

## HB 2467 A STAFF MEASURE SUMMARY

### House Committee On Judiciary

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**Action Date:** 04/03/23

**Action:** Without recommendation as to passage, with amendments, and be referred to Ways and Means by prior reference. (Printed A-Eng.)

**Vote:** 8-1-1-0

**Yeas:** 8 - Andersen, Bynum, Chaichi, Conrad, Kropf, Lewis, Reynolds, Wallan

**Nays:** 1 - Morgan

**Exc:** 1 - Tran

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

**Prepared By:** Amie Fender-Sosa, LPRO Analyst

**Meeting Dates:** 3/29, 4/3

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#### WHAT THE MEASURE DOES:

Defines "public defense attorney" and "public defense staff member." Establishes the Public Defense Services Student Loan Repayment Assistance Program in the Oregon State Bar. Directs the Public Defense Services Commission (PDSC) to promote policies for public defense provider compensation and resources that are commensurate with the compensation and resources of state employees providing comparable services or in comparable job classifications. Allows PDSC to provide grants to entities that contract with the commission to support recruitment efforts and to law schools for projects designed to encourage the practice of public defense upon graduation. Directs the Office of Public Defense Services to develop training and coordinate with professional associations. Directs PDSC to report on specific metrics to the Legislative Assembly during each long session. Takes effect on the 91st following adjournment sine die.

#### ISSUES DISCUSSED:

- Work with stakeholders
- Financial burden of student loan obligations lead attorneys who want to practice in public to choose other higher paying practice areas
- Average law school debt is over \$100,000
- Black law school graduates have loans that are 97 percent higher than their white peers
- Solving the problem is a constitutional requirement
- Attrition rate of public defense attorneys
- Senate Bill 337 (2023)
- Allowing attorneys to take lower caseloads so they can be supervisors
- ABA report stating approximately 1,300 more attorneys needed to defend Oregonians
- Pay increase vs. loan repayment assistance
- Most public defense services are provided by private contractors, who do not qualify for public service loan forgiveness, even though they are doing the same work
- Forced releases of suspects of crime because no defense attorney's available
- Prosecutors also have recruitment and retention issues
- Concern about the recruitment focus

#### EFFECT OF AMENDMENT:

Replaces the measure.

#### BACKGROUND:

Oregon uses a private contract system to fulfill constitutionally and statutorily required public legal representation for eligible individuals. A January 2022 report on a study commissioned by the Oregon Legislative Assembly

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concluded that Oregon is meeting only 31 percent of public representation needs, and that at least 1,296 more full-time public defense attorneys would be required to meet the need. In a February 2022 survey of Oregon public defenders conducted by the Legislative Policy and Research Office (LPRO), 61.5 percent of respondents reported working for a nonprofit organization. Metropolitan Public Defenders is the largest single public defense provider, where reported salaries ranged from \$65,000 to \$90,000 annually. Among all LPRO survey respondents, approximately half had outstanding student loan debt between \$100,000 to \$250,000. Borrowers who are on income-based repayment plans must make payments on 10-15 percent of their adjusted gross income above the federal poverty level. All private loans and certain federal loans are ineligible for the federal public student loan forgiveness program. Borrowers are also ineligible for the federal program if they do not work for a public agency or qualifying nonprofit organization.

House Bill 2467 A creates the Public Defense Services Student Loan Repayment Assistance Program; allows the Public Defense Services Commission to provide grants to support recruitment efforts; requires reports to the Legislative Assembly; and directs the Office of Public Defense Services to develop training.