

Dear Chair Prozanski, Vice-Chair Thatcher and members of Senate Judiciary,

Thank you for the opportunity to provide testimony in support of SB 337, a long overdue and necessary bill to reform Oregon's public defense services. We are members of the executive board of AFSCME Local 2435, representing the Appellate Division attorneys and support staff of OPDS.

Four years ago, The Sixth Amendment Center called our Public Defense Services a complex bureaucracy because 100% of our trial level public defense services are contracted out through a variety of contract models. Further, the report findings pointed out that our contracting model was constitutionally problematic in that it pitted an attorney's financial needs against their client's rights to adequate representation. We also know, from the results of the American Bar Association's caseload standard study published in January of 2022, that we only have one-third of the needed attorneys to cover the representational needs of poor people accused of crimes in Oregon. The Public Defense Services Commission and legislature have taken steps to help, but those efforts have only provided unsustainable short-term solutions. We need long-term, systemic reforms and funding now. It is well past time to invest in public defense.

We support SB 337 and urge you to enact it. SB 337 provides clear direction and timelines needed to move Oregon's public defense services into alignment with national best practices, creates needed oversight and accountability, and will increase the number of attorneys and staff providing public defense in Oregon. In particular, SB 337 will accomplish the following:

**Creating a state trial division**

- Provides consistent public defense services in all areas of the state
- Gives the agency a pool of attorneys and staff that can cover areas if an uptick in needs happens without needing to scramble to find new contractors
- Provides clear oversight of the quality of work for representation
  - Because people receiving appointed counsel cannot choose their attorneys, it is the state's responsibility to provide the best representation they can.
- Gives comparable state job classification as a basis for contractors' commensurate pay

**Keeps Non-profit organizations currently doing Public Defense work**

- Non-profit public defense firms provide 100% appointed counsel
- Have built in systems of training, accountability and supervision

**Moves those not in state or non-profit public defense to hourly direct contracting**

- Provides direct contracting with attorneys doing the work
- Gives the state the ability to know the hours worked on a contracted case
  - This ensures there are no conflicts with private pay work of those attorneys
- Directly contracts or hires the leaders in communities to provide supervision and support to hourly contractors.

**Provides for Centralized Training Protocols**

- Ensures that providers are all receiving the same initial and ongoing training
- Developed in partnership with professional associations

Appellate Division has a unique perspective on the public defense crisis, as we handle appeals from the entire state, and because we are directly employed by the state. Increased standards, oversight, and training benefits attorneys and clients, as it has for our appellate clients. Increased pay, benefits, and resources also improve representation because our office has low attrition and a wealth of experience.

We can see the effects of underfunded and overworked trial-level defense in the cases we handle on appeal. We urge you to make a long-needed investment in public defense.

Sincerely,

AFSCME Local 2435 Executive Board:  
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