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To: Senate Committee on Judiciary
From: Heather Busby, Executive Director

Re: **SB 337**

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

Founded in 1975, Youth, Rights & Justice is Oregon's only non-profit dedicated exclusively to juvenile public defense. Each year, we provide holistic, client-centered representation to around 1000 children, youth, and parents in Oregon's juvenile court system. Additionally, we provide early defense advocacy to keep families together and educational advocacy so children can attend, graduate, and succeed in school. In 2021, we launched our juvenile expunction clinic.

Through our advocacy for Oregon's children, youth, and parents, we often see the same systemic problems and we work to change the policies that contribute to these problems. One glaring systemic problem is that Black, Indigenous, Latinx people and other people of color are overrepresented in child welfare and juvenile justice systems.

YRJ supports SB 337 as a much-needed reform to Oregon's public defense system and we urge its passage. We look forward to forthcoming amendments to improve upon this important first step toward progress.

As a juvenile defense provider that has been delivering high quality representation to youth and families in Oregon for nearly 48 years, YRJ is well situated to speak to the challenges of meeting the standards for juvenile defense practice. Within our organization, we have attorneys who have become state- and nationwide experts in all aspects of juvenile law, including ethics.

We urge you to amend SB 337 to give the OPDC and its contractors the flexibility to consider the ethical rules in continuity of representation. While we appreciate the intent behind the clause that an attorney shall handle all matters for a client, in practice, it could limit practitioners in considering the best interests of and ethical obligations to clients. We urge the inclusion of a caveat to this clause.

Under our current contracts with OPDS, there is a provision that if an attorney employed by a contractor leaves the provider and remains in public defense practice in that jurisdiction, they are to take their caseload with them unless OPDS indicates otherwise. While this is presumed to be in the best interests of the client to stay with the same attorney, it differs from private practice where the client belongs to the firm, and the client is given notice and the choice of whether to remain with the firm or move with the attorney.

The court appoints YRJ to cases, and we then assign it to one of our staff attorneys. Once at YRJ, our clients have the benefit of services from our 501(c)(3) nonprofit programs, such access to an education law attorney. For more than 20 years, YRJ has run a successful educational legal advocacy program, SchoolWorks, that serves foster children and young people involved in the juvenile justice system. Through SchoolWorks, we provide educational stability and supports, and it is the only program of its kind in Oregon.

YRJ has been a Parent-Child Representation Program (PCRP) provider since the program was expanded to Multnomah County in 2020. This program uses a multidisciplinary approach to legal representation to achieve positive outcomes for children and families and decrease the use of foster care and time to permanency for children. Through the PCRP, our clients have access to in-house social workers who work alongside attorneys to meet our clients' psychosocial needs and provide support and connection to vital social services. Our clients often develop a close working relationship with our case managers.

The needs and desires of the client, the relationship with case managers, and benefits of programs like SchoolWorks should be included in considering in the totality of the circumstances of whether it is the best interest of the *individual* client to stay with a firm or to move with the attorney.

Finally, we urge the Legislature to adequately fund public defense in Oregon, including an expansion of the PCRP statewide.

Our staff dedicate themselves whole-heartedly to this work, and many have given decades of their lives to juvenile public defense, decades of working long hours for low pay, doing difficult, emotionally draining work. Pay parity – both for attorneys and for support staff - with district attorneys and state agencies is long overdue, but the need goes beyond that. Our offices need funding for the infrastructure to support this work, including supervision and training, investigation, and administrative assistance.

We thank you for considering this important legislation and suggested amendments and are grateful for the time and efforts the Legislature and the Tri-Branch Workgroup have put into this massive undertaking.

Sincerely,



Heather Busby, YRJ Executive Director