



THE PUBLIC REPORT



LEGAL AID FOR THE POOR

by Charles Wilder

Only eight counties in Oregon have no organized legal aid program for low income people. Seven of them are so sparsely populated and remote that we tend to forget their names unless we have relatives there. The other one? Clatsop County. Very soon, possibly within the next few weeks, the Clatsop County Bar Association will decide whether or not this extraordinary situation will be allowed to continue.

In order to document the need for such a program, Clatsop Community Action, an organization dedicated to bringing about changes in human services and programs that will benefit people and further social and economic justice, conducted a survey recently of various social service agencies in the county. The agencies were asked to record the number of low income people whom they would have referred for legal help between May 15 and June 15 if a legal aid service existed in Clatsop County. The eleven agencies that responded to the survey reported a total of no less than two hundred and seventeen such people in this one month period alone. Since these agencies are not equipped to do legal aid screening, and since many clients probably contacted more than one agency in search of help, this figure is undoubtedly inflated. Nevertheless, the survey once and for all lays to rest the question of whether a legal aid program is really needed in Clatsop County. The remaining question is whether or not the Bar Association will recognize and respond to that need.

The means for such a response are at hand. Oregon law provides that if a local bar association organizes a nonprofit legal aid program, it can immediately begin collecting filing fees in district and circuit court to fund the program. Although court costs would increase only marginally (five to thirteen dollars per filing, with a deferment allowed for low income people), the total amount generated in one year would reach about ten thousand dollars.

Presently, this is the only significant funding source available to Clatsop County for the purpose of establishing and operating a legal aid program. And the only group with direct access to these funds is the Clatsop County Bar Association. Therefore, the rest of us have little choice in the matter. Either we work with and through our local attorneys or we work in vain.

In June, the newly formed Clatsop County Legal Aid Coalition presented a proposal for a Legal Aid Screening and Referral Program to the Bar Association, and although it may not be the best of all possible solutions, the program (which is modeled after similar programs in the state, including those in neighboring Tillamook and Columbia counties) represents a giant leap forward for Clatsop County. Moreover, it could be funded entirely through the filing fee

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mechanism described earlier and implemented almost immediately.

The proposal is premised on the assumption that, in Judge George F. Cole's words, "Lawyers in this county are willing to, and do, provide legal services on a pro bono basis," and that the essential problem is "not the availability of legal services, but how to put the client in the lawyer's office."

What is needed then is a mechanism to ensure that low income people with legitimate, compelling legal problems are promptly and reliably referred for advice and representation in appropriate cases. Experience has shown that the absence of such a mechanism produces frustration, inefficiency, and misunderstanding among low income people, attorneys, social service agencies, the courts and other community groups and institutions.

The proposed Screening and Referral Program would significantly relieve these problems and enable attorneys to concentrate on the practice of law without the distraction of excessive or untimely request for pro bono services, inappropriate referrals, and time consuming eligibility investigations. Moreover, it would demonstrate to the community that attorneys are willing not only to provide service where it is truly needed, but to do so in an organized way.

The vehicle for creating a separate, renewable fund to establish and operate the program is provided by state law (ORS 21.480 — Legal Aid Fees) and is presently utilized successfully in more than three-fourths of Oregon counties.

Although responsibility for day to day operation of the program could be contracted to another organization or agency, it is assumed that final authority over all matters of policy and administration would remain with the Clatsop County Bar Association. For example, the Bar Association would determine the nature

and extent of individual attorney participation, it would determine client eligibility and the types of cases to be referred through the program.

Based on the experience of other counties in the state with a similar population base, the Screening and Referral Program could be effectively implemented with a parttime legal aid worker who would be responsible for the screening and possible referral of cases to attorneys who are willing to handle them.

In structuring the program it would be important to examine options. Some local bar associations have elected to hire their own staff and run the program independently, but more often the operation is contracted to an organization already engaged in providing services and/or information to low income people.

Because of its established role as an information clearinghouse and referral center for low income programs and services throughout Clatsop County I believe that Clatsop Community Action is uniquely positioned to operate the Legal Aid Screening and Referral Program. And since the center currently provides information and assistance with minor legal problems, the additional staff training required to operate the program would be minimal. Low income people who trust and identify with the center would benefit greatly by having this service offered in concert with the various other forms of assistance and support the center provides.

The Bar Association has formed a committee to study the proposal and report its recommendations to the full membership, probably later this month, although no date for that meeting or for a final decision has been set as yet. The committee is comprised of Astoria attorneys Richard Fischer, Blair Henningsgaard and Ronald Hoxie.

It is well to keep in mind that there is no law, ethical code or great moral principle which says that lawyers in this county have to do anything for anybody, and it would be well to forget such slogans as "equality and justice for all." They have heard it all before. Also, most of them are not up for election for anything this year or next and they are not worried about media campaigns, boycotts, etc. In the end, they will do what they think is necessary and right, and probably the best anyone can do is help them figure out what that is.

If anyone cares about this issue, now is the time to make their views known to the Bar Association committee, and to any other attorney.

Charles Wilder is the director of Clatsop Community Action. Much of the information for this article has been reprinted from the center's newsletter, Undercurrents. For more information about the Legal Aid and Screening Referral proposal, contact the Clatsop County Legal Services Coalition in Astoria, 325-3426, or Clatsop Community Action, 325-6513.

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