



October 16, 2024

Oregon Public Defense Commission
1175 Court Street NE
Salem, OR 9730

RE: Retaliatory Conduct by Eric Deitrick, General Counsel for OPDC

Dear OPDC Members,

I am Sandy Chung, Executive Director of the ACLU of Oregon, a civil liberties, civil rights, and democracy organization representing more than 27,000 members statewide.

More than three years ago – in August 2021 – the ACLU of Oregon asked OPDC to initiate an investigation. We requested this after multiple women defense attorneys shared with us their experiences involving pay inequity by OPDC, as well as retaliation by Eric Deitrick, OPDC’s General Counsel.

Near the end of summer 2024, three years after the ACLU of Oregon raised the concerns, we finally received a copy of the investigation report regarding the retaliation concerns. The investigator engaged by OPDC found that Deitrick engaged in retaliatory and deeply problematic conduct against multiple women attorneys.

In a letter dated September 12, 2024, Jessica Kampfe, Executive Director of OPDC, wrote that “[t]he incidents that were referred to in the Workplace Solutions investigation report occurred between 2019 and 2021” and that “[t]he concerns outlined in the investigation report have been addressed and there have been no further complaints submitted since 2021.”

Kampfe’s statement about no further complaints since 2021 is not true. According to the investigation report, OPDC and Deitrick continued to engage in retaliatory and problematic acts after 2021 and these acts were reported:

- The investigator confirmed that a “further act of retaliation” occurred **in late 2021/early 2022** when Witness 6’s previously-agreed-to hourly fee of \$100 per hour was unilaterally decreased to \$75 by OPDC. The date of this retaliation was approximately four months **after** OPDC started the investigation about Deitrick’s retaliatory acts.
- According to the investigator, Deitrick engaged in additional “problematic” actions against Witness 6 **during 2023**. Specifically, he actively supported opposition to an attorney’s fee petition by Witness 6; however, another OPDC staff member had approved Witness 6 to pursue the fee petition, and Deitrick did not stop his opposition until he learned of this.

Kampfe’s statement that “[t]he concerns outlined in the investigation report have been addressed” also is incorrect:

- Witnesses 3, 4 and 6 all had their concerns substantiated by the investigation. According to these witnesses, however, OPDC has not involved them in any process to provide them redress for Deitrick’s retaliation and deeply problematic conduct.
- There is no information supporting that Deitrick received disciplinary action that was appropriate and commensurate to the retaliatory and deeply problematic conduct he engaged in against the multiple women attorneys.

Also, the investigation report does not address retaliation experienced by an OPDC employee who reported directly to Deitrick:

- During 2021, a woman employee of OPDC reported to the agency’s HR department that Deitrick had engaged in multiple instances of retaliation against her for engaging in legally protected activity. It appears that the HR department did not address these retaliation concerns in any substantive manner.
- When this person tried to speak to Jill Goldsmith, the investigator engaged by OPDC, she was told that the investigator’s scope did not include retaliation experienced by OPDC employees.

It should be a given that the General Counsel of Oregon’s public defense agency should not engage in retaliation towards the agency’s employees and contractors. Moreover, after an investigation substantiates that the General Counsel engaged in retaliatory conduct against multiple people, the General Counsel should no longer be in their position.

We request that OPDC immediately take the only appropriate action in this situation: terminate Deitrick’s employment with OPDC.

Respectfully,

Sandy Chung
Executive Director
ACLU of Oregon

Kelly Simon
Legal Director
ACLU of Oregon

Jessica Maravilla
Policy Director
ACLU of Oregon