

ODCA

Attn: Chair Jason Kropf
Vice Chair Willie Chotzen
Vice Chair Kim Wallan
Members of the House Judiciary Committee
Subject: Supplemental Testimony on HB 2614-1 and -2; remarks as prepared for delivery
From: Sal Peralta, ODCA Executive Director

March 7, 2025

Chair Kropf and members of the House Judiciary Committee,

Thank you for taking extended time to consider the implications of the changes recommended in the amendments to HB 2614 and for the informational presentation on possible modifications to the MAC contract. We offer the following specific comments on HB 2614-1 and -2:

HB 2614-1.

The crucial change to HB 2414-1 for our members is to eliminate the current sunset on consortia. As testimony demonstrated, this aligns overwhelmingly with the views of criminal justice and public defense stakeholders; with best practices for spending scarce resources; and with the SB 337 mandate to achieve a state trial division of 30 percent of the workforce by 2035; better than a short timeline. It will also help ensure firms that they can expand recruitment and programming to further help resolve the public defense crisis; and provide a measure of security for job applicants. This should be paired with a requirement that OPDC accurately consider cost, performance and outcomes when making decisions about public defense spending priorities going forward.

With regard to other provisions of the legislation: we appreciated Rep. Kropf's articulation of legislative intent behind the -1 and -2 amendments and for clarifying that this is not intended to reduce the kinds of cases that public defense attorneys in Oregon take, such as dependency cases. Further clarification of this in the bill's language would be helpful. Regarding changes to generic language about compensation, we recommend inserting an annual COLA tied to CPI-W.

HB 2614-2

We acknowledge the need for agency accountability, the ABA recommendations, and the testimony of Ken Sanchagrin that the OCJC model seems to provide independence to that agency in fulfilling its mission.

Respectfully,

Sal Peralta
Executive Director, Oregon Defense Consortia Association

REMARKS AS PREPARED FOR DELIVERY

Chair Kropf and members of the committee,

My name is Sal Peralta. I am the executive director of the Oregon Defense Consortia Association, representing 25 public defense law firms and collectives. That's more than 200 attorneys with public defense contracts – about a third of the total workforce.

On behalf of our members, I'd like to thank Representative Kropf for his clear articulation of the legislation and for including a sunset extension for consortia to 2029 in -1 and -2 amendments, and Representatives Wallan, Neron, Lewis Senator Sollman, Senator Brock-Smith and several legislators who support eliminating the sunset entirely.

Thanks as well to OCDLA, the district attorneys association for endorsing a repeal of the sunset; and the judges who have raised concerns about the elimination of consortia in their crisis plans and testimony to the public defense commission.

While 2029 is better than 2027, this extension is much shorter than what is needed to address the public defense workload or what is justified by our performance.

Overall, consortia and private firms make up about half of the workforce. They handle **over 60% of the current caseload.**

SB 337 passed without fully considering the impact on rural and frontier communities or fully appreciating the nature and benefit of a consortium and private firms in Oregon's public defense system.

This session, we encourage policymakers to take a more inclusive approach that considers both provider performance and the needs of communities outside of the large population centers.

Consortia and private firms succeed because they have low turnover, high job satisfaction, and tend to be the most experienced attorneys.

Our members have gone above and beyond the call of duty, working above their contracts and even pro bono to address the case backlog to fix the unrepresented crisis.

One consortium attorney took more than 100 misdemeanor cases pro bono in order to fix his community's backlog.

And yet, his business, and dozens of others, is under threat of being shut down in 2027 or 2029 with no realistic plan to replace those services. These are high performing businesses that have provided critical services in local communities for decades.

The State of Oregon is asking our members to shoulder the heaviest burden of resolving this crisis, only to terminate them afterward. That's not fair. It's not the Oregon way, and it isn't in the best interest of the State or of those in need of public defense.

We urge the elimination of the sunset or a much longer extension. We urge the Secretary of State in its upcoming audit of OPDC to **analyze cost, performance, and outcomes by provider type**. Going forward, we urge the legislature to use that kind of data to make decisions about funding public defense.

Thank you.

Sal Peralta
Executive Director
Oregon Defense Consortia Association