

Submitter: Mark Lang  
On Behalf Of:  
Committee: Joint Committee On Ways and Means  
Measure, Appointment or Topic: HB5006

My name is Mark Lang. I live in Scappoose, Columbia County, Oregon. I am a private attorney that manages the public defense consortium of Justice Alliance of Columbia County (JACC). JACC provides PCRCP services in both Clatsop and Columbia Counties. We also provide criminal defense services for Columbia County. I was a prosecutor in Clatsop County for 9 years and I have been providing public defense services for the last 14 plus years.

I am testifying in support of HB 2614 and Public Defense and more specifically removing the sunset of using consortiums in Public Defense. I respectfully request that the legislature remove the prohibition of Defense Consortiums all together. I would like to provide my perspective on the effectiveness of consortiums on public defense, especially in rural and frontier counties. I have a unique experience view; I have seen consortiums both work from the prosecutor and the defense perspective. In my experience, Consortiums provide stable legal access to the citizens in rural and frontier counties.

Consortiums coordinate and manage the assignments of attorneys to clients very quickly and efficiently. We are able to address courts' needs and concerns very quickly. As head of the consortium, I value the system partners, so if there are problems, I will address them quickly. If an attorney cannot cover a hearing, due to an illness or other issue, the Consortium is quick to make sure there is coverage. Our consortiums provide many services that are outside of the contract because we work within a supportive consortium. An individual attorney may not do those on their own. However, because they are in the consortium those services that the court needs help with are covered.

As head of the consortium, I have developed a productive relationship with the courts, local government, law enforcement, and community partners. This allows the defense bar to collaborate and have a stronger voice on issues affecting clients within the community. Consortiums have developed the respect of system partners. Without consortiums, our clients and communities would lose a powerful voice that protects their constitutional rights and freedoms.

Not having consortiums may work in the urban areas better, because there are other systems in place to help protect the vulnerable. However, in the rural and frontier areas the consortiums may be the only system that provides that valuable voice for the vulnerable. Without consortiums the vulnerable people of our communities would be effectively silenced. This would hurt families and children and will harm the rural and frontier counties even more. Consortiums provide employment and support other local businesses.

Consortiums have been cost effective in bringing in highly experienced attorneys that are dedicated to the communities. Not all attorneys want to do all of the

management that is necessary to manage a contract with OPDC. Consortiums provide a community for the attorneys to collaborate with each other. It is a system that provides mentoring for newer attorneys. In my workings with consortiums as a defense attorney and a prosecutor, I have seen very little turnover over the years. When I was a prosecutor, the consortium attorneys made me a better prosecutor.

I do understand the concerns about making sure attorneys working within a consortium are being accountable and meeting ethical standards. It is important that we are held accountable and provide the best services we can. As a prosecutor and defense attorney I have seen hard working and ethical attorneys in the consortium system. It could always be better, but there are ways to make it more accountable without dismantling consortiums. It should be noted, Consortia, nonprofits, and law firms with contracts 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.