



Date: February 10th, 2022
To: House Committee on Judiciary
From: Jennifer Parrish Taylor, Director of Advocacy and Public Policy for the Urban League of Portland
Re: Support for HB 4007, 2002

Chair Bynum, Vice-Chairs Noble and Power, and Members of the Committee:

I am Jennifer Parrish Taylor, Director of Advocacy and Public Policy with the Urban League of Portland. On behalf of our President, Nkenge Harmon Johnson, I write in support of HB 4007. The Urban League of Portland is one of Oregon's oldest civil rights and social service organizations, empowering African Americans and others to achieve equality in education, employment, health, economic security, and quality of life. We do this by investing in stable housing; through workforce development; community health; education and well-being; for our youth, adults, and seniors. Our culturally-specific programs and services, combined with our powerful advocacy and civic engagement, empowers Black communities to thrive across Oregon and SW Washington.

The American Bar Association last month released a report showing that our state has only 1/3 of the attorneys it needs in order to adequately defend all of the Oregonians who need a public defender. That prompted President Harmon Johnson to propose the idea of student loan forgiveness for Oregon attorneys who take on court-appointed cases and represent indigent Oregonians. Certainly, the State needs to fund increased wages and better benefits in order to recruit and retain the additional 1,300 attorneys that are needed to defend Oregonians. This body should immediately look to fund these attorneys at levels that will provide compensation at least equal to the prosecutors who are public employees.

Our state is failing to meet the requirements of the Sixth Amendment of the U.S. Constitution whereby Oregonians charged with criminal offenses should receive adequate legal representation. At the time the ABA report was published, there were 45 Oregonians who had no attorney at all because no court-appointed attorney was available. Court-appointed attorneys, also known as public defenders, are the only option for those who cannot afford an attorney on their own. They are required to study their clients' cases and perform their own independent investigation before providing their clients with options related to their defense. These agencies and associations of private attorneys that take these cases are severely understaffed and overworked. Currently in Oregon, there are only 592 full-time attorneys contracted by Oregon's public defense system. With the agency operating at a 70% deficit, this is demonstrative that it is failing to meet its constitutional requirements. Couple this with the rates of incarceration for Black Oregonians at 10% even though we constitute less than 4% of the population and addressing this deficit becomes vital to our communities.



House Bill 4007 is not only important in addressing this shortage but is key to fostering retention for current attorneys who represent indigent Oregonians. Those attorneys earn less in salary and benefits than prosecutors who are public employees and enjoy robust benefits. They also earn significantly less than private attorneys who do not take on indigent clients. Given the expense of law school, we find ourselves in an unsustainable situation. HB 4007 is key to encouraging more attorneys to join the ranks of indigent-defense and court appointed attorneys and making it financially feasible for them to do so. In order to secure 1300 attorneys or more the legislature has a long way to go. This bill is good next step.

During a 2019 legislative briefing on the crisis in our public defense system, the Urban League noted that policies and funding like HB 4007 are vital because Black law school graduates have on average, heavier student loan debt burdens as compared to their peers. As we increase the number of court-appointed defense attorneys, we must be mindful that they come from the diverse communities of the Oregonians that they serve. Current compensation structures foreclose their options to earn a living and pay their debt. It is a deep sacrifice that most cannot afford to make. This bill is a down payment and is in alignment with other important funding the legislature is committing, to make Oregon's system of justice meet constitutional muster.

Lastly, in 2019 the legislature, through House Bill 5050, directed \$20 million dollars in emergency funding to the Oregon Office of Public Defense Services, but due to the pandemic, that money was redirected back to the state. With a record revenue forecast, we have the opportunity now to invest in our much-needed legal infrastructure and ensure that all Oregonians receive the full due process to which they are entitled. We urge you to support HB 4007.

Thank you for your time.

Respectfully,

Jennifer Parrish Taylor
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