

March 29th, 2023

Chair Kropf, Vice Chairs Anderson and Wallan, and Members of the House Judiciary Committee,

My name is Lee Wachocki and I'm an attorney at Multnomah Defenders, Inc. (MDI). MDI is a nonprofit public defense firm in Portland and I'm testifying today as president of MDI's union. While HB 2467 offers a step toward public defense recruitment and retention, a bill establishing more loan repayment assistance is probably not the most pressing step to take right now (although the forthcoming amendments do sound promising).

MDI recently conducted a survey wherein we asked attorneys and staff handling criminal matters to rank their priorities, 1-6, for improving recruitment and retention. Loan repayment assistance only scored 5th out of 6. 6th place went to mentorship. 4th place went to introductory training. 3rd place went to supervision. And the top 2 may come as no surprise: 2nd place went to caseload reductions and 1st place went to pay increases. My firm knows recruitment and retention problems all too well. Pay increase scored as priority #1 for good reason, as I'll explain in a moment.

I don't share this to discourage creative efforts to keep public defenders in the workforce and add more to the workforce. By all means, try anything that might work. But please don't champion another loan repayment assistance program at the expense of, or in lieu of, paying us what we're worth. If you have a choice between pay increases and loan repayment assistance, we're saying that it's not even a close call. We have unrepresented people in our jails, we need 1,296 more public defenders than we have, we keep losing lawyers who can make more money and represent fewer clients elsewhere, and we are not getting out of this with loan repayment assistance.

Better pay is how Oregon will attract more public defenders and, importantly, keep who we already have. Since December 31, 2019, my firm lost 24 attorneys. We only have 32 currently. I have the grim honor of administering exit interviews for our departing lawyers, and most of them depart for better pay and fewer clients. Many left the public defense workforce altogether. We just received notice of a 25th attorney resignation. This one happened despite the fact that we're in the middle of an attorney retention bonus rollout wherein my firm receives up to \$15,000 per qualifying attorney who sticks around until July. Attorneys aren't sticking around for one-time bonuses – not even until July – and they won't stick around for loan repayment assistance. Please don't opt for another “band-aid on a bullet wound,” as my assistant puts it. If we can't promise better salaries, I promise that our problems will persist.

The most immediate path to better pay – the swiftest solution for our unconstitutional system – lies in the Office of Public Defense Services budget. We will need your support as that investment discussion moves through the Ways and Means process. Please hear us when we say that our pay is the biggest challenge to recruitment and retention. Please, rather than work around the edges, help us solve the biggest problem for recruitment and retention.

Thank you all very much for your time, and I'm happy to answer any questions.