



TO: Senate Committee on Judiciary
FROM: John Schlosser on behalf of Oregon Criminal Defense Lawyers Association
DATE: February 8, 2022
RE: Support for SB 1543 – Universal Representation

Chair Prozanski, Vice Chair Thatcher, and Members of the Committee:

For the record, my name is John Schlosser and I am a criminal defense attorney practicing in Oregon. I am also a board member of the Oregon Criminal Defense Lawyers Association (OCDLA) and am testifying in support of SB 1543 on behalf of OCDLA.

As the statewide association of criminal defense attorneys, OCDLA strongly believes that all Oregonians, regardless of where they are from, are entitled to due process in both criminal and immigration proceedings. SB 1543 would build a critical system to ensure all Oregonians facing deportation receive access to immigration counsel if they cannot afford one.

Beyond my position as an OCDLA board member, this bill addresses an issue that is near and dear to my heart. In my career, I have represented hundreds, if not thousands, of immigrant Oregonians facing criminal charges in state criminal court. Unlike in criminal court, if an immigrant or refugee facing deportation cannot afford an attorney, they are not guaranteed representation in their deportation proceedings. This routinely results in Oregonians with a lawful right to remain in the United States being deported. Access to an attorney has been found to reduce a person's chance of deportation by 5.5x.

A U.S. Supreme Court case, *Padilla v. Kentucky*, recognized a constitutional requirement that defense attorneys and public defenders take into consideration the immigration consequences of criminal charges and explain those to their clients. Immigration law is highly complex, and frequently changing. Few attorneys in Oregon have experience practicing both criminal defense and immigration law, which are completely separate and very different systems. Instead, most defense attorneys rely on trained immigration attorneys to advise them in these situations. Additionally, I have seen that individuals I and others represent in state court who are found not guilty of their charges frequently still end up being placed in deportation proceedings, where I cannot represent them.

I share this because it's important to emphasize that, for our drastically underfunded public defense system to serve its clients, a program like Universal Representation can be a critical support. While criminal court and immigration proceedings are two completely different systems, Oregonians who are immigrants are impacted by both interrelated systems. Our public defense system needs to be fully funded *and* we need Universal Representation.

OCDLA urges the Legislature to pass SB 1543.