

OREGON ASSOCIATION OF JUSTICE ATTORNEYS

AFSCME LOCAL 1085

EUGENE • MEDFORD • PORTLAND • SALEM

February 22, 2013

MEMBERS OF THE LEGISLATURE:

I AM JUDITH ANDERSON AND WITH ME IS SAM KUBERNICK. WE ARE BOARD MEMBERS OF AFSCME LOCAL 1085, THE OREGON ASSOCIATION OF JUSTICE ATTORNEYS (“OAJA”). OAJA REPRESENTS THE 235 NON-MANAGEMENT ASSISTANT ATTORNEYS GENERAL AT THE DEPARTMENT OF JUSTICE.

OAJA IS HERE TODAY TO ASK YOUR SUPPORT FOR HOUSE BILL 2449. HOUSE BILL 2449 WOULD AMEND ORS 243.736. IT WOULD CLASSIFY AAGs, ALONG WITH DEPUTY DISTRICT ATTORNEYS, PAROLE AND PROBATION OFFICERS, FIREFIGHTERS AND OTHERS, AS A GROUP THAT WOULD NOT HAVE THE RIGHT TO STRIKE BUT, IN RETURN, WOULD QUALIFY FOR BINDING ARBITRATION UNDER ORS 243.742.

AN AAG STRIKE, WHILE TECHNICALLY POSSIBLE, WOULD CAUSE A GREAT DISRUPTION OF PUBLIC SERVICE, A FACT OF WHICH OUR MEMBERS ARE ACUTELY AWARE. THE OREGON STATE BAR HAS ISSUED AN OPINION SAYING THAT UNIONIZED ATTORNEYS MAY STRIKE. HOWEVER, OBLIGATIONS TO OUR CLIENTS, AND TO THE STATE, COMBINED WITH COURT DEADLINES, MAKES STRIKING LOGICALLY AND ETHICALLY NEAR IMPOSSIBLE. NO ATTORNEY IN OUR SHOP, SOME OF WHOM HAVE AS MANY AS ONE HUNDRED CASES, COULD PREPARE CLIENTS, OPPOSING COUNSEL AND THE COURTS FOR A PROLONGED, UNPLANNED ABSENCE. NO LAWYER UNTRAINED IN GOVERNMENT WORK COULD COME IN AND TAKE OVER THE CASELOAD. THERE ARE INSUFFICIENT NUMBERS OF MANAGERS TO CARRY THE LOAD. ACCORDINGLY, WE PLACE OUR OBLIGATIONS TO THE STATE ABOVE THE ONE MECHANISM WE ARE PROVIDED WITH UNDER PECBA.

OAJA TESTIMONY ON HB 2449

— PAGE TWO —

IN 2009, THE LEGISLATURE ADDED DEPUTY DISTRICT ATTORNEYS TO ORS 243.736. MANY AAGs PERFORM SIMILAR WORK. CRIME-RELATED ISSUES CONSUME THE TIME OF ALL OF THE ATTORNEYS IN THE CRIMINAL JUSTICE DIVISION, ARE TWO-THIRDS OF THE HOURS IN APPELLATE, AND INVOLVE VIRTUALLY EVERY ATTORNEY IN THAT DIVISION, AND ARE THE WORK OF FORTY PERCENT OF THE TRIAL DIVISION. A GOOD NUMBER OF AAGS IN THE GENERAL COUNSEL DIVISION ADVISE THE OREGON STATE POLICE AND THE OREGON DEPARTMENT OF CORRECTIONS. IN ADDITION, MANY MORE AAGs ARE INVOLVED IN MATTERS THAT CONSTITUTE THE PROVISION OF SERVICES IN EMERGENCIES IN CLOSELY RELATED AREAS, SUCH AS FINANCIAL FRAUD, HEALTH CARE LICENSURE, CHILD ABUSE, AND PROTECTION OF CHILDREN IN FOSTER CARE. OVERALL, WELL OVER HALF OUR ATTORNEYS PROVIDE NECCESARY SERVICES IN THESE AREAS.

PLACING AAGs WITH OTHER PUBLIC SECTOR WORKERS WHO FOCUS ON CRIME, SAFETY AND EMERGENCY ISSUES PROVIDES THE STATE WITH A GUARANTEE OF CONTINUITY OF SERVICES THAT WILL PROTECT CRIME VICTIMS, CHILDREN, THE ELDERLY AND OTHERS EASILY PREYED UPON. THE CITIZENS OF THIS STATE ARE BEST SERVED BY HAVING AAGs JOIN THE OTHER CATEGORIES OF WORKERS FOR WHOM THE CONTINUITY OF THEIR SERVICES IS CONSIDERD A CRITICAL SAFETY AND STATE NEED.

WE ASK YOUR SUPPORT FOR HOUSE BILL 2449.

THANK YOU.