

**TO: Oregon Senate Judiciary Committee**  
**FROM: Jenefer Grant, Senior Judge and Juvenile Consortium Member in Columbia and Clatsop Counties**  
**DATE: March 30, 2023**  
**RE: Testimony on SB 337-1 Public Defense**

**Chair Prozanski, Vice Chair Thatcher, and Members of the Senate Committee on Judiciary:**

You are reading this because you know how important an effective indigent defense system is to the welfare of Oregonians. I am writing because I am concerned that elimination of the consortium model to deliver indigent criminal defense will significantly diminish the number of available lawyers, at a time when the supply of lawyers is already inadequate to Oregon's needs.

I grew up in Portland, but I have lived in a semi-rural county 30 miles from Portland for over 25 years. I worked in a consortium providing indigent criminal defense from 1996-2007, then was on the Circuit Court bench for twelve years, where I worked daily with consortium attorneys in my courtroom, and since leaving the bench in 2020 have been working again in a consortium, this time doing exclusively juvenile dependency and delinquency work.

I would not be doing this work if I had to commute to an office in Portland to work for a public defense firm or a non-profit agency. I work very hard and my clients are well-served, but I value the autonomy I have and being treated like the independent professional I am, and this is worth more to me than the better pay and benefits available at public defense firms.

Unlike my first experience working in an indigent defense consortium, when we did not keep track of our hours, I now carefully track all of the time I spend on cases, and document all of the work I do. This record keeping could (and probably should) be required of all attorneys contracting with the State, whether individually or in consortia, and attorneys could be subject to audit, to ensure compliance with recordkeeping (and, more importantly, with performance standards for representation of indigent clients).

When I was on the bench, OPDS regularly asked me for input regarding the performance of local consortium attorneys. I sometimes had to provide negative feedback regarding individuals I believed were not serving their clients as well as they should have, but my point is that the system already provides for this kind of oversight.

Some legitimate criticisms have been made of the consortium model, but the answer is not to eliminate the model altogether. Instead, there are rational improvements that could be made to the system, without alienating hundreds of hard-working, ethical, effective lawyers who are making the indigent defense system work and upholding the Sixth Amendment in rural Oregon every day.

Let's please not throw the "baby" out with the "bathwater."