

ELKHORN PUBLIC DEFENDER

Attorneys

Kati Dunn, Executive Director
Kyra Rohner, Assistant Director
Marcus Oatman, Supervising Attorney

Clint Flippin
Jay Fuson
Kevin Imhoff
Jeff MacNeilly
Tamara Scull
William Thomson

Investigators

Haley Olson
Shelby Stratton
Kim Sundquist

Baker City Office
2015 First Street
Baker City, Oregon 97814

Canyon City Office
206 South Humbolt Street
Canyon City, Oregon 97820

Vale Office
252 B Street West
Vale, Oregon 97918

(541) 575-5750

February 7, 2023

**Re: House Committee on Judiciary
House Bill 2497**

Honorable Chair Kropf, Honorable Vice Chairs, and members of the committee:

My name is Marcus Oatman. I am a proud public defender and the supervising attorney at Elkhorn Public Defender in Malheur County. I am here today to support House Bill 2497. The current courthouse facility for Malheur County creates several issues that adversely affects litigants and the public.

First, there is only one Courtroom that can hold a jury which creates severe docketing issues and unnecessary delays. There is also only one jury room.

It is physically impossible to have juries in the other courtrooms because of their small size. This means we can only have one jury trial at a time and in most weeks there are only two days available for jury trials.

Many cases are scheduled for trials each week; they are “stacked” on each other and will get continued by the Court because the jury courtroom is already taken by other cases. The Court must prioritize trials when the accused is incarcerated pre-trial.

It is not uncommon for some trials to get continued multiple times because of a lack of space. Further, because criminal trials take priority, this also affects the availability for the Court to have civil jury trials. This creates unnecessary delays. All interested parties – the accused, the State, the victim, and the public– have a shared interest in trials proceedings timely. For public defenders a continuance means the case stays on their caseload longer than necessary during the current public defense crisis in Oregon.

The limited courtroom space also impacts dependency cases. The Court is not always able to hold dependency trials on consecutive days. Sometimes a jurisdictional trial is held on single days over multiple weeks. The lack of appropriate physical space is directly affecting permanency for the children and their families in dependency cases.

Malheur County currently has two Judges, but a study by the National Center for State Courts concluded that the County needs three Judges for its judicial workload. With the current physical facilities, a third Judge would not be able to resolve the current docketing problem because of the single courtroom with a jury box and jury room.

Second, the courthouse has inadequate space for attorney / client meetings.

There are only two private meeting rooms. These rooms are smaller than a standard half bathroom. The meeting rooms are always full on the Court's main docket days which forces attorneys and their clients to meet in the hallway and they cannot confer privately.

Only two people can be in a room at a time and it is impossible to social distance. There is not space for another member of the legal team to participate in the meeting. If a litigant is monolingual in a language other than English, these rooms do not have the space for both their attorney and interpreter.

There used to be a third, much larger, meeting room; however, last year this room was converted into the district attorney's office.

Not being able to have private, confidential conversations between an attorney and their client creates an access to justice issue.

Finally, the County is not able to independently fund a new courthouse facility.

Malheur County is the most impoverished county in Oregon. It's population is just over 31,000 and according to census.gov 20% of the population are impoverished. Because of its low population and poverty levels, County only funding is just not realistic.

Thank you very much for your time. I ask you to support House Bill 2497.

Sincerely,



Marcus Oatman
Supervising Attorney