MARION COUNTY ASSOCIATION OF DEFENDERS

MCAD
187 HIGH STREET, STE 300
SALEM, OR 97301
EMAIL: MCADLAW@GMAIL.COM
WWW.MCADLAW.COM

OLCOTT THOMPSON– EXECUTIVE DIRECTOR
LISA RICHARDSON – OFFICE MANAGER
CELL: 971-345-7612

TEL. (503) 990-8168
FAX (503)339-1967

March 28, 2023

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

SUBJECT: Public Defense/SB 337

Chair Prozanski, Vice-Chair Thatcher, Committee members:

This is an expansion of my testimony Thursday primarily adding what there was not time to say. I will attempt not to repeat the written testimony I have already submitted. I appreciate your consideration.

I am the Executive Director of the Marion County Association of Defenders (MCAD), the consortia of private bar members who accept court appointments for adults charged with crimes in Marion County.

MCAD supports the push to hourly billing but opposes the state contracting with private bar members only on an individual basis.

MCAD is now 30 years old. We have been administering appointed attorneys for all those years, first with the predecessor to OPDS and since about 2007 in conjunction with the then newly established Public Defender's Office. We have been arranging for lawyers to take appointments since our inception as well as assisting the court in keeping it functioning. I spend over 20 hours per week in administrative tasks: working with the court, working with the two MCAD office staff members, working with OPDS and PDSC, answering questions, preparing reports, keeping everyone informed including the private bar who are not members of MCAD.

As an example, we have a member who has scheduled surgery. Wednesday one of her formerly out of custody clients was appearing in custody having just been arrested for a new crime. Court staff was able to call me to learn how to proceed. Does the court appoint the existing lawyer or a new lawyer? One call, a quick answer, rather than multiple calls to try to reach the lawyer who is having surgery.

I remember the joy the deputy trial court administrator had when he turned over to MCAD the task of locating lawyers to take appointments.

These are just two examples of what having a consortia means for the administration of the court system.

We also help work out issues with the jail and with all the other parties involved in the criminal system.

MCAD whole supports the move to hourly pay for the private bar. We were the last contracting entity to be paid hourly. Right now our lawyers are keeping track of their time and reporting it internally. We will be providing the agency with a proposal to return to hourly billing beginning with the next contract cycle, July 1, 2023.
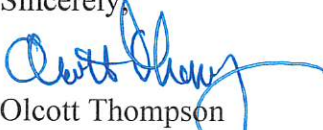
We do not support, especially starting July 1, 2025, contracting with the private bar only on an individual basis. Consortia provide significant administrative services for both the court and for the agency, services that will, otherwise, have to be borne by the agency or the court. It is far more cost effective and efficient to have a consortia handle administrative tasks than court staff, OPDS sttaff, and individual attorney staff.

We have always known and reported to the agency the attorneys who are providing services and we have always prohibited attorneys for subcontracting their services. We have always contracted with individual attorneys even if they are part of a law firm.

We have always paid our members for the actual work they have done. We have never hidden how we pay or how much we pay from our members or the agency. We have always been available to provide information to OPDS, the Commission, and when asked for information we provide it.

We want to return to pay based on hours worked as soon as possible and wholeheartedly support that. That is pay for the actual work an attorney does. Consortia provide significant benefits to everyone in the system and private bar attorneys should be allowed to have consortia enter into contracts with the agency just as they are doing now.

Sincerely,

Olcott Thompson
Executive Director