

Justice served by directing unclaimed funds to Legal Aid

From the Desk of
Senator
Mark Hass

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A bill that would use unclaimed class-action lawsuit proceeds to fund legal services for the poor prepares for a Senate-floor vote Thursday.

To help even the scales of justice, we believe the bill should pass into law.

HB 4143 directs state courts to send unclaimed class-action lawsuit proceeds to Legal Aid Services of Oregon, which provides the state's poor with legal advice and representation. There are 48 other states, and the federal court system, which already have laws on the books that call for class-action leftovers to go to "good public use" — legal services for the poor or other charities.

It's about time Oregon join them.

Legal Aid is an eminently underfunded agency for the state, one that has a regional office located in Pendleton and does yeoman's work for farm workers, poor tenants being mistreated by landlords and other civil and criminal matters.

These aren't fat cat attorneys with slicked-back hair, stirring their lunchtime martinis with a Cuban cigar. These are talented lawyers who gave up chasing the big bucks to fight for those without the financial wherewithal to hire their fat cat law school buddies.

A useful analogy was proposed by the Register-Guard newspaper in their editorial supporting the bill.

"Suppose the police arrest a thief with a dozen bicycles," the newspaper wrote. "The owners of only eight of the bikes can be identified or come forward to claim their property. Clearly, the courts should not return the other four bicycles to the burglar. Under a doctrine rooted in English common law, goods that can't be returned to their rightful owners should be put to their next best use. Oregon should apply the same doctrine to unclaimed money awarded as damages in class-action suits."

In these cases, the corporations involved have been found guilty and sentenced to pay for their wrongdoings. There should be no financial incentive to not getting that money to its rightful owners — as there is now.

Legal Aid is a solid public service, a next-best-use once all other options for identifying and locating the rightful recipients of class action lawsuits have been tried.

We hope the Oregon legislature sees the merits of this bill and sends it onto the governor for his approval.