

House Committee on the Judiciary

HB 2329

Testimony of Gerry Gaydos, Campaign for Equal Justice

March 26, 2015

Chair Barker, members of the Committee, my name is Gerry Gaydos. I live in Eugene and am a shareholder in the law firm of Gaydos, Churnside and Balthrop. I am also a past president of the Oregon State Bar. I am testifying here today on behalf of the Campaign for Equal Justice in my role as President of the Campaign's Board of Directors. Thank you for the opportunity to testify in support of HB 2329 to provide increased revenue for legal aid.

History. The Campaign for Equal Justice was founded in 1991 by Oregon lawyers to increase access to justice in Oregon by supporting Oregon's legal aid programs and in 1996 became a separate 501(c)(3). Since 1991 CEJ has raised \$25 million in support of legal aid through our annual fund drive. In addition to our annual fund drive, CEJ works to increase state and federal funding for legal aid, educate the community about the civil legal needs of the poor, and helps increase private support for legal aid. In addition, CEJ operates an endowment fund to help build the future of legal aid. CEJ brings the strength of about 300 lawyer volunteers and 3,000 donors each year who work together to increase civil access to justice in Oregon. And, that's not including the volunteer lawyers who contribute thousands of pro bono hours each year working through legal aid offices in Oregon. Our organization reflects the value that Oregon lawyers care about fairness and justice. We work closely with the Oregon State Bar, the Oregon Law Foundation and Oregon's legal aid programs.

The Justice Gap. Our legal system can be like a complex maze and for many of those trying to access justice without a lawyer, the task may be next to impossible. Judge Nan Waller, presiding Judge of the Circuit Court in Multnomah County used the analogy of a very sick person coming to a hospital for medical help and being shown to an operating room and told to "go for it. All the tools you need are in the room, so operate on yourself." A person who does not know what they are doing in the legal system without help is just as lost as a patient in the ER. A justice gap exists for those who need a lawyer to fairly access the justice system and who cannot access that help---and that gap has grown in recent years. Having a justice system that is accessible only to those who can afford to pay is damaging to the rule of law, our communities, and to our entire democracy.

Task Force on Legal Aid Funding. Within months of the completion of Legal Aid's Strategic Planning and their finding that legal aid programs have resources to address only 15% of the civil legal needs of the poor, the Campaign for Equal Justice launched a Task Force on Legal Aid Funding to address the justice gap. The purpose of the Task Force was to set goals to achieve minimally adequate funding for legal aid. The full Task Force Report is available on the CEJ website.

Chaired by lawyers Mark Wada and Ed Harnden, the Task Force brought together the Chief Justice, members of the Oregon legislature (including several members on this Committee), the Attorney General, the Secretary of State, the corporate community and philanthropic communities, a representative from the Governor's office, and of course legal aid, the Oregon State Bar and the Oregon Law Foundation. The Task Force considered current sources of funding for legal aid and also looked for new sources of funding.

The Task Force concluded that in order to provide minimally adequate access to justice, Oregon should have two legal aid lawyers for every 10,000 individuals who are eligible for legal services. This is based on national standards. Oregon currently has one legal aid lawyer for every 9,444 low-income individuals---far from the 2 in 10,000 goal. In actual dollar terms, this increase translates into the need to double existing revenue for legal aid----or increasing revenue by \$15 million annually.

Funding for legal aid is a state, federal and private partnership, and legal aid programs currently balance about 80 different sources of funding. The Task Force recognized that closing the justice gap will require increasing existing sources of funding and also broadening the sources of funding. We know that no one source will fill the justice gap, but HB 2329 is the surest way to get some immediate relief to legal aid programs.

We are working hard on a number of fronts to increase funding according to the goals set by the Task Force. Some headway has been made in slowly increasing funding, but many of these are longer term solutions. For the immediate term, we have continued to grow our annual fund drive; the Chief Justice has increased pro hac vice fees (fees charged to out of state lawyers appearing in Oregon courts) that go to legal aid; and we have been reaching out to private foundations.

For the longer term, we increased pledges to the endowment in support of legal aid by almost \$2 million in the past two years. Most recently, the legislature passed a bill sending residual class action money to fund legal aid. Although there were disputes over the mechanics of the bill, both the majority and minority proposals would have sent revenue to increase funding for legal aid. We thank you for your support for increased funding for legal aid. We understand that the residual class action legislation may help build the future of legal aid, but we do not anticipate significant revenue for another five years.

One of those goals articulated by the Task Force in order to increase stable funding for legal aid is an increase in the state statutory allocation for legal aid. HB 2329 is precisely that bill. Increasing the statutory allocation is a viable way to improve the picture for Oregonians who need access to the justice system and is another step in closing the justice gap.

Thank you for giving me an opportunity to testify today and thank you, Chair Barker and members of the committee, for your support of legal aid through the years. I am happy to answer any questions.