

Summary of 2022 House of Delegates Actions October 28, 2022

Passed

Increase Active Member Fees by \$75
(BOG Resolution No. 1)

Support Adequate Funding for the Oregon
Judicial Branch (BOG Resolution No. 3)

Approve the OSB Administrative Law Section Final
Agency Order Work Group Report and
Recommendations. (BOG Resolution No. 4)

Appeals to Circuit Court of Administrative Agency
Final Orders (Delegate Resolution No. 1)

Support for Public Defense Providers
(Delegate Resolution No. 3)

Support of Adequate Funding for Legal
Services to Low-Income Oregonians
(Delegate Resolution No. 4)

Enhancing Cybersecurity in the Legal
Community through Outreach, Assessment,
and Education (Delegate Resolution No. 5)

Failed

None.

Passed with Amendment

Advance a Fair, Inclusive, and Accessible
Justice System. (Delegate Resolution No. 2)

Other

Referred back to Legal Ethics Committee:

Amend Oregon RPC 1.8(e) to allow attorneys
representing indigent clients pro bono to gift
modest living expenses to them
(BOG Resolution No. 2)

Advance a Fair, Inclusive, and Accessible Justice System

Whereas, ORS 9.080(1) directs the Oregon State Bar Board of Governors to “direct its power to serve the public interest by ... Advancing a fair, inclusive and accessible justice system”;

Whereas, equal access to justice plays a vital role in the public’s perception of fairness and inclusivity in the justice system;

Whereas, Oregon’s nonprofit legal services programs are instrumental in providing inclusive access to justice to large populations of underserved Oregonians, including those whose income is too high to qualify for legal aid programs but too low to afford the typical charges of lawyers in private practice, and those who have legal problems not within the capacity or capabilities of Oregon’s legal aid organizations;

Whereas, a 2021 report titled Justice Needs and Satisfaction in the United States of America, produced by the Hague Institute for Innovation in Law (HiIL) and the Institute for the Advancement of the American Legal System (IAALS), found that “Access to justice is a broad societal problem that exists across the spectrum of American society. No one age, income, or racial/ethnic group is unaffected by it”;

Whereas, Oregon’s nonprofit legal services programs provide important expertise in meeting the legal needs of their target populations, which may include members of a particular race, national origin, geographical region, primary language, status as a crime victim, color, sex, gender identity, sexual orientation, age, religion, physical or mental disability, military status, occupation, or marital or family status;

Whereas, Oregon’s nonprofit legal services programs further provide important education and empowerment to members of their target populations, equipping people to better understand and resolve certain legal problems without expensive intervention;

Whereas, Oregon’s nonprofit legal services programs are a source of training for legal services professionals, including exposure to concepts such as trauma-informed care and user-centered design, experience with community outreach and education, and practical training on legal concepts and law practice management;

Whereas, the Oregon State Bar already has a program allowing for Bar sections to make financial donations to qualified nonprofit legal services providers and a process for qualifying those providers;

Whereas, appropriate support from the Oregon State Bar and the legal community is critical to maintaining and developing resources that strive to provide all Oregonians with meaningful access to the justice system; and

Whereas, better measuring and understanding the fairness, inclusiveness, and accessibility of Oregon’s justice system is essential to developing and improving efforts to advance those goals; now, therefore, be it

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 for those Oregon nonprofit legal services programs that are qualified to receive Bar support;

(2) Help Oregon's qualified nonprofit legal services programs by supporting their efforts to seek visibility within the Bar, promote their services to Oregonians, and

~~(3) Support Oregon's qualified nonprofit legal services programs by developing relevant bar policies such as reduced or eliminated fees for the Bar's Lawyer Referral Service; flexibility for participating in the Bar's Modest Means program; reduced or eliminated advertising fees for the Bar Bulletin; pathways for participation in the Oregon Law+Connect portal project; and/or reduced or eliminated fees for nonprofit-employed legal professionals to attend bar-sponsored continuing legal education programs, conferences, and other events;~~

(4) Actively participate in the efforts of qualified nonprofit legal services programs to increase financial contributions, volunteer participation, and other support from the Oregon legal community;

(5) Support the broader fundraising efforts of qualified nonprofit legal services programs that provide civil legal services to low-income and modest-means Oregonians but which do not receive funding from the Campaign for Equal Justice; and

(6) Develop and adopt formal metrics for the Bar to better measure and understand the (i) fairness, (ii) inclusivity, and (iii) accessibility of Oregon's justice system, and report on those metrics at each annual HOD meeting — such report to include discussion of the Bar's programs and efforts to improve these elements of its statutory charge and to include, where possible, the measurable impact of those programs and efforts.

[View Background](#)

Financial Impact

Impact stated by delegates: If passed, and if the Bar develops any of the potential policies suggested in Section 3 above, any discounts or subsidies that the Bar grants to nonprofit legal services providers may have a small impact on Bar revenues from any affected program. Such impacts may be offset by increased participation in the affected program(s) by nonprofit legal services providers.

Impact stated by Board of Governors pursuant to OSB Bylaw Section 3.3: The financial impact would be significantly more than nominal, depending on the number of nonprofit legal services providers seeking support and the type and level of support sought. Notably, "adequate support" is not defined and could include such things as, eliminating costs and fees currently charged (e.g., CLE program fees, advertising revenue, membership fees), providing financial sponsorship for events, and making donations.

Moreover, the annual development and reporting of metrics will require personnel and other operational expenses.

Presenters:

John E. Grant, HOD, Region 5

Vanessa Nordyke, HOD, Region 6

David Dorfman, HOD, Region 8

James Klonoski, HOD, Region 8

Christopher Rounds, HOD, Region 8