

THE LAWYERS'
CAMPAIGN *for* EQUAL JUSTICE



Access to Justice in Oregon *Focus on Marion and Polk Counties*

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Willamette Inns of Court

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One hour Access to Justice MCLE credit

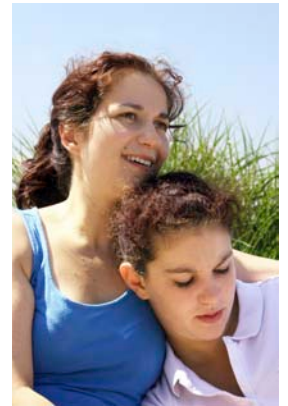
Legal Aid: Making a Difference in People's Lives

For more than 75 years, Oregon's legal aid programs, supported by the generous donations of attorneys like you, have been providing free assistance to low-income Oregonians statewide. These stories are a snapshot of how your donation makes a meaningful difference in low-income Oregonians' lives.



Joey's mother, Marie, used her body to shield Joey and his sister Sarah from their abusive father, taking the brunt of his abuse. Marie saw the emotional toll the abuse was taking on Joey and Sarah and wanted to get away, but she needed help. Legal aid helped Marie obtain a restraining order and temporary custody. Her message to other survivors of domestic violence is, "it's not easy, but there is help and hope." Today, Marie is on the road to stabilizing life for herself and her children.

Amy, mother of five, was 28 and apparently healthy when she suddenly collapsed. She woke up in the hospital to learn a tumor in her spine had ruptured one of her spinal bones. Amy lost her job and her savings in her seven-year battle with cancer, and when she went into remission, she still had intense pain in her damaged bones. Then Oregon Health Plan (OHP) mistakenly stopped covering her pain medication, leaving her as ill as she was during chemotherapy. Amy turned to legal aid, and legal aid worked with OHP to restore coverage. Amy said "If [legal aid] hadn't stepped in, I would still be in horrendous amounts of pain, unable to function."



Mary, 84, developed dementia, and her daughter was appointed as her guardian/conservator. Mary's daughter sold Mary's home, stole the proceeds, and threatened to move Mary to foster care in another county. Fortunately, the county protective service was able to refer Mary to legal aid. Legal aid stopped the threatened move and recovered the stolen funds and property, some of which went into a supplemental needs trust for Mary.

Beth, age 31, thought she was safe. She was focused on caring for her son, Kaiden, who had only one kidney, asthma, and other serious health issues. But then Kaiden's father came back to Oregon. He had beaten Beth while she was pregnant, and when Kaiden was four, he turned up at her home, threatening her and kicking her door down one night. She got a restraining order on her own, but she knew that wouldn't be enough to keep Kaiden safe. Legal aid helped Beth get a custody order to keep him safe from his violent father. Beth and Kaiden are building a safe, stable life, free from Kaiden's father's abuse.



Read more client stories at www.cej-oregon.org

ACCESS TO JUSTICE IN OREGON

I. Introduction

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?

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.

Legal aid is currently able to serve about 15% of the civil legal needs of the poor in Oregon. Other services, like the self-help materials legal aid provides and pro bono services, attempt to serve the remaining needs.

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

Sources: Legal Needs Study: In 2000, the Oregon Judicial Department, the Oregon State Bar and the Office of Governor Kitzhaber conducted a study of legal needs in Oregon. Additional updates were done in 2005 by the Legal Services Corporation and in 2009 by LASO.

A. Critical Findings

- About 850,000 Oregonians meet the income requirements for legal aid.
- There is one lawyer for every 340 people who can pay for services.
- There are currently 90 legal aid lawyers in Oregon—one lawyer for every 9,444 poor persons. When the legal needs study was done in 2000, there was one lawyer for every 4,619 poor persons.
- Legal aid lawyers represent 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.
- **Prior to the recession, there were resources to serve less than 20% of the legitimate civil legal needs of the poor. It is now 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, receives over 70,000 visitors per year.
- About 80% of legal aid’s clients are women—most with children to support.

B. 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.

C. Frequency of civil legal problems for the poor

- 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.

In summary, poor 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.

D. 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
 - 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

III. Where is Legal Aid Located?

A. 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)
- Lane County Law and Advocacy

B. 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.

C. Office Closures

- 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.
- Low-income Oregonians in the Columbia Gorge and on the North Coast, where local offices were closed due to federal cuts, must now travel a great distance for help.
 - For example, clients in Astoria are served by the Hillsboro office. Clients in Hood River and The Dalles must travel to Portland or Pendleton.
- The satellite office in Independence, Oregon was closed in June 2011 because of funding cuts.

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.

A. Federal Poverty Measures

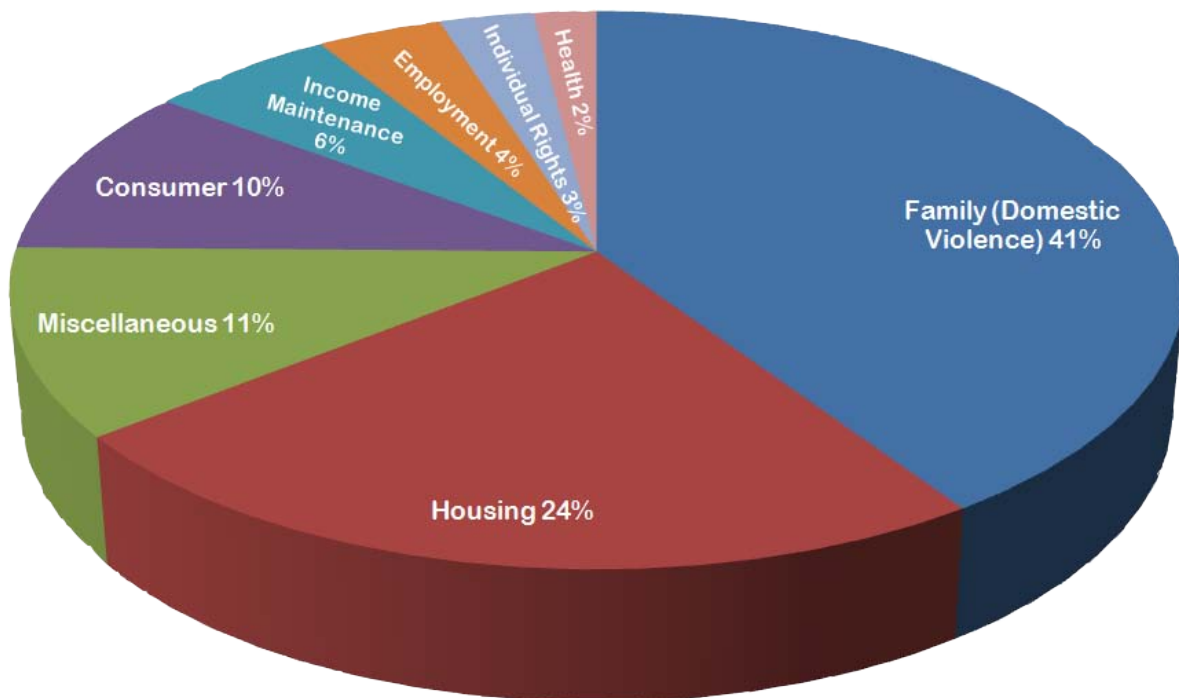
Number in Family	125% of Federal Poverty Level
1	\$14,363 per year \$1197 per month
2	\$19,388 per year \$1616 per month
3	\$24,413 per year \$2034 per month
4	\$29,438 per year \$2453 per month

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 Economic Policy Institute's Basic Family Budget Calculator at www.epi.org/content/budget_calculator/.

B. Poverty Facts

- There are an estimated 850,000 Oregonians who meet legal aid income eligibility criteria.
- Between 2000 and 2011, there was been a 61.5% increase in the numbers of Oregonians eligible to receive free civil legal services (125% of the federal poverty guidelines). This growth in poverty is the 8th highest in the nation.
- Poverty is higher for minority groups in Oregon: 23.1% for Native Americans; 28.8% for Latinos; 39% for African Americans.
- The number of Oregon families receiving food stamps increased by nearly 60% between July 2008 and November 2011.
- The number of families receiving temporary assistance (TANF) increased by more than 50% between July 2008 and November 2011. People who qualify for TANF are also eligible for legal aid.
- 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 2011 study showed that a person must work 71 hours per week at minimum wage to afford a two-bedroom apartment in Oregon. In Multnomah County, the figure is 83 hours per week.
- Homelessness among Oregon school children increased by 7% in 2011, and affects over 20,000 students.
- Legal aid offices have reported increases in the frequency and severity of domestic violence.

V. How Does Legal Aid Help?



A. 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.

B. 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.” The Program also

“works to eliminate barriers to the efficient and effective delivery of legal services caused by maintaining legal and physical separation between providers of general legal services to low-income Oregonians in the same geographical area, while maintaining Providers’ ability to offer the broadest range of legal services required to serve the needs of clients. “

Oregon Legal Services program Standards and Guidelines, Rev. August, 205, Section 1, Mission Statement.

- Services are limited to critical civil legal needs, like food, shelter, and physical safety.
- 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.
- About 84% 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.
- About 6% result in a court decision.

C. Domestic Violence

- About 41% 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.
- Offices are reporting spikes in both the frequency and severity in domestic violence.
- 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.
- Legal aid lawyers in offices around the state serve on local domestic violence councils and task forces dedicated to domestic violence.

D. Legal Aid Pro Bono Projects

In 2012, volunteer lawyers working through legal aid’s programs logged more than 10,000 hours and worked on about 3,385 cases, accounting for about 19% of the total cases handled by legal aid. Oregon’s legal aid offices operate a number of pro bono programs for low-income clients and volunteer lawyers. Those include:

- Volunteer Lawyers Project (Domestic Violence Project, Bankruptcy Clinic, and the Pro Se Assistance Project)
- Pro Bono Oregon listserv
- Senior Law Project
- Neighborhood Legal Clinics, clinics sponsored by Intel and Hewlett-Packard,
- Other Law Firm Sponsored Clinics
- ELVIS (Emeritus Lawyer Volunteers in Service)

Pro bono programs at legal aid have been carefully designed to focus on high priority areas for clients and which work well for 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 programs.

Oregon’s legal aid programs are working hard to create pro bono projects in more rural offices around the state. New projects outside of the Portland metro area include the Bankruptcy Clinic in

Bend and Eugene, and soon in Salem. In an effort to easily match pro bono lawyers and low-income clients, legal aid also operates the Pro Bono Oregon Listserv, a weekly email listserv that posts pro bono cases from programs serving the legal needs of low-income clients. To sign up for the listserv, join our support website through oregonadvocates.org and join the listserv under the listserv tab.

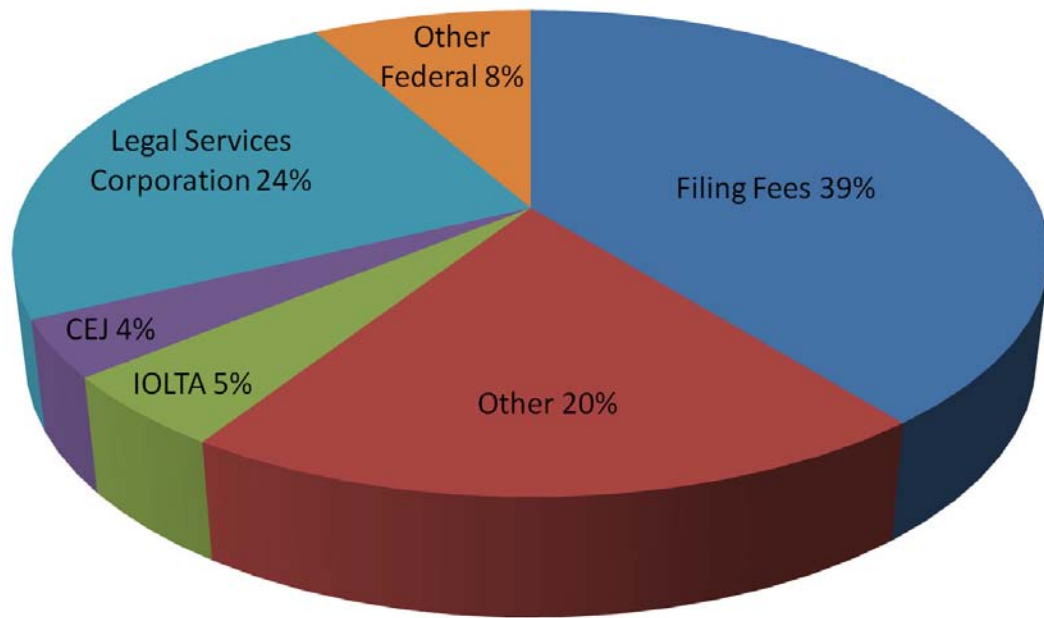
Pro bono programs require resources to operate, primarily in screening cases, placing clients, arranging for training for pro bono lawyers, providing mentoring for pro bono lawyers, and in some cases, recruiting pro bono lawyers.

E. Marion Polk Service Area

- The Salem-area legal aid office has recently helped clients resolve housing problems such as non-functioning water and sewer systems.
- Office staff works closely with the local domestic violence shelter, NW Senior & Disability Services, the Salvation Army Homeless Shelter, Willamette Valley Community Action Agency, and other agencies that serve the region's low-income community.
- The ELVIS (Emeritus Lawyer Volunteers in Service) Program provides approximately three clinics a month to help older clients with legal issues affecting seniors.
- The poverty population of the region covered by the Marion-Polk Legal Aid Service office is 1,925 square miles, with a poverty population of over 80,700.

VI. How is Legal Aid Funded?

Funding for Oregon's statewide legal aid programs comes from a variety of sources and fluctuates greatly each year. This is a snapshot of funding:



Legal aid balances 80 different sources of funding.

A. Major Sources of Funding

Filing Fees. Since 1977 a portion of court filing fees go to support legal aid programs. Oregon was the second in the nation to adopt filing fees for legal aid, and now thirty-two states use this model. Since 1997 the funds have been distributed by the Oregon State Legal Services Program. The programs are also reviewed by the Bar's Legal Services Program. The OSB, after a great deal of study and input from lawyers, judges and public officials, adopted Standards and Guidelines to guide and evaluate the statewide delivery of legal services in Oregon. One of the guiding values is that all low-income Oregonians should have relatively equal access to justice---regardless of where an individual resides.

Legal Services Corporation. In the 1980s, the vast majority of funding for legal aid programs came from the national Legal Services Corporation, with money appropriated by Congress. However, the 1990s saw a dramatic downturn in funding for legal aid. Also, in 1996, Congress attached a number of restrictions to programs that are funded with LSC funds. Only one legal aid program, Legal Aid Services of Oregon, receives LSC funding.

Campaign for Equal Justice (CEJ). The Lawyers' Campaign for Equal Justice was started in 1991 by legal aid and private lawyers to help fill the funding gap that was left by the severe cuts in federal funding. In 1996, the Campaign became a separate 501(c)(3). The Campaign works on issues relating to state and federal funding, foundation support, and education and outreach regarding the importance of access to justice for low-income Oregonians. The Campaign also operates an annual fund drive with assistance of about 200 lawyer volunteers, and operates an endowment. In 23 years, the Campaign has raised about \$23 million for legal aid.

IOLTA. The Oregon Law Foundation administers interest on lawyer trust accounts (“IOLTA”) funds. OLF has worked with Oregon banks to increase the interest rates that Oregon banks pay on IOLTA accounts. Because interest rates are so low, IOLTA revenues have plummeted in recent years---from a high of \$3.6 million to about \$970,000 in 2012.

Grants. Legal aid offices statewide receive over 80 grants from a variety of sources. As a general rule, grants do not provide stable long-term funding.

B. Current funding picture

Funding for 2011-2013 has decreased by 25% or more than \$3 million and offices have reduced staffing by over 35 FTE, or about 20%. Legal aid also had to close two offices.

1. **State funding:** General fund money was not renewed (\$923,574), and filing fee funding was essentially flat funded in 2011 and 2012 (without the gradual increase that was previously available). Filing fee funds are a portion of court filing fees that support legal aid programs.
2. **Federal funding:** In 2011 and 2012, federal funding for legal aid in Oregon has dropped by 18.6% (4% in 2011; 14.6% in 2012) resulting in a funding loss of \$800,000. Federal funding was essentially flat in 2013, but funding for 2014 is tied to current budget talks in Congress.
3. **IOLTA:** Because interest rates are at record lows IOLTA revenues have plummeted in recent years--**from a high of \$3.6 million to \$997,000 in 2012 and \$930,000 projected in 2013. This is a 75% drop in annual revenue.** Unfortunately, the Federal Reserve has signaled that interest rates are not expected to rebound for at least the next three years and when there is a rebound it is predicted that interest rates will still remain low.
4. **CEJ Funding:** Funding from the Campaign for Equal Justice has not declined. Oregon lawyers have continued to contribute to the Campaign. About 20% of Oregon lawyers contribute about \$1.2 million in the Campaign’s annual fund drive.

C. Funding for 2012-2013 and beyond

Funding is sometimes difficult to predict. Interest rates are unlikely to rebound in the near future; federal funding allocation in Oregon may increase as a result of the drastic increases in poverty, but the amount of funding remains uncertain.

VII. How Can We Close the Funding Gap?

A. Updates on Bar Involvement in Legal Aid

- HOD Resolution—attached
- Oregon’s Pro Bono Standard: OSB State Bar Bylaw 13.1:
“Pro bono publico or pro bono service includes all uncompensated services performed by lawyers for the public good. Such service includes civic, charitable and public service activities; as well as activities that improve the law, the legal system and the legal profession. The direct provision of legal services to the poor, without an expectation of compensation, is one type of pro bono service.

Each lawyer in Oregon should endeavor annually to perform 80 hours of pro bono services. Of this total, the lawyer should endeavor to devote 20 to 40 hours or to handle two cases involving the direct provision of legal services to the poor, without an expectation of compensation. If a lawyer is unable to provide direct legal services to the poor, the lawyer should endeavor to make a comparable financial contribution to an organization that provides or coordinates the provision of direct legal services to the poor.”

B. Additional Legal Aid/Oregon Lawyer Facts

- Employees of the Association of Legal Services Programs consistently rank in the top 20 in the list of top contributors to the Campaign for Equal Justice.
- The cost of maintaining a rural legal aid office is about \$300,000 per year.

D. A Call to Action

The following Call to Action has been adopted by the Campaign for Equal Justice, the Oregon State Bar, the Multnomah Bar Association, Oregon Women Lawyers and the Oregon Trial Lawyers Association.

- Understand how funding for legal aid works and support increased funding on both the state and federal level. Supporting access to justice is a bipartisan cause.
- Put your lawyer trust account funds with a “Leadership Bank.” These banks are committed to maximizing the rate of return on IOLTA accounts. The interest from these accounts is distributed by the Oregon Law Foundation. Contact the OLF to locate the Leadership Banks in your community (www.oregonlawfoundation.org).
- Frequently review your IOLTA account for abandoned client funds. The funds are now paid to the Oregon State Bar for appropriation to legal aid through the Oregon State Bar’s Legal Services Program.
- Do pro bono work through your local legal aid office. Administrative resources are often limited, so please be patient. Sign up for the Pro Bono Oregon listserv - join the support website www.oregonadvocates.org and from there join the ProBonoOregon listserv under the listservs tab. When you join the listserv you will receive a weekly email with available pro bono cases.
- Give generously to the Campaign for Equal Justice. The best way to increase access is to create more legal aid staff attorney positions.

- Include the Endowment Fund in your estate plan. Gifts and bequests to the Endowment Fund will grow to be a source of perpetual, stable support for Oregon's legal programs and a lasting legacy for donors. For more information contact Sandy Hansberger at (503) 295-8442 or sandy@cej-oregon.org.
- Understand how legal services are delivered in your community so that you can make appropriate referrals for low-income clients.
- Become involved in your local legal aid offices' priority setting. Periodically, your local office seeks input on the legal needs of the low-income client community and the priority of these legal needs.
- Take a legal aid lawyer to lunch. No kidding. Get to know the lawyers and their work. Besides, it would be a really nice thing to do.

If your bar group would like to be added to this Call to Action, please contact the Campaign at 503-295-8442 or visit us online at www.cej-oregon.org.

Remarks of David Brewer¹ at Campaign for Equal Justice Luncheon February 8, 2012

I'm here today to give thanks. To the 92 legal aid lawyers who give quality legal services to low income and elderly Oregonians, to the dedicated staff members who support that work in countless ways, to the legion of volunteer lawyers in this room who fill the growing service gaps with their time and financial help, and to the many legal aid employees who, in the past year, have lost their own jobs due to funding cuts.

By giving of yourselves so generously, each of you has contributed to the critical reservoir of trust and hope on which the rule of law depends for its life's blood. What is encouraging to me as I look at your faces today is the steady determination of Oregon's legal community to step up with a helper's spirit to fill the breach. When you consider that almost 800,000 people in a state of 3.5 million now qualify for legal aid services, a number that reflects about a 20% increase over the past 4 years, it's easy to see what's at stake.

Now, more than ever, the ranks of the poor are being filled with folks who, just a few years ago, were pulling down family wage or higher incomes. The foreclosure rate has risen so high that Oregon's is the third highest in the nation. We all know that, because of depressed property values and high unemployment, a wave of Oregon homeowners are now income eligible for legal aid services and very much in need. But whether they're enduring intergenerational or transitional poverty, these people are our neighbors and friends. And they understand, at an intensely personal level, how poverty eats at your soul and your self esteem, and creates a sense of hopelessness.

At least in our heads, if not from our own experience, we know the demoralizing lessons that poverty teaches:

That success is the privilege of a fortunate few;

That failure is inevitable, so why try;

That a subsistence job doesn't pay in respect or a living wage;

That the future is painful to imagine, so you might as well live for now;

That police and the courts are unfriendly, even the enemy; they're out to get you, and they should be avoided;

That education is for "those people", not people like me. School takes you away from your family and causes more stress because you don't have the status symbols to belong;

That health care is almost nonexistent; maybe you go to the emergency room if you're real sick; otherwise, you share prescription medicine, eyeglasses, and remedies;

That nutrition and exercise are not words you use, they're for people who have too much time and money on their hands; whatever is going to happen to your body will happen no matter what you do;

And that life just happens, you have no power to change it, you just react.

The life skills that you learn from poverty are also unique. You learn how to get by without garbage service and other utilities, you find out which stores will let you get food and pay for it later, and you figure out which churches and agencies have free clothes that don't have holes and stains. You learn

¹ Hon. David Brewer, Presiding Judge, Oregon Court of Appeals.

how to fix your toothache with superglue, how to wash clothes without money, detergent, or a washing machine, you learn how to wait for hours for health or social services in a waiting room filled with people, who are hungry, homeless, sick, and desperate, and you get used to constant crisis.

So why does the plight of these folks matter to us? It's because:

Ours is a constitutional system of government that guarantees equal access to justice to all people under the law.

Because our freedoms are not based on status, race, wealth, gender, age, or other factors.

Because our system is complex, too often like a maze. It's why lawyers are licensed to practice law and belong to the bar.

Because, from a judicial standpoint, the administration of justice is far better served when all sides are on an equal footing. Judges face an ethical dilemma when one side is well represented and the other is not. Under those circumstances, it's very difficult to achieve an evenhanded outcome.

Because legal aid lawyers who have chosen to serve people who can't afford to pay fill an indispensable public function for all of us. They work to achieve justice on behalf of those whose well being depends on fair treatment, but who have virtually no chance of achieving a favorable outcome without their assistance. And their work involves needs that are so fundamental—access to food, shelter, basic medical care, and safety from domestic violence—that we ignore them at the peril of our own values.

Because Legal Aid's role in Oregon is critical to our system of justice and to the democratic principles on which it is built; even before the recession hit, legal aid programs could only meet 20% of the need for services. Over the past four years, we've seen a dramatic increase in that need as the social problems that go hand in hand with poverty threaten to overwhelm the capacity of the public justice system to respond.

And, finally, because it's only due to good fortune and in most cases, pure dumb luck, that we, and those we care about most, aren't among the poor ourselves.

I know that some of you have been there for a time in your own lives, and if you have, you'll never forget it.

These are hard times, and they're not over, but the institutions that have been built to support Legal Aid services throughout this state over the past 75 years, and the people who serve them, are more than up to the challenge. I am humbled by the service of the dedicated attorneys, staff, and all the volunteer lawyers in this state who work for the cause of legal aid. They make tremendous personal sacrifices to do that work. They contribute to those who are poor and in need of their help, and they contribute to the rest of us in the community who benefit from their work, most of the time without even knowing it. Everyone in this room contributes to the fulfillment of the ideals that our framers enshrined in the constitution by helping real people get back on their feet. Oregon lawyers have no greater calling than to make the cause of equal justice flourish in courthouses and on the streets in every corner of the state.

So, pause for a moment to accept these sincere thanks, and then once more, with vigor, let's get back to the job. Thank you.

Oregon State Bar
House of Delegates Resolution — Passed November 2013

Resolution in Support of Adequate Funding for Legal Services to Low-Income Oregonians

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, the Oregon State Bar provides oversight regarding the use of state court filing fees to help fund legal aid and this funding now comprises more than one third of legal aid's overall funding and is critical in providing equal access to justice;

Whereas, poverty in Oregon has increased 61% between 2000 and 2011, the 8th largest increase in the nation and most of Oregon's poor have nowhere to turn for free legal assistance;

Whereas, in the past 3 years, because of a perfect storm of funding cuts, Oregon's legal aid programs have had to reduce staffing and close offices, at a time when the need for civil legal services is at a record high;

Whereas, it is estimated that legal aid programs in Oregon 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, 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.
- (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 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
House of Delegates, Region 6

Gerry Gaydos
House of Delegates, Region 2

Ed Harnden
Board of Governors, Region 5

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, 2005–2012). This resolution is similar to the resolution passed in 2012, but specifically updates, the increase in poverty, and resolves to work with Oregon’s legal aid programs and the Campaign for Equal Justice in helping to address “the justice gap”.

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 filing fees for civil legal services and provide methods for evaluating the legal services programs. The Campaign 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.

In a comprehensive study assessing legal needs, which was commissioned by the Oregon State Bar, the Office of the Governor and the Oregon Judicial Department found that equal access to justice plays an important role in the perception of fairness of the justice system. *The State of Access to Justice in Oregon* (2000). Providing access to justice and high quality legal representation to all Oregonians is a central and important mission of the Oregon State Bar. The study also concluded that individuals 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. Studies in 2005 and 2009 by the national Legal Services Corporation confirm that in Oregon we are continuing to meet less than 20% of the legal needs of low-income Oregonians. Legal Services Corporation, *Documenting the Justice Gap in America: The Unmet Civil Legal Needs of the Low-Income Americans*(Fall 2005). Today, legal aid programs estimate that about 85% of the civil legal needs of the poor in Oregon go unmet. Although we have made strides in increasing lawyer contributions to legal aid, there remains a significant deficit in providing access to justice to low-income Oregonians.

Currently, about 20% of lawyers contribute to the Campaign for Equal Justice. The Campaign supports statewide legal aid programs in Oregon which have offices in 17 different Oregon communities, and provide representation to income eligible clients in all 36 Oregon counties. The offices focus on the most critical areas of need for low income clients. About 40% of legal aid’s cases involve family law issues relating to domestic violence.

From: [Family Violence Coordinating Council](#)
To: [ROACH Michelle;](#)
Subject: FVCC Newsletter
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Update

Family Violence Coordinating Council Newsletter

September 2010

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Dear Michelle,

Welcome to the Multnomah County Family Violence Coordinating Council Newsletter published monthly. If you are having formatting difficulties allow photos to be displayed or add us to your safe senders list.

REMINDER - NEXT MONTH

Judge Herrell Awards and Multnomah County Family Violence Coordinating Council Celebration on **October 8, 2010** from 12:00 to 1:30 pm. Judge Herrell Awards and Multnomah County Family Violence Coordinating Council Celebration on October 8, 2010 from 12:00 to 1:30 pm.

Meeting Agenda

September 10, 2010
Portland Building,
1120 SW 5th Ave,
Room 2B

12:15-12:35 Vote on New
Member Application
(Gateway Center for DV
Services)

12:35-1:10 Report
on Oregon Batterer
Intervention Programs

1:10-1:30 Harassment to
Homicide, 1991 to Present,
Accomplishments

Domestic Violence: How Money Matters

by Kerry Naughton

Oregon, like many other states in the nation, has recently been stunned by a significant increase in domestic violence-related murder suicides. On average in Oregon each year, 18 people are killed as a result of domestic violence. But in just the past 14 months, 31 adult victims of domestic violence and children have been murdered-and many more children have lost a parent or have become orphaned by the violence. In 15 cases, the abusive partner also killed himself; meaning that in the last 14 months, almost 50 Oregonians have died as a result of domestic violence. This represents a 40% increase over recent years.

Some people are quick to point to the bad economy. Others may say the victim should have just moved out or stayed away from the abuser. While it is natural to want to find a singular cause of the recent violence so elected officials can implement a "quick fix" to prevent future fatalities, truly addressing the issue will take a much more coordinated and

money

Announcements

Domestic Violence

Coordinator's Office DV

Awareness Month Events:

October is Domestic Violence Awareness Month (DVAM), and the Domestic Violence Coordinator's Office is compiling a county-wide DVAM events list. If your agency is hosting an event this October let us know by September 24th, so we can include it in our October UPDATE. Send the following information to [Vanessa Timmons](#):

Name of the Event

Sponsoring Agency

Date and Time

Location

Contact person

Brief description (25 words or less)

Gateway Center for Domestic Violence Services Grand

Opening: Wednesday, September

8th at 1:00 pm. 10305 East Burnside Street, Portland Oregon 97216. This event is hosted by Multnomah County Chair Jeff Cogen and Portland Commissioner Dan Saltzman. For more information please contact Diana Lee at 503-988-6464.

Crisis Response Team Portland Police Bureau and Partners:

One Voice Healing Hearts, featuring Linda Hornbuckle, S.E.I Youth Choir and more. Saturday, September 11th, 2010 12-4pm. Holladay Park-Lloyd Center, NE 11th AVE & Holladay Street, Portland Oregon 97201. If you offer services that support victims please call and lend a hand. If you want to decry senseless violence-come lend your voice. For more information contact Officer Marci Jackson 503-823-2095

Call for Conference Proposals for Batterer Intervention

Services: The Batterer Intervention Services Coalition - Michigan ((BISC-MI) a national provider of high quality conferences, is accepting proposals for presentation for its April 13-15, 2011 conference. They are looking for providers of batterer intervention services to present specific curriculum and strategies at this national conference. To submit your proposal click the [link](#).

Multnomah County Sheriff's

Office: Domestic violence victims can now request DV victim

comprehensive response. The recent murders are horrifying and they underscore a much larger crisis of violence against women in Oregon:

- Approximately 30,000 Oregon women experience intimate partner violence a year.
- More than one-third of domestic violence assaults are witnessed by children.
- One in six Oregon women has survived forcible rape.
- When last counted, domestic and sexual violence crimes made up one-third of all violent crime statewide.

It is within this context that Oregonians must address the larger issues of violence and determine how to enhance and expand existing resources.

The Economy and Domestic Violence

"The economy does not cause domestic violence but can make it worse."

- Sue Else, President of the National Network to End Domestic Violence[1]

An extensive report sponsored by the National Institute of Justice (NIJ) found that the incidence and severity of violence against women increases as the rate of male unemployment increases. Research also found a strong relationship between subjective feelings of financial strain and the likelihood of violence against a woman in an intimate relationship. The rate of violence among couples with high levels of subjective financial strain is roughly three and a half times as high as it is among couples with low subjective strain (9.5% compared to 2.7%).

While these statistics show a link between the economy and domestic violence, it is important to understand that the economy does not cause domestic violence. It does, however, mean that an abusive partner who becomes unemployed may have greater access to his victim, which can lead to the increase in incidence and severity of abuse.

Researchers from Oregon Health & Sciences University and Johns Hopkins found that 69% of women in Oregon who report abuse are employed at the time of the abuse. But survivors of domestic violence may also face unemployment, in some cases because of the violence itself. NIJ-sponsored research has found that women who were recently abused (but not women who were abused only in the past) experienced unstable employment for up to two years. Domestic violence can lead to mental and physical health problems, which may make it more difficult for the survivor to fulfill her job duties and retain employment.

The recession did not cause domestic violence. The recession does, however, make the need for domestic and sexual violence programs-which provide shelter, individualized safety planning and advocacy, hotlines, counseling, court

notification online. Forms are available on the Multnomah County Sheriff Office [website](#). Actual notifications will still be made by phone to ensure victim contact.

Multnomah County Family Court: [Multnomah County Family Court](#) now has web pages with Frequently Asked Questions, forms, referrals for finding legal help, resources and materials about family law matters and links to rules, procedures, and committees that deal with court practices.

Note: We would like to hear about innovative domestic violence resources, new projects within your programs, and updates on your existing services. Please let us know by sending your information to Update editor [Vanessa Timmons](#) or by fax 503-988-3710.

Quick Links

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[Domestic Violence Coordinator's Office](#)

accompaniment, and assistance with public benefits-even more important.

Two of the recent domestic violence-related murder suicides happened in the workplace. For some survivors, the workplace is the only safe place they have, and it is important that survivors are able to receive appropriate assistance and referrals when they disclose the abuse to their employer. In 2007, Governor Kulongoski signed an Executive Order requiring all state managers, supervisors, and HR employees to have mandatory training on domestic violence, sexual assault, and stalking. To date, almost 5,000 managers and state employees have been trained.

In 2007, the Oregon legislature passed legislation requiring employers to provide unpaid leave for legal, medical or mental health assistance resulting from domestic violence, sexual assault or stalking. In 2009, the Oregon legislature increased workplace protections by prohibiting employment discrimination against survivors and requiring employers to make reasonable safety accommodations for employees in need of protection, unless that would cause an undue hardship for the business.

Housing Needs and Homelessness

Leaving an abusive partner is a process, not a singular event. Often, abusers will isolate survivors from family and friends, giving the survivor few resources for support, or can easily find out where the survivor's loved ones live, making that an unsafe place to stay. If survivors are unable to access shelter through a domestic violence program, they are often forced to return to-or remain in-dangerous situations. A startling number of domestic violence survivors become homeless:

- 50% of people who are homeless say domestic violence is the cause of their homelessness.
- 46% of people who are homeless previously stayed in a domestic violence situation because they had nowhere else to go.

In 2008, there were almost 20,000 requests for emergency shelter in Oregon that went unmet because there wasn't enough funding to meet the need. When shelter beds and motel vouchers are unavailable in Multnomah County, some domestic and sexual violence advocates have been forced to recommend that survivors and their children ride the Max light rail all night or sleep at the airport because these are the safest options available. Programs in rural communities also struggle-not only to provide enough safe emergency shelter, but to also find resources to transport the survivor away from her abuser and out of danger.

"A caller asked me today if I knew of a safe bridge she could sleep under."

- Oregon advocate, Domestic Violence Counts 2009, National Network to End Domestic Violence

Funding for Domestic & Sexual Violence Programs

Money matters. In either a good or bad economy, until domestic and sexual violence programs are fully funded to provide emergency assistance, long-term advocacy, specialized outreach, and prevention programming, Oregon will continue to struggle to address violence against women.

The 2006 equity study helped pave the way to increased ODSVS funding in the 2007 legislative session. A broad coalition of organizations-including Partnership for Safety and Justice-and staunch support from key legislators-including then-Representative Chip Shields-were able to successfully increase ODSVS to \$4.5 million/biennium. In the 2009 legislative session, despite dire economic conditions, the same coalition of organizations and staunch legislative support was able to protect ODSVS from funding cuts. Unfortunately, the total funding available statewide is still only a little more than half what's needed to provide the minimal emergency services.

[1] <http://nnedv.org/news/national/386-nnedv-responds-to-reids-comments-economy-can-exacerbate-violence.html>

A full version of the article first appeared in the spring edition of Justice Matters, 2010. It is reprinted with permission of Partnership for Safety and Justice. Article written by Kerry Naughton.

National DV Services Census: Wednesday, September 15, 2010

Be part of the 2010 Domestic Violence Counts Census:

The National Census of Domestic Violence Services is designed to collect an unduplicated, non-invasive count of adults and children who receive services during one 24-hour survey period. View data from last years count: <http://www.nnedv.org/resources/census/2009-census-report.html>

Informational Calls for Local Programs:

NNEDV is offering 3 free conference calls this month to offer additional information and support for programs that are interested in participating in the count. Each call will cover the same information, last 30 minutes, and each be held at 12 PM Pacific Time/3pm Eastern Time on:

Wednesday September 1
Monday, September 13
Tuesday September 14

To join any of these calls, please register at <http://www.nnedv.org/CensusCalls>. If you have any questions, email census@nnedv.org or contact the Oregon Coalition against Domestic and Sexual Violence at 503-230-1951.

State Funding Cuts Impact Victim Services

This summer, due to [projected reduction](#) in Oregon State revenues, the Governor ordered an across-the-board 9% cut to state-funded programs.

The impact of the cuts proposed by each State Division was most significant for the domestic violence shelters in Multnomah County, which received a 27% cut in State funding through the State Homeless Assistance Program (SHAP). Oregon Housing and Community Services Division (OHCSO), which administers SHAP funds, chose to take almost the entire 9% cut out of SHAP. The \$60,000 reduction in SHAP funds was divided equally among the four domestic violence shelters funded by Multnomah County (Bradley Angle, YWCA Yolanda House, Raphael House of Portland and Salvation Army West Women's and Children's Shelter).

In the last year, all of the domestic violence programs in the county cut staff or required staff to take furlough days because of loss of funding from private donations, foundations or government funding combined with increasing costs of health care, utilities and personnel. This additional SHAP cut to shelters has put more stress onto the shelters and shelter staff. Although no shelters will close because of this cut, shelters do expect to reduce staffing, which may at times to limit their ability to bring in more survivors even if they have an empty bed.

Future cuts also appear to be on the horizon. The most recent state economic forecast has indicated that another 8% cut may be required this fiscal year, with additional cuts for the 2011-13 biennium.

What's at risk in the future? If OHCSO continues to target SHAP funding for cuts, there could be another \$50,000-\$60,000 cut to local shelters. In the next legislative session, funding for the Criminal Fine and Assessment Account (CFAA) is already at risk, and the Oregon Domestic and Sexual Violence Services Program (ODSVS) may also be at risk. There is discussion at the Legislature already to end the earmarks for victim services and criminal justice interventions funded through CFAA and rolling all CFAA funds into the State General Fund. This would place the entire \$2 million of CFAA per biennium that currently goes to domestic violence and sexual assault victim services across the state in competition with much larger agencies, such as the State Police.

The Oregon Legislative Alliance to End Violence against Women suggests meeting with [your State Legislator](#) this Fall before the next session starts if you wish to talk with them about the need for State funding for domestic violence victim services.

President Barak Obama Signs New Tribal Law and Order Act



According to a Department of Justice report, Native American women suffer from violent crime at a rate three and a half times greater than the national average. Astoundingly, one in three Native American women will be raped in their lifetimes.

Recently, Congress took an important step to improve the lives of Native American women by passing the Tribal Law and Order Act of 2010. The Act includes a strong emphasis on decreasing violence against women in Native communities.

The Act will strengthen tribal law enforcement and the ability to prosecute and fight crime more effectively. The Indian Health Care Improvement Act will require that a standardized set of practices be put in place for victims of sexual assault in health facilities.

The Act expands training of tribal law enforcement officers on the best ways to

interview victims of domestic and sexual violence and the importance of collecting evidence to improve rates of conviction.

The Director of Indian Health Services will coordinate with the Department of Justice, Tribes, Tribal organizations and urban Indian organizations to develop standardized sexual assault policies and protocols. Special Assistant US Attorneys will be deputized under the Act to prosecute reservation crimes in Federal courts, and tribes will be given greater authority to hold perpetrators accountable.

These provisions will increase communication between tribal law enforcement, Federal authorities and the court system. The Act will not focus only on prosecution but also on prevention. It reauthorizes and improves programs to prevent and treat alcohol and substance abuse, as well as programs that improve opportunities for at-risk Indian youth.

For more detailed information visit the white house website and view a video at:

<http://www.whitehouse.gov/blog/2010/07/29/tribal-law-and-order-act-2010-a-step->

Trainings

September 9th, 2010 (8:30-10:30am): Recovery Networking Breakfast For Women's Services, Multnomah County Southeast Health Clinic, 3653 SE 34th Ave., Portland OR 97202. This is a long standing opportunity for providers of and advocates for women's recovery services to partake of a hosted light breakfast, meet community partners, share information, and identify new resources. If you have questions contact Susan Montgomery at (505)988-3064 ext. 24304.

September 9th-10th, 2010: "Imagine No Violence" Summit, Tillamook County Women's Resource Center, Tillamook Bay Community College, 4301 3rd Street, Tillamook, OR 97141. Keynote Speakers, Lundy Bancroft and Rev. DR. Marie M. Fortune, also featuring presentations by local experts, Chiquita Rollins, Gabby Santos and others. This two day event will help you acquire new skills and contribute your vision for a violence-free community. For registration fees and additional information visit the website at <http://www.tcwrc.net>

September 21st, 2010 (10:00am-12:00pm): Human Trafficking: Working with survivors at the intersection of commercial exploitation and domestic violence. Multnomah County Family Violence Coordinating Council Monthly Training, Multnomah County Southeast Health Clinic, 3653 SE 34th Ave, Portland OR 97202. Multnomah County Commercial Sexual Exploitation of Children-Collaboration Specialist, Joslyn Baker and Monique Monroe, victim advocate with PPB sex crimes will provide this training. This is a free workshop and registration is not required. For more information please contact Vanessa Timmons at 503-988-9166 ext. 26266 or vanessa.timmons@co.multnomah.or.us

September 30th, 2010: Safety & Sobriety: Co-occurring Domestic Violence & Substance Abuse Issues. Nationally-recognized trainer Patricia J. Bland will provide training to help child welfare workers, addiction professionals, advocates and allied community partners address the needs of women clients and program participants who are impacted by co-occurring domestic violence and substance abuse issues. Contact annie.neal@multco.us for more information.

September 30th, 2010 (1pm-2:30pm): Webinar, Am I sleeping with the Enemy? Redefining Masculinity in the Evangelical Faith Community. Join author, minister, sexual and domestic prevention advocate, and community leader Ron Clark as he draws from his new book to address masculinity in the evangelical faith community. To register contact Ron Clark at agapecoc@comcast.net

October 9th, 2010 (9am-1:00pm): Treating Military Sexual Trauma by Elizabeth Stinson, LMFT. Location: Portland State University, 4CEUs available for LMFT, LCSW, LPC, Chiropractors and LMTs. Cost: \$60 (\$70 after October

1). Free for Returning Veterans Project providers and Vet Center and VA clinicians. Registration begins August 26, 2010. For more information and to register visit <http://www.returningveterans.org> or call 503-93-4996.

October 14-16, 2010, Tacoma WA: Paving a Rocky Road: Removing Barriers to Men's Engagement Pacific Lutheran University Men Against Violence will host a national conference to engage professionals, religious communities and student activists in the process of identifying and strategizing how to remove the barriers that have traditionally kept large numbers of men from joining violence prevention efforts. Experts will discuss innovative approaches to anti-violence work and how to empower men to explore masculinities which support a just and equitable society. For more information or to submit a workshop proposal, contact Jonathan Grove at grovej@plu.edu.

November 1-3, Kuala Lumpur, Malaysia: The Global Domestic Violence Conference 2010 in Kuala Lumpur. This conference is set to be the largest gathering of community groups, government and non-government agencies (NGO's) all devoted to highlighting and showcasing successful programs with the aim of empowering people and workers in the field of domestic violence. This event will bring together people from all walks of life from all corners of the world. For information visit their website <http://www.domesticviolenceconference.net/>

Note: Does your organization sponsor a conference or training that you would like to have listed in the Update? If so please let us know about it. Send conference/training information to Update editor [Vanessa Timmons](#) or via fax: 503-988-3710. Be sure to include registration deadline and name of person to contact for additional information.

The FVCC seeks to develop a coordinated community response that includes the domestic violence response system and community and social systems.

Newsletter feedback and article ideas are always welcome. Send comments to [Vanessa Timmons](#)

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