

Oregon Defense Attorney Consortium

*An Oregon Non Profit Corporation Providing High Quality Criminal
Defense Services to the Needy in Washington County Since 2006*

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RE: HOUSE BILL 2605

February 13, 2017

The House Judiciary Committee:
Chair Representative Jeff Barker
Vice Chair Representative Andy Olson
Vice Chair Representative Jennifer Williamson

Dear Chair Barker and Members of the Committee:

We are members of Oregon Defense Attorneys Consortium. Our consortium of attorneys are assigned approximately one-third of all criminal court appointed cases in Washington County, including over half of all Measure 11 court appointed cases. We also take court appointments to defend persons accused of lesser criminal charges and represent both parents and children in hundreds of Juvenile Court proceedings every year.

Washington County desperately needs additional judicial resources. Because of a lack of judges and courtrooms and our growing caseloads, we find that we are often unable to present our cases in full to the court. For instance, on probation violation hearings, it is not unusual at all to have five separate hearings scheduled per hour before one judge. Within that time, the court is required to hear from a probation officer, the defense, the prosecution, perhaps take some sworn testimony, review the history of each file, then deliberate and decide if a violation occurred and whether to send five different individuals to jail or even to years in prison.

In Juvenile Court, Washington County is in dire need of additional judicial resources. As a comparison, Multnomah County is privileged to have four fulltime juvenile referees and with ten circuit court judges, who all maintain a partial juvenile caseload. Washington County, which granted is 70% the size of Multnomah County, has one full time circuit court judge and a referee who is only able to dedicate 80% of her docket to juvenile cases as she also handles two unrelated dockets as well.

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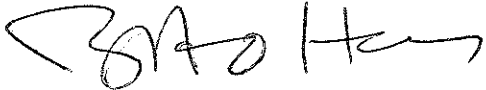
The juvenile dockets are so crowded that it is nearly impossible for cases where children have been removed from their families to get to trial within the federally mandated timeline of sixty days. Foster children awaiting a permanency decision for their future are routinely forced to wallow in foster care upwards of six months for their hearings to make it through the courts, which not only delays their ability to have a permanent home but again also violates federal timelines. The inability of the courts to meet these federally mandated timelines affects not just our citizens but also access to federal funds.

Most of us have been practicing in Washington County for at least ten years; some for over 30 years. We agree that we have never seen our courts, including court staff, so over-burdened or stressed over the growing caseload. This is simply not right. It is not fair to the public employees, not fair to defense counsel and, most of all, it is not fair to the children and families that are unable to get the help and support they were promised, and to defendants who deserve to be fully heard as is required in our justice system and according to our State and Federal Constitutions.

We ask that you keep the critical needs of our public justice system in mind as you consider the many difficult choices you make this session.

Sincerely,

Oregon Defense Attorney Consortium



Robert J. Harris,
Executive Director, Oregon Defense Attorney Consortium
President, Harris Law Firm

Joined by:

David Hobson, Family Attorney and Volunteer Board Member
David Audet, Federal Defense Attorney and Volunteer Board Member
Anne Tracey, Defense Attorney, Juvenile Attorney and Volunteer Board Member
Len Ostrow, Defense Attorney
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