

**Union County**  
115 Elm Street #23  
La Grande, OR 97850  
541-575-5750 (Opt. 4)

**Baker County**  
2043 Main St  
Baker City, OR 97814  
541-575-5750 (Opt. 2)



**Malheur County**  
180 Main St. S  
Vale OR, 97918  
541-575-5750 (Opt. 3)

**Wallowa County**  
115 Elm Street #23  
La Grande, OR 97850  
541-575-5750 (Opt. 4)

Co-Chairs Steiner and Sanchez  
Committee Members  
Legislative Fiscal Office  
Joint Committee on Ways and Means  
900 Court St Room H-178  
Salem, OR 97301

**Date:** January 27, 2025

Honorable Co-Chairs Steiner and Sanchez, Honorable Vice Chairs, and members of the committee:

My name is Kathleen (Kati) Dunn. I am the Executive Director of Elkhorn Public Defender, which has offices in Malheur, Baker, and Union Counties. In that capacity, I have spent a fair amount of time in the Malheur County Courthouse. **I write to urge you to fund a new courthouse in Malheur County.**

This is necessary to provide access to justice for those summoned to appear in Malheur County Courts. Currently, in the inadequate space that is available:

**1- There is only one courtroom large enough to hold a jury.**

This means that the court has to “stack” trial settings. This is the practice of scheduling multiple trials for the same day. This is hugely wasteful of attorney time and bandwidth.

Stacking trials results in attorneys preparing for multiple cases, only to potentially have none of them proceed to trial. Then the attorney has to call off witnesses. Even though the trial will eventually happen, the attorney will need to re-prepare, to some extent, for the second trial setting.

Human memory, imperfect as it is, means forgetting things that happened in the distant past. Attorneys will have to re-familiarize themselves with their intended voir dire, direct and cross-examination questions, and opening and closing. Attorneys will have to re-contact witnesses to make sure that they will come to court and that they are prepared to testify. Many attorney hours are wasted by this necessary but hugely inefficient practice. And right now is a time when we cannot afford to waste attorney time, given the statewide attorney shortage.

Furthermore, multiple trial call and trial settings means that our clients may or may not remember where and when they are supposed to be in a barrage of ever-changing court dates. Most of our clients struggle managing the details of their lives such as basic transportation and scheduling. Due to personal challenges, including but not limited to houselessness and mental health issues, most of our clients struggle to navigate attendance at any scheduled events.

The cramped conditions of the second courtroom is contrary to the dignity and formality that should accompany court proceedings. It would be more appropriate for administrative hearings or other such functions than an Oregon Circuit Court.

## **2- There is no longer an attorney lounge or adequate space for day-of-court meetings with clients**

“Attorney Lounge” is not a luxury space. It is necessary workspace for any attorney who does not have an office in Vale.

There are virtually zero appropriate office spaces available for rent in Vale. Affordable and appropriately professional office space is available in Ontario. Ontario has the highest concentration of populace in Malheur County, with a population of 11,866.

Vale is the county seat; however has a population of only 1,933. Therefore, the majority of attorneys practicing in Malheur County have offices in Ontario, which is a 20–30-minute drive away.

This means that if an attorney has multiple hearings in one day, but there are gaps in between them, they must either drive back to their office or wait somewhere at the courthouse. The “somewhere at the courthouse” SHOULD be a private, quiet area appropriate for research, writing, and reading; just generally working on cases. An attorney lounge.

I have personal knowledge of the dearth of office space in Vale, having had to search for office space twice since 2021. Because our attorneys very much wanted to be in Vale, we had to make do with what was available. At first, we rented the old City Hall building. This building was very old and suffered from many conditions attendant to very old buildings: draftiness, oppressive heat in the summer, unreliable electricity, and sanitary concerns. It was a shared space with the local food bank, resulting in awkward situations and the risk of breach of client confidentiality.

The space for clients to wait to see their attorneys was four molded plastic chairs in a hallway right outside of the men’s restroom. As soon as we had the opportunity to move, we moved to the former Mason’s lodge. This space is very nice aesthetically; however, it is not built out for individual offices. This means we have “bullpen” areas. One bullpen contains five attorneys who struggle to find quiet to work. The other bullpen contains four support staff. The space is less than ideal, and it was the only reasonable choice in Vale, so we took it. It is also quite expensive for its square footage and lack of conventional dividers/private offices.

The Malheur County DA’s office appropriated, for their own use, a large portion of the space in the courthouse, including the attorney lounge. Before that, the attorney lounge was where attorneys would quietly work on their laptops in a shared space until their next court appearance. This was a great way to maximize attorney time – to eliminate a loss of a minimum of an hour of attorney time leaving and coming back. Now, these attorneys have no space to work in between hearings other than public benches.

Also extremely problematic, there are only two rooms in which attorneys can meet with clients. Those two rooms are extremely small and closet-like. The maximum occupancy is two. This makes it impossible for any friends or family members of the client to participate in any discussions. It also means that sometimes attorneys compete for these two tiny spaces and waiting around.

This results in overflow in hallways, and conversations that are privileged and confidential happen in a public space. Malheur County clients are short-shrifted by this. Many of them have a hard enough time getting themselves to the courthouse and other places. Because they may have to travel long distances, a court date provides an opportunity to meet with their attorneys, and it might be their ONLY opportunity to do so.


In conclusion, Malheur County defendants, and the attorneys practicing there (including attorneys from out-of-county), face obstacles to justice due to the lack of space in the current courthouse. Untold hours of attorney

time are wasted on stacking trials and driving back and forth from Ontario. Indigent accused are forced to travel to this remote courthouse repeatedly and somewhat unpredictably due to multiple continuances. This results in more failures to appear, more bench warrants issued, more "FTA" (failure to appear) charges, both misdemeanor and felony being issued. The fallout from defendants not showing up due to multiple and confusing court dates is extremely costly, inefficient, and harms accused people unnecessarily.

Running Malheur County Circuit Court from this grossly inadequate space is a burden that, at the very least creates inefficiency and serious logistical problems. At the worst, the jam-packed court docket that results from the inadequate space creates the risk of injustice to all who have business there.

I strongly urge you to adequately and appropriately fund new courthouse space for the population of Malheur County.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kati Dunn', with a long horizontal flourish extending to the right.

Kati Dunn

Executive Director, Elkhorn Public Defender