

Submitter: Henry Kantor
On Behalf Of:
Committee: House Committee On Judiciary
Measure, Appointment or Topic: HB2614
Chair Kropf, Vice-Chair Chotzen, Vice-Chair Wallan, and Members of the House
Committee on Judiciary:

This presents the written testimony of Senior Judge Henry Kantor, on his own behalf and not on the behalf of anyone else.

I served as a Circuit Court Judge in Multnomah County for over two decades until I retired and continued as a senior judge presiding over criminal cases across Oregon. Though my service as a Senior Judge has concluded, I remain deeply invested in the fair administration of justice in our state.

From my judicial experience, providing an adequate public defense fundamentally requires more public defenders—not heavier caseloads for the lawyers we have. When there aren't enough attorneys with capacity to handle the volume moving through our courts, cases stall, constitutional rights are jeopardized, and the entire system slows significantly.

Our justice system is built on the principle of balance between prosecution and defense. The Framers designed our adversarial system with the understanding that truth and justice emerge most reliably when both sides can effectively present their cases. As a judge, I've observed that this balance is essential to fair proceedings.

From the bench, I witnessed firsthand the consequences when defendants appear without adequate counsel. I've presided over hearings and trials where defendants attempted to navigate complex legal proceedings alone because no attorney was available—a situation that challenges the proper functioning of our adversarial system.

I've also watched dedicated defense attorneys appear in court overwhelmed by unmanageable caseloads. Some stood before me visibly distressed, requesting more time because they couldn't adequately represent every client assigned to them. Many ultimately leave the profession too soon, taking years of experience with them.

There is a frequent misconception that only "major" crimes require significant resources. In reality, even misdemeanor offenses carrying potential jail time demand thorough investigation and preparation. Courts must ensure that all cases, regardless of perceived severity, receive constitutionally adequate representation.

Without sufficient public defenders, courts face a fundamental tension between constitutional obligations and effective case management. When defendants lack counsel, proceedings stall, creating backlogs that affect every part of our justice system. This diminishes public confidence in our legal system's ability to function properly and wastes taxpayer resources.

While the legislature has made important progress, I urge you to continue focusing strategically on expanding our public defense workforce, rather than considering measures that might inadvertently reduce attorney retention. After years of watching our system from the bench, I am convinced that adding well-trained public defenders to our workforce (and retaining them), rather than overloading existing attorneys, is the only sustainable solution.

Thank you for your continued commitment to both strengthening Oregon's criminal legal system and adhering to the rule of law.