

Oregon Public Defender System Sued

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legal representation for more than six weeks, including a man who can't afford his bail but has been jailed for 17 days without an attorney and can't seek a bail hearing without representation.

In two other cases, the lawsuit alleges, plaintiffs were released from custody after their arrest and told to call a number to be assigned a defense attorney. They left voicemails and called repeatedly and have not had any reply, the complaint says. They show up for hearings alone and have their cases pushed back because no public defenders are available.

Jesse Merrithew, an attorney representing the plaintiffs, said not having legal representation right after an arrest causes a cascade of problems for criminal defendants that are almost impossible to overcome later on. One such example, he said, is the ability to secure any surveillance video that could back up the defendant's case because looping security videos are often erased after days or weeks.

"The time directly after arrest is the most critical time, as



Carl Macpherson, the Portland-based executive director of Metropolitan Public Defender, says his firm of 90 public defenders recently stopped taking certain types of new criminal cases for a month because they had so many cases that the attorneys were violating their ethical obligations to clients.

any criminal defense lawyer will tell you, in the representation of a client," he said. "It's unacceptable to allow a delay in the

employment of the council for weeks or months on end."

The shortage of public defenders also disproportionately

affects Black defendants, the lawsuit alleges. Studies in the Portland area in 2014 and 2019 showed that 98% and 97% of

Black defendants, respectively, had court-appointed lawyers in those years, whereas 91% of White defendants had them.

In the current crisis, 23% of people waiting for an attorney were Black statewide on a recent day, despite the fact that Black people overall make up 3% of Oregon's population.

The Oregon Justice Resource Center, a legal nonprofit representing the plaintiffs, said repairs to the system shouldn't just focus on hiring more public defenders. Rethinking criminal defense should also mean reducing penalties and jail time for lower-level offenses and offering more alternative resolutions for crimes.

"The state's failure in this regard requires urgent action. But the problem cannot be solved with more attorneys," said Ben Haile, an attorney with the Oregon Justice Resource Center who is representing the plaintiffs. "There are effective alternatives to prosecution of many of the people caught up in the criminal justice system that would make the public far safer at lower cost and with less collateral damage to the families of people facing prosecution."

Helping Overcome Problem Gambling

Spring is Here

This time of year, Oregon is dressed up in her finest. Tree buds burst into flower and mountains come out from hiding behind cloudy skies. It becomes just a little easier to set aside the things that worry us, to perhaps try to ignore habits that we developed during darker days. If gambling is one of those habits, it's a great time for a new start. Spring is a perfect time for renewal, for change.

Help is Available

If you have a gambling habit that has grown beyond your control, help is available. Through the Oregon Problem Gambling Resource (OPGR), gamblers and those who love them can get support from trained addiction counselors, often right from home. Treatment is effective. People are ready and waiting to provide better mechanisms to cope and to heal. And, best of all, it's free.

All it takes is a phone call, a text, or an online chat to get started. Reach out. Let this season be your season for change.

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