



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: 2/7/2024

Department: District Attorney

Title: New Discovery Fee Schedule

Management Update/Work Session Date: Presented on 1/23/2024 Audio/Visual aids

Time Required: 10 Minutes Contact: Jeffrey Good Phone: 503-588-5222

Requested Action: Approve New Flat Rate Discovery Fee Schedule

Issue, Description & Background: The purpose of this project is to establish a flat rate fee structure to meet the statutory requirement to provide Discovery on criminal cases. This will create a formalized, streamlined, billing system reducing labor and materials costs. The last established Discovery fee schedule put in place in 2020 was meant to be replaced with a flat rate schedule after our new case management system, the eProsecutor Discovery Portal, was implemented and tested in mid-2021. This structure was delayed as we learned our new system. It was brought to our attention in early 2023 the inefficiencies of our billing system and implementing the new flat rate structure was put on hold until we could best formulate a well-researched fee schedule and productivity testing within our office. During this time, we have found a flat rate schedule is in the best interest of our office. Marion County, and to the parties

Financial Impacts: The unofficial current fee schedule was temporarily put into place in July 2023 due to some emergent inconsistencies in the eProsecutor case management system. The proposed new flat rate structure will be more aligned with comparable counties, as well as benefit the county with regards to personnel cost savings, discovery tasks, and material reduction.

Impacts to Department & External Agencies: A new flat rate fee Discovery Fee Schedule would help streamline operations in the department and benefit the department with regards to personnel cost savings, reduction of time spent on discovery tasks, and material reduction. This will also help streamline the process for defense attorneys accessing the materials in the portal. Potential increase in overall discovery fees to defense attorneys.

List of attachments: Proposed 2024 Discovery Fee Schedule

Presenter: Paige Clarkson, Jeffrey Good

Department Head Signature: [Handwritten Signature]

BEFORE THE BOARD OF COMMISSIONERS

FOR MARION COUNTY, OREGON

In the Matter of Discovery Fees Charged by)
the Marion County District Attorney)

ORDER No. _____

This matter came before the Marion County Board of Commissioners at its regularly scheduled public meeting on Wednesday, February 7, 2024, to consider adopting a new fee schedule for discovery fees charged by the Marion County District Attorney’s Office.

WHEREAS, the District Attorney provides documents, photos, video and audio tapes, digital files, and other media as part of discovery for criminal defendants and is entitled to recover the costs of producing these materials; and

WHEREAS, the proposed fees are reasonable and consistent with those charged in other counties; now, therefore,

IT IS HEREBY ORDERED that the Marion County District Attorney’s fees for discovery shall be set forth in the attached Exhibit A and that these fees shall become effective March 1, 2024.

DATED at Salem, Oregon, this _____ day of February, 2024.

MARION COUNTY BOARD OF COMMISSIONERS

Chair

Commissioner

Commissioner

Attachments: Exhibit A – Discovery Fee Schedule

EXHIBIT A

Marion County District Attorney's Office

Discovery Fees – 2024

Price is a flat rate fee based on type of crime. Highest charge on a case will be used to determine flat rate fee. All materials/costs are included in flat rate fee price (unless noted below).

Type of case/charge	Price
Parole Violation	\$15
Misdemeanor	\$50
Felony (Basic & Complex)	\$125
Measure 11 Crime	\$250
Homicide Tier 1 (up to 6,000 pages)	\$500
Homicide Tier 2 (6,001 pages or more)	Additional \$500
Re-issue of e-discovery link (link expired)	\$5
Re-issue of discovery packet (to new lawyer)	Initial packet price (above)
Re-issue of lost media (discs and drives)	Cost of storage device
Pro Se Cases	\$25
Public Records Request	Per County policy and labor costs
Postage	Actual cost