

# Deputy district attorneys are scarce in Eastern Oregon

By ALEX WITTEW  
The Observer

LA GRANDE — Counties across Eastern Oregon have struggled over the past few years to hire attorneys to prosecute criminal charges, and officials believe a variety of factors, including uncompetitive salaries, have contributed to the vacant positions.

Wallowa County is bereft of a deputy district attorney for its already strained staff.

Morrow County and Grant County each have just their district attorney to handle cases.

Umatilla County has just five prosecutors — including the district attorney — instead of the normal 10 attorneys.

Union County seems to have fared better, but even its office is down one deputy district attorney.

Only Baker County has a fully staffed prosecution team.

Every other county in northeastern Oregon has positions open for deputy attorneys. Those positions have been hard to fill, and in some cases have been left open for at least three years.

Grant County District Attorney Jim Carpenter has had an open position since 2018 — except a brief period when a prosecutor fresh out of college worked for a short stint before leaving to become a local public defender. Carpenter remains the county's sole prosecutor.

"Following his departure, I had no confidence that I would be able to find a replacement," Carpenter wrote in an email, "especially knowing that areas such as Deschutes and Multnomah, which pay much better than northeastern counties can, had numerous openings and I would not be able to complete with them for quality applicants."

Carpenter had an agreement with Grant County that he would serve as county counsel in return for funding for a deputy district attorney position; before then, the role was funded through a grant. Unable to locate a suitable attorney to fill the role as deputy, he resigned from his position as counselor in February 2020.

Likewise, Wallowa County District Attorney Rebecca Frolander has had an open position for three years. She was the deputy prosecutor there before she was elected as district attorney.

"From 2018 up until we revamped the position in the fall of 2018, I received two applications," Frolander said, "but before I could even get them interviewed they took jobs across the state."

For a long while after Frolander became district attorney in 2012, grants funded the deputy district attorney position in Wallowa County. But it sat vacant for an extended period, and that grant money had to be returned and the job left vacant.

## The paper chase

Data from the Oregon State Bar during the past decade show the number of examinees per year steadily dropping — approximately 12 less attorneys each year pass the bar based on a simple linear regression model. The exam has not become more difficult over time, but people are taking fewer attempts to pass it.

And in 2020 the pandemic ushered in a "diploma privilege," which allowed newly graduated law students to bypass the bar entirely and receive their license — a first for Oregon. But even then, only 343 attorneys were minted in Oregon that year. It was the lowest admission numbers since 1972 when just 310 attorneys passed the bar exam.



Ben Lonergan/East Oregonian

Umatilla County District Attorney Dan Primus discusses the legal system and his route to becoming a lawyer during a career day at Pendleton High School in 2019.

## EVERY OTHER COUNTY IN NORTHEASTERN OREGON HAS POSITIONS OPEN FOR DEPUTY ATTORNEYS. THOSE POSITIONS HAVE BEEN HARD TO FILL, AND IN SOME CASES HAVE BEEN LEFT OPEN FOR AT LEAST THREE YEARS.

Lower numbers alone don't make shortages — they need to be coupled with a higher number of lawyers retiring or leaving the field. And that is exactly what is happening. According to a 2017 economic survey released by the Oregon State Bar, nearly 20% of respondents said they had planned on retiring within the next five years — or by 2022. Additionally, the average age of practicing lawyers was 47 according to the survey.

But perhaps the biggest reason why lawyers have given the cold shoulder to Eastern Oregon attorney offices is salaries in the rural wild west have not been able to compete with the metropolitan areas.

According to the economic survey from the Oregon State Bar, the gap is significant. Median income for the 2017 survey shows an average Oregon lawyer can expect a salary of \$105,000 per year. Eastern Oregon attorneys will see \$84,000. Portland attorneys, however, will earn \$125,000, or nearly 20% more than the Oregon average and roughly 50% more than those working in Eastern Oregon. That \$41,000 a year difference means student loans can be paid off much faster.

But those averages, which cover all attorneys, not just prosecutors, still are higher than the advertised salary posted for many Eastern Oregon counties.

Union County, which has one open position, offers a starting salary of just more than \$56,000 a year and going up to \$92,000 a year based on experience. Morrow County, which has no deputy district attorney at the moment, advertises \$68,400 per year with the ability to earn up to an additional \$30,000 per year by doing county and city work. Umatilla County pays up to \$77,000 for an entry level deputy district attorney.

Wallowa County's open position advertises a yearly salary of just over \$52,000 for a newly minted lawyer. Frolander said the salary for a prosecutor was raised recently, but has yet to attract any prosecutors to join the team in Wallowa County.

While the district attorney's office waits for applicants, the lack of qualified staff to prosecute cases means cases sometimes don't receive the attention they deserve.

"There are cases that I have resolved for less than I wanted to," Frolander said, "and there have been cases I've declined to prosecute due to resources."

Frolander also said the coronavirus pandemic had created a traffic jam of cases that has yet to clear, further impacting the office's ability to prosecute crimes.

"Prosecutors should be able to make decisions on whether to pursue a criminal action, based on the merits of the case, rather than on the resources available," Carpenter wrote. "However, that is exactly the position many prosecutors in northeastern Oregon are in at the moment. The lack of available deputy prosecutors and the lack of funding to attract the qualified applicants leave us in the position of making resource based decisions

every day."

Umatilla County District Attorney Dan Primus said his office was able to increase the salary, but he mused that money isn't the sole cause of hiring woes in Eastern Oregon.

"I think that regionally, it plays a role in what we're doing. I think it's also less desirable to be a prosecutor," Primus said.

## Soldiering on

Morrow County District Attorney Justin Nelson is used to working on holidays or late into the evening. His phone and laptop are never too far out of reach, just in case the sheriff's office or the police need a search warrant reviewed or a suspect charged.

However, he's not used to doing it alone.

"When it's only two, when you have one gone you definitely feel it," Nelson said.

The Morrow County District Attorney's Office held on to a full staff through most

of the pandemic, unlike Nelson's colleagues in Umatilla, Wallowa and Grant counties. That meant the rolling backlog of cases caused by the court shutdowns in 2020 never had a chance to metastasize into growing problems, like those felt in Wallowa County.

"I'm now experiencing what Mr. Primus has been experiencing for quite a bit," Nelson said, referring to the Umatilla County district attorney. "That's a unique thing for me to experience now. We really went through the COVID-19 thing fully staffed, so I do think we were in a better position than any of the other counties, because while COVID affected everybody, we weren't also dealing with a staffing shortage at the same time."

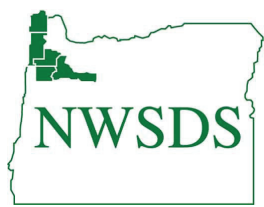
But Nelson, like district attorneys across northeastern Oregon, is used to the challenges and the duty that is asked of them. Nelson noted that despite working through every holiday — especially

now with his office short staffed — his troubles are eclipsed by the officials and public he serves.

"Anytime law enforcement is working, I have to be working too," Nelson said. "If there's a single officer out there that might need to have a search warrant reviewed, I need to be available. If it's a weekend and someone gets picked up on a warrant, I need to be available. But I'm going home at night. I'm with my family at night. You know, there's law enforcement officers out on the street, and they have it harder than me. At the end of the day, I'm a lucky guy."

And while other counties have their own version of a deputy district attorney shortage, and some noted the lack of attorneys may make cases take longer and require more attention, none of them have said the lack of lawyers will affect their ability to prosecute crimes and defend victims' rights.

"Our office has worked with a shortage of attorneys before and likely will again," Union County District Attorney Kelsie McDaniel said. "We strive to make sure that the citizens don't see any difference in the work coming out of our office on behalf of Union County."



## NorthWest Senior & Disability Services

### SENIOR ADVISORY COUNCIL (SAC) AND DISABILITY SERVICES ADVISORY COUNCIL (DSAC) 2022 PUBLIC MEETING SCHEDULE

The function of the Senior Advisory Council (SAC) and Disability Services Advisory Council (DSAC) is to advise the Board of Directors and the Executive Director on the general welfare of older adults and people with disabilities in the areas served by NWSDS (Clatsop, Marion, Polk, Tillamook and Yamhill counties). It is to also advise the Board of Directors on the services to older adults and people with disabilities served by the Agency, and on all important matters effecting the operations of the agency, except for matters of personnel administration, staff pay, and benefits.

The agenda includes regular council business, public comment, legislative updates, updates on NWSDS programs, recommendations to the board of directors, and various council member and agency reports.

#### Meeting Dates (SAC 10:30 am, Joint 11:00 am, and DSAC 1:00 pm):

Thursday, January 20, 2022  
Thursday, February 17, 2022  
Thursday, March 17, 2022  
Thursday, May 12, 2022  
Thursday, July 21, 2022  
Thursday, September 15, 2022  
Thursday, November 17, 2022

The public can attend this meeting via zoom:  
<https://nwsds.zoom.us/j/353358393>

#### Or by phone:

877 853 5247 Meeting ID: 353 358 393#

A meeting passcode is required to join the zoom meeting. To request a passcode, accommodations/accessibility, or interpreter, or for questions, contact Zaira Flores Marin at 503-304-3451 or [zaira.flores@nwsds.org](mailto:zaira.flores@nwsds.org). Requests should be made at least 48 hours before the event.

#### To learn more, visit:

<https://nwsds.org/index.php/home/about-us/advisory-councils/>



## NorthWest Senior & Disability Services

### BOARD OF DIRECTORS 2022 PUBLIC MEETING SCHEDULE

NorthWest Senior & Disability Services (NWSDS) has a five-member Board of Directors (BOD) consisting of a County Commissioner from each of the counties they serve (Clatsop, Marion, Polk, Tillamook and Yamhill counties). The function of the BOD is to advise NWSDS management on all important matters affecting the operations of the agency.

The public may attend any of the BOD meetings unless it is an Executive Session. The agenda includes regular board business, public comment, legislative updates, updates on NWSDS programs, and various board and agency reports.

#### Meetings will be held from 2:30 to 4:30 p.m.

#### on these dates:

January 3, 2022  
February 7, 2022  
March 7, 2022  
April 4, 2022  
May 2, 2022  
June 6, 2022  
August 1, 2022  
October 3, 2022  
November 7, 2022  
December 5, 2022

#### The public may attend these meetings via zoom:

<https://nwsds.zoom.us/j/93970835127?pwd=djc2bWY2R0hjL1Z3OWQvaE5pUm9jQT09>

#### Or by phone:

877-853-5247 US Toll-free, Meeting ID: 939 7083 5127

For questions about accessibility or to request an accommodation, please contact Gloria Kincaide at 503-304-3482 or [gloria.kincaide@nwsds.org](mailto:gloria.kincaide@nwsds.org). Requests should be made at least 48 hours prior to the event.

#### To learn more visit:

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