



Oregon Defense Consortia Association

April 19, 2023

Joint Committee on Ways and Means Subcommittee on Public Safety

Co-chairs Sen. Sollman & Rep. Evans

900 Court St. NE

Salem, OR 97301

Re: Oregon Defense Consortia Association Supports SB 5532; current service level resourcing of public defense system

Co-chairs Sollman and Evans and members of the Public Safety subcommittee,

The Oregon Defense Consortia Association (ODCA) is a statewide advocacy association devoted to ensuring Oregonians have access to high quality public defense services in all corners of the state. Since 2018, ODCA has been committed to ensuring that providers operating through a consortia model or in law firms have a voice in policy discussions that impact Oregon's public defense system. ODCA is grateful for the state's leadership to address the crisis in access to justice and embark, in earnest, to modernize and adequately resource public defense.

Constitutionally, Oregon is required to provide public defense to individuals charged with crimes, including those in custody. Historic structural, leadership and transparency challenges at the Office of Public Defense Services (OPDS) coupled with a systemic underfunding of the system and high workloads, have led to a dearth of qualified and experienced attorneys who are interested in providing public defense services. As a result, there are roughly 800 Oregonians facing criminal charges who do not have legal representation. This crisis is a stark reality that ODCA members and our clients are facing every day.

ODCA has been engaging in conversations with the Tri-Branch Workgroup to modernize our public defense system, increase accountability and transparency, and retain qualified attorneys. We remain concerned about a provision in SB 337A that effectively dismantles the consortia delivery model, but that is a separate discussion from SB 5532 and the agency's POPs. We support SB 5532 and POP 101, as they provide critical funding to meet the needs of OPDS and are necessary to support our system and attorneys at this time.

Specifically, ODCA recognizes the need to retain experienced public defense providers. Investments in our workforce, particularly equitable compensation for attorneys doing comparable work, helps to create a viable career path for young lawyers and sends a signal to the entire workforce that their value is recognized. The American Bar Association found that Oregon's public defense system had only 31% of the providers necessary. Without investments to ensure parity in compensation, and additional care to address high caseloads, Oregon will struggle to retain and create a pipeline of public defense providers.

To support professional development and career advancement, ODCA is also supportive of increased funding devoted to the efficient training of providers. Investment in workforce development helps, in part, address the attorney shortages by providing the support and on-the-job skills necessary for a provider to be qualified and equipped to handle more complex cases. Despite providing continuing learning opportunities, structured mentoring and creatively partnering with local law schools to train new attorneys, consortia haven't historically been able to access these funds. We appreciate the support from our partners, including the Public Defenders of Oregon, Oregon Criminal Defense Lawyers Association and the agency, in working to ensure these training funds are accessible to all providers.

Oregon lawmakers' commitment to addressing the crisis in access to justice is recognized and appreciated by the provider community. As we look to address both short and long-term challenges within our system, we respectfully request your support for SB 5532 to ensure the agency is adequately resourced.

ODCA Board

Rob Harris, President ODCA and
Executive Director of The Washington County Defense Consortium

A handwritten signature in blue ink, appearing to read "Rob Harris".

John Sarr, Portland Defense Consortium
Bruce Tarbox, Clackamas Indigent Defense Corporation
Jonathan Pritchard, Bend Attorney Group
Cierra Brown, Clackamas Indigent Defense Corporation