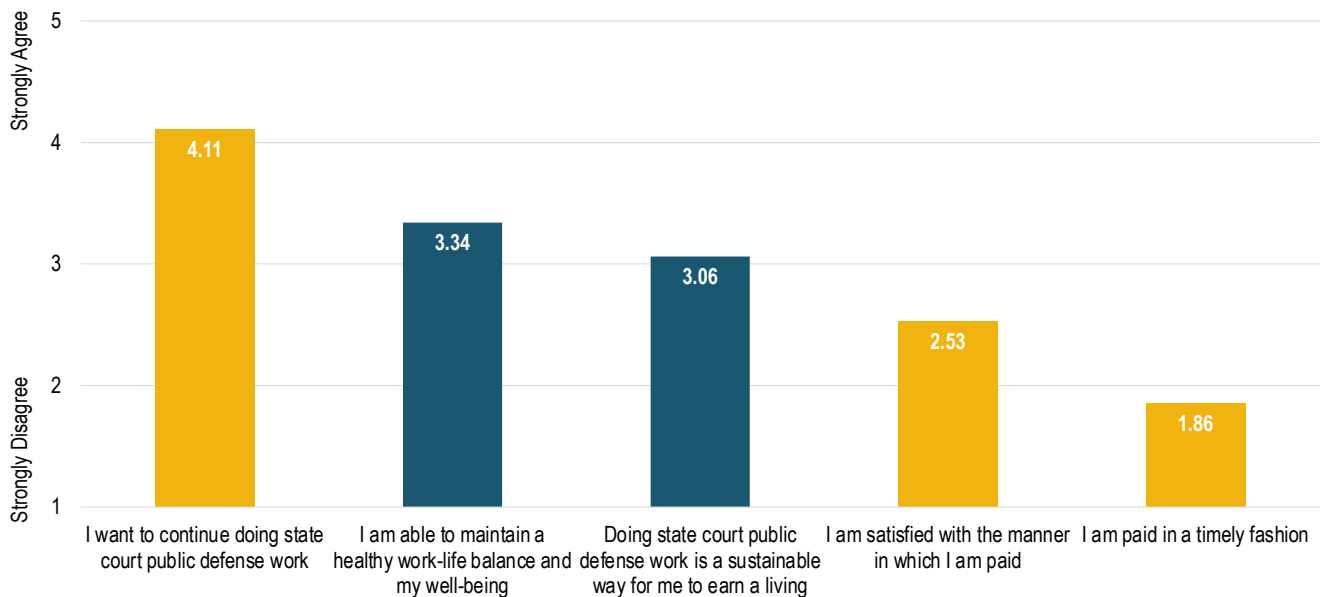
**Figure 7 – Agency Invoicing and Expense Process N=456**

How strongly do you agree or disagree with each of these statements?



**Figure 8 – Work Conditions: Non-Attorney Public Defense Professionals Paid Through CSS N=357**

How strongly do you agree or disagree with each of these statements?



**Figure 9 – Support Structures: Contract Administrators/Business Manager N=25**

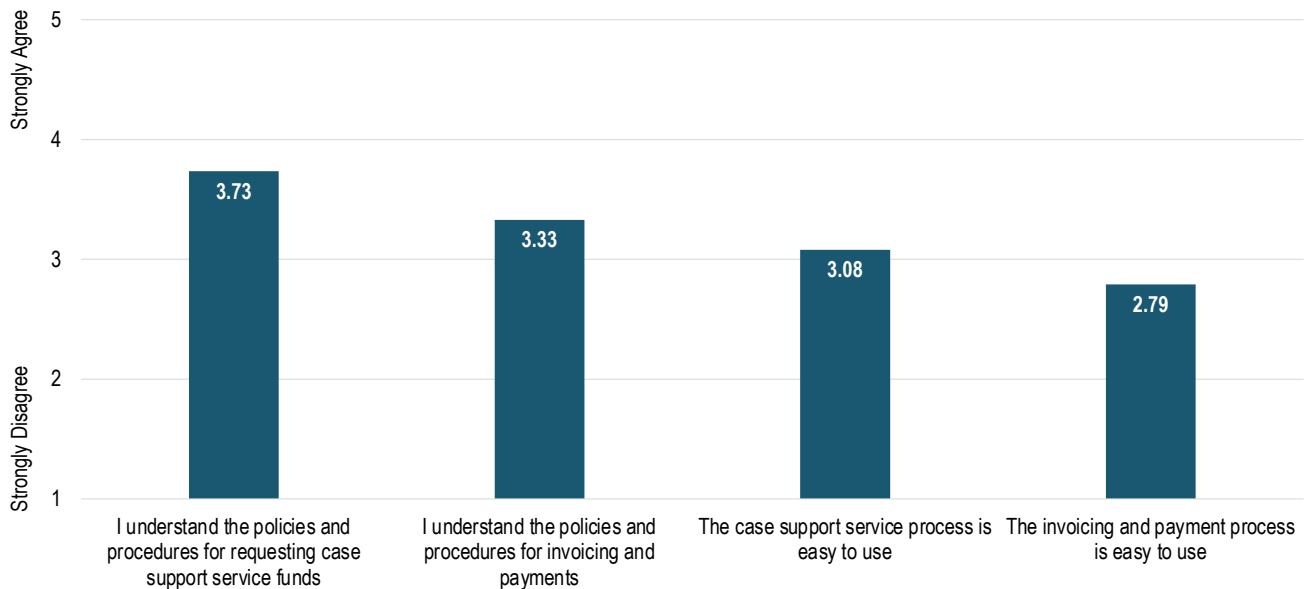
How strongly do you agree or disagree with each of these statements? (overall)

My office, firm, or consortia...



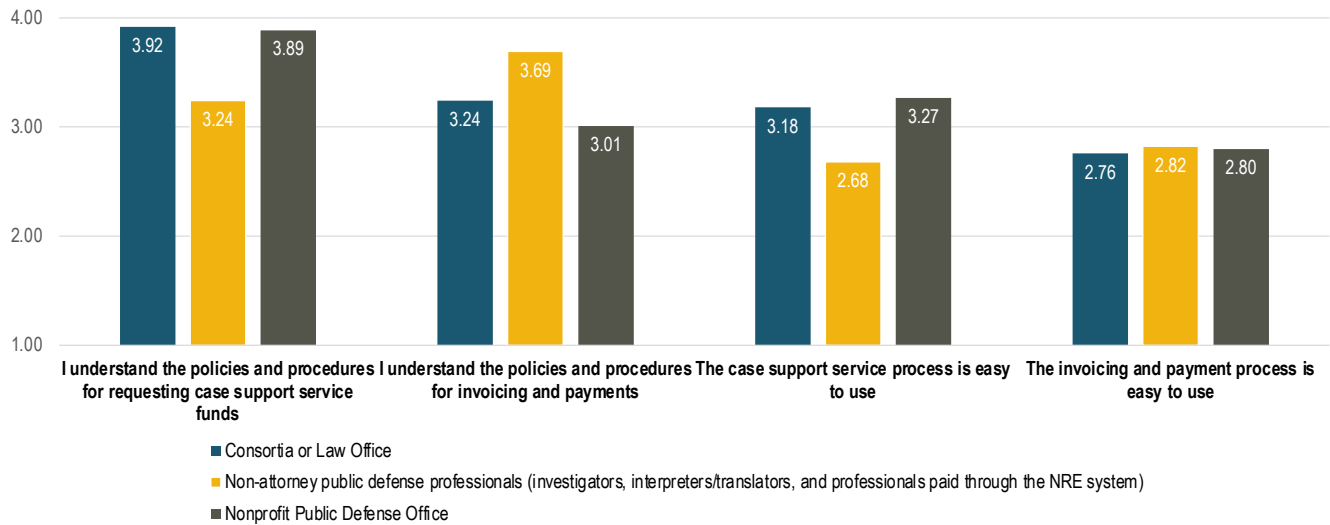
**Figure 10 – Agency Invoicing and Expense Process N=456**

How strongly do you agree or disagree with each of these statements?



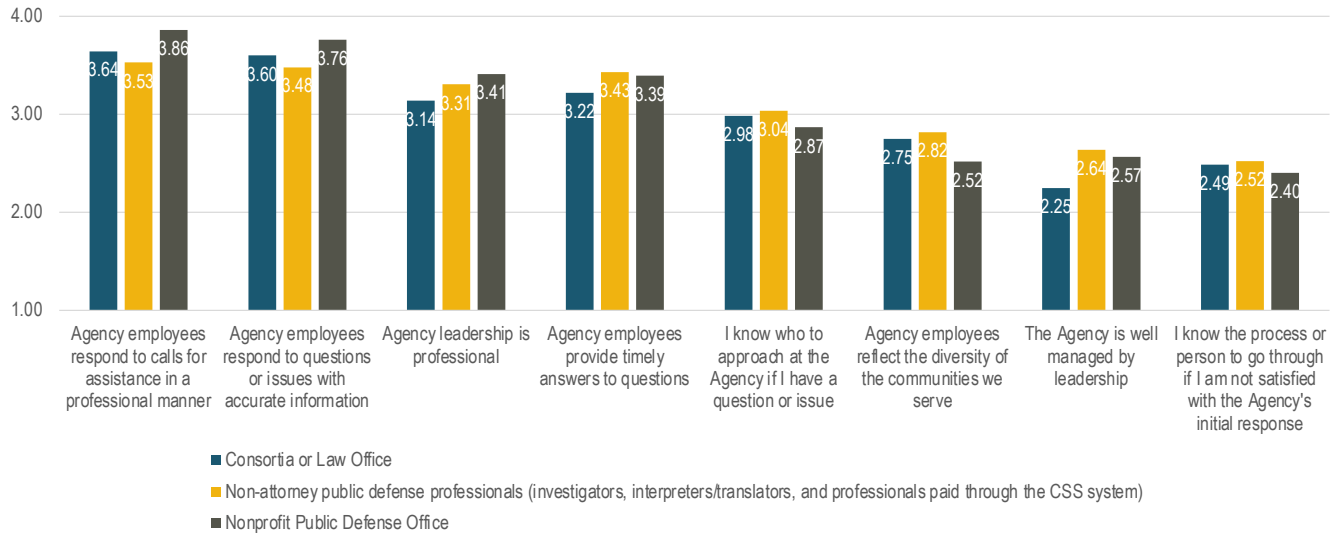
**Figure 10.1 – Agency Invoicing and Expense Process by Role N=456**

How strongly do you agree or disagree with each of these statements?



**Figure 10.2 - Agency by organizational by role**

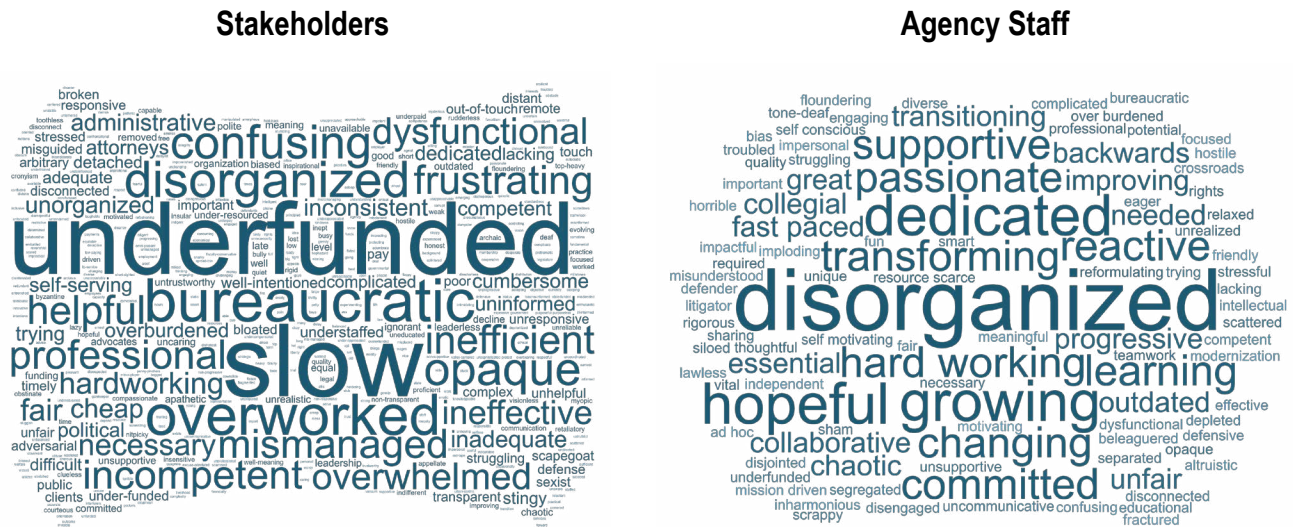
How strongly do you agree or disagree with each of these statements?





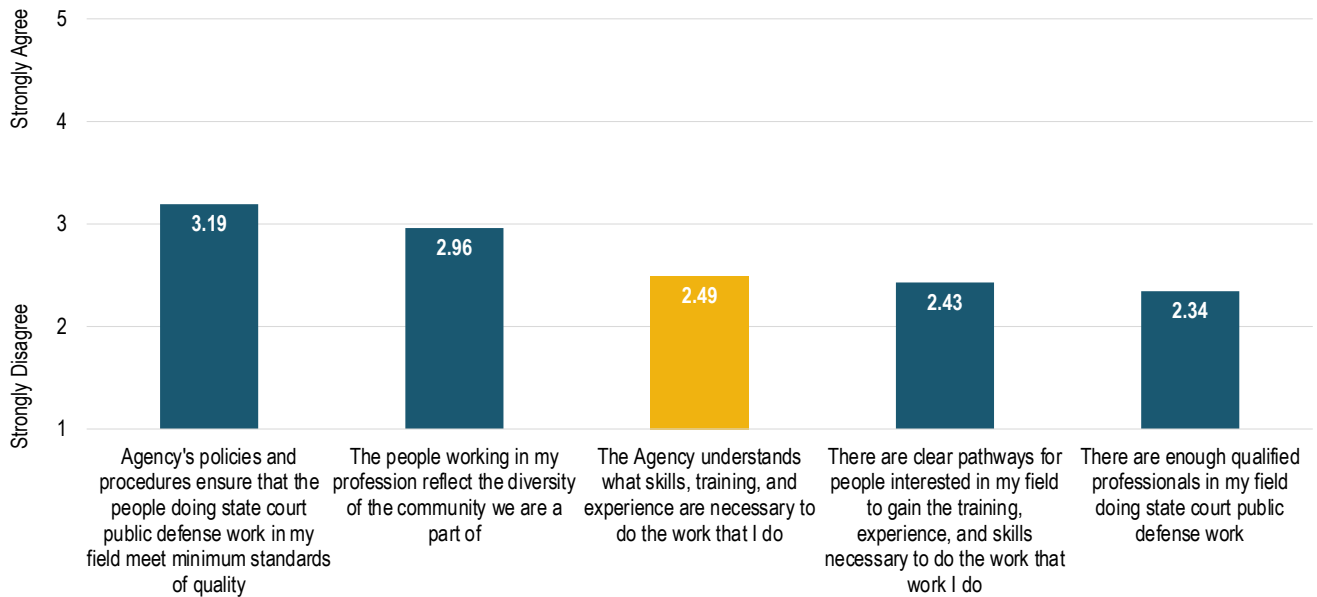
**Figure 11 – Agency Reputation N=360**

What are the three words you would use to describe the Agency?

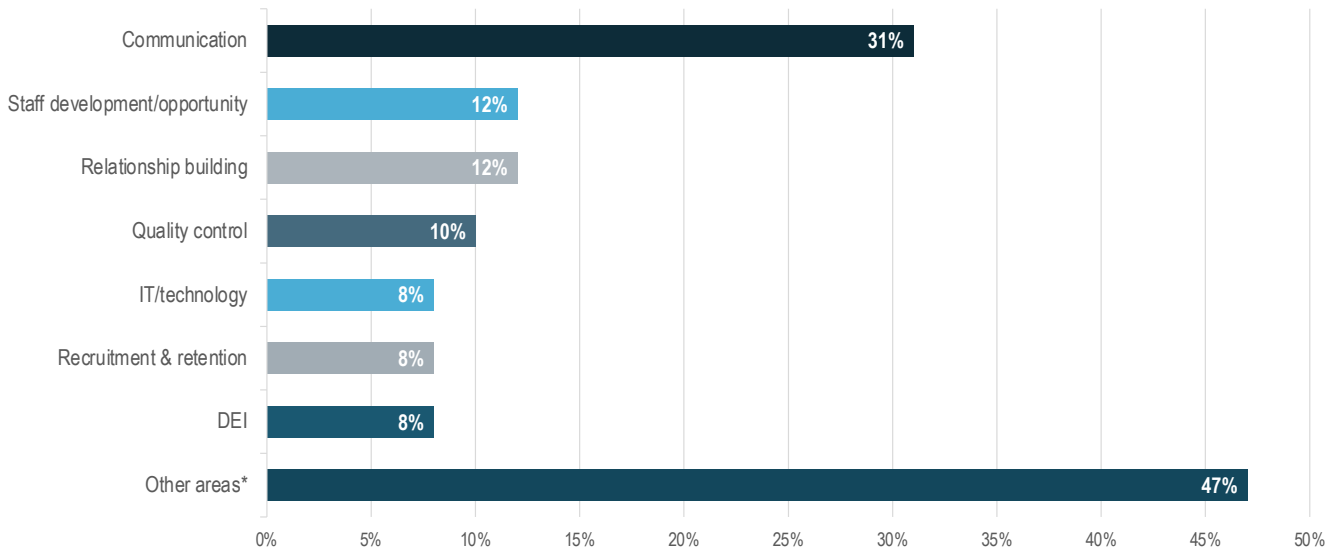


**Figure 12 – Agency Policy: Non-Attorney Public Defense Professionals Paid Through CSS N=357**

How strongly do you agree or disagree with each of these statements?

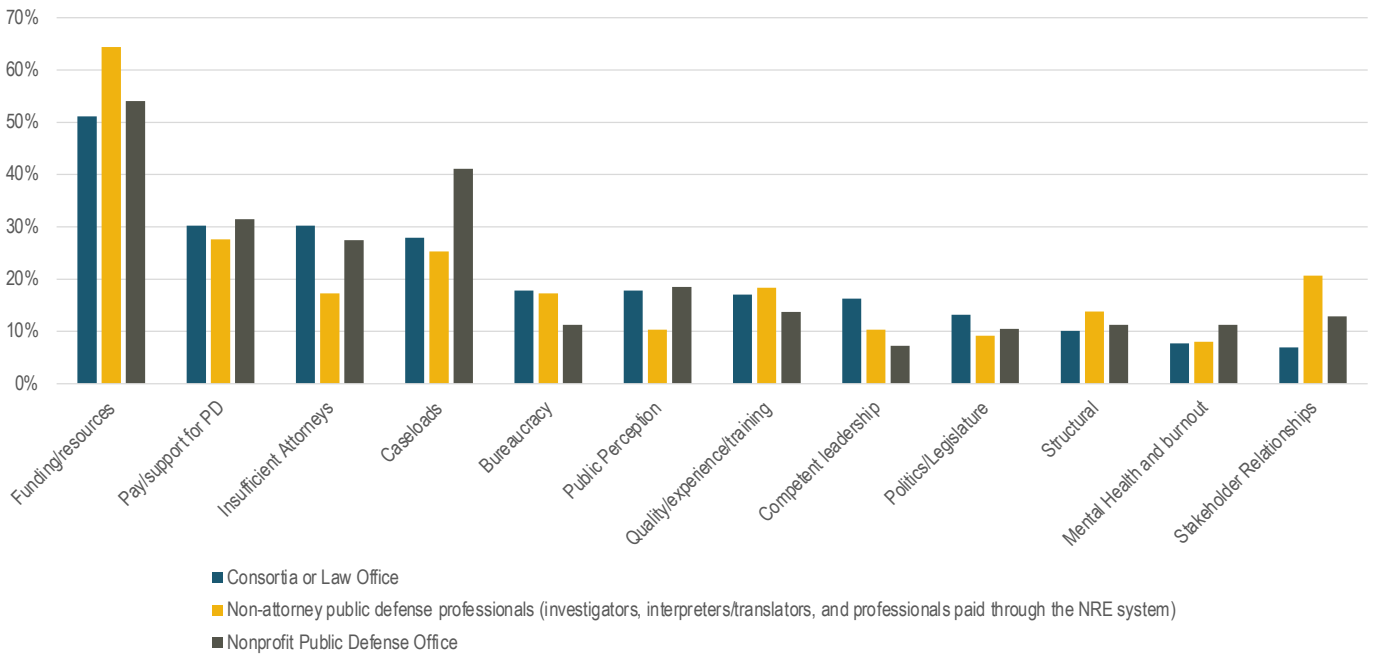


**Figure 13 – Agency Improvements-Internal Staff N=51**  
Where does the Agency need to improve?



\* Including increased staff input, outreach & education, improving reputation & perception, stronger teamwork, better resourcing – amongst many others.

**Figure 13 – Agency Improvements-External Stakeholders**  
Where does the Agency need to improve?



## Chapter Two

# Quality Representation

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The current contracting model is insufficient to meet the Agency's mission of providing high-quality representation.

*“At times, it seems like we are providing ‘It Just Is’ vs ‘Justice’.”*

1. Providers and partners have significant concerns that current caseloads are too high [Figure 14 - Caseload]. Participants overwhelmingly agree that current caseloads are detrimental to providing high-quality representation for their clients. This is particularly true for those working in nonprofit public defense offices [Figure 14.1-Caseload by stakeholder organizational type]. They note that clients are having to wait longer in custody before seeing their attorney and that high caseloads are a key barrier to their effectiveness in representing their clients [Figure 15 – Barriers Facing the Public Defense System].
    - “It’s a really bad situation. People shouldn’t have to plea to get out of prison.”
    - “There are people sitting in jail without representation for a month. This has never happened before.”
- 

2. Participants, particularly those working in public defense offices, cite increasing provider pay as a key area for improvement and believe that the Agency must advocate for additional funding for public defense services [Figure 16 – Improvement Opportunities]. Non-attorney public defense professionals overwhelmingly cited payment speed as the most important area for improvement; however, that area was noted by participants in all roles.
    - “What we have right now is not good. The decision to put dependency attorneys on a different pay scale and reduce the number of cases criminal attorneys can take has decimated our local public defender’s office and our consortium and outside attorneys. I shudder to think what the morale may be at our public defender’s office.”
- 

3. Providers in consortia and nonprofit public defense offices feel that they need additional access to client resources such as translation and investigation [Figure 18 – Access to Resources] and note that legal processes are more complex, particularly during the COVID 19 pandemic. Participants report frustration that they do not have the support, particularly during the discovery phase, to provide representation on par with that of paid clients. The current provider payment procedures push non-attorney providers to prioritize non-Agency work [Figure 17 – Non-Attorney Public Defense Professionals]. This is a key challenge to providers ability to maintain high-quality public defense services.
  - “Attorneys are forced to pay for the discovery process and then wait for reimbursement. This includes the huge number of hours required to obtain files, reply to pretrial motions, producing discovery, drafting etc.”
  - “[The Agency] needs to continue to pay for discovery, till the legislature either makes it clear that was the intent of the law change (which I don’t believe is the case) or the legislature funds discovery. With body cams, MAVS, grand jury recordings, all the discovery we didn’t have 5 or 10 years ago, it is very expensive and time consuming for DAs to provide, the County should not bare the expense.”
  - “[The Agency] has a complete lack of understanding for the complexity of these case and the out-of-pocket expenses required of attorneys. These are civil cases and the rules of civil discovery apply. Attorneys are forced to pay for this discovery process and then wait for reimbursement.”
  - “Their system needs to be designed better administratively with a focus on effectuating the outcome. We regularly don’t get paid for work that we do and the cost to chase down that money exceeds the value of that money. Providers are in the same boat. We literally have to scratch and claw to get pennies from the Agency which causes us as a rule not to work for the Agency. We would love to be able to help, but the system is so terrible that if my business were to try and work on the Agency cases, we would be losing money as a result.”



4. Participants would like to see the Agency provide resources beyond direct funding, such as recruiting more attorneys into the public defense field, providing mentorship, and training, and helping increase collaboration between providers. The lack of available non-attorney public defense staff is also a key barrier to providers ability to deliver high-quality defense services [Figure 19 – Non-Attorney Public Defense Professionals Work Environment]. Contract Administrators also argue that there is a lack of qualified providers in their work, [Figure 20 – Contract Administrators/Business Manager] which exacerbates the problem of attorneys with high caseloads.

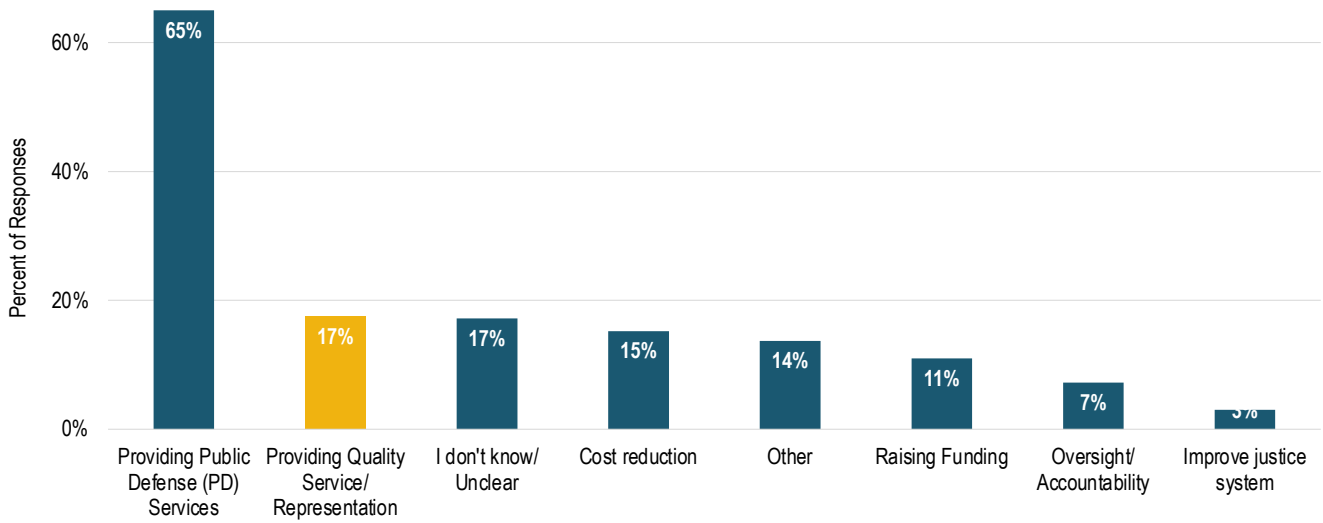
- “They need to find a better system for recruiting and maintaining high quality attorneys.”
- “I am concerned that there is a lot of legal talent that will be retiring in the next few years, and I am concerned that there is really not a system in place to make sure new attorneys are added. Also, I think morale has been lowered. I also think some of the exodus of attorneys has been due to changes by Agency leadership. I hear from more attorneys they are displeased with the management of the Agency and talk about leaving. I think management does not understand how certain directives effect the attorneys in private practice. I don't think there is an understanding of the higher costs we have.”
- “When the Agency began contracting with dependency attorneys it was purported that there would be more attorneys available. That the contracting would draw attorneys. What it actually did was cause some attorneys to decide to stop representing in dependency cases due to the contract which precludes them from representing other cases. I believe the contract needs changed to allow this. We have a severe lack of attorneys and often court is held up while attorneys are in other courtrooms. The more availability we have from more attorneys the better for us.”

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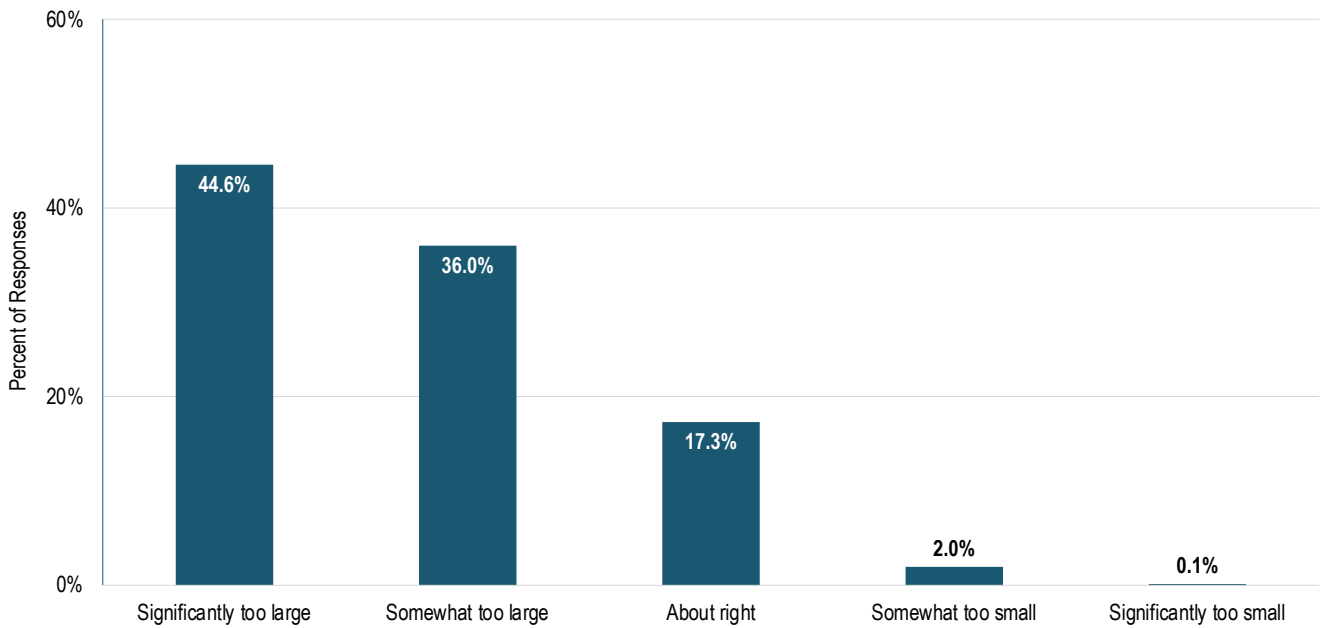
5. Participants believe oversight and accountability for attorney quality control is an important responsibility for the agency [figure 3]. The majority of survey respondents for the Adult Criminal/Criminal Contempt case type reported that they question the competence of at least one public defense attorney in their jurisdiction [Figure 21 - Competence of Public Defense Attorneys]. A significant number of respondents for other case types, although still a minority, questioned the competence of attorneys in their jurisdiction . Participants characterize the lack of oversight in quality management as a barrier to understanding which providers need additional support and training.

- “Providers don't think they are doing a bad job but agree that there are enormous constraints to their work.”
- “[The Agency] needs quality assurance and fairness. Non-profit firms serve as quality assurance for the attorneys practicing in that jurisdiction. There is oversight, performance reviews, training, and mentoring. Consortiums offer none of that yet are treated the same financially. Public defense should not be combined with retained work. The incentive to ignore the appointed work will always exist. Public defense offices should be well funded and supported to provide representation to the vast majority of clients, with consortium providing conflict representation. And there should be some oversight of those providers, like there is built-in at a PD office.”

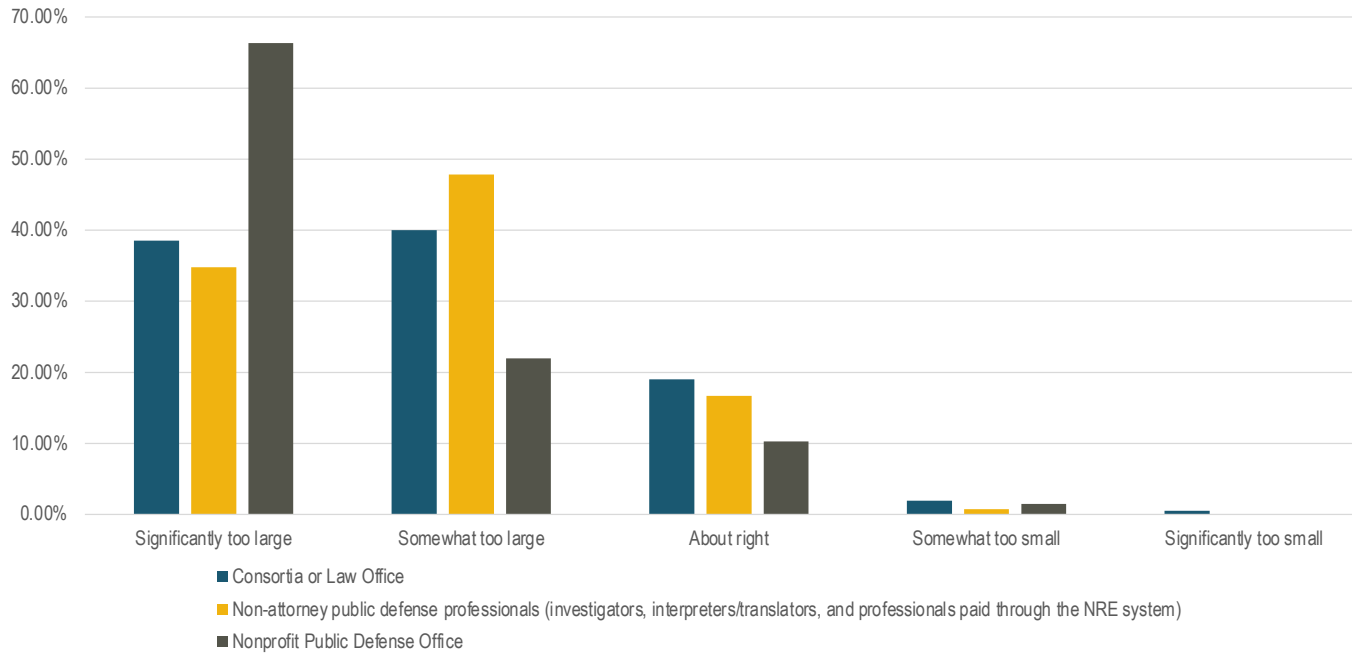
**Figure 3 – Agency’s Current Mission N=401**  
 What do you believe the Agency sees as its mission?



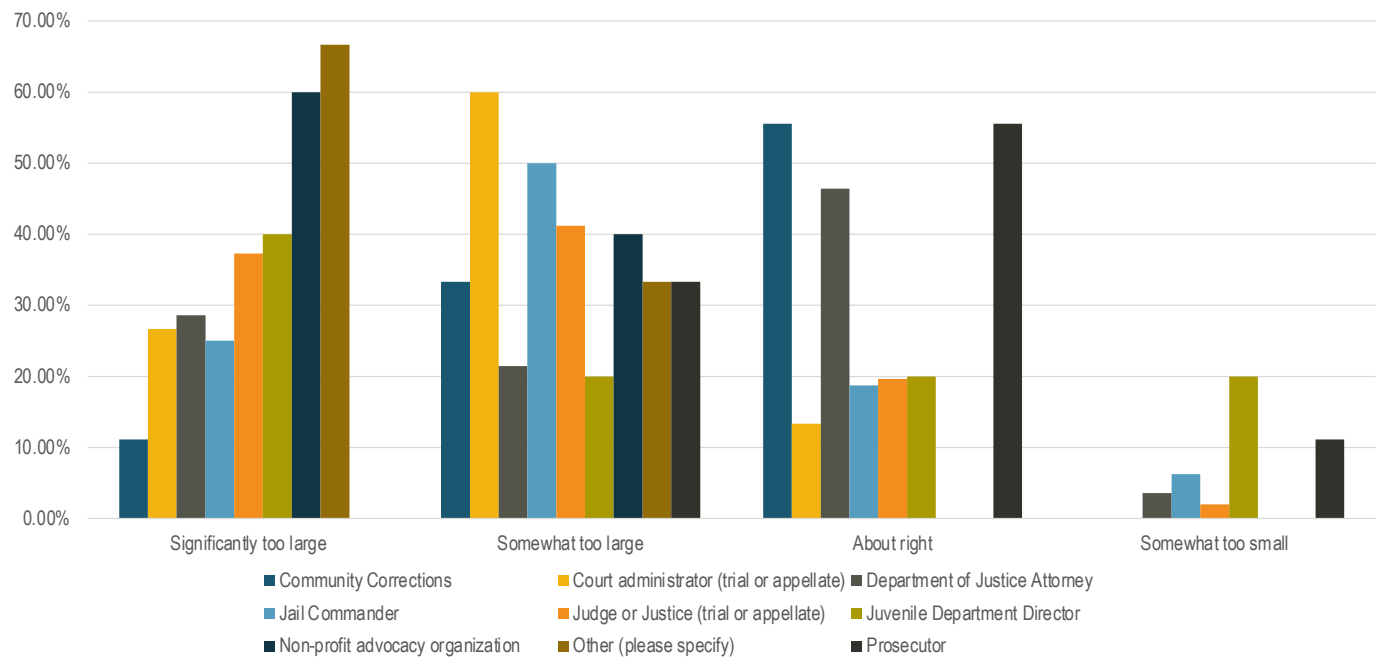
**Figure 14 – Caseload N=721**  
 How would you describe the caseloads of public defense attorneys in your jurisdiction?



**Figure 14.1 – Caseload**  
Caseload by stakeholder organizational type

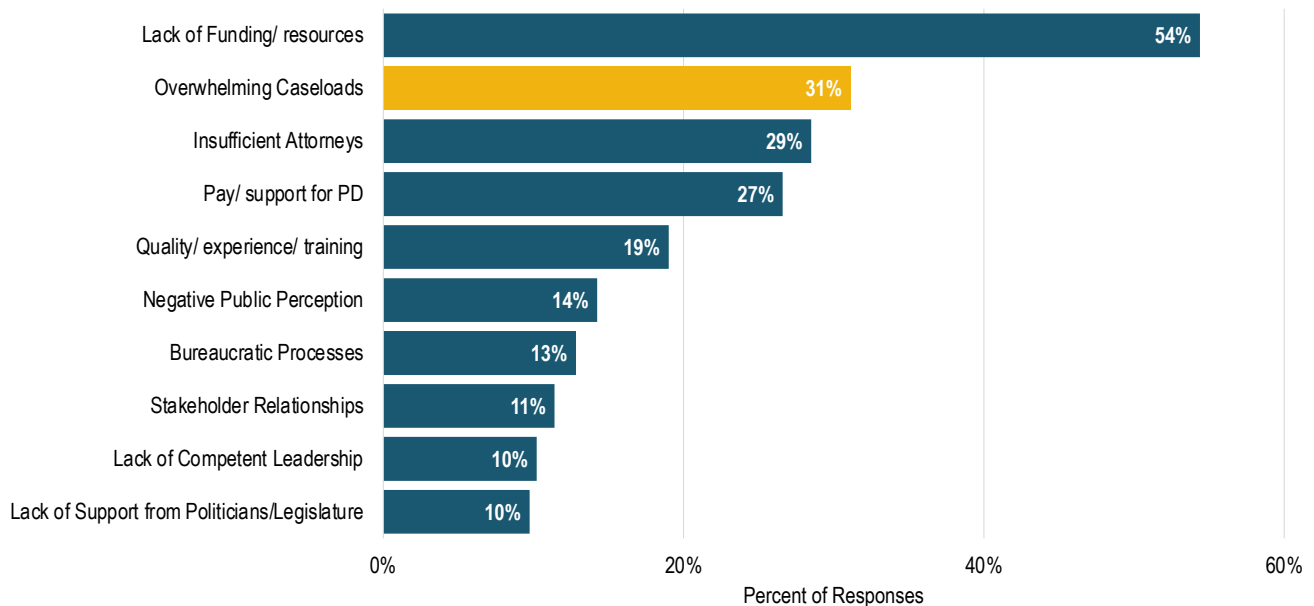


**Figure 14.2 – Caseload**  
Caseload by stakeholder role type



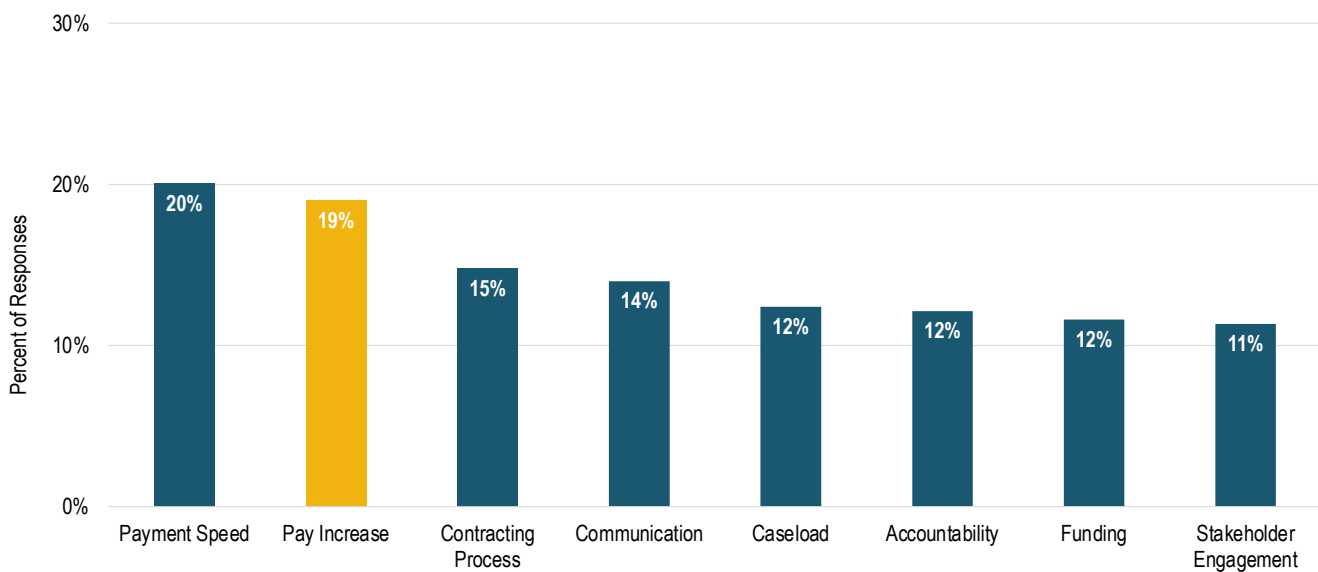
**Figure 15 – Barriers Facing the Public Defense System N=421**

What are the biggest barriers facing the public defense system?



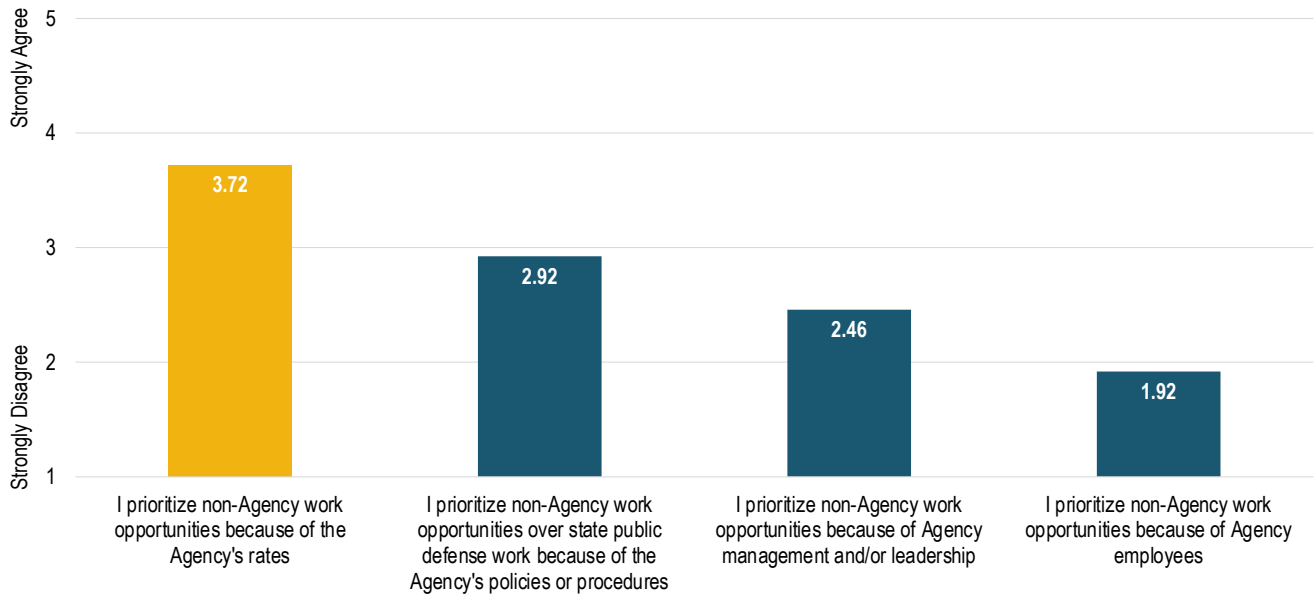
**Figure 16 – Improvements Opportunities N=379**

Where does the Agency need to improve?

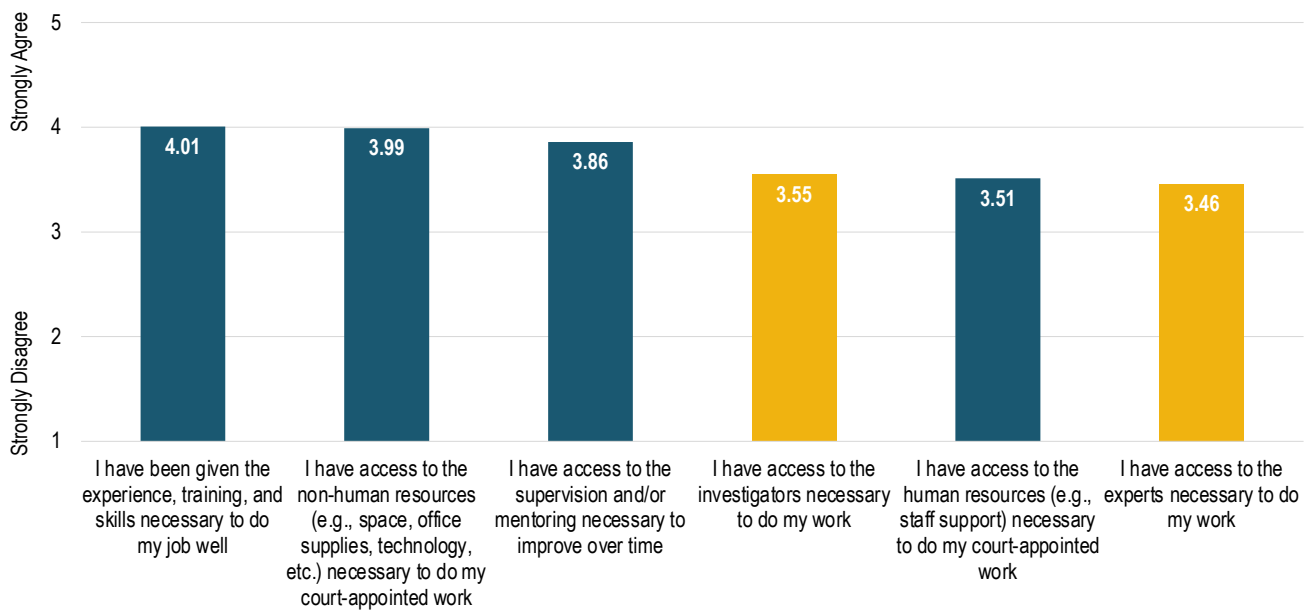




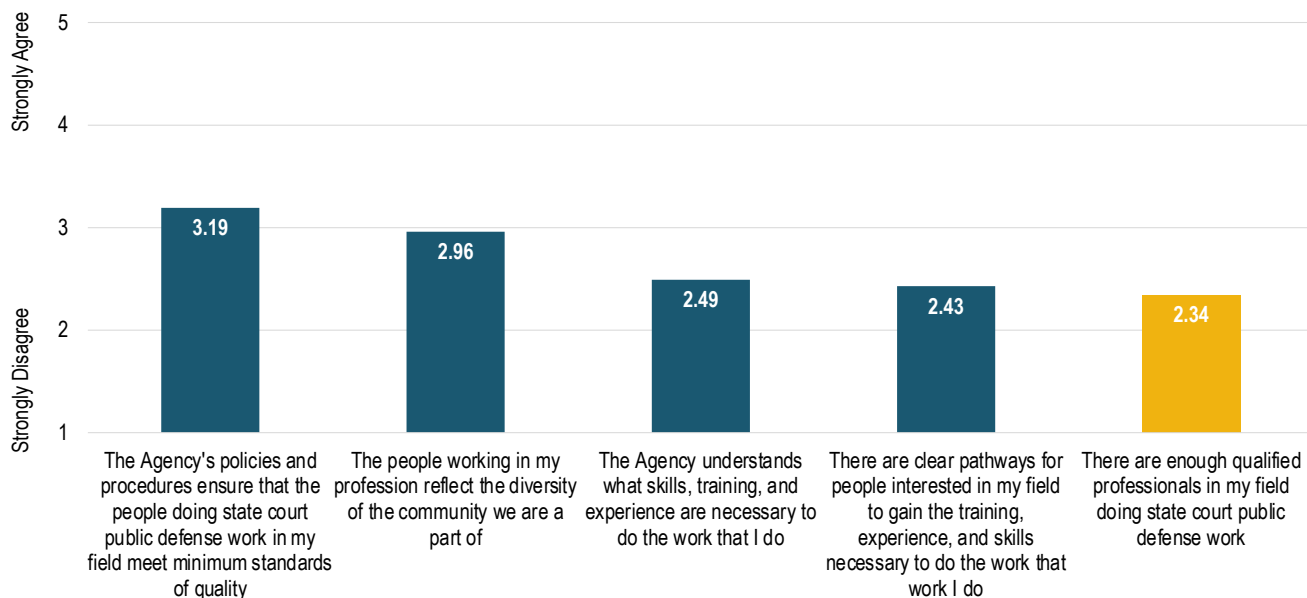
**Figure 17 – Work Prioritization: Non-Attorney Public Defense Professionals Paid Through CSS N=357**  
 How strongly do you agree or disagree with each of these statements?



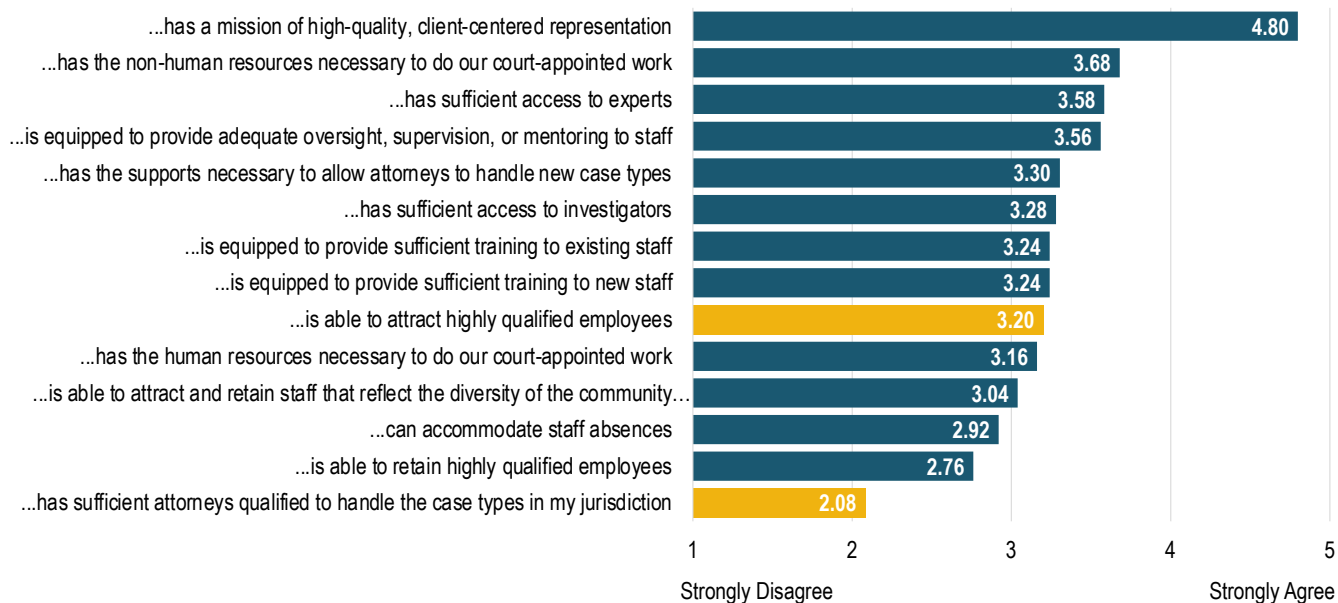
**Figure 18 – Access to Resources N=456**  
 How strongly do you agree or disagree with each of these statements?



**Figure 19 – Work Environment: Non-Attorney Public Defense Professionals Paid Through CSS N=357**  
 How strongly do you agree or disagree with each of these statements?

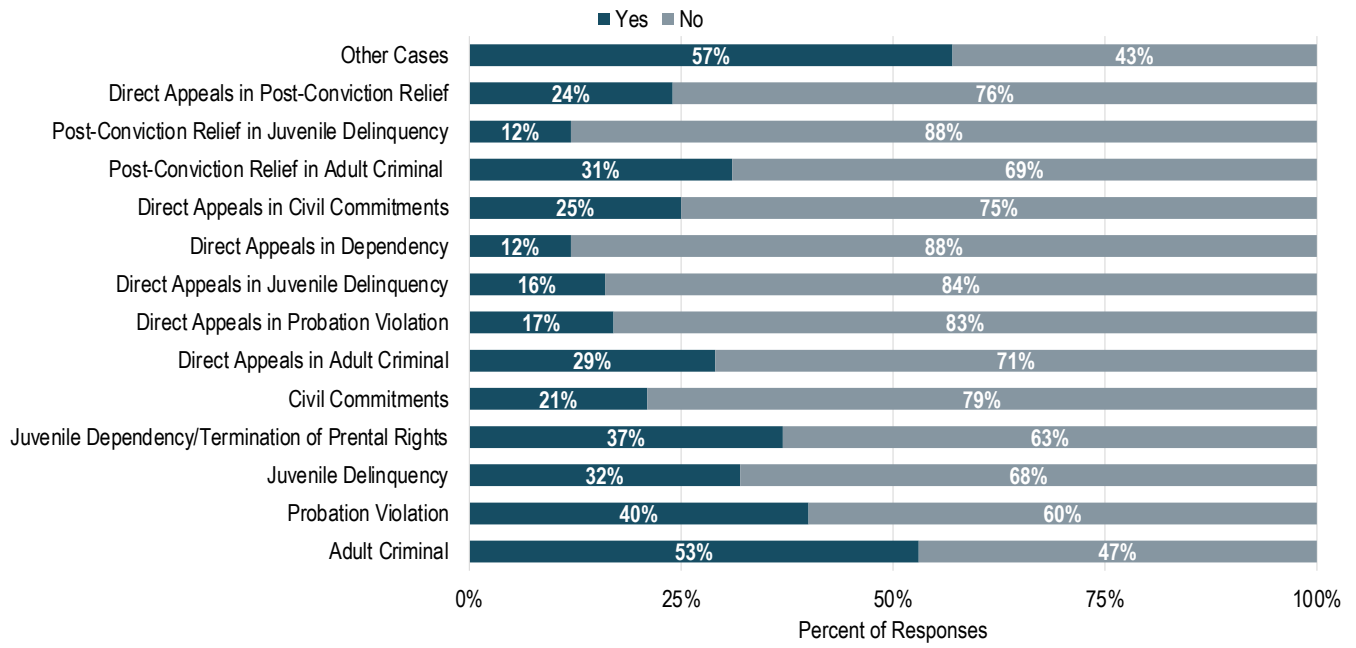


**Figure 20 – Support Structures: Contract Administrators/Business Manager N=25**  
 How strongly do you agree or disagree with each of these statements? (overall)  
 My office, firm, or consortia...



**Figure 21 – Competence of Public Defense Attorneys N=729**

Do you question the competence of any public defense attorneys in your jurisdiction?



## Chapter Three

# Stakeholder Relationships

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Stakeholder Relationships: Relationship-building with public defense stakeholders is key to improving the public defense system.

*“My impression of this survey is that the Agency is making a focused effort to improve its services.”*



1. The Agency’s role within the public defense system needs to be better defined and communicated to stakeholders. Currently, stakeholders report that they are unsure who to speak with at the Agency if they have a question or issue [Figure 22– Agency], and don’t know what the next steps would be if they need to follow-up for additional information. In the past, Commission members and Agency staff would participate in site visits to speak more directly with stakeholders. Although in-person visits are more difficult due to community safety guidelines to prevent the spread of COVID 19, stakeholders would like to see more direct involvement and information-gathering by the Agency. Participants characterize their relationships with the Agency as adversarial and would like additional opportunities for engagement and cooperation.

- “They’ve lost credibility with stakeholders and have to get it back. They need to have enough people who stakeholders know can be trusted.”
- “COMMUNICATION! You have a new system I heard is starting Jan 1st for billing NREs . And I've heard nothing about what is expected of me. I have no clue how to bill beginning Jan 1st. No big surprise. Communication has lacked for a long time. I'm always in the dark of about how long it will take for me to get paid.”
- “[The Agency] should improve on how it communicates expectations to providers. The Agency should not be afraid to set a high standard for representation and require that providers meet it.”
- “The last couple years have been miserable. There is a lack of trust between PD Offices and the Agency. The current COLA for the Appellate Division is a prime example.”

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2. While stakeholders agree that the Agency’s primary role is to fund high-quality public defense services for indigent clients, there are expectations that the Agency’s mission also includes improving the justice system and providing training, support, and resources to recruit and retain quality attorneys and case support service providers [Figure 23 – Agency Current Mission]. Participants state that increasing stakeholder outreach and communication is a key improvement opportunity [Figure 24– Improvements Opportunities].

- “[The Agency] needs to be forward looking and proactive rather than having to react to ongoing changes in the industry and profession.”
- “Robust public defense needs resources. I don’t know the how’s, but it would be great to see the Agency collaborating with other professional fields (e.g., psychology) to develop or recruit more diverse professionals that we could then use for our clients.”

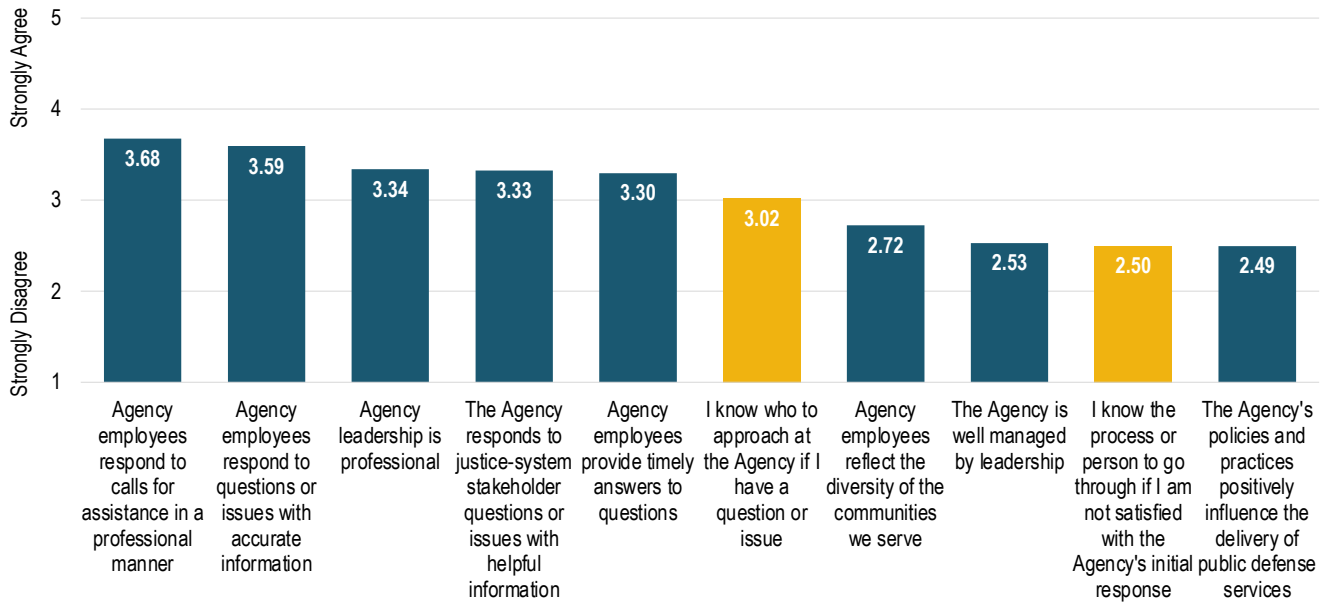
3. Participants would like to see the Agency have a stronger relationship to the state legislature. Stronger relationships with the Oregon legislature could help the Agency better advocate for funding and resources, which is a key area that participants would like to see the Agency address. [Figure 25 – Top Priorities]. Providers also note that friction between the Agency and the Commission, as well as between the Agency and the state legislature is a barrier to the Agency’s ability to deliver high-quality representation.
- “The Agency has no credibility with the legislature.”
  - “The Legislature demanded an external culture shift that [the Agency] will need to address.”
  - “The Agency (and indigent defense prior to the establishment of the Agency) often is begging for and then very thankful for crumbs from the legislature. The Agency has not done enough to educate the members of the legislative, executive and judiciary about the challenges faced by indigent defense providers. This leaves providers feeling like second-class citizens without support from the Agency, and therefore little to no voice in the system.”
  - “[The Agency] should improve getting the message out to the public and the legislature as to why public defense matters to everyone. The Agency needs to knock off the favoritism and the misogyny that goes on. Good lawyers are leaving because they are lacking support and proper training.”
  - “The Agency needs to devote time and resources to convince the legislature to adequately compensate trial level attorneys and staff and to control the workload of trial attorneys and staff.”
  - “The Agency’s lobbying efforts have not gotten the results that our clients need. Under the current structure, without improving the actual standard of representation, getting every indigent person an attorney is going to cost a lot more than the legislature is interested in spending. The Agency’s practice of asking for more and stretching a small increase across the same lawyers isn’t working. We are all do-gooders of one kind or another in this field, and we’ll all sacrifice things we shouldn’t to struggle to meet our clients’ needs.”
- 
4. The Agency must demonstrate accountability both through internal and external quality assurance and performance management. The Agency must create and sustain new avenues for feedback and communication. Participants currently struggle to see what the Agency does well [Figure 26 - Strengths] and believe that the Agency needs to strengthen its ability to assess provider quality and proactively engage providers to understand what resources they need to improve and how to best address the challenges they face.
- “The work of public defense is exhausting and overwhelming. We need the Agency to be a champion and beacon for the work and there to support providers. It is no longer sustainable to believe public defenders need to work themselves to the bone for little pay and little reward. This is not healthy and doesn’t elevate practice. We need the Agency to hold practitioners accountable to high standards in a supportive way, where they are eager to provide resources and support to partner with defenders to provide high quality representation for indigent clients.”

5. The Agency’s engagement needs to be oriented to communities most burdened by structural barriers. Providers point to rural areas that need additional outreach and support in recruiting attorneys. In addition, given the lack of diversity representing diverse clients, the Agency must maintain its commitment to building a foundational equity practice. As a state agency, the Agency must align with state Diversity, Equity, and Inclusion (DEI) commitments and action plans. This means investing in training, tools, and resources, as well as building an internal capacity for maintaining focus and resources towards those goals.
- “It’s hard to get local representation in rural areas. There is not a good pipeline. [The Agency] needs to think about how they can either partner with justice system leaders or think about how to develop programs and positions in less desirable locations. We need a program that incentivizes lawyer going into remote locations.”
  - “[The Agency] has to pay people the same regardless of gender. The best PDs I know are women.”
  - “The overall culture from one of an "old boys club" to one where the needs of indigent clients are put front and center.”
  - “It is a very white dude loaded system, at least in my part of the state. That impacts retention of people who are not a white male as well as recruiting.”
  - “You will probably have to pay bonuses to get attorneys to stay in more rural areas for longer than a year or two. I know all this costs money, but I suspect it will cost the state of Oregon less than a lawsuit for failure to provide competent attorneys in all criminal cases in a timely way.”



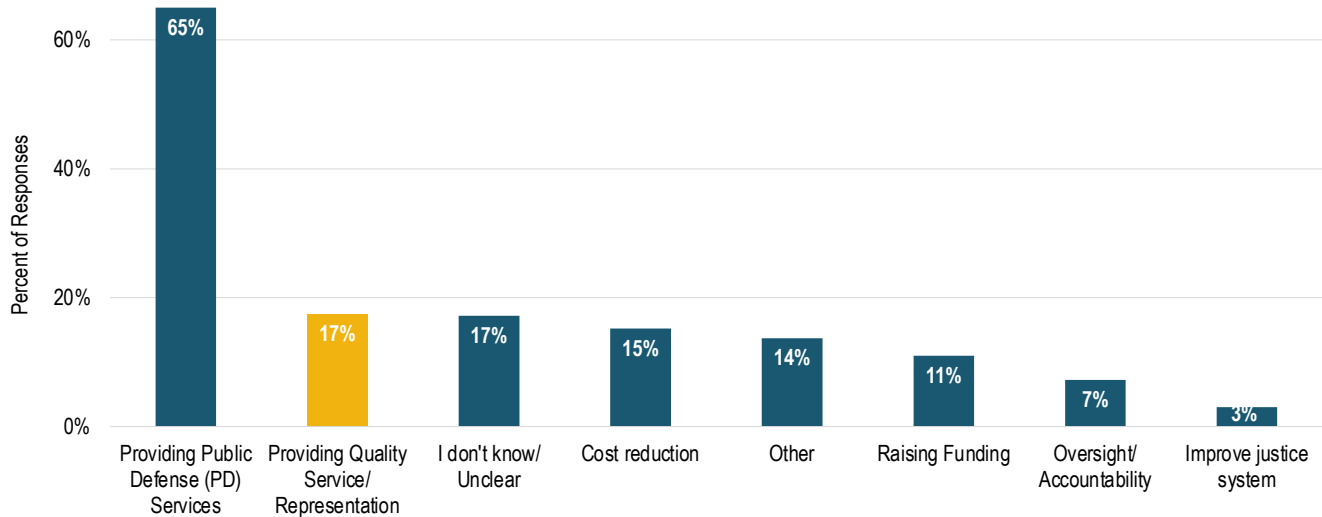
**Figure 22 – Agency N=589**

How strongly do you agree or disagree with each of these statements?



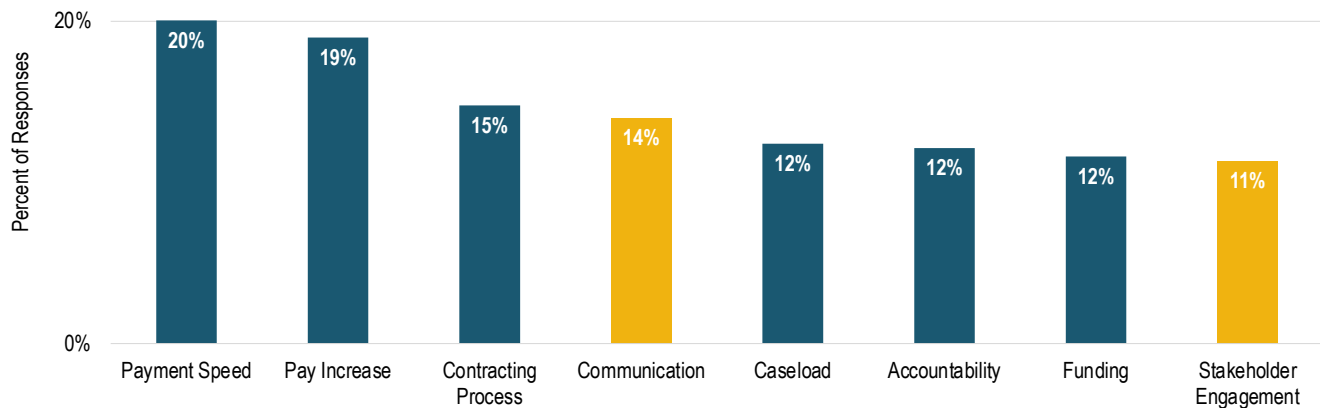
**Figure 23 – Agency's Current Mission N=401**

What do you believe the Agency sees as its mission?



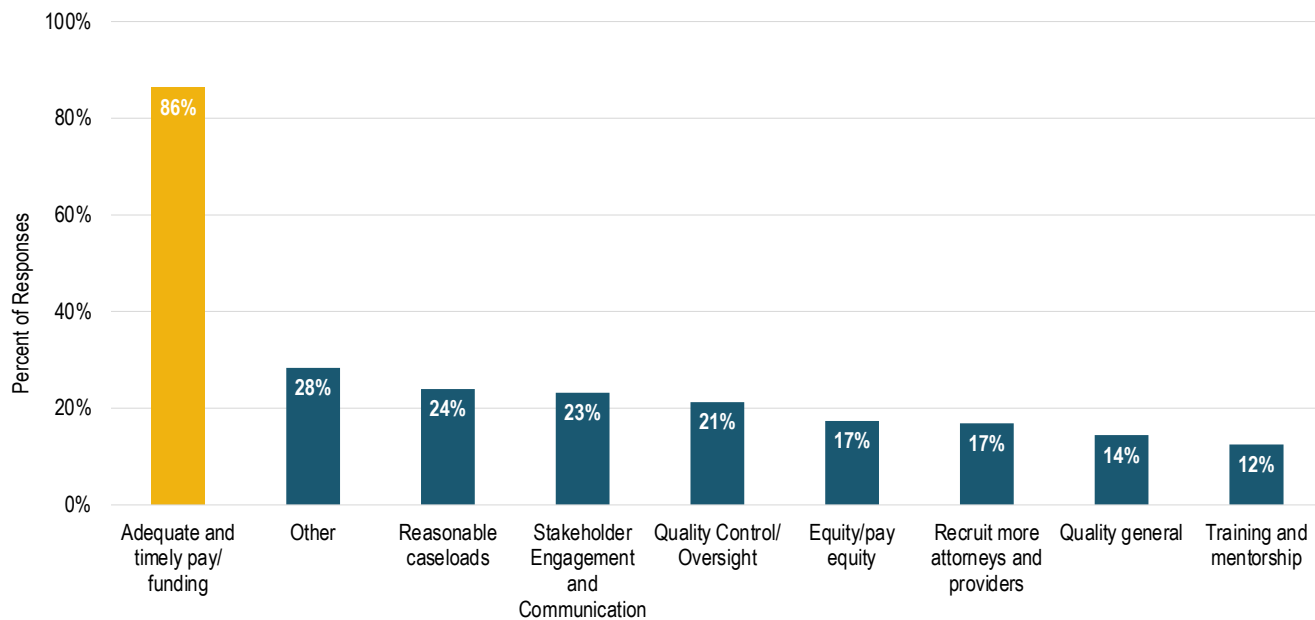
**Figure 24 – Improvements Opportunities N=379**

Where does the Agency need to improve?

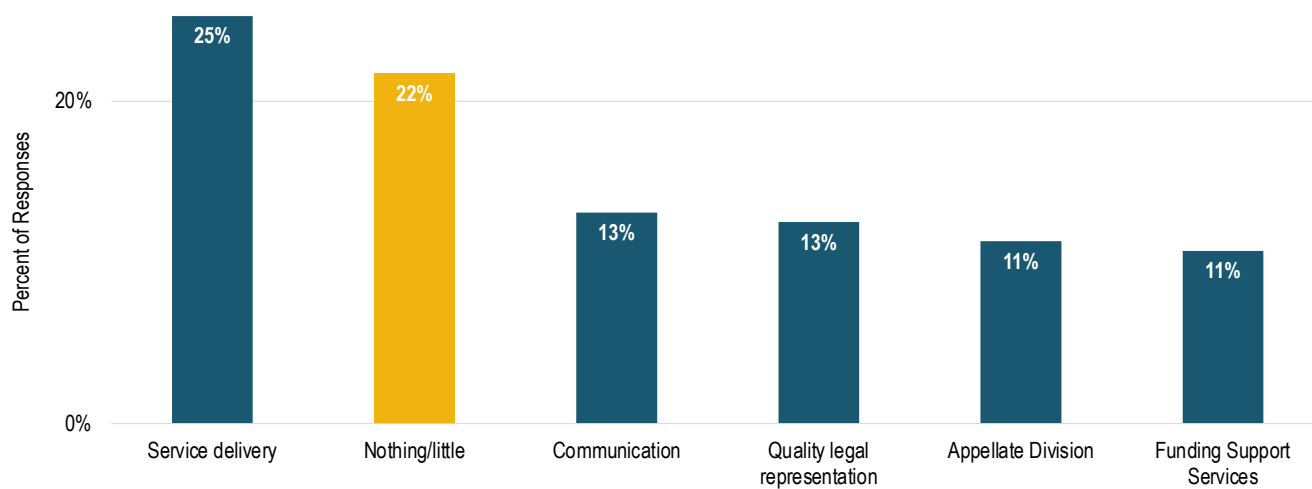


**Figure 25 – Top Priorities N=379**

Where does the Agency need to improve?



**Figure 26 – Agency Strengths N=336**  
What does the Agency do well?





## Chapter Four

# Internal Agency Culture

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Internal Agency Culture: Although strengths were identified by Agency staff, the Agency needs to focus on key cultural issues to enable the Agency to achieve its mission.

*“It is often unclear to me why people leave [the Agency] and the sense on the ground is internal dysfunction.”*

1. Staff often describe Agency culture as collegial, collaborative, and supportive, as well as hopeful, dedicated, growing, transforming and hard-working. However, there are a significant number of employees who regard the Agency as disorganized and disconnected.

- “I think it's impossible to see evidence of our organizational values in action on a daily basis when it's not at all clear that we are operating from any set of shared values.”
- 

2. Survey results indicate Agency leadership often demonstrates fairness and respect. However, there is a perception of a lack of staff inclusion in decision-making and a lack of commitment to advancing Diversity, Equity, and Inclusion (DEI). Legal Support staff are particularly dissatisfied with measures of leadership quality and actions. Across all staff, those with the shortest tenure, males and BIPOC employees are the most satisfied with leadership.

- “Input is received respectfully but never goes anywhere. This means work-related issues never get resolved.”
- “I cannot recall the last time I was asked to give my opinion as to a manager/leadership evaluation, and I don't think the agency has been very thoughtful about creating a uniform, supportive model for employee feedback and growth.”

3. Many staff are unsure of the required skills and abilities within each role in the Agency; this is particularly true of staff who identified themselves as part of the Accounting division, which includes accounting technicians and accountants.

- “My experience is pretty siloed”
- 

4. While staff highly rate their work-life flexibility and feel valued for their everyday contributions, opportunities for promotion and advancement are felt to be lacking.

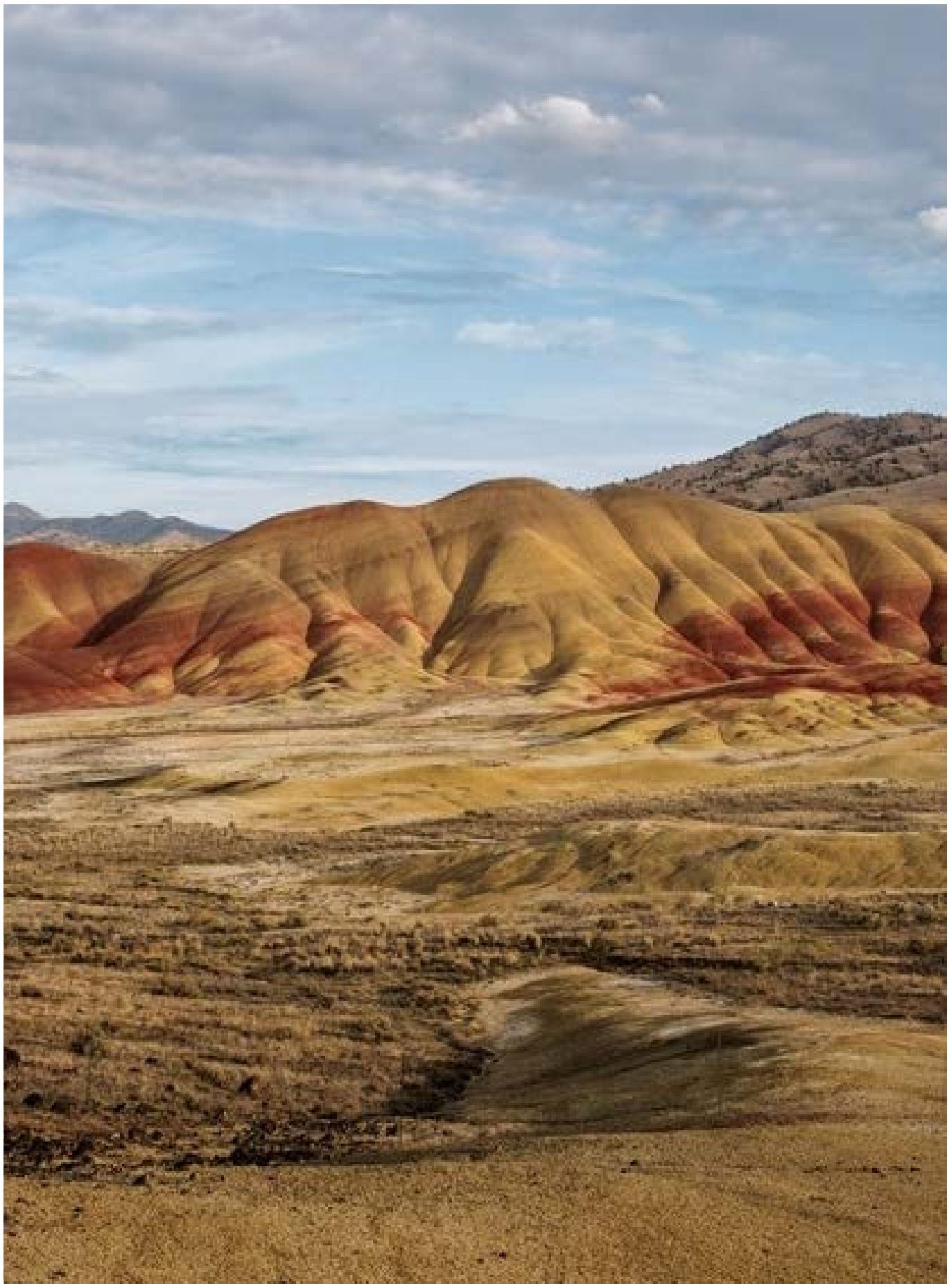
- “I think there is a lack of emphasis on self-development to learn more of the tools available or that could be available to staff to improve work function. By observation many are stuck in not being able to perform at a high level for not having the knowledge or training to be as effective in the tools they have at hand.”
- “I believe I currently have the flexibility to balance family, community, and job obligations but fear that as soon as the pandemic rules are changed that the telework opportunity will vanish.”

5. The Agency's strengths are perceived to be the provision of high-quality appellate representation and commitment to clients. Staff support and flexibility is referenced as a plus, with high quality, collaborative staff also regarded as a strength.

- "I do feel like everyone who has some input on anything that is happening within the agency is heard. That is important especially in an agency that is trying to grow and make progress in turning a new leaf."
- 

6. Insufficient funding is perceived to be the primary barrier facing the public defense system. This is accompanied by concerns about staff recruitment/retention and a perceived lack of trust and understanding within the organization.

- "I believe the goals for the Agency work culture is not focused inward on working collaboratively as a team to reach the agency goals. The organization has a great amount of talent outside of upper management that does not seem to be tapped in order to help make decisions and move the agency forward in a thoughtful way."





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