

Co-Chairs Evans and Sollman and members of the Joint Committee On Ways and Means Subcommittee On Public Safety:

My name is Stacey Lowe and I am the Director of Southwest Oregon Public Defender Services and the president of 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'm here today in strong support of SB 5532 and continuing to increase critical investments in public defense to address the unrepresented crisis and ensure ethical representation and access to justice for all Oregonians. Put simply, we have a supply and demand problem - we do not have the supply of attorneys and staff we need in order to meet the demand of the number of cases filed every day in Oregon.

You've heard before - and you're hearing again today from others - that there has been an historic loss of public defense providers in the profession. It's all over the state, but rural areas like mine are having the hardest time recruiting to fill the gaps.

While in the past we have had a system where most public defenders get trained up by the nonprofit offices and then move on to work in consortia or private law firms, we are finding that - over the last 4 years - even before the pandemic hit - that providers are wholesale leaving the profession. They can simply get higher compensation for commensurate work at the Department of Justice, OPDS Appellate division/PCRP or in private practice.

As strong advocates for labor or business owners yourself, you'll likely understand how an employee's sense of self worth and fairness is often impacted by seeing people doing the same work get compensated differently. Increasing pay is the strongest message we can send that we value their work and want them to stay in the profession. And to clarify, for years the nonprofit offices have provided that salary information to the agency.

However, what often gets lost in this retention conversation is that, while compensation is the main factor, it is not the only factor causing folks to leave the profession. High caseloads - and the relentless push to process individuals quickly to "get rid of the problem" of the unrepresented - have led to an increasingly disillusioned workforce that does not want to stay in a profession where ethical obligations are pushed aside.

We applaud the tri-branch workgroup - including leaders from the legislature, judiciary and executive branch - for coming together to tackle the governance and structural issues with public defense through SB 337. Structural accountability issues are absolutely critical to address this session and we stand ready to supply the legislature with any data or information they need to ensure a good return on investment.

We fear, however, that if the legislature does not send a strong message for their desire to retain public defenders - through investments targeted at compensation increases and ethical

caseloads, the unrepresented crisis will deepen, along with the distrust in the public safety system to provide justice for all.

The nonprofit public defense offices in Oregon stand ready to work in partnership with OPDS and the PDSC to implement a transparent and effective recruitment and retention strategy that will address the current crisis and get Oregon on track to meet our state's ethical and constitutional obligation to provide representation to every Oregonian in need. We encourage the legislature to allocate the resources necessary to allow us to do this.

Thank you so much for your time and consideration.