

PRO BONO, LEGAL AID, AND OTHER TOOLS TO REACH JUSTICE FOR ALL

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Chapter 16

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Access to Justice in Oregon

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Learning the Ropes
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Legal Aid Success Stories

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

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



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

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



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

For most of these clients, their only experience with anything like a landlord-tenant relationship was being in a refugee camp. Some feared that they would be attacked or killed if they complained to the landlord, and none felt they could afford to live anywhere else.

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

ACCESS TO JUSTICE IN OREGON

I. Introduction

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

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

Legal aid provides:

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

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

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

This handout addresses several questions:

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

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

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

General facts about legal aid in Oregon

- About 753,000 Oregonians meet the income requirements for legal aid. This number comes from the 2018 American Community Survey and represents the most recent census data currently available. We know that

this number is now higher, given the current economic crisis. For example, between March 15 and August 13, 2020 543,200 Oregonians have filed for unemployment benefits. Our unemployment rate is at 11.2%.

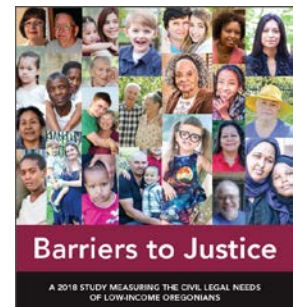
- According to national standards, the minimally adequate level of staffing for legal aid is two legal aid lawyers for every 10,000 low-income Oregonians. Oregon is far from the targeted goal, with two legal aid lawyers for every 14,000 people who qualify for their help.
- There are currently about 111 FTE legal aid lawyers in Oregon.
- In Oregon, generally, there is one lawyer for every 340 people.
- Legal aid lawyers make up less than 1% of Oregon State Bar.
- Oregon’s legal aid programs balance 80 different sources of funding, and funding from most sources declined during the recession.
- It is estimated that Oregon’s legal aid programs have resources to meet 15% of the legal needs of the poor.
- In 2019, legal aid attorneys served over 39,000 clients in Oregon.
- Legal aid helped an additional 122,000 people through advocacy on benefits and programs that affect low-income people.
- 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 295,000 unique visitors.
- About 80% of legal aid’s clients are women—most with children to support.

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

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

Substantive Areas of Need

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



General Study Findings:

Legal Problems are Widespread

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



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

Legal Problems Multiply

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



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

The Need for Legal Aid Outpaces Resources

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



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

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

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

Households with DV/SA survivors were:

6.2 times more likely to experience the effects of homelessness

3.7 times more likely to have an education-related issue

3.0 times more likely to have an employment issue

2.1 times more likely to have a rental housing problem



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

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

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

Take Action!

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

Educate

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

Speak Up

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

Fund Legal Aid

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

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

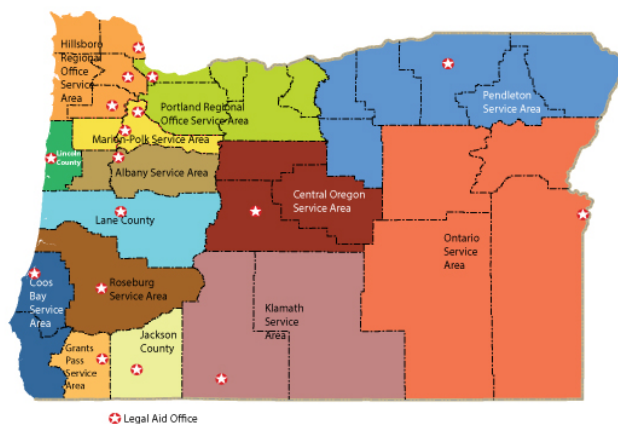
“Every Oregonian deserves a justice system that is accessible and accountable. The legitimacy of our democracy depends on the premise that injustices can be addressed fairly within the bounds of the law, no matter who you are or where you live. Let us work together in Oregon, to ensure that justice is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

III. Where is Legal Aid Located?

Oregon's legal aid programs

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

Location of Offices



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

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

IV. Who is Eligible for Legal Aid?

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

2020 Federal Poverty Measures

Number in Family	125% of Federal Poverty Level
1	\$15,950 per year \$1,329 per month
2	\$21,550 per year \$1,796 per month
3	\$27,150 per year \$2,263 per month
4	\$32,750 per year \$2,729 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.

Additional Poverty Facts

- Poverty is higher for Black, Indigenous, and other People of Color in Oregon.
- The Economic Policy Institute has a “Family Budget Calculator” that estimates what it takes for a family to have a modest yet adequate standard of living. The calculator takes into account the cost of housing, food, child care, transportation, health care, other necessities, and taxes. The calculator does not include savings for retirement, rainy day, or college. It is based on 2018 costs.
 - For example, in Multnomah County, the budget for 1 adult and 2 children is \$7,242 a month or \$86,900 total.
 - <https://www.epi.org/resources/budget/>
- Food Insecurity Definition: the estimated percentage of individuals who have limited or uncertain access to adequate food. Food insecurity has profound negative impacts on the well-being and success of individuals, families and communities. In Oregon, 12.9% of households are food insecure. In 24 Oregon Counties the percentage is higher than the state average. Coos County has the highest food insecure households at 15.6%.
 - Oregon by the Numbers – Ford Family Foundation Report / 2019 Edition.

- There is not a single county in OR where a full-time minimum wage worker can afford even a one-bedroom apartment at what the US Department of Housing and Urban Development determines to be the Fair Market Rent.

V. How Does Legal Aid Help?

Priority Setting

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

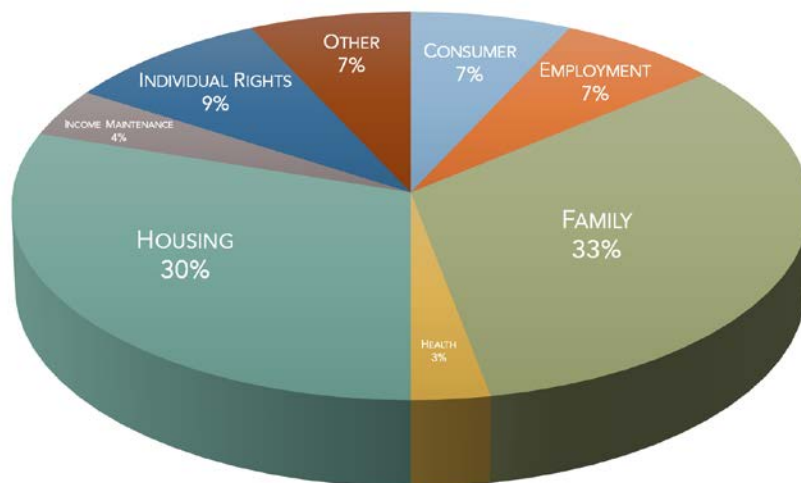
Efforts to Meet Critical Civil Legal Needs

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

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

2019 Case Types

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



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

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

- Prevent homelessness by providing advice and representation to tenants and low-income clients who are impacted by foreclosures.
 - Work with housing authorities and private landlords to provide trainings for housing authorities, landlords and tenants impacted by changes in housing law.
 - Help resolve problems with administrative agencies and prevent a further slide into poverty.
 - Help disabled and seniors get and keep assisted housing.
 - Work with clients and government to protect government subsidized housing when private owners fail to comply with promises that they made to the state and federal government in exchange for tax subsidies used to buy or improve low-income rental units.
- Help low-income people get and keep jobs.
- Help remove barriers to work and housing through expungement assistance. An “expungement action” in Oregon can erase non-violent misdemeanor convictions from an individual’s criminal record, thus clearing the path to moving forward.
- Help low-income people get healthcare. Legal aid can help low-income clients complete simple forms that help guardians get health care for a child or to register a child in school.
- Help clients write a professional letter or prepare for a productive meeting with a landlord or creditor to work out a payment plan or otherwise settle a potential legal dispute.
- Guard against unscrupulous tax preparers who prey on low-income clients.
- Legal aid has a client education website, www.OregonLawHelp.org that provides extensive information about the most common legal problems faced by low-income families, including protections from abuse, housing law, family law, and legal issues affecting seniors and people with disabilities. The website provides information on how to find and apply for services at legal aid offices, and has links to court websites, forms, and other sources of information and assistance.
- Legal aid provides classes, booklets, and hotlines to help low-income individuals learn about their rights and responsibilities under contracts and law so they can avoid or quickly resolve potential legal disputes.
- Legal aid leverages additional civil legal services by operating many pro bono programs that support private attorneys donating professional services to help low-income clients on priority cases.

Focus on One Subject Area: Domestic Violence

- In 2019, about 33% of legal aid’s cases were family law cases, usually helping the victims of domestic violence to obtain and enforce restraining orders and create a stable home environment for their children.
- Studies have shown that having a legal aid office in a community is the single largest factor in reducing domestic violence.
- The Portland Regional Office operates the Domestic Violence Project which provides training and support to volunteer lawyers to handle restraining order hearings.

- How does legal aid help?
 - Representing victims who need help with family abuse prevention restraining orders, custody, child support, housing, or employment issues.
 - Providing advice and guidance through appointments, hotlines, training and websites.
 - Working with local, regional, and statewide community partners on issues of domestic violence.
 - Training local law enforcement representatives.
 - Advocating for increased funding to fight domestic violence and sexual assault.
 - Legal aid worked with the Judicial Department to develop interactive electronic forms that can be used to create pleadings to seek a restraining order against domestic violence.
 - Providing training to volunteer lawyers for help with restraining order hearings.
 - Legal aid lawyers in offices around the state serve on local domestic violence councils and task forces dedicated to domestic violence.
 - Legal Aid takes a comprehensive approach to addressing domestic violence, including legislative advocacy, working with the courts, law enforcement, and community partners.

Legal Aid Pro Bono Opportunities

Volunteer lawyers contributed more than 7,000 pro bono hours in 2019. Some of the successful programs around the state include Senior Clinics, the Domestic Violence Project, Bankruptcy Clinic, Virtual Legal Aid Clinics, and Expungement Clinics.

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

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

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

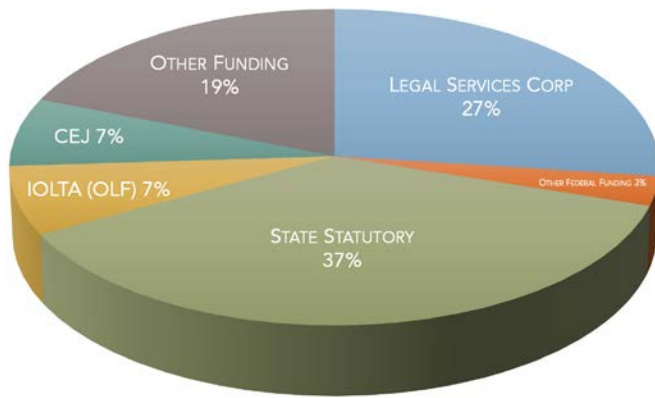
Statewide Strategic Planning

Legal aid regularly engages in strategic planning. A strategic planning group completed the most recent plan in October 2019. The group included representatives from a broad range of interested stakeholders. They reviewed client demographics, community based needs assessments from across Oregon, client needs, client priorities, client services, case opening and case closing statistics, client communities, current staffing, current distribution of revenue, current placement of offices, service delivery structures used in Oregon, and emerging service delivery structures being studied and tested in Oregon and across the United States. Legal aid managers, attorneys, and staff are providing information throughout the process. The Committee will make findings about how to best deploy resources in a manner that maximizes the system's ability to efficiently and effectively respond to the most important legal needs.

VI. How is Legal Aid Funded?

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

The chart below reflects the breakdown of funding from 2019.



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

Details on Sources of Funding:

- **State Funding:**

- **Filing Fee/Statutory Allocation/Pass-through Funding:** Beginning in 1977, a portion of legal aid's funding came from state court filing fees. Oregon was the second state in the nation to provide funding for legal aid through state court fees, and 32 states have followed suit. In 1996, at the urging of then Senator Neil Bryant, the legislature adopted ORS 9.572, which created the Oregon State Bar Legal Services Program (OSB LSP) to ensure independent government standards, guidelines, evaluation, oversight, and enforcement for the nonprofit corporations providing legal aid. The legislation required the OSB to manage the funds, develop Standards and Guidelines for providers, and create a LSP Committee to provide ongoing oversight and evaluation to ensure compliance with the Standards and Guidelines and to further the program's goals.

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

In 2019, the structure for state legal aid funding changed again. Legal aid's funding will now be distributed via pass-through funding through the Oregon Judicial Department budget. Funding for the 2019-21 biennium is \$12,257,000, an increase of about 3% over the amount designated in 2011.

- **General fund:** Legal aid also periodically receives additional funds from legislative general fund appropriations.
- **Federal funding:** Funding for legal aid through the Legal Services Corporation (LSC), which provides federal funding for legal aid, has varied from year to year since it began in 1976. The future of federal funding remains uncertain. The White House 2020 budget proposed to eliminate funding for the LSC. Congress is ultimately responsible for approving a federal budget. Thanks to strong bipartisan support, Congress allocated \$440 million for LSC for FY 2020, an increase of \$25 million the previous year, and the highest funding level since 2010. While the past three years have seen calls from the White House to eliminate federal funding for legal aid, there is reason to be hopeful. Here in Oregon, legal aid has a long history of

strong bipartisan support in the state legislature and among our federal representatives. In Oregon, we believe in justice for all, not just for those who can afford it.

- **IOLTA/Oregon Law Foundation (OLF):** In 1989, the Interest on Lawyer Trust Account (IOLTA) program in Oregon became mandatory. A lawyer must hold all client property, including client monies, in a trust account. In cases where the clients' deposits are large enough and/or held for a significant period of time, the interest on the account is returned to the client. When the deposit(s) for an individual client are too small in amount or held for too short of a time to earn interest net of bank charges or fees, these funds are placed in a pooled interest-bearing trust account. The interest on pooled trust accounts is sent to the Oregon Law Foundation and distributed to law-related public interest programs, with legal aid as a "tier A" recipient that receives about 75% of the available funding. When interest rates were at record lows during the 2008 recession, IOLTA revenues plummeted— from a high of \$3.6 million to \$750,000 in 2015. In recent years, interest rates began to edge up, only to fall again during the current economic crisis. With the support of Leadership Banks that pay higher-than-market rates on IOLTA accounts, the OLF was able to distribute nearly \$1.9 million in grants in 2020. 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 \$30 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 2019, the CEJ raised \$1.8 million dollars. The CEJ also manages an endowment fund, which has surpassed one million dollars, which means that the Campaign is able to add one more source of stable funding for legal aid. CEJ holds events around the state, and also works on increasing state and federal funding for legal aid, and additional private support. CEJ assists legal aid with communications about civil legal services for the poor.
- **Foundation Support/State and Federal Grants:** Legal aid receives grants from the state and federal governments and many private foundations. Grant funding is typically short term, between one to three years, so additional funding must always be sought to continue positions and projects created with grant funding.
 - Two examples of funding received:
 - The City of Portland has funded LASO to address the legal needs of tenants who are facing potential involuntary displacement from their homes and communities. The funding has enabled LASO to hire one FTE staff attorney and one bilingual and bicultural intake/outreach staff to work solely on this Anti-Displacement Project (ADP). Through this project, LASO represents the Portland communities impacted most by the current housing crisis (i.e. communities of color and other vulnerable populations) through direct representation of tenants at risk of involuntary displacement.
 - In 2017, the Albany office began work on a medical-legal partnership between the Albany office and Samaritan Health Services. Through this project, staff attorneys accept referrals from a medical clinic in Sweet Home of patients who need legal assistance. We are currently expanding the project to Lincoln County. These projects have been in operation in other states and were started in recognition of the fact that legal problems often have a significant impact on health conditions.
- **Other Funding**
 - **Abandoned Property — IOLTA funds.** In 2009, the Oregon legislature directed abandoned client funds in lawyer trust accounts to the OSB LSP for distribution to legal aid programs. ORS 98.386(2).

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

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

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

In 2019 legal aid received a large cy pres award resulting from a settlement in a consumer protection suit (Scharfstein vs BP West Coast Products). Through this settlement, legal aid will receive approximately \$36 million dollars, half in 2019 and the other half in 2020. The funds from this settlement will help improve the lives of low-income and vulnerable Oregonians across the state. Strategic and financial planning for these funds was completed in December 2019.

This award is not an adequate replacement for ongoing, stable funding. To put things in perspective, last year, the combined budgets of the three legal aid programs was \$17.3 million dollars. So, this award is roughly the equivalent of two years of funding – which only meets 15% of the need for legal aid.

Outside of this uniquely large settlement, annual cy pres funding for the previous three years averaged less than \$24,000 a year.

As word of this exciting news spreads, we want to make sure that legal aid donors, volunteers, community partners, legislators, and others know that they are just as important now as ever. If we are to make progress toward the goal of getting legal aid to an annual budget of \$30 million – as set out by the 2014 Civil Legal Aid Funding Taskforce – we need to double down on ALL of legal aid’s sources of funding.

- **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 August 2020, the Campaign had about \$1,482,000 in its endowment, with an estimated \$2.4 million in legacy pledges. Endowment funds are held by the Oregon Community Foundation. The Campaign for Equal Justice began to make annual distributions from the earnings on endowment funds in 2018, once the fund surpassed \$1 million.

The Task Force on Legal Aid Funding

In 2014, Task Force on Legal Aid funding brought together Oregon lawyers, the courts, bar associations, legislators and other elected officials, and foundations to address the legal aid funding crisis. In order to have a minimally adequately funded legal aid program, the Task Force on Legal Aid Funding found that funding needs to double,

from \$15 million to \$30 million annually. The Task Force adopted its Final Report in June 2014, which includes a series of short term and long-term goals to increase funding. It is clear that funding must come from a number of different sources in order to reach even minimally adequate funding levels. The Task Force concluded:

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

Bar Involvement in Legal Aid

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

**Oregon State Bar
House of Delegates Resolution
Resolution in Support of Adequate Funding for Legal Services to Low-Income Oregonians
Passed November 1, 2019**

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 9.572, the Oregon State Bar has operated the Legal Services Program to manage and provide oversight of funds allocated by the State of Oregon for legal aid. This is done in accordance with the Bar's Standards and Guidelines, which incorporate national standards for operating a statewide legal aid program;

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

Whereas, Oregon currently has 2 legal aid lawyers for every 14,400 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, and a 50% contribution rate by all lawyers.
- (5) Support the Oregon Law Foundation and its efforts to increase resources through the interest on Lawyers Trust Accounts (IOLTA) program, and encourage Oregon lawyers to bank with financial institutions that are OLF Leadership Banks, meaning that pay the highest IOLTA rates.
- (6) Support the Campaign for Equal Justice in efforts to educate lawyers and the community about the legal needs of the poor, legal services delivery and access to justice for low-income and vulnerable Oregonians.
- (7) Encourage Oregon lawyers to support civil legal services programs through enhanced pro bono work.
- (8) Support the fundraising efforts of those nonprofit organizations that provide civil legal services to low-income Oregonians that do not receive funding from the Campaign for Equal Justice.

Presenters:

*Vanessa Nordyke, OSB#084339
House of Delegates, Region 6
OSB Past President 2018*

*Ed Harnden, OSB#721129
House of Delegates, Region 5
OSB Past President 2001*

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

Background

The mission of the Oregon State Bar is to serve justice by promoting respect for the rule of law, by improving the quality of legal services and by increasing access to justice. One of the three main functions of the bar is to 'advance a fair, inclusive, and accessible justice system.

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, 2005–2018). This resolution is similar to the resolution passed in 2018, but provides updates on the ratio of legal aid lawyers to Oregonians eligible for legal aid services.

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

Oregon's legal aid program consists of three separate non-profits that work together as part of an integrated service delivery system designed to provide high priority free civil legal services to low-income Oregonians in all 36 Oregon counties through offices in 17 communities. There are two statewide programs, Legal Aid Services of Oregon (LASO) and the Oregon Law Center (OLC); and one county wide program, the Center for Non-Profit Legal Services (Jackson County). Because the need is great and resources are limited, legal aid offices address high priority civil legal issues such as safety from domestic violence, housing, consumer law, income maintenance (social security, unemployment insurance, and other self-sufficiency benefits), health, employment and individual rights. About 33% of legal aid's cases are family law cases, usually helping victims of domestic violence. All of these programs work to stretch limited resources through pro bono programs and self-help materials. Legal aid's website, www.oregonlawhelp.com receives about 285,000 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. The 2018 Barriers to Justice, Civil Legal Needs Study found that we are meeting only 15% of the civil legal needs of low-income Oregonians (<https://olf.osbar.org/lms/>). 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 barriers to justice.

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



Learn.
Speak up.
Act.

A
CALL
TO
ACTION

- **Give** to the Campaign for Equal Justice. The best way to increase access is to create more legal aid staff attorney positions.
- **Review** your IOLTA account for abandoned client funds. The funds are paid to the Oregon State Bar for appropriation to legal aid through the Oregon State Bar's Legal Services Program.
- **Shop**. Support legal aid when you shop at Fred Meyer by linking your rewards card to CEJ (www.fredmeyer.com) and when you shop at Amazon through Smile.Amazon.Com. It costs you nothing, but supports legal aid.
- **Educate**. Talk about the importance of access to justice. Let people know—civil legal aid is there for those who need help. Host a Campaign for Equal Justice CLE for one hour of Access to Justice credit for attorneys.
- **Endow**. Take simple steps to endow your annual gift to the Campaign's endowment fund.
- **Volunteer** through one of legal aid's many volunteer lawyer projects and clinics, or help the Campaign for Equal Justice raise money for legal aid.
- **Speak Up**. Let state, federal and private funders know that access to justice is important.
- **Learn** how legal aid services are delivered in your community so that you can make appropriate referrals for low-income clients.
- **Move** your IOLTA accounts to a financial institution that is an Oregon Law Foundation Leadership Bank or Credit Union. If all lawyers took this step, funding for legal aid could increase by as much as \$1 million—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
503.295.8442

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



Federal Bar Association
Oregon Chapter



OAPABA
OREGON ASIAN PACIFIC
AMERICAN BAR ASSOCIATION



JUSTICE IS A RIGHT, NOT A PRIVILEGE.

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

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

Pro Bono Aspirational Standard

Oregon State Bar Bylaws, Section 13.1 Aspirational Standard.

“Pro bono publico or pro bono service includes all uncompensated services performed by lawyers for the public good. . . 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.”

“Pro bono is a win-win situation. I get to help folks in our community while honing my legal skills. Plus, the mentorship I receive from more seasoned attorneys regarding my pro bono work is priceless”

Traci Ray

Barran Liebman LLP
(2007 admittee)

“Doing pro bono has made me remember why I went to law school—to help people who really need it and to make a difference in the world. And it has made me a better lawyer as well!”

Susan O’Toole

Law Office of E. Susan O’Toole
(2006 admittee)

Three steps to help ensure justice for all.

1. **Volunteer** to represent low-income Oregonians.
www.osbar.org/probono/VolunteerOpportunities.html
2. **Give** to the Campaign for Equal Justice to fund civil legal aid in Oregon. www.cej-oregon.org
3. **Bank** where it matters. At Oregon Law Foundation Leadership Banks & Credit Unions, your IOLTA deposits provide up to 175x more to fund civil legal aid. oregonlawfoundation.org

Pro Bono Opportunities in Oregon

Certified Pro Bono Programs

Access the Law - Veterans Clinic
 Catholic Charities Immigration Svcs.
 Center for NonProfit Legal Services
 Clackamas Women's Services - LEAP
 The Commons Law Center
 Deschutes Lawyer in the Library
 Disability Rights Oregon
 El Programa Hispano Taxpayer Clinic
 Immigration Counseling Services
 Innovation Law Lab Big Immigration
 Lane County Legal Aid
 Legal Aid Services of Oregon
 Lewis & Clark Small Business Clinic
 Lewis & Clark Tax Clinic
 Metropolitan Public Defender
 National Crime Victims Law Institute
 Oregon Crime Victims Law Center
 Oregon Justice Resource Center
 Oregon Law Center
 Oregon Volunteer Lawyers for the Arts
 OSB Appellate Pro Bono Program
 OSB COVID Pro Bono Panel
 OSB Military Assistance Panel
 OSB Problem Solvers Program
 Refugee Disability Benefits Oregon
 St. Andrew Legal Clinic
 Student Legal Services at PSU
 U.S. District Court Pro Bono Program
 Victim Rights Law Center
 Willamette Clinical Law Program
 Youth, Rights & Justice

Did you know?

- You can find the right place to volunteer with the **Pro Bono Directory** on the Oregon State Bar website.
- You can receive one hour of **CLE credit** for two hours of qualified pro bono time—MCLE Reg. 5.300.
- You do not need to do a full **conflict check** when volunteering in a legal clinic providing short-term limited help—RPC 6.5.
- You do not need **PLF coverage** to participate in an OSB Certified Pro Bono Program.
- You can choose **Active Pro Bono** status instead of inactive or retired. Low Bar fees, no PLF fees, and no CLE requirement.
- You can access **free resources** to help with pro bono cases including CLEs, pleadings, court reporters, and paralegals.
- You can meet the OSB Aspirational Standard of 40 hours of direct pro bono service by volunteering **under 1 hour a week**.

Learn more.

Find pro bono opportunities and information at the OSB website www.osbar.org/probono

Contact Bill Penn, Assistant Director – Legal Services Program at bpenn@osbar.org or **503-431-6344**



Volunteer Lawyers Project Pro Bono Project Descriptions

Volunteer training materials are available for many of our pro bono programs on legal aid's advocate website at: www.oregonadvocates.org. Mentorship and support is available from legal aid staff attorneys and private attorneys.

New-Housing Notice Clinic

Oregon is in the midst of an affordable housing crisis. In eviction cases, the majority of landlords are represented by an attorney or agent while very few tenants have any representation. While Legal Aid attorneys represent thousands of tenants a year, the demand for legal services exceeds our resources. To help address this crisis, pro bono attorneys volunteer to provide self-represented litigants virtual legal assistance and advice on their rental termination notice. The attorney will review a client's housing termination notice and determine whether the notice is valid or defenses exist using a comprehensive check-list. Training materials and opportunities for continued representation are available. This is a virtual volunteer opportunity.

Bankruptcy Clinic

The Oregon State Bar Debtor-Creditor Section and LASO sponsor this project. The project consists of two components, a bankruptcy class and a legal clinic during which volunteer attorneys each meet with two clients for 30-minute appointments. Anyone may attend the 45-minute class, which is taught by a member of the bankruptcy bar or bench. Volunteer attorneys meet with clients, help them assess whether bankruptcy is appropriate, and if so, provide ongoing representation in a Chapter 7. The clinic occurs in the evening and alternates between sites in Beaverton, east Portland and downtown Portland. Attorneys may also sign up for direct client referrals and phone consults.

Expungement Clinic

This clinic helps to reduce barriers people face to obtain safe housing, employment and education through the expungement process. Volunteer attorneys meet with clients to determine whether they qualify for an expungement. If the client is eligible, the volunteer attorney will complete all the necessary court paperwork. The Expungement Clinic is a partnership between the Clackamas County Bar Association, Clackamas County Law Library, and LASO. The clinic provides one-time brief service to clients. Training materials are available. In partnership with Intel, new virtual opportunity now available.

Domestic Violence Project

Oregon has seen a rise in domestic violence cases since the COVID pandemic. Organizations that provide assistance to survivors have also seen an increased need for services. This project provides critical legal assistance to survivors of domestic violence. Pro bono attorneys volunteer to represent survivors in contested restraining order hearings. These cases tend to have short timelines, involve limited issues and require a court appearance. Attorneys sign up in advance to be available to take a case on a specific date. The project provides representation to clients in Clackamas, Multnomah and Washington Counties. DVP is an excellent volunteer opportunity for new lawyers, lawyers seeking litigation experience, and attorneys who cannot commit to taking long-term cases. This project covers a discrete area of law and most volunteers are not family law lawyers. DVP volunteers are not expected to assist clients with family law issues. Training materials are available.

Legal Aid Night Clinic

Attorneys from Stoel Rives LLP and Dunn Carney LLP staff the Night Clinic in a partnership with LASO. The attorneys screen the cases and provide legal representation to clients on a variety of legal issues.

UI Benefits Panel

As unemployment claims continue to hit unprecedented levels, LASO is working to expand its pro bono attorney panel for low-income Oregonians with controversies involving unemployment insurance (UI) benefits. Unemployment insurance is the sole means of temporary wage replacement for workers and it is critical in preventing individuals and families from spiraling into poverty. This project connects UI claimants with volunteer attorneys to provide legal advice and possible representation at administrative hearings before the Oregon Office of Administrative Hearings. Training materials are available. This is a virtual opportunity.

Family Law Forms Help

In Oregon, 67 to 86 percent of family law cases involve at least one person representing themselves. The majority of self-represented litigants make that decision because they cannot afford a lawyer. This project connects volunteer family law attorneys with self-represented litigants to provide limited assistance on discrete family law legal advice or document review. Attorneys are scheduled to provide pro bono consultations. Attorneys respond to discrete family law questions and/or review documents prepared by unrepresented litigants. Attorneys are NOT expected to provide ongoing representation to clients and clients sign a retainer agreement detailing the limited scope of the attorney-client relationship.

NAPOLS Project

The 2018 *Barriers to Justice* noted that Native Americans are 1.9 times more likely to experience an elder law or disability-related issue, such as homelessness. In 14 of the 17 categories surveyed, Native Americans experience problems at higher rates than non-Native people. NAPOLS represents Native clients in tribal, state, and federal courts, as well as in administrative proceedings, on issues specific to an individual's Native status, but the need far exceeds NAPOLS' capacity and ability to address all of the issues facing Native People living in Oregon! Pro bono attorneys provide assistance to Native clients around the state on a diverse range of matters, including consumer law and fair debt collection issues, family law, landlord/tenant, public benefits, elder law, and estate planning for clients with assets involving federal or tribal jurisdiction.

Senior Law Project

The Senior Law Project offers 23 monthly legal clinics scheduled through eight senior center locations in Multnomah County. Volunteer lawyers provide a 30-minute phone consultation on any civil legal issue to clients who are 60 or over (or who are married to someone 60 or over). All clients 60 or over are eligible for a free 30-minute consultation, regardless of their income. SLP volunteers provide continuing pro bono services for clients who meet LASO's financial eligibility requirements. Training materials are available. This is currently a virtual opportunity.

ProBonoOregon/Listserv

Legal aid offices around the state post pro bono opportunities to legal aid's website Oregon Advocates. 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. To view current opportunities or to sign up for the listserv visit www.oregonadvocates.org. Many pro bono cases posted can be handled virtually.

Statewide Tax Clinic

This clinic provides advice and representation to low income clients who have a tax controversy with the IRS and related cases with Oregon Department of Revenue. Cases cover a range of state and federal personal income tax issues including collections, examinations (audits), innocent spouse claims, and tax court cases. Please contact Guillermo Ramos at guillermo.ramos@lasoregon.org.

For more information or to volunteer, please contact: Brett Cattani (brett.cattani@lasoregon.org) or **Jill Mallery** (jill.mallery@lasoregon.org) or 503.224.4086.

Thank you to the MBA for their continued support!



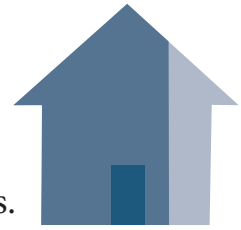
Barriers to Justice

A 2018 STUDY MEASURING THE CIVIL LEGAL NEEDS
OF LOW-INCOME OREGONIANS



Legal Problems are Widespread

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



Legal Problems Multiply

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

*Fraud
Denial of Benefits
Unfair Eviction
Childs
Restraining Order
Custody*

The Need for Legal Aid Outpaces Resources

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



Methodology

This report is based on a survey conducted in partnership with the Portland State University (PSU) Survey Research Lab. There were 1,017 survey participants from a statewide, address-based sample of 15,000 residents of high-poverty census blocks distributed according to Oregon's population. Participants were initially contacted by mail and completed the survey by mail, phone, or internet. The paper survey was only available in English. The web and phone surveys were conducted in both English and Spanish. PSU collected surveys during the winter of 2017-2018. To participate in the survey, participants had to have a household income at or below 125% of the federal poverty line. This is the same household income limit used to determine eligibility for legal aid in Oregon. The demographic characteristics of survey participants were analyzed (race, age, gender, etc.). The data collected was sufficient to allow for analysis of civil legal needs specific to individual groups. Additionally, researchers conducted door-to-door, in-person surveying in areas of known farmworker concentration, collecting 111 migrant farmworker responses. These were analyzed separately from the rest of the survey. For more information or to view the full statistical report from PSU go to: olf.osbar.org/LNS

Date of Publication: February 2019

Why Do We Need a Legal Needs Study?



Letter from Chief Justice Martha Walters

Every day in communities around our state, low-income Oregonians seek help from their local legal aid office. These potential clients might include a tenant facing eviction, a single mother needing to file a domestic violence protective order, or a senior citizen who cannot access his food stamps. Legal aid offices take as many cases as they can, but limited resources mean they must turn away most who seek help. This report summarizes the most recent findings about the unmet civil legal needs of low-income people in Oregon.

This is not the first time Oregon has assessed the civil legal needs of its low-income communities. The 2000 Civil Legal Needs Study was the first evaluation of the unmet civil legal needs of low-income people in Oregon since the 1970s. The 2000 study found that there was a high need for civil legal services for people with low and moderate incomes, and that the existing legal services delivery network was not adequately meeting that need. The 2000 study strengthened and spurred ongoing efforts to increase resources to address the critical legal needs of Oregon's most vulnerable citizens.

With the support of the Oregon Department of Justice, the 2018 Civil Legal Needs Study was commissioned by the Oregon Law Foundation, Oregon State Bar, Oregon Judicial Department, Campaign for Equal Justice, Legal Aid Services of Oregon, and the Oregon Law Center to assess the current ability of low-income individuals to access the civil justice system. The researchers endeavored to gather reliable and useful data to help policy makers, legislators, agencies, funders, and legal aid service providers inform their investment and service decisions. This report summarizes and highlights the key findings of the study.

The study findings are stark. Legal problems are widespread, and the impact they have on the lives of low-income individuals can be life altering. People of color, single parents, domestic violence and sexual assault survivors, people with disabilities, those with prior juvenile or criminal records, and youth experience civil legal emergencies at a higher rate than the general public. This report is both an assessment and a call to action. Despite concerted efforts over the past two decades, our state's civil justice system is not meeting the needs of Oregon's poor. When these needs go unmet, the health, safety, and resiliency of individuals, families, and entire communities are impacted.

We can and must do better.

Our justice system must help every Oregonian know what their rights are and understand where to find legal help.

Our justice system must help achieve justice for Oregon's low-income communities by addressing ongoing and large-scale injustices such as racial discrimination and the cumulative effects of poverty over time.

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

A handwritten signature in black ink that reads "Martha Walters". The signature is written in a cursive, flowing style.

Chief Justice, Oregon Supreme Court

Civil Legal Aid

What is It?

Civil legal aid in Oregon ensures fairness for all in the justice system, regardless of how much money a person has. Legal aid provides essential services to low-income and vulnerable Oregonians who are faced with legal emergencies.

Civil legal aid connects Oregonians with a range of services—including legal assistance and representation; free legal clinics and pro bono assistance; and access to web-based information and forms—that help guide them through complicated legal proceedings. In doing so, civil legal aid helps Oregonians protect their livelihoods, their health and safety, and their families. Legal aid helps people know and defend their rights.

Civil legal aid helps Oregonians of all backgrounds to effectively navigate the justice system, including those who face the toughest legal challenges: children, veterans, seniors, persons with disabilities, and victims of domestic violence.

Who Does it Help?

Approximately one in five Oregonians (807,000 people) has a household income below 125% of the poverty level. For a family of four, 125% of the 2018 Federal Poverty Level was \$31,375 per year. Low-income households struggle to afford even basic living expenses of food, shelter, and clothing. Poverty is pervasive in both urban and rural communities. People of color, single women with children, persons with disabilities, and those who have not obtained a high school diploma are overrepresented in the poverty population.

General Study Findings

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

Problems are Widespread

The legal needs survey asked a series of questions in 18 categories intended to reveal the kind of problems people experienced in the previous year. Each question was designed to reveal an experience where it is likely that either legal help could ease a problem or legal advice could clarify rights and obligations. The goal was to determine the issues that low-income Oregonians experienced where civil legal aid could help. In this report, a yes to one of the issue-specific questions represents a civil legal problem.

75% of study participants reported experiencing at least one civil legal problem in the preceding 12 months.

Problems are Related

Low-income Oregonians rarely experience civil legal problems in isolation, with 61% of households experiencing more than one problem in the prior year. Loss of a job can lead to loss of a home, and experiencing a sexual assault or domestic violence can lead to a torrent of civil legal problems. One-quarter of those surveyed experienced eight or more problems in the last year.

The average low-income household experienced **5.4** civil legal problems over the last year.

Civil Legal Help is Needed

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

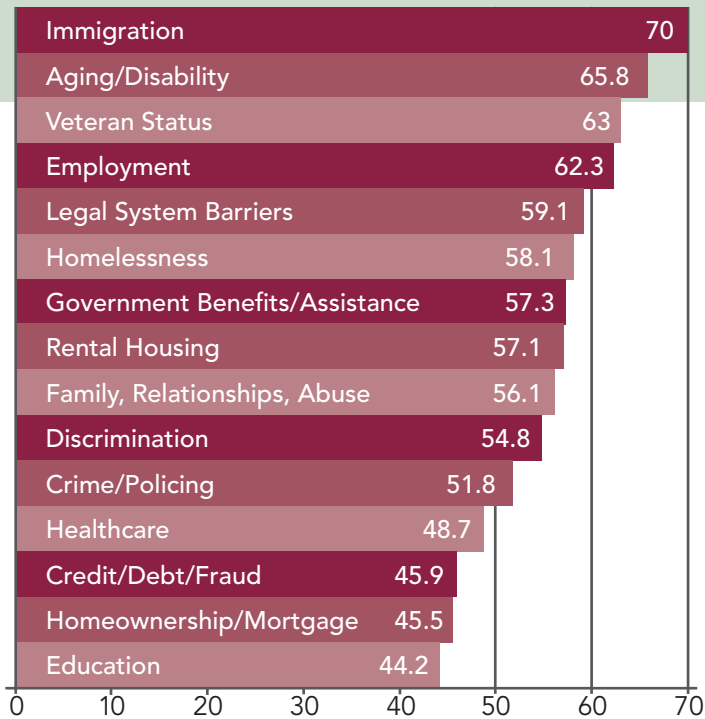
The U.S. Constitution guarantees the right to legal representation in criminal cases. This right does not extend to people with civil legal problems. This leaves the majority of low-income Oregonians to face their legal problems alone, without the help of a lawyer, regardless of how complicated or serious the case is.

The Most Harmful and Most Common Problem Areas

Civil Legal Problems Affect People's Lives

Many of the legal problems that low-income Oregonians face relate to essential life needs: maintaining housing, protecting children, or managing a health issue. For low-income Oregonians, these are not *legal issues*. Rather, they are critical *life issues*. What is certain is that poverty absolutely has an effect on the legal problems people face, as well as how those individuals experience the justice system.

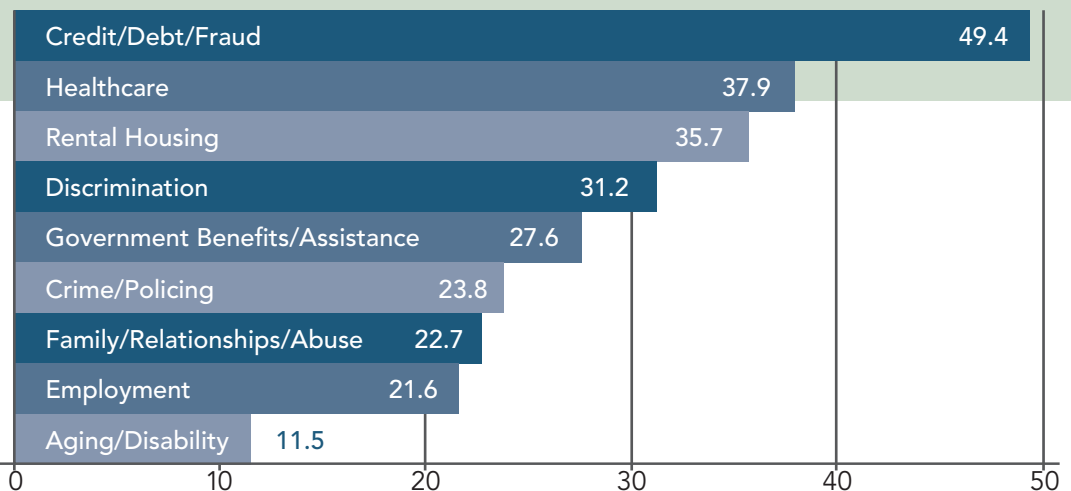
Most Harmful Issues



Percent of participants who experienced a civil legal problem in a given subject area, and who rated the effects of that civil legal problem as either very or extremely negative.

In order to determine which legal problems had the greatest direct impact on people's lives, participants were asked to rate how negatively an issue in a specific legal category affected them or their household. A five-level scale was used: not at all, slightly, moderately, very, or extremely negatively.

Most Common Problems



Percent of households that experienced at least one issue in a problem area in the last year.

Below we highlight some, but not all, of the most critical issues reported in the study. These are issues that are top priorities for legal aid, given the frequency that they occur and the severity of the impact these types of legal problems have on people's lives.

Housing and Homelessness

At the time of this legal needs study, Oregon experienced a housing and homelessness crisis. The fact that this study occurred in the middle of the housing crisis gives us the chance to see the housing-related problems people continue to experience in connection with the crisis. The study shows that in Oregon, many struggle to find affordable housing, many struggle to continue to afford the housing they are in, and nearly 1 in 10 households has experienced homelessness in the last 12 months. For low-income Oregonians, obtaining and maintaining affordable housing is a serious issue no matter what kind of housing is involved.

Rental Housing

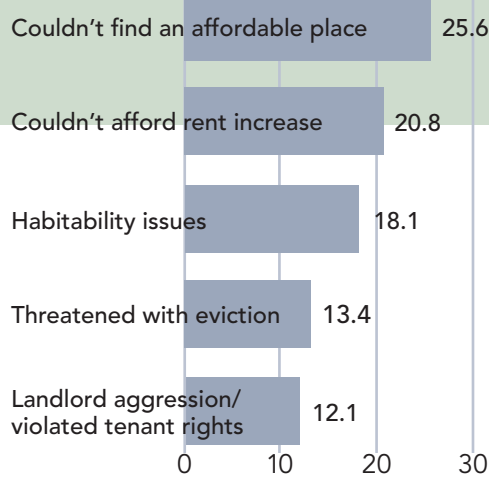
The study showed that 65% of all participants were renters. Within that category, 81% of African Americans were renters, and 71% of single parents were renters. The two most common rental housing issues are related to the unaffordability of housing: 26% of participants had trouble finding an affordable place to live and 21% reported that they could not afford a rent increase.

53% of renters experienced at least one housing-related issue.

Habitability issues were common, with 18.1% of participants reporting problems related to their landlord failing to keep their home in a decent, safe, or clean condition. This includes problems with mold or vermin; proper roof, windows, and structure; and working heat and water. 13.4% reported threats of eviction and 12.1% reported that their landlords acted aggressively. Aggressive action by a landlord includes entering without notice, turning off utilities, locking out tenants, harming a tenant's property, or threatening any of these actions.

Most Highly Reported Rental Housing Problems

Percent of households that rent that experienced each rental housing problem.

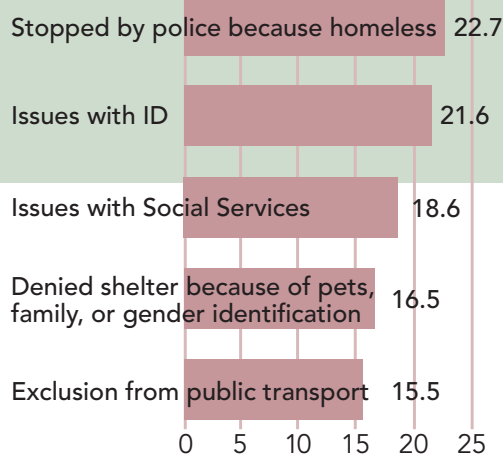


Homelessness

A staggering 10% of those who completed the survey reported that someone in their household had been homeless in the previous 12 months. That percentage bears even more weight considering that the survey was mailed to those currently residing at a physical address. These are individuals who lost their housing and regained it. Those who lost their housing and were unable to find new housing remain uncounted by this survey. Additionally, those experiencing long-term, chronic homelessness were not counted by this survey's methodology. The fact that so many experienced intermittent homelessness speaks to the depth of the housing crisis in Oregon.

Most Common Civil Legal Problems Reported by Homeless Individuals

Percent of households that reported having someone who was homeless within the prior 12 months that experienced each homelessness-related problem.



Three subgroups stand out as disparately affected by homelessness. First, survivors of domestic violence and sexual assault were 6.2 times more likely to be in a household affected

10% of survey participants reported a household member had been homeless in the last 12 months.

by homelessness than the rest of the population. Second, those with criminal and juvenile records were 4.4 times more likely to be in a household affected by homelessness than the rest of the population. Third, single parents were over 2.5 times more likely to be in a household affected by homelessness than the rest of the population.

Although homelessness is often considered an urban problem, households in the most rural counties reported being affected by homelessness at a rate more than 3 times higher than that reported in the most urban counties.

Domestic Violence and Sexual Assault

Survivors of domestic violence and sexual assault (DV/SA) suffer civil legal problems at significantly higher rates compared to the general population. Their legal problems go beyond family law and abuse issues. They experience a greater rate of legal problems in nearly all of the legal subject areas in the survey: rental housing, homelessness, financial, age and disability, veterans', tribal, employment, farm work, education, government assistance, policing, healthcare, and discrimination. Violence is pervasive, causing ripples that disrupt housing, jobs, and children's educations.

Just under 10% of survey participants reported suffering DV/SA in the previous 12 months. African Americans experienced DV/SA at 2.2 times and single parents experienced DV/SA at 2.4 times the rate of those not in these groups.

Households with DV/SA survivors were:

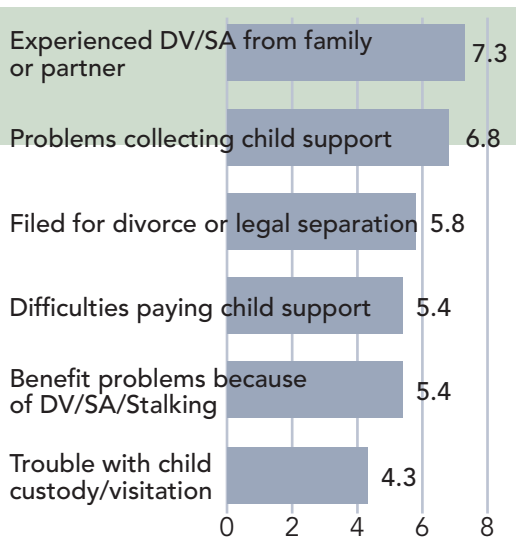
- 6.2 times more likely to experience the effects of homelessness
- 3.7 times more likely to have an education-related issue
- 3.0 times more likely to have an employment issue
- 2.1 times more likely to have a rental housing problem



Family

Family law problems were ranked highly in both severity and frequency by survey participants. Problems related to safety and financial stability were the most critical family law issues. DV/SA at the hands of a family member or partner was the most highly-reported issue, and difficulty collecting child support was the second-most reported family law problem. Single parents and people of color disproportionately experience family law problems; single parents who were surveyed were 2.8 times more likely to have a family law problem, and African Americans were 1.5 times more likely to have a family law problem.

Most Highly Reported Family Law Problems



Percent of all participating households that experienced each family or abuse-related problem.

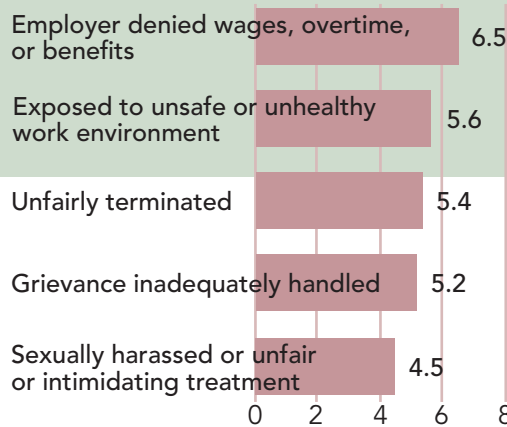
Employment

For 62.3% of survey participants with an employment issue, the problem was very or extremely likely to negatively affect their life. Parenthood and involvement with the criminal justice system increased the likelihood that a survey participant would have an employment legal problem. The more children a participant had, the more likely they were to have an employment law problem.

Single parents were 1.4 times more likely to have an issue with employment. People with criminal or juvenile records were 1.5 times more likely to have an issue. Frequency of employment issues was also a problem, as 9% of survey participants reported more than one employment issue.

Most Highly Reported Employment Law Problems

Percent of participating households that experienced each employment problem.



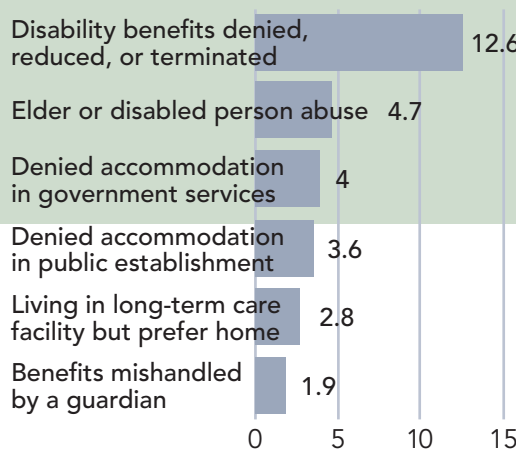
Aging & Disability

Oregon's community of people with disabilities disproportionately experiences legal problems and is disproportionately low income. Over 44% of the households surveyed included someone with a disability. The survey also highlighted the intersectionality of race and disability, with Native Americans and Asian Pacific Islander participants being 1.9 times more likely to be affected by aging and disability-related legal problems.

Single parents were 1.7 times more likely to have an issue in this area.

Most Highly Reported Aging and Disability-Related Legal Problems

Percent of households that reported having someone over 65 or having someone with a disability that experienced each aging or disability-related problem.



Immigration

As the survey was being conducted, US immigration policy was undergoing significant changes, with an impact on thousands of Oregonians. The immigration section of the survey was designed to determine the need for formal immigration help and the need for legal information to reduce fear experienced by foreign-born individuals.

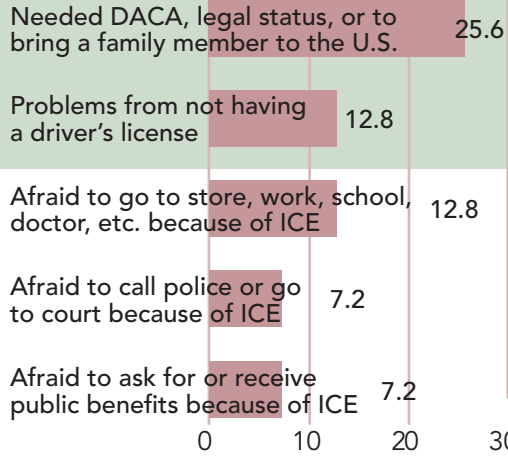
Although only 4% of all survey participants directly experienced an immigration-related legal issue, immigration problems were the most harmful of any legal problem to participants' lives. 13% of households had at least one person born outside of the US, and immigration legal issues were common in these households. For foreign-born households, immigration legal problems

were as common as rental housing problems were to the overall low-income population. It is also worth noting that there is a likelihood that under-reporting may be taking place as a result of fear of being identified as an immigrant.

12.8% of foreign-born households feared participating in the activities of daily life—work, shopping, school, seeking medical help—because of Immigration and Customs Enforcement.

Most Highly Reported Immigration Law Problems

Percent of households that reported having a foreign-born individual that experienced each immigration-related problem.



One in three foreign-born study participants had at least one immigration legal problem in their household.

50% of foreign-born/Latinx and foreign-born/Spanish-speaking participants had at least one immigration legal problem in their household.

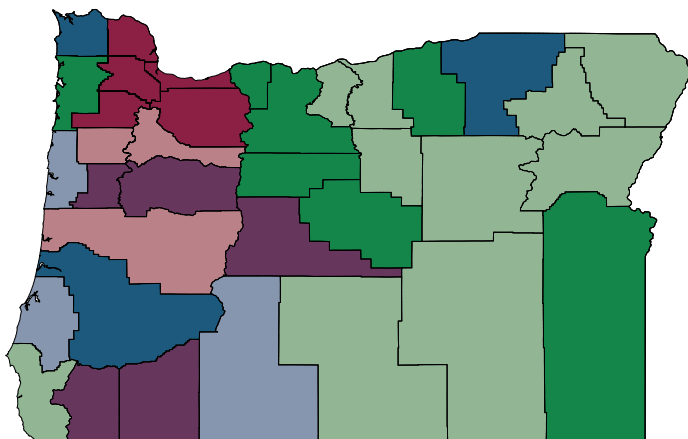
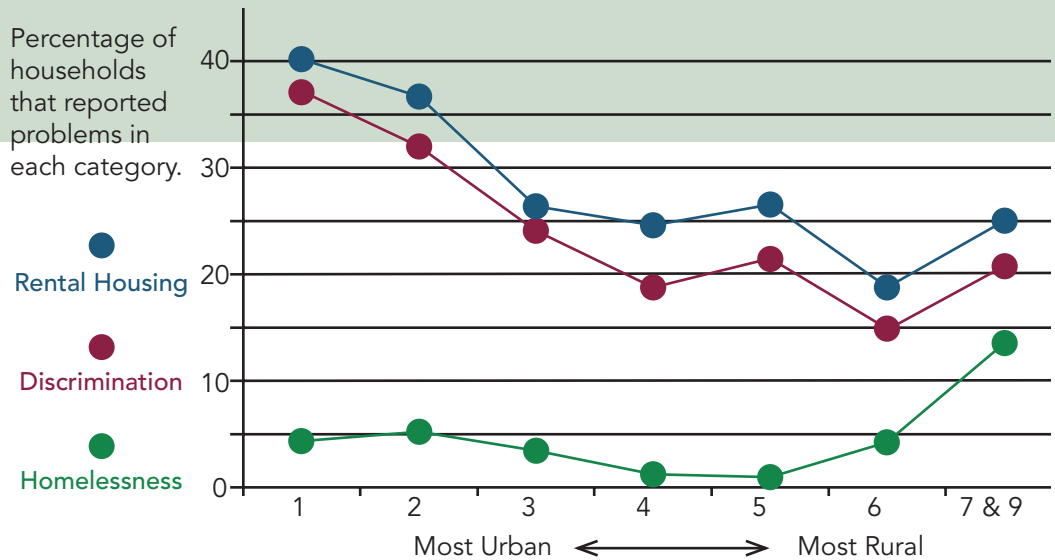
Four in five households with a foreign-born individual of African descent (from anywhere in the world) had at least one immigration legal problem in their household.

25.6% of foreign-born households needed help improving their immigration status: DACA, visa/citizenship, refugee status, etc.

Where You Live Makes a Difference

To highlight geographic differences, responses were categorized and compared based on the urbanization of the county they came from. Problems with rental housing and discrimination become more prevalent the more urban a county is. Homelessness strongly increased in prevalence as counties became more rural.

Effects of Geography on Legal Problems



Population Categories

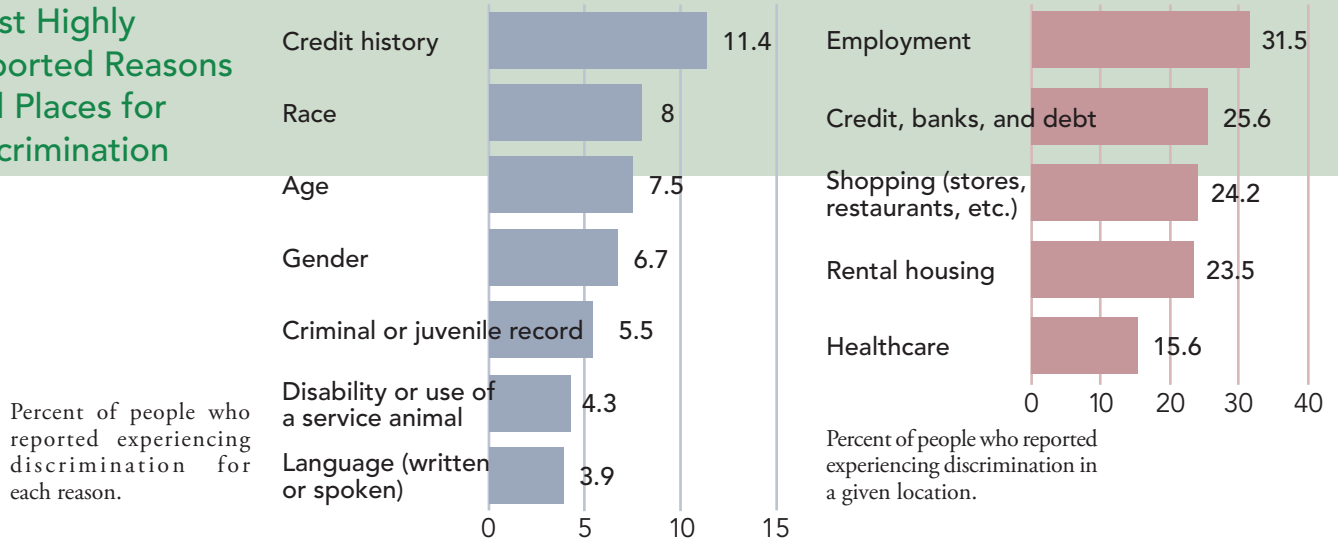
- 1 Metropolitan county with urban population > 1 million
- 2 Metropolitan county with urban population 250k to 1M
- 3 Metropolitan county with urban population under 250k
- 4 Urban population of 20,000 or more and adjacent to a metropolitan county
- 5 Urban population of 20,000 or more and not adjacent to a metropolitan county
- 6 Urban population 2,500 to 20,000 adjacent to a metropolitan county
- 7&9 < 20,000 Urban population not adjacent to an urban area

Discrimination

The survey asked participants if they experienced discrimination in the prior 12 months and where and how that discrimination was experienced.

Although the type of discrimination asked about extended far beyond race and ethnicity, racial and ethnic minorities reported significantly more discrimination:

Most Highly Reported Reasons and Places for Discrimination



Thirty percent of all survey participants experienced at least one form of discrimination. Forty percent of Latinx individuals, 48% of Native Americans, and 51% of African Americans experienced discrimination. People with particular backgrounds also experience discrimination at elevated rates, including 38% of single parents and 51% of people with a criminal or juvenile record.

Systemic Discrimination

African Americans

Oregon's low-income racial and ethnic minorities disparately experience legal problems. The survey shows that in every legal area except one, African Americans experience higher rates of civil legal issues than non-African Americans. Additionally, African Americans reported stronger negative effects than non-African Americans from the civil legal problems stemming from rental housing, tribal membership, education, policing, discrimination, and family and abuse.

African Americans were:

- 2.3 times more likely to experience homelessness
- 2.1 times more likely to experience an education issue
- 1.8 times more likely to experience an issue with policing
- 1.6 times more likely to experience a rental housing issue

Homeownership was the only area where African Americans suffered legal problems at a lower rate than the general population. Explanations for this may include systemic racism and the historic prevention of homeownership by people of color in Oregon. Only 5.9% of African-American participants and 15.7% of Latinx participants own homes, compared to 24% of all participants.

Native Americans

Similar to African Americans, Native Americans experience many more civil legal problems. In 14 of the 17 categories surveyed, Native Americans experience problems at higher rates than non-Native Americans. Native Americans also experience more negative effects from problems connected to rental housing, aging and disability, health care, and family and abuse.

Native Americans were:

- 2.7 times more likely to experience a veteran status issue than non-Native Americans
- 1.9 times more likely to experience an elderly or disability-related issue
- 1.9 times more likely to experience a mobile home issue
- 1.5 times more likely to experience homelessness
- 1.5 times more likely to experience a health care issue

Latinx participants were:

- 15 times more likely to experience immigration issues than non-Latinx Oregonians
- 1.8 times more likely to experience homelessness
- 1.7 times more likely to experience an education issue
- 1.3 times more likely to experience rental issues

Asian Americans were:

- 2.6 times more likely to experience a homeownership issue than non-Asian Americans
- 2.4 times more likely to experience a veterans' issue
- 2.1 times more likely to experience an immigration issue

Latinx

Latinx participants did not experience issues as disparately as African Americans and Native Americans, but did experience higher rates of civil legal issues than non-Latinx individuals in 9 of 17 categories. With only 59% reporting a primary language of English, language can present a significant issue for Latinx individuals trying to find solutions in a legal system that operates in English. 53% of Latinx participants reported being foreign born, and of those who were foreign born, 48% reported an immigration issue in their household. Issues related to rental housing, healthcare, immigration, and discrimination had stronger negative effects for Latinx people.

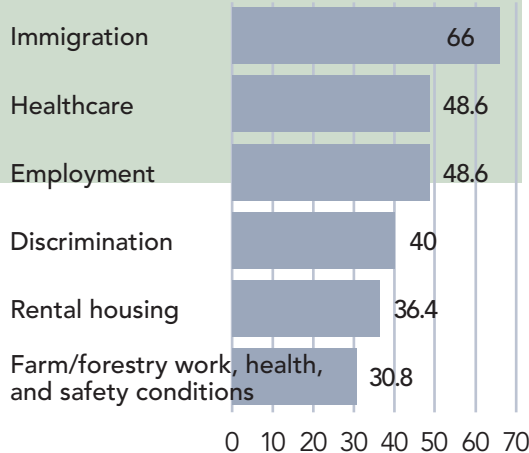
Asian American

Asian American participants experienced legal problems at lower rates across most issue areas. Asian Americans did have some issue areas that stood out, including homeownership, veterans' issues, and immigration issues. However, the most significant barrier to justice was not speaking English. Only 59% of low-income Asian Americans reported English as their primary language.

The Farmworker Experience

Farmworkers stated serious concerns about working conditions, including exposure to pesticides, unsanitary conditions, and substandard wages. A substantial number of workers reported not receiving overtime pay when due or rest breaks. With no access to affordable healthcare, the physical and psychological effects of these conditions worsened. Many workers feared retaliation from their supervisors and authorities for reporting failure to provide basic, safe working conditions.

Most Common Civil Legal Problems Reported by Farmworkers



Percent of farmworker households that experienced each legal problem area.

One of the most powerful themes from the survey was the high level of fear based on immigration status. These findings show an extremely vulnerable population who, for good reason, sees itself as isolated and separate from mainstream society.

Barriers to Justice

People Do Not Know Where to Go For Help

More than half of the survey participants (52.8%) who experienced a legal problem looked for legal help. Only about half of participants (49%) had heard of legal aid. Just under a quarter of participants (23.9%) tried to get a lawyer to help them. Even fewer (15.8%) were successful in obtaining any kind of help from a lawyer, including simple legal advice. For participants who were able to obtain a lawyer, help came from three main sources: private attorneys, either paid or pro bono (49.5%); legal aid lawyers (26.7%); and other nonprofit lawyers (23.8%).

84.2% of people who needed a lawyer were unable to obtain one.

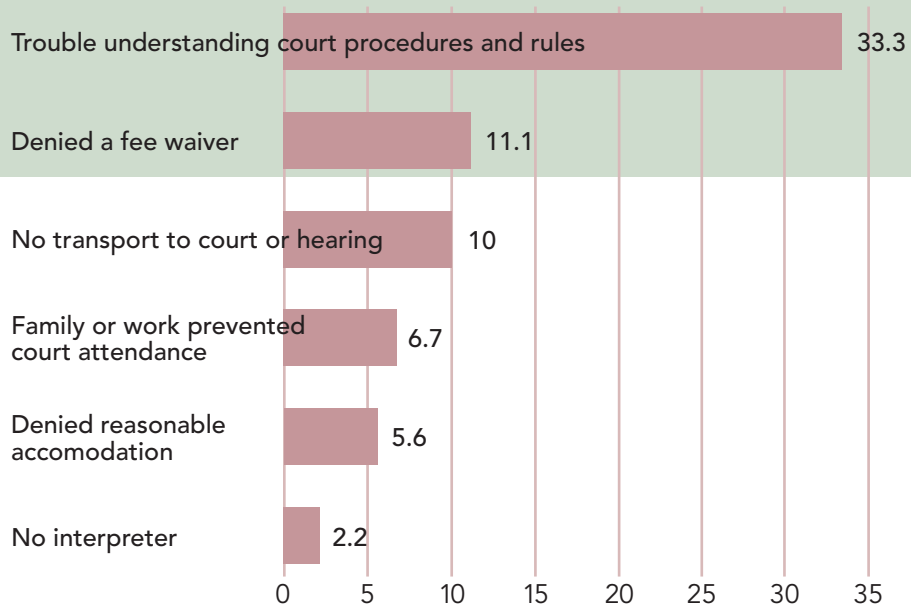
Key findings from survey participants who attempted to address their own legal problems found that: 1) white Caucasians researched legal issues at 1.5 times the rate of people of color; 2) those with internet access researched issues at 1.4 times the rate of those without the internet; and, 3) people with a bachelor's degree researched at 1.2 times the rate of those with less education. Participants who were the least likely to look for help, and arguably the least likely to know that help exists, were members of the Latinx community, particularly Spanish speakers. Latinx participants researched legal issues at 66% the rate of others, and Spanish speakers researched at 33% the rate of others.

People with Court Hearings Have Trouble Accessing the Legal System

Approximately 10% of participants had a civil or family court hearing in the previous year. Low-income participants reported several barriers to meaningfully participating in the hearing process. The largest barrier was understanding the rules and procedures in court, with more than one in three people reporting this problem. It is hard for court participants to feel a sense of just treatment when they are struggling to simply understand what is going on.

Most Highly Reported Problems Accessing the Courts

Percent of people reporting each problem with court access.



When People are Denied Access to Justice, Their Faith in the Legal System Erodes

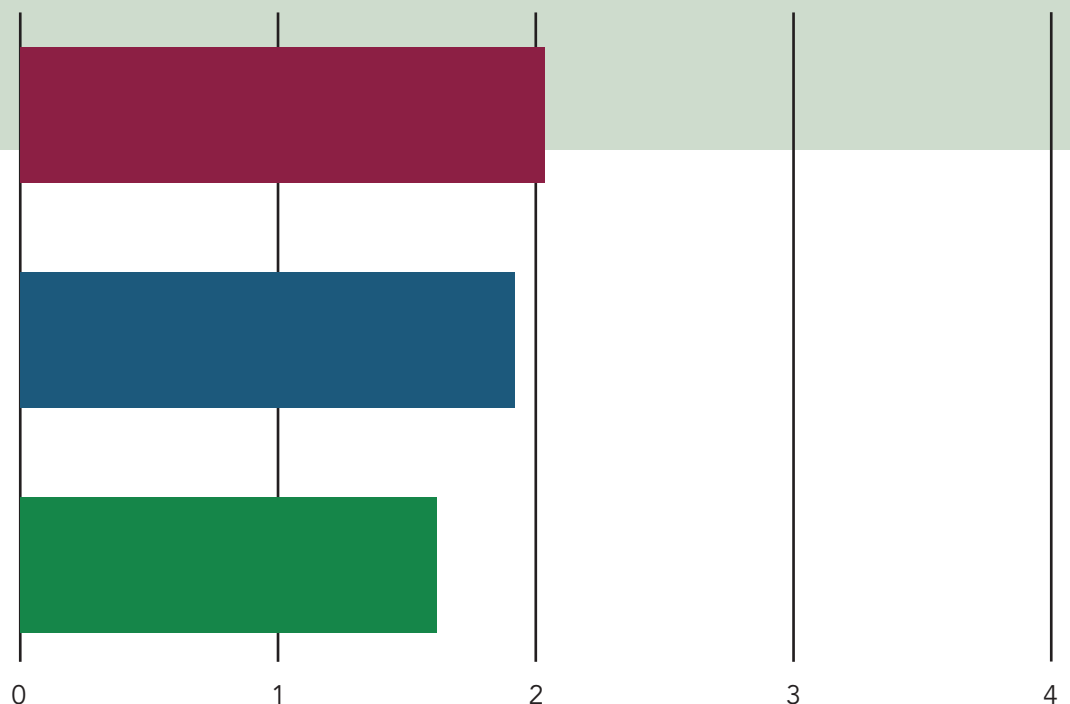
There are costs and consequences to administering a system of justice that denies large segments of the population the ability to assert and defend their core legal rights. When someone needs an attorney and cannot obtain one, they are forced to navigate a complicated civil justice system on their own. The results are most often detrimental to the people involved. This leads to cynicism and distrust of the system, as well as a likelihood that even those with a strong chance of successfully resolving their issue will choose not to engage with the system.

To get a sense of how well the civil legal system provides low-income Oregonians with a feeling of justice, participants were asked in three different ways to rank how often the courts and the civil legal system provide fair results. In the rankings, zero represented the lowest frequency of providing justice and four represented the highest.

On average, participants felt that the civil legal system treated people fairly “some of the time,” and that the civil legal system could help solve problems slightly less than “some of the time.” Participants were least likely to feel the courts could help protect them and their rights, agreeing that only “rarely” to “some of the time” was this true.

Perceived Fairness of the Civil Legal System

- 0 = “Not at all”
- 1 = “Rarely”
- 2 = “Some of the time”
- 3 = “Most of the time”
- 4 = “All of the time”



- How often do you think you or your family, friends, or neighbors are treated fairly by the civil legal system?
- How often do you think the civil legal system can help you, your family, friends, or neighbors solve the problems identified in the survey?
- How often do you think you or your family, friends, or neighbors can use the courts to protect yourself/themselves and your/their rights?

The Solution

Increased Access to Legal Aid is the Best Way to Meet the Legal Needs of Low-Income Oregonians

When Oregonians who are struggling to make ends meet lack legal representation, they are effectively shut out of the justice system. To the average person, our legal system is a maze.

Legal aid provides:

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

That is why lawyers are trained to guide their clients through the system. Civil legal aid is a lifeline—it is there to protect people with nowhere else to turn.

We must do better than meeting 15% of the civil legal needs of the poor. The biggest obstacle to legal aid playing a greater role in the community's solutions to systemic poverty is legal aid having the financial resources to reach more families when they need legal help. Oregon's legal aid programs increase fairness in the justice system, empower individuals,

and eliminate many of the barriers that block families living in poverty from gaining financial stability. Legal aid is deeply connected to the communities it serves, with established programs and diverse community partnerships to reach people in need.

Oregon's legal aid programs help more than 28,500 low-income and elderly Oregonians each year. Legal aid offices are located in 17 communities and they serve all 36 Oregon counties. Simply put, when legal aid gets involved, the lives of clients and the welfare of communities improve.

Breaking Through Barriers to Justice

According to national standards set by the American Bar Association, the “minimally adequate” level of staffing for legal aid is two legal aid lawyers for every 10,000 poor people. In Oregon we have two legal aid lawyers for every 14,000 poor people. We must recommit ourselves to

Justice Protects



Clara and Diego

Clara found legal aid after being severely injured by Rafe, her partner of 25 years. He came home drunk and started destroying the walls. He flew into a rage when Clara finally said “enough is enough.” Concerned neighbors called 911 and watched as Clara was transported to the hospital with internal bleeding, a broken arm, and irreversible back and neck injuries. Despite years of horror, Clara only sought help when she saw how Rafe's abuse was affecting her adult daughter and her young son, Diego. Legal aid helped Clara gain full custody of Diego and resolve over \$15,000 of misdirected medical bills. They also helped her assume the mortgage that Rafe refused to pay after he moved out, collecting evidence to show that Clara had been contributing all along, although Rafe's was the only name on the loan documents. After suffering at Rafe's hands for decades, Clara credits her legal aid lawyer's patience and skill for giving her the confidence she needed to overcome fear, stand up for her rights, and regain safety. She explained that her lawyer would say, “You can do this. Don't panic. Just come along when you can.” Clara and her son Diego are an inspiration, as is the legal aid lawyer who is helping her navigate this long journey.

the reasonable and necessary goal of providing “minimum access to justice.” The 2014 Oregon Taskforce on Legal Aid Funding, which included elected officials and leaders in the legal community, concluded that we need to double the resources for Oregon’s legal aid programs in order to have minimally adequate access to justice.

What Can I Do? What Can Oregon Leaders do to Address the Civil Legal Needs of Vulnerable Oregonians? Take Action!

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

Educate

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

Speak Up

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

Fund Legal Aid

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

Justice Heals



Noelle and Poppy

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 working 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.

Justice Unifies



A Vulnerable Community

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.





Where you bank matters!

With your IOLTA (Interest on Lawyer Trust Account) at our Leadership Banks & Credit Unions, you are making up to **100x** more to provide justice for all.

100x

Oregon lawyers care about justice; **61%** of recently opened IOLTAs are at our Leadership Banks & Credit Unions. To do your part, just move your Trust Account.

61%

If all Oregon lawyers move their Trust Accounts to our Leadership Banks & Credit Unions, there will be over **\$1.25 million** more to support our grantees.

+1¹/₄million

Your IOLTA interest funds organizations in Oregon that **provide legal services** to people of lesser means, **promote diversity** in the legal profession, and **educate the public** about the law.


Oregon Law Foundation
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Linda Merrill 503-445-5512
lmerrill@albinabank.com

Heritage Bank

Kristen Connor 503-306-5360
kristen.connor@heritagebanknw.com
Rosinda Cruz 503-693-7500
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Northwest Bank

Marc Satterlee 503-905-3219
marc.satterlee@northwest-bank.com
Angela DeVita 503-905-3210
angela.devita@northwest-bank.com

OnPoint Credit Union

John Palmeri 503-525-8737
john.palmeri@onpointcu.com

Pacific West Bank

Stephanie Cannon 503-912-2097
scannon@bankpacificwest.com

Pioneer Trust Bank

New Accounts 503-363-3136, x208
newaccounts@pioneertrustbank.com

Washington Trust Bank

Helen Samarsky 503-778-7090
mhsamarsky@watrust.com

Wells Fargo Bank

Pays 1.00% on balances over \$50,000

Willamette Community Bank

Steve Horning 503-785-9816
shorning@willamettecommunitybank.com

Willamette Valley Bank

Kennedy Traeger 503-485-3784
kennedy.traeger@wvbk.com

0.75%

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Advocates

Chase Bank

Columbia Bank

Elise Bouneff 503-542-8560
elise.bouneff@therightbank.com
Gwyn Hilden 503-736-6034
gwyn.hilden@therightbank.com

Lewis & Clark Bank

Sarah Luna 503-212-3200
sluna@lewisandclarkbank.com

Oregon Pacific Bank

Vicki Gray 458-210-2022
vicki.gray@opbc.com

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Legal Aid
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**Access to Justice in Oregon
Learning the Ropes
October 28, 2020**



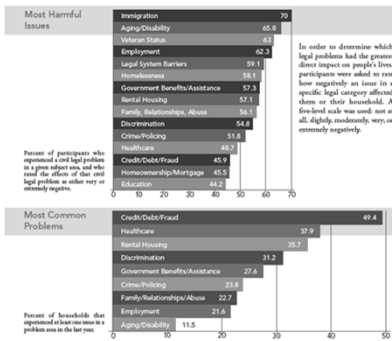
An aspiration:
80 hours of pro bono services.

80

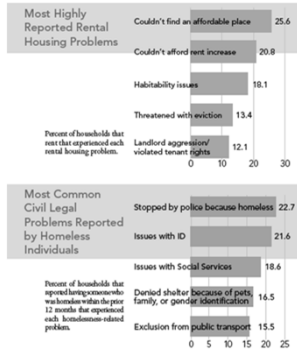
**Direct legal service to
people with low incomes:**
20 to 40 hours or two cases.

20	to 40	80
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Most Harmful / Most Common



Housing & Homelessness



Domestic Violence & Sexual Assault

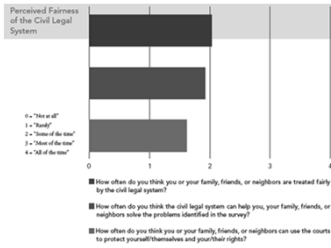
Households with DV/SA survivors were:

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- 3.7 times more likely to have an education-related issue
- 3.0 times more likely to have an employment issue
- 2.1 times more likely to have a rental housing problem

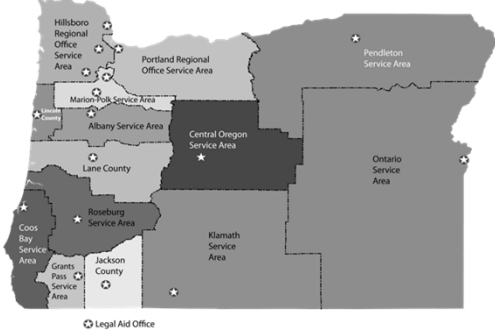
Barriers to Justice

84.2% of people who needed a lawyer were unable to obtain one.

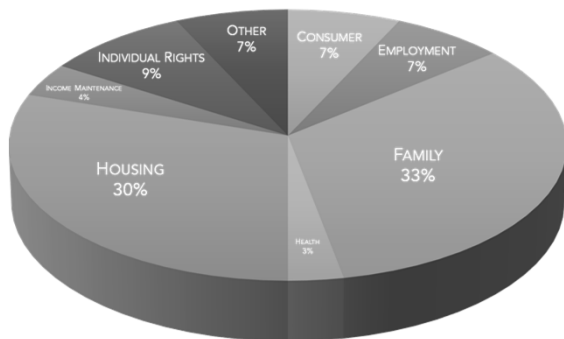
When People are Denied Access to Justice, Their Faith in the Legal System Erodes



Legal Aid Offices



Case Types



2020 Income Eligibility

Number in Family	125% of Federal Poverty Level
1	\$15,950 per year \$1,329 per month
2	\$21,550 per year \$1,796 per month
3	\$27,150 per year \$2,263 per month
4	\$32,750 per year \$2,729 per month

Legal aid's response to the COVID-19 Crisis



Volunteering with LASO

Legal Aid Pro Bono Programs

- Bankruptcy Clinic
- Domestic Violence Project
- Statewide Tax Clinic
- Expungement Clinics
- Family Law Forms Help
- ProBono Oregon Listserv
- Senior Law Project
- Housing Notice Clinic
- Unemployment Benefits Panel
- Virtual Legal Clinics

Domestic Violence Project

Domestic Violence Project

- DVP refers survivors of DV to pro bono attorneys for representation in contested RO hearings.
- Cases have short timelines, limited issues, & a court appearance.
- Excellent pro bono opportunity for new attorneys, attorneys seeking litigation experience, & attorneys who cannot commit to long-term cases.
- Attorneys sign up in advance to be available to take a case on call or on a certain day.
- Online CLE and extensive materials available.

Housing Notice Clinic

- ## Housing Notice Clinic
- Attorney reviews a tenant's housing termination notice to determine whether the notice is valid or defenses exist.
 - Attorneys advise client on validity of the notice and defenses available. Opportunities for continued assistance available.
 - Online CLE and extensive materials available.
 - Excellent opportunity for new attorneys and attorneys who cannot commit to long term cases.
 - Virtual volunteer opportunity.

Unemployment Benefit Panel

Unemployment Benefit Panel

- Volunteer attorneys assist UI claimants in controversies involving unemployment insurance (UI) benefits.
- Legal advice and possible representation at administrative hearings before the Oregon Office of Administrative Hearings.
- Great opportunity for new attorneys and attorneys seeking hearing experience.
- Cases involve limited issues and a phone hearing.
- Virtual volunteer opportunity.

Volunteer Resources

- PLF coverage
- Trainings and Materials
 - CLE's and Brown Bag Discussions
 - www.oregonadvocates.org
 - www.oregonlawhelp.org
- Mentorship and Support from legal aid and private attorneys
- Interpreters

Certified Pro Bono:
More can volunteer,
no PLF required.



**Save time on CLEs
with pro bono:**

1 MCLE credit for
2 hours pro bono.

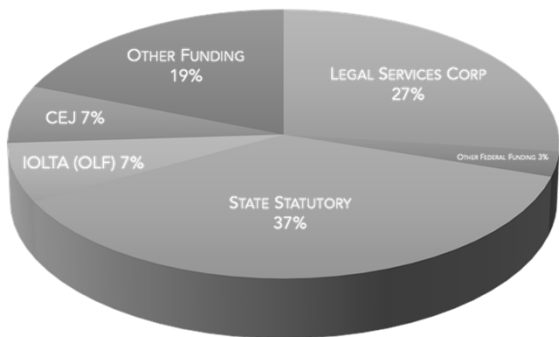


**No time?
Give instead.**



*Also give if
you have time.*

Funding Sources

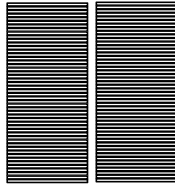


Educate Speak Up Fund Legal Aid



Bank where it matters: Oregon Law Foundation Leadership Banks.

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30 Years
JUSTICE
ENDURES

Learn.
Speak up.
Act.

A
CALL
TO
ACTION

- **Give** to the Campaign for Equal Justice. The best way to increase access is to create more legal aid staff attorney positions.
- **Review** your KOLA account for abandoned client funds. The funds are paid to the Oregon State Bar for the appropriation to legal aid through the Oregon State Bar's Legal Services Program.
- **Shop.** Support legal aid when you shop at Fred Meyer by linking your rewards card to CEJ (www.fredmeyer.com) and when you shop at Amazon through Smile.Amazon.com. It costs you nothing, but supports legal aid.
- **Educate.** Talk about the importance of access to justice. Let people know—tell legal aid is there for those who need help. Host a Campaign for Equal Justice CEJ for one hour of Access to Justice credit for attorneys.
- **Endow.** Take simple steps to endow your annual gift to the Campaign's endowment fund.

• **Volunteer** through use of legal aid's many volunteer lawyer groups and clinics, or help the Campaign for Equal Justice raise money for legal aid.

- **Speak Up.** Let state, federal and private leaders know that access to justice is important.
- **LEARN** how legal aid services are delivered to your community so that you can make appropriate referrals for low-income clients.
- **Move** your KOLA accounts to a financial institution that is an Oregon Law Foundation Leadership Bank or Credit Union. Full lawyers took this step, funding for legal aid would increase by as much as \$1 million—enough to fund two small rural legal aid offices. Contact the CEJ 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.

Federal Bar Association
Oregon Chapter

Oregon Chapter

OHBA Oregon House of Bar Attorneys

OMLA Oregon Minority Lawyers Association

OPA Oregon Public Access

OTLA Oregon Trial Lawyers Association

Oregon Trial Lawyers Association

mba Multnomah Bar Association

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

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

JUSTICE IS A RIGHT, NOT A PRIVILEGE.

Contact the CEJ at 503.295.8442 to sign on today.

Oregon Trial Lawyers Association

OCABA Oregon County Attorneys Association

OADC Oregon Association of District Court Judges

ogalla Oregon General Assistance Lawyers Association

Oregon Law Foundation

OCABA Oregon County Attorneys Association

Oregon State Bar

Oregon Trial Lawyers Association

OWLS Oregon Women Lawyers Society

• FOR MORE INFORMATION ON HOW YOU CAN BE INVOLVED •
CONTACT THE CAMPAIGN FOR EQUAL JUSTICE.
www.cej.oregon.org
503.295.8442
