



House Committee on Judiciary

HB 2700

Lane Shetterly

February 2, 2015

Chair Barker, and members of the Committee, my name is Lane Shetterly. I am an attorney in private practice in Dallas, Oregon, and a member of the boards of directors of the Oregon Law Center (OLC) and Legal Aid Services of Oregon (LASO). I am also a member of the Advisory Committee of the Campaign for Equal Justice and was a member of the 2014 Task Force on Legal Aid Funding.

I am here today to address the civil justice crisis in Oregon, let you know what the legal community is doing to try to help address the justice crisis, and ask for your continued support. As members of House Judiciary Committee you understand that in civil matters there is generally no right to an attorney, and those who are unable to pay legal fees either try to navigate the justice system on their own, or most likely go without any access. In addition to providing counsel, advice, and representation to the most vulnerable Oregonians, legal aid programs are also able to address problems and solutions to systemic problems such as domestic violence. One study shows that the presence of a legal aid office in a community is the single largest factor in reducing domestic violence.

The handout attached to my testimony tells the stories of just some of the low-income Oregonians and families that legal aid has helped with critical issues like accessing to medical care, staying in safe housing, and keeping women and children safe from domestic violence.

Legal aid currently has funding to meet 15% of the civil legal needs of the poor---down from 20% in previous years. This means that the majority of low-income Oregonians



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who need a lawyer to access our justice system are effectively shut out. But the implications are much broader than that. When the justice system is only available to those who have money to pay for services, the credibility of our entire justice system is diminished.

On the heels of Legal Aid's Strategic Plan that was adopted by the boards of OLC and LASO in December 2013, the Campaign for Equal Justice has convened a Task Force on Legal Aid Funding to bring together a broad group of stakeholders and funders to address this justice gap. We appreciate the participation of members of the Oregon legislature in this process, along with the Oregon State Bar, the Oregon Law Foundation, the Chief Justice, Attorney General, Office of the Governor, Secretary of State, corporations and several members of the philanthropic community. Because legal aid funding is a state, federal and private partnership, the goal of the Task Force was to take a comprehensive look at funding from all sources and also to look at new potential sources of revenue.

The 2014 Task Force on Legal Aid Funding identified that funding for legal aid must double in order for our programs to be even minimally adequately funded. National standards say we should have 2 legal aid lawyers for every 10,000 low-income individuals; currently we have 1 legal aid lawyer for every 9,444 low-income individuals. Current statewide funding for legal aid is about \$15 million. It is fairly simple math to say that our legal aid programs need another \$15 million. We know there are no easy answers, but are looking for ways to increase revenue. The federal rules and the rules in many states permit judges to send unclaimed class action damages to supplement legal aid funding.

What is the legal community doing to try to address the justice gap? Through the Campaign for Equal Justice annual fund drive, over 3,000 Oregon lawyers now contribute about \$1.2 million each year to support legal aid. Of the 20,000 cases that legal aid handles, about 19% of those are pro bono cases handled by the private bar through legal aid offices. The annual fund drive of the Campaign continued to grow by 4% each year, even through the recession. In addition, lawyers are stepping up to pledge to the Campaign's endowment to help preserve this funding stream for the future of legal aid. While this level of support makes a difference for low income Oregonians, it is not enough to bridge the gap.

In light of the tremendous unmet legal needs of the poor and the benefit that legal aid programs provide in our communities, we support ways to increase revenue for legal

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aid programs. One of those ways that was identified by the Task Force on Legal Aid Funding was cy pres, as is available, in one fashion or another, in most states.

Thank you for your past support for Oregon's legal aid programs and for giving me an opportunity to testify today.