

**PUBLIC DEFENDER SERVICES OF LANE COUNTY, INC.**

1143 OAK STREET, EUGENE, OREGON 97401-3518

Phone: (541) 484-2611 Fax: (541) 484-5068

BROOK REINHARD, EXECUTIVE DIRECTOR  
ROBERT C. HOMAN, ASSISTANT DIRECTOR  
THOMAS L. FAGAN, EDUCATION DIRECTOR  
JANAE C. BLY  
MARIE B. DESMOND  
PAUL M.D. FRASER  
ROBERT C. HANSEN, OF COUNSEL  
MICHAEL HAJARIZADEH  
JORDON HUPPERT  
ROBERT KAISER  
AMIT KAPOOR

March 27, 2019

ALLISON KNIGHT  
LUKE KOSKEY  
JENNIFER LANG PERKINS  
ZARA LUKENS  
LAURA RUGGERI  
JEFFREY D. RYDING  
DAVID SAYDACK  
ANNETTE SMITH  
MARLA SOILEAU  
JOHN C. VOLMERT  
BRIAN J. WALKER

Chair Williamson and members of the House Judiciary Committee,

Thank you for your careful consideration of HB 3145-1. As the executive director of Public Defender Services of Lane County, one of the original non-profit public defender offices in Oregon, I believe that public defense reform is desperately needed.

My office has a dedicated staff of lawyers and legal professionals who work to meet our mission statement, where we strive to treat our clients with dignity, empower them to make informed choices and fight to defend their rights. But we are spread too thin to be effective in every client's case, particularly if that client wants to take their case to trial. In 2017, when we requested a new two-year contract with the state, we requested 8 to 10 new attorney positions to perform the current work, just to meet national standards. Instead, we were given roughly 11 percent more work for 4 percent more pay, with no specific funding for more attorney positions.

The impact on clients means that each of my felony lawyers, on average, work on roughly 220 felony cases per year. My misdemeanor lawyers work on more than 500 misdemeanors each year. As Representative Bynum remarked at Tuesday's hearing, it is difficult to infer that all clients have been "adequately" (or even reasonably) represented by a public defender with more clients to represent than days in the year. If my lawyer takes a client's case to trial, that lawyer is going to have a very difficult time seeing their clients in jail that week. If a client in custody wants a hearing to assert that their constitutional rights were violated, the number of cases we are assigned means that those clients may have to wait additional time in jail for the attorney to research and litigate that case. It's no surprise, therefore, that clients who are forced to make a Hobson's choice between asserting their rights and achieving a speedy resolution "plead out" in such a system.

I am aware that reforming our current public defender system would be expensive. But right now, the costs of an underfunded public defender are borne by the clients, by the public defender attorneys and staff, and by the justice system itself, as the costs of inadequate representation are born by excessive jail and prison sentences and funding for post-conviction relief attorneys to help untangle the mess afterward.

I would urge you to support the significant investment in our public safety system that a yes vote on 3145-1 represents. As a non-profit, my office does not take a position at this time on whether the system would be best served by reforms to state trial-level defense, hourly contractors or full-

time equivalents with fair caseload caps. I believe our office has produced some remarkable results in spite of our level of funding the last 41 years. But we have not been able to achieve consistent results, and the system of administering public defense in Oregon needs to adapt to provide meaningful defense for every client. If more money can't be found to make these reforms, then perhaps the next question is finding ways to reduce the level of prosecutions in Oregon – after all, the core issue here is adequately funding the defense of every person charged with a crime in Oregon, not full employment of defense attorneys. I don't need more attorneys if my county prosecutes 40 percent fewer cases, I just need the resources to effectively represent the clients we are tasked with defending.

As a final matter, I would note that we need reform of our system because the current rate of pay for lawyers and legal professionals makes a long-term commitment to public defense unsustainable. My office experienced 45 percent turnover of our attorneys over the past 3 years, and while I am very proud of the hires we have made in the meantime, it is difficult to replace those attorneys. I receive roughly 30 applications for an entry level position, but when I hire for an experienced position, I'm lucky to receive one or two applications. We simply do not pay enough to retain our lawyers. Public defense should not be a stepping stone, it is a calling, and one that our system should reward to the same extent as attorneys who take other public interest jobs such as prosecuting cases for the county or state.

Thank you sincerely for your interest in hearing from community stakeholders on this legislation. I urge you to support the concepts embodied in HB 3145-1.

Sincerely,



Brook Reinhard  
Executive Director  
Public Defender Services of Lane County