



Oregon Judicial Department

Unrepresented Crisis – August 2024 Update

Key Insights

[Unrepresented Trends](#)

The total number of unrepresented individuals has steadily increased since June 2024 ([Figure 2](#)) and is approaching the historic high. Daily updates are available at the [Unrepresented Dashboard](#) on the OJD website.

[Filings in Public Defense-Related Case Types](#)

Criminal and other case filings remain 18% below pre-pandemic levels but have been inching up for two consecutive years ([Figure 5](#)). Ten judicial districts saw an increase in those case filings in fiscal year 2024, and five had double-digit percentage increases ([Figure 6](#)).

[Unrepresented by County](#)

The crisis continues to be most severe in Jackson, Marion, Multnomah, Douglas, and Washington counties and is growing more severe in Clatsop, Deschutes, Coos, and Klamath counties ([Figure 7](#)).

[OPDC Trial Division Offices](#)

The OPDC Trial Division offices currently have nine attorneys who have taken 287 appointments since December 2023. They primarily have taken appointments for misdemeanor and minor felonies cases, although in recent months they have taken fewer misdemeanor cases ([Figure 8](#)).

[Data Share Update](#)

The OJD and OPDC data teams are meeting weekly to collaborate on enhancing data quality and creating efficiencies. OJD also is actively supporting OPDC's technology transition to the executive branch.

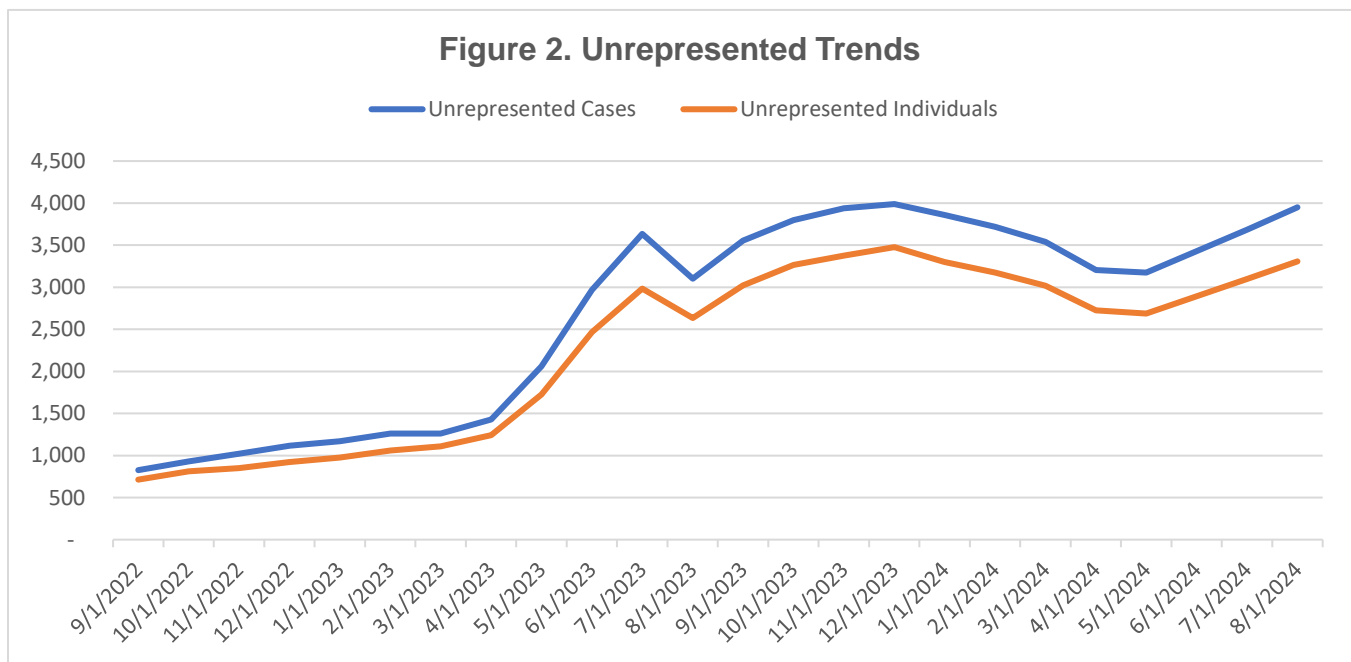
[Local Court Spotlights](#)

Washington County was one of the original counties to experience the unrepresented crisis over two years ago. The court continues to struggle with the number of out-of-custody unrepresented individuals, which has recently started to increase.

Unrepresented Trends

Table 1 shows the number of unrepresented persons, cases, and case types on the first of each month since April 2024. Figure 2 shows the number of unrepresented individuals is increasing again. On 8/1/2024, the total number of unrepresented cases was 3,952 and individuals was 3,306, nearly reaching the previous record from December 2023 when there were 4,186 unrepresented cases and 3,591 unrepresented individuals.

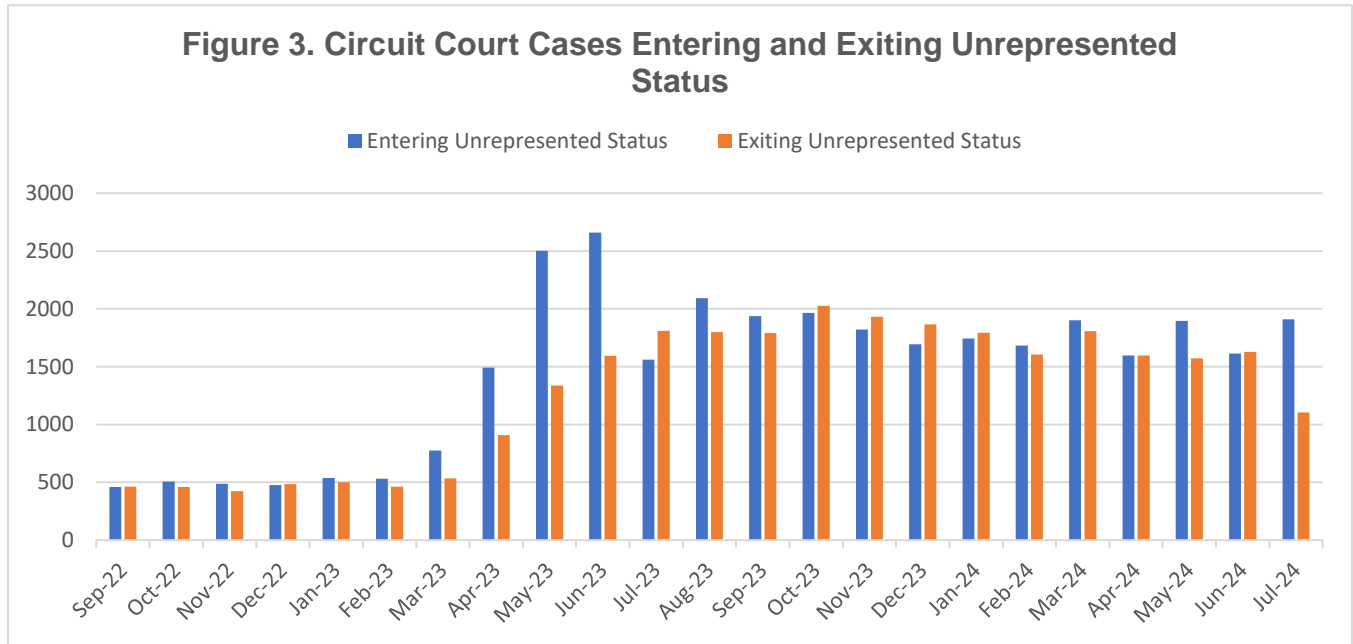
	04/01/24	05/01/24	06/01/24	07/01/24	08/01/24
Total Unrepresented persons	2,671	2,747	3,210	3,097	3,306
Total Unrepresented cases	3,110	3,184	3,707	3,685	3,952
Misdemeanors	1,693	1,769	2,082	2,217	2,282
Felonies	1,305	1,340	1,552	1,414	1,611
Non-criminal cases	112	75	73	54	59



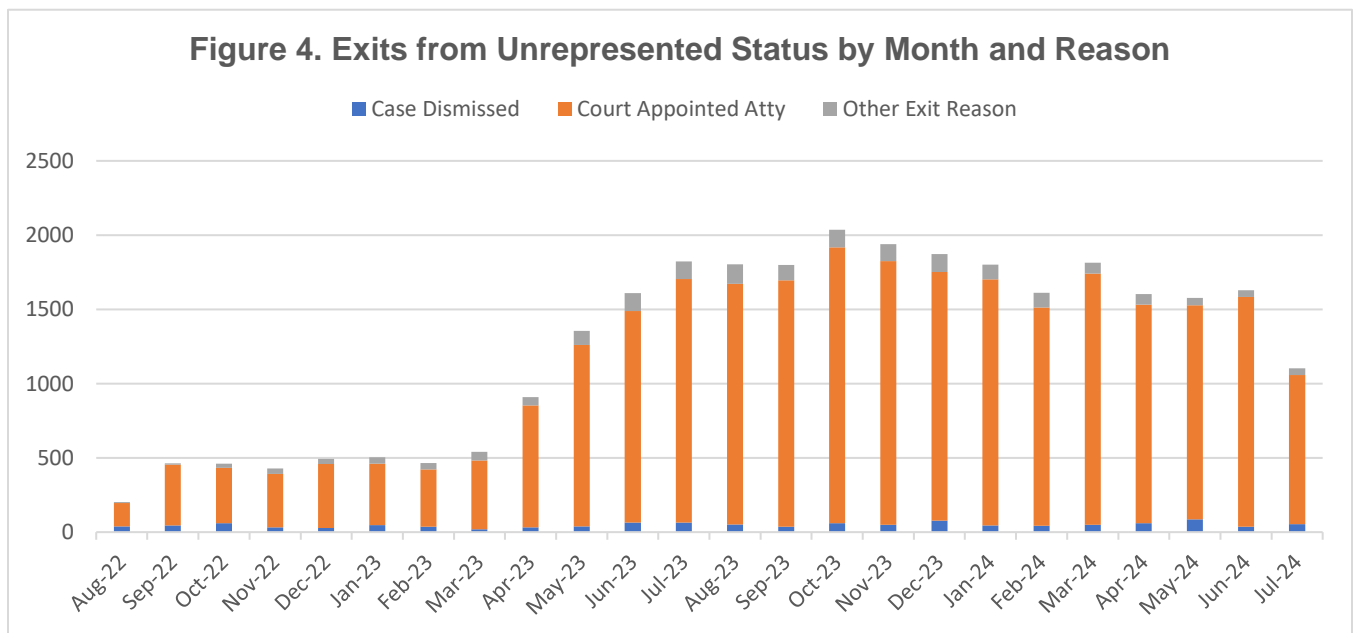
Source: OJD Odyssey Data (eCourt).

Figure 3 shows the number of unrepresented cases entering and exiting unrepresented status by month and year. The number of cases added to the unrepresented list often exceeds the number of cases exiting from the list. Figure 3 shows cases exit the unrepresented list primarily because an attorney was assigned to the case; however, there are some cases that exit the unrepresented list because they are dismissed or the case resolves. Since May 2023, the number of cases entering the unrepresented list and the number of cases exiting the unrepresented list has been in the thousands.

Large increases in the number of unrepresented cases seen in Figure 2 correspond with months where the number of cases being added to the unrepresented list significantly outpace the number of cases exiting (see May 2023; June 2023, and July 2024 in Figure 2). While the number of cases exiting the unrepresented list has at times been higher than the number of cases added, the difference has not been large enough to significantly impact the total number of unrepresented cases. Instead, it has resulted in the unrepresented numbers stabilizing.



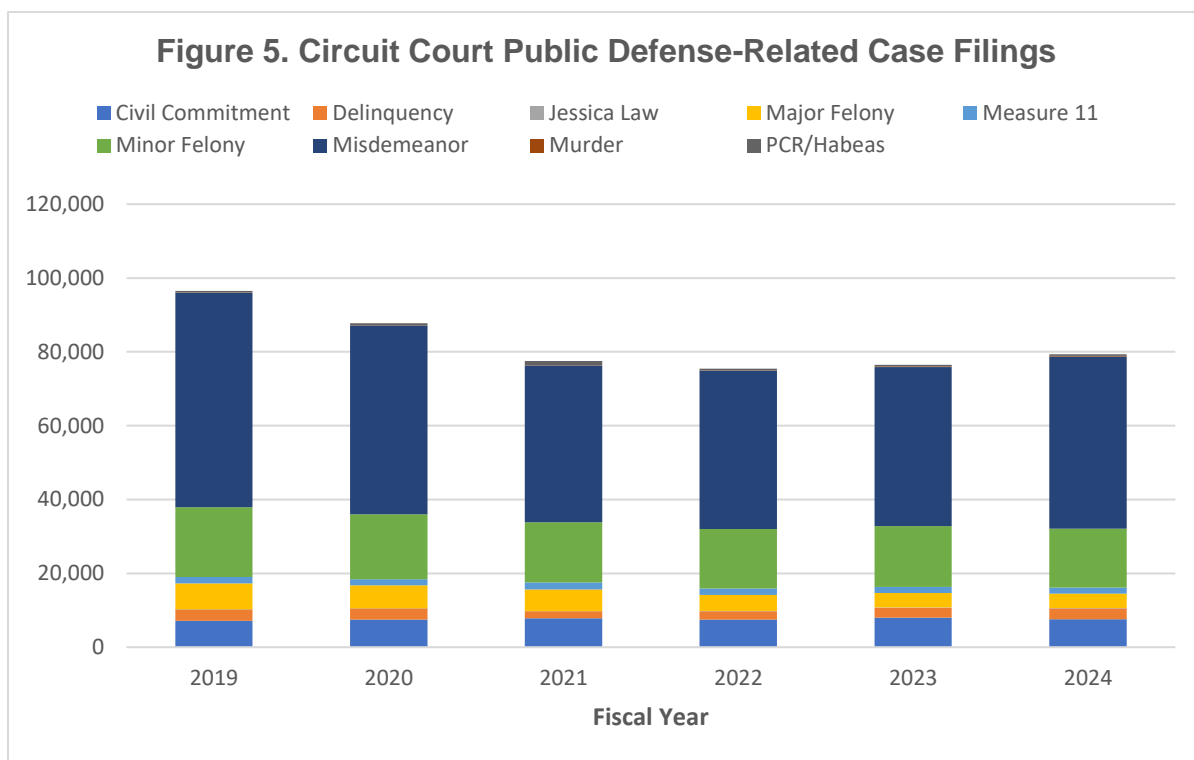
Source: OJD Odyssey Data (eCourt).



Source: OJD Odyssey Data (eCourt).

Public Defense-Related Case Filings

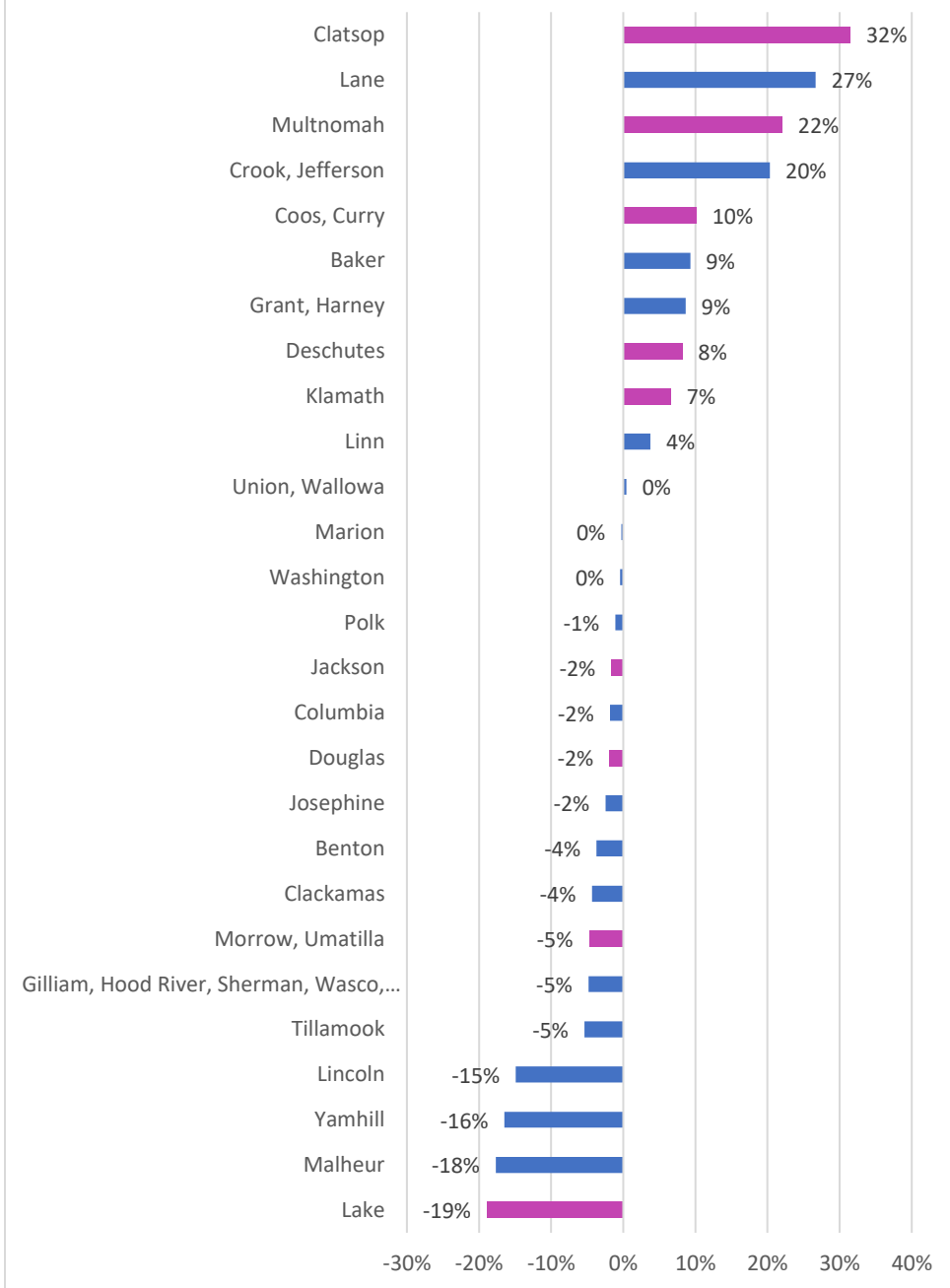
Figure 5 show circuit court case filing trends for cases that typically involve a public defender. Filings remain below 2019 levels but have increased over the past two fiscal years. In fiscal year 2023 case filings increased statewide by 1.4% and in fiscal year 2024 increased another 3.7%. We project this trend will continue in fiscal year 2025. The overall increase is primarily due to an increase in misdemeanor filings with 3,577 additional filings in fiscal year 2024 compared to 2023. Other case types saw a decrease or small increase in filings.



Source: OJD Odyssey Data (eCourt).

Judicial districts have seen different increases or decreases in case filings. Figure 5 shows the one-year change in cases filed by judicial district from FY 2023 to FY 2024. Unrepresented “hot spots” (counties with recent increases in the number of unrepresented individuals) are highlighted in pink (Marion is not highlighted because there was no change in case filings from FY 2023 to FY 2024; however, they have had a recent increase in the number of unrepresented individuals). Some increases in filings are due to recent hires in district attorney offices that were previously short-staffed. Filings fluctuate in individual judicial districts from year to year – Multnomah and Linn counties are the only jurisdictions where filings increased in both years.

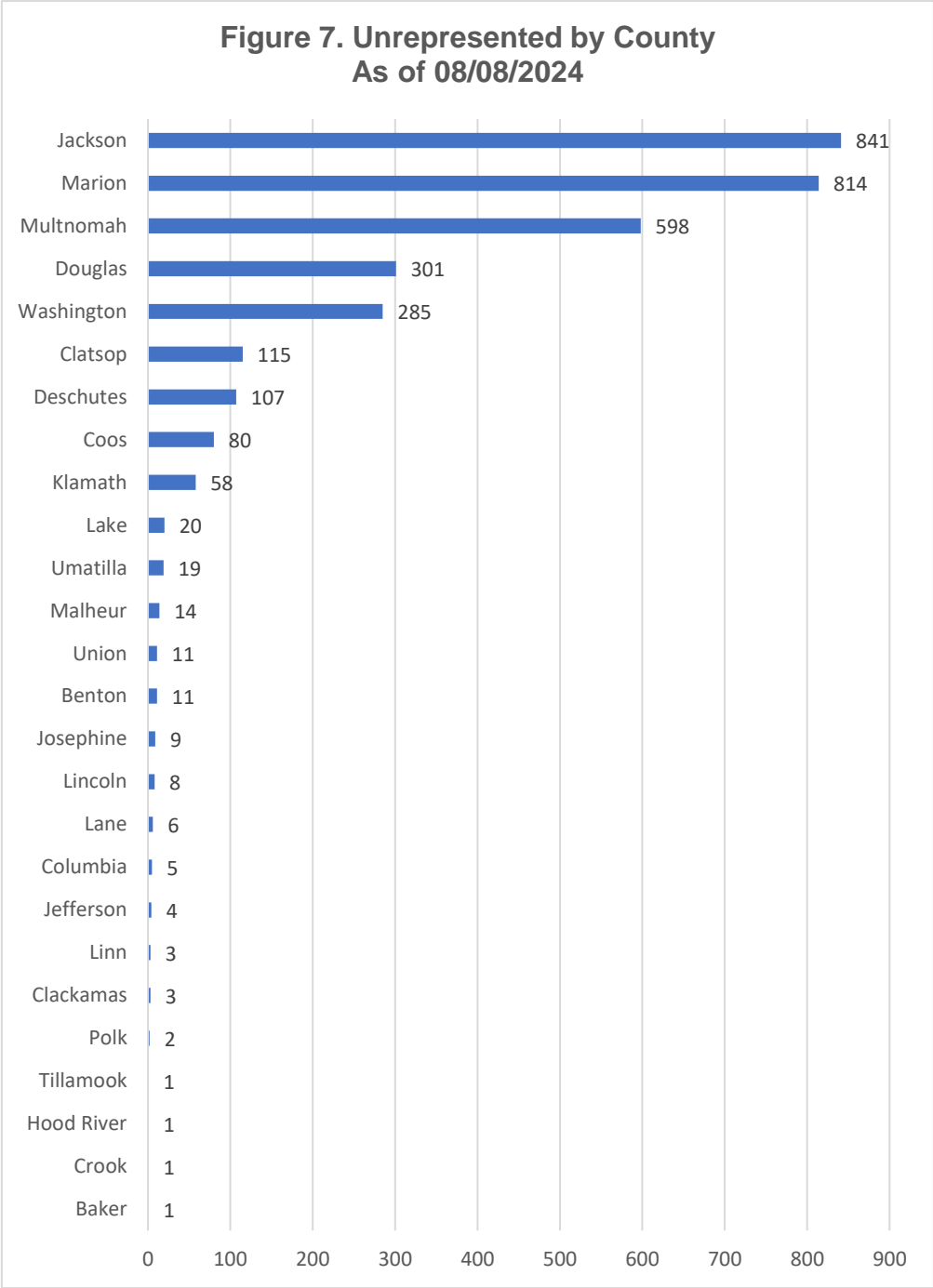
Figure 6. One-Year Change in Public Defense-Related Cases Filed FY 2023 to FY 2024 by Judicial District



Source: OJD Odyssey Data (eCourt).

Unrepresented by County

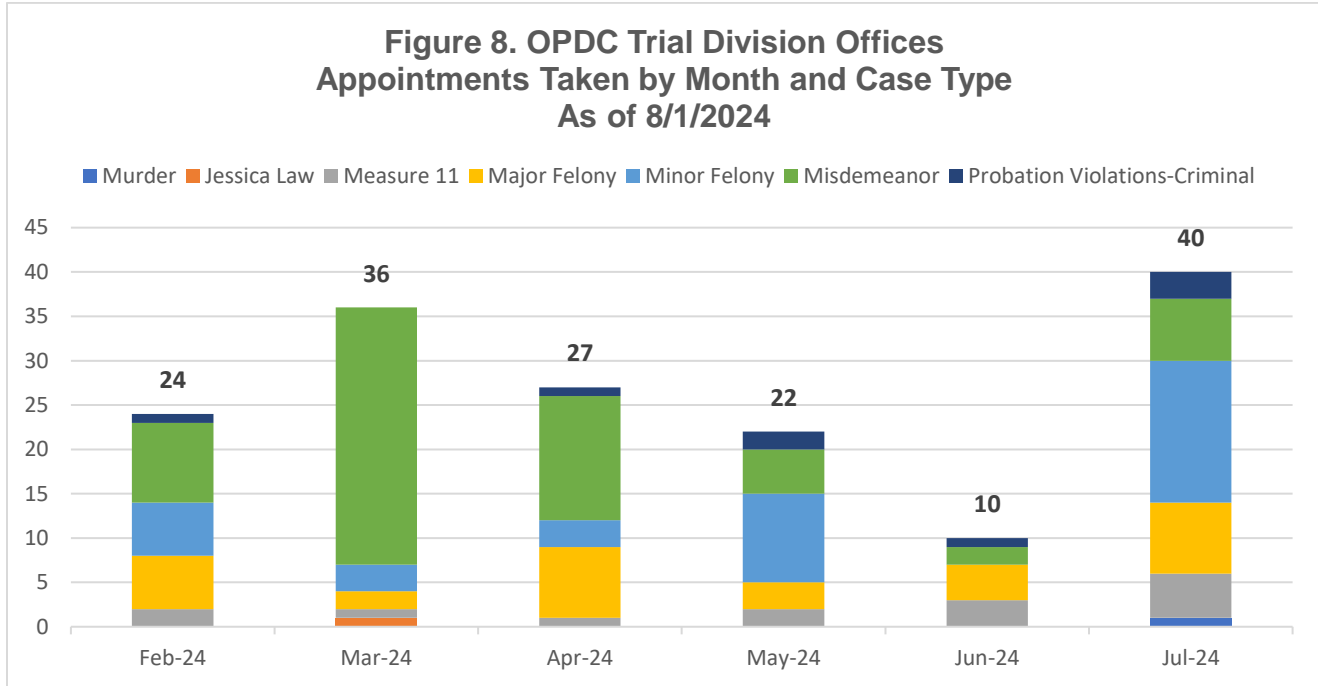
Figure 7 shows the number of unrepresented individuals by county. Jackson continues to have the highest number of unrepresented individuals. Marion has seen an increase in its unrepresented individuals by 275 since April 15, 2024. Josephine has had the same nine cases on the unrepresented list since November 2023.



Source: OJD Odyssey Data (eCourt).

OPDC Trial Division Offices

Figure 8 shows the **287** new appointments taken since the first OPDC Trial Division Office opened in December 2023, by case type. The trial division attorneys have primarily taken misdemeanor and minor felony cases. They have taken one murder case.



Source: OJD Odyssey Data (eCourt).

Data Share Update

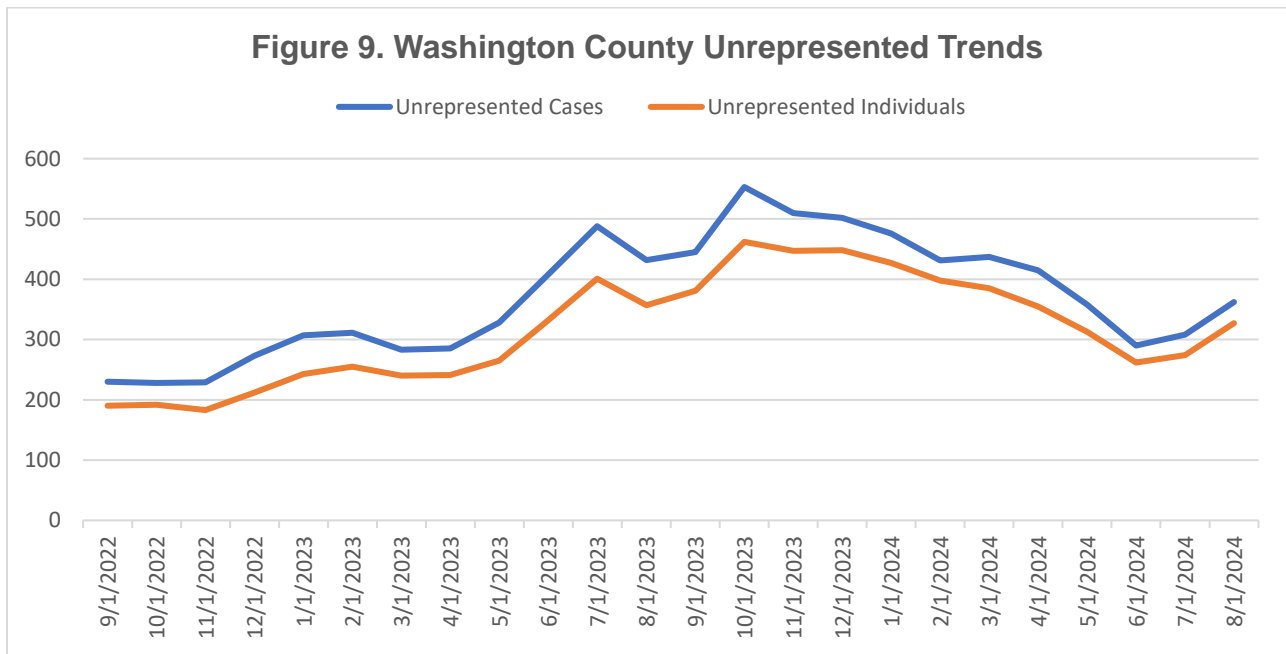
OJD and OPDC continue to meet weekly to collaborate on enhancing data quality and creating efficiencies. We have been able to create a new shared dashboard so courts can view where OPDC is in the process of assigning attorneys to unrepresented cases. OJD also is working with OPDC and the executive branch to assist in OPDC’s technology transition to that branch.

Local Court Spotlight

Washington Unrepresented Trends

Washington County (along with Multnomah and Marion Counties) has been “ground zero” for Oregon’s Unrepresented Crisis for more than three years. Since the onset of the crisis, the court implemented several interventions to manage it prior to the SB 337 crisis plans. The local public defense service providers consist of Metropolitan Public Defender, Oregon Defense Attorney Consortium, and various private firms and individual attorney contractors. Some providers lost major-felony qualified attorneys in the past two years and have not been able to take as many major felony cases. Figure 9 shows the number of unrepresented cases in Washington declined steadily from October 2023 to May 2024. In June 2024, the number of unrepresented cases began to increase again.

The first federal court order in *Betschart et al. v. Garrett et al.*, No. 3:323-cv-01097-CL was issued on August 12, 2023 and applied only to Washington County. That order, combined with staffing issues at the Washington County jail, have resulted in fewer in-custody unrepresented defendants in Washington County. However, as seen in Figure 10, the decrease in in-custody unrepresented defendants corresponded with an increase in out-of-custody unrepresented defendants.



Source: OJD Odyssey Data (eCourt).

