

NEWS RELEASE

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Oregon has less than one-third of the needed public defense attorneys to adequately represent poor Oregonians according to ABA Report.

SALEM –On Friday 1/21/22 the American Bar Association Standing Committee on Legal Aid and Indigent Defense (ABA/SCLAID) and major accounting firm Moss Adams LLP (Moss Adams) issued their long-anticipated analysis of the Oregon Public Defense System and Attorney Workload Standards, known as “The Oregon Project” (“the Report”). This report was requested and funded by the legislature in 2018

The most important finding in the Report is that the Oregon only has 31% of the attorneys it needs to provide reasonably effective assistance of counsel pursuant to prevailing Oregon professional norms to its criminal and juvenile clients. This finding is consistent with findings made in other states in similar data-based and standards-based workload studies done by ABA/SCLAID and other major accounting firms like Moss Adams.

The report also concluded that the Oregon Office of Public Defense Services (“OPDS”) has significant data deficiencies that prevent the agency from providing meaningful oversight. It recommended that the state invest in a centralized data system to be used by all public defense attorneys.

Steve Singer, Executive Director of OPDS, responded to the report by saying, “we all need to recognize that the gap between what we are currently providing and what this report reflects that we should be providing is vast. There is no way that this vast gap can be closed quickly or with a single pronged solution such as only providing additional funding. As a

State, we need to address these very serious deficiencies with a broad range of partners, including the legislature. We will also need to address the deficiencies from a variety of angles, including providing additional money and resources, developing a more efficient system to deliver public defense services, and by outside measures, such as sentencing reforms, which will reduce the amount of services the public defense system needs to provide.”

All Oregonians, regardless of income or race, deserve equal access to justice. But as the Report makes clear, public defense attorneys under contract with OPDS are now at significant risk of violating Oregon Rules of Professional Responsibility in their everyday work due to their excessive caseloads. This creates a significant risk to that promise of justice.

About 94% of public defender caseloads across the country are resolved by plea bargaining, and in Oregon, less than 4% of cases proceed to trial. ABA Standards that have been explicitly approved by the United States Supreme Court require that, *in every case*, a public defender must *complete* their investigation and study of the case before recommending a plea offer to a client. When public defenders in Oregon have more than three times as much work as they can handle competently, they cannot meet that standard.

The report comes three years after a [significant report by the Sixth Amendment Center](#), which was also conscripted and funded by the legislature, called into question the constitutionality of the Oregon’s public defense system and its contracting model.

Neither Oregon, nor any other public defender system across the United States, got into this situation overnight. And the system cannot be fixed overnight. But the current situation is untenable and must be immediately addressed by the legislature.