

Attorneys:

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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.

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



Ben Lonergan/East Oregonian, File
Umatilla County Deputy District Attorney Daniel Pachico, right, addresses Circuit Judge Jon Lieuallen, center, in March 2020. The district attorney’s office remains short staffed in 2022, a problem common to prosecutors in Northeastern Oregon.

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.



Alex Wittwer/EO Media Group, File
Reed West, Union County deputy district attorney, sits in the Union County Courthouse during arraignments on July 20, 2021.

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.”

Schools:

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Gill said that includes schools continuing to enforce the mitigation efforts they have already been using — including wearing appropriate face coverings, following physical distancing guidelines, frequent hand washing and use of ventilation systems.

The new advisory encouraged schools to implement free COVID-19 testing programs.

Seattle Public Schools closed schools Jan. 3 to offer voluntary COVID-19 testing for staff and students amid a surge of new omicron cases. ODE said Oregon is not considering something similar.

The ODE and OHA advisory also encouraged schools to retrain school staff on safety protocols, as well as educate employees, students and families about COVID-19 symptoms. But the biggest change suggested in the advisory has to do with activities beyond the school day.

“(W)e have really asked our schools and other organizations that serve students to really be thoughtful about their extracurricular activities,” Gill said.

That includes either pausing extracurricular activities or making sure they use the same safety protocols that are in place during the school day, such as face coverings.

“We know those mitigation efforts work and they have been preventing the spread of COVID-19, but we don’t often use those in extracurricular activities such as sports, and we’re really worried we’ll see

rapid transmission in those settings unless communities come together and use the same kinds of protocols we use during the school day after the school day,” Gill said.

The agencies also are asking families and community members to do their part in helping ensure schools can continue in-person teaching and learning. Namely, ODE and OHA are urging parents to keep students home if they have COVID-19 symptoms. The agencies also are encouraging families and children to get vaccinated and get COVID-19 booster shots, and to limit non-essential activities and gatherings.

“Spread in the community is what may cause a school eventually to close to in-person instruction and go back to online learning for a short period of time,” Gill said. “The more communities can do to make sure individuals are vaccinated and boosted so there’s less likelihood that they’re spreading COVID-19 from one person to another, or less likely that they may need the services of a hospital and really tax that system — that will help keep our school staff safe and our students safe and keep them in in-person instruction.”

ODE Communications Director Marc Siegel said the agency is not planning a statewide return to distance learning, like what happened at the beginning of the pandemic in March 2020. But, individual school districts will be able to make that call themselves if necessary.

“For each school district, that’s a local school district decision, made in coordination with local health authority,” Siegel told OPB.

Housing:

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almost immediately, there is a 200-unit manufactured home park actively developing in it, and there continues to be significant interest in developing the remainder of that land.”

The city also built a 1-million-gallon water tower and nearly 2 miles of new water lines in northeast Hermiston through a partnership with Umatilla County to reinvest enterprise zone funding, Morgan said.

“There are active subdivisions under construction right now off of Punkin Center (Road), and off of Theater Lane that are a direct result of that investment,” he said. “So far, those developments have started construction on nearly 100 new homes since 2019.”

Calls for more housing, market-rate rentals

Mike Boylan, principal broker and owner of Boylan Realty, said Hermiston needs more housing.

“We have a shortage, for sure,” he said. “It’s been short for quite a while now.”

He added there has been some improvement lately, as a trickle of houses have entered the market. Still, when they are listed, they sell quickly. For example, he said, he recently put a house on the market and within three weeks there was a cash offer for it.

Boylan said the speed at which houses sell shows the demand for homes and the need for new construction. Morgan agreed with the need, and he said there also



Ben Lonergan/East Oregonian
A sold sign adorns a home’s lot Wednesday, Jan. 5, 2022, in a new development off East Punkin Center Road in Hermiston. The city in 2021 approved building permits for 129 site-built homes and 10 manufactured homes.

is a need to maintain affordability, which has been the city council’s policy since 2017.

“We know that our region continues to add employment, and so we feel that the best way to ensure housing remains affordable is to continue providing adequate supply,” he said.

Hermiston does not need to focus too much on traditional “affordable housing,” Morgan said. Developers in Hermiston can build single family homes all day long because the market demand is there and the prices allow for the turn of a profit. Hermiston’s greatest housing need is market-rate rentals.

That need “serves a very critical role in community-building,” he said, but it is not being filled.

“Specifically, I think

about the folks who we are attracting to the community to fill new jobs being created here,” he said. “I’m thinking about nurses, teachers, etc., who are in their 20s, straight out of college. On paper, the single most important metric that most affordable housing programs look at for eligibility is income, and on paper these folks in their 20s have incomes that disqualify them for ‘affordable housing,’ but meanwhile they’re drowning in student loan debt and have negative net worth.”

These people, Morgan said, have incomes that would “otherwise qualify them to make a mortgage payment.” Still, they are a stage of life wherein they cannot buy a home. With only site-built homes for sale and income-restricted

rental housing — for which they do not qualify — available, people with new jobs in Hermiston have to live elsewhere. Often, Morgan said, they will move to Kennewick and endure a daily commute.

“Inevitably, that person making the commute will find a significant other in Kennewick, decide that they don’t really like commuting an hour every day, take the first job they can get in Tri-Cities and then make all of their significant life investments there,” Morgan said.

They will buy a home, vehicles and other goods in the Tri-Cities. This means that Hermiston is missing out, Morgan said, on what new people could mean to the town’s economy and to its community.