



Opposition to HB 2614—Amendment - No Forced Appointments for Public Defense

Chair Kropf, Vice-Chair Chotzen, Vice-Chair Wallan, and members of the House Judiciary Committee,

We are members of the Multnomah County Democrats' Criminal Justice Study Group and we oppose HB 2614, specifically the provision allowing for forced case appointments by judges.

While there is no doubt that the current shortage of public defense attorneys is negatively impacting all of Oregon, judges should not be able to force a public defender to take a case. Marion County judges did this to public defenders in 2023, which led to 13 of them leaving public defense work – a full 60% of the public defenders in Marion County!

Furthermore, a report conducted by OPDC on lack of retention of attorneys working in public defense shows an extremely high rate of turnover throughout the state.

When an attorney attests that they cannot competently represent another client, and a judge force appoints them to a case, Oregon judges are depriving individuals accused of committing a crime of their right to competent representation. With forced appointments, all clients of the lawyer are not getting proper representation because the attorney does not have adequate time to do everything they should for all of their clients. When this happens, mistakes will be made that will negatively impact everyone, defendant, victim, and the community, and ultimately cost the state of Oregon more money in the long run. Moreover, forced appointments could compel an attorney to violate their sworn ethical obligations under the Oregon Code of Professional Conduct¹, which could result in disciplinary action or liability for the attorney.

Using the lawyer-to-lawyer training system we already have, and adding well-trained public defenders to our workforce (and retaining them), rather than overloading existing attorneys, is the only sustainable solution. Please oppose forced appointments.

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¹ Oregon RCP 1.3 (“A lawyer shall not neglect a legal matter entrusted to the lawyer.”); Oregon RCP 1.4 (“(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information. (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.”); Oregon RCP 1.16(a) provides in part that “a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if...the representation will result in a violation of the Rules of Professional Conduct or other law[.]”)