

Senate Committee on the Judiciary

HB 4143

Testimony of David Thornburgh, Oregon Law Center, 503-473-8324

February 20, 2014

Chair Prozanski, members of the Committee, my name is David Thornburgh. I am the executive director of Oregon Law Center (OLC), one of the statewide legal aid programs in Oregon. I live in Portland. Thank you for the opportunity to testify in support of HB 4143 to provide increased revenue for legal aid.

Increasing Client Need. As you know, legal aid plays a critical role providing access to justice and a level playing field for low income people statewide. Our clients need legal aid's help keeping themselves and their children safe from domestic violence, protecting their homes, getting food, finding medical care and supporting their families. Over 40% of the cases handled by legal aid are family law, almost all of which involve domestic violence, about 24% are housing law, and 10% consumer. There is a great and growing need as the impact of the great recession continues. The number of people eligible for services grew by 61.5% between 2000 and 2011 -- from 525,000 to 850,000. Today, there are ninety legal aid lawyers working out of offices located in seventeen communities serving clients living in all thirty-six counties. Legal aid offices report an increased incidence and severity of domestic violence. Seniors and other vulnerable populations need help on matters related to foreclosure and medical bills.

Decreasing Revenue. During this same period when the client need was increasing due to the recession, decreased revenue forced legal aid to eliminate 20% of the staff positions statewide and close two offices. This is unfortunate, because studies show that the presence of a legal aid office in a county is the single largest factor in reducing domestic violence.

Service Delivery Structure. Four nonprofit corporations provide civil legal services to low income clients statewide through community based offices located in 17 communities. Oregon Law Center and Legal Aid Services of Oregon are statewide. Lane County and Jackson County have countywide programs. We use outreach, circuit riding, collaboration with community partners and toll free telephone numbers to provide relatively equal access in all 36 counties. One of our standards requires that we provide relatively equal access to low income clients regardless of where they live. Legal aid also works to stretch limited resources through self help materials, pro bono programs, and an informational website that receives 70,000 unique visitors each year.

Legal aid routinely conducts needs assessments to identify and prioritize the needs of clients. We survey low-income clients, judges, private attorneys, nonprofit organizations and other

stakeholders to determine the most serious legal needs in the communities that we serve and we then target our services to address the most serious legal needs. Since legal aid only has the revenue necessary to serve about 15% of the need, it is important to engage the community to prioritize the use of these scarce and valuable resources.

The interest on the cy pres funds would be distributed through the Oregon State Bar Legal Services Program. The Oregon State Bar provides government standards, guidelines, evaluation, and enforcement pursuant to ORS 9.572 to regulate the work done by the four nonprofit corporations that provide legal aid.

Strategic Planning. In order to increase the efficiency and effectiveness of the legal aid programs in Oregon and to be responsive to changing client demographics and needs, these four programs, together with representatives from the Oregon State Bar, Lawyers' Campaign for Equal Justice, and client groups routinely engage in strategic planning. Legal aid just finished the most recent strategic planning process. The process took almost two years. After gathering and studying a lot of information the planning committee created a list of ways that we can enhance efficiency and effectiveness at legal aid over the next few years.

Goals. The strategic plan establishes specific goals to increase the efficiency and effectiveness of legal aid using existing revenue. It created a list of positions that will be filled to improve client services statewide if legal aid can obtain additional revenue from any source. The plan recommits legal aid to the goal of providing "minimum access" to justice statewide. National standards have defined minimally adequate access as two legal aid lawyers for every ten thousand clients. In 2000, legal aid had two lawyers for every eleven thousand four hundred and thirteen (11,413) people eligible to be clients. Since Oregon currently has two legal aid lawyers for every eighteen thousand eight hundred and eighty nine (18,889) people eligible to be clients, we need to find a way to increase each of our existing sources of revenue and broaden the sources of revenue. Legal aid already has about eighty sources of revenue. Legal aid is funded by a combination of federal, state, and private sources of revenue. We use the more stable government sources of revenue to leverage private grants and contracts to expand service for clients. We are currently working with private attorneys, foundations, and federal, state and local governments to explain the need and the benefit that legal aid offices provide. Thank you for giving me an opportunity to testify today and thank you, Chair Prozanski and members of the committee, for your support of legal aid through the years. I am happy to answer any questions.

Oregon's Legal Aid Programs: A Partnership in Fighting for Civil Access to Justice

Why We Fight

Fairness and justice are core Oregon values.

"A community is democratic only when the humblest and the weakest person can enjoy the highest civic, economic, and social rights that the biggest and most powerful possess." *Hon. Neil Bryant, Former Oregon State Senator*

When Oregonians need help keeping themselves or their children safe from domestic violence, challenging a wrongful termination, or when a wounded veteran needs help obtaining government benefits, there is no constitutional right to a lawyer. That's only in criminal cases. Generous financial contributions and pro bono work from lawyers alone is not enough to fill the gap, and we need adequately funded legal aid programs.

More than one of every five Oregonians lives in poverty.

Between 2000 and 2011, poverty in Oregon increased by 61.5%. the 8th highest rate in the nation. Legal aid programs provide services to about 22,000 poor and elderly Oregonians each year who have no where else to turn for legal help.



How We Fight: A Unique Federal, State, and Private Partnership

Federal Funding

In addition to funding from the Legal Services Corporation, legal aid receives federal grants, including a new grant from the National Institutes of Health.

State Funding

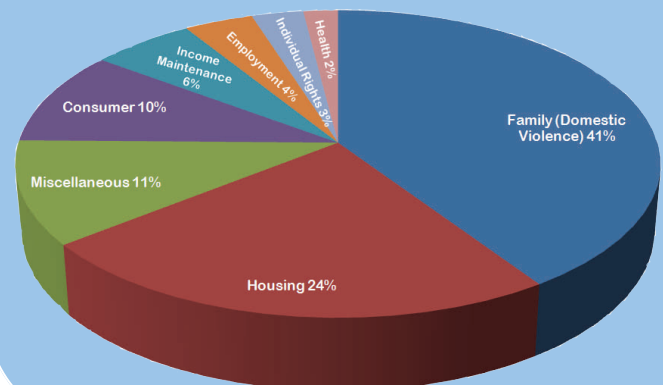
Legal aid has received funding from state court fees since 1977 through the Oregon State Bar (OSB LSP); receives pro hac vice fees; and now abandoned lawyer trust account funds go to fund legal aid.

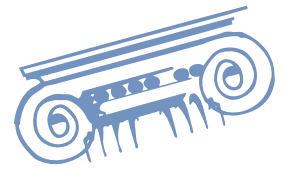
Private Funding

Legal aid manages funding from over 80 different private grants, which have included United Way, the Warm Springs Tribe, and Meyer Memorial Trust. The Oregon Law Foundation distributes interest on lawyer trust accounts (IOLTA) to legal aid; Oregon lawyers contribute over \$1 million each year to the Lawyers' Campaign for Justice (CEJ)

Cases Handled

Legal aid programs work with community partners, lawyers, judges and the low-income client community to determine the most pressing civil needs of low-income clients.





CEJ and you. Fighting for justice for families like these. Together.

“Margaret”

Margaret has three grown children. For years, she lived with physical abuse and threats from her husband. After she insisted he move out, he threatened her and her family. Terrified, she called the police, who told her to get a stalking order. She didn't know how to get one, so she contacted a domestic violence shelter, and the shelter connected her with legal aid. Legal aid lawyers helped her get a protective order, stay safe at work when her husband began stalking her there, and get spousal support so she can complete a vocational program and become self-sufficient.



“Zach”

Zach, age five, has a severe digestive disorder. He has had eight surgeries so far. “Natalie,” Zach’s mom, worked almost full time and also took Zach to weekly treatments 500 miles away. Social Security benefits helped offset some of the costs. When Zach turned three, he celebrated a milestone—he could take food orally. That’s when Social Security terminated his benefits, despite his doctors’ protests that he was still seriously ill. Natalie tried to hire a lawyer to navigate the bureaucracy, but she couldn’t pay for a lawyer and fees were not available. Legal aid stepped in and benefits were reinstated. Between work, benefits, scrimping, and saving, Natalie was able to relocate closer to a facility with more treatment options, giving Zach a better chance at life.



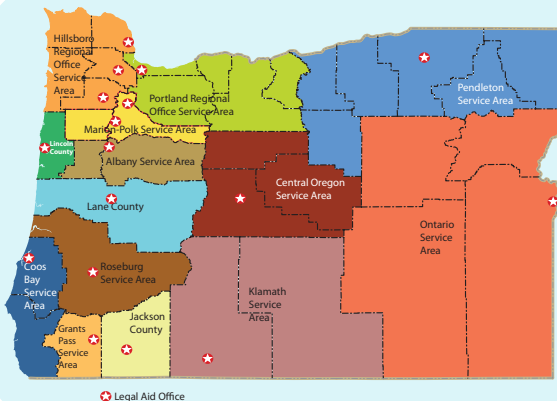
“Marisol”

Marisol works full time at a day care center and has four little boys. Faced with low wages and a tight rental market, the best apartment she could afford was in poor condition. It had roaches, rats, and the stove sparked, so she was afraid to cook. She asked the landlord to fix the problems, and he responded with an eviction notice. Marisol knew that wasn’t right, but she couldn’t get the landlord to listen to her. Then a co-worker suggested calling legal aid. Legal aid negotiated an agreement with her landlord, including cleanup and repairs. The landlord followed through, and now Marisol and the boys have a clean, safe place to live.



“Charlene”

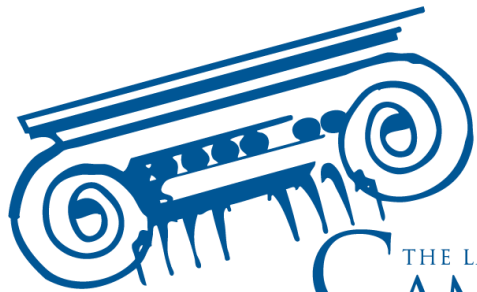
Charlene, 68, was overwhelmed with medical bills from her ongoing battle with breast cancer, so she decided to rent out her spare room. But the man who moved in became abusive. He threatened her, and when she asked him to pay his past-due rent, he charged at her as if he was going to hit her. Terrified, she got a restraining order that ousted him from her home. Then he filed a small claims lawsuit against her, falsely claiming she had stolen some of his clothing and demanding she pay his hotel and food bills for the time after the judge ordered him out of her home. That’s when Charlene called legal aid. Legal aid got special permission to represent Charlene in small claims court, because she was having cognitive difficulties due to the cancer treatments. After several hearings, Charlene prevailed. Today, Charlene is safe in her home.



Legal Aid Office

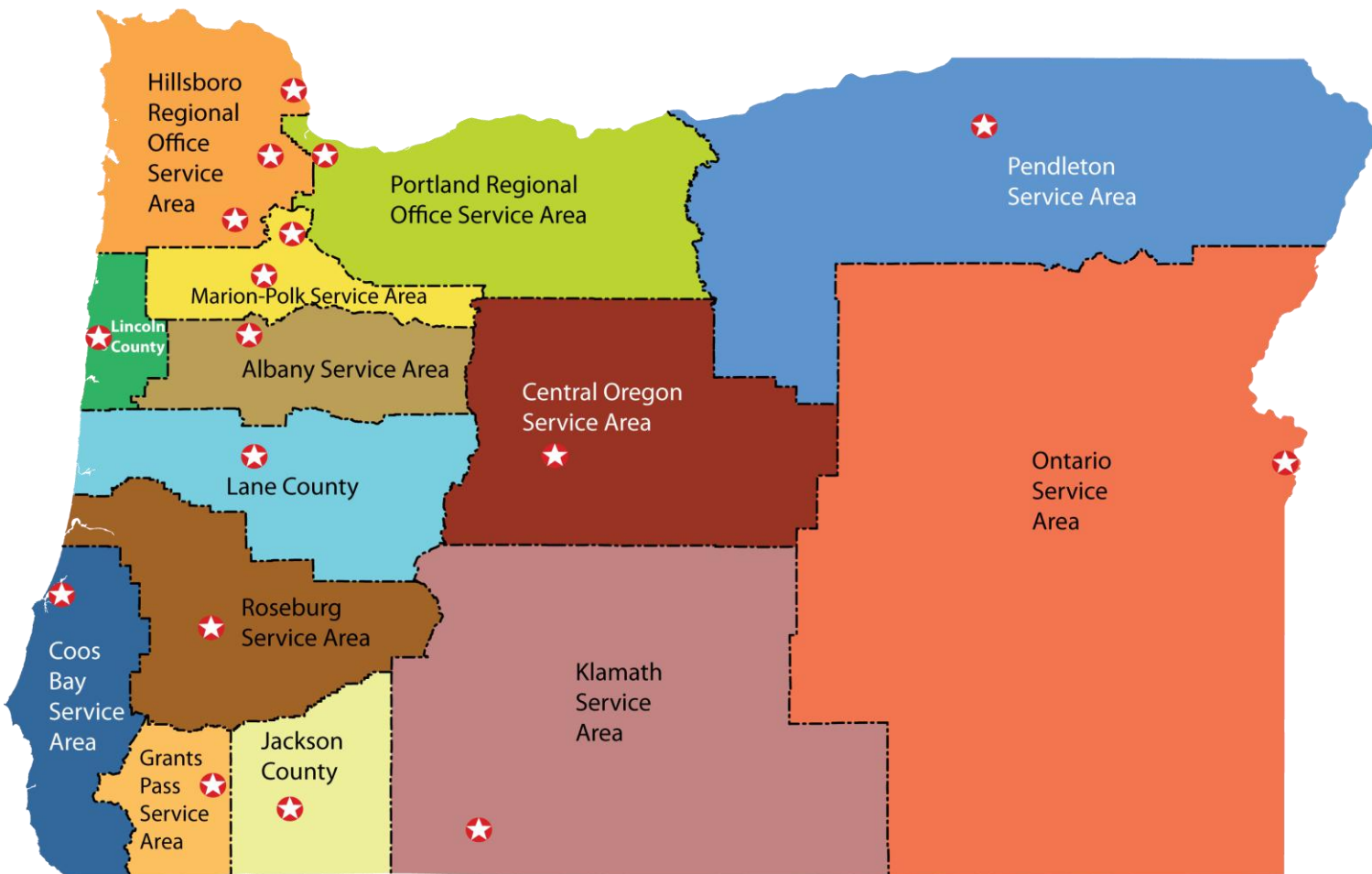
- Legal aid provides free civil legal services to poor and vulnerable Oregonians in all 36 Oregon counties.
- Because the need is so great, legal aid takes cases where legal help is essential to making sure families can meet their basic needs: food, shelter, medical care and physical safety.
- More than 40% of legal aid’s cases are family law cases in which there is domestic violence. About one quarter are housing cases. Other subject matter areas include consumer law, income maintenance (social security, unemployment insurance, and other self-sufficiency benefits), health, employment, and individual rights.
- **Thank you for joining the fight and helping legal aid help Oregonians in need! We can win the fight for justice.**

Learn more at www.cej-oregon.org.

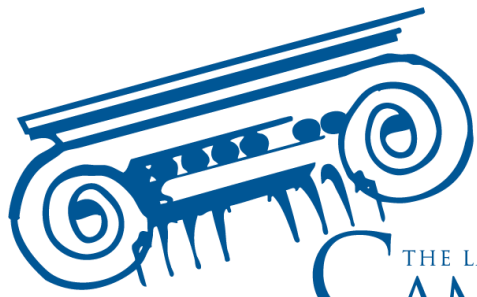


THE LAWYERS'
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Legal Aid Offices



★ Legal Aid Office



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Case Types

