

22nd Circuit Defenders, LLC

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March 29, 2023

Senator Floyd Prozanski
Senator Kim Thatcher
Senator Sara Gelser Blouin
Senator Dennis Linthicum
Senator James Manning Jr.

Re: Public Defense, SB377

Dear Senators,

I am the co-manager of the 22nd Circuit Defenders consortium. My counter part is Jennifer Kimble. I'll note that for us it has been an advantage to have two persons the Courts and Community partners could turn to when issues arise. If one of us was not available, the other has been. We have 11 attorneys in addition to the two of us who work to provide representation for indigent defendants in Crook and Jefferson Counties. I know that you will receive much testimony about how consortia work, and how they help the local courts manage the flow of clients, and how they work with other community partners to support the justice system. We are no different, so I will not focus on those issues.

There are several points I hope you will consider. I was able to serve on a subgroup of the 3 branch work group. It has seemed that provider input has been welcomed. Certainly, no matter how you calculate the need, more attorneys are needed in the pipeline, particularly in rural areas such as my two counties. I know you have received input regarding training and recruitment programs. However, I believe that the mentor opportunities that come from consortia are invaluable. When one is a member of a consortia, there is a certain sense of paying it forward to help less experienced attorneys along. Ms. Kimble and I both spend several hours a week with our two most recent hires, giving them counsel on serious issues, and if needed providing co-counsel at trial. We help them get their foot in the door with community partners so that they become known individuals. One of our most experienced major felony attorneys recently asked the newest attorney to co-counsel on a BM11 trial. It was incredible to watch that young attorney take ownership in the case. These informal mentor relationships would not exist without consortia.

Consortia provide a safety net for attorneys and therefore their clients. Several times over the 20 years I have been a manager, we have had attorneys have major health crises. When that happened, with the approval of the Courts, we were able to quickly move in, assess the practice, and reassign clients so that they were served. While it did increase the work of the attorneys who assisted, some cases were resolved, some were tried, and the remaining where

looked after until the original counsel returned to work. Clients were grateful that they were not cast in the wind. It was a huge relief to those attorneys to know their clients were looked after, and that they would still have a viable practice to return to. They were both major felony qualified, and they both returned to serve the indigent.

Those advantages would be lost if consortia no longer existed. It was a real transition from the case credit model to the FTE model. However, when attorneys saw they would be paid according to their qualifications, all our attorneys welcomed that acknowledgment. The other part of the equation that still needs addressed is reducing caseload. But now no one grabs cases to make more money, and attorneys are now more likely to speak up that they are currently at their capacity rather than take clients they can't serve. I know that our jurisdiction would almost immediately lose one third if not more of consortia attorneys if an hourly billing was instituted. I am strongly concerned that attorneys would no longer see clients in need, they would see billable hours and minutes in their own need to earn a living.

Thank-you for addressing critical issues facing indigent defense.



William J. Condrón,
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