



# Access to Justice in Oregon

Presented by

**Maya Crawford Peacock**

Executive Director, Campaign for Equal Justice

**Monica Goracke**

Executive Director, Oregon Law Center

**Oregon Women Lawyers**

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## Legal Aid Success Stories

Noelle's daughter Poppy was born with Apert's Syndrome, a rare and complex condition that caused her fingers to be fused together. For Poppy to have full use of her hands, she needed very specialized reconstructive surgery. Noelle connected with a surgeon in Boston who specializes in this type of surgery and who was confident that he could give Poppy ten working fingers.

But Noelle's health plan provider denied the request to use this specialist, citing the cost, and insisted that Noelle use a local surgeon. None of the experienced hand surgeons in Oregon felt confident that they could give Poppy ten fingers. The cycle of requests, denials, and appeals for Poppy's essential surgery went on for three years, despite the Boston specialist waiving his fees to make the surgery less expensive. Noelle desperately wanted Poppy to have ten working fingers before she began kindergarten, and time was running out.

Luckily, Noelle found legal aid, and they began to work on the next appeal together. Having an attorney step in to ask questions, request documents, and review processes made all the difference. Just before the appeal hearing, the health plan changed course and gave full permission for the surgery on the East Coast.

Now Poppy is thriving with ten fully functional fingers, just in time to start school. To celebrate the one-year anniversary of the surgery, Noelle and Poppy threw a "birthday party" for Poppy's hands and invited their legal aid lawyer to join the celebration.



**Julie and Kevin** are hardworking parents of four. Their youngest, twin boys, were both born with serious heart problems. Even with two working parents, the family lives on the edge of poverty because of medical costs. Fortunately, they receive help from the Oregon Health Plan (OHP). Things started to unravel when the hospital billed Julie, instead of OHP, for an expensive procedure. Julie contacted the hospital many times to explain that the bill should go to OHP, but the hospital ignored her, and then called a collection agency. Frustrated and unable to get results on her own, Julie finally turned to legal aid. Once legal aid got involved, the hospital called off the collection agency, protecting the family from extreme financial hardship.



Legal aid received a call from two community partners about the same problem: a housing complex where the tenants were suffering because the apartments were unsanitary and unsafe. Legal aid met the clients at their homes, and found that there were 8 units in this complex that all had similar problems suggesting that the landlord had not kept up on repairs: extensive mold around exterior walls of most rooms; water damage from leaking toilets; rusted heaters and ovens; leaking fridges; filthy old carpets; and extensive cockroach and spider infestation.

The families did not ask for help or complain to their landlord because they didn't know that they had a right to live in a safe home with a basic standard of livable repair. They were all refugees – an ethnic minority that was persecuted in their own country that fled to the United States for safety. For most of these clients, their only experience with anything like a landlord-tenant relationship was being in a refugee camp. Some feared that they would be attacked or killed if they complained to the landlord, and none felt they could afford to live anywhere else.

Legal aid tried to work with the landlord. However, the landlord's disregard for the tenants seemed deliberate – they did not step up and do the right thing, even when they were advised of their responsibilities. Legal aid then filed suit against the landlord and reached a settlement prior to court. The families immediately got some relief from these unacceptable conditions. There is still a long road ahead for them to acclimate and to feel safe, but positive steps have started – with legal aid's help, their voices were heard and their rights respected.

# ACCESS TO JUSTICE IN OREGON

## I. Introduction

Legal aid provides free civil legal services to low-income and elderly Oregonians. Legal aid plays a critical role in providing access to justice and a level playing field for low income people statewide. Civil legal aid helps people protect livelihoods, health, and families: veterans denied rightfully earned benefits, women trapped in abusive relationships, and families facing wrongful evictions and foreclosures.

Our legal system is complex, and courts can be like a maze for non-lawyers. Without lawyers, people cannot meaningfully access the legal system to present meritorious claims and defenses. Civil legal aid makes it easier for people to access information and understand their rights.

Legal aid provides:

- Free civil legal representation to low-income people
- Brochures, court forms, and self-help materials to help people navigate the justice system
- A website with accessible legal information available to all Oregonians
- Legal help and representation that helps stabilize families and prevent a further a further slide into poverty.

When we say the Pledge of Allegiance we close with “justice for all.” We need programs like civil legal aid to ensure that the very principle our founding fathers envisioned remains alive: justice for all, not just the few who can afford it.

Lawyers know first-hand the value and necessity of quality legal representation. Lawyers have a professional responsibility to help others in our community gain access to the justice system to protect their rights, their freedom, their homes, their livelihood, and their families. Research in Oregon shows that we now have resources to address only 15% of the civil legal needs of the poor. This is not good enough. It is too much of a crisis for lawyers not get involved. There are ways that lawyers and other civic minded Oregonians can make a difference in access to justice.

This handout addresses several questions:

- What are the civil legal needs of low-income Oregonians?
- Where is legal aid located?
- Who is eligible for legal aid?
- How does legal aid help?
- How is legal aid funded?
- How can we improve access to legal aid for all Oregonians?

**A Brief History of Legal Aid in Oregon:** Legal aid in Oregon began in 1936 in Multnomah County. It was started by Oregon lawyers. In 1971, at the request of Governor Tom McCall, the Oregon State Bar conducted the first statewide legal needs study which led to the formation of a statewide legal aid program.

Oregon’s legal aid programs consist of two statewide programs, Legal Aid Services of Oregon (LASO) and the Oregon Law Center (OLC); and one countywide program, the Center for Non-Profit Legal Services (CNPLS) in Jackson County. Services are provided to low-income clients through community-based offices located in 17 communities throughout Oregon.

## General facts about legal aid in Oregon

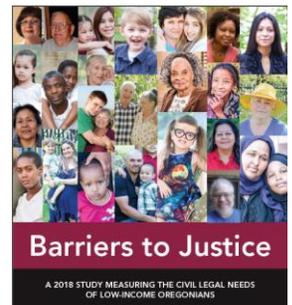
- About 778,000 Oregonians meet the income requirements for legal aid.
- According to national standards, the minimally adequate level of staffing for legal aid is two legal aid lawyers for every 10,000 low-income Oregonians. Oregon is far from the targeted goal, with two legal aid lawyers for every 14,407 people who qualify for their help.
- There are currently about 108 FTE legal aid lawyers in Oregon.
- In Oregon, generally, there is one lawyer for every 340 people.
- Legal aid lawyers make up less than 1% of Oregon State Bar.
- Oregon's legal aid programs balance 80 different sources of funding, and funding from most sources declined during the recession.
- It is estimated that Oregon's legal aid programs have resources to meet 15% of the legal needs of the poor.
- In 2018, legal aid attorneys will serve just under 27,000 clients in Oregon. Legal aid stretches limited resources by providing self-help materials and through pro bono programs. OregonLawHelp.org, legal aid's educational website, had more than 285,000 unique visitors.
- About 80% of legal aid's clients are women—most with children to support.

## II. What Are the Civil Legal Needs of Low-Income Oregonians?

### Barriers to Justice: A 2018 Study Measuring the Civil Legal Needs of Low-Income Oregonians

#### Substantive Areas of Need

With the support of the Oregon Department of Justice, the 2018 Civil Legal Needs Study was commissioned in partnership with the Oregon Law Foundation, Oregon State Bar, Campaign for Equal Justice, Oregon Judicial Department, Legal Aid Services of Oregon, and Oregon Law Center to assess the current ability of low-income individuals to access the civil justice system. The findings were released in February 2019 in the Barriers to Justice report. A brief summary of the report follows:



#### General Study Findings:

##### Legal Problems are Widespread

**75%** of survey participants live in a household that experienced a legal problem in the previous 12 months.



- Problems are widespread
- Problems are related
- Civil legal help is needed

##### Legal Problems Multiply

**5.4** legal problems were experienced by the typical low-income household in Oregon in the last 12 months.

Eviction  
Denial of Benefits  
Unfair Eviction  
Restraining Order  
Child Custody

Legal problems seriously affect the quality of life for low-income Oregonians. A vast majority of the low-income Oregonians surveyed experienced at least one legal issue in the last year. These legal problems most often relate to basic human needs: escaping abuse, finding adequate housing, maintaining income, living free from discrimination, and accessing healthcare. Even though their legal problems are serious, most people face them alone. We are still only meeting 15% of the civil legal needs of the poor.

##### The Need for Legal Aid Outpaces Resources

**84%** of people with a legal problem did not receive legal help of any kind.



**Study Specifics:** The legal needs survey asked a series of questions intended to reveal the kind of problems people experienced. Each question was designed to reveal an experience where it is likely that legal help could ease a problem or legal advice could clarify rights and obligations. The goal was to determine the issues

that low-income Oregonians experienced where civil legal aid could help.

The report reveals the most harmful and the most common legal problems people face. The report also outlines the types of legal issues people have within a particular category. For example, within the housing arena, the report lays out the specific problems that people are having, whether it is habitability issues, or lack of affordable housing.

Survivors of domestic violence and sexual assault (DV/SA) suffer civil legal problems at significantly higher rates compared to the general population. Their legal problems go beyond family law and abuse issues. They experience a greater rate of legal problems in nearly all of the legal subject areas in the survey.

**Households with DV/SA survivors were:**

- 6.2 times more likely to experience the effects of homelessness
- 3.7 times more likely to have an education-related issue
- 3.0 times more likely to have an employment issue
- 2.1 times more likely to have a rental housing problem



**The Solution:** Increased access to legal aid is the best way to meet the legal needs of low-income Oregonians. Lack of funding is the biggest obstacle preventing legal aid from playing a greater role in the community’s solutions to systemic poverty and reaching more families when they need legal help. Oregon’s legal aid programs increase fairness in the justice system, empower individuals, and eliminate many of the barriers that block families living in poverty from gaining financial stability. Legal aid is deeply connected to the communities it serves, with established programs and diverse community partnerships to reach people in need.

**Breaking Through Barriers to Justice:** According to national standards set by the American Bar Association, the “minimally adequate” level of staffing for legal aid is two legal aid lawyers for every 10,000 poor people. In Oregon we have two legal aid lawyers for every 13,000 poor people. We must recommit ourselves to the reasonable and necessary goal of providing “minimum access to justice.” The 2014 Oregon Taskforce on Legal Aid Funding, which included elected officials and leaders in the legal community, concluded that we need to double the resources for Oregon’s legal aid programs in order to have minimally adequate access to justice.

### **What Can Oregon Leaders Do to Address the Civil Legal Needs of Vulnerable Oregonians?**

#### **Take Action!**

When we say the Pledge of Allegiance, we close with “justice for all.” We need programs like civil legal aid to ensure that the very principle our country’s founders envisioned remains alive: justice for all, not just for those who can afford it.

## Educate

Talk about the importance of access to justice. Let people know that civil legal aid is there for those who need help. Share this report. The information in this report is not widely known and it is hard to solve problems that no one is talking about. Let's amplify the conversation.

## Speak Up

Oregon has broad bipartisan support for legal aid at the local, state, and federal levels. As a community, let's continue our sustained focus on a fair and accessible legal system—a system where our neighbors can know their rights and get the help they need.

## Fund Legal Aid

Legal aid is a state, federal, and private partnership. Legal aid receives funding from the State of Oregon, the federal government (Legal Services Corporation), private foundations, Interest on Lawyer Trust Accounts (Oregon Law Foundation), and private donations (Campaign for Equal Justice). The single best way to increase access to justice is to help us create more legal aid attorney positions.

The full report and underlying data can be found at: <https://olf.osbar.org/ins/>. If you would like a printed copy of the report, please let the CEJ know, and we will send you one in the mail. Also see the June 2019 OSB Bulletin for a great article about the study.

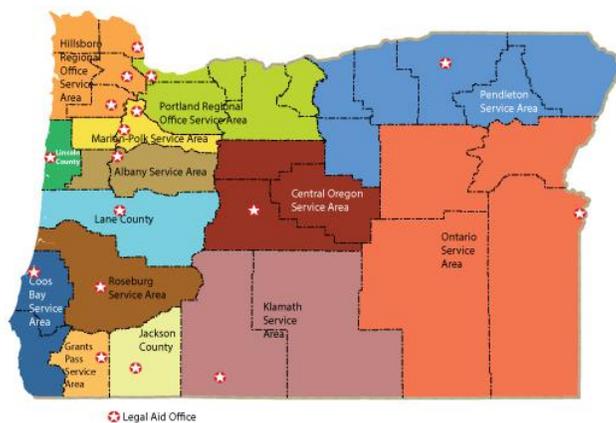
***“Every Oregonian deserves a justice system that is accessible and accountable. The legitimacy of our democracy depends on the premise that injustices can be addressed fairly within the bounds of the law, no matter who you are or where you live. Let us work together in Oregon, to ensure that justice is a right, not a privilege—for everyone.”*** Hon. Martha Walters, Chief Justice, Oregon Supreme Court

### III. Where is Legal Aid Located?

#### Oregon's legal aid programs

- Legal Aid Services of Oregon (LASO) (statewide)
- Oregon Law Center (OLC) (statewide)
- Center for Non-Profit Legal Services (Jackson County)

#### Location of Offices



There are legal aid offices in 17 communities in Oregon, including satellite offices (St. Helens and McMinnville), and these offices serve all 36 Oregon counties.

- Civil legal aid offices are located in areas based on population – many offices are along the I-5 corridor.
- Offices are placed so that low-income Oregonians have relatively equal access to justice throughout the state.
- A problem presented in this office planning/placement is that legal aid has staffing shortages and it is difficult for a small staff to cover the large geographic service areas that makes up much of the state. For example, the Ontario service area is the size Massachusetts and Connecticut combined. With current funding, only three attorneys staff the Ontario office to serve clients in this region.

#### **IV. Who is Eligible for Legal Aid?**

As a general rule, all clients must have gross income under 125% of the federal poverty level in order to receive services. In some cases, clients with a higher gross income may be served if they have unusually high expenses in certain areas, like medical bills.

#### **2019 Federal Poverty Measures**

<b>Number in Family</b>	<b>125% of Federal Poverty Level</b>
<b>1</b>	<b>\$15,613 per year \$1,301 per month</b>
<b>2</b>	<b>\$21,138 per year \$1,761 per month</b>
<b>3</b>	<b>\$26,663 per year \$2,222 per month</b>
<b>4</b>	<b>\$32,188 per year \$2,682 per month</b>

The federal government’s measure of poverty was developed in the 1960s and was tied directly to the costs of food. It is widely accepted that this measure is not accurate, and that 125% of poverty is the income limit for many federal programs.

#### **Additional Poverty Facts**

- Poverty is higher for people of color and other groups outside the dominant culture in Oregon.
- The Economic Policy Institute has a “Family Budget Calculator” that estimates what it takes for a family to have a modest yet adequate standard of living. The calculator takes into account the cost of housing, food, child care, transportation, health care, other necessities, and taxes. The calculator does not include savings for retirement, rainy day, or college. It is based on 2017 costs.
  - For example, in Multnomah County, the budget for 1 adult and 2 children is \$7,242 a month or \$86,900 total.
  - [https://www.epi.org/resources/budget/?blm\\_aid=0](https://www.epi.org/resources/budget/?blm_aid=0)
- Food Insecurity Definition: the estimated percentage of individuals who have limited or uncertain access to adequate food. Food insecurity has profound negative impacts on the well-being and

success of individuals, families and communities. In Oregon, 14.2% of households are food insecure. In 21 Oregon Counties the percentage is higher than the state average. Lake County has the highest food insecure households at 16.8%.

- Oregon by the Numbers – Ford Family Foundation Report / 2018 Edition.
- There is not a single county in OR where a full-time minimum wage worker can afford even a one-bedroom apartment at what the US Department of Housing and Urban Development determines to be the Fair Market Rent.

## **V. How Does Legal Aid Help?**

### **Priority Setting**

The Oregon State Bar Legal Services Standards and Guidelines help ensure that Oregon has a statewide system of legal services centered the needs of the client community. Oregon’s legal aid programs seek input from judges, lawyers, community service providers and other non-profit organizations in determining the legal needs of low-income individuals in each particular community. Because legal aid is unable to provide services to all of those who seek services (or even a substantial majority), they must prioritize those areas of highest need.

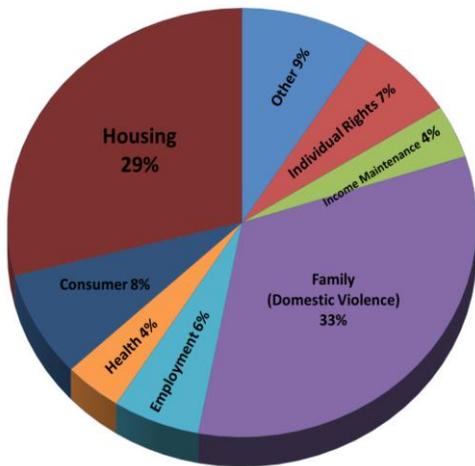
### **Efforts to Meet Critical Civil Legal Needs**

The Oregon State Bar Legal Services Program “works to ensure that the delivery of services is efficient and effective in providing a full spectrum of high quality legal services to low-income Oregonians.” Oregon Legal Services Program Standards and Guidelines, Rev. August, 2005, Section 1, Mission Statement. The OSB Standards are based on national ABA Standards of legal aid programs.

- Key elements of the OSB standards include:
  - “An integrated, statewide system of legal services...that eliminates barriers...caused by maintaining legal and physical separation between providers”
  - “Centered on the needs of the client community”
  - “Efficient and effective” by deploying limited resources in a manner that maximizes the system’s ability to provide representation...”
  - “Full spectrum of legal services...The broadest range of legal services required to serve the needs of clients.”
  - “High quality legal services”
  
- Services are typically focused on critical civil legal needs, like food, shelter, and physical safety.

### **2018 Case Types**

Legal aid assists low income people with a full spectrum of high priority civil legal problems. See the client stories on the first page for a few success stories or go to [www.cej-oregon.org/success.shtml](http://www.cej-oregon.org/success.shtml). Legal aid helped clients with the following types of cases in 2018:



- Legal aid stretches limited resources in several ways:
  - Telephone & video advice hotlines
  - Special purpose clinics
  - Pro bono recruiting and coordination
  - Self-help booklets
  - Classes to help prevent legal problems and also to help some clients to act on their own behalf in areas like uncontested divorce.
  - Many materials published by legal aid are located at [www.oregonlawhelp.org](http://www.oregonlawhelp.org).
- Outreach to low-income clients, for example to Native Americans or the elderly, encourages people isolated by distance or circumstances to ask legal aid for help.
- Approximately 80% of cases are “advice, counsel, brief or limited service.” This includes advising clients about steps and options, drafting letters, making phone calls and taking other non-litigation services.

Here are a few examples of the ways in which legal aid staff work and impact the lives of low-income Oregonians:

- Prevent homelessness by providing advice and representation to tenants and low-income clients who are impacted by foreclosures.
  - Work with housing authorities and private landlords to provide trainings for housing authorities, landlords and tenants impacted by changes in housing law.
  - Help resolve problems with administrative agencies and prevent a further slide into poverty.
  - Help disabled and seniors get and keep assisted housing.
  - Work with clients and government to protect government subsidized housing when private owners fail to comply with promises that they made to the state and federal government in exchange for tax subsidies used to buy or improve low-income rental units.
- Help low-income people get and keep jobs.
- Help remove barriers to work and housing through expungement assistance. An “expungement action” in Oregon can erase non-violent misdemeanor convictions from an individual’s criminal record, thus clearing the path to moving forward.
- Help low-income people get healthcare. Legal aid can help low-income clients complete simple forms that help guardians get health care for a child or to register a child in school.
- Help clients write a professional letter or prepare for a productive meeting with a landlord or creditor to work out a payment plan or otherwise settle a potential legal dispute.

- Guard against unscrupulous tax preparers who prey on low-income clients.
- Legal aid has a client education website, [www.OregonLawHelp.org](http://www.OregonLawHelp.org) that provides extensive information about the most common legal problems faced by low-income families, including protections from abuse, housing law, family law, and legal issues affecting seniors and people with disabilities. The website provides information on how to find and apply for services at legal aid offices, and has links to court websites, forms, and other sources of information and assistance.
- Legal aid provides classes, booklets, and hotlines to help low-income individuals learn about their rights and responsibilities under contracts and law so they can avoid or quickly resolve potential legal disputes.
- Legal aid leverages additional civil legal services by operating many pro bono programs that support private attorneys donating professional services to help low-income clients on priority cases.

### **Focus on One Subject Area: Domestic Violence**

- In 2018, about 33% of legal aid's cases are family law cases, usually helping the victims of domestic violence to obtain and enforce restraining orders and create a stable home environment for their children.
- Studies have shown that having a legal aid office in a community is the single largest factor in reducing domestic violence.
- The Portland Regional Office operates the Domestic Violence Project which provides training and support to volunteer lawyers to handle restraining order hearings.
- How does legal aid help?
  - Representing victims who need help with family abuse prevention restraining orders, custody, child support, housing, or employment issues.
  - Providing advice and guidance through appointments, hotlines, training and websites.
  - Working with local, regional, and statewide community partners on issues of domestic violence.
  - Training local law enforcement representatives.
  - Advocating for increased funding to fight domestic violence and sexual assault.
  - Legal aid worked with the Judicial Department to develop interactive electronic forms that can be used to create pleadings to seek a restraining order against domestic violence.
  - Providing training to volunteer lawyers for help with restraining order hearings.
  - Legal aid lawyers in offices around the state serve on local domestic violence councils and task forces dedicated to domestic violence.
  - Legal Aid takes a comprehensive approach to addressing domestic violence, including legislative advocacy, working with the courts, law enforcement, and community partners.

### **Legal Aid Pro Bono Opportunities**

Volunteer lawyers handled more than 3,600 legal aid cases in 2018. Some of the successful programs around the state include Senior Clinics, the Domestic Violence Project, Bankruptcy Clinic, Virtual Legal Aid Clinics, and Expungement Clinics.

Pro Bono opportunities at legal aid have been carefully designed to focus on high priority areas for clients that also work well for volunteers from the private bar. Programs are evaluated for the efficiency in serving clients. Legal aid staff generally participates in screening clients, placing clients, providing and maintaining training and mentors for pro bono lawyers, and regularly evaluating the program.

**Expanding Statewide Pro Bono Opportunities.** Legal aid has a statewide pro bono manager who is tasked with expanding statewide volunteer opportunities for Oregon lawyers. The pro bono manager helps regional officers develop pro bono programs; develops systems to maximize the use of Portland metro attorneys in representing clients through the state; and will increase services through the use of innovative programs.

Legal aid needs you! If you are interested in handling a pro bono matter (and receiving training to do so), please contact your local legal aid office.

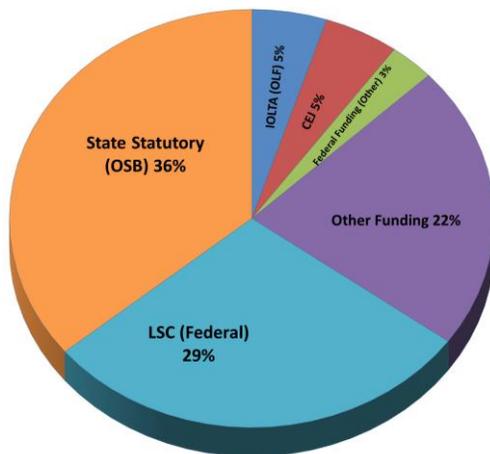
### Statewide Strategic Planning

Legal aid regularly engages in strategic planning. A strategic planning group is currently working on creating an updated strategic plan. Representatives from a broad range of interested stakeholders are taking part in the process. They are reviewing client demographics, community based needs assessments from across Oregon, client needs, client priorities, client services, case opening and case closing statistics, client communities, current staffing, current distribution of revenue, current placement of offices, service delivery structures used in Oregon, and emerging service delivery structures being studied and tested in Oregon and across the United States. Legal aid managers, attorneys, and staff are providing information throughout the process. The Committee will make findings about how to best deploy scarce resources in a manner that maximizes the system’s ability to efficiently and effectively respond to the most important legal needs.

## VI. How is Legal Aid Funded?

**Overview of Funding:** Oregon’s legal aid programs are a state, federal, and private partnership. The three programs receive funding from about 80 different sources.

The chart below reflects the breakdown of funding from 2018.



What follows here is a more detailed description of the major sources of funding. Total available revenue for Oregon’s legal aid programs is about \$16.8 million annually.

### Details on Sources of Funding:

- **State Funding:**
  - **Filing Fee/Statutory Allocation/Pass-through Funding:** Beginning in 1977, a portion of legal aid’s funding has come from state court filing fees. Oregon was the second state in the nation to provide funding for legal aid through state court fees, and 32 states have followed suit. In 1996, at the urging of then Senator Neil Bryant, the legislature adopted ORS 9.572, which

created the Oregon State Bar Legal Services Program (OSB LSP) to ensure independent government standards, guidelines, evaluation, oversight, and enforcement for the nonprofit corporations providing legal aid. The legislation required the OSB to manage the funds, develop Standards and Guidelines for providers, and create a LSP Committee to provide ongoing oversight and evaluation to ensure compliance with the Standards and Guidelines and to further the program's goals.

In 2011, following the work of the Joint Justice Revenues Committee, the structure changed. Instead of receiving funding from a fee added to certain court filings, which were adjusted periodically with overall funding increasing as filings increased, legal aid began to receive a statutory allocation of \$11.9 million per biennium — or \$5.95 million annually — from the general fund. The allocation was not increased between 2011 and 2019.

In 2019, the structure for state legal aid funding will change again. Pending legislation will have legal aid funding distributed via pass-through funding through the Oregon Judicial Department budget. Funding for the 2019-21 biennium would be \$12,257,000, an increase of about 3% over the amount designated in 2011. As of the date of this CLE, the Legislature is still in session and a final vote has not yet taken place.

- **General fund:** Legal aid also periodically receives additional funds from legislative general fund appropriations.
- **Federal funding:** Funding for legal aid through the Legal Services Corporation (LSC), which provides federal funding for legal aid, has varied from year to year since it began in 1976. The future of federal funding remains uncertain. The White House 2019 budget proposed to eliminate funding for the LSC. Congress is ultimately responsible for approving a federal budget. Thanks to strong bipartisan support, Congress allocated \$415 million for LSC for FY 2019, the highest funding level since 2010. However, the White House has once again called for the elimination of federal funding for legal aid for FY 2020. Fortunately, there is reason to be hopeful. Here in Oregon, legal aid has a long history of strong bipartisan support in the state legislature and among our federal representatives. In Oregon, we believe in justice for all, not just for those who can afford it.
- **IOLTA/Oregon Law Foundation (OLF):** In 1989, the Interest on Lawyer Trust Account (IOLTA) program in Oregon became mandatory. A lawyer must hold all client property, including client monies, in a trust account. In cases where the clients' deposits are large enough and/or held for a significant period of time, the interest on the account is returned to the client. When the deposit(s) for an individual client are too small in amount or held for too short of a time to earn interest net of bank charges or fees, these funds are placed in a pooled interest-bearing trust account. The interest on pooled trust accounts is sent to the Oregon Law Foundation and distributed to law-related public interest programs, with legal aid as a "tier A" recipient that receives about 75% of the available funding. When interest rates were at record lows during the recession, IOLTA revenues plummeted— from a high of \$3.6 million to \$750,000 in 2015. With interest rates now edging up, and with the support of Leadership Banks that pay higher-than-market rates on IOLTA accounts, the OLF was able to distribute \$1.2 million in grants in 2018. The majority of IOLTA revenue goes to support legal aid programs; a smaller portion goes to support other law related non-profits. The Oregon Law Foundation works with the Campaign for Equal Justice (CEJ) to get the word out to lawyers about the importance of banking at a leadership bank. CEJ includes information about leadership banks in its events around the state, includes information in its Call to Action, and celebrates leadership banks at its Annual Awards Luncheon.

- **Campaign for Equal Justice (CEJ) Annual Fund:** Since 1991, the Campaign has helped raise more than \$28 million in unrestricted funds for legal aid through an annual fundraising campaign focused on Oregon attorneys. Funding has increased over the years, and with the assistance of Meyer Memorial Trust both in 1991 and again in 2005, the Campaign has grown to over \$1 million annually. In 2018, the CEJ raised just under \$1.4 million dollars. The CEJ also manages an endowment fund, which has surpassed one million dollars, which means that the Campaign is able to add one more source of stable funding for legal aid. CEJ holds events around the state, and also works on increasing state and federal funding for legal aid, and additional private support. CEJ assists legal aid with communications about civil legal services for the poor.
- **Foundation Support/State and Federal Grants:** Legal aid receives grants from the state and federal governments and many private foundations. Grant funding is typically short term, between one to three years, so additional funding must always be sought to continue positions and projects created with grant funding.
  - A few examples of funding received:
    - The City of Portland has funded LASO to address the legal needs of tenants who are facing potential involuntary displacement from their homes and communities. The funding has enabled LASO to hire one FTE staff attorney and one bilingual and bicultural intake/outreach staff to work solely on this Anti-Displacement Project (ADP). Through this project, LASO represents the Portland communities impacted most by the current housing crisis (i.e. communities of color and other vulnerable populations) through direct representation of tenants at risk of involuntary displacement.
    - The Native American Project of Legal Aid Services of Oregon (NAPOLS) has been awarded a Violence Against Women Act grant, under the VAWA STOP program, to develop and implement strategies to combat violent crimes against women on the Burns Paiute Reservation. NAPOLS has an impressive record of working with tribes on tribal laws, policies and court procedures. For this grant project, NAPOLS will collaborate with tribal officials, officers, and staff to strengthen tribal laws and policies to enhance the prevention, investigation, and prosecution of violent crimes against women and the treatment of victims.
    - In 2017, the Albany office began work on a medical-legal partnership between the Albany office and Samaritan Health Services. Through this project, staff attorneys accept referrals from a medical clinic in Sweet Home of patients who need legal assistance. We are currently expanding the project to Lincoln County. These projects have been in operation in other states and were started in recognition of the fact that legal problems often have a significant impact on health conditions.
    - Meyer Memorial Trust has funded a project to provide landlord training to minimize disparate impact in tenant screening practices. OLC and LASO will work on this grant together with Multifamily NW (a rental housing provider association), and will develop best practices for private market affordable housing admissions and implement these practices through a series of trainings statewide. The project also seeks to work with a large landlord to implement recommended admissions policies on a pilot project basis. The grant began in 2018 and will last for two years.
- **Other Funding**
  - **Abandoned Property — IOLTA funds.** In 2009, the Oregon legislature directed abandoned client funds in lawyer trust accounts to the OSB LSP for distribution to legal aid programs. ORS

98.386(2). The statute went into effect in 2010. Previously the funds were directed to the Department of State Lands.

- **Pro Hac Vice Fees.** Out-of-state lawyers who are not licensed to practice law in Oregon may appear in Oregon courts subject to certain rules. ORS 9.572. By statute, the fee for such appearances goes to the OSB LSP to fund legal aid. Pursuant to UTCR 3.170(6), the fee is \$500. The fees result in about \$250,750 annually for legal aid.
- **Cy Pres.** “Cy Pres” means next best or nearest – when a member of the group in a class action cannot be found at the end of the settlement to receive their portion of the award, the amount that is unclaimed is given to a nonprofit or organization that helps people that are similar to those in the class, as near as the court can determine.

In 2015 the Oregon legislature passed a cy pres bill, requiring that 50% of residual class action funds be used to support legal aid. These Unclaimed funds will go to the Oregon State Bar Legal Services Program in trust for legal aid. The other 50% of unclaimed funds will go to organizations directly related to the case at hand or an organization beneficial to the interests of those who filed the lawsuit.

- **Campaign for Equal Justice Endowment Fund.** In 2002, the CEJ, the OSB, and the OLF launched the Oregon Access to Justice Endowment Fund to support the future of legal aid. The Oregon Access to Justice Endowment fund was merged with the Campaign for Equal Justice in 2007 in order to save on administrative costs and is now called the “Campaign for Equal Justice Endowment Fund.” As of March 2019, the Campaign had about \$1,340,000 in its endowment, with an estimated \$2.4 million in legacy pledges. Endowment funds are held by the Oregon Community Foundation. The Campaign for Equal Justice began to make annual distributions from the earnings on endowment funds in 2018, once the fund surpassed \$1 million.

### **Bridging the Justice Gap: The Task Force on Legal Aid Funding**

In 2014, Task Force on Legal Aid funding brought together Oregon lawyers, the courts, bar associations, legislators and other elected officials, and foundations to address the legal aid funding crisis. In order to have a minimally adequately funded legal aid program, the Task Force on Legal Aid Funding found that funding needs to double, from \$15 million to \$30 million annually. The Task Force adopted its Final Report in June 2014, which includes a series of short term and long-term goals to increase funding. It is clear that funding must come from a number of different sources in order to reach even minimally adequate funding levels. The Task Force concluded:

Oregon must recommit itself to the reasonable and necessary goal of providing “minimum access” to justice. The amount of revenue must be significantly increased and the sources of revenue broadened in order to provide the minimum acceptable level of access to justice for low-income people. More revenue must come from sources that remain consistent during times of economic downturn when the largest number of clients will be the most desperate for service. There must be sufficient stable revenue to provide at least two legal aid lawyers per ten thousand low-income clients in order to achieve the goal of minimally adequate access to justice in Oregon.

### **Bar Involvement in Legal Aid**

- HOD Resolution—attached
- A Call to Action—attached

**Oregon State Bar  
House of Delegates Resolution  
Resolution in Support of Adequate Funding for Legal Services to Low-Income Oregonians  
Passed November 2, 2018**

**Whereas**, providing equal access to justice and high quality legal representation to all Oregonians is central to the mission of the Oregon State Bar;

**Whereas**, equal access to justice plays an important role in the perception of fairness of the justice system;

**Whereas**, programs providing civil legal services to low-income Oregonians is a fundamental component of the Bar's effort to provide such access;

**Whereas**, since 1998, pursuant to ORS 9.575, the Oregon State Bar has operated the Legal Services Program to manage and provide oversight for the state statutory allocation for legal aid in accordance with the Bar's Standards and Guidelines (which incorporate national standards for operating a statewide legal aid program);

**Whereas**, during the great recession the staffing for legal aid programs was reduced while the poverty population in Oregon increased dramatically, thus broadening "the justice gap" in Oregon;

**Whereas**, Oregon's legal aid program do not have sufficient resources to meet the civil legal needs of Oregon's poor;

**Whereas**, Oregon currently has 2 legal aid lawyers for every 14,000 low-income Oregonians, but the national standards for a minimally adequately funded legal aid program is 2 legal aid lawyers for every 10,000 low-income Oregonians;

**Whereas**, assistance from the Oregon State Bar and the legal community is critical to maintaining and developing resources that will provide low-income Oregonians meaningful access to the justice system.

**Resolved, that the Oregon State Bar;**

- (1) Strengthen its commitment and ongoing efforts to improve the availability of a full range of legal services to all citizens of our state, through the development and maintenance of adequate support and funding for Oregon's legal aid programs and through support for the Campaign for Equal Justice.
- (2) Request that Congress and the President of the United States make a genuine commitment to equal justice by adequately funding the Legal Services Corporation, which provides federal support for legal aid.
- (3) Work with Oregon's legal aid programs and the Campaign for Equal Justice to preserve and increase state funding for legal aid and explore other sources of new funding.
- (4) Actively participate in the efforts of the Campaign for Equal Justice to increase contributions by the Oregon legal community, by establishing goals of a 100% participation rate by members of the House of Delegates, 75% of Oregon State Bar Sections contributing \$50,000, and a 50% contribution rate by all lawyers.
- (5) Support the Oregon Law Foundation and its efforts to increase resources through the interest on Lawyers Trust Accounts (IOLTA) program, and encourage Oregon lawyers to bank with financial institutions that are OLF Partners in Justice, meaning that pay the highest IOLTA rates.
- (6) Support the Campaign for Equal Justice in efforts to educate lawyers and the community about the legal needs of the poor, legal services delivery and access to justice for low-income and vulnerable Oregonians.
- (7) Encourage Oregon lawyers to support civil legal services programs through enhanced pro bono work.
- (8) Support the fundraising efforts of those nonprofit organizations that provide civil legal services to low-income Oregonians that do not receive funding from the Campaign for Equal Justice.

**Presenters:**

*Kathleen Evans, OSB#822514  
House of Delegates, Region 6*

*Ed Harnden, OSB#721129  
House of Delegates, Region 5*

*Ross Williamson, OSB#014548  
House of Delegates, Region 2*

## Background

“The mission of the Oregon State Bar is to serve justice by promoting respect for the rule of law, by improving the quality of legal services and by increasing access to justice.” OSB Bylaw 1.2. One of the four main functions of the bar is to be “a provider of assistance to the public. As such, the bar seeks to ensure the fair administration of justice for all.” *Id.*

The Board of Governors and the House of Delegates have adopted a series of resolutions supporting adequate funding for civil legal services in Oregon (Delegate Resolutions in 1996, 1997, 2002, 2005–2017). This resolution is similar to the resolution passed in 2017, but provides updates on the ratio of legal aid lawyers to Oregonians eligible for legal aid services.

The legal services organizations in Oregon were established by the state and local bar associations to increase access for low-income clients. The majority of the boards of the legal aid programs are appointed by state and local bar associations. The Oregon State Bar operates the Legal Services Program pursuant to ORS 9.572 to distributes the state statutory allocation for civil legal services and provide methods for evaluating the legal services programs. The Campaign for Equal Justice works collaboratively with the Oregon Law Foundation and the Oregon State Bar to support Oregon’s legal aid programs. The Bar and the Oregon Law Foundation each appoint a member to serve on the board of the Campaign for Equal Justice.

Oregon’s legal aid program consists of three separate non-profits that work together as part of an integrated service delivery system designed to provide high priority free civil legal services to low-income Oregonians in all 36 Oregon counties through offices in 17 communities. There are two statewide programs, Legal Aid Services of Oregon (LASO) and the Oregon Law Center (OLC); and one county wide program, the Center for Non-Profit Legal Services (Jackson County). Because the need is great and resources are limited, legal aid offices address high priority civil legal issues such as safety from domestic violence, housing, consumer law, income maintenance (social security, unemployment insurance, and other self-sufficiency benefits), health, employment and individual rights. About 31% of legal aid’s cases are family law cases, usually helping victims of domestic violence. All of these programs work to stretch limited resources through pro bono programs and self-help materials. Legal aid’s website, [www.oregonlawhelp.com](http://www.oregonlawhelp.com) receives about 290,000 unique visitors a year.

Providing access to justice and high quality legal representation to all Oregonians is a central and important mission of the Oregon State Bar. An Oregon study concluded that low-income Oregonians who have access to a legal aid lawyer have a much-improved view of the legal system compared with those who do not have such access: 70% of individuals without access to a lawyer had negative feelings about the legal system, but of those who had access to a legal aid lawyer, 69% had a positive view of the legal system regardless of the outcome of their case. The 2014 Task Force on Legal Aid Funding, which included representatives of the Bar, the Law Foundation, the judiciary, the legislature and private practice concluded that legal aid funding should be doubled over the next 10 years. Because funding for legal aid is a state, federal and private partnership, with about 80 different sources of funding, increases in funding must be made across the board to address the justice gap.

Currently, around 20% of lawyers contribute to the Campaign for Equal Justice, but in some Oregon regions (Jackson County and Lane County, for example), participation is as high as 40%.



LEARN.

SPEAK UP.

ACT.

A CALL TO  
ACTION

- **Give** to the Campaign for Equal Justice. The best way to increase access is to create more legal aid staff attorney positions.
- **Review** your IOLTA account for abandoned client funds. The funds are paid to the Oregon State Bar for appropriation to legal aid through the Oregon State Bar's Legal Services Program.
- **Shop.** Support legal aid when you shop at Fred Meyer by linking your rewards card to CEJ ([www.fredmeyer.com](http://www.fredmeyer.com)) and when you shop at Amazon through AmazonSmile.com. It costs you nothing, but supports legal aid.
- **Educate.** Talk about the importance of access to justice. Let people know—civil legal aid is there for those who need help. Host a Campaign for Equal Justice CLE for one hour of Access to Justice credit for attorneys.
- **Endow.** Take simple steps to endow your annual gift to the Campaign's endowment fund.
- **Volunteer** through one of legal aid's many volunteer lawyer projects and clinics, or help the Campaign for Equal Justice raise money for legal aid.
- **Speak Up.** Let state, federal and private funders know that access to justice is important.
- **Learn** how legal aid services are delivered in your community so that you can make appropriate referrals for low-income clients.
- **Move** your IOLTA accounts to a financial institution that is an Oregon Law Foundation "Partner in Justice." If all lawyers took this step, funding for legal aid could increase by as much as \$1.3 million—enough to fund several small rural legal aid offices. Contact the OLF at [www.oregonlawfoundation.org](http://www.oregonlawfoundation.org).
- **Connect.** Ask your bar group to take action to support statewide legal aid programs in Oregon. Contact the CEJ for ideas.

● FOR MORE INFORMATION ON HOW YOU CAN BE INVOLVED ●  
CONTACT THE CAMPAIGN FOR EQUAL JUSTICE.

[www.cej-oregon.org](http://www.cej-oregon.org)  
503.295.8442

## Has your bar or legal professional group signed on to the Call to Action?



**Federal Bar Association**  
Oregon Chapter



**OAPABA**  
OREGON ASIAN PACIFIC  
AMERICAN BAR ASSOCIATION

**OADC** Oregon Association  
of Defense Counsel



Oregon  Foundation



## JUSTICE IS A RIGHT, NOT A PRIVILEGE.

We need help from all lawyers, bar and legal professional groups, and the community in providing access to justice for low-income Oregonians. Please join us!

Contact the CEJ at 503-295-8442 to sign on today.