



**Testimony in Support of HB 5013  
Joint Committee on Ways and Means Subcommittee on Public Safety  
March 16, 2017**

Co-Chairs Winters and Stark, and Members of the Committee,

My name is Debra Dority, and I am a legal aid lawyer. On behalf of Oregon Law Center (OLC), thank you for the opportunity to testify this afternoon in support of House Bill 5013 and the funding it provides for critical work of Oregon's judges, mediators and court staff. I am here to speak for our clients and the over 100 legal aid lawyers serving low-income Oregonians statewide. OLC's mission is to achieve justice for the low-income communities of Oregon by providing a full range of the highest quality civil legal services. Without a robust judicial department, we would be unable to succeed in this mission.

By way of background, I have represented and worked on behalf of survivors of domestic violence, sexual assault and stalking for the last eleven years. My focus has been on family law, protective orders, and other laws that protect victims. I have represented survivors in rural, urban and coastal counties. No matter the setting, communities rely on judges, family law facilitators, clerks, mediators, and other court staff to have meaningful access to justice.

Access to Justice:

It is estimated that in over 80% of family law and restraining order matters, at least one of the parties is self-represented and, in 50% of the cases, both sides are self-represented. It is essential that court staff and systems have the capacity to facilitate access by those who are unrepresented. A legal matter is often an intimidating and frustrating process, and litigants who are engaging the legal system are rarely at their best. Often, litigants are overwhelmed by their personal, often traumatic situations and are not able to understand or undertake drafting of complex legal documents. OJD has consistently been committed to ensuring that its systems, staff, and procedures facilitate access to justice for all litigants, including self-represented litigants:

- OJD provides resources, forms and instructions restraining order and family law matters, designed for self-represented litigants. The judicial department constantly strives to improve these materials, and I have had the pleasure of working with OJD and other stakeholders in reviewing and testing the new interactive "Guide and File" forms. These forms are generated through an interview-type process, (similar to that of TurboTax) and this work has greatly improved the readability and accessibility of these forms.

- OJD also strives to promptly update materials after the laws change to keep them available and accessible to the public. Often, these changes must go through many stakeholder groups to ensure they are clear and accurate. I have seen firsthand the diligence and patience that OJD puts into this complex work.
- OJD has shown a commitment to ensuring that those who cannot pay filing fees in family law and other legal matters will still have access to the court system by creating and implementing fee waiver or fee deferral applications. While this remains a work in progress, the stakeholders working with OJD have made great improvements and good work continues.
- OJD is dedicated to ensuring procedural fairness for all litigants, including low-income and self-represented litigants. This means showing all litigants the respect and impartiality they deserve, and working toward a trauma-informed staff, courtroom and procedures. The fair opportunity to be heard results in improved compliance with court orders, and increased likelihood of acceptance, cooperation and satisfaction with the legal system.
- OJD has also shown a commitment to working with partners to educate and raise standards of practice through training. In fact, today and tomorrow, OJD is sponsoring a training for judges, attorneys, mediators, facilitators and other court staff, including presentations on working with self-represented parties, trauma-informed practice for the courtroom, and procedural fairness.

Safety and Protection: Perhaps most importantly, our courts need funding in order to remain open and accessible to survivors of domestic violence, sexual assault, stalking, and other violent crimes. Court clerks and facilitators are often the first people with whom a survivor comes into contact, and it is the first opportunity for a survivor to form an opinion on whether they can trust the legal system to provide them safety from an abusive situation. Since the beginning of 2017, there have been fifteen domestic violence-related deaths in Oregon. Obtaining a restraining order is often the first line of defense a victim has against an abusive partner or dangerous person. Restraining orders are also often the first step a survivor takes in finally leaving a dangerous relationship. Furthermore, contempt and other enforcement proceedings reinforce survivors' trust in the legal system and the safety it can provide. If the Courts were forced to shut their doors, as has happened in the past, it could literally be a matter of life and death for someone who needs a restraining order immediately.

OJD needs sufficient funding to continue to implement the great work that they are doing around procedural fairness, interactive forms, fee deferrals and other measures to ensure meaningful access to the judicial system. For these reasons, we ask that you support HB 5013 and the Chief Justice request to continue interactive forms and other technology supports, and request an Aye vote.

Thank you for your time and the opportunity to testify.