

# CRABTREE & RAHMSDORFF

## **Attorneys**

Thomas J. Crabtree  
Terry L. Rahmsdorff  
Karla Nash  
Jill Littlejohn  
Joel A. Wirtz  
Timothy Fleming  
Reid Kajikawa

## **DEFENSE SERVICES, INC.**

215 N.W. Greenwood, Suite 200  
Bend, Oregon 97703  
541-389-7723  
Toll Free 1-800-762-6616  
Fax 541-383-7177  
info@crlaw.org

Peter Parnickis  
Andrew R. Doyle  
D. Aaron Jeffers  
Emily A. Feenstra  
Katherine C. Griffith  
Lee M. Griffith  
Haley N. Finney

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Members of the Judiciary Committee:

I am the Executive Director of Crabtree & Rahmsdorff, Defense Services, Inc., the public defender's office for Deschutes County. Thank you for the opportunity to discuss the pay disparity issue in our criminal justice system.

The issue of pay equality between defense attorneys and prosecutors has existed ever since the state took over responsibility for indigent defense in 1983. While the amount varied from jurisdiction to jurisdiction, the gaps were fairly small. That is no longer the case. In the intervening years public defense was underfunded and we were told that we would not receive any increase in funding without a corresponding increase in caseloads. As a result pay increases were slight, sporadic and totally insufficient. Workloads increased drastically and the gap between our pay and that of the district attorneys grew larger. While in 1983 the difference between the starting salaries in Deschutes County was \$2,000; that increased to \$7,000 by 1994 and astronomically increased to \$26,000 by 2007. That year the Legislature provided the only *significant* help to reduce that gap and the next year the difference had been reduced to \$15,000. Now it is back over \$21,000 and will go up a minimum of \$1500 this July.

Compounding this initial salary discrepancy is the fact that until this year, our contracts did not include an increase for the second year of our biennial contracts. Step increases are not funded, either. If the office isn't large enough to rely on attrition to fund them, we can only offer a Cost of Living increase every other year or a step increase, but not both. As a result, the longer one works for us, the greater the gap with the DA. The accompanying chart graphically demonstrates this reality. It shows the salary of a deputy DA we will call "Rich." He left this office to work for the DA a decade ago where he got a raise of \$21,000 by walking across the street. The salary of our replacement attorney, who we will call "Matt" is listed for comparison. As a deputy DA, "Rich" received a step increase and a cost of living increase every year until he reached to top step of the pay grade when he only received a COLA increase. During the past decade, his salary increased from \$69,906 to \$113,032. "Matt" on the other hand, had a step increase or a COLA every other year, and his salary went from \$43,000 to \$76,577. Over the decade "Rich" earned a total of \$952,135, while "Matt" earned \$656,653, a difference of \$295,482!

When the gap is so large it is exceedingly difficult to recruit and retain good attorneys to do our essential work. The state cannot convict a defendant without a defense attorney and the standards for defense are even higher than for the prosecution. John Hummel, the Deschutes County District Attorney agrees with me that Deputy District Attorneys and Deputy Public Defenders should be paid the same because they do the same work. The Oregon State Bar this year passed a measure supporting this legislation. The current pay disparity makes as much sense as if the majority party in the Legislature voted themselves a 33% pay raise that didn't apply to the minority party simply because the public liked them better.

Please pass this measure and put an end to this unconscionable disparity.

*TOM*

Thomas J. Crabtree  
Executive Director