

Submitter: Tamara Scull
On Behalf Of:
Committee: Senate Committee On Judiciary
Measure: SB337

Dear Chair Prozanski, Vice-Chair Thatcher, and Members of The Committee,

This letter is in regards to SB 337-1, specifically Section 83. I write to urge you to maintain law firms as entities permitted to contract with PDSC.

I am an attorney at Strawberry Mountain Law, one such firm that is an important part of the delivery of public defense services in Eastern Oregon. As others have pointed out, law firms like ours also play a crucial role in providing access to justice for rural Oregonians with a wide variety of civil legal needs. To that point, I would add that this law firm model specifically acts as a boon to the recruitment of talented attorneys to an area that otherwise would struggle to attract and retain them; I consider myself one of them.

Speaking from my own personal experience, the ability to work as a public defender while also taking on private casework was the single biggest factor that made me decide to work in such a rural area. Before moving to work here, I was employed as public defender in Kentucky for almost 8 years. I was a state employee, employed with the Department of Public Advocacy. I worked in an urban area near Cincinnati, Ohio on the Kentucky side of the river. For nearly 8 years, I worked tirelessly for my clients with an absolutely crushing caseload – many years without even a cost-of-living pay increase, to say nothing of a “merit” increase in pay. There simply was no money available in the budget for public defense. I was not permitted to take on outside work and would have had no time to do so, even if my employment contract permitted it. I worked in an environment where there were no caseload caps, no ability to refuse cases, no matter how high my workload became. I had upwards of 90 serious felony cases when I resigned my position (clients facing more than 5 years in prison if convicted).

By accepting this position in Eastern Oregon, I increased my pay substantially. I was also drawn to the ability to learn civil law while retaining my ability to qualify for Public Service Loan Forgiveness – a goal I have worked towards for nearly a decade. I love being able to work in an environment that supports individual autonomy vs. a more rigid, formulaic “agency” model of legal representation, and I am honored to represent rural Oregonians in all sorts of legal matters. I recently represented my first retained client on a custody matter in Grant County and I was quite moved to know that my client drove from Halfway, Oregon to John Day (a 2:45 minute drive) for his hearing.

Access to true, quality, and available legal representation in rural areas is not a privilege. It is a right. While of course we are talking both about providing public defense and retained legal services, this Committee would be remiss not to consider the far-reaching implications of removing law firms who do both from the rural Oregon legal scape. I moved over 2,100 miles to practice law in Oregon – swayed by its unique model of public defense. I recognize that model is not without its flaws. But as a former state employee, I can assure you that the infirmities of the Oregon public defense system can be mended without simply converting providers to state employees.

Being a public defender is important to me, but there are other cities and other states where I could do that. I urge you not to do away with a model that provides not only a wonderful opportunity for learning practitioners, but also access to justice for disenfranchised Eastern Oregonians. Please allow firms like ours to continue the important work that we do.

Sincerely,

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