



HOUSE OF REPRESENTATIVES

April 9th, 2013

Testimony in support of HB3463

Chair Barker, members of the committee:

For the record, my name is Jennifer Williamson. I represent House District 36 - Portland's Westside.

I am here to testify in support of HB3463. I am thankful that this important issue has received a hearing today and I want to thank Rep. Garrett and Rep. Hicks for their sponsorship of this bill.

This bill would establish pay parity for public defenders; it is a conversation which has not received the appropriate level of attention here in Oregon.

Oregon's public defenders play a critical role in protecting the individual rights of citizens, as well as the integrity of our criminal justice system. In our adversarial justice system, it is necessary for each side to be represented by competent and experienced lawyers so that cases are resolved in a fair manner and so that justice is served. As you are aware, we are celebrating the 50th anniversary of the Supreme Court decision, *Gideon v. Wainwright*, the case establishing the important Constitutional right to counsel. The goal of *Gideon* was to ensure that no one, regardless of wealth, education or class should be charged with a crime and be forced to face his or her accuser (the State) without assistance of counsel.

In Oregon, we have a public defender system to be proud of. It is efficient and accountable. But our system of justice has moved farther and farther out of balance as the disparity in compensation between prosecutors and public defenders has grown. Experienced public defenders are nearing retirement, and the attorneys who would succeed them are burdened by six-figure student loan debt that dwarfs entry- and mid-level public defender salaries.

Public defenders often say that they feel a calling to represent people who are among the poorest and most vulnerable in our state. But this calling is now competing with their basic own needs – paying the rent or mortgage, supporting their families and staying current with their student loan payments.

Except for a very small percentage who receive \$45/hour for their legal services, public defense contractors are paid set case rates which have to cover all attorney and staff compensation, as well as overhead, administration and some routine case expenses, including investigation. And, as we know too well, health insurance rates for employers have frequently increased at double-digit rates, far above the rates of inflation. Public defenders simply have to absorb these costs if they can, or cut benefits if they cannot.

Two of the largest non-profit public defenders organizations are located in my district. Lane Borg, the director of Metropolitan Public Defenders, will testify on the growing compensation gap between their attorneys and prosecutors who appear on the very same juvenile and criminal matters.

If we do not act to correct the growing imbalance in our system of justice, it is the clients served by public defenders who will suffer most. Inadequate compensation forces the private firms who are able to shift their focus away from court-appointed to paying clients. Public defenders are forced to choose between low compensation or even higher caseloads, which reduce the amount of time each attorney can spend on a case and the quality of representation they provide to each client.

This issue of pay parity has been taken up in other states- legislation has passed in Ohio and Connecticut ensuring that increases in funding and pay for prosecutors be matched evenly with that of public defenders. The Ohio statute states that, "the salaries for public defender attorneys shall approximate and be in parity with the compensation received by a prosecutor with the same number of years in practice and experience." And Connecticut's statute states that, "state law requires equal pay for the two agencies."

During this 50th anniversary year of the Gideon case, we should be very concerned about the health of our public defense system and very concerned about the children and adult clients they serve. I believe that the testimony you are about to hear is a wake-up call for all of us. Thank you for giving your attention today to the important work of our public defenders.

Thank you for today's hearing and I look forward to further discussion around this important issue.

I urge your support for HB 3463.