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Co-Chairs Steiner and Sanchez, and Members of the Joint Committee on Ways and Means:

Thank you for the opportunity to provide my comments in this matter.

I support a fully funded Board of Parole and Post-Prison Supervision (SB 5528).

I am a parole attorney and quite frankly, I am good at it. People incarcerated in prisons throughout Oregon request me by name. I throw myself into my parole cases fully and my clients know it. I have honed my skills and fine-tuned my approach to parole cases to connect with my clients and present their cases effectively. I have a high success rate of approximately 75% because I invest significant time and energy into each case.

I began representing clients appearing before the Parole Board in Murder Review Hearings in 2019 and have since taken on Juvenile Hearings, as well. I accepted quite a few appointed cases in 2021 and early 2022, but despite finding satisfaction, fulfillment, and success in the work, I paused accepting any appointments for most of the past year because I simply could not afford to continue working for such low pay. I agreed to accept a few cases this year, but after my three existing cases are completed, I will likely not take any further parole cases in the future unless the Legislature can remedy this issue. Quite simply, I just can't otherwise.

The current pay rate simply cannot sustain skilled attorneys, particularly with the substantial time investment required to perform the job adequately.

Depending on the individual client's needs and the complexity of their case, I typically spend between 40 and 80 hours on each parole case, sometimes more. At the current rate of \$1,900 per case, this works out to roughly \$24 to \$47 per hour, far below what even most public interest attorneys earn at the lowest echelons of the attorney pay scale. Because of the considerable time commitment, however, it's not practical to handle multiple parole cases at once while also engaging in other types of better paying legal work simultaneously. As a solo practitioner, at least half of my business income is earmarked for business overhead costs and taxes, meaning my take-home pay is only a fraction of the amount my business earns. Thus far, the paltry compensation for parole cases has made my work more of a labor of love than anything else, but I simply cannot survive on labor of love. I have roughly \$180,000 in student loan debt and this work does not qualify for loan repayment assistance or public service forgiveness. My law practice is still fledgling, and I do not have sufficient financial cushion in my business to continue earning a paycheck when business income is sparse. During the period in 2021 and 2022 when I accepted a lot of parole cases, I often had to donate plasma for gas money, and I shuffled through my personal credit cards to cover my Bar dues and required malpractice insurance

quarterly premiums. I should also note that I, as well as my colleagues, typically represent clients pro bono through the Exit Interview process, further increasing the overall time commitment and reducing the net hourly pay rate significantly for each full case from start to finish.¹

Adequate Parole representation requires expertise and time, which should be compensated sufficiently to ensure all parole petitioners have access to quality and skilled representation.

Though the pay structure does not reflect it, parole representation is a difficult job. To be performed well, parole work requires time, attention, patience, empathy, adaptability, skill, and dedication, not to mention a thorough grasp of criminal statutes and sentencing matrices, as well as the administrative regulations and case law governing parole. A parole hearing is very different from a court proceeding. Parole hearings focus heavily on narrative and feelings: the parole petitioner's feelings prior to and leading up to their crimes of conviction, in the aftermath of the crime and during their years of incarceration, and their feelings about their actions now, not to mention the feelings of the victims and supporters testifying at the hearings. Helping a person prepare to speak openly and effectively about their feelings on complex, deeply painful, often traumatic topics takes many hours. Most of my clients have little trust in lawyers or anyone else involved in the criminal justice system after spending 25+ years within that same system. This requires me to establish rapport and earn their trust organically before they are willing to discuss with me some of their most painful memories and lay bare their deepest shame and remorse. I approach my clients with gentleness, compassion, and nurturing; I listen and try to make them feel understood and seen. This requires patience, perseverance, and—again—time. Around half of my former parole clients also experience some type of cognitive, intellectual, memory, or verbal disability requiring even more time and skill to prepare their case effectively.

When working on a parole case, I spend the bulk of my time simply talking with my clients, learning their backgrounds, understanding their stories, delving into the “whys” and the “hows” of their path to incarceration, parsing out their feelings around remorse and rehabilitation, contemplating the harms they have undoubtedly caused to others, discussing their plans for the future, and preparing them for what to expect during the hearing. I also draft a memorandum of anywhere from 10 to 30 pages in length, where I explain the petitioner's backstory and unique circumstances, with exhibits to demonstrate their work and programming history throughout incarceration. Sometimes I submit a supplementary research memorandum explaining mitigating issues or circumstances unique to the individual which are not likely to be widely understood, such as psychological conditions or specific environmental factors that may have contributed to the crime of conviction. The hearing itself lasts

¹ Oregon requires two separate parole hearings for individuals going through the Murder Review (non-juvenile) process. For the first of these, the Murder Review Hearing, petitioners may have an attorney appointed. If successful at that stage, the petitioner undergoes a psychological evaluation and then must go through the second hearing, known as an “Exit Interview.” Despite the name's connotations, the Exit Interview is not merely a formality or a friendly interview. The Exit Interview is a second full hearing before the Parole Board with many of the same components and challenges that exist during the Murder Review Hearing, but with additional focus on the petitioner's psychological evaluation and parole plan. However, unlike Murder Review Hearings, petitioners do not get appointed counsel for the Exit Interview and must either retain an attorney privately, hope that one will work pro bono, or go through the Exit Interview without an attorney.

anywhere from a few hours to a full day. Parole hearings can be a deeply emotional ordeal for all involved, and they are sometimes quite heated and adversarial, as well. The entire process is exhausting, but also incredibly rewarding. I feel honored to carry my clients' stories and to support them through the parole hearing process. I am constantly humbled and awed by the depth of introspection and self-awareness my clients demonstrate, and profoundly affected by the high degree of remorse and understanding they exhibit, particularly after we have invested time together in their preparation and polishing.

Many parole petitioners are diamonds in the rough who simply need skilled polishing to effectively demonstrate their shine; keeping them incarcerated unnecessarily as a result of poor legal counsel costs the state.

Adequate legal representation for parole petitioners additionally benefits our state financially. Incarceration costs money. An aging prison population costs even more money. If we continue to incarcerate people long after they are ready for release, then we expend resources unnecessarily and prevent citizens from working, paying taxes, and otherwise contributing to society. I have been appointed on several cases for individuals going before the Board for the second, third, or fourth time. In many of those cases, the parole petitioners either represented themselves in previous hearings, or they had an appointed lawyer who clearly spent very little time poorly preparing the client for the hearing. Quite often—and in all previous cases where my clients were granted parole through successful parole hearings—people appearing before the Parole Board are *already* fantastic parole candidates on their own merit, but simply need proper guidance and polishing to effectively present themselves to the Board. Sadly, too often I have clients who truly could have and should have been successful during previous parole hearings, if only they'd had good lawyers to help them prepare sufficiently and effectively for the hearing.

Releasing people from prison once they are ready also creates a multitude of immeasurably positive benefits to the petitioners, their families, their communities, and to our state. Each and every one of my former clients who have been released on parole now hold steady jobs with roots in their communities and ties to their friends and families, and not a single one has reoffended or violated parole that I am aware of. Here are some of the milestones my former clients have shared with me after they were granted parole:

- “B” was released at the age of 44 after being incarcerated since the age of 18. His daughter was born a few months after his arrest but because she entered the foster system not long after, he was not able to maintain a relationship with her for most of her life. Just before B's release, his daughter gave birth to her own child but addiction and mental health struggles prevented her from caring for the child, who also entered foster care. Since his release, B has devoted his life to being a supportive, steady, and loving presence in his grandchild's life, attending guardianship hearings, maintaining a close and positive relationship with his grandchild's foster parents, helping to support the child financially, and visiting with the child multiple days every week. B expresses immense gratitude to have the opportunity to be in his grandchild's life and

he hopes to break the cycle that ensnared both him and his daughter. He sends me occasional photos of him looking utterly overjoyed with a cheerful baby in his arms and the delight from both of them is obvious.

- “C” went to prison at the age of 19 and was released after 26 years. He recently got his very first driver’s license. This past April, he filed a tax return for the first time. He is planning to fill out a FAFSA for the first time so that he can attend community college, something he never even considered a few years ago because he never thought *he* could go to college. He is saving up to buy his first car. He now works in a public service job because it’s important to him to help others. He says that he appreciates every day of freedom and each new experience fills him with joy that he doesn’t think will ever dissipate.
- “J” was granted parole but his scheduled release date hasn’t yet arrived, so in the meantime he has been creating a plan to donate his time and carpentry skills to beautify his small hometown once he’s released. He is currently researching how to establish a nonprofit to help provide homes and home repairs to people in impoverished communities, and he lights up describing his ideas for projects. He is genuinely elated at the thought of donating as much of his time as he possibly can to help his hometown community with his unique skills.

Good parole attorneys and a sufficient number of Victim Services Specialists are critical components of the parole process and must be funded as such.

Because parole work requires skilled, diligent representation and a large time commitment to yield positive results, and because good attorneys cannot work in this field without sufficient income, **I wholeheartedly support POP 105 + \$350,000: increased pay for attorneys and additional case types.**

Because the parole hearing process is painful for everyone involved and victims deserve assistance and support through the ordeal, **I fully support POP 102: Victim services position.**

Thank you,

Katharine Edwards
Attorney at Law