

Office of Public Defense Services

Testimony on SB 528 -2 Amendment

Support

March 29, 2023

Presented by: Lisa Taylor, Government Relations Manager

Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee:

My name is Lisa Taylor, Government Relations Manager for the Office of Public Defense Services. I am testifying today on the agency support for the -2 Amendment to SB 528.

OPDS supports Disability Rights Oregon taking on the responsibility of providing attorneys for Oregonians facing a prospective guardianship or conservatorship. DRO has been a partner to the agency since the initial stages of implementation of SB578 (2021), which created this program. Since that time OPDS has stood up three counties for this program. Lane and Multnomah in 2022 and Columbia in 2023. OPDS is not an expert in Guardianships or Conservatorships, they are civil law practice areas falling in the general heading of “elder or probate law.”

So far, the agency was able to help the courts set up a process in which to appoint counsel to eligible cases and then to pay the bills of attorneys who submit invoices on those appointments. OPDS has received only five invoices for payment of these cases, to date. This is in part due to the low hourly rate of \$75/ hr- equivalent to the amount for most hourly public defense cases in early 2022. It is also due to the way in which OPDS billing happens and the complex bureaucracy for state billing that attorneys doing this work have no familiarity with, and the fact that, until SB 578, these attorneys were handling these cases on a pro bono (no cost) basis.

OPDS is not best situated to make determinations of qualifications for attorneys who provide this type of legal services as there is not overlap between public defense work and guardianships and conservatorships. DRO is much better situated to provide expertise in this field and help to grow the workforce through training and recruitment of attorneys.

While OPDS has technically created the system SB 578 directed us to create, it clearly has not reached the legislative intent of the law. DRO is in a much stronger position to advocate for the legal rights of individuals facing Guardianships or Conservatorships. We look forward to working with DRO to make this a robust and successful program.