

Joint Committee on Ways & Means
Sub-Committee on Public Safety
SB 5513

Testimony of Marisa Wilkins, Oregon Law Center

April 4, 2019

Good afternoon, Co-Chairs Winters, Piluso, and members of the Committee, my name is Marisa Wilkins. I live in Bend and I work in the health care field. I am writing on behalf of Legal Aid Services of Oregon and Oregon Law Center in my role as client board member of LASO and OLC. Thank you for the opportunity to testify in support of SB 5513 to increase state funding for the Oregon Judicial Department.

I experienced a problem with my housing that caused me to need the help of both Legal Aid and the courts. I was living in a duplex through a property management company that I had been renting from for 10 years through 2 different properties. When I first moved into the second property that I rented from this company they had a special of sign a year lease and get a free month. So I asked that that free month be broken up through 12 months and I would just have a cheaper rent through the year. They agreed to it and there was no problems. When the year was about to end I was diagnosed with cancer and had to have surgery. So I came to them and explained what was happening and that I wanted to sign another lease and to change the amount of rent back to what we were to be paying. They agreed. I signed the new lease and went through my medical things and waited to hear from Housing Works for my rent amount change.

I waited 3 months and nothing, I contacted Housing Works and they said that they have never received anything about me signing another lease or rent increase. So I contacted my rental company, asked why this change hadn't been done. I was told that they were busy and hadn't gotten around to it and that I needed to come and sign another lease so that way it covered all the months from the first lease I signed. Which I did, and waited a month and nothing so I called Housing Works again. Same thing – they had nothing and heard nothing. So my case worker said that she would call them. She contacted me back and told me that she was given the run around as well. So I called and was told yes we will get this to them. I waited another 2 months and nothing, no increase no paperwork nothing. So I contacted Housing Works again – nothing had been sent. So I called my rental company again, this time I was told that they were very busy and my paperwork was not important and that when they got around to it then it would be done, until then I just needed to wait. So I was like fine I did my part if that's the way it was then that's their problem. So my rent never increased it said the same amount from when I first started renting from them.

2 years later the property was coming up for sale, and we were told that we needed to have an inspection of the property. The head manager of the rental company came to my house and did

a walk-through. At the end of the walk-through he sat down and had a handful of paperwork. He said it was an itemized list of the money I owed him which was \$50 a month from the rent increase in the lease that was never sent to Housing Works or legally implemented. Then \$75 a month late fee, which added up to over \$4,000 in fees that he said I owed and needed to pay cash to him. I told him that he had no basis for this and I wasn't going to pay him anything, and told him that I may be poor but I'm not stupid. So he said ok well we will see about this. After that my rent was increased and I began to have "annual inspections" 1-2 times a month. I was then given a no-cause eviction. So I began searching for what I could do knowing that this was illegal, that's when I came across Legal Aid Services of Oregon and contacted them. Through the next few months I gave my lawyer detailed records of every correspondence, lease paperwork, housing paperwork, and pay stubs for rent (that I had kept for the past 10 years). With all these records it showed that not only was he trying to blackmail me, but was also committing fraud through Housing Works.

When I left that property the rental company not only took all my deposit, but also tried to include what they thought I owed them from the property that I rented before this property. In the end the manager of the rental company was advised by his legal team to settle out of court because if he took this to court he would be facing prison time.

If I didn't have access to those resources for someone to stand up for me and help me with my rights and someone who knew the laws, this company would have railroaded me. It was also very important that the courts were open to me so that I could enforce my rights against the people who treated me illegally.

There are so many people out there that don't know their rights or think I'll never win because the other side is too powerful and I'm not sure what's legal and what's not. I had many people including my spouse at the time telling me what a waste of time, and that no one will believe me over them, I should just give up and give them what they want. I just kept on because I knew I was right and I had all the proof.

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Testimony of Martina Gordon, Oregon Law Center

April 4, 2019

Good afternoon, Co-Chairs Winters, Piluso, and members of the Committee, my name is Martina Gordon. I live in Pendleton and am a Records Specialist for Umatilla Tribal Court. I am writing on behalf of Legal Aid Services of Oregon and Oregon Law Center in my role as client board member of LASO and OLC. Thank you for the opportunity to testify in support of SB 5513 to increase state funding for the Oregon Judicial Department.

I would like to share my background and explain to you the importance of access to the courts in my life. I graduated from high school in 1993 and was married in 1996. I have two sons who were born in 2002 and 2003. I finished my two-year degree at Blue Mountain Community College in 2003. Our family left the Pendleton area in 2004 so my husband could pursue his college degree to become a paramedic at Chemeketa. My life started falling apart while living in Albany. My husband started abusing alcohol and pills. We became homeless and couldn't access shelters. I had to swallow my pride and ask a co-worker if we could stay in her pickup camper in her yard. In 2007 I packed up my children and moved back home to Pendleton. In 2008 we filed for divorce. This is where Legal Aid became my saving grace. My husband was very demeaning and stated that I would never make it without him. Legal Aid assisted me in my divorce. When my husband tried to fight the child support amount, Legal Aid assisted me in that and the judge actually raised the amount awarded by \$200 more a month. Without access to the courts and Legal Aid's help, I would not have been able to keep my family together and survive with my kids.

I needed help from the courts and legal aid again in 2014. By then, I was caring for my two children as well as my two great-nieces, who were both born positive with methamphetamines and other drugs in their systems. In 2014 I applied for a home loan. A garnishment notice came to me and I was devastated because it could ruin my chance at getting a home for me and my children. I again turned to Legal Aid. The garnishment notice was from a credit card that wasn't paid by my husband as part of our divorce agreement. Legal Aid was able to assist me in getting the garnishment dismissed and I was actually awarded money in that case.

When I needed justice from the court system, the courts were open and Legal Aid was here to help me. If the courts and Legal Aid weren't available to me, I wouldn't be here today. A proud mother of four with a home mortgage. I was struggling as a human being with my own self-worth and confidence to make it through life. Today I find a little guilty pleasure of proving my ex-husband wrong. I can and I did make it without him.

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Testimony of Monica Goracke, Oregon Law Center

April 4, 2019

Good afternoon, Co-Chairs Winters, Piluso, and members of the Committee, my name is Monica Goracke. I live in Portland and I am the executive director of the Oregon Law Center, one of Oregon's three legal aid organizations. Thank you for the opportunity to testify today in support of SB 5513 to increase state funding for the Oregon Judicial Department.

I am here to speak for our clients and more than 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. The communities across Oregon in which we work rely on judges, family law facilitators, clerks, mediators, and other court staff to have meaningful access to justice.

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. The vast majority of tenants and debtors also go without representation in court as well.

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 in trauma and overwhelmed by their personal situations, and they are not able to understand or undertake drafting of complex legal documents. OJD is committed to ensuring that its systems, staff, and procedures facilitate access to justice for all litigants, including self-represented litigants. For example:

OJD provides resources, forms and instructions restraining order and family law matters, designed for self-represented litigants. The judicial department constantly strives to update materials promptly after the laws change to keep them available and accessible to the public. Legal aid staff have had the opportunity to collaborate with OJD and other stakeholders in reviewing and testing the interactive forms and other resources. Often, changes must go through many stakeholder groups to ensure they are clear and accurate. OJD completes this complex work with diligence and patience.

OJD has created and implemented fee waiver and fee deferral applications, so that those who cannot pay filing fees in family law and other legal matters will still have access to the court system. Recently OJD worked with legal aid staff on some specific concerns we had about how

fee waivers and deferrals were being implemented in some counties, and changes were made very quickly. We really appreciated their responsive and prompt action.

OJD works with partners to educate and raise standards of practice through training. OJD has sponsored 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. Similar training will occur again next month.

The recent study undertaken by the Oregon Law Foundation regarding the civil legal needs of low-income Oregonians showed that when individuals face barriers to accessing justice, they lose trust in the legal system. 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.

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. As of mid-March, there have been fifteen domestic violence-related deaths in Oregon in 2019. 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 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, I ask on behalf of the legal aid programs of Oregon that you support SB 5513. Thank you for your time and the opportunity to testify.