

Submitter:	Peter Buckley
On Behalf Of:	myself
Committee:	Senate Committee On Judiciary
Measure, Appointment or Topic:	HB2614

Chair Prozanski, Vice Chair Thatcher and members of the Committee:

My name is Peter Buckley, I'm a former state representative from Jackson County. I served for 12 years in the Oregon House representing the same district that the wonderful Pam Marsh currently serves. For 8 of the 12 years I was in the legislature, I served as the House Co-Chair of the Joint Committee on Ways & Means.

I currently serve on the Oregon Public Defense Commission, I've done so for over two and a half years now, but I am testifying today only on behalf of myself.

When SB 337 was passed in the 2023 session, I had very little doubt that we would be where we are today. It was clear then and it is clear now that there is an unwillingness in the legislature to address the root causes of the crisis we have in public defense.

We are facing a workforce issue and a systems issue. And the bill before you today will have very little impact on that.

On the workforce, the math on that is what it is. We're losing an entire generation of public defenders to retirement as well as attorneys moving into other areas of practice that pay better and have livable caseloads.

On the systems issue, we, as a state and you as members of the legislature, are not requiring the courts and prosecutors to make the changes needed to adjust to the lack of public defenders. As you know, the crisis is centered in a handful of counties in our state. If those counties were required to change how they do business to be more like the counties who are not in crisis, it would go a long way towards resolving the crisis. The commission cannot do this. The legislature can.

I'm testifying today for two reasons. First, it is to ask you to consider the role the legislature has played in creating the crisis, with my own participation in this very much included.

My interactions with the public defense system began in 2009 when the Great Recession hit and I was serving as House Co-Chair. Looking at it from today, it is hard to explain how large that crisis was. We were talking about ending K12 on May 1. Talking about shutting down our community colleges and universities. Talking about closing prisons.

Suffice to say, the budget for Public Defenders, already clearly inadequate, was cut along with every other budget. We held it together with string and gaffer's tape for years after that, depending on the passion and commitment of dedicated public defenders to continue to accept low pay and unworkable caseloads to try to serve people in need.

I could see that very clearly when I was with Ways & Means and it is the main reason I volunteered to be part of the Commission to try to at long last try to rectify this.

A root cause of the crisis is workforce. OPDC cannot somehow create more public

defenders. The legislature, through funding the law clinics and making compensation and caseload investments, can sustain the current workforce and recruit more attorneys.

The second thing I ask of you today is to broaden your vision to take on the systems issues we face. I believe, Judges should be given the ability to make decisions on diversion programs in order to responsibly reduce caseloads. I believe judges should have the ability to require DAs to resolve cases that won't be going to trial in ways that don't require hours of unnecessary work from public defenders.

Lane County, as an example, has mandatory settlement conferences weeks prior to a trial date. In Multnomah County just last month, there were 28 cases that were settled the eve of or day of the trial, resulting in an estimated 220 hours of wasted public defense time.

Please spend less time focusing on how the commission is governed and spend your time instead focusing on the crisis counties and what changes could be made, even if they are pilot programs that last only until the crisis is resolved, through greater judicial discretion, mandatory settlement conference, improving access to clients and other specific steps that the legislature can do.