

Submitter: Margaret McAdams  
On Behalf Of: Multnomah Defenders and ALL public defenders  
Committee: Joint Committee On Ways and Means Subcommittee On Public Safety  
Measure: SB5532

My name is Maggie McAdams and I am a Misdemeanor attorney with Multnomah Defenders Inc. and I am basing my experience off of being a public defender for a little over one year.

This is the best job I have ever had, but I am experiencing deep burnout. I represent almost 80 clients at a time. I am learning how to be a strong, educated advocate and it is extremely difficult to do so when I can barely make ends meet. I represent the mentally ill, the addicted, the houseless, and the marginalized. I need more resources, bodies and funding to continue doing this job.

Below are important facts about the state of public defense in Oregon:

All individuals charged with a crime in Oregon have the right to an attorney to provide ethical and effective representation through the legal process.

? The current lack of legal representation for people facing criminal charges in Oregon is a crisis for public safety and for access to justice.

? On any given day approximately 800 individuals are being denied their constitutional right to counsel and are without access to an attorney. Approximately 30-50 of these individuals are in jail without an attorney.

? The lack of representation impacts the ability of individuals to maintain employment, housing, treatment and other needs for their families.

? Public defenders play a critical role in our public safety system and right now, we simply do not have enough of them to provide ethical representation and are losing more every day.

? 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.

? However, without significant investments in the public defense system, the crisis will continue and deepen.

? While there is no shortage of areas for investment, and we support the

agency's policy option packages, we would prioritize investments in:

? Retention. We need to retain experienced public defenders who can take on more serious felony level cases driving the unrepresented crisis and who can train and supervise the large number of public defenders we need to meet the demand of the number of criminal charges filed in Oregon everyday.

? Investments in retention are the single most important investments to ease the unrepresented crisis.

? We have had historic attrition of public defenders, as they leave in droves for higher pay and lower caseloads in other areas of law. It costs more to constantly recruit, hire, and train because of losses than it does to retain the workforce.

? Increasing compensation, commensurate with state employee pay for similar work, sends the strongest message of support to public defenders that they should stick in this critical work.

? Directing resources to build out an open workload model also sends the signal that attorneys shouldn't fear burnout due to excessive and unethical caseloads. It also provides some assurance to those entering public defense that they will not be forced to take on more cases than they can handle, that they will not be forced to violate ethical rules. This is critical to retention and recruitment.

? Training and supervision for new public defenders to build and support the workforce we need.

? Staff capacity, including increased pay for investigators, to assist with the critical work of taking on the backlog of cases and to ensure attorneys are able to do independent investigations in each and every case.

? Without these critical investments the crisis in unrepresented individuals will continue to grow, as will public distrust in the public safety system. We urge your support.

This is no longer a situation in the queue to be reviewed. This is dire. Thank you.