



October 8, 2021

Dear members of the Oregon public defense community,

In August 2021, the ACLU of Oregon asked the Public Defense Services Commission (PDSC) to initiate an independent investigation of the Office of Public Defense Services (OPDS). We made this request after multiple women defense attorneys shared with us their experiences involving pay inequity and retaliation from OPDS. After we publicized this request for an investigation, several more women defense attorneys reached out to us with serious concerns about OPDS.

In response to our request, OPDS's leadership (Ed Jones, Interim Executive Director) has engaged Jill Goldsmith, J.D. of Workplace Solutions Northwest to conduct an investigation. Ms. Goldsmith's experience is set out at www.workplacesolutionsnw.com. She can be reached at jill@workplacesolutionsnw.com. More information from Ms. Goldsmith specific to the investigation of OPDS is available at the end of this letter.

We ask that anyone who experienced pay inequity or retaliation from OPDS or an OPDS employee – and anyone who may have information as a witness even though not necessarily as an impacted party – reach out to Ms. Goldsmith and provide information to her.

For those who are concerned about retaliation, Ms. Goldsmith has publicly committed to not revealing your identity to OPDS unless you give her permission to do so. If you need more information about protections against retaliation, you can set up a meeting with Ms. Goldsmith just to learn more about her process, and you can decide if you wish to share information after that meeting.

There may be some who do not know if their experiences or information as an impacted party or witness are within the scope of Ms. Goldsmith's investigation. We encourage you to reach out to Ms. Goldsmith too. Even if not directly within the scope of the investigation, your information may still provide helpful context or information for the investigation.

We understand that participating in an investigation can be daunting. If you need general support or have questions beyond that provided by Ms. Goldsmith, the ACLU of Oregon is here to support you. Please reach out to Sandy Chung, Executive Director (schung@aclu-or.org).

Our criminal justice system is critical to our democracy, civil liberties, and civil rights, and criminal defense attorneys are critical to the integrity and functionality of this system. Please know that the ACLU of Oregon sees you, hears you, and supports you. You are not alone. We will do our best to bring positive change to the Office of Public Defense Services, and we ask you to join us in that effort by participating in this investigation.

Thank you,

Sandy Chung
Executive Director
ACLU of Oregon

Kelly Simon
Legal Director
ACLU of Oregon



Statement Concerning Process of OPDS Pay Disparity Review

PDS has received information alleging that some female attorney contractors believe they have been paid unequally as compared to their male colleagues and also that some women attorney contractors believe they faced serious situations of retaliation after they shared serious concerns about or related to PDS.

PDS has retained the services of Jill Goldsmith of Workplace Solutions NW (www.workplacesolutionsnw.com) to review these allegations. Jill will interview witnesses, review data and attempt to answer the questions presented by the complainants' allegations.

A. Contacts

Jill Goldsmith, cell 503-329-5158, office phone 503-977-9099; jill@workplacesolutionsnw.com

Jill's paralegal: Maria Dodson, cell 503-901-9327; maria@workplacesolutionsnw.com.

B. Parameters for witnesses

1. No retaliation for good faith participation in this process.

I have spoken with the interim Executive Director, Edward Jones. Mr. Jones has assured me that he is committed to protecting those who have made a complaint or who participate in this process from any kind of retaliation for reporting a complaint or participation in this process.

2. Confidentiality

I will ask you to please keep what we speak about between us and not contact others you know might be witnesses to discuss these topics. It is my goal to have as much integrity as possible in this process and your cooperation in this way is appreciated.

Please understand that my ultimate report might not remain confidential as OPDS is a public entity. Typically the State will excise individual names from publicly released reports should your name be included.

3. Anonymity

If you wish to remain anonymous, I will keep you anonymous. Please recognize that this could mean I cannot follow up on some types of allegations because it would reveal your identity. I may ask your permission to use information you give me to follow up on some issues, which could have the effect of revealing your identity. It will be your decision as to whether to agree to this request.

I will retain a list of people I speak with so I can appropriately follow up on specific concerns. I will not share that list or names on the list with OPDS, DOJ or anyone outside our firm without consent. On my invoices, I will designate time spent interviewing individuals as "Interview witness" without a specific name.

4. Interview recording

I will ask if I may record the interview (assuming you consent to one) so I have a record if I am later challenged as to the facts I report. You are welcome to record your interview on your own device. You are also welcome to decline to be recorded. Declining to be recorded will have no effect on my assessment of your credibility.

C. Stages of this process

1. Data gathering – review of databases to determine whether there is evidence of pay disparities. There may be appropriate steps to take to follow up on the data – e.g., surveys of attorneys.
2. Witness interviews.
3. Further data research to follow up on issues presented and possible follow up with additional witnesses.
4. Report writing.

These are general stages only and may repeat.

D. Whistleblowing protections

Please see <https://www.oregon.gov/boli/civil-rights/Pages/whistleblowing-protections.aspx>. For BOLI's Standards and Procedures Manual, please see <https://www.oregon.gov/boli/civil-rights/Documents/whistleblower-protections.pdf>.

Please reach out directly if you would like to share your experience.

Thank you.