



Oregon

Office of Public Defense Services

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The Honorable Floyd Prozanski , Chair
House Committee on the Judiciary, Members

RE: HB 4004

The Office of Public Defense Services (OPDS) appreciates the opportunity to provide testimony in support of HB 4004, which will expand the membership of the Public Defense Services Commission (PDSC) from seven to nine members, and which will direct the PDSC to adopt policies related to compensation, caseloads and oversight.

Public defenders are a critical component of Oregon's legal system. Not only do they provide constitutionally guaranteed representation for indigent clients, their ability to provide quality services can have lasting impacts outside of the courtroom.

However, in our current system, some of the most vulnerable Oregonians are entering the courtroom without adequate representation. Inadequate representation exacerbates disparities and negative outcomes for people of color and low-income Oregonians in the criminal justice system. On the other hand, effective representation can set individuals served by our public defenders on a path toward greater stability and economic opportunity.

After completing a comprehensive assessment of public defense services in Oregon, the Sixth Amendment Center issued a final report in January 2019 that identified numerous issues that have caused our public defense system to fall short of its constitutional obligations. OPDS and PDSC have been working to address these issues, and we welcome HB 4004 as a useful roadmap to keep us headed in the right direction as we continue to reform the public defense system.

We are particularly supportive of the provisions in this bill that direct the PDSC to adopt policies that ensure attorney caseloads and our methods of compensating public defense providers align with national and regional best practices; allow for greater transparency and oversight in the public defense system; and promote equity, inclusion and culturally specific representation. We also appreciate the bill's requirement that the PDSC include a person who has been formerly represented by a public defense provider in this state, as that aligns with national best practices.

The bill also requires that the PDSC's policies ensure stakeholder engagement, which we understand is crucial to the success of public defense reform in Oregon. We know that process is key, and we want to be responsive to the community of providers, organizations, and impacted individuals who have insight that will help us build a better system.

We urge you to support HB 4004. This bill is a useful step forward as we work together to build a system that ensures adequate legal representation for every Oregonian who enters the courtroom, regardless of income, status and identity.

Respectfully submitted,

Kimberly McCullough, J.D.
Legislative Director / Deputy General Counsel
Office of Public Defense Services