

**Oregon State Bar  
House of Delegates Resolution 2011**

**13. Resolution in Support of Adequate Funding for Legal Services to Low-Income Oregonians  
(Delegate Resolution No. 2)**

*Whereas*, providing equal access to justice and high quality legal representation to all Oregonians is central to the mission of the Oregon State Bar;

*Whereas*, equal access to justice plays an important role in the perception of fairness of the justice system;

*Whereas*, programs providing civil legal services to low-income Oregonians are a fundamental component of the Bar's effort to provide such access;

*Whereas*, the Oregon State Bar provides oversight regarding the use of state court filing fees to help fund legal aid and this funding now comprises one third of legal aid's overall funding and is critical in providing equal access to justice;

*Whereas*, legal aid programs in Oregon are currently able to meet less than 20% of the legal needs of Oregon's poor;

*Whereas*, Oregon legal aid programs are facing a 16% reduction in staff because of decreased federal funding, low interest rates that have caused a significant reduction in IOLTA revenue, loss of state general fund money, and loss of foundation support because of the poor economy;

*Whereas*, assistance from the Oregon State Bar and the legal community is critical to maintaining and developing resources that will provide low-income Oregonians meaningful access to the justice system.

*Resolved*, that the Oregon State Bar;

(1) Strengthen its commitment and ongoing efforts to improve the availability of a full range of legal services to all citizens of our state, through the development and maintenance of adequate support and funding for civil legal services programs for low-income Oregonians.

(2) Request that Congress and the President of the United States make a genuine commitment to equal justice by adequately funding the Legal Services Corporation.

(3) Actively participate in the efforts of the Campaign for Equal Justice to increase contributions by establishing goals of a 100% participation rate by members of the House of Delegates, 50% of Oregon State Bar Sections, and a 50% contribution rate by all lawyers.

(4) Actively participate in and support the fundraising efforts of those nonprofit low-income legal service providers in Oregon that are not supported by the Campaign for Equal Justice.

(5) Support the Oregon Law Foundation and its efforts to increase resources through the interest on Lawyers Trust Accounts (IOLTA) program, and encourage Oregon lawyers to bank at those banks that have the highest IOLTA interest rates.

(6) Encourage Oregon lawyers to support civil legal services programs through enhanced pro bono work.

(7) Work to increase funding for legal aid and preserve the dedicated court filing fee funding for legal aid that was adopted in 1977 and which has been monitored and distributed by the Oregon State Bar Legal Services Program since 1997.

*Presenters:*

*Kathleen Evans  
House of Delegates, Region 6*

*Gerry Gaydos  
House of Delegates, Region 2*

*Ed Harnden  
Board of Governors, Region 5*

**Passed October 28, 2011**

## Background

“The mission of the Oregon State Bar is to serve justice by promoting respect for the rule of law, by improving the quality of legal services and by increasing access to justice.” OSB Bylaw 1.2. One of the four main functions of the bar is to be “a provider of assistance to the public. As such, the bar seeks to ensure the fair administration of justice for all.” *Id.*

The Board of Governors and the House of Delegates have adopted a series of resolutions supporting adequate funding for civil legal services in Oregon (Delegate Resolutions in 1996, 1997, 2002, 2005–2010). This resolution is similar to the resolution passed in 2010, but specifically recites the current reductions in staff at Oregon’s legal aid programs, and adds sections encouraging Oregon State Bar sections to support the Campaign for Equal Justice, and encouraging Oregon lawyers to bank with leadership banks to maximize interest on IOLTA accounts that support legal aid.

The legal services organizations in Oregon were established by the state and local bar associations to increase access for low-income clients. The majority of the boards of the legal aid programs are appointed by state and local bar associations. The Oregon State Bar operates the Legal Services Program pursuant to ORS 9.572 to distribute filing fees for civil legal services and provide methods for evaluating the legal services programs. The bar and the Oregon Law Foundation each appoint a member to serve on the board of the Campaign for Equal Justice.

In a comprehensive study assessing legal needs, which was commissioned by the Oregon State Bar, the Office of the Governor and the Oregon Judicial Department found that equal access to justice plays an important role in the perception of fairness of the justice system. *The State of Access to Justice in Oregon* (2000). Providing access to justice and high quality legal representation to all Oregonians is a central and important mission of the Oregon State Bar. The study also concluded that individuals who have access to a legal aid lawyer have a much improved view of the legal system compared with those who do not have such access. Studies in 2005 and 2009 by the national Legal Services Corporation confirm that in Oregon we are continuing to meet less than 20% of the legal needs of low-income Oregonians. Legal Services Corporation, *Documenting the Justice Gap in America: The Unmet Civil Legal Needs of the Low-Income Americans* (Fall 2005). Although we have made great strides in increasing lawyer contributions to legal aid, there remains a significant deficit in providing access to justice to low-income Oregonians.

Currently, only about 20% of lawyers contribute to the Campaign for Equal Justice. The Campaign supports statewide legal aid programs in Oregon which have offices in 18 different Oregon communities, and provide representation to income eligible clients in all 36 Oregon counties. The offices focus on the most critical areas of need for low income clients. About 40% of legal aid’s cases involve family law issues relating to domestic violence.

In 2011, Oregon’s legal aid programs are facing staffing cuts of 16%. This comes at a time when Oregonians are still dealing with the poor economy and legal aid programs are reporting increases in the frequency and severity of domestic violence, and issues relating to housing and unemployment.