



Testimony in Support SB 357

William Penn, Oregon State Bar Legal Services Program & Oregon Law Foundation

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Chair Prozanski and members of the Committee, my name is William Penn. I am the Assistant Director of the Oregon State Bar Legal Services Program which oversees state funding and regulation of legal aid. I am also Assistant Director of the Oregon Law Foundation which provides private funding for civil legal aid. Thank you for the opportunity to testify in support of SB 357 to provide increased revenue for legal aid.

The Legal Services Program requires legal aid providers to address the most pressing legal needs of low-income Oregonians. Key to addressing these problems is knowing what life experiences low-income Oregonians are having. One of the tools that providers use to set their priorities is the statewide legal needs study.

It has been nineteen years since the last statewide study of civil legal needs in Oregon was published. In my role with the Oregon Law Foundation, I have been working for the last two years coordinating a new statewide legal needs study for Oregon. I am proud to say that the results of this new 2018 study are available.

The 2018 study began with input from the Oregon Law Foundation, Oregon State Bar, Oregon Judicial Department, Campaign for Equal Justice, and legal aid providers. The Oregon Department of Justice has added its support to the results of the study. Survey experts and faculty from Portland State University partnered with us to gather results from a random state-wide sample of low-income Oregonians. Scientific rigor was a focus of the methods used to perform the study.

I want to draw your attention to three items from the study:

1. 75% of low-income households reported at least one civil legal problem in the previous 12 months. That is 3 out of 4 households that meet the income requirement for legal aid had a legal problem. Or said a third way, in a year over an estimated 600,000 low-income Oregonians experienced a situation where either legal help could ease a problem or legal advice could clarify rights and obligations. The scale of need is great.
2. The typical low-income household in Oregon faces more than five legal problems in a year. That means legal problems come in in clusters. Loss of a job can lead to loss of housing.

Domestic violence can bring a torrent of legal problems from housing to employment and beyond.

3. One third of low-income individuals who had a civil or family court hearing in the previous year had trouble understanding court procedures and rules.

The findings of the 2018 legal needs study lead to the same conclusion as the 2000 study: the need for civil legal aid is great, and the current legal aid system cannot meet these needs without additional funding.

Because of continued support for legal aid from the State of Oregon, in inflation-adjusted dollars, between 2000 and now, the overall funding for legal aid has increased; however, it has not been enough. The population in need of civil legal help has grown faster than funding. Today the amount of funding for legal aid per income eligible person with a problem has shrunk by between 5 and 10% from the level in 2000. As a result, we have moved backwards from two legal aid attorneys per 13,000 low-income Oregonians in 2000 to two legal aid attorneys per 14,000 today.

One last item from the study, participants felt on average that courts could help protect them and their rights less often than “some of the time.” A system that provides justice just some of the time is not even close to justice for all.

As Chief Justice Martha Walters states in the introduction to the 2018 legal needs study report, “We can and must do better.”