



## OREGONIANS CHARGED WITH CRIMES LET DOWN BY SHODDY WORK OF DEFENSE ATTORNEY HIGHLIGHTING FAILURES OF PUBLIC DEFENSE SYSTEM

March 12, 2024

PORTLAND, Ore. – Dozens of Oregonians charged with crimes who were represented by a Central Oregon public defender were denied a proper defense according to a new report by the Oregon Justice Resource Center (OJRC). OJRC conducted a mass case review of cases defended by Jason Munn, who was a public defense provider in Jefferson and Crook Counties and a member of the 22<sup>nd</sup> Circuit Defenders consortium. OJRC found that not only was Mr. Munn not even reviewing the evidence against some of his clients, but that records show he often failed to do his own investigation or even to open his clients' letters.

In June 2020, Jefferson County Deputy District Attorney Brentley Foster filed a Bar complaint against Mr. Munn. Foster alleged that Munn had failed to request or review discovery (evidence held by the DA against his clients) in more than 96 cases to which he was appointed as a public defender. Soon after, the Office of Public Defense Services (now known as the Oregon Public Defense Commission or OPDC) asked the Oregon Justice Resource Center to conduct a mass case review.

OJRC aimed to review all criminal and juvenile cases in which Munn failed to download the complete case discovery or where the client received a prison sentence and where there was no attorney currently appointed to the case. However, a lack of cooperation from the district attorneys prevented this since the DAs only agreed to provide discovery in the cases they identified needed review.

OJRC's review found that Jason Munn failed his clients in a number of ways:

- He did not adequately research and develop his cases.
- He did not do enough to communicate and engage with his clients.
- He did not hire help with administrative and record-keeping tasks.
- He did not maintain appropriate case records or conflict check systems.
- He did not conduct appropriate legal research.

Among the individual cases reviewed by OJRC was that of a man who was deported to Mexico after his conviction, leaving behind his five-year-old child. With OJRC's assistance, he was challenging his conviction in the hope of returning to be with his child in the US. While awaiting the outcome of those proceedings, he disappeared and is presumed by his family to have been murdered.

“The work of Oregon’s public defenders is of the highest importance in protecting our constitutional rights and challenging illegal actions by our government,” said Claire Powers, Staff Attorney of The FA:IR Law Project at OJRC. “Almost all Oregonians charged with crimes will be represented by public defenders and we must be able to have confidence in their work. Public defenders are under immense pressures and must be given the resources and support they need to be successful.”

Despite the problems OJRC identified, the organization was able to address these issues in a material way in relatively few cases. OJRC staff filed three petitions for post-conviction relief, one motion for reconsideration under SB 819, and one motion to set aside the conviction. Expungement, litigation, and review are ongoing in seven cases. OJRC was unable to act in more cases because of difficulties including lack of cooperation from district attorneys and an understandable reluctance from clients to reopen their cases given the formidable systemic barriers to relief.

The Oregon Legislature has begun to make necessary changes to the public defense system with the passage of SB 337 in 2023. This bill established the Oregon Public Defense Commission and gave it the power to set standards, collect data, and put in place an hourly pay formula for panel attorneys. Over time, it will prohibit flat fee contracting and subcontracting with organizations other than nonprofits. It also requires the creation of a trial division of OPDC that directly employs trial-level attorneys. “Oregon’s public defense system failed Mr. Munn’s clients,” said Steve Wax, Co-Director of The FA:IR Law Project at the Oregon Justice Resource Center. “There has been a lack of oversight meaning public defenders who aren’t doing a good enough job aren’t being identified soon enough. Then, even after the impact on Munn’s clients was realized, the legal system does not have effective remedies for the issues in many of their cases. They are left to wonder what might have been if they had been well-represented in the first place and that is unacceptable.”

In August 2023, the state disciplinary board found that the Oregon State Bar had proven the charged misconduct against Jason Munn and suspended him from practicing law for 24 months. Mr. Munn is appealing his suspension.

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