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Sen. Floyd Prozanski  
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Rep. Paul Evans  
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Rep. Kim Wallan  
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Sen. Dennis Linthicum  
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March 28, 2023

Subject: Senate Bill 337

Dear Sen. Prozanski, Rep. Evans, Rep. Wallan, and Sen. Linthicum,

I am an attorney practicing in both Marion and Polk Counties. I am very worried about the potential amendments to SB 337 that could dismantle the consortia delivery model for public defense services I would be directly impacted by these changes.

The Marion County Juvenile Advocacy (MJAC) consortium that I practice 50% of my time with is based in Salem, Marion County, and employs 14 attorneys who devote between 50% and 100% of our time to public defense. We provide high-quality representation to our clients and actively engage in ongoing training and mentoring for our attorneys. Through partnerships with nonprofit offices, externship programs, and monthly Continuing Legal Education (CLE) trainings, we contribute to the development of skilled public defenders in our state. Due to the current shortage of attorneys interested in pursuing public defense work, partly due to low pay and excessive caseloads, our consortium is dedicated to recruiting and supporting younger attorneys and law students in this field.

Similarly, in Polk County, I am a member of the Polk County Conflict Consortium (PCCC) where I spend the other 50% of my work providing legal representation to indigent clients in their dependency and delinquency matters. Like MJAC, PCCC strives to provide a diligent and robust legal representation to our clients.

The current contracting process between the Office of Public Defense Services (OPDS) and consortium administrators has proven efficient and effective. This model allows for streamlined coordination between private law firms, solo practitioners, and OPDS to provide public defense services according to their contractual agreements. Oregon's public defense system has evolved over time, moving away from the assigned counsel model, which was found to be inefficient due to a lack of coordination and the

administrative burden of contracting directly with individual providers. It is also necessary in smaller counties, such as Polk, that cannot support a PD's office.

Consortia serve as a vital infrastructure for members of the private bar, acting as a point of contact for presiding judges, district attorneys, and other members of the criminal justice system. This infrastructure is essential for addressing emerging issues and capacity challenges, and without it, coordinating and creating efficiencies with the private bar would become increasingly difficult.

Finally, it is important to note that consortia are transparent and held accountable through oversight by both the consortium administrator and OPDS. Consortia are required to report to OPDS monthly, providing information on the number of attorneys and support staff working on cases, open cases, and other relevant data. This reporting process ensures that consortia are consistently monitored and held to high standards of service and accountability. Polk County, for example, is also part of the roll-out of the Parent Child Representation Program (PCRP) with time-reporting requirements, caseload limitations, etc.

As the Oregon State Legislature considers amendments to SB 337, I urge you to recognize the value and importance of maintaining the consortium delivery model for public defense services. Transitioning to an assigned counsel model would not only disrupt the current efficient system but also potentially result in a significant loss of capacity for public defense across the state.

Please take these concerns into consideration as you work on SB 337 and strive to ensure that our public defense system remains strong, efficient, and capable of serving the needs of Oregon's most vulnerable citizens.

Sincerely,

*/s/ Ellen R. Yeoman*

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