

Marcus Oatman
Attorney at Law
180 Main Street South
Vale, Oregon 97918

Joint Committee on Ways and Means
Subcommittee on Public Safety
900 Court Street Northeast
Salem, Oregon 97301

January 31, 2025

Honorable Co-Chair Broadman, Honorable Co-Chair Evans, and members of the committee:

I write to urge your support for funding to help construct a new courthouse in Malheur County.

I am an attorney working at a non-profit law firm in Malheur County. Most of my practice is representing children or parents in dependency cases, juveniles in delinquency cases, and adults in civil commitment cases. I am in the Malheur County Courthouse for hearings or trials every week, if not almost every day of the week.

Malheur County desperately needs a new courthouse. The current facility creates unacceptable access to justice barriers for litigants and the public. My letter will focus on two issues, though I believe there are many more issues which others will highlight.

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

Only one courtroom can hold a jury for criminal or civil trials. The other two are so small it is impossible to fit a jury, no matter how creative the court staff could be. This means that only one jury trial can happen at a time in Malheur County.

Currently, multiple trials are scheduled to begin on the same day, forcing the Court to decide which one can proceed, which means all others are continued despite all parties reporting ready to proceed. This delays justice for all everyone involved in a case: a defendant (presumed to be innocent), a victim, the public, and the State itself.

Further, complicated case that needs multiple days at trial can end up “bumping” cases for several weeks. Recently, there was a case so complex¹, that it was scheduled for multiple weeks which prevented any other jury trial in Malheur County from proceeding during that time.

Because criminal jury trials need to have priority this creates a barrier to civil jury trials in Malheur County.

Second, the limited courtroom space impacts child welfare cases.

Child welfare cases (juvenile dependency) are a large portion of the overall cases in Malheur County. The two small courtrooms are grossly inadequate to hold even simple hearings for a dependency case. A dependency case usually has four or more separate parties, and sometimes more. If the single large courtroom is occupied, it forces child welfare cases into these small, inadequate courtrooms.

The main small courtroom in Malheur County can only accommodate two parties sitting “at the bar”, which relegates, during a trial, the remaining parties to sit in the courtroom’s gallery, sometimes sitting next to opposing witnesses, or near another opposing party who could have drastically opposite legal goals in the case.

The third courtroom – rarely used – does not have a gallery and the bar is simply a conference table big enough for one or two parties. Anyone else needs to wait outside in a hallway. The Malheur County District Attorney’s office uses this courtroom for grand jury testimony, making it regularly unavailable for Circuit Court proceedings.

Dependency cases are highly emotional and forcing opposite parties to sit so close to each other is, at a minimum, awkward enough where it could impact a party’s focus during trial. A worst-case scenario is forcing a potential child victim of neglect, or a domestic violence survivor, to choose between having to sit near their alleged abuser or waiving their in-person appearance because the stress or fear is too great.

¹ State vs James DeFrank, Case No. 11094090C was docketed 08/01/2022-08/22/2022.

Conclusion

I have practiced in many different areas of Oregon – Lane County, Central Oregon, and Eastern Oregon – and can confidently say the inadequate facilities absolutely create an access to justice barrier in Malheur County. Malheur County is the most impoverished county in Oregon and local funding is just not an option. State level support is needed. Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "MOatman", with a stylized flourish at the end.

Marcus Oatman
Attorney at Law