

March 9, 2017

The Honorable Jeff Barker, Chair
House Committee on the Judiciary
Public Hearing 3/9/17
HB 2561

Written testimony of Morgen Daniels, Appellate Public Defender, president of AFSCME Local 2435 (representing appellate public defenders at the Office of Public Defense Services).

Chair Barker, Vice-Chairs Olson and Williamson, members of the committee. Thank you for the opportunity to testify in support of HB 2561, which would establish parity between trial-level public defenders and prosecutors.

My name is Morgen Daniels. I am an appellate public defender and president of AFSCME local 2435, which represents the attorneys in the Appellate Division of the Office of Public Defense Services. I'm here on my own behalf and on behalf of the attorneys in my local. We too suffer from a pay disparity, but it isn't as extreme as the disparity at the trial level.

Before I came to appellate practice seven years ago, I served as a trial-level public defender in Umatilla County for about three years. I know firsthand the crushing caseload, the anguish over trying to divvy up your all too finite time among too many clients, each of whom deserves the best representation you can give, the nights and weekends spent doing the research and writing the motions that you didn't have time to get to between hearings and trials during the week. We signed up to work hard. But no one signed up to work hard and yet still be unable to take care of ourselves and our families adequately and to pay back the government for helping us get through law school.

Pay parity between public defenders and prosecutors is necessary and it is right. If Oregon doesn't commit to this effort, then Oregon can't truthfully say that it is committed to justice, to fairness, to ensuring that the constitution protects all of our people—not just the people with money. Under-resourced public defenders cannot provide the high quality of representation that every person accused of a crime, every parent or child caught up in dependency proceedings, or every alleged mentally ill person has a right to when the state of Oregon hales them into court.

We can't afford to keep kicking this can down the road. HB 2561 would ensure that all lawyers who are court-appointed to represent poor people in criminal proceedings, juvenile dependency proceedings, and mental commitments are paid at least at the same level as the prosecutors who work across the aisle from them. This bill is about equal pay for equal work. It's about building fairness into an area of Oregon's criminal justice system where fairness is sadly lacking.

I and the nearly 40 appellate public defenders that our local represents urge you to provide much-needed financial relief to our sister and brother public defenders in the trial courts. We are distressed by the disparity—in many counties, the shocking disparity—in resources that Oregon devotes to the two sides in the criminal justice system. We need parity.

Please get in touch if you have questions about my work as a public defender and the importance of high-quality public defense in ensuring a truly fair and effective criminal justice system. I would be happy to talk in person, by phone, or by email with any Committee member or staff person.

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