

**Oregon State Bar Testimony in Support of HB 5041  
Before the Ways and Means Subcommittee on Public Safety**

March 25, 2013

The Oregon State Bar supports the budget for the Public Defense Services Commission (PDSC), which provides funds for representation and access to justice for indigent Oregonians facing criminal charges.

It is worth noting that this year is the fiftieth anniversary of the United State Supreme Court decision in *Gideon v. Wainwright*, which established as a matter of federal constitutional law that an indigent person charged with a felony in state court has an absolute right to court-appointed counsel. Under current law in Oregon, the right to counsel extends to indigent persons charged with misdemeanors as well.

This right to counsel has leveled the playing field significantly between the parties to criminal cases, and has also made the providers of indigent defense services every bit as important to the public safety system as district attorneys, law enforcement agencies and the courts themselves. Criminal trials cannot occur unless the defendant is provided with counsel, and the system grinds to a halt if no funds are available to pay for their services. Funding other parts of the criminal justice system at the expense of indigent defense impairs the viability of the entire system.

Like the courts, PDSC has very little control over the demand for its services. Charging decisions rest with the district attorneys, and PDSC must provide funds for competent representation for all indigent defendants who are charged with felonies and misdemeanors.

Access to justice is one of the Oregon State Bar's cornerstone values, and we strongly support a budget for the Public Defense Services Commission that

- Ensures funding sufficient to maintain services at current levels;
- Fairly compensates publicly funded attorneys in the criminal and juvenile justice systems; and
- Reduces caseloads for lawyers representing parents and children.

The Oregon State Bar urges adoption of a budget for PDSC that accomplishes these goals in the next biennium.