



**TESTIMONY ON HB 5031  
JOINT COMMITTEE ON PUBLIC SAFETY  
MARCH 19, 2025**

Co-Chairs Broadman and Evans, and Members of the Committee:

I am Shaun McCrea, Executive Director of the Oregon Criminal Defense Lawyers Association.<sup>i</sup>

OCDLA asks this Subcommittee to prioritize funding of nonprofits, consortia, and law firms and to do so at a level that will allow the next generation of up-and-coming lawyers to receive supervised placements.

OCDLA understands that funds are being migrated from POP 104 to create a 6% COLA for contracted providers in an effort to keep them at the Current Service Level (CSL). However, we submit the adjustment would need to be 6.8% to actually achieve CSL. We are grateful for this effort to maintain CSL and hope the funds to close the 0.8% gap can be achieved. However, OCDLA recommends an additional allocation for nonprofits, consortia, and law firms, for the purposes of ensuring the resources needed for supervised placements of new attorneys in 2025 - 2027.

Nonprofits, consortia and law firms contract to do the bulk of criminal and juvenile defense work and are more cost efficient than the non-contracted providers. Consortia provide about 60% of adult trial representation and 80% of juvenile representation. And, nonprofit offices invest significant time, money and effort into teaching new lawyers how to practice law and are the training grounds for the next generation of public defenders.

With the passage of SB 337, the state trial division was created with the expectation that experienced consortia members and out of state attorneys would be attracted to become state employees. The expectation was also that other experienced consortia members would migrate to an hourly pay model with an individual contract directly with the OPDC, as the consortia model was phased out. In practice, this has not happened. Out of state attorneys have not come in droves. Attorneys at the state trial division have been drawn largely from nonprofits — not the consortia— and, given the specter of SB 337's overhaul of Oregon's public defense service delivery model, including phasing out consortia, many defense providers of all kinds— consortia, nonprofit and law firms— have simply quit public defense altogether to practice in some other area of law or have left law altogether.

OCDLA has long been concerned that consortia providers would have trouble converting to solo contracted providers without the consortia infrastructure. The consortia model provides compensation certainty and mechanisms for managing administrative burdens. There are a number of costs associated with trying criminal cases that many practitioners will not want to take on individually outside of a consortia

structure. Failing to recruit out of state lawyers or consortia members, state trial offices have simply rearranged the proverbial deck chairs between state offices and nonprofits with less added capacity than anticipated. Indeed, the numbers of unrepresented individuals have more than doubled since passage of SB 337.

Given the hydraulics as they exist in the system right now with significant numbers of unrepresented accused, stabilization of the system and reduction of the number of people without a lawyer seems critical. When SB 337 was passed in 2023, we were in a different situation vis-a-vis the number of unrepresented and the targeted changes were established in a completely different set of conditions than where we find ourselves in 2025.

OCDLA urges the committee to relook at the overall provider landscape and assumptions for 2023 to see if they make sense in this new environment or if they should be adjusted; in particular, the role of consortia because the budget does not exist in a vacuum. The policy choices that are in play regarding HB 2614 directly impact the budget and the Unrepresented Crisis. OCDLA believes that it is critical to retain providers in public defense and that repealing the consortia sunset or moving the date out much further is vital to ensuring that we do not see higher rates of attrition. A one biennium adjustment simply is not enough.

Again, OCDLA thanks the committee for movement on achieving CSL for the contracted providers and again, also urges prioritizing funding for supervision and training of new lawyers moving forward. We will never address the Unrepresented Crisis or meet the Trial Division workforce goals without robustly supporting the programs that create the next generation of Oregon defense lawyers.

Thank you.

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<sup>1</sup> OCDLA's 1,200 members statewide include public defense providers, private bar attorneys, investigators, experts, and law students. Our attorneys represent Oregon's children and parents in juvenile dependency proceedings, youth in juvenile delinquency proceedings, adults in criminal proceedings at the trial and the appellate level, as well as civil commitment proceedings throughout the state of Oregon. Our mission is championing justice, promoting individual rights, and supporting the legal defense community through education and advocacy.