

# ODCA

In recent months, several Oregon Judges have spoken on the public record about the professionalism and effectiveness of consortium attorneys.

Several have raised concerns about what the loss of consortia will mean for their courts and their communities. This document is a compilation of public statements by judges about their local consortia made in their judicial crisis plans and in public statements to the Oregon Public Defense Commission. - Sal Peralta 3/3/2025

**Presiding Judge Tracy Prall, Marion County:** [OPDC January 25, 2025 Transcript](#)

I don't know how it works in the other jurisdictions with their consortiums, but I would also say that the lawyers in our consortiums, if we lost those, if it really does sunset consortiums, Marion County will be broken. That is going to be a huge loss to us. Those lawyers are not going to go to public defender's offices. They're going to go private and then we will lose that tool. I cannot even imagine being ready for that in a year, two years, four years. That is what has gotten us through since July of 2021. I gave Cott Thompson a call and said, "What can you do? How can you help us?" And they stepped up. And those lawyers are fully capable of doing that. They should be paid commensurately, of course, but I see the issue with how do you line all that up and give a budget to it

**Presiding Judge Michael Wetzel, Clackamas County Crisis Plan,** [OJD report to Ways and Means Public Safety Subcommittee](#)

For many years, indigent defense services in Clackamas County have been provided by the Clackamas Indigent Defense Corporation (CIDC), a nonprofit defense consortium. CIDC currently has approximately 31 independent defense lawyers, each of whom run their own firm or solo practice. Because each practitioner is responsible for their own overhead, this consortium model maximizes system efficiencies by encouraging lawyers to minimize costs and emphasize productivity. In part, because of the independence fostered by this model, we generally have lower defense lawyer turnover than other models, giving us a more experienced bench of lawyers. We are also able to deal with conflicts of interest and lawyer withdrawals efficiently since each provider is separate and distinct from each other for conflict-of-interest purposes. Finally, in large part due to the professionalism of our district attorney/deputy district attorneys, as well as defense counsel, we have a collegial practice environment. In short, we have a model that works, lawyers want to be here, and structural changes would not only be unwanted, but likely counterproductive.

**Presiding Judge Beau Peterson, Clatsop County:** [OJD report to Ways and Means Public Safety Subcommittee](#)

Clatsop County does not have a local public defender's office and has, for many years, successfully operated with a consortium/private bar contract model. We have several

experienced, committed and hardworking attorneys who, until recently, were able to provide quality representation to all of our indigent criminal defendants despite the chaos at OPDC.

**Presiding Judge Carol Ostyre, Judicial District 7 (SHERMAN, WASCO, GILLIAM, WHEELER, AND HOOD RIVER)** [OJD report to Ways and Means Public Safety Subcommittee](#)

“The 7th Judicial District is very different than other districts of our size. We have FIVE counties in our district, three of which are extremely rural and remote....” **Our consortium of conflict attorneys is managed by the same administrator. Again, without this commitment of covering the entire district we simply would not have lawyers for criminal defendants in Gilliam, Sherman, or Wheeler counties and would quickly be in the crisis category. As of August 22, 2024, we have one unrepresented individual.”**

**Presiding Judge McAlperin, Lane County** [OPDC Meeting September 18, 2024](#)

My personal view of why we haven't had the same crisis is number one that Lane County's public defense providers have managed their workloads and the resources the Legislature gave them to maximize representation. They've spread their availability throughout the entire year. They have coordinated between the public defender's office and the consortium to relieve each other when they were under stress and getting too many cases, and they've communicated with the court when things were coming up. And so we've had little bits of small numbers of unrepresented people that we've been able to manage as a community, as opposed to huge numbers that have pushed us further and further down.

**Presiding Judge Sheryl Bachart, Lincoln County** [OJD report to Ways and Means Public Safety Subcommittee](#)

To address the backlog, the district attorney will review the list of unrepresented cases and identify cases appropriate for this docket. Those cases that may be assigned to this docket will be assigned a single attorney and that attorney will receive a certain contracted MAC for that docket, similar to a specialty court assignment. This preserves MAC for less complex cases which may be resolved short of trial ... **Mr. Greco, the coordinator of the local public defense consortium and a public defense attorney, agreed (if approved by OPDC) to work pro bono on this docket for the cases with OPDC currently appointed as counsel.**

**The EDP docket was successful in resolving the backlog of out-of-custody cases. It could not have been implemented without the work of Mr. Greco who is the coordinator for the consortium and handled these (100) cases without any compensation ...As of this date, the only unrepresented defendants in our county are on warrant status.**

**Presiding Judge Guptil, Washington County,** [OPDC Meeting, August 21, 2024](#)

That program relies upon us having essentially attorneys from both Metropolitan Public Defenders and the Oregon Defense Attorney Consortium available to communicate as advisory counsel for defendants on lower-level criminal cases upfront at the time of their initial arraignment. It has historically been very helpful in terms of resolving cases early on in the process and reducing the need to have a full appointment of counsel on those cases.

Ron Ridehalgh has been doing the domestic violence deferred sentencing and DUII diversion advisory counsel program since at least 2005. He's shown that that's a tried-and-true way of helping people to see whether or not they want to enter into that type of program or not, without again, using an increased amount of MAC in our community.