

Submitter: Michael Rees  
On Behalf Of: AFSCME local 3668  
Committee: Joint Committee On Ways and Means Subcommittee On Public Safety  
Measure: SB5532

Dear Co-Chairs Evans and Sollman, and members of the Ways and Means Subcommittee on Public Safety,

I am Michael Rees, staff attorney at Metropolitan Public Defender and president of AFSCME local 3668. Thank you for this opportunity to provide testimony in support of SB5532 and the OPDS Policy Options Packages.

I have represented criminal defendants for 22 years at MPD. I am one of the longest-serving attorneys at this firm. Like the other attorneys and staff members here, I believe in this work and take pride in helping people navigate the system and recover from enormous disasters. I regard this as a helping profession. My clients are my neighbors and members of our community struggling with crisis, poverty, addiction, and mental illness.

It is very common, especially in recent years, for attorneys to work here three or four years and then move on to something else before they are qualified to handle the most serious cases. I talk to attorneys and support staff leaving our office and hear repeatedly that being a public defender is not a viable long-term career. The work is very stressful, resulting in exposure to vicarious trauma and real trauma. (I was physically attacked by a client having a psychotic episode.) The hours are long. It is hard to take vacation because the work just piles up while you are out of the office. In every case, attorneys complain that the compensation and benefits are not adequate. To raise a family, pay student loans, save for retirement, and afford housing in the Portland metro area, they just have to work somewhere else.

In recent months, our compensation has improved slightly due to additional funding in response to the current indigent defense crisis. The problem is, this funding has come through as an emergency measure with no indication that long-term improvements will follow. Our local's contract runs out at the end of June. Our union should have a proposal right now for a new contract, but we have nothing because nobody knows what the next OPDS contract is going to look like. My point here is that a little extra money today is meaningless without a long term commitment from the state of Oregon to rectify, abolish, and avoid for all time the decades of abject neglect that brought us to the current crisis in indigent defense. Whatever our compensation is today, it won't solve this problem if public defenders need to scratch and claw for reasonable funding every biennium.

Criminal law in Oregon is complex, with long term consequences for crime victims, the accused, and our communities. Oregon sentencing law is very confusing to the uninitiated. The criminal justice system is working to improve outcomes and move on from ineffective, biased, and expensive policies of mass incarceration and draconian drug enforcement. Oregon is reeling from the abolishment of non-unanimous jury verdicts and the raft of vacated convictions that followed. These crises in the criminal justice system have made it even more important to recruit and retain committed and professional public defenders. Recent law school graduates who leave after a couple of years simply can't do this work.

I support SB5532. I want to mention in particular POP 101, which puts trial level provider compensation on par with PDSC Appellate attorneys. There was never a good reason to try to compensate trial level public defenders and staff less than appellate attorneys or other state employed attorneys. The qualifications are equally difficult to maintain. The work of trial attorneys is comparable, if not harder. The effect of under compensating trial level attorneys is precisely what we see today, which is an enormous shortage of public defenders.

Thank you,  
Michael Rees  
President, AFSCME local 3668