

Dear Members of the Legislature:

My name is Francis Hupy, and I have practiced in public defense for all but two years of my almost 14-year legal career. I have practiced for \$45 per hour, in a consortium, and in two nonprofit offices. Throughout, I have seen clients battle their demons, and I have fought for manageable caseloads.

One client, an addict charged with high-level substance deliveries, saw my wedding ring, which looked like their spouse's. Through the jail glass, I watched their face fall as they realized the decisions they made while active in addiction caused their marriage and potentially their relationship with their kids to crumble. I was able to, with an assessment utilizing OPDC funds, work out a deal that kept them in the community under heavy supervision, which they successfully completed, and had time with their existing children, and started a family with their current partner.

I have had cases where I received hours of jail calls from the State, allegedly including my client attempting to manipulate the complainant. I could not listen to all of the calls by myself, so I recruited the help of an in-house investigator in one case and a Certified Law Student in the other. It ultimately took 29.6 hours and 21.9 hours, respectively. After listening to all the calls, we did not find evidence of the alleged witness tampering. My office has had several cases with a high-volume of jail calls, and my law clerks rallied listen to them in time for trial. We could not do this work without our investigators and clerks.

I personally reached the burnout associated with high caseloads and low pay. In 2022, after over a decade of untenable caseloads and directives to just keep going because this is how we make money, I left the practice of law and took a pay cut to work for the Oregon Judicial Department. I took my time at OJD as time to heal my mind and to get my chronic illnesses, which are exacerbated by stress, under control. After two years, I was ready to return to practice and found a home at the Public Defender of Marion County. PDMC's push for ethical caseloads while understanding that I am a human being and not a case-closing machine were a breath of fresh air I could not say "no" to. I now have the space to work my cases and get my clients good results while keeping my health under control. The collaboration within our office allows us to get better resolutions, including dismissals and acquittals, than I have seen in my almost 14 years. This is how public defense should be practiced.

HB 2614, instead of moving forward in enhancing public defense by funding enough attorneys, investigators, clerks, and other staff to have ethical caseloads that are required to do this work, not only increases those caseloads, but monetarily penalizes those of us trying to do this work in the right way. The current amendments remove language referencing best practices and replace it with a more nebulous reference the US and Oregon Constitutions, while also removing language that guarantees payment commensurate with the hard, heart-wrenching, work that we do. Meanwhile, PDMC is

facing the possibility of forced appointments by the Bench in a misguided attempt to find a quick fix to the unrepresented crisis in Marion County.

There is no quick fix. We have clear data that Oregon has only about 1/3 of the public defenders necessary to give Constitutionally competent representation. Simply adding more to our caseloads by requiring specific metrics or else lose funding is literally a step backwards to where OPDC contracts were prior to the 2018 6th Amendment Center study. We need funding for a 300% increase in attorneys, for commensurate support staff and investigators, and for training the next generation of defenders. We need to be comparably paid to OPDC's trial office so they stop luring PD's away from existing PD offices with fancy state pay and benefits. Money and time will fix the crisis for the long-term. HB 2614 and amendments are steps backwards and will lead more dedicated attorneys to burn out and to leave the practice, just like I did, worsening the crisis.

Sincerely,

Francis M. Hupy