



Chief Justice Martha L. Walters
Oregon Supreme Court
1163 State Street
Salem, Oregon 97301-2563

August 16, 2022

Dear Chief Justice Walters,

Yesterday, you removed all nine members of Oregon’s Public Defense Services Commission. The National Association for Public Defense (NAPD), on behalf of its 30,000 members, writes to highlight national standards and to offer our help.

We applaud your push for systemic change so that Oregon may comply with national standards.¹ Among national public defense standards, however, the foremost principle is independence.² Independence of the defense function is a gateway principle, without which defense systems cannot meet other standards.³

The Oregon Legislature attempted to ensure independence of the Commission when it enacted Section 151.213.⁴ There, the Legislature empowered the Chief Justice to appoint or remove Commission members, but otherwise restricted the Chief Justice’s authority: “the commission and employees of the commission are not subject to the exercise of administrative authority and supervision by the Chief Justice of the Supreme Court.”

¹ Letter from Martha L. Walters, Chief Justice, Oregon Supreme Court, to Public Defense Services Commission members (Aug. 15, 2022) (“Systemic change is necessary” to “ensure that Oregon provides public defense services consistent with . . . national standards of justice.”).

² See ABA Ten Principles of a Public Defense Delivery System, Principle 1 (“The public defense function, including the selection, funding, and payment of defense counsel, is independent.”).

³ NAPD Policy Statement on Independence (May 2020) (“Without independence for public defense programs . . . all other national public defense standards cannot be attained or sustained.”).

⁴ Or. Rev. Stat. § 151.213(1) (2022).

In its 2019 report on Oregon public defense, the Sixth Amendment Center recommended additional measures to ensure independence, including diversifying appointing authority so that no single branch of government can “usurp power over the chief defender or exert outsized influence over the delivery of public defense services.”⁵

The success of Oregon public defense will rise and fall with independence of the defense function. We encourage you to do all in your power to help ensure that independence, including reinstating the Commission and working to diversify appointment authority. Public defense reform can be difficult and complex. If NAPD or its members can assist the State of Oregon, please let us know.

Sincerely,



Geoff Burkhart
President, Board of Directors



Lori James-Townes
Executive Director

On behalf of the NAPD Executive Committee of the Board of Directors:

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(Immediate Past President)

Aisha McWeay
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(Member)

⁵ Sixth Amendment Center, *The Right to Counsel in Oregon: Evaluation of Trial Level Public Defense Representation Provided Through the Office of Public Defense Services* 212 (Jan. 2019).