

Testimony before the Senate Judiciary Committee
On House Bill 2700
February 16, 2015

Chair Prozanski and members of the committee:

My name is Travis Prestwich. I have a litigation practice here in Salem. In addition, I am a member of the Oregon State Bar's Board of Governors, and I am here today on behalf of the bar. Thank you for giving me the opportunity to testify in support of Oregon's legal aid program.

The Oregon State Bar's highest priority is access to justice. This includes not only ensuring adequate court funding, but also ensuring adequate funding for low-income legal service, both criminal and civil. Legal aid plays an essential role in providing access to justice for thousands of low income Oregonians, and we must find new ways to make sure this need for service is met.

Legal Aid Clients

A legal aid attorney's advocacy can help a family stay in their home, a domestic violence victim obtain a restraining order, and a taxpayer negotiate a settlement agreement faster and with fewer missteps. This not only ensures our court system runs smoothly, it also provides an economic benefit for Oregon. Employees who have the opportunity to utilize legal aid services can address and quickly rectify what can be daunting legal challenges, allowing them to get back to their families, their jobs, and their communities.

Inadequate Funding

It is estimated that the current level of legal aid funding meets only 15% of the civil legal needs of qualifying Oregonians. Today over 850,000 Oregonians have incomes low enough that they qualify for legal aid. This is a direct result of an over 60% increase in Oregon's poverty population since the year 2000.

Despite the ever increasing need, legal aid has struggled to even maintain their existing level of service due to decreases in some funding sources. At one time the bulk of legal aid funding came from the federal government, but today the federal Legal Services Corporation provides less than a quarter of legal aid funding. Funding coming from Interest on Lawyer Trust Accounts has likewise dropped, from a high of \$3.6 million in 2007 to less than \$1 million today.

National standards define minimally adequate legal aid services as two legal aid lawyers per 10,000 low income citizens. The current legal aid budget supports approximately 90 legal aid lawyers working throughout Oregon or one legal aid attorney per 9,444 low-income Oregonians – little better than half of the national standard.

New Revenue

The Oregon State Bar has historically supported the *cy pres* doctrine, which says that residual funds – which by definition cannot be returned to the owner – should be put to the highest and best use possible. Dedicating some or all of the residual funds from class actions to legal services is the practice in most states, and the bar supports the implementation of this system in Oregon.

The bar is committed to working with representatives from all three branches of government, legal aid programs, the Campaign for Equal Justice, the Oregon Law Foundation, and Oregon foundations and corporations through the Task Force on Legal Aid Funding to identify and capitalize on new funding whenever possible.

Thank you for your consideration. I'm happy to answer any questions.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Travis Prestwich".

Travis Prestwich, Public Affairs Committee Chair
Oregon State Bar