

Submitter: Shannon Wilson
On Behalf Of:
Committee: House Committee On Judiciary
Measure, Appointment or Topic: HB2614

Dear Chair Kropf, Vice-Chair Chotzen, Vice-Chair Wallan, and Members of the House Judiciary Committee,

My name is Shannon Wilson, and I serve as the Director for the Public Defender of Marion County (PDMC). I am also a member of the Public Defenders of Oregon. Before taking the Director position with PDMC, I was a co-administrator for the Clackamas County Indigent Defense Consortium. When I practiced with the consortium less than four years ago, I was one of the youngest defense lawyers with CIDC. Now, at PDMC, I am the oldest lawyer here. I urge you to oppose the amendments to HB 2614 that would remove national caseload standards for all Oregon public defenders. National and regional standards are a necessary and modern metric to accurately gauge the real work of public defenders, regardless of the contractor model.

The current MAC standard is from the 1970's. Keeping Oregon public defenders working under expired standards will be supported by many who benefit from a weak public defense system. The legislature funded many public defense studies stressing attorneys' value cannot be assessed by the sheer number of cases processed. In fact, that metric is unethical and unconstitutional. As much as prosecutors prefer to see the appropriate metric is cases, public defenders will equally view the appropriate standard based on representation of the people. The difference in perspective has never been clearer.

RETENTION OF CURRENT PUBLIC DEFENDERS

Attorney attrition and the lack of OPDC funding dedicated to new public defender development are the biggest factors contributing to Oregon's unrepresented crisis. PDMC is a great example of what a jurisdiction can do to lose public defenders and what can be done to successfully recruit, train, and retain public defenders.

In 2023, PDMC suffered DEVASTATING losses when attorneys were pushed into overwhelming caseloads. Forced appointments caused many to leave public defense for good. PDMC lost 13 attorneys in 11 months, 60% of our attorney workforce. THIS ISN'T OVER, the Marion judges plan to start a force appointing attorneys again as soon as next week. Most of the lawyers at PDMC are either brand new misdemeanor attorneys or new Oregon defenders. The acceptance of factory line representation without consideration of ethical standards needs to stop. That is why the removal of the -1 language is so dangerous. In Marion County, this change will further embolden system partners as they continue to erode our available public defense workforce by forcing unreasonable caseloads.

RECRUITING MORE LAWYERS TO WORK IN PUBLIC DEFENSE

In 2024, critical to our rebuilding efforts, PDMC Directors performed weekly analysis of each attorney's client representation obligation and workload duties, under the Rules of Professional Conduct. Weekly supervisory analysis of attorney workloads ensures that PDMC provides competent counsel for newly appointed clients. With ethical workload standards centered on our clients, PDMC was able to recruit, train, and rebuild our office. Officials outside this office do not understand what it takes to rebuild over half of the public defense office within one year. National best practices and reasonable compensation can successfully recruit attorneys practicing in other states

With a public defender shortage across the nation, Oregon can successfully recruit more attorneys from out-of-state or Oregon can continue to lose more lawyers. Real solutions are before us, but it won't be easy. Please choose to grow the public defense workforce by supporting the best practice standards and providing public defenders with the professional compensation earned in every hour dedicated to representing their clients. Competent public defense is a necessity, not a luxury. It is a cornerstone of our democracy. One that we must not erode.

Thank you for bringing this important issue to the table and for your commitment to finding actual solutions.

Respectfully,
Shannon