

March 28, 2023

TO: Oregon Legislators

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RE: Amendments to SB 337

Access to Justice Crisis: SB 337 Amendment Deals a Devastating Blow  
to Access to Justice in Frontier Counties

I write to urge you to strike or amend the latest amendment (page 136 – lines 13-22) to SB 337.

As the primary criminal defense service provider in Harney County and provider of conflict coverage in Grant and Malheur Counties for the last 20+ years, I feel a huge issue is being overlooked in the proposed changes to the delivery model for public defense services.

That is, ACCESS TO JUSTICE.

In Harney County, our firm is the only law firm. Period. We are the primary provider for PDSC in Harney County and have been for more than 20 years.

There are 2 attorneys available for hire (not judge, not prosecutor) in a county with 7575 people in a vast area spanning more than 10,000 square miles. Both of us are in my law firm. Compare this to, say, Multnomah county, with a population of 803,377 people and where the Multnomah county bar association boasts 4200 members. This means there's one lawyer for every 191 people in Multnomah county vs one lawyer for every 3,787 people in Harney county. Living in Harney county means driving 130 miles to Costco or 120 miles to I-84 to visit a lawyer who doesn't know the difference between a baler and a rake.

As retained counsel, we work as conciliators in domestic relations cases. We draft estate planning documents. We work in landlord/tenant disputes, land use disputes, and draft business documents for small Eastern Oregon businesses. I am the legal Contractor with the Harney County Senior and Community Services Center, providing subsidized legal services to Senior Citizens through a Grant from the Federal Older Americans Act. I am a registered Tribal Spokesman for the Burns Paiute Indian Reservation. I have been a Mediator in Harney, Grant, and Malheur counties for more than a decade, easing the civil caseload for these courts. My Associate Mr Beaubien is the defense attorney component of the the Harney County Treatment Court.

If my law firm loses its contract with PDSC, the revenue from helping our community members (also our jurors), will not be sufficient to keep our doors open. (This is what you will hear from many consortium members too, by the way, even highly successful ones, due to the cyclical nature of retained work).

We need our PDSC contract, and our community needs us.

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If the Legislature takes Grant, Harney, Baker, Union and Wallowa attorneys away, this will add fuel to the fire to the notion that the government in Salem disregards all things Eastern Oregon.

The Legislature will be dealing a blow to small businesses, ranchers, farmers in Eastern Oregon who will have to turn to distant lawyers in Bend or the Valley to draft their contracts and give advice on water and land use rights issues - Distant lawyers who charge at least double the hourly rate I charge and who couldn't find Riley or Buchanan without a map.

The Oregon State Bar Bulletin recently ran a cover story article on Eastern Oregon and lack of Access to Justice, attached. If PDS contracts are no longer available to law firms, the effects on access to justice will be devastating. I have attached the article to this message.

People will have to seek attorneys in central Oregon or even the valley- many people cannot afford those rates or even the fuel it would take to drive there.

Other considerations:

#### KEEP LAW FIRMS

Law firms need to be kept as providers, especially in frontier areas, especially Eastern Oregon; because

The clients of rural firms are jurors.

When I represent a person charged with a crime in a trial in front of a Harney County jury, I am also the lawyer who helped their grandmother, their niece, their neighbor. I am not just "some lawyer," but a member of this community, representing another member of our community. If I turn away a grandmother, their niece, their neighbor, then I'm just the mouthpiece of a meth-head who stole their nephew's power tools – that is the only time they will see me or interact with me as a professional, and it won't be in a positive light. This WILL hurt indigent clients.

Retained work is a critical facet of recruitment to rural areas.

A big draw for new attorneys to a law firm that has a public defense contract is the opportunity to do public defense work as well as retained work. A number of attorneys I have hired have cited this opportunity as a reason to relocate to a remote location in Eastern Oregon.

A law firm provides training and supervision that a sole practitioner does not have available.

I have hired attorneys straight out of law school and trained them into very good defenders. Without training and mentorship, developing into a minor and major felony qualified, juvenile dependency, and ultimately murder-qualified attorney is impossible.

#### KEEP CONSORTIA

Loss of Attorneys from public defense.

Many current consortium members have voiced discontent with OPDS and an unwillingness to work directly with the State agency; have expressed an appreciation for an intermediary who handles meetings and negotiations.

This change might be the “final straw” that causes good, experienced attorneys to leave the practice of public defense.

Problems of quality assurance.

It does not provide for any mechanism for recruitment of new attorneys to the jurisdiction (I have been a particularly effective recruiter to Eastern Oregon)

It does not provide for any training or oversight for consortium attorneys – Salem administrators will be unable to observe court and get to know practices and providers

It assumes a ready pool of qualified attorneys to take court-appointed cases on an hourly basis

Problems for the attorneys :

It shifts the burden of contract negotiations to each attorney individually

It eliminates a local or regional administrator who can have a relationship and understanding of the courts and providers and the particular jurisdictional challenges

It eliminates a consortium administrator who can fill in as needed

The amendments contained in page 136 would result in more attrition, less training, less oversight, and fewer providers. This amendment reverses months of effort made by the legislature, the PDSC, and OPDS. These amendments are anathema to every value articulated by those valiant efforts of all of you to save our public defense delivery system.

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Please do not undo your good work for our cause in frontier counties.

Respectfully,

A handwritten signature in blue ink, consisting of a large, stylized initial 'J' followed by a series of loops and a long horizontal tail.

JOHN B. LAMBORN - OSB 951389