

March 31, 2023

Senate Committee on Judiciary

Chair Senator Floyd Prozanski

Vice-Chair Senator Kim Thatcher

Member Senator Sara Gelser Blouin

Member Senator Dennis Linthicum

Member Senator James Manning, Jr.

Re: SB 337-1 and The Importance of Public Defense Consortia

Dear Chair Senator Prozanski, Vice-Chair Thatcher, and Members Senator Gelser Blouin, Senator Linthicum, and Senator Manning, Jr.:

I am an attorney, and a member of both a juvenile law and criminal defense consortium in Marion County, Oregon. I am deeply concerned about the potential amendments to SB 337-1 that would 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.

The two consortia that I am a member of: the Marion County Juvenile Advocacy Consortium and the Marion County Association of Defenders, both based in Salem, Marion County, Oregon, employ dozens of attorneys who devote between 50% and 100% of their time to providing top notch public defense for our community. We take pride in providing high-quality representation to our clients and actively engage in monthly training, monthly / weekly meetings, and also mentoring for our newer attorneys.

If the legislature were to move to an assigned counsel model, it appears the two consortia that I am a member of would cease to exist and each individual attorney would have to contract directly with the Office of Public Defense Services (OPDS). This would result in the loss of several dedicated attorneys, who may choose to focus on private work or be deterred by the administrative burden of contracting directly with OPDS. This loss of capacity would have a significant impact on the state's public defense system, as consortia currently provide approximately 60% of public defense services across Oregon. In some rural communities, consortia are the only available public defense delivery model.

As a dual-consortia member, the current contracting process between OPDS and consortium administrators has proven efficient and effective. This model allows for streamlined coordination between private law firms, solo practitioners, and OPDS to provide public defense services according to their contractual agreements. Oregon's public defense system has evolved over time, moving away from the assigned counsel model, which was found to be inefficient due to a lack of coordination and the administrative burden of contracting directly with individual providers.

Consortia serve as a vital infrastructure for members of the private bar, acting as a point of contact for presiding judges, district attorneys, and other members of the criminal justice system. This is efficient because our presiding judge and the local district attorney can approach our consortium directors directly to address any issues they may have with members or with processes that need adjusting. In our current public defense crises, this structure has proven essential for addressing emerging issues and capacity challenges, and without it, coordinating and creating efficiencies with the private bar would become increasingly difficult.

Finally, it is important to note that consortia are transparent and held accountable through oversight by both the consortium administrator and OPDS. Consortia are required to report to OPDS on a monthly basis, providing information on the number of attorneys and support staff working on cases, open cases, amount of hours spent on each case, and other relevant data. This reporting process ensures that consortia are consistently monitored and held to high standards of service and accountability.

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Jorgensen", written in a cursive style.

Jeff Jorgensen

JAJ/jaj