

February 11, 2022

The Honorable Janelle Bynum
Chair, House Committee on Judiciary
900 Court St. NE
Salem, OR 97301



Re: HB 4007

Chair Bynum, Vice-chairs Noble and Power and members of the House Judiciary Committee,

On behalf of the Oregon Defense Consortia Association (ODCA), we'd like to offer some comments on the posted amendments to HB 4007. As shared earlier with the committee, recent analyses have confirmed that Oregon has an inadequate number of public defense providers to address current caseloads. There are people in legal custody right now, who have not yet been assigned legal representation. It is unconscionable and reflective of systemic challenges that contribute to our provider shortage and the general crisis facing provision of public defense services. Insufficient contracting rates, unmanageable caseloads, high academic debt and many other factors are not only impacting provider retention, but also recruitment. However, with the system on the brink of collapse, our priority is to focus on emergency action to address the needs of the accused who have not been appointed counsel and then to work toward more holistic solutions.

We appreciate the intention in HB 4007's amendments to create a Public Defense Services Student Loan Repayment Assistance fund that helps encourage attorneys to engage in this important work. Due to some of the challenges mentioned above, not the least of which is low compensation, many attorneys have practices where they work on a variety of cases. For rural providers in particular, this practice mix is essential in ensuring they can make a living wage. For these reasons, we're appreciative of the equitable eligibility requirements in the -1,2 and 4 amendments that allow for a mix of provider types to participate in the program, as seen in the attorney practice ratio of 50% or more. Over half of Oregon's public defense providers, especially those in rural and frontier Oregon, do not practice public defense 100% of the time, but have a mixed practice type for the reasons mentioned above. We would oppose the bill if the attorney practice ratio were to change to 100% as seen in the -3 amendment, because it would only benefit one type of provider who practices only in Oregon's most populated regions.

We appreciate the committee's consideration of our comments and recognition that we need all types of providers to engage in public defense work.

Sincerely,

Rob Harris
Cierra Brown
Bruce Tarbox
Jonathan Sarre
Jonathan Pritchard