



Oregon

Public Defense Services Commission

Office of Public Defense Services
1175 Court Street NE
Salem, Oregon 97301-4030
Telephone: (503) 378-3349
Fax: (503) 378-4463
www.oregon.gov/opds

Testimony

Joint Ways and Means Subcommittee on Public Safety

March 28, 2017

Chairs and Members of the Committee:

My name is Per Ramfjord. I have the privilege and honor of serving as the chair of the Public Defense Services Commission. The Commission's mission is to ensure that eligible individuals have timely access to public defense services consistent with Oregon and national standards of justice. In accordance with that mission, the Commission oversees public defense services at both the trial and appellate level in a wide variety of cases, including:

- The full range of criminal proceedings and related probation violation and extradition cases, as well as
- Juvenile dependency and termination of parental rights cases, and delinquency proceedings.

While the state can be justly proud of the public defense services it has provided in the past, the challenges associated with maintaining those services is continuing to grow and calls for additional investment even in the state's current financial crisis.

I say that for several reasons:

- The overall public defense caseload grew 1.7% in the 2016 fiscal year alone, to 173,890 cases, an increase of nearly 3,000 cases;
- The caseloads of individual public defenders are also increasing--providers in Oregon report assigning up to 400 misdemeanor cases per lawyer, which is well-above recently established standards in Missouri and Texas, which call for a maximum of 178 and 216 class A misdemeanors respectively;

- While the workloads have continued to increase, the financial situation for public defenders continues to deteriorate.
 - The pay gap between the compensation level for Deputy DAs and public defenders with similar levels of experience remains far too large; indeed in the largest counties, the pay disparity is approaching 40-50% for experienced attorneys.
 - The hourly rates also continue to be a significant concern; the current guideline rate for non-capital felony offenses, for example, is \$46 per hour--only \$2.50 more per hour than the court pays to certified interpreters.
 - At the same time, the debt load of new attorneys contemplating a career in public defense is still ballooning. According to the New York Times, the average law graduates debt in 2012 was \$140,000--59% higher than eight years earlier, but the WSJ has recently reported that current debt levels are even higher and a number of Oregon public defenders have reported debt levels exceeding \$240,000.

As I said earlier, these challenges call for additional investment. And I use the word “investment” deliberately, because additional spending on public defense services can and does lead to savings in other areas.

- Indeed, we’ve seen those savings on the juvenile dependency side where the current Parent Child Representation Project improving the quality of services in Linn and Yamhill Counties has led to an estimated 134 fewer children in foster care in 2016;
 - The State of Washington has also seen similar savings in its own Parent Representation Program, which, according to the ABA Center on Children and the Law, led to savings of \$7.5 million in 2013.
- And common sense suggests that providing the funding necessary to reduce workloads in criminal cases can lead to still additional savings by reducing the time to trial, reducing sentences imposed through more effective advocacy, reducing the number and complexity of appeals, and, potentially, reducing recidivism.

- Other states, most notably Kentucky, are proving exactly this point.

On Thursday, you will hear from many providers who are working to provide quality services against this challenging backdrop. As you listen, I encourage you to bear in mind the importance of public defense services, the challenges that public defense service providers face, and the fundamental need for additional investment consistent with the policy option packages we have proposed. Thank you for the opportunity to address this critically important issue.