



**TESTIMONY ON HB 2614
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.

OCDLA recruits law students from the three Oregon law schools. OCDLA and our public defense providers spend a lot of time talking to law students about the benefits of joining the field of public defense. When I talk to law students, they ask: 1) if there will be jobs in public defense for them; 2) are the caseloads more manageable now than before; and 3) is the pay any better than in the past?

I'll be frank . . . I have told law students that there will be public defense jobs for them. This is an all hands on deck situation and this is one way in which OCDLA is helping. I have also told the law students that the caseloads and compensation are better than they were a few years ago. This is really important to the new generation of public defenders. Some law students tell me that they would love to work in public defense, but some are single parents and need to support their child, so they have to choose another more sustainable career. They tell me that they cannot afford to be a public defender. Others have heard about the crushing caseload, which deters them from joining public defense.

OCDLA is very concerned about what the -1 communicates to the current workforce and to those who wish to enter public defense. Specifically, the removal of certain provisions and the practical effect it will have on recruitment and retention. The removal of "national and regional best practices" is a signal of changing priorities for public defense. Best practices support effective assistance of counsel, better case outcomes and less system expense for case "do overs." We are also concerned that the removal of "compensation that is commensurate with the character of service performed" will disincentivize people from joining public defense.

The amendments do not help to recruit and retain attorneys to drive down the unrepresented numbers. What will help is investment in and expansion of the most cost effective delivery services of public defense, who are contracted providers - nonprofits, consortia, and law firms. The new models of public defense - the state trial division and temporary hourly increase program (THIP) - are more expensive and less effective in

terms of cases taken and, for hourly program, it lacks of oversight to ensure adequate representation.

In 2024, criminal defense legal clinics at the law schools were established, connected to the nonprofit offices in Portland, Salem, and Eugene, to create a pipeline from law school to public defense. If funding is not increased for the current majority of the public defense workforce - nonprofits, consortia, and law firms - the students going through the criminal defense legal clinics, that attorneys and law school professors have spent significant time training, can't be hired by the nonprofit offices who trained them. Even public defense offices, consortia, and law firms not currently partnered with a clinic stand to gain from the increasing number of well-trained public defenders entering the workforce. These students won't go to the state trial division because that division doesn't hire newly licensed misdemeanor attorneys. If these students do not get hired into public defense, they will find another practice area and we will have lost the opportunity to add to the public defense workforce. So the time and effort to train these students through the criminal defense legal clinics will have been wasted unless the legislature prioritizes funding nonprofits, consortia, and law firms.

Regarding the -3 amendments:

Trial attorneys lack the criminal attorney skill set to provide effective counsel unless they practiced criminal law at some point. Even then, they will be out of date. So these attorneys would require training to be able to competently represent Oregonians. I am not aware that OPDC has any training programs established and if they were to create one, it would take significant time and resources to set up. There is no practical way to administer this that would not take considerable resources that would be better spent on supporting the system we have now to recruit and train new attorneys who would provide far more than 120 hours of service.

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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.