



*Prepared by
Legislative Policy and
Research Office*

**Public Defense Attorney
Student Loan Debt Survey**

Exploratory Survey Results

February 9, 2022

REQUESTING MEMBER

Representative Janelle Bynum, House District 51
Chair, House Committee on Judiciary

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EXECUTIVE SUMMARY

The Public Defense Attorney Loan Repayment Assistance Program is a concept introduced by Representative Janelle Bynum during the 2022 Legislative Session. Gaps in data required input from public defense attorneys providing services in Oregon in order to inform policy options to respond to public defense attorney service deficits in Oregon. The Legislative Policy and Research Office, in partnership with the Office of Public Defense Services (OPDS), surveyed over 800 attorneys in the OPDS network.

This report provides a summary of the survey results collected by the Legislative Policy and Research Office to inform legislative efforts in the 2022 legislation session.

DRAFT

BACKGROUND

Legislation to establish the Public Defense Attorney Loan Repayment Assistance Program was formed during the 2022 Legislative Session to address a significant shortage of public defense attorneys in Oregon. Representative Bynum, Chair, House Committee on Judiciary, requested a survey of Oregon public defense attorneys to assist in developing policy options.

Staff with the Legislative Policy and Research Office (LPRO) reviewed information in a report from the American Bar Association, commissioned by the Oregon Legislature. The report, *The Oregon Project*, analyzed the Oregon public defense system and public defense attorney workload standards.¹ The report estimated that Oregon is filling only 31 percent of the public defense workload needs, concluding that at least 1,296 additional full-time public defense attorneys are needed to meet the demand. The report noted that its calculations assume that the attorneys are providing public defense services 40 hours per week for 52 weeks a year.

LPRO staff met with a representative of the Office of Public Defense Services (OPDS) to gather additional information regarding how it contracts for attorney services and efforts that are being made to attract additional attorneys into public defense work. LPRO staff also met representatives from the Oregon State Bar regarding its administration of an established Loan Repayment Assistance Program for eligible attorneys, and the limitations on the number of persons the program assists each year. Data were unavailable regarding the amounts of public defense attorneys' student debt, demographic information, and individual workloads.

LPRO designed a six closed-ended-question survey to assess existing levels of student debt held by individuals who spend at least part of their time acting as a public defender. The survey was created using Qualtrics and distributed via email by a representative of the Office of Public Defense Services. The anonymous survey was distributed via a targeted listserv by OPDS. The survey was distributed at February 7, 2022, at approximately 1:00 pm and closed at 5:00 pm on February 9, 2022.

¹ American Bar Association and MOSSADAMS (January 2022). *The Oregon Project: An Analysis of the Oregon Public Defense System and Attorney Workload Standards*. Available at: https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls-sclaid-or-proj-rept.pdf

SURVEY RESULTS

The following is preliminary data as of February 9, 2022. The exploratory survey was completed by 156 respondents. An additional 12 respondents started but did not complete the survey, resulting in a completion rate of 92.9 percent among individuals who initiated a response. Because of the nature of the survey's distribution, LPRO was not able to calculate a response rate or assess the representativeness of the survey respondents among the population of individuals carrying out public defense activities in Oregon.

The survey included six questions:

1. What business structure describes your current practice?
2. What is the ZIP code where your office is located?
3. Do you work full time? (yes/no)
4. How much of your work time do you spend on public defense representation, on average over the course of 12 months?
5. Do you have outstanding student debt? (yes/no)
6. How much student debt do you have?

In response to the first question of the survey, respondents selected from nine choices as shown in Table 1. The majority of respondents (96; 61.5 percent) identified their employer's business structure as a nonprofit. Of the remaining responses, six respondents identified the business structure of their employer as 'Other' and provided the following descriptions:

- 501(c)(4) public defender's office;
- employed with an independent contractor/private law firm who holds an OPDS consortium contract;
- employed at a public defense firm;
- independent contractor of public defense for small rural county;
- independent contractor with nonprofit consortium providing criminal defense work;
- employed at Public Defender.

Table 1. Number of Survey Respondents by Business Structure

| Business Structure | Count | Percent |
|--|------------|---------------|
| Employed at a nonprofit | 96 | 61.5% |
| Employed at a government agency | 17 | 10.9% |
| Solo practitioner | 15 | 9.6% |
| Employed at a private law firm of 2-5 attorneys | 12 | 7.7% |
| Other | 6 | 3.8% |
| Independent contractor | 5 | 3.2% |
| Employed at a private law firm of more than 10 attorneys | 3 | 1.9% |
| Employed at a private law firm of 6-10 attorneys | 2 | 1.3% |
| Total | 156 | 100.0% |

Source: Legislative Policy and Research Office
 Data: 2022 Oregon Public Defender Student Debt Survey

The second question of the survey asked respondents to identify the zip code in which their office is located. This question was optional and did not require a response to continue the survey. Four respondents chose not to provide their zip code. Respondents identified 41 different zip codes, with each zip code being identified by between 1 and 33 respondents. Of the 152 who provided a zip code, approximately 50 percent (82; 53.9 percent) identified 97204 (Portland, 33; 21.4 percent), 97301 (Salem, 27; 17.5 percent), or 97123 (Hillsboro, 22; 14.3 percent).

The third question asked respondents if they worked full time. Majority of respondents (151; 96.8 percent) identified working full time as shown in Table 2.

Table 2. Number of Survey Respondents by Full Time Status

| Employed Full Time | Count | Percent |
|---------------------------|--------------|----------------|
| Yes | 151 | 96.8% |
| No | 5 | 3.2% |
| Total | 156 | 100.0% |

Source: Legislative Policy and Research Office
Data: 2022 Oregon Public Defender Student Debt Survey

The fourth question asked respondents to categorize how much of their time was spent on public defense. Responses were split into categories in increments of 25 percent as shown in Table 3. Most respondents (129, 82.7 percent) identified that they spent 100 percent of their time on public defense.

Table 3. Number of Survey Respondents by Percent of Time Spent on Public Defense

| Percent of Work Time Spent on Public Defense | Count | Percent |
|---|--------------|----------------|
| Less than 25% | 4 | 2.6% |
| At least 25%, but less than 50% | 3 | 1.9% |
| At least 50%, but less than 75% | 5 | 3.2% |
| At least 75%, but less than 100% | 15 | 9.6% |
| 100% | 129 | 82.7% |
| Total | 156 | 100.0% |

Source: Legislative Policy and Research Office
Data: 2022 Oregon Public Defender Student Debt Survey

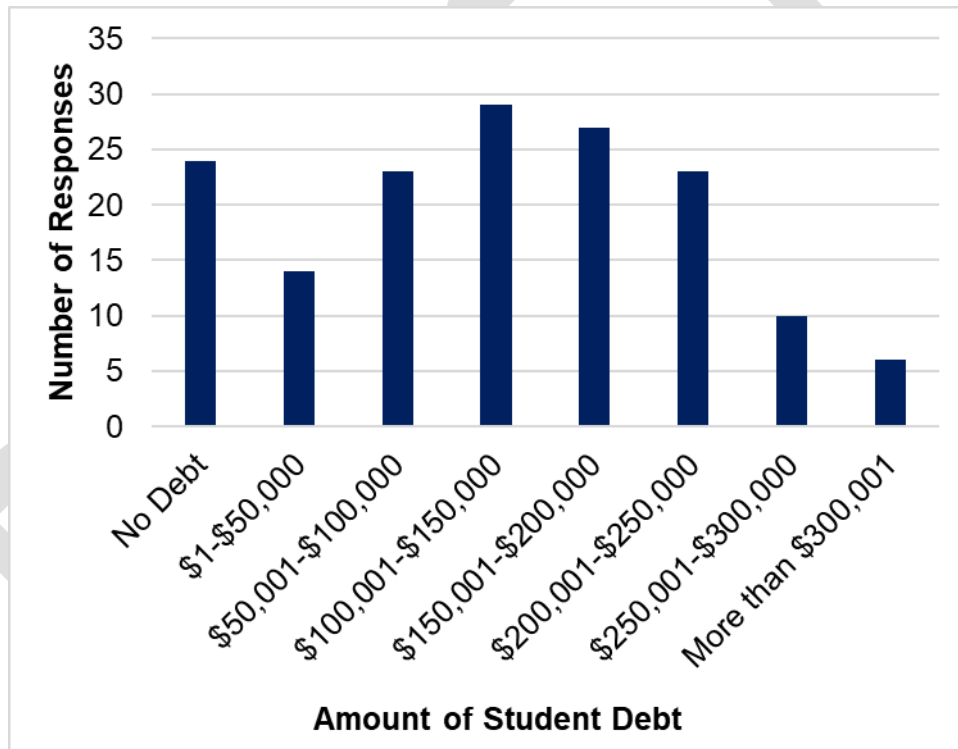
The next two questions focused on respondents' amount of debt. The fifth question asked respondents if they have any outstanding debt and the sixth question asked about the amount of student debt. As shown in Table 4, most respondents (132; 84.6 percent) identified that they had outstanding debt, with the most frequent level of student debt identified as between \$100,001 and \$150,000 (29; 18.6 percent). Figure 1 illustrates the distribution of the amounts of student debt held by respondents.

Table 4. Number of Survey Respondents by Amount of Debt

| Amount of Debt | Count | Percent |
|---------------------|------------|---------------|
| No Debt | 24 | 15.4% |
| \$1-\$50,000 | 14 | 9.0% |
| \$50,001-\$100,000 | 23 | 14.7% |
| \$100,001-\$150,000 | 29 | 18.6% |
| \$150,001-\$200,000 | 27 | 17.3% |
| \$200,001-\$250,000 | 23 | 14.7% |
| \$250,001-\$300,000 | 10 | 6.4% |
| More than \$300,001 | 6 | 3.8% |
| Total | 156 | 100.0% |

Source: Legislative Policy and Research Office
 Data: 2022 Oregon Public Defender Student Debt Survey

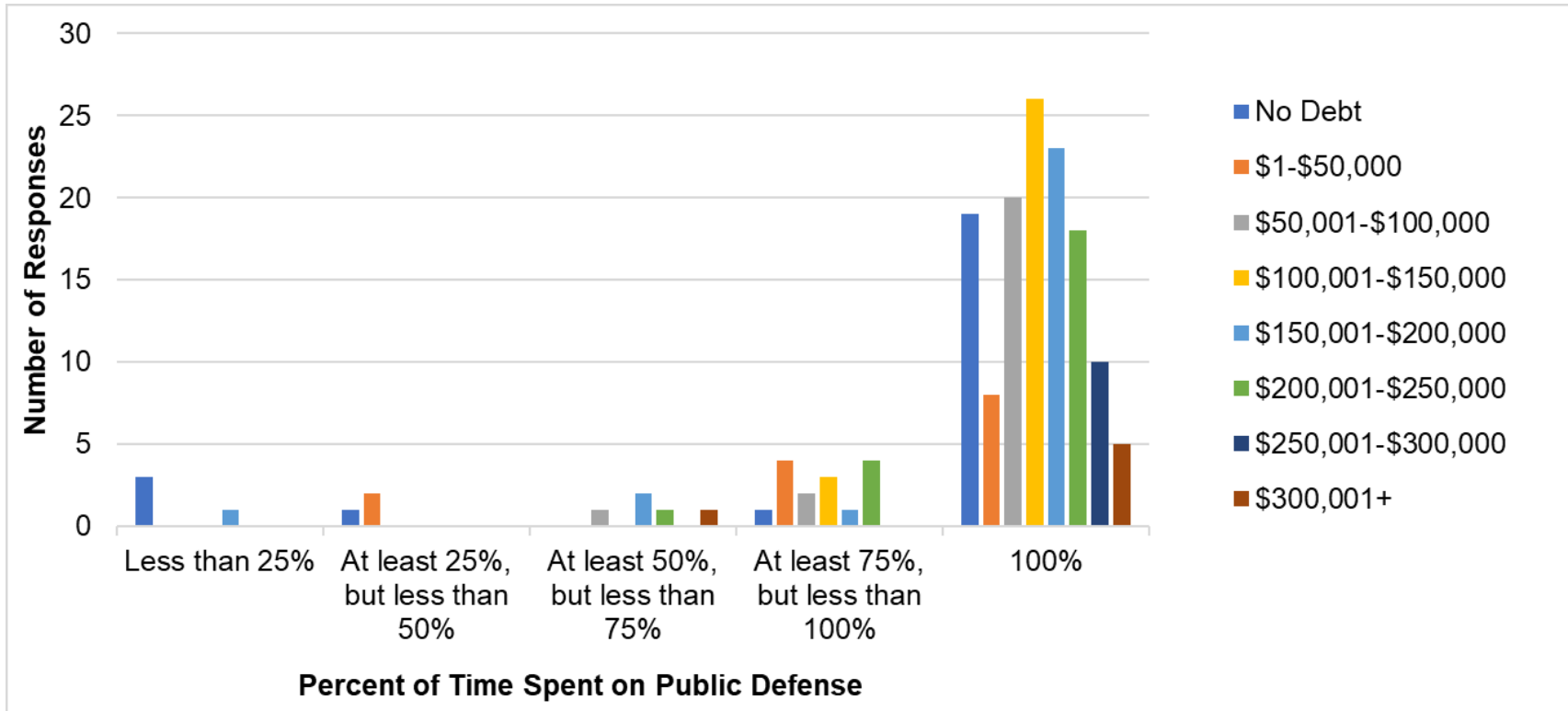
Figure 1. Survey Responses by Amount of Student Debt



Source: Legislative Policy and Research Office
 Data: 2022 Oregon Public Defender Student Debt Survey

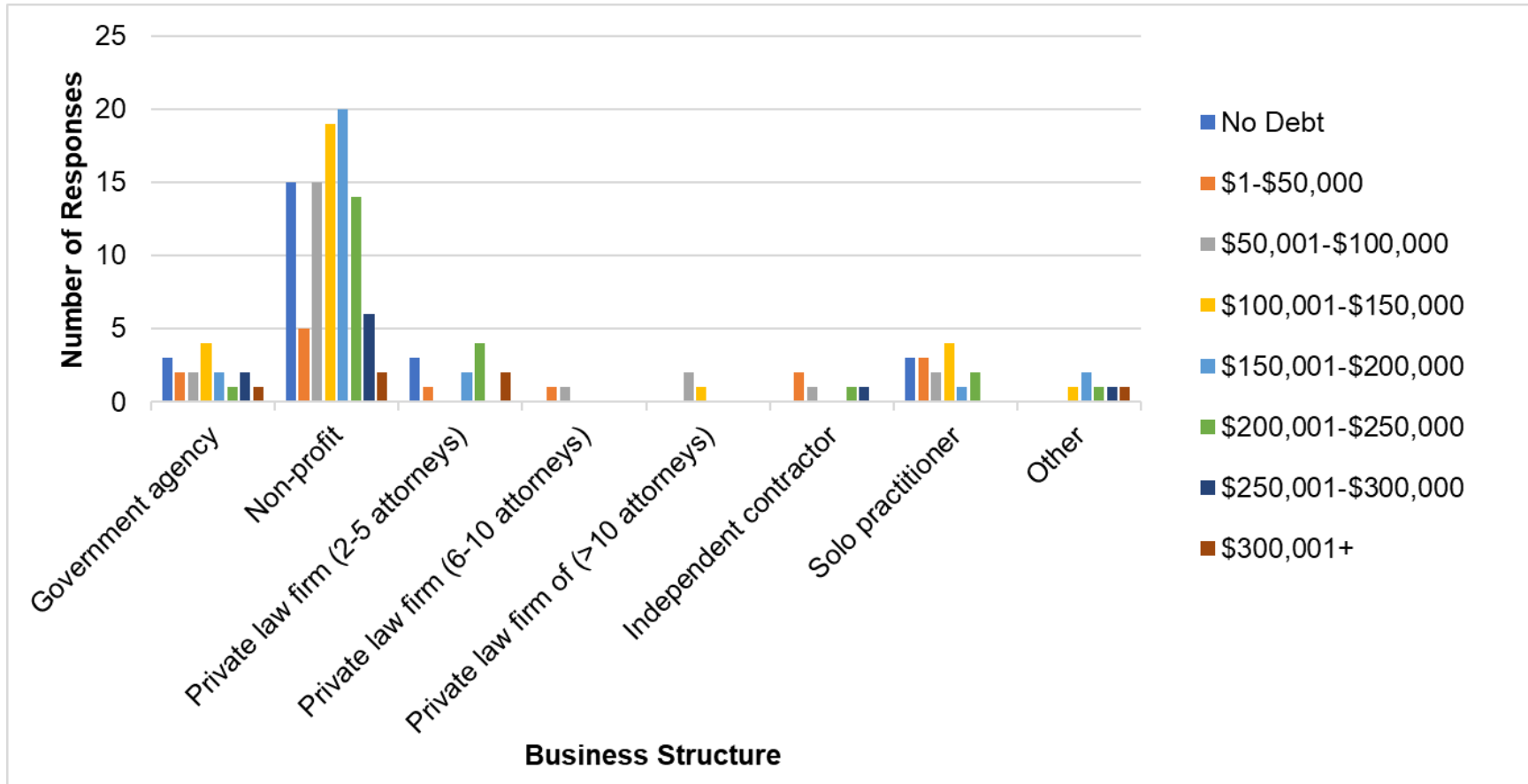
Figures 2 and 3 show the amount of student debt held by respondents by the business structure in which they are employed and the amount of time they spend on public defense, respectively (see pg. 6).

Figure 2. Amount of Time Spent on Public Defense and Student Debt



Source: Legislative Policy and Research Office
 Data: 2022 Oregon Public Defender Student Debt Survey

Figure 3. Business Structure and Student Debt



Source: Legislative Policy and Research Office
 Data: 2022 Oregon Public Defender Student Debt Survey

SURVEY LIMITATIONS

The anonymous survey was limited to six questions and fielded for a limited period of 48 hours. The survey tool did not receive input from individuals with extensive expertise in survey design, nor did LPRO have time to pilot the brief survey to ensure proper email delivery, question succession, survey completion, and reportability. LPRO built the survey using the Web-based application Qualtrics. The survey sample was drawn from the Oregon Office of Public Defense Services (OPDS) list of professionals who subscribe to the OPDS listserv. Subjects were eligible to participate if actively registered to receive notifications through OPDS mailing listserv.

The survey did not ask for demographic data or query respondents to ascertain whether the student debt reported is entirely attributed to obtaining a law degree and if reported debt is the result of tuition required to attend law school. The survey also did not ask respondents if they were aware of or enrolled in the federal Public Service Loan Forgiveness Program or the Oregon State Bar Loan Repayment Assistance Program.² Without additional information, it not possible to ascertain if, or whether, student debt load influences whether lawyers decide to serve as public defenders in Oregon, their tenure as a public defender, or their future career trajectory.

Not directly emailing the survey to all active licensed public defenders, limits the generalizability of the results (N=156). The survey results may not reflect the perspectives of the broader population of Oregon's public defenders as individuals who completed the survey may have biases regarding student loan debt. Information gathered by respondents is descriptive in nature and should not be used to draw assumptions or conclusions about factors that may contribute to Oregon's public defender workforce or determine any financial resource needs among practicing defenders in the state.

² Oregon State Bar Loan Repayment Assistance Program. Available at: <<https://www.osbar.org/lrap>>