



**TESTIMONY ON HB 3376
HOUSE COMMITTEE ON JUDICIARY
MARCH 5, 2025**

Chair Kropf, Co-Chair Wallan, Co-Chair Chotzen, and Members of the Committee:

My name is Mae Lee Browning, Legislative Director of the Oregon Criminal Defense Lawyers Association.

The County Defender role is an intriguing one and would be a welcome part of a conversation about how to better support all contracted provider types for public defense in Oregon. In 2023, the legislature created state trial division to facilitate more transparency and accountability in the public defense system, but they have yielded less capacity than hoped. It would be possible to meet those same goals within the Consortia contract structure in order to provide confidence to lawmakers about the services rendered. The County Defender could play a role and provide a leadership and accountability structure within Counties. It could be worth considering a pilot in 2-4 counties and a phase in structure after that.

Oregon recently created new models of public defense - the state trial division, the temporary hourly increase program (THIP) and the hourly panel. These are the most expensive and least effective in terms of cases taken and regarding the hourly panel, lacking the oversight to ensure adequate representation.

OPDC is still transitioning to the executive branch, we are in the midst of a crisis of unrepresented persons and Oregon has too few lawyers in all practice areas. We need "all hands on deck." We need everyone who is currently handling public defense criminal and juvenile cases to continue taking these cases, and we need time to recruit, train and retain lawyers to ensure every person charged has a lawyer.

OCDLA appreciates the changes in section 5 and 6 which retains all current delivery models of public defense, specifically consortia and law firms. Loss of consortia attorneys will worsen the unrepresented crisis, both in terms of the current workforce and future workforce. SB 337 created an end date for private firms and consortia. Keeping consortia and law firms will stabilize the providers operating in that model, retain their capacity in the system, and allow them to train and recruit new attorneys into public defense.

The legislature should invest in and expand the most cost effective delivery services of public defense, who are contracted providers - nonprofits, consortia, and law firms. These providers have been taking the majority of cases and they have been training the next generation of public defense attorneys.

Thank you for the opportunity to testify today. We look forward to working with the committee to address the needs of Oregonians. We recognize that things are not working as they should and that we face a terrible crisis. We have been committed to finding solutions and we are committed to being a good partner to the Legislature.

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¹ OCDLA's 1,200 members statewide include public defense providers, private bar attorneys, investigators, experts, and law students. Our attorneys represent Oregon's children and parents in juvenile dependency proceedings, youth in juvenile delinquency proceedings, adults in criminal proceedings at the trial and the appellate level, as well as civil commitment proceedings throughout the state of Oregon. Our mission is championing justice, promoting individual rights, and supporting the legal defense community through education and advocacy.