

**Testimony before Joint Committee on Ways and
Means Subcommittee on Public Safety
In support of House Bill 5512**

March 9, 2023

Good afternoon, Co-Chairs Sollman and Evans, and members of the committee.

My name is Keren Farkas and I am the Chief Access to Justice Officer and Director of the Legal Services Program at the Oregon State Bar. Thank you for the opportunity to testify in support of the Oregon Judicial Department's budget, including pass-through funding for Oregon's civil and immigration legal service providers.

The Oregon State Bar (OSB) is a public corporation and an instrumentality of the court with over 15,000 active members. The Bar serves the public interest by: regulating the legal profession and improving the quality of legal services; supporting the judiciary and improving the administration of justice; and advancing a fair, inclusive and accessible justice system.

The Oregon State Bar's Legal Services Program works closely with the Oregon Judicial Department and Oregon's civil and immigration legal service providers to provide access to justice for all Oregonians. Adequate funding for Oregon's court system is integral to access to justice in Oregon.

Oregon State Bar's Legal Service Program

The Oregon State Bar Legal Services Program provides fiscal and regulatory oversight of the state's investment in civil and immigration legal services. The bar's responsibility is to ensure civil legal services effectively and efficiently reaches low-income and underserved Oregonians statewide needing assistance to address legal problems affecting the basic necessities of life, including shelter, safety and sustenance.

The bar, a regulatory entity, was assigned this responsibility because it understands the regulation of lawyers engaged in the practice of law. The bar engages in ongoing oversight to assess provider compliance with national and state quality standards. Oversight activities include technical assistance, a complaint procedure and regular accountability reviews that incorporate assessment of case data and financials, stakeholder surveys, field office visits and self-narratives.

Fiscal and Regulatory Oversight of Civil Legal Services - Since 1997, the Oregon State Bar has provided fiscal and regulatory oversight of civil legal aid in Oregon. Starting in 2019, state funding for civil legal aid services passes through the Oregon Judicial Department to the Oregon State Bar for distribution to nonprofit corporations that provide service to clients. The proposed current service level funding for civil legal services for the 2023-2025 biennium is \$13,957,733.

Fiscal and Regulatory Oversight of Immigration Legal Services - Since 2021, the Oregon State Bar has provided fiscal and regulatory oversight of immigration legal service providers. First, through the Equity Corps of Oregon (ECO) Bridge program and, at present, via Senate Bill 1543 (Oregon's Universal Representation initiative). Funding for this program passes through the Oregon Judicial Department to the Oregon State Bar for distribution to immigration legal service providers.

Policy Option Package 118

Thank you for the opportunity to provide an overview of the need for POP 118 and how it will address critical gaps in Oregon's civil and immigration legal aid infrastructure. POP 118 includes a request for additional funding over the biennium to maintain current services while strengthening and stabilizing funding for Oregon's civil and immigration legal service providers. It includes funding requests for two programs: civil legal aid providers (Part 1) and immigration legal services providers (Part 2).

Part 1: Civil Legal Aid in Oregon

In Oregon, three organizations – Oregon Law Center, Legal Services of Oregon and Center for Nonprofit Legal Services – deliver state-funded civil legal services. They work together to provide a coordinated and integrated civil legal services infrastructure for low-income Oregonians facing a broad spectrum of civil legal problems related to domestic violence, health care, housing, domestic violence, essential government supports and others. With 18 field offices through the state, the organizations strive to serve the civil legal needs of low-income Oregonians in all thirty-six counties.

A central goal of Oregon's state-funded legal services organizations is to provide relatively equal levels of high-quality client representation throughout the state. The organizations work together to achieve equitable access by reviewing data and, as needed, adjusting capacity within resource limits across the state offices.

This statewide system of service delivery enhances efficiency and access. Per the Legal Services Program Standards and Guidelines, the organizations must coordinate to strategically deploy responsive resources to serve eligible Oregonians. They work to ensure services are complementary. This tenet ensures funds are not directed to duplicative services and, where possible, resources and costs are shared. It also ensures there is centralized and intentional decision-making to effectively and efficiently meet statewide and regional needs.

Unmet Civil Legal Needs

In 2018, the Oregon Civil Legal Needs study documented the depth and breadth of the civil justice gap experienced by low-income individuals and families throughout Oregon. The study revealed the differential needs experienced across demographic subgroups, regions and substantive legal issue area. It found that among legal services eligible Oregonians only 16% of those with a civil legal problem were able to access civil legal assistance, with persons of color, women and persons from rural communities disproportionately impacted by an array of legal issues.

Given resource constraints, Oregon’s current legal services infrastructure is operating significantly below generally accepted minimum access targets for civil legal services. The minimum standard for meaningful civil legal access is two legal services attorneys for every ten thousand low-income and financially eligible people. The National Center for Access to Justice, drawing on findings and data detailing the need for civil legal services, has since determined that ten legal services attorneys for every ten thousand individuals is a more accurate representation of the need for civil legal representation among low-income individuals. Similarly, in 2020 the American Bar Association defined a “legal desert” as a county with less than one attorney for one thousand people, a scenario disproportionately experienced in rural communities.

Currently, Oregon’s civil legal services statewide capacity – based on stable funding streams – does not meet even the minimum standard, only providing for two attorneys for every eleven thousand and three hundred low-income Oregonians. The ratios vary across the state, with rural and urban regions experiencing the greatest disparity between need and resources.

The Importance of a Civil Legal Aid Infrastructure in Oregon

Civil legal services can solve problems that, if left unaddressed, often result in greater demand for state services or the expenditure of other scarce government resources. Conversely, numerous studies, including one conducted in Oregon in 2020, show that an investment in civil legal services returns substantial benefits to states and local communities in excess of the cost of providing the service. The 2020 study found that for every dollar invested in civil legal services in Oregon, Oregon receives \$3.43 in immediate and long-term benefits. The study identified potential for significant future cost savings in various areas, including social security and disability benefits, unemployment benefits and healthcare costs.

Civil Legal Aid Funding Priorities

The funds requested under POP 118 Part 1 will protect existing service capacity and expand capacity to serve low-income Oregonians, especially those who reside in rural and isolated communities that lack foundational levels of civil legal services presence. It also seeks to achieve new efficiencies in infrastructure so that low-income people in Oregon can be more effectively served within the limits of available civil legal services resources.

	Funds Requested
Priority #1: Maintain	\$4.218 million

Priority #2: Expand Equity and Innovation	\$3.75 million
Priority #3: Proportionally upgrade infrastructure	\$1.53 million
Total Request	\$9.5 million

Fulfilling this funding request will represent a needed and substantial step towards investing in a civil legal services infrastructure that can meaningfully serve underserved and low-income Oregonians.

Part 2: Immigration Civil Legal Services

Immigration civil legal services defend and protect the rights of low-income immigrants and refugees in Oregon. For Oregon’s immigrant populations, timely and accessible representation is critical to safeguard paths to stable immigration status, work authorization, and civic integration. When legal assistance is not available, they are more likely to be:

- deported to a country where their lives and livelihoods are in jeopardy,
- unable to access medical assistance, housing or other basic services,
- susceptible to *Notario* and consumer fraud,
- more likely to experience unlawful employment conditions, and
- afraid to call the police for protection from domestic violence or other crimes.

In the deportation defense context, the benefit of individualized and high-quality representation is well-established. According to the Vera Institute of Justice, the odds of prevailing at a deportation case without counsel are slim. They found that, between 2007 and 2012, only 5% of cases without client representation achieved favorable outcomes. Conversely, 95% of all cases with favorable outcomes had legal representation. Even where a favorable outcome was not achieved, access to an attorney facilitated the client’s understanding and procedural due process during the proceedings.

In 2019, the Oregon Law Foundation commissioned a social return on investment (SROI) study of immigration legal help in Oregon. The study found that the economic benefits from immigration legal services significantly outweigh the potential for costs associated with medical care, support, public safety, and education. It concluded that for every dollar spent on immigration legal help, Oregon receives \$4.94 in immediate and short-term benefits.

Building an Immigration Legal Services Infrastructure

With state funding through SB 1543, the OSB LSP is funding a continuum of coordinated immigration legal services, building capacity and stability at immigration legal services organizations, and strengthening best practices in immigration services delivery across Oregon, with the goals to:

- Assist as many clients as possible to prevent deportation, while ensuring they receive the dignity of representation and safeguarding of their due process rights, regardless of case outcome;

- Foster a culture of sustainable, high-quality immigration legal services delivery at both long-standing immigration non-profits and newer entities; and
- Expand access to those high-quality services for Oregonians outside of Multnomah County.

Immigration Funding Priorities

The funds requested under POP 118 Part 2 will maintain funding through the biennium, support a much-needed expansion and strengthen SB 1543’s programming and expand on the ground and oversight infrastructure. Because SB 1543 funds are one-time funds, POP 118 will go towards supporting and promoting a stable and responsive immigration service delivery infrastructure in Oregon.

	<i>Funds Requested</i>
Priority #1: Extend Capacity	\$ 818,333
Priority #1: Expand Capacity	\$ 2,533,750
Priority #1: Build Capacity	\$1,140,000
Total	\$4,500,000

Importance of stable funding for civil legal aid and immigration

A cut of 10% to the proposed current service level would result in a \$1.4 million decrease in funding for the biennium. This cut would have devastating impacts to Oregon’s civil legal aid infrastructure. At an average of 70 closed cases per attorney/year, this could result in 600 fewer cases handled and denial of services to 1400 persons each biennium in complex matters affecting housing preservation, family safety and stability, and access to essential life needs. This reduction could also create prolonged wait time for services, which is particularly problematic for survivors of domestic violence needing timely assistance to keep their families safe. Because roughly 60% of civil legal caseloads involve housing and family legal needs, this reduction could also result in an increased presence of pro se litigants navigating family and landlord-tenant cases. As the current infrastructure is already operating below minimum standards of attorney: eligible client ratios and only meeting 16% of the need, any reduction would further threaten foundational access to civil legal assistance for low-income and underserved Oregonians.

Conclusion

Adequate funding for the Oregon Judicial Department, civil and immigration legal service providers and funding POP 118 will represent a needed and substantial step towards investing in a civil legal services infrastructure that can meaningfully serve underserved and low-income Oregonians.

Thank you for the opportunity to testify. I’m happy to answer any questions.