

**Testimony of Michael D. Levelle in Support of HB 5033
Ways and Means Subcommittee on Public Safety**

March 30, 2017

Co-Chairs Winters and Stark, and members of the Committee:

My name is Michael D. Levelle. I'm an attorney with Sussman Shank LLP in Portland, and I'm submitting this testimony in my capacity as the President of the Oregon State Bar. The Oregon State Bar supports the budget for the Public Defense Services Commission (PDSC), which provides funds for representation and access to justice for indigent Oregonians facing criminal charges. The Bar's Board of Governors and House of Delegates have both made indigent defense funding one of their top priorities for many years.

It was a little more than 50 years ago that the United States Supreme Court decided in *Gideon v Wainwright*, that as a matter of federal constitutional law an indigent person charged with a felony in state court had an absolute right to court-appointed counsel. Under current law in Oregon, the right to counsel extends to indigent persons charged with misdemeanors as well.

This system benefits all Oregonians by ensuring that criminal investigations and trials are conducted in a manner that protects the accused's constitutional rights. The right to counsel ensures that all aspects of the criminal justice system – district attorneys, law enforcement agencies and defense attorneys – are operating on equal footing.

Like the courts, PDSC has very little control over the demand for its services, and must provide competent representation for all indigent defendants who are charged with felonies and misdemeanors. Criminal trials cannot occur unless the defendant is provided the counsel, and the system grinds to a halt if no funds are available to pay for their services.

The Bar also supports PDSC's request to expand the Parent Child Representation Program, which has been shown to speed the time it takes to reunify children with their parents. Quickly resolving these cases means fewer children in foster care – not only improving outcomes for children but ultimately saving the state money. Likewise, the Bar continues to support efforts to achieve pay parity between indigent defense providers and local district attorneys. Despite recent improvements public defenders are still generally paid substantially less than their DA colleagues.

Access to justice is one of the Oregon State Bar's cornerstone values, and we strongly support a budget for the Public Defense Services Commission that ensures funding sufficient to maintain services and to fairly compensate publicly funded attorneys in criminal justice system. The Oregon State Bar urges adoption of a budget for PDSC that accomplishes these goals in the next biennium.

Sincerely,

MICHAEL D. LEVELLE

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