



**SB 306: Paraprofessional Licensing
Senate Committee on the Judiciary
January 18, 2023 Hearing**

I am the Executive Director of the Oregon Law Center, a statewide nonprofit law firm whose mission is to achieve justice for the low-income communities of Oregon by providing a full range of the highest quality civil legal services. I am writing to support SB 306, which would license paraprofessionals to provide limited legal services in family law and landlord/tenant cases.

At legal aid, we receive many more requests from Oregonians for representation in family law and landlord/tenant cases than we can accept due to our limited resources. The number of self-represented litigants in Oregon courts bears out the great demand for assistance in these areas. While some of these individuals might not be able to afford even the more affordable fees charged by paraprofessionals, some likely could, and would benefit from having the help of a licensed paraprofessional to navigate the legal system.

The February 2019 publication of “Barriers to Justice: the 2018 Civil Legal Needs Study” shed light on the depth and severity of the access to justice problem in our state.¹ The study was commissioned by the Oregon Law Foundation, Oregon State Bar, Campaign for Equal Justice, Oregon Judicial Department, Legal Aid Services of Oregon, and the Oregon Law Center. It was later endorsed by the Oregon Department of Justice. The study assessed the ability of low-income Oregonians (people at or below 125% of the Federal Poverty Guidelines) to access the civil justice system.

The findings were stark. We learned that 75% of survey participants live in a household that experienced a legal problem in the 12 months prior to the survey. We learned that the typical low-income household in Oregon had more than 5 distinct legal problems in the past 12 months, and we learned that 84% of low-income people with a legal problem did not receive legal help of any kind.

The need for legal services is especially high in family law and landlord-tenant cases. The study found that nearly 36% of survey respondents had a rental housing problem and nearly 23% had a family law/abuse problem. While the study findings pertain to Oregon’s lowest-income residents, access to a lawyer is out of reach for many working class and middle income Oregonians.

¹ You can read the full report at: <https://olf.osbar.org/lms/>

Oregon Judicial Department statistics show that 74% of family law cases had at least one unrepresented party and 83% of landlord-tenant cases had at least one unrepresented litigant. Many of these individuals are not unrepresented by choice. If they had access to a paraprofessional at a price they could afford, many would be more likely to find the help they desperately need.

When people who are struggling to make ends meet lack legal representation, they are effectively shut out of the justice system. This in turn can lead to distrust of the justice system, a feeling that the justice system is only for the wealthy and the privileged. This perception isn't good for clients and isn't good for lawyers or how the community thinks about lawyers.

I believe the paraprofessional licensing program would make a positive difference not only for unrepresented litigants and their families directly, but indirectly as well. The courts would function more efficiently for everyone if more litigants had access to legal representation. Legal aid offices also spend time fielding calls and providing basic information to many individuals whom we cannot help. With more of those individuals able to receive help from licensed paraprofessionals, this would free up some of our time to assist more Oregonians whose low income qualifies them for our services.

Oregon law (ORS 105.130(4)) currently permits landlords to be represented in court by non-attorneys, but not tenants. Allowing licensed and regulated paraprofessionals to represent tenants would rectify this inherent unfairness.

At legal aid, we employ dedicated and talented legal support staff, many of whom provide invaluable legal assistance to our clients under the supervision of our attorneys. We know that paraprofessionals are highly capable of providing high quality legal assistance in housing and family law cases. The Bar's proposal requires appropriate education, training and oversight for that to happen. I do not believe that the paraprofessional licensing program will result in the supplanting of attorneys by paraprofessionals, because attorneys could take these cases now, but generally do not choose to. Rather, the proposal would cause many Oregonians who would otherwise receive *no* assistance to receive the help they need at a price they can afford.

Thank you for the opportunity to submit written testimony.



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