



**Testimony Supporting SB 858; Opposing Amendments  
Senate Judiciary Committee  
March 18<sup>th</sup>, 2019**

Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee,

I submit this testimony on behalf of the Oregon Law Center (OLC) in support of SB 858, which would expand access to assist courts in providing critical facilitation resources to help unrepresented litigants better access the justice system. OLC opposes what we understand to be pending amendments that would limit local options and constrain the ability of justice partners to determine how best to meet the needs of local communities.

OLC's mission is to achieve justice for low-income communities of Oregon by providing a full range of the highest quality civil legal services. Nearly 850,000 low-income and elderly Oregonians qualify for the services of Oregon's 100 legal aid attorneys; that's one attorney for every 8,500 persons. It is estimated that approximately 85% of the legal needs of low to moderate income Oregonians are going unserved each year.

A shocking number of cases go through the court system without access to legal advice. Oregon's former Chief Justice Thomas Balmer estimated in 2012 that in Oregon family law cases, 80% of cases had one self-represented party, and in 50% of cases both parties were self-represented.<sup>1</sup> A great number of eviction proceedings are also conducted with at least one party unrepresented. The outcomes of these proceedings can have an enormous impact on the lives of Oregonians and their children. Oregon's legal aid and pro bono networks can meet only a small portion of the demand.

In 2018, HB 4097 created flexibility for Multnomah County to expand the use of its law library services funding to court facilitation programs. SB 858 would expand this program by allowing courts statewide the flexibility to expand their use of law library services funds to include effective court facilitation programs designed to help unrepresented Oregonians better navigate the legal system. Law libraries would remain an eligible use of the funds, and local communities would be empowered to decide which uses best fit the needs of their communities.

Greater flexibility in the use of funding would allow courts to implement best practices for public court access. For example, courts could have terminals and online access to information located throughout the courthouse. Funds could be used to provide court-supervised staff to give individual procedural assistance with facilitators who are immunized from unauthorized practice of law concerns due to the degree of judicial oversight in materials and protocols. Courts have ready access to interpreters for non-English speaking Oregonians, and could ensure that these facilitation services are linked to interpreter services.

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<sup>1</sup> <http://www.cej-oregon.org/facts.shtml>

Several courts in Oregon are currently operating successful family law facilitation programs, since the Legislature authorized those programs in 1999. Where they exist, these programs make a huge difference in the lives of un-represented Oregonians. When a parent is seeking court assistance regarding custody of children, the stakes are high. Family law facilitation programs help unrepresented parents in these proceedings understand how to access forms, where to file petitions and responses, and how to access other services. Expanding the flexibility of law library services funding to allow better support of family law facilitation services would be of great benefit to the public.

The bill would allow courts, in consultation with the law library, the State Court Administrator, the local bar association, local legal assistance providers, and other community partners, to create a plan to use the funds to best address local needs. The funds could establish court facilitation services for other types of court proceedings, such as eviction proceedings. While eviction proceedings may seem simple to skilled practitioners, the process is incredibly complicated and intimidating for those whose housing stability is on the line. The timelines are short in these proceedings, and there is little room for error. Especially for tenants facing imminent eviction, these proceedings can be terrifying. In communities with high volumes of evictions, facilitation programs could help the public better access justice.

SB 858 would allow local courts and the community the flexibility to provide unrepresented people with access to more individualized assistance in accessing the justice system. In many communities, these services may be of higher priority than law library services designed for the use of attorneys. For these reasons, we respectfully urge support of the bill. We would not support any amendments that would cap the flexibility of these funds and impose arbitrary decisions on local communities.

Thank you for your work and consideration.