



Access to Justice in Oregon

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One hour Access to Justice MCLE credit applied for

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.



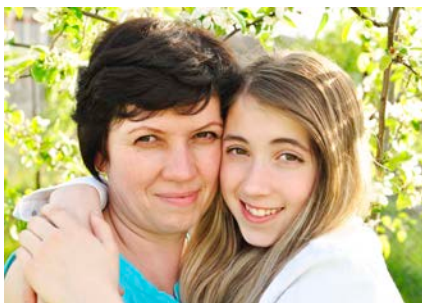
Julie and Kevin are hardworking parents of four. Their youngest, twin boys, were both born with serious heart problems. Even with two working parents, the family lives on the edge of poverty because of medical costs. Fortunately, they receive help from the Oregon Health Plan (OHP). Things started to 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.



Lynette is a 44 year old busy single mom of a 17 year old daughter. When she had difficulty breathing and started to have chest pains, she went to the hospital where she was admitted to the intensive care unit. She needed oxygen and breathing treatments and then was able to return home. Lynette was low-income and covered under the Oregon Health Plan and thought that would take care of the bill. She was surprised when she got a bill from the hospital and later a collections agency saying that some of the treatments weren't covered. Lynette's income covered her rent, utilities and groceries, with almost nothing left over and it would have been impossible to pay the hospital bill and stay current on other bills. She called legal aid, and the attorney worked things out with the hospital. Lynette said, "Legal aid was a godsend to me and I'm not sure what I would have done if they hadn't been there to help."

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.

About 34% of the 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. Recent studies have shown that access to legal services is essential in the process of ending domestic violence. 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 to access information - whether through easy-to-understand forms, including online forms; legal assistance or representation; and legal self-help centers - so people can know their rights. Civil legal aid also helps streamline the court system and cuts down on court costs. 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 see victims of domestic violence, abused children and families losing their homes all too frequently because they cannot afford a lawyer. 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 a justice gap and 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 close the funding gap?

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

Medford. Services are provided to low-income clients through community based offices located in 17 communities throughout Oregon.

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

Substantive Areas of Need

- General Low-Income Population Needs
 - Family, housing, employment, public services (mostly police issues), and consumer problems were the most commonly reported legal problems.
 - Public benefits problems were also commonly reported.
 - Discrimination problems were common, and overlap other categories.
- Specific population needs – see client stories (attached)
 - Homeless people had greater than average problems with
 - public services (mostly police issues), housing, employment, family law, torts/insurance, public benefits, and discrimination based on disability
 - Domestic violence survivors had greater than average problems with
 - family law, public services (mostly police issues), housing, consumer, and public benefits
 - African Americans had greater than average problems with
 - public services (mostly police issues), housing, consumer, and education
 - Native Americans had greater than average problems with
 - Native American-specific issues (e.g., problems with federal government agencies related to tribal issues), public services (mostly police issues), discrimination, employment, consumer, public benefits, health, torts, education, and institutional issues
 - Latinos had greater than average problems with
 - Discrimination, immigration
 - Physically disabled people had greater than average problems with
 - Health, public benefits, consumer, wills and estates, and disability discrimination
 - Elderly people had greater than average problems with
 - wills and estates, and elder abuse and neglect

Sources: Legal aid's 2016 Strategic Plan and the Campaign for Equal Justice's 2014 Task Force on Legal Aid Funding took a comprehensive look at legal needs and resources for legal aid programs. These efforts build on the Legal Needs Study conducted in 2000 by the Oregon Judicial Department, the Oregon State Bar and the Office of Governor Kitzhaber.

Critical Findings and Updates

- About 850,000 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 17,000 people who qualify for their help.
- There are currently about 100 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.
- About 70% of people who were denied help from legal aid had negative feelings about the legal system. Being represented by a legal aid lawyer made feelings about the system much more positive—69% of people who were represented by legal aid reported positive feelings about the legal system—regardless of the outcome of the case.
- 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.**
- This year, legal aid attorneys will serve about 22,000 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 130,000 unique visitors and almost 145,000 legal education materials downloaded.
- About 80% of legal aid’s clients are women—most with children to support.

Frequency of civil legal problems for the poor

Low-income people have more civil legal problems, a different distribution of legal needs, are less likely to seek legal help for legal problems, and have a lesser ability to access the legal resources used by the general population. While legal aid is the only option for the more than 850,000 Oregonians in this situation, it has the capacity to meet than 15% of the existing need.

- Low-income people have legal problems more often than the general population
 - The average household has 1.9 legal problems per year, with 2.3 substantive issues.
 - But low-income people—specifically homeless people, domestic survivors, farm workers, Native Americans, and people living in institutions—have an average of 5 problems per year with 7 substantive issues.
 - DV survivors alone, who make up a very large percentage of legal aid’s clients, track that average almost exactly.
- **An example of how multiple legal problems may impact low-income people.** For example, Sarah is low-income and married to Ralph and they have two children. Ralph has a long history of domestic abuse. When Sarah fears for her life and the safety of her children, Sarah finds a shelter she can go to with the children, but because Ralph knows where she works, he will stalk her there as he has done in the past. So, she instead moves to the coast to stay with relatives while she looks for work there - hoping Ralph will not find her. Here are the legal problems she will be facing: obtaining a restraining order against Ralph (or appearing at a restraining order hearing if Ralph contests it). She will likely need to apply for unemployment while she is looking for work. If her unemployment is denied, she may

need legal representation. She may eventually need help with a divorce and issues relating to visitation with children and child custody. Often domestic violence survivors need help with employment related issues and housing related issues.

Reasons Why Poor Oregonians Do Not Seek Legal Help

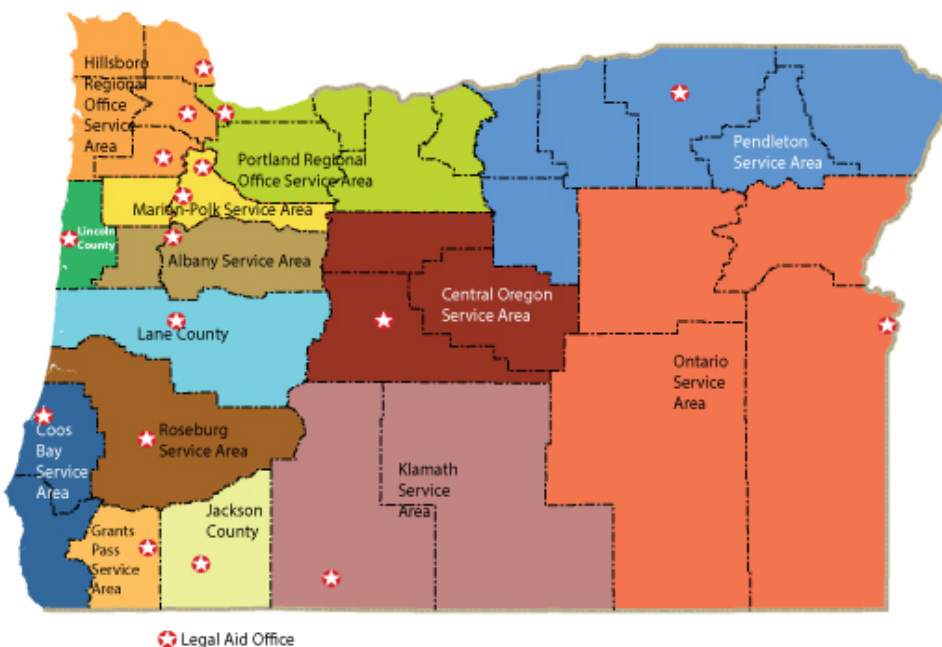
- The biggest reason why respondents in the survey did not seek legal help was the belief that nothing could be done about their legal problem (17%).
- Other reasons included the beliefs that:
 - The problem is not a legal one (i.e., no law/right has been violated);
 - There is nowhere to get help;
 - It is too hard to get help;
 - It will be too expensive (even though most of those surveyed were eligible for free help).
- All of those indicate a need for outreach and education about legal aid.

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 two 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.

2017 Federal Poverty Measures

Number in Family	125% of Federal Poverty Level
1	\$15,075 per year \$1,256 per month
2	\$20,300 per year \$1,692 per month
3	\$25,525 per year \$2,172 per month
4	\$30,705 per year \$2,563 per month

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. To see an alternate perspective on how much a family needs to survive, see the MIT Living Wage Calculator with details specific to each County and Metropolitan Statistical Area for the state of Oregon at <http://livingwage.mit.edu/states/41/locations>.

Poverty Facts

- The poverty rate in Oregon dropped to 15.4 in 2015, Census data showed, a decline of 1.2 percentage points from the prior year. By comparison, the poverty rate in Oregon stood at 12.9 percent in 2007, before the start of the Great Recession. (Source: Oregon Center for Public Policy analysis of 2015 PSU Population Research Center and American Community Survey Data)
- Child poverty, however, remained stubbornly elevated. The poverty rate for children in 2015 was not statistically different from 2014. About 1 in every 5 Oregon children lived in poverty in 2015. (Id.)

- There are an estimated 850,000 Oregonians who meet legal aid income eligibility criteria. This number has remained steady since the Recession, even though there have been signs of economic recovery and improvements in other segments of the population. (2016 Statewide Legal Aid Strategic planning process findings)
- The growth rate for the population eligible for legal aid was higher in some and lower in other regions within Oregon over the past decade, too. There are counties with deep poverty (25% of the population or more) throughout Oregon: in the Willamette Valley, in central, southern and eastern Oregon and on the coast. There are counties with large numbers of income-eligible individuals (25,000 or more) along the I-5 corridor, from Multnomah County in the north to Jackson County in the south. Oregon now faces an affordable housing crisis statewide. (Id.)
- Poverty is higher for minority groups in Oregon: 22.1% for Native Americans; 22.6% for Latinos; 27% for African Americans. The poverty level for white Oregonians is 11.1%. (2016 share of Oregonians living in poverty by race or ethnicity. Source: Oregon Center for Public Policy analysis of American Community Survey.)
- Efforts at the national level to estimate the low-income farmworker population nationwide for the Legal Services Corporation have bogged down because of disagreements about how to estimate this population. Nonetheless, estimates in Oregon suggest there are 160,429 farmworkers and household members of farmworkers. (This figure was taken from the “Oregon Update Migrant and Seasonal Farmworker Enumeration Profiles Study,” May, 2013 by Alice C. Larson, PhD.)
- The number of Oregon families receiving food stamps increased by nearly 60% between July 2008 and November 2011.
- Unemployment creates a greater need for civil legal services, as more Oregon families confront domestic violence, foreclosure, lack of medical care, difficulty accessing benefits and other similar issues.
- A 2014 study showed that a person must work 72 hours per week, 52 weeks a year at minimum wage to afford the fair market rent of \$846 per month in Oregon.
- From early in the economic recovery (2009-12) to more recently (2013-16), food insecurity in Oregon increased 18.4 percent. Over the same time period, food insecurity nationally *decreased* by 6.8% percent. Families affected by food insecurity found it hard to put food on the table, often not knowing where their next meal was going to come from. For some of these families, their food insecurity was so severe it qualified as “hunger.” These families skipped meals or ate too little because they were not able to afford ample food. In 2012-14, 6.3 percent of Oregon households experienced hunger. From 2010-2012, the increase in food insecurity in Oregon was the second highest increase among all states and the District of Columbia, exceeded only by Louisiana. From 2013-2015, the increase has been the highest in the nation. (Oregon’s Spike in Food Insecurity Worst Among All States. Source: Oregon Center for Public Policy, November, 2016)

V. How Does Legal Aid Help?

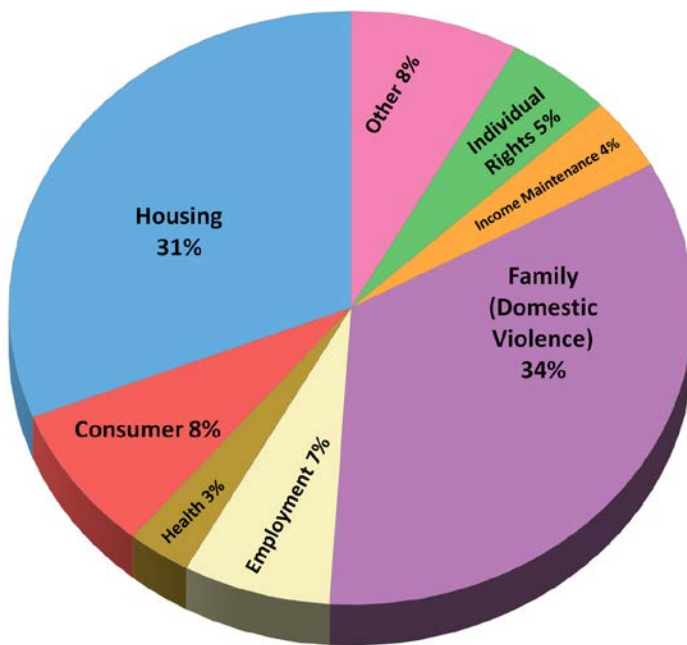
Priority Setting

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.
- Case Types (see graph)



- Legal aid stretches limited resources in several ways:
 - Telephone 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.

- 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.

Statewide Strategic Planning

Legal aid completed a strategic plan in 2016. Representatives from a broad range of interested stakeholders worked on the Strategic Planning Committee 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 provided information throughout the process. The

Committee made findings about identifying client needs and 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.

Other Types of Cases

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

- Work with client communities, judges, lawyers and social service organizations to set case acceptance priorities that include civil legal matters related to basic needs like food, shelter, medical care, income maintenance and physical safety.
- 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 the law regarding Section 8 vouchers in private apartment buildings.
 - 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. Here’s an example: Eight years ago, Joe got a little rowdy in a Portland bar after watching a Timbers game that came down to the last seconds, with the Timbers winning. In his excited state, Joe left without paying his bar tab. The subsequent conviction has held him back from housing, and getting a good job, even though he has never committed any other offenses. Legal aid, often with the assistance of volunteer lawyers, works to help with the paperwork and court filings that will clean up a record in order to gain employment in this type of scenario. Sometimes this work involves helping clients understand the law and fill out the forms necessary to help a judge determine whether Oregon’s laws permit expunging old criminal records that are barriers to getting a job or housing.
- 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 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

- About 34% of the 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.
- Domestic violence and children:
 - Witnessing violence has a significant negative impact on development, behavior, education, health, mental health and increased risk taking as adolescents or adults.
 - In nearly 60% of domestic violence cases, minor children see or hear the violence in the home.

Legal Aid Pro Bono Opportunities

Volunteer lawyers contribute more than 9,500 hours. Some of the successful programs around the state include Senior Clinics, the Domestic Violence Project, Bankruptcy Clinic and the 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.

Oregon's legal aid programs are working hard to create pro bono projects in more rural offices around the state.

The role of Legal Aid Programs and Lawyer Volunteers. Legal aid staff provides training, materials, advice to volunteer lawyers, and also triage clients to determine the best placement to resolve a particular legal issue. Legal aid staff lawyers and paralegals have experience in dealing with the legal problems of low-income and

elderly Oregonians. While some legal problems faced by this community may be considered routine legal matters, others may require the specialized knowledge of staff lawyers—often times requiring familiarity with complex regulations or laws that are encountered primarily in poverty law settings. In some cases, volunteer lawyers may be new to practicing law and legal aid provides basic training; in other cases, experienced lawyers may not be familiar with a particular practice area. The triage function is best performed by legal aid staff because of their knowledge of community resources.

Expanding Statewide Pro Bono Opportunities. Through a grant from Meyer Memorial Trust and The Collins Foundation, legal aid has hired 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 has already begun an innovative new project to utilize Portland-area attorneys in serving non-metro area clients. The Portland office of the law firm of Miller, Nash, Graham & Dunn LLP is partnering with legal aid in a Virtual Clinic with the Bend and Coos Bay legal aid offices. After potential clients are screened and placed by legal aid, Portland-based attorneys meet with Central Oregon clients (from Deschutes, Jefferson and Crook counties) and Coos Bay clients (from Coos and Curry counties) through videoconferencing.

Some of legal aid's pro bono opportunities include the following:

- **Bankruptcy Clinic.** The Oregon State Bar Debtor-Creditor Section and legal aid sponsor this project that provides information and representation to clients who are considering bankruptcy or who are already in U.S. Bankruptcy Court as pro se litigants. Volunteer attorneys meet with clients, help them assess whether bankruptcy is appropriate, and if so, provide ongoing representation. The clinic operates in Portland, Bend and Pendleton and will begin operating in Salem in 2018.
- **Statewide Tax Clinic.** The Statewide Low Income Taxpayer Clinic provides advice and representation to low income clients who have a tax controversy with the IRS or the Department of Revenue.
- **Law Firm Clinics.** Several Oregon law firms partner with legal aid organizations to meet with low-income clients and provide advice and continuing legal representation to clients with meritorious cases. Common case types include consumer law, small claims advice, criminal record expungements, landlord/tenant damage claims, estate planning, and uncontested guardianships.

Pro Bono Opportunities in Marion and Polk Counties

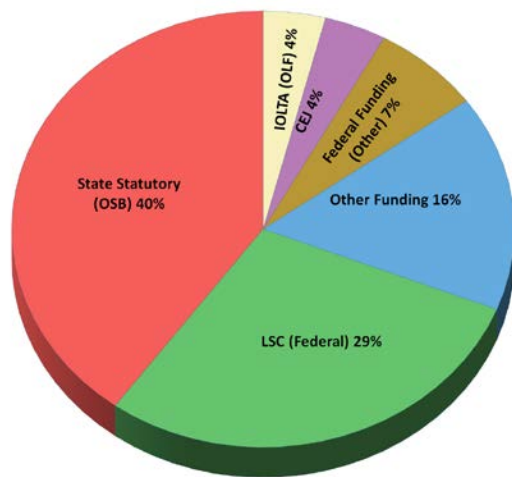
- ❖ The Salem Regional Office of Legal Aid Services of Oregon, which serves Marion and Polk Counties, provides pro bono opportunities for active and retired attorneys. Pro bono opportunities available range from brief advice to accepting cases for full representation. For more information, contact Angelica Vega at 503-581-5265, ext. 7244, or angelica.vega@lasoregon.org.
- ❖ **ProBonoOregon Listserv.** Legal service offices around the state post cases to this listserv one time per week. An attorney who is interested in accepting a pro bono opportunity contacts the listing office for full case information. Listings include the area of law, type of case, assistance expected and a brief description of the issue. Conflict information is discussed with interested attorneys when they contact the listing office. This project allows pro bono attorneys to take a pro bono case when it fits best with their schedule. Sign up for the listserv on Legal Aid's website, www.oregonadvocates.org.

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, but the four primary sources are the following:

- OSB Legal Services Program--State Statutory Allocation, pursuant to ORS 9.572, 40%;
- Federal Funding through the Legal Services Corporation (LSC), 29%;
- Interest on Lawyer Trust Accounts (IOLTA), 4% (distributed by the Oregon Law Foundation); and
- Campaign for Equal Justice’s Annual Fund drive, 5%.

The chart below reflects the breakdown of funding from 2016.



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 \$15.5 million annually.

Recession: Office Closures and Funding Cuts

Between 2011 and 2013, Legal Aid Services of Oregon and the Oregon Law Center each experienced an approximately 20% reduction in staff due to loss of revenue. Some staffing reductions occurred as a result of layoffs. Other positions were frozen when staff voluntarily resigned to take other positions. During the layoff process, the programs tried to maintain three-person, “critical mass” offices in rural areas to help provide relatively equal access to legal aid services statewide. As a result, the layoffs disproportionately affected offices that had 3 or more employees. When funding losses during the recession forced staffing cuts, some were eliminated entirely and some were cut from full-time to part-time. The part-time positions have presented retention and recruitment issues. Although staffing at Oregon’s legal aid programs has begun to recover since the recession forced office closures and the layoff of nearly 20% of staff statewide, it remains significantly below pre-recession levels. Many of the positions that have been added in the past years have been made possible by limited-time grants and other one-time funding.

The following offices were closed or cut as a result of funding shortages:

- In 2012 legal aid had to make difficult choices about cuts in services due to decreased funding. The Oregon City legal aid office was closed in the spring of 2012 because of federal funding cuts. The office had served the low-income community there for more than 40 years. These clients are now served out of the Portland office.
- One of two legal aid offices in Lane County was closed in 2012 because of federal funding cuts.
- The satellite office in Independence, Oregon was closed in June 2011 because of funding cuts.
- These offices were closed at a time when the need for services increased dramatically statewide (see poverty facts below for more information).

Details on Sources of Funding:

- **State Funding:**
 - **Filing Fee/Statutory Allocation:** 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 now receives a statutory allocation of \$11.9 million per biennium — or \$5.95 million annually — from the general fund. The legislature intended to review the allocation amount every few years to determine how much it might need to be increased. The first review has yet to be done. The legislature retained the same oversight structure.
 - **General fund:** Legal aid received general fund appropriations in the 2007-2009 biennium and 2009-2011 biennium. Legal aid also received general fund appropriations in two recent legislative sessions, \$600,000 in 2015, and \$200,000 earmarked for housing in 2016. No additional funding was provided in the most recent 2017 legislative session.
- **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. In 2011 and 2012, federal funding for legal aid in Oregon dropped by 18.6%, to \$3.6 million, resulting in a funding loss of \$800,000. The federal appropriation for 2014 for Oregon returned to \$4.2 million, which is the same amount received in 2011. In addition, because Oregon had the 8th highest growth of poverty (at 125% of federal poverty guidelines), Oregon received a slightly larger percentage of the LSC appropriation in 2015, 4.3 million dollars.

The future of federal funding remains uncertain. The White House 2018 budget proposed to eliminate funding for the LSC, along with 18 other agencies. Congress is ultimately responsible for approving a federal budget. As of early September, the House budget bill allocated \$300 million dollars for LSC. This would be a 24% decrease in funding. The Senate budget bill allocated \$385 million dollars for LSC, which

is the same level of funding LSC received last year. These bills along with other FY18 budget bills will go to a joint House/Senate reconciliation committee for negotiation on final funding amounts. A continuing resolution was passed in September 2017 to give the government until December 9, 2017 to pass a FY18 budget (the federal fiscal year begins October 1st).

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. Because interest rates have been at record lows, IOLTA revenues have plummeted in recent years — from a high of \$3.6 million to \$750,000 in 2015. 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 \$26 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 the past few years the annual fund drive has raised between \$1.1 and \$1.2 million each year. In 2015 the Campaign for Equal Justice Celebrated 25 years, and donations were at a new record of \$1.38 million. 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 has also received funding from Meyer Memorial Trust, The Collins Foundation, the National Institutes of Health, United Way, Oregon Community Foundation, Kaiser Permanente, and others. The Public Welfare and Kresge Foundations have embarked on an initiative called "*Natural Allies: Philanthropy and Civil Legal Aid*" to raise support among foundations for legal aid. In 2015-2017, legal aid received several new grants to fund innovative legal assistance projects, some of which led to the addition of new attorney positions. Grant funding is typically short term, between one to three years, so additional funding will be needed to continue these positions and projects.
 - A few examples of funding received:
 - Funding from the State of Oregon to create outreach and informational materials to inform domestic violence survivors of their rights and available services. The funding will pay for written materials and animated and spoken-word videos on such topics as How to Get a FAPA and How to Get a Stalking Order. Materials will be translated into Spanish, Russian and Vietnamese.
 - Funding to work with medical and other partners on reducing the health effects of exposure to pesticides on Indigenous Farmworkers. This project and related projects

have been funded by the Robert Wood Johnson Foundation, Kaiser Permanente Community Foundation, United Way, Oregon Community Foundation, the National Institutes of Health, and National Institute of Occupational Safety and Health.

- A City of Portland grant to provide an additional \$60,000 per year to legal aid to help staff the Gateway Center for Domestic Violence. The Gateway Center is a one-stop family justice center where victims of domestic violence can receive a multitude of services from multiple service providers in a single location. This additional funding allowed legal aid to hire a new full-time attorney.
 - A City of Portland grant to fund a staff attorney and an outreach worker to assist Portlanders who are dealing with evictions and foreclosures, as a local response to the housing crisis that is ongoing all over the state.
 - A partnership with a medical provider in Albany, OR to address some of the legal problems that low income people face that adversely impact their health. Beyond the medical issues that the doctors are able to assist with, there are often a range of legal problems that lead to a medical issue. For example, domestic violence can lead to an emergency room visit for an injury, or an unsafe housing situation can lead to breathing problems. Medical/legal partnerships have proven very effective in assisting people in a holistic way when they see a doctor for help with a medical issue, but there is also a legal issue that could be addressed to make the medical issue improve or even provide a long term improvement to the person's condition.
- Oregon's three legal aid programs have also received additional funds from the Oregon Law Foundation to continue their statewide foreclosure legal assistance project. The three legal aid programs provide legal assistance to low-income homeowners facing foreclosure and to tenants affected by foreclosure issues. They work in close collaboration with a statewide network of housing counseling agencies. As part of this project, legal aid has also recruited and trained a panel of pro bono attorneys to provide legal assistance to modest-means homeowners facing foreclosure issues.

- **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. As of May 6, 2016, \$786,949 has been directed to legal aid, including \$346,346 in distribution of unclaimed class action funds from the Strawn v. Farmers class action.

The revision to the Uniform Disposition of Unclaimed Property Act was enacted by the 2009 legislature but went into effect in 2010, so the unclaimed funds in lawyer trust accounts were not directed to the LSP until 2010.

- **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.** In 2015 the Oregon legislature passed a cy pres bill, requiring that 50% of residual class action funds be used to support legal aid. "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, this 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. Although this funding may help to close the justice gap in the future, significant funding from this source is at least five to seven years away.

- **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 January 2016, the Campaign had about \$500,000 in its endowment, with an estimated \$2.4 million in legacy pledges—most of which came in the form of pledges during 2013-14 as a part of the Endow Now! Initiative, which encourages long time CEJ supporters to endow their annual gift. Endowment funds are held by the Oregon Community Foundation. The Campaign for Equal Justice will begin to make annual distributions from the earnings on endowment funds to fund legal aid when the fund reaches \$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

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 currently has resources to meet about 15% of the civil legal needs of Oregon's poor creating the largest "justice gap" for low-income and vulnerable Oregonians in recent history;

Whereas, Oregon currently has 1 legal aid lawyer for every 8,500 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 at OLF Leadership Banks 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*

*Gerry Gaydos, OSB#764138
House of Delegates, Region 2*

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

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, 2005–2015). This resolution is similar to the resolution passed in 2015, 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 distribute 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 four 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 two county wide programs, Lane County Legal Aid and Advocacy Center and 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 37% 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, oregonlawhelp.com receives about 167,000 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: 75% 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, 75% 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, slightly more than 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.

- **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 (ask at the customer service desk to set it up) and when you shop at Amazon through AmazonSmile. 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.
- **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 "Leadership Bank." If all lawyers took this step, funding for legal aid could increase by as much as \$900,000—enough to fund two small rural legal aid offices. Contact the OLF at 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

Has your bar group signed on to the Call to Action?



EQUAL JUSTICE STARTS HERE.

We need the help from all lawyers, bar 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.

