

TO: Joint Ways & Means Committee
SUBJECT: Support nonprofit public defenders

Co-Chairs Lieber, Sanchez, Vice-Chairs Girod, Gomberg, Smith, and Members of the Committee,

My name is Samantha Evans and I have been a public defender at Southern Oregon Public Defender, a non-profit public defender organization in Medford and Grants Pass, for 15 years. These last couple of years have been my first experience with regulated caseloads. It is incredible. I did not know how bad my situation was because I did not know anything better. I was constantly stressed and overwhelmed. I would set a case for trial and then not have time to look at the case until the week before trial. Sometimes I would actually forget about the case until right before trial because I had been triaging for the months prior and had only been able to deal with issues as they came.

One of the worst situations I remember was when I had an in-custody client who had 7 cases and she chose not to waive her right to a trial within 60 days. This meant I had to prep and try all her cases within the 60 days, while also having at least 50 other clients. Including her cases, I had about three trials set every week for a month. I spent every spare second I could, including evenings and weekends, preparing her cases, but I still did not have enough time. I had to hand over some cases to newer attorneys that needed trial experience. During this time, my boss gave me an in-custody Measure 11 case that chose also not to waive their 60-day trial right. I could not do it. There was no way. It was the first time I ever refused a case. My boss had to take the case, and he had not taken a case or been in trial in years.

Aside from the unrelenting caseloads we have had, we are also severely underpaid. Attorneys in my office usually leave to work in the consortium at some point so that they can make more money taking private cases. The only reason I have not left is because I do not have children. However, my parents are getting older, and their sole income is Social Security, and I expect I will need to start supporting them more.

An attorney in my office just got hired at the new OPDC Trial Division. He has been practicing for three years, and I helped train him. Within a year at the Trial Division, he will be making about \$10,000 more a year than me, even though he just received his first Measure 11 case, and the non-profit attorneys take more cases than the Trial Division attorneys. The Trial Division also has more support staff, which lessens the burden on the attorneys.

I have been working Measure 11 cases, major sex cases, and Murders for years. The pay disparity is offensive, and I do not plan on staying around if we do not receive pay parity. Because of this pay disparity, the non-profits are losing and will continue to lose their senior attorneys who are the ones that train and mentor the younger attorneys. The quality of advocacy at the non-profit offices is going to suffer.

I would love to be able to stay at Southern Oregon Public Defender. It is where I grew up as an attorney. All the attorneys that work there love it, but they leave because the pay cannot sustain a family in today's world and the pay cannot justify our law school debt, especially now when income-driven repayment plans and loan forgiveness are up in the air.

I hope that you will consider investing in the non-profits who have trained so many criminal defense attorneys in Oregon and who have been faithful homes to public defense for decades. Thank you for your consideration.

Sincerely,

Samantha Evans

Medford, OR