



Oregon Office of Public Defense Services Reform House Bill 3145

March 25, 2019

House Committee on the Judiciary

Sixth Amendment Center

Findings

January 2019

1. The State of Oregon has created a complex does **not provide sufficient oversight or financial accountability**. In some instances, the complex bureaucracy is itself a hindrance to effective assistance of counsel.
2. The complex bureaucracy obscures an attorney compensation plan that is at root a fixed fee contract system that: **pits appointed lawyers' financial self-interest against the due process rights of their clients**; and is prohibited by national public defense standards.

Sixth Amendment Center Findings January 2019

3. The PDSC structure does not adhere to national standards, as the commission members are all appointed from one branch of government.
4. The state has no oversight over the right to counsel in Oregon's municipal and justice court.

PDSC Resolution

February 22, 2019

- “The commission has had **ongoing concerns regarding the constitutional adequacy of the current system** based on extensive information received over the past several years from a variety of sources including providers themselves. The Sixth Amendment study confirmed those concerns and has reinforced the sense of the commission that a change in the current system is necessary. After having heard extensive testimony and having received extensive information regarding the various different models used in various different jurisdictions, and having considered the extent to which the different models might function in Oregon, it is the sense of the commission that a model that includes a statewide public defender and conflict council appointed on an hourly or an FTE basis is appropriate.”

-Adopted unanimously by the PDSC on
February 22, 2019



Turnover

- Metropolitan Public Defender – 70 attorney firm
 - 30% turnover within last 1 year (8 attorneys were in their first year)
 - 50% turnover within the last 3 years
 - 69% turnover within the last 5 years



Turnover

- Umpqua Valley Public Defender – 12 attorney office
 - 75% turnover within last 3 years
 - 133% turnover within last 5 years
- Marion County Public Defender – 14 attorney office
 - 64% turnover within last 3 years



Turnover

- Crabtree and Rahmsdorff (Bend) – 14 attorney office
 - 64% turnover within last 3 years
 - Average stay for new hires over last 10 years is 2.5 years.
- Public Defender of Lane County – 22 attorney office
 - 45% turnover within last 3 years

Reform Legislation

- Working with the Chairs of the House and Senate Judiciary Committees

- Legislation will address the agency's critical need to:
 1. Different Service Delivery Model
 2. Caseload/Workload Standards
 3. New Data-informed Budgeting Process
 4. More Diverse Commission
 5. Increased Quality Assurance and Oversight
 6. Transparency in Contracting and Agency Data
 7. Foundational Training
 8. Task Force on Legal Representation in Municipal Courts



Contact OPDS

- Lane Borg, Executive Director
 - 503-378-2515
 - Lane.Borg@opds.state.or.us
- Eric Deitrick, General Counsel
 - 503-378-2750
 - Eric.J.Deitrick@opds.state.or.us