



Dear Commissioners

The Oregon Defense Consortia Association was founded for the express purpose of advocating for the fiscal health of public defense providers in Oregon. In support of that purpose, we join OCDLA, OPDS and numerous stakeholders in embracing the core findings of the 6th Amendment Center Study.

We recently passed a resolution indicating our belief that no provider can continue under the terms of the OPDS' proposed 6-month contract extension. We have received significant support for our position from public defense attorneys throughout Oregon. We wanted to follow that up with this short letter outlining our position on our priorities and position on the ongoing systemic reforms.

First, we believe reasonable caseloads are necessary for the defense to function effectively. Absent a comprehensive caseload study, we assert that the provider is generally in the best position to determine what an appropriate caseload is given their time, experience and jurisdiction. We stand ready to assist in developing a comprehensive tool or process for evaluating effectiveness - with particular attention to the realities of running and administering small businesses throughout Oregon.

Second, similar work requires similar pay. Pay parity with other criminal law professionals is fundamental to an effective defense. We cannot continue to accept lesser pay for our representation of clients, our zealous advocacy and our vital role in the justice system. There are myriad examples of what is appropriate pay for similar work; both the Oregon DOJ and the CJA panel have established rates for providing counsel in criminal cases in Oregon – these are appropriate starting points and should be followed absent good reason to compensate otherwise.

Finally, foundational support in attracting, training and retaining qualified attorneys is essential to the continued health of any effective criminal justice system. We stand ready to work with the OCDLA, the OPDS, the CJC, our LPSCCs and any other interested stakeholders, in attracting, training and retaining qualified attorneys, investigators, legal assistants, administrators and other professionals for the defense. Perhaps the simplest way to provide foundational support is to provide paid time for the express purpose of establishing and maintaining competency and then requiring providers to provide proof of continued competency thru continued attendance in core training (as provided by OCDLA, NACDL or other established CLE providers).

While in the past we have supported the concepts included in the original HB 3145, none of our priorities are dependent on a public defense system based on those concepts. Due to a lack of communication and transparency by OPDS during this time of change our confidence in the process is now tenuous and our support for HB 3145 is compromised.

We urge the Commission to fully engage all public defense providers in a more open process so that the anger, fear and concern of Oregon defense providers are better understood and considered.

Oregon Defense Consortia Association

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