

April 1<sup>st</sup>, 2023

Chair Prozanski, Vice-Chair Thatcher, and Members of Senate Judiciary,

My name is Lee Wachocki and I am an attorney at Multnomah Defenders, Inc. (MDI), a non-profit public defense office in Portland. I am also MDI's Union President. I support SB 337 and urge you to pass this long overdue reform of Oregon's broken public defense system.

I write primarily to address two concerns: (1) the need for an increase in the Office of Public Defense Services (OPDS) budget if Oregon is to realize the vision of SB 337, stanch the flow of attorneys leaving public defense for better pay and fewer cases, and attract over 1,000 more attorneys to this difficult and often thankless mission; and (2) the elimination of the consortium model.

With respect to funding, public defense providers will continue to hemorrhage attorneys and staff until the reimbursement rate for criminal representation is increased. MDI has lost 25 attorneys since December 31, 2019. Had I written this yesterday, the number would have been 24. But we just lost an experienced felony attorney yesterday. We lost him despite the fact that we're in the middle of OPDS's 5-month attorney retention incentive "bonus" rollout. Band-aids like one-time bonuses and additional student loan repayment assistance options are as effective in combating attrition as National Public Defender Day or utter inaction. We are not getting out of this crisis by applying more band-aids. Support for an increase in OPDS's budget is support for an increase in attorney reimbursement statewide, and that is what it will take to actualize the goals of SB 337 and respond to the damning studies of our state's current system.

With respect to the elimination of the consortium model, I have yet to hear a compelling reason why current consortium attorneys cannot, would not, or should contract with OPDS directly as SB 337 makes possible. Having worked in several consortia across the state myself, I wish a direct contracting option had been available to me when a sizeable portion of my reimbursement was being gobbled up by expensive and not particularly effective consortium "administration." I know many brilliant consortium attorneys, and I anticipate that the changes under SB 337 will cause some to join non-profit offices like mine or – better yet – form their own non-profit firms where attorneys can benefit from support staff, social workers, in-house investigators, and a collective brain trust rather than functioning in relative isolation. Concerns over the elimination of the consortium model do not justify killing this important bill.

Thank you for your time.

-Lee Wachocki