



TESTIMONY ON HB 2614
HOUSE COMMITTEE ON JUDICIARY
MARCH 7, 2025
ORAL TESTIMONY

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 helps recruit law students from the three Oregon law schools. I have a lot of contact with law students. They want to know if there will be jobs in public defense for them and whether caseloads and compensation are better now than before. Some students have shared with me, that they would love to do public defense, but they're a single parent and can't "afford" to.

I have told law students that there will be public defense jobs for them and that caseloads and compensation are better than they were a few years ago. Thank you to the Chair, to the other legislators who work on public defense, and to the entire legislative body for prioritizing funding for public defense. We still have a workforce issue and must prioritize recruitment and retention of public defense providers.

Because I know you care about public defense, OCDLA is very concerned about what the -1 communicates to the current workforce and to those who wish to enter public defense. Despite the Chair clarifying the intent for removing certain provisions, OCDLA is concerned that the removal of "national and regional best practices" and "compensation commensurate with the character of service performed" is a signal of changing priorities for public defense. We are concerned about the practical effect it will have on recruitment and retention.

What will help recruit and retain attorneys to drive down the unrepresented numbers is investment in and expansion of the most cost effective delivery models of public defense, who are the 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, with the help of the Legislature, criminal defense legal clinics at the law schools were established to create a pipeline from law school to public defense. The clinics are

connected to the nonprofit offices in Portland, Salem, and Eugene. Funding for nonprofits, consortia, and law firms must be prioritized so the nonprofits that trained these law students can hire them.

If the legislature instead prioritizes expanding the state trial division or the hourly program, there is no one to train and hire the new generation of public defenders. The state trial division doesn't have any training programs established and to direct them to do would be a huge waste of resources when entities like nonprofits, consortia, and law firms are already set up for that. The state trial division also, to my knowledge, does not hire newly licensed misdemeanor attorneys.

So to recruit and train future public defenders, funding for nonprofits, consortia, and law firms must happen now.

OCDLA looks forward to working with the legislature to find solutions. We have, over the years, come up with various solutions that the criminal legal system could implement to increase the capacity of lawyers to take more public defense cases, in the form of rules, policies, and legislation, some of which are before the legislature this session. SB 177 is a Discovery bill currently in a workgroup with Senator Prozanski. We also have HB 2469 which would allow courts to treat certain misdemeanors as violations. We have also sent a letter with former Chief Justice Martha Walters with suggestions, submitted proposals to the UTCR Committee, and created a list of recommendations by OCDLA's Public Defense Reform Taskforce.

I want to close by urging this body to listen to the providers doing this work. To take a line from a speaker at the CJC summit today . . . ***“those closest to the work are closest to the solution.”*** OPDC shared some slides with draft policies to the MAC model yesterday. Providers have said that the majority of those policies won't help the crisis and may instead backfire. Let providers, let us, work with you to develop real solutions that will work on the ground.

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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.