

Oregon State Bar Testimony in Support of HB 2561

March 9, 2017

Chair Barker and members of the Committee:

It was a little more than 50 years ago that the United State Supreme Court decided in *Gideon v. Wainwright*, that as a matter of federal constitutional law 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 system benefits all Oregonians by ensuring that criminal investigations and trials are conducted in a manner that protects the accused's constitutional rights. The right to counsel recognizes the important role that public defenders play – alongside district attorneys, law enforcement agencies and the courts – in our public safety system.

However, the significant pay disparity that has developed between prosecutors and public defenders makes it difficult for public defense providers to recruit and retain experienced attorneys. While this pay disparity exists in every county in the state, it is most striking in more urban counties, which account for the vast bulk of criminal cases. Currently, a public defender with decades of experience with the Metropolitan Public Defender in Portland makes little more an entry level Deputy District Attorney who just graduated law school.

The Oregon State Bar strongly supports efforts to ensure high level indigent defense representation by reducing the compensation gap that currently exists.