

Public Defenders of Oregon

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Chair Prozanski, Vice Chair Thatcher and members of the Senate Judiciary Committee:

My name is Carl Macpherson and I am the Executive Director of Metropolitan Public Defender and a member of the Public Defenders of Oregon (PDO), the association of nonprofit public defense offices. PDO was founded in the summer of 2022 in response to the overwhelming and urgent need to advocate for high quality and stable public defense services, to build and retain a strong public defense workforce, and to equitably center the needs of all clients through effective and ethical representation.

I am also a member of the Tri-Branch Work Group on Public Defense. We appreciate the work of Chairs Prozanski and Evans, as well as the entire work group, as public defense is critically important to public safety, and is the obligation of the State to provide 6th amendment protections of right to counsel.

In January of 2019, the Sixth Amendment Center published *The Right to Counsel in Oregon: Evaluation of Trial Level Public Defense Representation Provided Through the Office of Public Defense Services* (hereinafter “6AC Report”). The 6AC Report documents some of the issues that our system has faced for many years, including that our delivery model is inherently dysfunctional. The report also identified two principal recommendations and two additional findings to address structural issues, which still exist four years later. SB 337 is generally a positive step, of several that need to occur, to fix identified problems and make progress.

SB 337 will align Oregon with national best practices regarding the composition of PDSC and diversity of appointing authorities. The Bill will require the new OPDC to set policy, procedures, and create standards for all providers to ensure that the proper oversight is in place, and to ensure that clients are receiving the quality representation that every client is entitled. This is a foundational bill, which requires the State to meet its obligations with administration, oversight, and accountability.

To be clear: SB 337 is absolutely necessary, and we encourage this committee to pass it, but to be successful and to move the needle on addressing the unrepresented crisis, the system needs funding; funding for implementation of this bill and funding for retention of experienced, qualified public defenders and staff. Since SB 337 cannot succeed on its own, we appreciate the support letter from the Fair Shot Coalition on SB 337 and agree that HB 2467 and SB 413 are important vehicles to promote the health of the public defense workforce in Oregon.

In addition to accountability, a guiding principle should be to ensure that public defense clients are not only represented, but that each and every client receives quality representation. For these reasons, we generally support the direction of SB 337. We understand that forthcoming amendments are needed to improve the implementation of the bill. We look forward to continuing the hard work to make progress with public defense and public safety in our State and to meet our constitutional and ethical obligations.