

6.15.22 statement on Oregon public defense

Oregon's failure to provide constitutionally required representation to defendants who need it cannot be effectively addressed by searching for more public defenders who simply aren't there. We should be asking questions of those who put cases into the system in the first place: the district attorneys. They are who really controls the flow of work into our courts and who have the ability to choose to reduce the pressure on everyone working in the system by introducing fewer new cases. With Oregon's public defense workforce falling short by an estimated 69% of the attorneys needed, we know we aren't going to solve the problem with a recruitment drive alone. Unless we shrink the footprint of our criminal system, we won't be able to provide appropriate representation to everyone who needs it. That's on the district attorneys.

Judges should be prepared to hold district attorneys in contempt if they don't play their part in ending this crisis by reducing the number of cases they bring. In the next 30 days, let every county DA come up with a plan for what they will do in their jurisdiction.

Meanwhile, public defenders need more pay, better working conditions and fair contracts that recognize their critical role in upholding the legal rights of every Oregonian. Even if you've never been in court as a defendant, your protection from the power of the State relies on knowing a public defender will be there for you if you ever need them. We should all be chilled by leaders' seeming inability to make bold moves to end this crisis. They're letting us know they view our rights as available to us only if it suits the convenience and the cashflow of the State of Oregon.