

Testimony in Support SB 357
Christine Costantino, Oregon State Bar President
February 18, 2019

Dear Chair Prozanski and members of the committee:

My name is Christine Costantino and I have a family law practice at Samuels Yoelin Kantor in Portland. As the 2019 Oregon State Bar President I would like to express the Bar's support for SB 357 to ensure adequate state funding for civil legal aid services.

The Oregon State Bar's priorities are public protection, access to justice for all and the administration of justice and a fair and impartial judiciary. Addressing these priorities requires not only ensuring adequate court funding, but also ensuring adequate funding for low-income legal services, both criminal and civil. SB 357 addresses civil legal services for low-income Oregonians by increasing operational funding for legal aid around the state and by clarifying the OSB Legal Services Program's important role in meeting these goals.

Legal aid plays an integral part in keeping Oregon's courts running efficiently. A legal aid attorney's advocacy can help a family stay in their home, a domestic violence victim obtain a restraining order, and a taxpayer negotiate a settlement agreement faster and without missteps. This not only ensures our court system runs smoothly, it also provides an economic benefit for Oregon. Employees in Oregon with the opportunity to utilize legal aid services can address and quickly rectify what can be daunting legal challenges, allowing them to get back to their families, their jobs, and their communities.

Under the statutory and regulatory structures still in place today and developed under the leadership of Senator Neil Bryant, who was then Chair of the Senate Committee on Judiciary, the Oregon State Bar was assigned by statute to provide standards, guidelines, evaluation, oversight, and enforcement for legal aid services. State funding is passed through the Oregon State Bar and distributed to the nonprofit corporations that provide service to clients. The bar, a regulatory entity, was assigned this responsibility because it understands the regulation of lawyers engaged in the practice of law. The Oregon State Bar takes this regulation very seriously and monitors these nonprofits regularly and extensively to ensure compliance.

During the 2011 legislative session, the Legislature updated and simplified the flow of filing fee revenue from the judicial branch. As part of this update, the bill codified a statutory allocation for civil legal services. The statutory allocation has not increased since that time.

SB 357 builds and strengthens the work already undertaken by the Legislature. First, it recognizes the role the Oregon State Bar and legal service providers play in access-to-justice and further clarifies the oversight responsibilities put in place by the Legislature. Second, the bill increases the statutory

allocation. Third, it establishes a stable funding stream tied to the Consumer Price Index (CPI) to ensure funding for civil legal needs follows Oregon's economic growth.

National standards define minimally adequate legal aid services as two legal aid lawyers per 10,000 low-income citizens. Currently, Oregon provides two lawyers for every 14,000 low-income Oregonians. An estimated 807,000 Oregonians meet the income qualifications for legal aid assistance. The current civil legal aid budget supports approximately 116 civil legal aid lawyers for the state, allowing legal aid to meet 15% of the civil legal needs of the poor in Oregon. Passage of SB 357 would allow legal aid to help an additional 2,750 low-income Oregonians per year with their civil legal needs.

Civil legal aid provides free legal representation to low-income and elderly Oregonians; brochures, court forms, and self-help materials to help people navigate our justice system; a website with accessible legal information available to all Oregonians; and resources to help stabilize families and prevent a further slide into poverty. Adequate funding for civil legal aid services, coupled with clarifying the Oregon State Bar's role, will allow for a stronger basis for civil legal aid services to enter the next decade.

Thank you for your consideration. I am happy to answer any questions.

A handwritten signature in cursive script that reads "Christine R. Costantino". The signature is written in black ink and is positioned above the printed name.

Christine R. Costantino