

Warren & Sugarman

Attorneys at Law

Ernest Warren, Jr. *
Stuart A. Sugarman
Nedu Nweze

*MEMBER OREGON & WASHINGTON BAR

Legal Assistants
Vera Warren
Angela D. Thomas

January 19, 2016

RE: Portland Public Hearing Testimony for the Criminal Justice Act Review- Quality of Representation and CJA Panel Management.

To The Ad Hoc Committee Reviewing the Criminal Justice Act:

The Sixth Amendment to the United States Constitution requires that an accused “enjoy” the right to a speedy and public trial, to be “informed” of the nature of the accusations, to “confront” witnesses against him, to have “compulsory process” for obtaining witnesses in his favor, and the right to an attorney to defend him. Federal criminal charges are very serious matters that frequently result in a long term restraint of a person’s liberty, if convicted. Many death, bodily injury, drug, gun, and sex crimes carry decades of mandatory imprisonment. Quality defense attorneys are necessary and the last advocate usually for defendants facing incarceration. As a CJA Panel Attorney I take the defense of an accused very seriously.

In the District of Oregon, I believe that persons accused of crimes enjoy the highest level of criminal defense from CJA Panel attorneys. For over twenty years, I have attended at least four continuing legal education seminars per year with federal public defenders and Panel attorneys, not only to stay updated on the changes that occur from the Supreme Court and all Circuit Courts of Appeal, but to devise strategies that bring relief, and even freedom from incarceration, to our federal criminal clients. I am professionally a witness to the dedication of federal criminal defense attorneys in the District of Oregon to meaningfully challenge the government’s accusations against our client’s a fighting chance at trial or a fair deal.

A little about my background. I have been admitted to the practice in the District of Oregon and Western District of Washington for over twenty years. In the state courts I have tried

over one hundred cases with approximately seventy acquittals. Also, I have tried a dozen civil cases in federal and state courts in California, Oregon, and Washington. Trying cases is truly my passion.

How I approach a federal criminal case is to learn as much about my client's background in the first interview as possible. In fact every question that U.S. Probation may ask in a presentence interview. If my client is conceding the government has strong evidence against them, then I corroborate it in the review of discovery, and focus on damage control. Otherwise, I prepare for trial from the beginning.

The District of Oregon is well-equipped to deal with client's who have substance abuse or mental health issues. Frequently, as a condition of pretrial release, my client's may receive inpatient drug treatment or mental health counseling. Most are successful with treatment, and this leads to a more lenient sentence. Also, a client's risk of recidivism goes down with treatment.

Additionally, in the District of Oregon, the judges are genuine in accessing the personal circumstances of each defendant. I have been ordered from the bench to get a client evaluated; even though, I may not ultimately share it with the court and government if in my professional opinion it would do more harm to my client at sentencing. Also, if the circumstances allow, I have seen the bench and government be open to leniency when presented the opportunity. I believe this opportunity is uniquely only possible in the District of Oregon because I consult with other federal Panel attorneys (or former Deputy Federal Defenders) in California and Louisiana.

With respect to CJA Panel Management in the District of Oregon, I believe it is best handled by the Federal Defender of Oregon rather than the Criminal Clerk of the District Court because defense attorneys know better what is needed to get the job done. I personally try not to request any extraordinary expenses unless I determine it is absolutely necessary to my client's case. Then I try to secure these extraordinary expenses at the most reasonable cost possible and sometimes even at a bargain. Certainly it makes no sense to me to not economically use funds wisely. I have received good results by being efficient and economical with requesting for extraordinary expenses.

Please feel free to contact me any time.

Sincerely,
Ernest Warren, Jr.
Attorney at Law