

Oregon



Primary Indigent Defense Delivery System: Public Defender/Assigned Counsel/Contract*

Population in 2002: 3,521,515**

**Percentage of State Plus County Expenditures in FY 2002 Attributable to State vs. Counties:
100% from State****

*Source: "Gideon's Broken Promise: America's Continuing Quest for Equal Justice," by the ABA Standing Committee on Legal Aid and Indigent Defendants, at page 5 (December 2004), available at <http://www.indigentdefense.org/brokenpromise/fullreport.pdf>.

**Source: "State and County Expenditures for Indigent Defense Services in Fiscal Year 2002," by The Spangenberg Group (on behalf of the ABA Standing Committee on Legal Aid and Indigent Defendants), at 23 and Table (September 2003), available at <http://www.abanet.org/legalservices/downloads/sclaid/indigentdefense/indigentdefexpend2003.pdf>.

During the 40th anniversary year of the U.S. Supreme Court's decision in *Gideon v. Wainwright*, the American Bar Association's Standing Committee on Legal Aid and Indigent Defendants (ABA SCLAID) in 2003 held a series of public hearings to examine the implementation of the right to counsel in state court proceedings for poor persons accused of crimes. In January 2005, ABA SCLAID published its final report based on the testimony provided at the hearings, entitled "Gideon's Broken Promise: America's Continuing Quest for Equal Justice." This information sheet contains a short summary of the "Problems in Indigent Defense" in Oregon that were reported by one of the hearing witnesses, as well as "Recent Reform Efforts" that have occurred in the state. For the complete information regarding each of the statements listed below (including references to hearing transcripts, reports, and other supporting materials), please see "Gideon's Broken Promise: America's Continuing Quest for Equal Justice," available at <http://www.indigentdefense.org/brokenpromise>.

Problems in Indigent Defense

The following problems were reported by the hearing witness:

- In Oregon, due to drastic cuts in the indigent defense budget, only the most serious and violent crimes were prosecuted during the last three months of fiscal year 2003; all remaining cases were postponed until the next fiscal year. The witness noted that "it's difficult to tell how many cases were so affected, but it is probably between 15,000 to 20,000 individual citizens who were caught in what I will without hesitation call an unconstitutional action on behalf of our state."
- Compensation and support for indigent defense attorneys lag far behind their prosecution counterparts.
- Oftentimes, indigent defense caseloads far exceed national standards, making it impossible for even the most industrious of attorneys to deliver effective representation in all cases.

Recent Reform Efforts

- In Oregon, a highly unusual federal lawsuit was filed jointly by the Lane County public defender and district attorney in response to the decision by the Chief Justice of the Oregon Supreme Court to curtail the appointment of indigent defense lawyers in certain cases from March through June 2003 due to drastic budget cuts by the state legislature. The district attorney became an ally of the public defender in this litigation because the deferral of cases for three months meant an enormous backlog for the prosecutor's office. The lawsuit eventually was dismissed as moot by the U.S. Ninth Circuit Court of Appeals after the budget was restored and lawyers once again were appointed for all cases.