



# Expanding Access to Justice: Addressing the Justice Gap



**Chief Justice Meagan A. Flynn**

To the House and Senate Judiciary  
Committees

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December 11, 2024



# Courts and the OSB – Justice Partners



- Courts have inherent and statutory authority to regulate the practice of law
- The Oregon State Bar is an instrumentality in the Judicial Branch and performs that regulatory activity, subject to oversight by the Supreme Court
- Shared mission to promote and provide a fair and accessible justice system
- Too many without access to legal representation = Justice Gap





# The Justice Gap



Oregonians needing legal assistance to protect rights

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But unable to find or afford legal representation

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Justice Gap



# OREGON TAX COURT

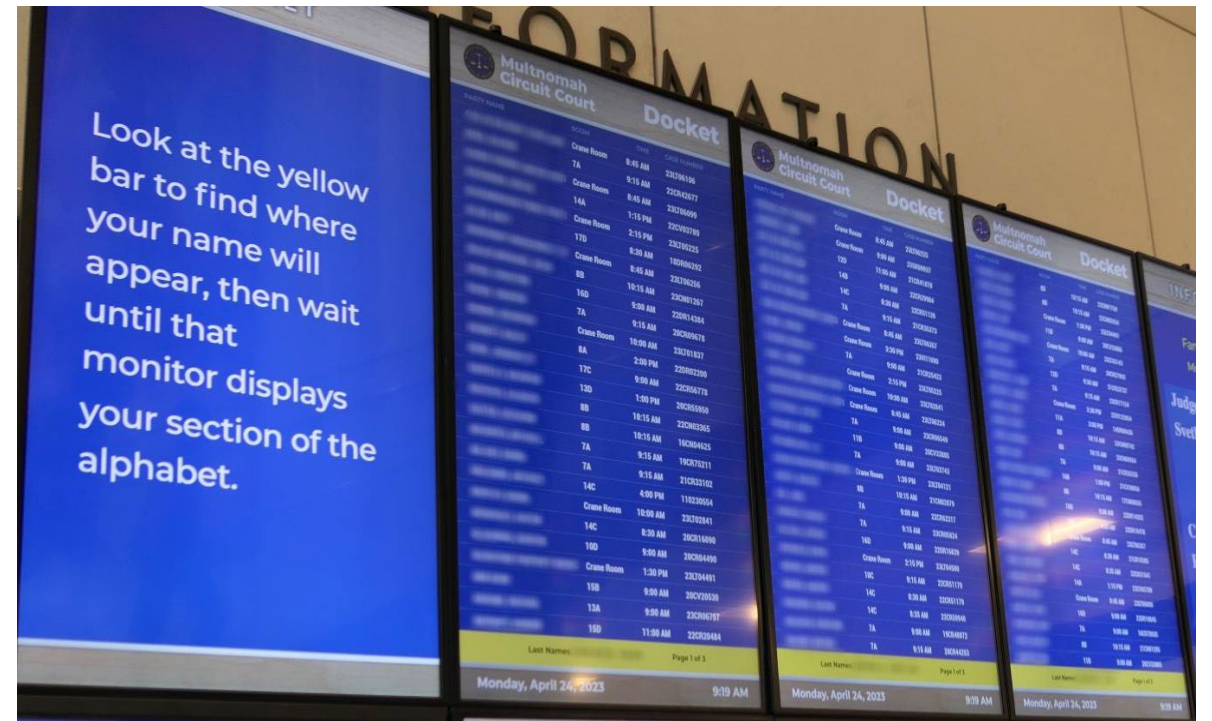
## Oregon Tax Court Overview



- Taxpayers are self-represented in 30% of cases in Magistrate Division
- Extensive FAQ document and six videos to help taxpayers understand processes

# Circuit Courts -- Case Types

- Child Support
- Family Law
- Small Claims
- Landlord-Tenant (eviction)
- Debt Collection





# Child Support

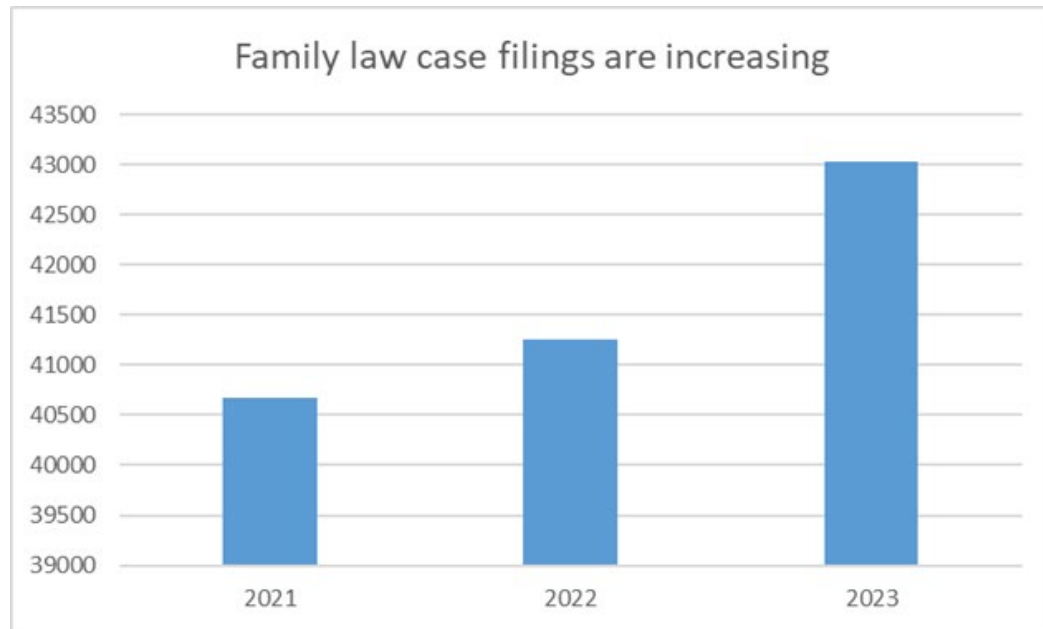


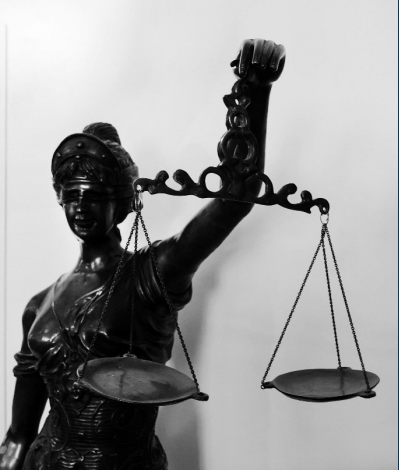
- Establishes financial responsibility and payment plans for non-custodial parents
- Legislature helped create remote child support docket in 2023
  - Operates in eight counties
  - 1,805 cases heard since April 2023
  - Hearings held by phone or video
  - Appearance rate is 12% higher than in-person hearings
  - 75% compliance with payments



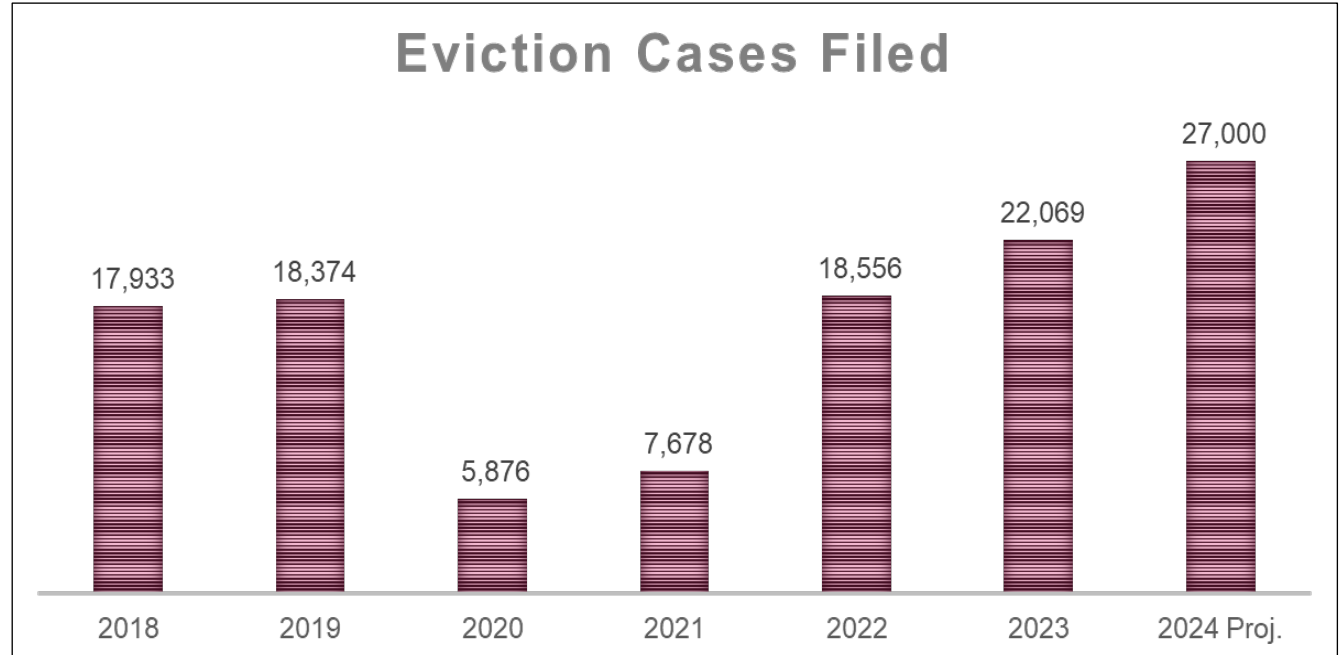
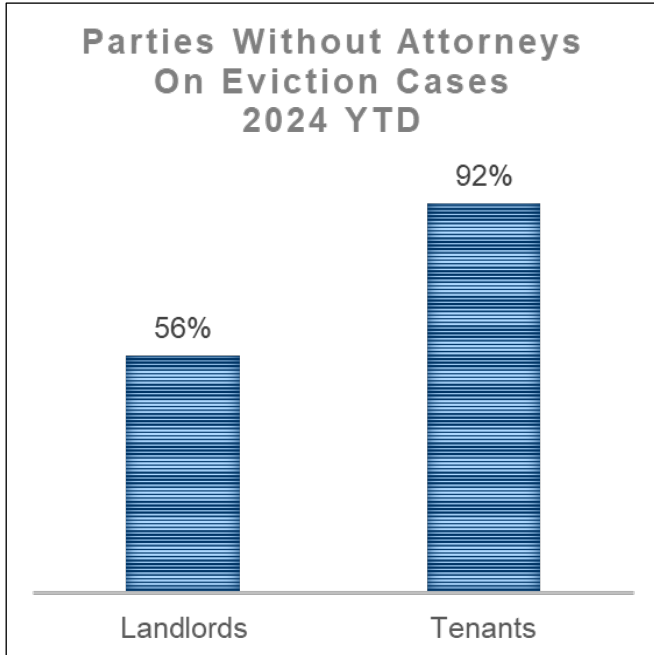
# Family Law

- 43,000 cases per year
  - Almost 45% are protective orders, others include divorce and child custody issues
  - More than 86% of family law cases have at least one unrepresented party
  - Courts rely on facilitators and forms to help





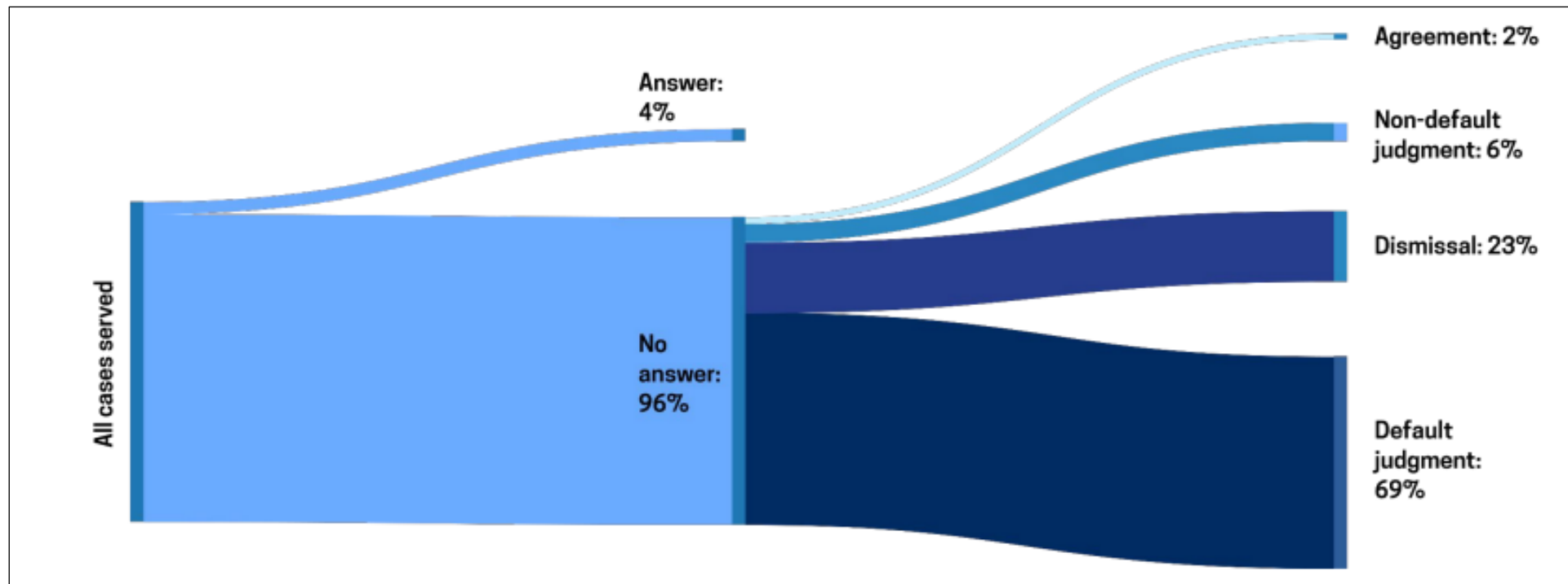
# Evictions





# Consumer Debt

99% of debtors self-represented; 96% do not even appear;  
69% of cases end in a default judgment



Consumer Debt Cases, 2017-2023

# Resources for Self-Represented Litigants

- Family Law Facilitators
- Remote Facilitation Initiatives
- Legal Resource Centers
- Online resources
  - Guide & File Forms
  - OJD's Online Self-Help Center
  - Oregon Law Help

The image displays a grid of six resource cards for self-represented litigants in Oregon. Each card features an icon, a title, a brief description, and a call-to-action button.

- All Statewide Court Forms:** Download free forms that you can use in any circuit court in Oregon. Check with your court about local rules, extra forms, and next steps. Need help with the forms? [Contact your local court.](#) [Go >](#)
- Interactive Online Forms:** A free interactive guide to fill out and file court forms online. Limited case types available. There may be a filing fee when you're ready to turn in the form to the court (the courts call this "filing"). Fee waivers are available for some case types. [Go >](#)
- Find a Court:** Every county has a circuit court. Visit your local court's webpage for phone numbers, address, hours, local forms, and information about local rules. [Find a Court Date](#) [Select Your Court](#)
- Resources by Topic:** Information from [Oregon Law Help](#):
  - [Housing](#): Eviction, renters, and landlords.
  - [Family](#): Divorce, custody, child support, guardianship, and other family issues.
  - [Basic Information About Going to Court](#)
  - [Social Security disability benefits](#)
  - [How to clear \(expunge\) your criminal record](#)
  - [Unemployment insurance](#)Information from Oregon Judicial Department:
- Fees:** The court may charge a fee for turning in certain forms to the court (the courts call this "filing"). The fees are the same in every circuit court in Oregon. Visit the [court fees page](#) and click on "Circuit Court Fees" for more information. **Protection order cases never have filing fees.** **Can't afford to pay?** You can ask the court to waive your fee (file for free) or defer your fee (pay later). [Find the fee waiver/deferral application here.](#)
- Learn about Oregon Law:**
  - [Oregon Law Help](#): free legal information plus help finding free and low-cost lawyers and legal help.
  - [Rules Center](#): rules for Oregon circuit courts.
  - [Oregon Revised Statutes \(ORS\)](#): state laws created by the Oregon Legislature.
  - [Oregon Rules of Civil Procedure](#): rules about filing a civil case or taking it to court in Oregon. Family law and landlord-tenant law cases are both "civil cases."

# Court Facilitators

- Authorized by judge, do not practice law
- In-person or remote services
- Help fill out forms, understand court processes, refer to resources
- Reduce errors that judge needs to address during hearing

## Legal Information vs. Legal Advice

### Legal Information (OK)

- ✓ How to find forms and how to complete them
- ✓ How court procedures and rules work
- ✓ How to begin a court action
- ✓ Referrals to agencies or resources that provide legal and other services
- ✓ Reviewing documents and forms to make sure they are complete

*From the Southern Oregon and Northwestern Oregon Facilitation Initiatives*

### Legal Advice (Not OK)

- ✗ Offering an opinion about a possible outcome of an action
- ✗ Advising or recommending someone take a particular course of action
- ✗ Recommending specific forms for solving a specific legal problem
- ✗ Telling someone they should or should not sue, file a complaint, or take other legal action
- ✗ Recommending one procedure or type of pleading over another

# Online Resources

## Interactive Online Forms

- Guided interview
- Step-by-step questions
- Can be electronically filed
- Available in many case types
- Some translated into Spanish

## Guide & File: Interactive Online Forms

Oregon circuit courts provide online forms (sometimes called iForms) for self-represented court users to electronically complete forms and file or respond to cases. Guide & File is an online program that works on any computer or mobile device.



Using Guide & File is FREE. The only cost is the required filing fee when you turn in the form to the court. Note: Restraining orders never require a fee. [Learn more about filing fees.](#)

Guide & File is only available for these types of cases:

- Protection orders (restraining orders, elder abuse, sexual abuse, stalking)
- Divorce, separation, or custody cases
- Changing a family judgment (modification)
- Developing a parenting plan
- Application for a court-appointed lawyer (criminal cases only)
- Residential evictions
- Small claims complaints
- Name or legal sex change
- Motion to seal your eviction, marijuana, or criminal record (expungement)
- Satisfaction of a money award (when you have received payment on a court judgment in your favor)
- Firearms surrender declaration (responding to a court order to give up your firearms)

# Legal Resource Centers



## Legal Resource Centers

- Full-time, operated by courts
- Have family & civil case facilitators
- Have legal resources
- Not available statewide
- Access to reference services and legal databases through the State of Oregon Law Library

# Getting Feedback & Community Engagement

- Access and Fairness Survey
  - Biennial survey obtains feedback from people who come to court in person or remotely, or visit the court website
  - 2,118 responses in 2024
- Signature Counter Experience
  - Training to ensure that all court users are treated respectfully and professionally in and out of the courtroom

Oregon Judicial Department  Access and Fairness Survey

## Your Opinion Matters!

Please complete this anonymous Access and Fairness Survey about your court experience. We will use the feedback to improve user experience and to guide us in ensuring access to justice for all.  
<https://www.surveymonkey.com/r/PB8DMRW> or scan the QR code.



**¡SU OPINIÓN ES IMPORTANTE!**

Por favor, rellene esta encuesta anónima sobre su experiencia con respecto al acceso y la imparcialidad en el tribunal. Usaremos sus comentarios para mejorar la experiencia del usuario y para guiarnos en nuestro afán de garantizar el acceso a la justicia para todos.  
<https://www.surveymonkey.com/r/FDCTBHH>

Escanee este código QR 

**ВАШЕ МНЕНИЕ ИМЕЕТ ЗНАЧЕНИЕ!**

Пожалуйста, заполните этот анонимный опрос о доступе и справедливости на основании вашего опыта в суде. Мы будем использовать обратную связь для улучшения пользовательского опыта и для руководства нами в обеспечении доступа к правосудию для всех.  
<https://www.surveymonkey.com/r/L9S3TPP>

ПРОСКАНИРУЙТЕ МЕНЯ 

**Ý KIẾN CỦA BẠN RẤT QUAN TRỌNG!**

Vui lòng hoàn thành Khảo sát về Quyền Truy Cập và Công Bằng ẩn danh này qua trải nghiệm tòa án của bạn. Chúng tôi sẽ lấy trải nghiệm này để cải thiện cho người sử dụng và hướng dẫn chúng tôi đảm bảo quyền tiếp cận công lý cho tất cả mọi người.  
<https://www.surveymonkey.com/r/L9RRZKH>



**您的意見 非常重要!**

請完成有關您的法院體驗的匿名『使用與公平問卷調查』。我們將根據公眾反饋來改善法院使用者的體驗，並確保司法資源使用上的公平性  
<https://www.surveymonkey.com/r/L9WG3RR>





# 2025 Legislative Issues



- OJD Bills (Senate)
  - LC 461. Reporting and fee increases to support local mediation/conciliation services
  - LC 456. Adds judicial positions in high-need counties
- Priority Budget Requests
  - POP 103-106. Additional court staff to maintain customer services in family law, protective order, landlord-tenant, and other case types with growing filings and needs
  - POP 108. Funds the positions requested in LC 456



# Questions?



# Questions?