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HB 2614 Amendments

March 3, 2025

Legislative Testimony on Preserving the Consortium Model of Public Defense in Juvenile Dependency and Delinquency Cases

Introduction

Chair Kropf and members of the committee, I am Jeff Carter and am testifying as a Board member of the Marion County Juvenile Advocacy Collective (JAC). After 41 years of private practice in Marion County, I retired at the end of 2022. The last 25 years of practice I was a member of the Marion County Juvenile group that provided all the public defense for juvenile cases in Marion County. Since my retirement I have served as a Board member for JAC. During my legal career I served on numerous committees and organization including serving as the President of the Oregon State Bar and as a Board member for the Public Defenders of Marion County. I am here today to advocate for the preservation of the consortium model of public defense in juvenile dependency and delinquency cases. This model has long served as a cornerstone of our juvenile justice system, ensuring that the most vulnerable among us—our children—receive the robust and comprehensive defense they are entitled to. I stand in opposition to the statutory mandate that the Oregon Public Defense Services (OPDS) will no longer be able to contract public defense services with consortia, a move that threatens to undermine the very fabric of our public juvenile defense system.

The Importance of the Consortium Model in Juvenile Cases

The consortium model has served Marion County Juvenile Court for over 30 years. It has also been the primary Juvenile justice public service delivery system/structure throughout the state of Oregon during that same time. The consortia model of public defense is a collaborative approach that pools together the skills, resources, and expertise of various legal professionals and entities to deliver high-quality defense services. In the context of juvenile dependency and delinquency cases, this model is particularly crucial for several reasons:

- **Conflict Cases:** Juvenile cases typically involve at least three parties (Mother, Father and child or sibling group). Each party is entitled to independent representation, free from conflict of interest. An attorney cannot represent more than one party to a Juvenile case. This conflict rule also extends to other attorneys in the same office. Each member of a consortia is an independent attorney with a separate office. Unlike a public defense office. To avoid conflicts, it would require three separate public defense offices in a typical case. It is not unusual to have a need for more than three attorneys in each case. In situations with blended families (additional parent) or a conflict of interest in a sibling group (a child wanting a different case plan than his or her sibling). Although Multnomah County has multiple public defense offices, most counties do not and to do so would most probably not be cost effective.
- **Resource Efficiency:** By leveraging the collective resources of multiple entities, the consortium model promotes efficiency and cost-effectiveness. This enables the public defense system to manage caseloads more effectively and ensure that each case receives the attention it deserves.
- **Continuity of Care:** The consortium model fosters long-term relationships between defense teams and their clients, which is essential in juvenile cases where trust and continuity are paramount. This stability helps in addressing the underlying issues that contribute to delinquency and dependency, thereby promoting better long-term outcomes for the youth.

Risks of Abandoning the Consortium Model

The proposed statutory mandate that OPDS will no longer be able to contract public defense services with consortia poses significant risks:

- **Conflict of Interest:** Eliminates the only structural delivery system that addresses and avoids conflicts of interest that are present in every juvenile dependency case.
- **Reduced Quality of Defense:** Eliminating the consortium model may lead to a fragmented and less coordinated defense system. Individual attorneys or smaller firms may lack the resources and specialized expertise needed to handle the complexities of juvenile cases effectively.
- **Higher Costs:** The consortium model's efficiency and resource-sharing capabilities help to control costs. By moving away from this model, the state may incur higher expenses in the long run as the need for additional resources and personnel increases to manage the same volume of cases.

Conclusion

In conclusion, I urge this legislative body to reconsider the statutory mandate that would prohibit OPDS from contracting with consortia for public defense services. The consortium model has proven to be an invaluable asset in providing high-quality, efficiency, and comprehensive defense in juvenile dependency and delinquency cases. It embodies the principles of collaboration, resource optimization, and holistic care that are essential for safeguarding the rights and futures of our

children. Let us not dismantle a system that has served our community so well but instead seek ways to strengthen and support it.

Thank you for your time and consideration.