

**TESTIMONY ON SB 181  
BEFORE SENATE COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110  
IMPLEMENTATION  
FEBRUARY 11, 2021**

**PRESENTED BY: ERIN M. PETTIGREW, ACCESS TO JUSTICE COUNSEL FOR  
LEGISLATIVE AFFAIRS, OREGON JUDICIAL DEPARTMENT**

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

I am Erin Pettigrew, Access to Justice Counsel at the Oregon Judicial Department (OJD). I am providing written testimony in support of Senate Bill 181, a bill brought to you at the request of the Oregon State Bar Consumer Law Section.

Senate Bill 181 directs the court to consider whether an attorney performed services on a pro bono basis, or whether the award of attorney fees otherwise promotes access to justice, when considering whether to award attorney fees or litigation costs under ORS 20.075. OJD supports Senate Bill 181 because it furthers the Oregon Judicial Department's Strategic Campaign initiative to participate in collaborative initiatives to better serve self-represented litigants throughout the state. This bill could further that goal by incentivizing attorneys to assist litigants that would otherwise be self-represented.

We believe that attorney representation better serves both litigants and the administration of justice. Higher rates of attorney representation are associated with lower rates of default, and attorney representation reduces the number of frivolous cases that would otherwise need to be resolved by courts. Unlike in criminal cases, there is no legal right to representation in most civil proceedings. This bill represents a small step toward the laudable goal of increasing rates of representation in civil cases.

Thank you for considering Senate Bill 181. I am available to answer any questions.