

Nathan G. Law, Shareholder
Anna N. Lasher, Attorney Supervisor
Frederick S. Carman
Samuel D. Hutchison
Brent Felts



P: 503-648-7383
F: 503-648-0907
office@cornerstone-lawgroup.com
1328 SW Baseline St., Ste.104
Hillsboro, OR 97123

March 5, 2025

TO: House Committee on the Judiciary
RE: Written testimony – SB 2614 (-2 Amendment), amending SB 337

Dear Committee Members and all voting Legislators:

I am a private law firm owner in the business of producing quality attorneys for public defense.

I urge you to do away with the existing 2027 “sunset” date for ending contracting with private firms and consortia. By doing so, you would send a message that all attorneys who are passionate serving as public defenders are welcome in Oregon. In the alternative, I ask that you adopt the pending “-2 Amendment” to Senate Bill 2614.

The “sunset” date is a cliff.

Individual public defense attorneys working in private firms and consortia are unwilling to risk approaching that cliff – they are leaving and will continue to leave. Our small firm, for example, lost two public defense attorneys in 2024.

As organizations, private firms and consortia are also unwilling to throw resources in the direction of that cliff – they are reducing or stopping their expansion of Oregon’s public defense capacity because there is little incentive to train someone for a position that will not exist in their organization in 2-4 years. This means fewer attorneys being trained today, to end the public defense crisis tomorrow.

Consider the following alternative.

Removing the “sunset” date will encourage private firms to confidently invest long-term resources as mentor-centers for developing public defense attorneys. Here is how private firms like ours are already helping solve the public defender shortage:

1. **Attract Attorneys:** Target civil attorneys wanting a new focus, recruit from out-of-state, and utilize the State Bar’s new Supervised Portfolio Practicum Examination (SPPE) program to usher new bar applicants into public defense.

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2. **Train Attorneys:** Provide daily mentorship, incentivize experienced attorneys to train others, and ensure ethical duties of individual attorneys are met.
3. **Retain Attorneys:** Maintain accountability over work quality, monitor ethical caseloads, ensure income consistency among attorneys, and create a supportive work environment.

My firm has a long track record of implementing this proven strategy. Speaking from personal experience, I have successfully mentored and trained ten attorneys over the past nine years, guiding them into impactful roles within Oregon's public defense system. In doing so, I follow a tradition of past attorneys at my firm who have mentored and trained numerous attorneys, contributing significant value to Oregon's public defense community since the 1980's. Not every person passionate about public defense wants to work for a nonprofit or government organization, and we provide an environment for those people to be flexible in how they serve their neighbors with excellence.

Please adopt the -2 Amendment to Senate Bill 2614. But ultimately, I recommend you do away with the sunset clause entirely and send a message that all attorneys are welcome to practice public defense in Oregon.

The "sunset" clause is not just a cliff for individual attorneys in private firms – it is an even bigger cliff for Oregon's population who are in desperate need of passionate, expert public defenders.

Earnestly,

A handwritten signature in blue ink, appearing to read "Nathan Law", written in a cursive style.

Nathan Law
OSB# 104340
Nathan@cornerstone-lawgroup.com