

TROTTMAN LAW, P.C.
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March 29, 2023

Subject: The Importance of Criminal Defense Consortia and SB 337

To Whom it May Concern:

I am an attorney in Marion County who practices both juvenile law and adult criminal defense. I've been a member of the Marion County Association of Defenders (MCAD) since 2016 and a member of the Marion Juvenile Advocacy Consortium (MJAC) since 2020.

I am very concerned about the potential amendments to SB 337 that could dismantle the consortia delivery model for public defense services. As someone directly impacted by this potential change, I would like to express the value of consortia in our public defense system and urge you to consider the benefits of maintaining this model.

I have different concerns about the proposed dismantling of the consortia delivery model for public defense services for each practice area.

For the juvenile system, there are ethical issues at play that make anything other than a consortium model not viable. Each dependency case gets a minimum of three separate attorneys appointed. In order to avoid an actual, or appearance, of a conflict of interest, those lawyers should not work in the same office.

There are 14 MJAC attorneys in Marion County who accept court-appointed cases. We all have separate firms and office space. Some of those in our group own their buildings. Coming together under one non-profit public defender office simply won't work due to the conflict issue identified above and the fact that many attorneys won't want to leave their individual practices that have been established for, in some instances, decades. There is no benefit to the juvenile system to switch from consortium to independent contractors. We would lose our leadership structure and cohesiveness.

For the adult criminal system, Marion County's consortium appears to be taking the lion's share of appointments. The current public defender's office takes far fewer cases and consortium lawyers frequently step up to accept appointments.

I understand that the legislature is concerned about lack of transparency and training within consortia. I have received training in both consortia and both offer CLE opportunities. Both organizations have a leadership structure that ensures members are trained and meet the required standards. I also submit information about my caseload to both consortia and those numbers are in turn submitted to OPDS.

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The consortia also provides a superior model to independent contracting by providing infrastructure that works with the court system. The consortia leadership works to sign attorneys up for appointment dates, fill in holes, and organize the individual members.

As the Oregon State Legislature considers amendments to SB 337, I respectfully urge you to recognize the value and importance of maintaining the consortium delivery model for public defense services. Transitioning to an assigned counsel model would not only disrupt the current efficient system but also potentially result in a significant loss of capacity for public defense across the state.

Please take these concerns into consideration as you work on SB 337, and strive to ensure that our public defense system remains strong, efficient, and capable of serving the needs of Oregon's most vulnerable citizens. Thank you for your time and attention to this important issue. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

/s/ Catherine A. Trotman

CATHERINE A. TROTTMAN