

FISH

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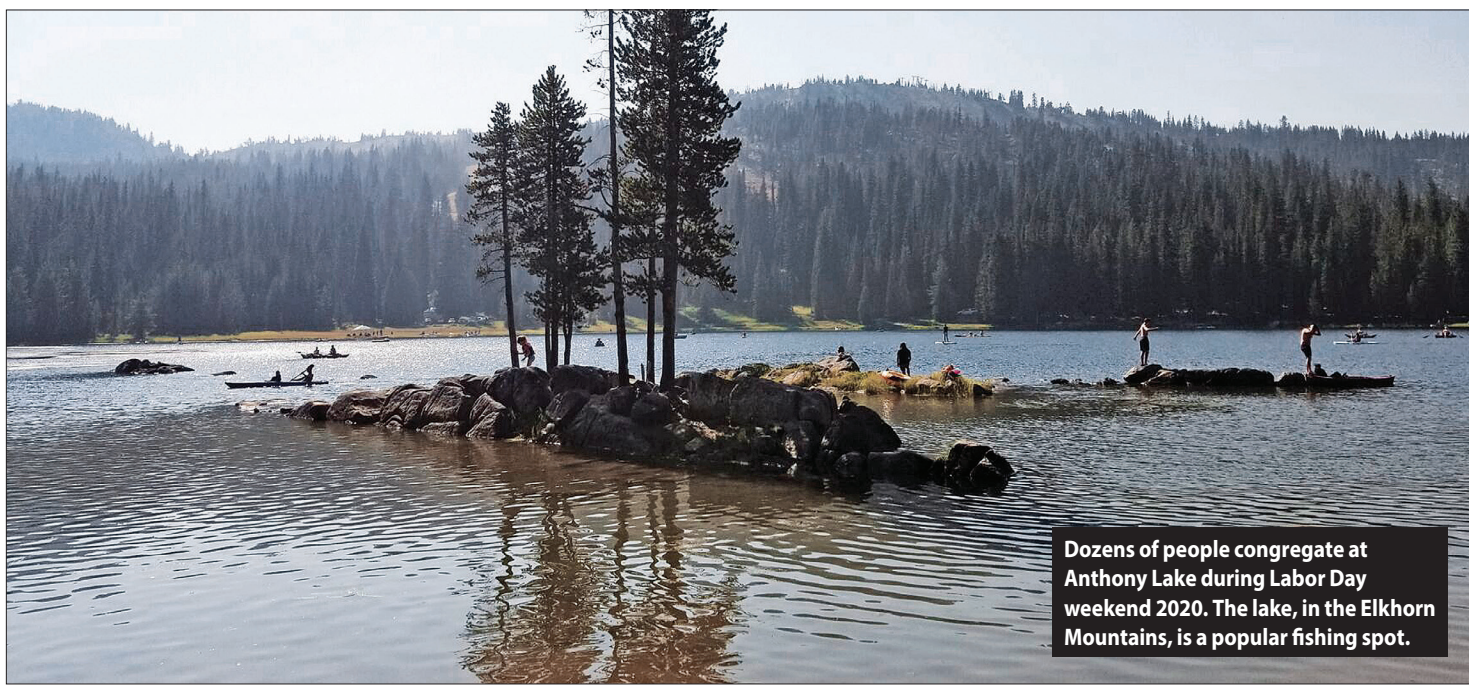
Lemanski said ODFW began to get reports from anglers soon after the July 26 release, including one report from a Forest Service employee who took photos of dead fish.

The dead trout were concentrated near the boat ramp at the southeast corner of the lake — which is where the hatchery truck disgorges its load of rainbow trout.

Lemanski said it doesn't appear that a large number of fish were dead before they were released, however, since there were no reports of dead fish floating near the boat ramp during or immediately after the release.

He suspects most of the fish died within a day or less, based on the timing of the reports.

Lemanski encouraged anglers and others who see more than a few dead fish in one area to document the scene with photographs and a tally of the fish, then report the incident to ODFW by calling 541-963-2138.



Dozens of people congregate at Anthony Lake during Labor Day weekend 2020. The lake, in the Elkhorn Mountains, is a popular fishing spot.

Lisa Britton/Baker City Herald, File

MARKER

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Allen, who is in charge of the marker Meeker installed in 1906 during a trip across the United States promoting the Oregon Trail. The marker's time capsule space was believed to have contents at the time, according to a Meeker journal entry.

However, it was barren when it was opened this summer, on

June 23, at a public event attended by about 150 people. Allen said the marker reportedly had been moved several times in the Walnut Street neighborhood since 1906 because of building projects. He said during the transfers the contents of the time capsule may have fallen out.

Allen said he is grateful for Witty's help in anchoring the marker so it likely will not be moved again.

"(Witty) did a wonderful job,"

he said.

Witty created the form for the marker with six 60-pound bags of concrete. The Cove resident said he was delighted to extend a helping hand.

"I'm excited about the opportunity to give back. It is all about community," he said.

The 2022 items now in the time capsule include a \$1 bill, an Oregon Trail brochure, a silver medallion of Ezra Meeker, a copy of the Overland Journal, a

quarterly publication of the Oregon-California Trails Association, plus items that are or recently have been integral parts of our daily lives, including two N95 face masks, a COVID-19 home test kit and an iPhone. All were placed in the time capsule on June 30 with the help of Dale Counsell, of Union County, and several other of Allen's friends.

Allen, with help from the Oregon-California Trails Association, which he is a member of, is

making arrangements to have the time capsule sealed until 2122.

"We do not want it to be opened for 100 years," he said.

The stone marker is among at least 35 Meeker set up along the Oregon Trail during the three journeys he made across the United States to promote efforts to preserve the overland route. It was one of three Meeker put up in Union County. The two others were installed at lower and upper Ladd Canyon.

DEFENSE

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until a month ago — was the only stable of attorneys from which Union County Circuit Court has drawn its public defenders for more than 30 years.

When Boyd and other attorneys within the consortium received their yearly contract from OPDS, they hoped to negotiate some of the terms, but were unsuccessful. They agreed to sign the contract but Singer, the director of the OPDS, refused, claiming they missed the deadline — despite active negotiation continuing between OPDS and several other nonprofit and private organizations, according to Boyd.

"It did not improve public defense in Union County at all," he said. "In fact, it made our system less efficient."

Without prior discussion, the consortium members learned that it would be under new administration and was effectively dissolved. Three of the members received contracts under the new administration.

Boyd, after what he cited as an unsuccessful attempt to find a new lawyer to replace him, received an individual contract on the evening of the last day of the contract window.

"There was no benefit to public defense on this deal," Boyd asserted. "It was entirely to control us."

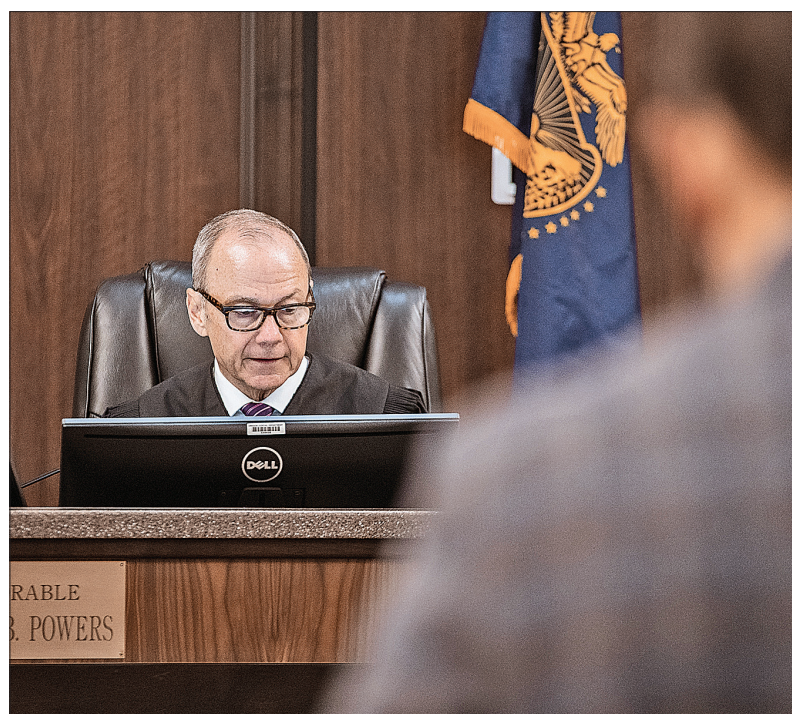
Rob Harris, director of the Washington County consortium and president of the Oregon Defense Consortium Association, communicated with Singer and urged the commission to sign the contract so the attorneys in the consortium could get back to work. His recommendation was not heeded.

Harris said he heard from other consortiums around the state expressing concern about the contracts — specifically in regard to travel expectations, apparent pushes for full-time defense work, and a new reporting system for retained work. Yet he said that Boyd's group got caught in a bigger picture change that Singer wanted to make.

"Frankly, this was the most difficult contracting process I've been through in 30 years," Harris said. "It was very disruptive and very difficult."

Local implications

After OPDS dissolved the Eastern Oregon Public Defenders,



The Observer, File

"We would've had families perhaps, parents in those dependency hearings, parents whose parental rights were at stake who didn't have lawyers. That's like a mini constitutional crisis."

— Union County Circuit Judge Thomas B. Powers, pictured presiding over arraignments in the county courthouse in July 2021

the county was left without an established, state-contracted consortium to draw from. While the contracts under the new administration were being finalized, the county did not have a single public defense lawyer in its judicial district under contract with OPDS.

"I'd never seen anything like that," said Union County Circuit Court Judge Thomas Powers. "That was bad for the community, it was bad for the families and defendants, and it was bad for this court's ability to efficiently run the court system."

During the first two weeks of July, Boyd and the dissolved consortium's attorneys volunteered to accept appointments directly from the court, and Powers began assigning them cases on a non-contract basis. Despite OPDS's inability to provide contracted attorneys, Powers noted that the court was able to cover all the cases they needed to over the course of several weeks. But the consequences could have been dire, he said.

"We would've had families perhaps, parents in those dependency hearings, parents whose parental rights were at stake who didn't have lawyers," Powers said.

"That's like a mini constitutional crisis."

Powers said the contract issues that arose from the changes Singer instituted diverted local attorneys away from their clients and cases. Still, he credited the attorneys and the court staff for their continued efforts.

"We're fortunate that our local providers stepped in to prevent that from happening, and our court staff was flexible and adaptive and made sure we were able to get coverage," said Powers. "But we dodged a crisis."

Boyd said it will be important to focus on how public defense is structured and funded if the state hopes to address the state's lack of defenders. He asserted that Singer's handling of the contract negotiations only exacerbated Oregon's attorney shortage.

A troubled system

For Boyd, it wasn't simply Singer's overhaul of the contract system that made things challenging — it was also how Singer handled the situation. And Boyd's sentiments seem to be echoed by many. Singer spent almost eight months as the director and garnered a slew of mixed reviews from commissioners, employees

and Oregon Supreme Court Chief Justice Martha Walters.

According to Oregon Public Broadcast articles, many public defenders admired Singer's "urgency, vision and willingness to butt heads." Although not everyone shared this sentiment.

Per Ramfjord, the chair of the Oregon Public Defense Services Commission, recently filed a 27-page complaint about Singer's conduct. In the memo, Ramfjord cited the director's "difficult and unprofessional" conversation style and provided examples of email and message correspondence that left him "disturbed" by both their tone and content.

According to Ramfjord, he had to cut one meeting in April short because Singer became hostile to Walters in a call.

"In my 38 years of legal practice, I have never seen a lawyer engage in such a sustained, outrageous and unfounded outburst against any other lawyer, much less a judge," Ramfjord wrote of the encounter.

He concluded the memo by emphasizing that his own experiences had been corroborated by other OPDS employees, legislators and stakeholders, and that he did not believe Singer could effectively perform his job.

Ramfjord's sentiment, and the echoes of others, contributed to the culminating decision to fire Singer. On Aug. 10, commissioners met to vote on Singer's position at the Office of Public Defense Services. The vote was deadlocked at 4-4. Less than a week later, citing her desire to "provide the right leadership," Chief Justice Walters fired the entire commission.

"I never anticipated exercising this authority, but this issue is too important, and the need for change is too urgent, to delay," she wrote in an article to the commission on Aug. 15.

Walters then announced four new commissioners and reappointed five previous members. All but one of the reappointed members had previously voted to fire Singer, according to Oregon Public Broadcasting.

With a new commission in place, the members elected to remove Singer from his position in a 6-2 vote with one member absent.

Reverberations in the Union County courthouse

In the wake of Singer's firing, Powers said he agreed with what unfolded and is confident the

Oregon Office of Public Defense Services will find a new director who will be the right fit and will bring things back on track.

"I'm very much supportive of the chief justice's decision to reconstitute the Public Defense Services Commission that oversees all of this," the Circuit Court judge said.

Powers noted that Singer's approach to public defense contracts disrupted local services more than the county had previously experienced, but the issues the county is facing aren't unique.

Counties around the state are struggling to provide defendants their constitutionally ensured right. According to a class action lawsuit filed against the state May 16 by plaintiffs claiming the state failed to provide them with court-appointed attorneys, around 500 indigent defendants across Oregon are without counsel, despite having been arraigned in criminal court.

"Mr. Singer came into a very challenging environment and it just became apparent that either between his experience or temperament, (he) was not the right fit for the job," Powers said.

Boyd asserted that if nothing changes systemically, the state's understaffing will likely continue to cause issues for Union and Walla Walla counties. He estimated that local attorneys are likely to hit case caps before the end of the current year-long contract, which ends June 30, 2023. If this does occur, there will be no public defense attorneys who can accept cases by spring of next year, as long as case numbers follow projections.

"For the last two months, since the beginning of this contract, our case counts are higher than projections, meaning that may be even worse if current case number trends continue," he said.

With the recent contract changes and the dissolving of the Eastern Oregon Public Defenders consortium, Boyd posits that the plight of underrepresented defendants could become a local crisis within the next year. He suggests that this is a direct result of how OPDS, under Singer's direction, handled public defense contracts.

Still, Boyd is hopeful Singer's firing will lead to positive changes in the system.

"I am cautiously optimistic that everyone can start focusing on moving forward and dealing with the crisis and improving public defense statewide," Boyd said.

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