

THE LAWYERS' CAMPAIGN FOR EQUAL JUSTICE



SUPPORTING LEGAL AID IN OREGON

Fall 2005

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Advocating in Oregon

TARA CONSTANTINE

by Jane Wilcox

Tara Constantine enjoys her new job as a spokesperson for child safety. Seeing that children have bicycle helmets and car safety seats properly used and properly installed gives her great satisfaction. As she protects children in her community, Tara protected herself and her son Kory from domestic violence. To do that, she had to walk away from a secure job she had held for six years. Safety has come at a high price. It has been more than two years since she obtained a restraining order against her abusive husband, gave notice at her job and began to pack up her apartment and she still struggles in her efforts to build a new life. Along the way she has become a public advocate for others endangered by domestic violence.



PHOTO: MIKE RENFROW

Tara Constantine graduated from Oregon State University in 1997. She began work with a software company in Corvallis, Oregon. Tara did well in her job and, four years later, was married and had a son. She says that the trouble started early in her marriage while she was pregnant with Kory. During the first year her husband was emotionally abusive, arguing and criticizing. Later, he began to shove and throw things and hit her with his fists. She said, "I kept in it thinking he'll get better, he'll change, but it would always come back to the same thing." During the last two months of May 2003, Tara's husband's violence escalated and he physically attacked Tara several times.

When Tara made the decision to separate from her husband and move away, she explained the situation to her employer and gave two weeks notice. He allowed her time off to get a restraining order. "I just needed to leave because I didn't want to put myself and my son through all the abuse."

Domestic violence experts agree that the time of separation and when a case is first filed are particularly dangerous times for a woman leaving a violent relationship. Tara felt she had to take steps for her own safety and that of her son. She says, "I got the restraining order on a Tuesday morning. As soon as I got to the office, daycare called and said that my husband had come to daycare and tried to pick up Kory. I told her not to let him in and called the police."

Tara said that during the two weeks that followed, she picked up her son after work, drove to her apartment, locked the doors, and stayed inside all night. On the weekends, her mother and sister came and stayed with her because she was so afraid.

Tara's last day of work in Corvallis was on June 13th, 2003. On June 16th, Tara applied for unemployment benefits to assist her while she looked for work in Astoria where her mother was able to provide safe housing. She had very little money after

paying the bills, nothing for immediate expenses at the time of the move. Tara notes that without the emotional support of her mother and sister and a place to stay, she might not have been able to leave at all.

Tara arrived in Astoria and began looking for work. In mid-July 2003, the Employment Department denied her unemployment benefits. At the Employment Department office, Tara saw a poster for legal aid. She called and spoke with attorney Leslie Kay. Kay represented her before an administrative law judge and benefits were denied. Legal aid

lawyer Julia Olsen then took Tara's case to the

"The legislature recognized the idea that domestic violence survivors should not have to put their lives at risk at their jobs." Julia Olsen, Tara's attorney

Employment Appeals Board, but benefits were denied a second time. The Employment Appeals Board thought that Tara should have stayed at her job longer to see if her husband further violated the restraining order. Olsen says, "People in Tara's situation should not be required to compromise their safety when they already know a restraining order isn't working." In May 2004, Julia Olsen argued Tara's case before the Oregon Court of Appeals.

This past spring, before the Court of Appeals issued its decision, Tara was invited to testify before the legislature on behalf of women forced to leave their jobs as a result of domestic violence. On June 3rd, the legislature amended existing law to strengthen the language regarding unemployment benefits for survivors of domestic violence while they relocate to a safe place.

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Campaign kicks off \$1 Million fund drive with boost from Meyer Memorial Trust

by Matthew Jones

The Campaign for Equal Justice turns fifteen this year and is setting up to top the \$1 million dollar mark with its annual fund drive. To assist the Campaign leadership in that effort, the Meyer Memorial Trust has awarded the Campaign a two-year \$175,000 challenge grant. The Trust will match all new and increased gifts, dollar for dollar, up to \$125,000 this year. And to keep the momentum moving forward, they will continue the challenge in 2006 with a \$50,000 challenge.

"Recent surveys show that we are still meeting less than 20% of the legal needs of the poor in Oregon. We must do better and the Meyer challenge provides us with a needed boost," explains Executive Director Sandy Hansberger. "We want to continue to reach out to all lawyers, including those who have never given to the Campaign before. This is an opportunity to connect with young lawyers and associates (including the law schools), build on the positive relationships that the legal aid offices have created with partners and stakeholders in the communities they serve, and increase awareness and understanding about the need for legal services."

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The Meyer Challenge:

Year One: \$125,000

New Donors:

- Dollar for dollar match on the entire amount of your gift.
- Two to one match on your entire new gift if it is \$1,000 or more (Major Donor).

Renewing Donors:

- Dollar for dollar match on the increased amount of your gift greater than last year.
- Two to one match on the increased amount of your gift if you become a Major Donor (gifts over \$1,000).
- Dollar for dollar match on the increased amount of your gift (over last year) if you were already a Major Donor.

First Time Donor in 2004:

- Dollar for dollar match on your entire renewed gift if you were a new donor to the Campaign last year (2004).

Year Two: \$50,000

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LINDA THORNTON ON LEGAL AID'S FRONT LINE

by Jane Wilcox

Linda Thornton has been a Multnomah County presence throughout the evolution of legal aid's front office. When Portland clients think 'legal aid', it is likely they picture Linda and her fellow intake specialist Claudia Roldan, the first people they talk to when they call or come through the door at the Multnomah County office of Legal Aid Services of Oregon. Linda says, "I like being able to give the person that is in dire straits help."



Linda is a Portland native. She and all her brothers and sisters grew up in SW Portland and graduated from Lincoln High School. She applied for a position at Multnomah County legal aid and, after her initial temporary receptionist job ended, staff invented

I'm glad it's changed." Upstairs at the family law office, a crowd would be pressing against the doors every morning and would burst through when the doors opened.

Clearly it has taken years of experience to develop a front-office system that will give callers the greatest amount of help and the most appropriate help possible. In the early days, Linda Thornton would greet people, take their names, and direct them, in turn, to the next advocate available. Today, primarily by telephone, Linda assesses the caller's eligibility for legal services, finds out what type of problem they have, tells the caller whether or not there are resources to help them, takes down information for basic record keeping, and often obtains in-depth information about the caller's legal need. "It's a different kind of pressure now.

began as a receptionist at the Oak Street office of Multnomah County Legal Aid, Linda's answers are surprising. She says that every day a great number of people who wanted legal help walked into the office and would congregate around her desk. "It was really something back then.

Your have to learn how to 'nicely cut to the chase' and how to 'redirect the conversation' to get the information you need."

Increased efficiency does not mean that the human element has been screened out. She says, "There are a lot of people that are not going to be helped and, yes, that is frustrating." An intake specialist's job experience and life experience may mean that certain kinds of cases have a strong emotional impact. Linda says, "I've gotten some horrible, made me cry, domestic violence cases." Linda says that there have been times when, as the woman told her story, she has said, "Just stand up and get out of there right now. When you have reached a safe place, call me back and I will get your information and talk with you about what to do."

Thornton praises the efforts made in recent years to develop self-help materials so that many more people are able to get enough help to resolve their problem. "I think as time has gone on, we've gotten better information to give. There is self-help if you want to get a divorce versus back then when you would have to line up at the door." She believes that under the old system, "...just because you were there lined up outside the door didn't necessarily mean that you got the kind of help you needed." ■

"I like being able to give the person that is in dire straits help."

another temporary assignment, caring for a client's children while she was in court, in hopes that Linda would still be available when the next opening came up. In addition to her skills in assessing the needs of callers, she has taken sign language classes (ASL) for many years and is able to assist deaf clients to communicate with lawyers.

When asked about the changes in intake since she

"There are a lot of people that are not going to be helped and, yes, that is frustrating."

Briefly...

National News

Vast Justice Gap Documented

According to LSC's recently released report, "Documenting the Justice Gap in America," there is a vast gulf between the legal needs of low-income Americans and the availability of legal services. Despite a general increase in support for legal services from state bars and courts, the study shows that more people eligible for free legal services go without help today than two decades ago. The study reveals that a severe shortage of legal services attorneys is one of the root causes of the shortfall. To close and eventually eliminate the justice gap, the report recommends that "the federal baseline share [of legal services funding] must be at least five times greater than it is now."

Senators propose amendment to increase LSC appropriation

Senator Ron Wyden, Senator Gordon Smith and others co-sponsored an amendment introduced by Senator Tom Harkin (D-IA) that would increase the FY 2006 appropriation for the Legal Services Corporation by \$34 million, to \$358.5 million. Speaking in support of the amendment, Senator

Wyden said, "The issues that Legal Aid works to address are not esoteric legal questions. They are issues of life and death and food and shelter." Speakers noted that the FY 2006 appropriation approved by the House, \$324 million, would result in the loss of 200 lawyer positions nationwide and that the numbers of people served could be expected to decline by 78,000. The proposed increase, if passed, would include \$8 million targeted for legal services to people affected by Hurricane Katrina.

State News

State Bar Honors Board Chair Henry Hewitt

The Oregon State Bar will honor Campaign for Equal Justice Board Chair Henry Hewitt with its highest honor, the Award of Merit, which is given to an individual who has made outstanding contributions to the bench, bar and community at large, and who exhibits the highest standards of professionalism. Hewitt was a founding member of the Campaign for Equal Justice and began the organization with legal aid lawyers in 1991. His leadership has helped to make Oregon a national leader in private bar support for legal aid. As a partner in Oregon's largest law firm, Hewitt has recruited other bar leaders to support legal aid and he has also been instrumental in gaining Oregon's bipartisan support for legal aid in

Congress. Those familiar with the operations of the Campaign know that it has been Henry's steady, calm and quiet leadership that has been a key ingredient in building support for legal aid in Oregon. The Bar will honor Henry Hewitt at its December 1, 2005, awards dinner.

House of Delegates Supports Adequate Funding for Legal Aid

At the request of Oregon lawyer Sid Lezak, the Oregon State Bar House of Delegates unanimously passed a resolution on October 1, 2005 calling for adequate funding for legal aid in Oregon. The resolution acknowledges that "providing access to justice and high quality legal representation to all Oregonians is central to the mission of the Oregon State Bar [and that]...[e]qual access to justice plays an important role in the perception of fairness of the justice system." The resolution calls upon 100% of House of Delegates members and 50% of all lawyers to contribute to the Campaign for Equal Justice. Currently about 20-25% of Oregon lawyers contribute to the Campaign.

Banks team with Oregon Law Foundation to create new interest in IOLTA funds

Oregon lawyers and bankers were among the first in the country to

recognize the potential of Interest on Lawyer Trust Accounts as a funding source for legal services to the poor. Separately, these accounts would not create enough interest to benefit the individuals in any significant way, but cumulatively they have had a significant impact in increasing funds for Oregon's legal services programs. The Oregon Law Foundation is responsible for the administration of IOLTA funds in Oregon.

"Several banks have stepped up to the plate to deliver higher interest rates on IOLTA accounts in recognition of this innovative community partnership," says OLF executive director Judith Baker. "Even a small increase in the interest rate can have a significant impact when taken all together."

Lawyers can help the Oregon Law Foundation by establishing their IOLTA accounts at a bank that has shown leadership in maximizing the rate of return on IOLTA accounts. This will not only increase the funds available to legal services programs, but will also encourage the banks to continue to invest in this initiative. Among the leaders are US Bank, Wells Fargo, Bank of the Cascades, Bank of Eastern Oregon, Columbia River Bank, Key Bank, Pioneer Trust Bank, West Coast Bank, Bank of America, Century Bank and Oregon Coast Bank. For more information on the Oregon Law Foundation's 2005 Leadership Banks go to www.oregonlawfoundation.org. ■

LAF-OFF Judges crown Emily Simon 'Queen of Comedy'

Over 800 people gathered for dinner and entertainment at the Memorial Coliseum for the Campaign's 15th Annual Fund Kick-Off to hear ten lawyers compete for the title of funniest lawyer of the year. The distinguished panel of judges for the competition included Judge Anna Brown, US District Court; Justice Rives Kistler, Oregon Supreme Court; Judge Julie Frantz, Multnomah County Circuit Court; and Gert Boyle, Columbia Sportswear Chair. The emcee for the evening was the very funny and talented Kerry Tymchuk, Senator Gordon Smith's chief of staff.

Portland lawyer Emily Simon, who sang her routine, won the prized rubber chicken award. Her finale was sung to the tune of "There's a Place for Us" from West Side Story and was a tribute to legal aid lawyers in search of stable funding.

It's a crime for us.
There's not a dime for us.
Without adequate funding we must fight
to keep the doors open
and do what's right.

Somewhere, someday,
we'll be able to make a good living
from the money the legislature should be giving.
Somewhere.

Other hilarious contestants were Robert Weaver, Garvey Shubert Barer; Linda Gast, Legal Aid Services of Oregon, Newport; John Bachofner, Bullivant Houser Bailey; Robert Shlachter, Stoll Stoll Berne Lokting & Shlachter; William Gary, Harrang Long Gary Rudnick; Samuel Imperati, Institute for Conflict Management; Bruce Becker, Verinform Systems, Inc; Dana Forman, Multnomah Public Defenders; and Sonia Montalbano, Elliott Ostrander & Preston. The event was organized and sponsored by FIOS and friends. ALM Law/Business was the premier sponsor. Official sponsors included Boly Welch Staffing, Portland Business Journal, and DaVinci Digital. Dozens of Portland law firms and businesses sponsored tables for the event.

"The evening was a fun way
Emily Simon, Attorney-at-Law



PHOTO: MIKE RENFROW

to kick off the annual campaign," declared Ed Harnden, one of the this year's campaign co-chairs. The event raised over \$16,000 for the Campaign for Equal Justice and, according to Harnden, "This is just the beginning of our campaign." Gert Boyle, of Columbia Sportswear

fame, generously donated one half of the evening's proceeds from the sale of her book *One Tough Mother* to The Campaign for Equal Justice. In recognition of the needs of the Gulf Coast hurricane victims, Tymchuk also held an impromptu auction raising \$1250 for the Salvation Army.

DVDs of the event are available for \$16. To order, please contact the office of the Campaign for Equal Justice. ■

Pitching In:

DAVID BERGER

David Berger has been volunteering for the Medford Center for Non-Profit Legal Services (CNPLS)

of Jackson County for nearly a decade handling housing and consumer cases. Debra Lee, CNPLS Director says, "David is a volunteer we can always count on for his thoughtfulness and thoroughness. His help ranges



David Berger and Jeane Lind

from mentoring new attorneys to using his expertise to take cases we couldn't otherwise handle." David and his lawyer wife, Jeane Lind, have a long history of helping the disadvantaged, both in the Peace Corps and as active volunteers in the legal community.

Berger, a native Oregonian and graduate of the University of Washington Law School, has practiced law in Bend, Seattle, Ashland, and Washington, D.C. After two years in the Peace Corps he returned to Ashland for retirement. "I've never really retired," says Berger. "I spend much of my time doing pro bono work for legal aid and the ACLU." In addition to local pro bono, David has served on the Oregon Law Foundation Board and the Oregon State Bar's Low Income Legal Services Committee.

Recently Berger was one of a group of volunteers who helped low-income clients become first-time homeowners. The nonprofit Rogue Valley Community Development Corporation, in conjunction with the US Department of Agriculture and the City of Ashland, offered first-time home ownership for low to moderate-income residents by providing low-interest federal loans. The transactions were complex and applicants needed lawyers to explain the transactions and review paperwork. According to Debra Lee, "It was highly unlikely that these clients could ever have afforded to hire lawyers." David spent more than 250 hours reviewing and revising documents that will likely be used in future transactions of this type. "The most rewarding aspect of this case," Berger says, "was being at the groundbreaking ceremony with my client and his two young children." ■

AMANDA GAMBLIN

Amanda Gamblin, an associate in the employment group at Schwabe Williamson & Wyatt in Portland, volunteers at the Hispanic Legal Clinic, which serves the Hispanic population in east Multnomah County. The Clinic was founded by the Schwabe law firm with the assistance of the Oregon Law Center. Oregon Law Center staff provide case screening, scheduling and translation services; the Schwabe law firm provides the lawyers.

After attending NYU, and before attending law school at Lewis and Clark, Gamblin spent many years as a struggling artist. She says, "I realized then that people who lack financial resources are often shut out of the system. It's all about access." Gamblin, who has been a lawyer at Schwabe since 2002 and has two young children, knew she wanted to help low-income clients but was concerned about how she could fit it into her busy life at a large firm. She says, "Oregon Law Center staff make it easy for me to fulfill my pro bono commitment and I am fortunate to be able make this contribution to the community while working at Schwabe Williamson. It

feels good to help people. The clients are mostly employed but don't earn a living wage and so they would be unable to get legal help elsewhere. Some of my clients are truly amazing people."

Gamblin's practice at the Schwabe firm is in the area of commercial litigation and employment law. Each time she staffs the Clinic, though, she gains exposure to cases involving consumer matters, wage claims, and landlord tenant issues. While some of the Clinic cases may only require a letter to resolve, others are quite time consuming. One of her recent landlord tenant cases is now pending at the Court of Appeals. ■



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Legal Aid in Oregon: Focus on Pendleton

by Jane Wilcox

Legal Aid Services of Oregon's Pendleton team is a mix of experienced legal aid lawyers from all across the country and long-time residents of northeast Oregon. Regional Director Arron Guevara heads a team including lawyers Kit Morgan and Shelley Latin, and support staff Magdalena Reyes and Nonie Roberts. From his office window, Kit Morgan points to the First United Methodist Church right across the parking lot that is landlord to the legal aid office, a bungalow built at the turn of the last century that still has its glass fronted cupboards and dark wood trim. Keeping the hot sun at bay, there is a window-mounted air conditioner in the conference room. The exterior is faded but Kit expects a volunteer group from the church, including himself, will repaint the old house this fall.

The Pendleton office serves six rural counties—Gilliam, Morrow, Umatilla, Wheeler, Union and Wallowa, a territory of more than 13,000 square miles. In addition, Wasco and Hood River counties are served by the farmworker program. Staff provides contract and grant-funded services to specific populations, members of the Confederated Tribes of the Umatilla and eastern Oregon farmworkers. For all the other eligible clients across the six counties, Director Arron Guevara and Kit Morgan each devote half of their time. Guevara says, "We basically have one full time equivalent lawyer position to handle the average low-income case for six counties...for twenty-some thousand low-income people, you have half of Kit Morgan's time and about half of my time."

Pro Bono help from volunteer private attorneys and county bar associations extends the reach of Pendleton LASO. Arron Guevara has gathered a panel of volunteer lawyers in small towns across northeast Oregon who accept cases in their region. The Pendleton office provides conflict-checking and scheduling for the pro bono lawyers to allow them to help clients efficiently. Former Oregon State Bar President and volunteer Larry Rew talks about the reasons rural lawyers are able to step in when clients need help. "When you get into smaller communities, you don't have the luxury to specialize anywhere near as much as

you can in a metropolitan area, so if you're going to be a trial lawyer out in this country, you're going to get to do a little bit of everything." Rew and Guevara agree that there is a great need for more attorneys in northeast Oregon. Guevara points in particular to a desperate need for family law. "Because there is not enough help for family law cases, custody arrangements take a long time to resolve and families have to make things work without formal parenting plans. That causes a lot of unnecessary friction. Help from a lawyer would improve their lives."

To provide the most help possible over an area with mountain ranges, closed roads in winter, and very long drives, Arron Guevara says they take several approaches—build a pro bono panel of lawyers as described above, make LASO's presence known through outreach, assist people with administrative law cases that can be handled by telephone, invest resources in a small number of impact cases, that is, cases where a positive result will benefit a large number of low-income people and finally, travel where they are needed for very compelling cases.

Arron Guevara was born in Hawaii and moved to Portland in the early 70s. An undergraduate at Portland State, he went on to University of Miami Law School. Kit Morgan grew up in St. Louis and went to law school in Oklahoma. Under a LASO contract with the Umatilla tribe, Kit Morgan provides legal services to tribal members, assisting them with problems similar to those of other low-income people—employment issues, help for elders and people with disabilities and housing. Morgan also provides legal services throughout the service area.

Support staff Magdalena Reyes and Nonie Roberts, both bilingual in English and Spanish, have longstanding ties to the area. Magdalena has worked at legal aid for fifteen years and Nonie for seven. Both chose the job for the opportunity to help people in their community.

Shelley Latin provides outreach and legal assistance



Kit Morgan, Arron Guevara, volunteer Larry Rew, Magdalena Reyes, and Nonie Roberts. Shelley Latin (not shown).

"Pendleton Legal Aid serves six rural counties—a territory of more than 13,000 square miles."

to farmworkers over a wide geographic area. She says that she chose farmworker law because the need for help is so clear. Despite important legislative progress, issues of fair pay, adequate housing and protection from pesticides and other workplace dangers have continued over the years. A graduate of University of Maryland Law School, she began her career with a Reginald Heber Smith Law Fellowship. ■

Meyer Memorial Trust continued

"We have also had significant success over the last few years in building our major donor base (contributors of \$1,000 or more to the Campaign), and the Meyer Trust has provided a special incentive for this in their grant. For any donor who becomes a new major donor this year, the Meyer Trust will match the new portion of their gift at 2:1."

The Campaign's relationship with Meyer Memorial Trust started early, with a challenge grant of \$750,000 over three years to help create the Campaign. Board Chair Henry Hewitt of Stoel Rives has been with the Campaign from its very beginnings, and was instrumental in securing that first Meyer Grant. "Not many people thought we could raise \$750,000 from a bunch of lawyers back in 1991, but we did. We have done a whole lot more since then. I am deeply gratified that the Trustees of the Meyer Memorial Trust have demonstrated their confidence in the generosity of Oregon's legal community once again with this new challenge grant for our fifteenth anniversary."

"We raised over \$800,000 through the annual fund last year which was a new record for the Campaign," says 2005 Campaign Co-chair Ed Harnden of Barran Liebman. "The stretch to \$1,000,000 this year will take an extraordinary effort on behalf of our volunteers and donors, but our track record shows we can do it."

In addition to the boost provided by the Meyer Memorial Trust, the Bar's House of Delegates has renewed its commitment to increasing resources for legal aid this year with a resolution calling for 100% participation by HOD members in the Campaign and aspiring to at least 50% participation by the bar as a whole (see Briefly...). "The remarkable thing about the Campaign is that it has always brought lawyers together," says Henry Hewitt. "It unites us around principles we can all believe in." ■

Tara continued

Julia Olsen describes the idea that domestic violence survivors should not have to put their lives at risk at their jobs. "When the steps a victim takes to protect herself aren't working, that should be recognized as good cause for leaving a job." Olsen notes that, "By the time the original law was passed in 2001, there were at least five women who had been killed at their workplace in Portland alone."

This past August, the Court of Appeals reversed the decision of the Employment Appeals Board and remanded Tara's case for reconsideration. The Employment Department paid retroactive benefits in October. Tara said, "I'm so grateful for legal aid. Had they not continued my case, I wouldn't have been able to afford to pursue it. I would have just been out." ■

House Bill 2662 improves outlook for survivors

House Bill 2662, which modifies ORS 657.176(12), passed both the House and Senate by a unanimous vote and was effective on June 20, 2005. This bill will help ensure that victims of domestic and sexual violence who are forced to leave their jobs will have fair access to unemployment insurance benefits. For victims seeking safety and attempting to relocate, these benefits can make the difference between life and death.

LEGAL AID OFFICES in Oregon

Where We Are

Legal Aid Services of Oregon –

Albany	Newport	Portland
Bend	Oregon City	Roseburg
Hillsboro	Pendleton	Woodburn

- Center for NonProfit Legal Services – Medford
- Lane County Legal Aid Services – Eugene
- Lane County Law & Advocacy Center – Eugene
- Marion-Polk Legal Aid Services – Salem
- Oregon Law Center – Coos Bay, Grants Pass, Ontario, Portland, Woodburn



What We Do

- | | |
|-------------------|--------------------|
| Housing | Employment Law |
| Family Law | Administrative Law |
| Domestic Violence | Senior Law |