

**TESTIMONY ON SB 1093  
BEFORE THE JOINT COMMITTEE ON WAYS AND MEANS  
SUBCOMMITTEE ON PUBLIC SAFETY  
MAY 3, 2023**

**PRESENTED BY: PHILLIP LEMMAN, DEPUTY STATE COURT ADMINISTRATOR  
OREGON JUDICIAL DEPARTMENT**

Co-Chairs Sollman and Evans, and Members of the Committee:

I'm Phil Lemman, Deputy State Court Administrator at the Oregon Judicial Department (OJD).

I want to start by thanking the co-chairs and members for your ongoing efforts to keep a focus on people who do not have lawyers and to find workable short- and long-term solutions to the unrepresented persons crisis. OJD judges and staff are ready and able to continue their focused work on ending this crisis as soon as possible so the 219 people in custody today – and the more than 1,500 others out of custody – who still need a lawyer are not replaced by others.

As you heard in the OJD budget presentations, we have circuit courts in all 36 counties, which are organized by statute into 27 judicial districts. Each district has a presiding judge, appointed by the Chief Justice, who administers and supervises the business of the court. Qualified individuals in 28 counties currently are waiting for a lawyer.

SB 1093 directs the presiding judge in each district to develop and implement a coordinated plan to address the unrepresented persons crisis in their respective districts. Those plans would be informed by guidance issued by the Public Defense Services Commission (PDSC), which would be issued no later than August 15, 2023, and the courts' plans must be submitted to the Criminal Justice Commission no later than September 1, 2023.

As OJD also has testified in previous hearings before this subcommittee, courts have successfully worked with their local partners to reduce case backlogs, whether pandemic-related or in response to this crisis, with a particular focus on resolving older cases (by trial or plea) and prioritizing cases involving unrepresented persons in custody. Courts have convened stakeholders, promoted early settlement of cases, increased the use of judicial settlement conferences, modified court processes to reduce appearances or give parties more flexibility to appear remotely, and taken other steps to expedite resolution, reduce workload, and make court processes more efficient. In short, courts have experience in doing the work asked of them in this bill.

The bill does give courts a statutory directive to continue this work in a more formalized and urgent manner. The short timeline in the bill for developing, submitting, and implementing these plans will require courts to divert a significant amount of judicial and staff resources away from the daily work of the court in both criminal and other case types. It also puts additional demands on local partners who also already are stretched by their own workloads, limited resources, changing circumstances, and meeting community needs.

We have done some limited brainstorming with a few presiding judges about any changes they might request in the bill to enhance their ability to do the work. We will keep you informed as those discussions progress.

At the state level, we have been working on a variety of fronts. You heard from Mr. Macpherson about the expedited admissions of out-of-state public defenders through the comity rule change adopted by the Supreme Court. We worked with the Office of Public Defense Services (OPDS) to develop the unrepresented persons dashboard that you also heard referenced in the hearing. We are now working with OPDS to build additional data dashboards that will bring more transparency to the system and give us a better roadmap for how to address the crisis in each jurisdiction. Additionally, both the Uniform Trial Court Rules Committee and the Chief Justice's Criminal Justice Advisory Committee have collaborated to review and act on the requests for modified rules made by the Oregon Criminal Defense Lawyers Association. These state-level efforts will continue as well, as we support the courts in their work.

I would be glad to answer questions.