U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

BUDGET FOR SUPPLEMENTARY GRANT ACTIVITY

(Use This Form as a Budget for Each Activity (Including Relocation)
Funded Under Section 105 of Title 1 of the Demonstration Cities and
Metropolitan Development Act of 1966)

1. NAME OF CITY DEMONSTRATION AGENCY	
Portland City Demonstration Agency	
2. BRIEF DESCRIPTIVE TITLE OF ACTIVITY	
Legal Sevices Public Defender Project	125 12 12 12 12 12 12 12 12 12 12 12 12 12
3. NAME, ADDRESS AND ZIP CODE OF OPERATING ENTITY	
Legal Aid Service 732 S. W. 3rd Portland, Oregon	97204
4. TYPE OF ENTITY - is the entity a (Check applicable box or boxes):	
City Department Public Agency	Neighborhood-based
Private (Nonprofit) Private (Profit Making)	Other (Specify)
5. PREVIOUS APPLICATION — Has this activity, in substantially its present form, ever beation for Federal financial assistance?	en the subject of a previous applica-
NO X YES If "YES", attach on explanatory statement. A similiar project was included in the Portland Comprehe but was not approved due to lack of an adequate operatin	nsive Demonstration Plan g agency. This objectio
has been remedied by the CDA.	20
6. MAINTENANCE OF EFFORT — Any activity which is an extension to the Model Neighborhoo services must be accompanied by an explanatory statement which shows that the extension budget is an addition to and not a substitution of local efforts.	d or an upgrading of existing or upgrading being funded by this
· Asset in the contract of the	\$1 1
7. METHOD OF ALLOCATION - If cost is to be shared by others add an explanatory statement (or entities) and the method of allocation. LAS intends to bill the vari	which identifies the sharing entity ous courts in order to
secure court appointed attorney fees. The various court attorney in cases where Model Neighborhood residents wer	s would appoint a LAS

b. ESTIMATED COST	c. MCA SHARE (If cost is being shared with others)
\$133,416	\$43,382
6,800	6,800
4,000	4,000
5,400	5,400
2,000	2,000
17,600	17,600
	,
	` .
# 169 , 216	\$79, 182
rized Official b	Date
b	Date
	\$133,416 6,800 4,000 5,400 2,000 17,600 \$169,216

HUD-Wosh., D.C.

HUD-7041 (10-68)

PROGRAM ADMINISTRATION BUDGET

(Use This Form as a Budget for Administration of Comprehensive City Demonstration Programs Under Section 105 of Title 1 of the Demonstration Cities and Metropolitan Development Act of 1966)

1. NAME OF CITY DEMONSTRATION AGENCY	_
Portland City Demonstration Agency	
2. BUDGET	
. COST CATEGORY	b. ESTIMATED COST FOR YEAR OF PROGRAM
(1) Personnel	\$133,416
2) Consultants and Contract Services	6,800
3) Travel	4,000
4) Space	5,400
5) Consumable Supplies	2,000
(6) Rental, Lease, or Purchase of Equipment	17,600
(7) Other:	* * *
TOTAL	\$ 169 , 216
C. LOCAL SHARE	90,034
D. MCA SHARE	79,182
3. SUBMISSION	¥
Signature and Title of Authorized Official APPROVAL G.	Date
Signature and Title of Authorized HUD Official	Date

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PERSONNEL *

(Attach This Form to Each Activity Budget Justification)

1. NAME OF CITY DEMONSTRATION AGENCY

Portland City Demonstration Agency

2. BRIEF DESCRIPTIVE TITLE OF PROJECT OR ACTIVITY

Legal Services Public Defender Project

3. NAME, ADDRESS AND ZIP CODE OF OPERATING ENTITY

Legal Aid Service 732 S. W. 3rd

Portland, Oregon

a. NUMBER OF PERSONS	b. POSITION OR TITLE	c. AVERAGE SALARY MONTH	d. PERCENT OF TIME ON UNDERTAKING	e. MONTHS TO BE EMPLOYED	f. COST (c × d × e)
1	Supervising Attorney	\$1,333	100	12	\$16,000
4	Staff Attorneys	917	100	12	44,000
J. H	Chief Investigator	900	100	12	10,800
ı	Investigator	750	100	12	9,000
1	Assistant Investigator	542	100	12	6,500
1	Probation Worker	750	100	12	9,000
1	Law Clerk	550	100	12	6,600
1	Legal Steno-Office Manag	er 600	100	12	7,200
1	Secretary Receptionist - File-Cler	450 k 325	100 100	12 12	5,400 3,900

COST OF FRINGE BENEFITS (Indicate Basis for Estimate)

	TOTAL, PERSONNEL	122,400
Cost of Fringe benefits	@9%	11,016
	TOTAL, PERSONNEL	133,416

MULTNOMAH BAR FOUNDATION

Portland, Oregon

APPLICATION FOR STUDENT LOAN

		ge
(Last)	(First) (Middle Initial)	_
School	Yea	r_
School Address		,
Permanent Address		
Approximate Class Standing		
Married? Spouse's Name		
Number of dependent Children	Number of other dependents	-
Present Employment Address		
2000	Part time? Summer Employment?	
Spouse's Employer		
**************************************		_
Names of Nearest Relatives:		
**************************************	Address	
Names of Nearest Relatives:		
Names of Nearest Relatives:	Address	
Names of Nearest Relatives: Name Occupation	Address Relationship	
Names of Nearest Relatives: Name Occupation Name Occupation	Address Relationship Address	
Names of Nearest Relatives: Name Occupation Name Occupation	Address Relationship Address	
Names of Nearest Relatives: Name Occupation Name Occupation References: (List 2)	Address Relationship Address Relationship	
Name Occupation Name Occupation Name Occupation References: (List 2) Name	Address Relationship Address Relationship	
Names of Nearest Relatives: Name Occupation Name Occupation References: (List 2) Name Occupation	Address Relationship Address Relationship Address	

Estimated I	itcome & Exper			
	Income		Expenses	
Cash on har	nd or savings	\$	Tuition and fees	\$
Aid from f	amily	\$	Books & Supplies	\$
Government		\$	Housing per month Total	\$
Loans or S (alreadey	granted)	\$	Food per month Total	\$
Gifts	4	\$	Travel (commuting and holidays)	\$
Other Incom	me (specify)	\$	Recreation & Amusements	
Total Inc	ome	\$	Clothing	\$
			Personal •	
			Other (Specify)	\$ \$
			÷ •	7
	1.0		Total Expenses	Ψ
List any los	whether a sch	r scholarshi	ps that you have received in or grant, its purpose, i	
List any los	ans, grants o whether a sch ning balance.	r scholarshi olarship, lo	an or grant, its purpose, i	
List any los .Indicate v	ans, grants o whether a sch ning balance.	r scholarshi olarship, lo	an or grant, its purpose, i	ts repayment sch
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List any los Indicate v and remain Original	ans, grants o whether a sch ning balance. Amount <u>Ki</u>	r scholarshi	an or grant, its purpose, i Repayment Schedule Re	ts repayment sch
List any log . Indicate wand remain Original .	ans, grants o whether a sch ning balance. Amount Ki	r scholarshi olarship, lo	an or grant, its purpose, i Repayment Schedule Re	ts repayment sch
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List any los . Indicate of and remain Original . To what other . If you are a degree?	ans, grants o whether a scholing balance. Amount Ki	r scholarshi olarship, lo	TOTAL ly for scholarship or financement the remaining expenses	ts repayment sch maining Balance cial aid? s to get your la

Return completed application to:



MULTNOMAH BAR FOUNDATION

Portland, Oregon

APPLICATION FOR STUDENT LOAN

Name	Age
(Last)	(First) (Middle Initial)
School_	Year
दर्शावन वित्राहरू	
Approximate Class Standing	
	ina a dalah bashari da barkari Middilla a asala katar a bara a bala dilah da bala da bila da bara da bara da b
Number of dependent Children	Number of other dependents
Address	1
Is this employment full time?	Part time? Summer Employment?
Last EmploymentAddress	1
Spouse's EmployerAddress	, a , a , a , a , a , a , a , a , a , a
Names of Nearest Relatives:	
Name	Address
Occupation	Relationship
Name	Address
Occupation	Relationship
References: (List 2)	
Name	Address
Occupation	· · · · · · · · · · · · · · · · · · ·
Name	Address
Amount of Loan Desired	
Is it necessary for you to secure a lo Explain (Attach supplement if necess	oan to attend law school?
which turrach orbitament it necess	outly

7	
-	
-	

15. Estimated Income & Expenses:

		Expenses	
Cash on hand or savings	\$	Tuition and fees	\$
Aid from family	\$	Books & Supplies	\$
Government allotment	\$	Housing per month Total	\$
Loans or Scholarship (alreadey granted)	\$	Food per month Total	\$
Gifts	\$	Travel (commuting and	
Other Income (specify)	\$	holidays)	\$
Total Income	Š	Recreation & Amusements	\$
	*	Clothing	\$
T/ 15. T 2		Personal .	\$
		Other (Specify)	\$
		Total Expenses	\$
.Indicate whether a sc and remaining balance	holarship, loa •	to that you have received in the nor grant, its purpose, its repayment Schedule Remains	
.Indicate whether a sc and remaining balance	holarship, loa •	n or grant, its purpose, its	repayment sched
.Indicate whether a sc and remaining balance	holarship, loa •	n or grant, its purpose, its	repayment sched
Indicate whether a sc and remaining balance Original Amount K To what other source(s) If you are awarded the	will you appl	TOTAL y for scholarship or financia	repayment scheduining Balance
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Indicate whether a sc and remaining balance Original Amount K To what other source(s) If you are awarded the degree?	will you appl	TOTAL y for scholarship or financia	repayment scheduining Balance al aid? to get your law

RESOLUTION

(Submitted by Committee on Legal Services)

WHEREAS, the assistance of counsel is a basic constitutional right of persons charged in any court with offenses carrying criminal penalties; and

WHEREAS, simple justice, if not our constitutional guarantees, demands that those unable because of poverty or other reasons to obtain counsel to represent them upon such charges should have effective counsel supplied to them; and

WHEREAS, Portland area lawyers have served and will continue to serve as needed as appointed counsel in the Portland Municipal Court and Multnomah County District Court, thus far without any compensation whatever and entirely at their own expense; and

WHEREAS, the expense and burden of supplying counsel for those otherwise unable to retain a lawyer is properly a public expense and part of the cost of administering justice and should not be borne solely by lawyers in private practice as is now the case in the Portland Municipal Court and the Multnomah County District Court; and

WHEREAS, the City of Portland realizes in excess of \$1,500,000 each year from fines and revenues arising out of Portland Municipal Court proceedings, and revenues in substantial amount from similar sources arise from Multnomah County District Court proceedings; and

WHEREAS, public funds expended for legal representation of defendants should be used to provide readily accessible and effective counsel to those represented, now therefore

BE IT RESOLVED by the Multnomah County Bar Association in meeting assembled this day of _______, 1969 that:

- 1. The Mayor and Council of the City of Portland should immediately adopt and put into effect the plan best suited to make effective legal counsel available in the Portland Municipal Court to those unable to retain counsel;
- 2. The plan best suited for this purpose is the public defender whose staff would be more immediately available to those arrested and charged in the municipal court, supplemented by such appointed counsel as may be needed;
- 3. The Board of Commissioners of Multnomah County, if the volume of cases so warrants, should adopt a

similar plan for the Multnomah County District Court, or otherwise provide for at least partial compensation of counsel appointed to represent defendants in that court;

- 4. If the Multnomah County Commissioners adopt a public defender plan for the Multnomah County District Court, that plan should be created and operated jointly with the City of Portland as a single public defender office available to represent indigent defendants on nonfelony matters in the District and Municipal Courts, with the expenses of the program to be prorated between the City and the County on an equitable basis;
- Lawyers serving as appointed counsel in the Portland Municipal Court and Multnomah County District Court should be at least partially compensated for their services by payment of reasonable expenses incurred in the defense and fees not less than those provided by statute (ORS 135.330) for representation of defendants charged with misdemeanors in the circuit court, with payment of additional fees and expenses for representation of defendants in de novo appeals to the circuit court from the municipal and district courts;
- 6. The Multnomah County Bar Association will begin work immediately to assist in implementing the recommendation of the Oregon State Bar Committee on Future of the Legal Profession to secure the prompt availability of counsel and judicial services in civil emergencies;
- 7. The Multnomah County Bar Association hereby offers to the Mayor and Council of the City of Portland and to the Board of Commissioners of Multnomah County the assistance of its officers and members in drafting and implementing appropriate ordinances to adopt and carry out the recommendations of this resolution;

8. The Executive Committee of the Multnomah County Bar Association designate either the Committee on Legal Services or a special committee to take the necessary steps to secure implementation of the recommendations of this resolution by the Portland City Council and the Multnomah County Board of Commissioners.

REPORT OF COMMITTEE ON LEGAL SERVICES

July, 1969

Your Committee was directed to study and report on the question of providing compensation for counsel appointed to represent defendants in the Portland Municipal Court.

Since the decision of the Multnomah County Circuit Court (Sulmonetti, J.) in Stevenson v. Holzman, the Portland Municipal Court has been appointing counsel to represent indigent defendants on charges of state misdemeanors and municipal ordinance violations prosecuted in that court. Since no compensation for appointed counsel is provided either by statute or by ordinance except in circuit court cases, the many lawyers who have served by appointment in the municipal court have absorbed this burden at their sole expense.

Supplying counsel to indigent defendants in the municipal court will or should, in the opinion of your Committee, continue. We believe it likely that Stevenson will be affirmed by the Oregon Supreme Court, making the availability of such counsel a constitutional requirement. Even if this does not occur, elementary justice and equality before the law require that counsel be available to anyone charged with an offense carrying criminal penalties.

Although our mandate was directed to the Portland Municipal Court, we have included the Multnomah County District Court in our considerations. The doctrine of Stevenson v. Holzman applies to misdemeanor cases prosecuted there, as do the same considerations of fairness and equal protection. The district court is also without authority of statute or ordinance to compensate appointed counsel. While the volume of cases requiring appointed counsel has been substantially lower in the Multnomah County District Court than in the Portland Municipal Court, the current plans of the district attorney to prosecute more cases arising in the City of Portland in the Multnomah County District Court may soon raise the problems of supplying counsel to equal dimensions with the situation in the municipal court.

Your Committee believes that supplying counsel to represent persons charged with criminal offenses is a public expense and part of the cost of administering justice. The entire burden and expense of performing this public service should not fall on the lawyers who serve. If public funds are to be used to defray at least partially the cost of this service, your Committee believes that those funds should be expended for the plan which best provides effective counsel to those represented.

That plan, your Committee submits, is a public defender staff with offices near the court and jail where the lawyer's

services ar erformed, supplemented by the appointments of other lawyers as may be needed. The principal advantage of the public defender plan over a system of appointed counsel is the more immediate availability of the public defender's staff of attorneys to those who have been arrested and need consultation and help. There are inherent delays in the process of getting appointed counsel for the client which have resulted in defendants spending unnecessary time in jail awaiting arrival of the appointed attorney and his assistance in obtaining lower bail or release on recognizance. Such delays, of course, also create additional opportunity for interrogation and elicitation of incriminating statements from the uncounseled defendant.

Your Committee believes that a small portion of the revenues in excess of \$1,500,000 generated each year by the Portland Municipal Court would be sufficient to create at least the beginnings of an effective public defender office for the municipal court, consisting of attorneys, an investigator and secretarial help. Any overload of cases or conflict of interest in particular cases could be handled by appointments of other counsel.

If the volume of cases so warrants, your Committee believes that a similar public defender plan should be created by the Multnomah County Commissioners to provide representation of indigent defendants in the Multnomah County District Court. If there is an insufficient volume of cases, the system of appointing lawyers in private practice as counsel should be continued.

A joint City-County public defender system for non-felony cases in the district and municipal courts would be preferable to individual plans for each court. The cost of a joint public defender office could be equitably prorated between the City and the County. A joint office would permit flexibility to shift public defender staff attorneys between the district and municipal courts as their relative case loads change.

If the public defender plan is not adopted, both the City of Portland and the Multnomah County Commissioners should make funds available to reduce the burden on lawyers appointed to represent defendants in the municipal and district court. respectively. ORS 135.330 provides a schedule of fees to be paid to appointed counsel in misdemeanor cases prosecuted in the circuit court, and for payment of reasonable expenses incurred for the defense. The fees stipulated are \$25 after a plea of guilty, and \$50 per day of trial after a not guilty plea, with a maximum of \$100. Payment of reasonable expenses plus these small fees, while far below the fees most lawyers would earn in similar cases accepted on private retainer, would at least reduce the loss and financial burden on lawyers presently serving as appointed counsel entirely at their own expense. Additional fees and reasonable expenses of defense should also be paid upon de novo appeals to the circuit court in cases originating in the municipal and district courts.

The Oregon State Bar Committee on the Future of the Legal Profession recommended in its report to the 1968 Oregon

State Bar Cc ention:

"That the Oregon State Bar recognize its responsibility in civil emergencies and direct its Board of Governors to work, in cooperation with local bar associations and with all appropriate public and private agencies, on plans to prevent any breakdown in the proper administration of justice, under emergency conditions, including provision of legal counsel and judicial services, so that due process is assured."

Although the recommendation was adopted by the Convention, it has not thus far been implemented in the Portland area. The inadequacies of the present system for making counsel available to those arrested under emergency conditions was demonstrated in the rash of arrests in the recent Albina disturbance. Some persons arrested on Friday evening had no access to counsel until Monday or Tuesday of the following week, a situation which contributed to the gravity of the crisis. The Multnomah County Bar Association should begin work immediately to secure the availability of counsel to those arrested under conditions of civil emergency.

Finally, your Committee believes that the recommendations mentioned above and set forth in the resolution submitted herewith will be accomplished only if a committee of the Multnomah County Bar Association is instructed to pursue these matters with the Portland City Council and the Multnomah County Commissioners. In addition to that, the Multnomah County Bar Association should furnish whatever assistance is necessary, including any drafting of ordinances which may be requested, for the City Council and Board of County Commissioners to enact a public defender plan, to provide for partial compensation of appointed counsel as recommended in this report, and to secure the availability of counsel under emergency conditions.

Respectfully submitted.

A. I. Bernstein George Joseph William M. Langley Manley Strayer Carl R. Neil, Chairman

Itnomah County Bar Associa. n

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Your Committee believes that a small portion of the revenues in excess of \$1,500,000 generated each year by the Portland Municipal Court would be sufficient to create at least the beginnings of an effective public defender office for the municipal court, consisting of attorneys, an investigator and secretarial help. Any overload of cases or conflict of interest in particular cases could be handled by appointments of other counsel.

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If the public defender plan is not adopted, both the City of Portland and the Multnomah County Commissioners should make funds available to reduce the burden on lawyers appointed to represent defendants in the municipal and district court, respectively. ORS 135.330 provides a schedule of fees to be paid to appointed counsel in misdemeanor cases prosecuted in the circuit court, and for payment of reasonable expenses incurred for the defense. The fees stipulated are \$25 after a plea of guilty, and \$50 per day of trial after a not guilty plea, with a maximum of \$100. Payment of reasonable expenses plus these small fees, while far below the fees most lawyers would earn in similar cases accepted on private retainer, would at least reduce the loss and financial burden on lawyers presently serving as appointed counsel entirely at their own expense. Additional fees and reasonable expenses of defense should also be paid upon de novo appeals to the circuit court in cases originating in the municipal and district courts.

The Oregon State Bar Committee on the Future of the Legal Profession recommended in its report to the 1968 Oregon

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"That the Oregon State Bar recognize its responsibility in civil emergencies and direct its Board of Governors to work, in cooperation with local bar associations and with all appropriate public and private agencies, on plans to prevent any breakdown in the proper administration of justice, under emergency conditions, including provision of legal counsel and judicial services, so that due process is assured."

Although the recommendation was adopted by the Convention, it has not thus far been implemented in the Portland area. The inadequacies of the present system for making counsel available to those arrested under emergency conditions was demonstrated in the rash of arrests in the recent Albina disturbance. Some persons arrested on Friday evening had no access to counsel until Monday or Tuesday of the following week, a situation which contributed to the gravity of the crisis. The Multnomah County Bar Association should begin work immediately to secure the availability of counsel to those arrested under conditions of civil emergency.

Finally, your Committee believes that the recommendations mentioned above and set forth in the resolution submitted herewith will be accomplished only if a committee of the Multnomah County Bar Association is instructed to pursue these matters with the Portland City Council and the Multnomah County Commissioners. In addition to that, the Multnomah County Bar Association should furnish whatever assistance is necessary, including any drafting of ordinances which may be requested, for the City Council and Board of County Commissioners to enact a public defender plan, to provide for partial compensation of appointed counsel as recommended in this report, and to secure the availability of counsel under emergency conditions.

Respectfully submitted,

A. I. Bernstein George Joseph William M. Langley Manley Strayer Carl R. Neil, Chairman

RESOLUTION

(Submitted by Committee on Legal Services)

WHEREAS, the assistance of counsel is a basic constitutional right of persons charged in any court with offenses carrying criminal penalties; and

WHEREAS, simple justice, if not our constitutional guarantees, demands that those unable because of poverty or other reasons to obtain counsel to represent them upon such charges should have effective counsel supplied to them; and

WHEREAS, Portland area lawyers have served and will continue to serve as needed as appointed counsel in the Portland Municipal Court and Multnomah County District Court, thus far without any compensation whatever and entirely at their own expense; and

WHEREAS, the expense and burden of supplying counsel for those otherwise unable to retain a lawyer is properly a public expense and part of the cost of administering justice and should not be borne solely by lawyers in private practice as is now the case in the Portland Municipal Court and the Multnomah County District Court; and

WHEREAS, the City of Portland realizes in excess of \$1,500,000 each year from fines and revenues arising out of Portland Municipal Court proceedings, and revenues in substantial amount from similar sources arise from Multnomah County District Court proceedings; and

WHEREAS, public funds expended for legal representation of defendants should be used to provide readily accessible and effective counsel to those represented, now therefore

BE IT RESOLVED by the Multnomah County Bar Association in meeting assembled this ______ day of ________, 1969 that:

- 1. The Mayor and Council of the City of Portland should immediately adopt and put into effect the plan best suited to make effective legal counsel available in the Portland Municipal Court to those unable to retain counsel;
- 2. The plan best suited for this purpose is the public defender whose staff would be more immediately available to those arrested and charged in the municipal court, supplemented by such appointed counsel as may be needed;
- 3. The Board of Commissioners of Multnomah County, if the volume of cases so warrants, should adopt a

similar plan for the Multnomah County District Court, or otherwise provide for at least partial compensation of counsel appointed to represent defendants in that court;

- 4. If the Multnomah County Commissioners adopt a public defender plan for the Multnomah County District Court, that plan should be created and operated jointly with the City of Portland as a single public defender office available to represent indigent defendants on nonfelony matters in the District and Municipal Courts, with the expenses of the program to be prorated between the City and the County on an equitable basis;
- Lawyers serving as appointed counsel in the Portland Municipal Court and Multnomah County District Court should be at least partially compensated for their services by payment of reasonable expenses incurred in the defense and fees not less than those provided by statute (ORS 135.330) for representation of defendants charged with misdemeanors in the circuit court, with payment of additional fees and expenses for representation of defendants in de novo appeals to the circuit court from the municipal and district counts:
- 6. The Multnomah County Bar Association will begin work immediately to assist in implementing the recommendation of the Oregon State Bar Committee on Future of the Legal Profession to secure the prompt availability of counsel and judicial services in civil emergencies;
- 7. The Multnomah County Bar Association hereby offers to the Mayor and Council of the City of Portland and to the Board of Commissioners of Multnomah County the assistance of its officers and members in drafting and implementing appropriate ordinances to adopt and carry out the recommendations of this resolution:

8. The Executive Committee of the Multnomah County Bar Association designate either the Committee on Legal Services or a special committee to take the necessary steps to secure implementation of the recommendations of this resolution by the Portland City Council and the Multnomah County Board of Commissioners