



Robert Vieyra-Braendle
Attorney
161 High St SE, Ste. 214, Salem, Or 97301
(971) 389-8794
robert@workingclasslegal.com

March 30, 2023

Sen. Floyd Prozanski
Sen.FloydProzanski@oregonlegislature.gov

Rep. Paul Evans
Rep.PaulEvans@oregonlegislature.gov

Rep. Kim Wallan
Rep.KimWallan@oregonlegislature.gov

Sen. Dennis Linthicum
Sen.DennisLinthicum@oregonlegislature.gov

Subject: The Importance of Criminal Defense Consortia and SB 337

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

I am writing to you as a new attorney and member of both a juvenile law consortium and an adult criminal defense consortium in Oregon. I am deeply concerned about the potential amendments to SB 337 that could dismantle the consortia delivery model for public defense services. As someone that is personally and professionally very invested in this area, I would like to express the value of consortia in our public defense system and urge you to consider not abruptly dismantling an integral component of our judicial system.

The two consortia that I am a member of, Marion Juvenile Advocacy Consortium and Marion County Association of Defenders, both based in Salem, employ dozens of attorneys who devote between 50% and 100% of our time to public defense. Both consortia take pride in providing 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 consortia are dedicated to recruiting and supporting newer attorneys and law students in this field.

I am a one of those newer attorneys. I am pursuing law as a “second career” because I wanted to move into a field where I felt like I could benefit my community in Salem more directly than my previous career allowed. I graduated from Lewis and Clark law school in 2021 – right in the middle of the COVID pandemic. I founded my own non-profit law firm to provide highly needed legal services to those that were most unable to afford an attorney – an attempt to address the “justice gap”.¹ I never intended to do

¹ <https://justicegap.lsc.gov/>

public defense work. As I started this journey I met members of these consortia at events for local legal groups and was convinced to try public defense.

In the eight months since I first joined a consortia I have had the opportunity to work on nearly a hundred cases, some in an individual capacity and some as co-counsel to more senior attorneys in the consortia. I have had weekly and monthly training sessions, work group sessions to discuss current cases, CLE's, and countless informal feedback discussions regarding the law, local courtroom practice and general best practice. Prior to becoming an attorney, I spent over a decade as an engineer in some of the largest corporations in the world. I have not received any less supervision and support from these consortia than I did inside the corporate structures of previous employers.

If the legislature were to move to an assigned counsel model, our consortium would likely cease providing public defense services. This would result in the loss of several dedicated attorneys, who may choose to focus on private work or be deterred by the administrative burden of contracting directly with the state. This loss of capacity would have a significant impact on the state's public defense system, as consortia currently provide approximately 60% of public defense services across Oregon. A sudden shift in service provider model to remove the consortia would undoubtedly create a "brain drain" of senior, qualified attorneys. This would harm newer attorneys like myself, and most importantly, the very people our overwhelmed public defense system are trying to help. There is no doubt that our public defense system, much like the systems in many other states, needs help and is ripe for some creative problem solving. However, until the state has developed its own institutional knowledge by developing state employed public defenders over the course of many years, dismantling the consortia model will only wreak havoc on an already fragile system. This cannot be done in two years. Real, systemic change takes time and two years is simply not a long enough timeline to implement such a monumental change.

As the Oregon State Legislature considers amendments to SB 337, I respectfully 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 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 strengthens over time to better serve Oregon's most vulnerable citizens.

Thank you for your time and attention to this important issue.

Sincerely,



Robert Vieyra-Braendle, *Attorney at Law*