



TO: Emergency Board, Oregon State Legislature
FR: Shaun McCrea, Executive Director, Oregon Criminal Defense Lawyers Association
Rob Harris, President, Oregon Consortium Defense Association
RE: Support for Agenda item No. 11 Oregon Public Defense Services SPA
DA: April 23, 2020

Co-Chairs President Courtney, Speaker Kotek, Members of the Emergency Board:

OCDLA and ODCA are statewide professional associations representing public defense service providers with more than 1200 members. OCDLA and ODCA support item No. 11, before you today, to appropriate funds for Oregon Public Defense Services. Thank you for taking this important step to invest in the provision of public defense services and those who provide them, especially in light of the budgetary challenges we all anticipate the state is facing in both the short and long term.

It is not typically “front of mind” for most that public defense providers are key participants in Oregon’s essential workforce. They have limited ability to work remotely during the state’s Stay Home Stay Safe orders. Criminal proceedings are part of the fabric of our democracy and there are well-established timelines for these proceedings based on fundamental notions of ensuring due process and — in some cases — preserving an individual’s very liberty. Many activities related to court proceedings must be done in person either because it is a legal requirement or there is not infrastructure to do them remotely.

Many public defense providers continue to meet with clients in person and continue to go to court every day. Juvenile dependency providers serving children and parents in the foster care system have spent endless amounts of time on virtual meetings with case workers trying to problem solve around provision of treatment, social service supports and family visits in an effort to work toward family reunification when possible. Defense providers are in the same boat with other essential service providers in that there is limited access to personal protective equipment. Additionally, when conferring with clients they find themselves navigating the competing interests of social distancing and maintaining confidentiality.

It is abundantly clear that Oregon’s response to COVID-19 and COVID-19’s impact on the economy is forcing difficult budget decisions. And we appreciate that protecting Oregonians who are hit disproportionately hard is a priority. Public defense providers are an instrumental part of Oregon’s safety net for vulnerable children, adults and families. The OPDS services the SPA funding supports are more imperative today than ever, when our providers, clients and communities are experiencing unprecedented threats to their health and economic resources.



As you can imagine, public defense providers enter their clients' lives at what is often the most stressful of times. Today, they are assisting clients who are at a heightened risk of contracting COVID-19 while incarcerated or engaged in court proceedings. While the conditions in Oregon have changed, the need for the SPA has not. In fact, the SPA is needed now more than ever.

Thank you for including No. 11 to release a portion of the SPA funds today. We look forward to partnering with you moving forward to help Oregon ensure the stability of this vital safety net, as public defense providers of all kinds: criminal and juvenile lawyers, investigators, experts and interpreters, struggle to provide adequate legal representation to every Oregonian who enters the courtroom, regardless of income, status, and identity. We know this is just the beginning of a very hard journey to come.

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