



March 29, 2023

To: Chairs Kropf and Prozanski and members of the House and Senate Judiciary Committees
From: **Isa Peña, Innovation Law Lab**
Re: Support for In Defense of Humanity: SB 413, SB 337, and HB 2467

My name is Isa Peña and I am the Director of Strategy at Innovation Law Lab. Innovation Law Lab is an Oregon-based non-profit that leverages the power of the legal system, technology, and advocacy to support our state's immigrant and refugee population.

I am writing to express our **support for** SB 413, SB 337, and HB 2467. Every Oregonian facing criminal charges has a constitutional right to adequate, effective legal counsel, no matter who they are or how much money they have. Yet, hundreds of Oregonians are currently stuck in limbo because the state government has failed to uphold its constitutional responsibility to provide legal counsel to those who can't afford a private attorney.

When our public defense system is chronically under-resourced, justice is nearly impossible to achieve. Supporting our public defense system is an integral step toward a more equitable and just Oregon. As a legal service providing organization, we have seen firsthand what lack of adequate representation can do to a case and how that can directly impact the results of a conviction or case.

The American Bar Association found that Oregon only has about one-third of the public defense attorneys necessary to meet current service needs. On top of that, attorneys have cited uncompetitive pay and unwieldy caseloads that hindered their ability to provide adequate representation. Many leave the workforce to take private sector or state positions that pay better.

This deeply entrenched issue will not be solved by pay raises alone. We must use multiple tools to stabilize, grow and retain our workforce. These bills tackle this issue through increased pay, manageable caseloads, and a student loan repayment program. A combination of these tactics will help us attract new attorneys while retaining experienced ones. Reduced caseloads will lead to better representation, reduce errors, and prevent burnout and turnover.

People's lives can forever be changed by an unjust ruling — leading to excessive prison and jail sentences, separation of families, fines and debt, restricted job and housing opportunities, and isolation and trauma. What happens in our criminal legal system impacts all of us, but it disproportionately harms Black and brown Oregonians as they are more likely to both be arrested

and be victimized by crime. We know that Black Americans are incarcerated in state prisons at nearly 5 times the rate of white Americans. Additionally, Latinx Americans are incarcerated in state prisons at a rate that is 1.3 times the incarceration rate of whites.

SB 413, SB 337, and HB 2467 include important investments and reforms to begin addressing the immediate crisis while building toward a more sustainable and just system which include the following:

- HB 2467 and SB 413, focus on workforce recruitment and retention by ensuring pay for providers to be at a commensurate level with state employees who provide similar services
- HB 2467 and SB 413 allow for the Office of Public Defense Services to administer grants to law schools in Oregon for supporting law students working in public defense, establish apprenticeship programs and other recruitment programs. It also allows for the agency to provide grants to contractors of public defense for recruitment of attorneys.
- HB 2467 and SB 413 also establish a loan repayment program through the Oregon State Bar that would allow for attorneys and staff of public defense services in Oregon to apply for grants to cover the costs of student loans during their 10 years of service needed for federal loan forgiveness.

The structural reforms proposed in SB 337 are also important in a number of ways:

- Moving public defense services to the executive branch and having all branches participate in appointment of the Commission, ensures that all our government leaders are keeping tabs on public defense.
- Includes a broader community in make up of the commission to make sure those most impacted have a voice in the system
- Starts a state employee trial division to ensure that we have employees that are able to meet representation needs, and provide baseline wages for contract attorneys and staff

No one in Oregon should face criminal charges without access to an attorney. Together, we can rebuild our public defense system to ensure fairness and root out racism and classism.

Please vote yes on SB 413, SB 337, and HB 2467.

Thank you,

A handwritten signature in cursive script that reads "Dora L. Pena".