

OPINION

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Oregon makes mockery of serving indigent defendants

Oregon seemingly makes a mockery of serving indigent defendants. The agency responsible for providing those lawyers has just blown up.

The firing of Steven Singer raises questions not only about justice in Oregon but also about complacency and change in Oregon governance. And about use and misuse of political power.

Singer was brought in from Louisiana last December to head the Oregon Office of Public Defense Services. The agency funds the network of criminal defense lawyers for individuals who cannot afford their own attorneys. That legal representation is guaranteed by the Sixth Amendment.

Oregon’s system is so backed up that hundreds of low-income individuals face criminal charges yet lack lawyers. An American Bar Association report early this year suggested that Oregon had less than a third of the lawyers needed for indigent defendants. Low pay and high caseloads make recruiting those lawyers difficult.

The result: Guilty people go free if cases are dismissed for lack of defense counsel. Innocent people may be convicted if defense is poorly handled.

Singer arrived with a record of success, a pugnacious personality and plans to spend “about a year to basically listen, learn and gain an appreciation of the system before I embark on any long-term strategic planning and large-scale changes.”

He didn’t get that year.

The Public Defense Services Commission fired Singer.

It wasn’t exactly the same commission that had hired him last year. There’d been some natural turnover. But the real change occurred this month when the commission deadlocked on ousting Singer. Oregon Supreme Court Chief Justice Martha Walters responded by firing all nine commission members, who are unpaid volunteers. Walters then appointed a new commission that



DICK HUGHES



The Oregonian

The lack of access to public defenders has created a crisis across Oregon.

OREGON’S SYSTEM IS SO BACKED UP THAT HUNDREDS OF LOW-INCOME INDIVIDUALS FACE CRIMINAL CHARGES YET LACK LAWYERS. AN AMERICAN BAR ASSOCIATION REPORT EARLY THIS YEAR SUGGESTED THAT OREGON HAD LESS THAN A THIRD OF THE LAWYERS NEEDED FOR INDIGENT DEFENDANTS.

included five of the previous nine.

Such drastic action usually is something only a governor does, such as when a displeased Gov. Kate Brown fired a majority of the Environmental Quality Commission in 2017.

Oregon has a unique — bizarre? — public defense system. The oddest part is not that the chief justice holds all power over the commission. That does raise questions about the commission’s independence. But Oregon also is the only state that contracts out for all public defenders — through consortiums, nonprofits or independent attorneys and firms — instead of having some lawyers on the public payroll, as are district

attorneys.

Everyone seems to agree that the system is an underfunded mess. But they can’t agree on the solution, let alone the direction. The commission hired a consultant last year but suspended that process in March. Singer had his own ideas, which didn’t align with Walters’. In April, the legislative leadership, the governor and the chief justice announced they were convening a work group led by state Sen. Floyd Prozanski, D-Eugene, and Rep. Paul Evans, D-Monmouth, to develop short- and long-term reforms.

Singer apparently is one of those folks you love or hate. Many over-

worked, underpaid defense lawyers out in the field felt they finally had a champion in state government. But he’d alienated the chief justice; key legislators, who determine the agency’s budget; some commission members, including chair Per Ramfjord; some staff members; and others.

By this month, Singer had few remnants of goodwill left. However, no one deserves to wear the cloak of righteousness in this sordid saga.

I’m left wondering, how the heck did Singer get hired in the first place? He contends Oregon’s situation was far worse than he realized when he took the job. If so, that’s on both him and the commission.

How much change did commissioners want and were willing to tolerate? In Singer, they hired a change agent, a disrupter. How deep was their soul-searching before employing him? It strikes me that people say they want profound change until that change doesn’t fit their preconceptions.

He was proud of his bulldog approach — some might say “bull-headed” — and his being fired in Louisiana should not necessarily have disqualified him. Still, Oregon is not Louisiana. Salem is not Baton Rouge. The failure of the Singer-commission marriage shows that the commissioners inadequately researched him, his combative style and how he would fit here. How did they prepare him for working within the Oregon political system, and they with him?

Oregon’s landscape is littered with appointees who succeeded elsewhere but foundered here. One was Rudy Crew, whom Gov. John Kitzhaber brought in as Oregon’s first chief education officer. He lasted one year during 2012-13. Kitzhaber at least recognized that Crew would be a potentially high-risk, high-gain personage.

It’s not that homegrown is always the answer or even the preferred answer. Outsiders bring new ideas, new ways, new energy. But don’t ignore the challenges. And be honest about how much change will be accepted.

Dick Hughes has been covering the Oregon political scene since 1976.

LETTERS TO THE EDITOR

Don’t be a hater

The “homeless problem” is a topic filling the headlines and letters to the editor. Often the comments are filled with judgment and fear, even hate.

Homelessness has many causes, ranging from poor life choices to bad luck, to mental health issues, to addiction issues, or to the actual systemic issues of our, in my opinion, predatory economic system. In short, there is an extremely wide variety of reasons and causes that are far too often completely outside of that person’s control.

Homelessness is not a crime, and we must stop trying to make it into one. It is a condition, a situation. People don’t wake up one day and say to themselves, “I want to be a drug addict or alcoholic.” They don’t suddenly decide, “I want to be homeless,” or, “I choose to be mentally ill.”

Remember, that is someone’s son or daughter, their sister, brother, mother or father, etc. They are human beings and passing a harsh judgment of them without knowing anything about them, or their circumstances, is wrong and unproductive.

Don’t assume they are “choosing” this lifestyle. While it may sometimes appear that way, in virtually every instance these are human beings who have become trapped in a vicious cycle, with no way out that they can see or understand. They are simply doing what they know, and what they can, to adapt and survive within a seemingly, to them, inescapable situation.

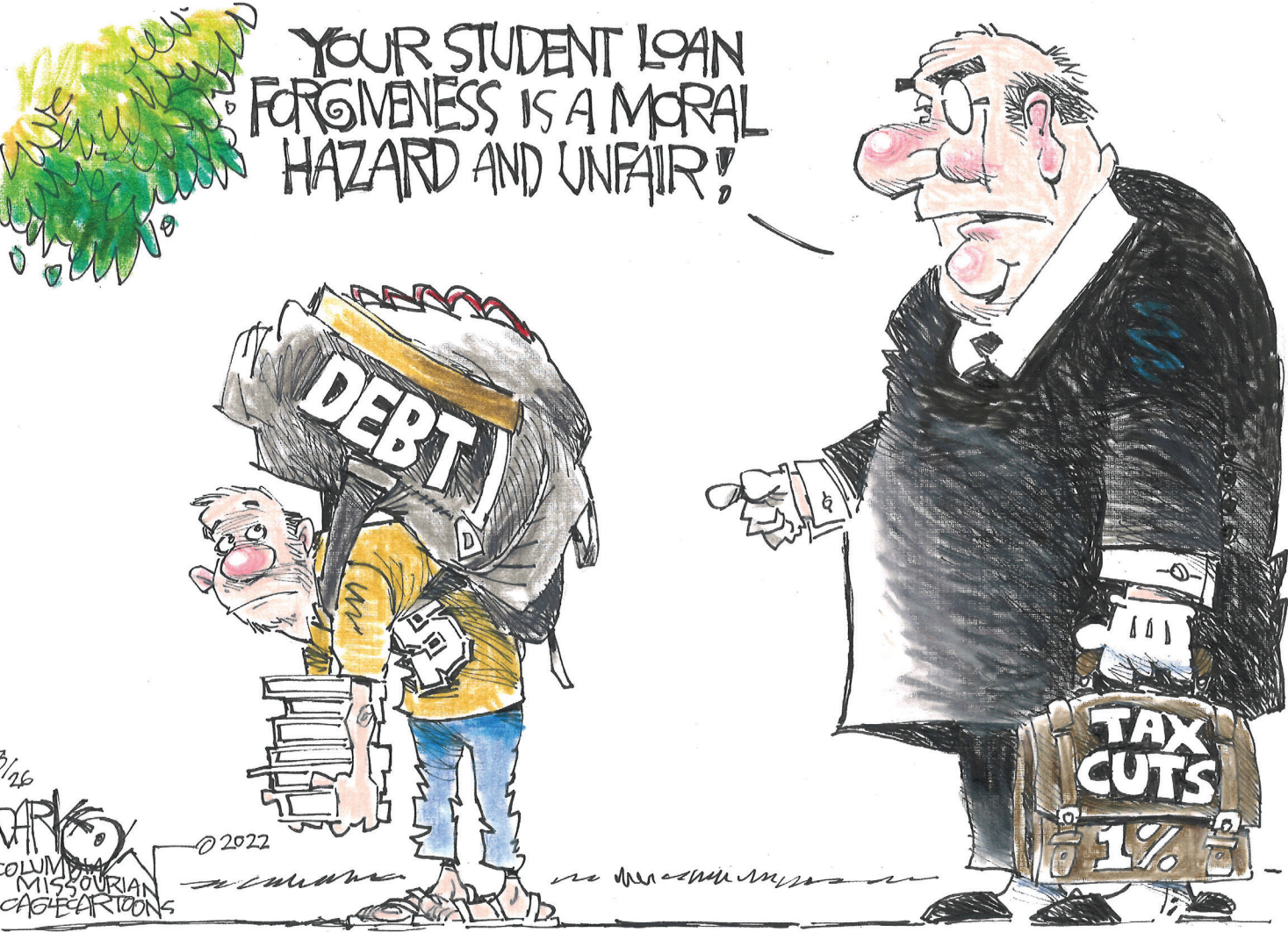
Don’t be a hater. Be someone who cares, and who wants a compassionate, not punitive, solution.

BILL GRAFFIUS
Gearhart

I call a foul

In the guest column “Coming together to secure our water future,” (The Astorian, Aug. 23) the heads of several Oregon trade groups that use enormous amounts of water basically demanded that government subsidize their water use, or “it will be a matter of time before we lose significant portions of our distinctive and diverse agriculture industry.”

I call a foul — this approach stinks of special interest political pressure that is so prevalent in our society today. We (that would be the taxpayers) already subsidize



LETTERS WELCOME

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so many industries that are not even trying to be more environmentally responsible (or even economically responsible!), while continuing to underfund basic services like education, environmental protection, health care and many social services for the poor and powerless.

I call on these trade groups to get together with government, nongovernmental organizations and water experts to work on the problem of water use in agriculture and elsewhere, and come up with a solution that doesn’t require taxpayers to subsidize their industries while underfunding others.

I have experience in this sort of approach, and know that it can work. It sounds so Oregon!

BOB GOLDBERG
Astoria

A big win

Regarding the article “Nonprofit looks to close funding gap for affordable housing project downtown” (The Astorian, Aug. 23):

I can’t imagine Astoria citizens objecting to the City Council looking into the prospect of participation in the restoration of a derelict building and adjacent lot on Marine Drive for a possible 60 units of affordable housing.

It was very foresighted on the part of the First Presbyterian Church to get possession of the building with the goal of low-income housing, knowing that such a big project would require partners.

The City Council should move forward with Copeland Commons, and encourage Innovative Housing Inc. to get on board. This would be a big win for Astoria, to put another blighted building to good use.

LARRY ALLEN
Astoria