



AFSCME Urges your support and passage of HB 4004

February 3, 2020

Dear Chair Sanchez, Vice-chairs Bynum and Sprenger and members of House Judiciary,

Thank you for this opportunity to share AFSCME Council 75's support for HB 4004. AFSCME Council 75 represents over 27,000 public and private sector employees in Oregon including 4 locals in public defense – the attorneys and staff in Local 2805 Multnomah Defenders, Inc., and Local 3668 Metropolitan Public Defender, the appellate division attorneys at Local 2435 and the newly established local representing the support staff at the Office of Public Defense Services (OPDS). For many years, our members have searched for solutions to address the ever increasing caseloads and stagnating wages that cause high turnover in their offices for attorneys and support staff and lowers the quality of public defense services.

We appreciate all of your support for starting the work on public defense reforms and thank Speaker Kotek and her staff for bringing stakeholders together to provide for certainty and stability for our public defense services contractors and establish a starting point for further reforms in HB 4004.

As you may recall, in January 2019, the Sixth Amendment Center published a report on Oregon's public defense services [“The Right to Counsel in Oregon: Evaluation of Trial Level Public Defense Representation Provided Through the Office of Public Defense Services.”](#) The report had been commissioned by the Office of Public Defense Services with approval from the legislature to study our system and offer recommendations on needed improvements. Key in the report was the finding calling our flat case rate contracting as unconstitutional in the way it pitted a client's right to adequate representation against the attorney's financial need (not greed) to take on higher caseloads than what is reasonable to provide all clients adequate representation.

HB 4004 addresses the contracting model by directing the Public Defense Services Commission (PDSC) to establish caseload standards with periodic review and also includes other contracting provisions such as:

- Considerations of costs accrued by contractors such as licensing, training, office space and other overhead costs
- Transparency and accountability for contractors and OPDS
- Stakeholder engagement in establishing contracting systems that promote equity, inclusion and culturally specific representation
- Workload plans that take into account regional needs and the need of providers based on the structure of the business.



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We look forward to working with OPDS and others in the community to improve services based on the above points and more including providing not only culturally specific services but to ensuring current practitioners and contractors are trained in culturally responsive and trauma informed practices as well.

HB 4004 also changes the makeup of the Public Defense Services Commission by adding three members who are not members of the bar and at least one person who has received public defense services in Oregon. This is a great first step in restructuring our commission to better align with national standards and best practices for who should be included in public defense services decision making bodies.

AFSCME Council 75 urges your support and passage of HB 4004. We look forward to continuing the work with our public defense and community partners, Office of Public Defense Services and dedicated legislators and others on further reforms.

In Unity,

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