

THE LAWYERS' CAMPAIGN FOR EQUAL JUSTICE



SUPPORTING LEGAL AID IN OREGON

Spring 2004

921 SW WASHINGTON STREET, SUITE 520 • PORTLAND, OR 97205 • 503-295-8442 • cej@aracnet.com

Congressman David Wu Keynotes 13th Annual Awards Luncheon

Congressman David Wu, keynote speaker at the 13th Annual Awards luncheon of the Campaign for Equal Justice, praised Oregon lawyers. Since the Campaign began in 1991, Wu noted, "You have raised 10 million dollars. That's a striking amount even by federal standards, and a lot of that money has come from Oregon lawyers." Four hundred attendees, including First Lady Mary Oberst, Attorney General Hardy Myers, Federal Judges James Redden and Ancer Haggerty, and Senator Mark Hatfield, gathered at the Portland Hilton on February 19th to celebrate the 2003 Annual Fund, "Championing Justice, Changing Lives."



PHOTO: MIKE RENFROW

Congressman David Wu

Firms and individuals made a record \$770,000 in contributions to Oregon's legal aid programs. Three hundred lawyers and firms received awards for their support of the Campaign for Equal Justice. Reaffirming his strong support for legal services, Wu said, "I am committed, as is the rest of the Oregon Congressional delegation, to work with all of you to ensure full, equal access to those in need."

Attorney Robert Hirshon, former American Bar Association president, now Tonkon Torp Chief Executive Officer, introduced the speaker.

See Annual Luncheon, page 4

We've moved!

The Campaign for Equal Justice and the Oregon Access to Justice Endowment Fund have a new address: 921 SW Washington Street, Suite 520 Portland, OR 97205

Our phone, fax and email are still the same. 503-295-8442, fax: 503-417-8191, email: cej@aracnet.com

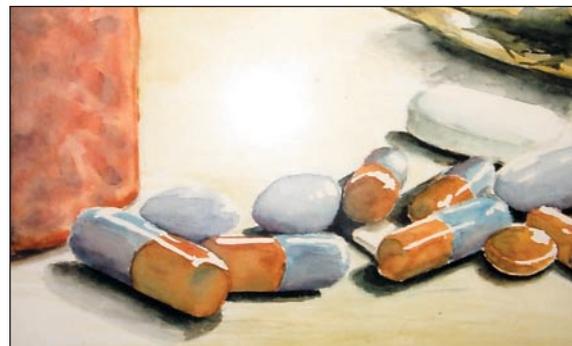
Advocating in Oregon

ROB WHEATON

In the early spring of 1997, when he was 23, Rob Wheaton got very sick. His doctor thought it might be bronchitis. Then, when Rob didn't improve, the doctor suggested walking pneumonia and called for stronger antibiotics. When, in 24 hours, Rob's condition grew even worse, an x-ray revealed that his heart was enlarged and, in the days that followed, his heart began to fail. For two days in the hospital he lost consciousness due to poor heart function. In June of 1997, just a month later, he was entered on the list for a heart transplant. That August he received a new heart. Wheaton recovered and was able to get on with his life. He moved from Eugene to Portland in 2001, planning to take classes at a community college and prepare for a degree program.

Since the heart transplant, Wheaton relies on anti-rejection drugs. He says, "Not to diminish this gift that I was given for life, but what this has done, in order to stay alive, is put my focus on getting medication. I need to always have these pills. Otherwise my immune system picks up and kills this heart." If he misses one day, there will be some damage at the cellular level. Miss any more than a few days and his life is threatened. The cost is \$1,600 per month. He says it is a constant strain. The necessity for these costly medications threatened Wheaton's survival this past winter and he turned to legal aid for help.

After moving to Portland, Wheaton found he was eligible for the state's Medically Needy Program. "I'd bounced around from a couple of jobs, always looking for health insurance and I ended up qualifying for the Medically Needy Program and I mean it was just a godsend." That made it possible for him to focus on other parts of his life. Then in January 2003, he says, "I get a note from the department of human services saying two weeks – you've got two weeks – no more pills. Of course to me that's pretty devastating." The letter suggested that he apply for possible charitable relief from the pharmaceutical companies. He made a successful application for help but, as he says, "I did get those pills, but not until July. If that was



Watercolor by Rob Wheaton

the only answer I had, I would not be around."

Wheaton sought out possible allies. His family was

"I get a note from the department of human services saying two weeks – you've got two weeks – no more pills. Of course to me that's pretty devastating."

able to help a little. That, with some help from friends, bought him a couple of weeks. He found common ground with HIV activists. He worked with them and he also

sought help from the Multnomah County Office of Legal Aid Services of Oregon. Karen Berkowitz and Julia Olsen and a team of lawyers including Marc Jolin of the Oregon Law Center and Kit Morgan and Leslie Kay of Legal Aid Services of Oregon took the case in order to help Wheaton and other plaintiffs, including the Oregon Advocacy Center on behalf of disabled people with medical needs. With pro bono help from Steve Goldberg of Goldberg, Mechanic, Stuart and Gibson, they brought suit against the State of Oregon, asserting that Oregon was in violation of federal Medicaid law when it terminated the Medically Needy Program.

Although the trial court denied their motion for a preliminary and permanent injunction, the case generated positive press and the legislature, largely in response to learning more about this problem through the case, approved a new program to provide medication to a thousand people with HIV and organ transplants who had been in the Medically Needy Program. In part, because of the help from pro bono and legal aid

lawyers, Rob Wheaton was able to receive medications without significant interruption. He notes that it's not over yet. There are 7,000 others whose coverage was not restored and now new transplant patients are not eligible for the program that sustained him. Since the case concluded, Rob Wheaton has found a part-time job that provides health insurance, he has a new personal relationship, and he intends to continue his education. ■



PHOTO: MIKE RENFROW

Rob Wheaton at Annual Awards Luncheon

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JUDGE BREWER CHALLENGES LAWYERS TO DO THE RIGHT THING

Oregon Court of Appeals Judge David Brewer has devoted much time and attention to the legal needs of Oregon's poor throughout his career. A member of the Campaign for Equal Justice Board of Directors since 1997, he served on the Lane County Legal Aid Services Board and also served on the Oregon Civil Legal Services Task Force, a group that in 1996 created the Oregon Law Center. In his speech this year at the Campaign for Equal Justice Annual Luncheon, Judge Brewer talked about how he had come to understand the critical need for legal services and the importance of being ready to help at the moment help is needed.



Hon. David Brewer

PHOTO: MIKE RENFROW

He told about an incident early in his career, "I used to volunteer at Lane County Legal Aid on Tuesday night. The volunteer lawyers would meet with six or eight clients, prospective clients, over a two-hour period. On that first night one of the prospective clients was a young woman with three children. She brought those three children with her because, as often is the

case, there was no place else for her to take them. They were young. They were crying. They weren't clean. Two of them were sick and she had that haunted look in her face that we've all seen with people who are victims of domestic violence. She was staying at a women's shelter and she needed somebody to handle an ugly custody case. Her husband was a very violent and dangerous person."

"...do the right thing at the right time. That seems to be the motto of the people in this room. That seems to be what you do day in and day out."

Brewer recounted, "I knew that she needed help, but I knew that I had other demands on my practice, and so I found a way, on the spot, to rationalize not taking her case. I went home that night and didn't sleep because I knew that was the wrong thing to do. The next morning I called the shelter to try to find this woman and tell her I would take her case, but she was gone. That was over twenty years ago and I have no idea what happened to this woman or her family and I still think about her, a lot. I didn't do the right thing at the right time."

Brewer praised the legal aid lawyers he had worked with in Lane County and described them as "...a lot of great legal aid foot soldiers who always seem to do the right thing at the right time. That seems to be the motto of the people in this room. That seems to be what you do day in and day out." ■

Briefly...

National News

Legal Services Corporation makes FY05 budget request

The Legal Services Corporation has requested \$352.4 million for FY05 to fund legal services programs nationwide. The FY04 appropriation, approved in January, was \$338.8 million. Legal Services Corporation President Helaine M. Barnett, speaking before the House Appropriations Committee, said, "LSC is requesting a modest four percent budgetary increase to aid grantees struggling to meet a fraction of the demand for their services... This increase is less than the 5.75 percent increase in the federal poverty population reflected in the 2000 census. Without this increase, even more eligible poor will go unhelped." At present, legal aid programs in Oregon derive just 30 percent of their funding from the federal Legal Services Corporation; 70 percent comes from state and local sources. While the Oregon legal community has shown strong leadership in developing local sources of funding, less than 20 percent of legal needs are met.

Oregon Congressional delegation calls for increase in legal aid funding

During the annual American Bar Association lobbying day in Washington DC on May 6th, representatives of the Oregon State Bar and Oregon's legal aid programs met with members of the Oregon Congressional delegation. Senators Gordon Smith and Ron Wyden joined Senator Pete Domenici and Senator Edward Kennedy in a letter of support for the Legal Services Corporation's request for increased funding. Senators Cantwell, Stabenow, Lautenberg, Breaux, Snowe, Hutchison, Cornyn,

Boxer and Sarbanes have already signed on and many more are expected to join them. Oregon House members Blumenauer, DeFazio, Hooley, Walden and Wu have signed a joint letter to the House Appropriations Committee in support of increased funding for legal services.

State News

Portland legal services programs move to Pittock Building

In May 2004, the Portland offices of Oregon Law Center and Legal Aid Services of Oregon, the Campaign for Equal Justice and the Oregon Access to Justice Endowment Fund moved to the fifth floor of the Pittock Building at 921 SW Washington Street in downtown Portland. The move is an effort to bring all the programs closer together and increase their efficiency. Matthew Jones, annual fund director for The Campaign for Equal Justice said, "We regard this move as a great opportunity to bring the Campaign back into daily contact with the legal aid programs we support." The Community Development Law Center, a project to increase the supply of low-income housing statewide, has moved to the fourth floor of the Pittock Building.

Task Force to report in June

The Oregon State Bar Legal Services Task Force review of the configuration of legal aid programs in Oregon is nearly complete. A report to the Legal Services Corporation on the recommendations of the task force is expected by the end of June. The twelve appointees to the task force have been assisted by the executive directors of Oregon's legal aid programs, who have studied a range of possible configurations and other program changes with the goal of improving the quality of services provided to low-income clients in Oregon. Tom

Matsuda, director of Legal Aid Services of Oregon, said "While we have identified some things that could be improved, the challenge is to make those improvements in a way that doesn't reduce services." Task force members are examining all legal services programs, both LSC funded and non-LSC funded.

LAF-OFF fundraiser in September

The Campaign for Equal Justice will kick off the 2004 Annual Campaign on September 10, 2004 with a special event called LAF-OFF. The event headliner will be Mark Katz, President Clinton's humor speechwriter and the author of *Clinton and Me*. The evening will also include dinner, music and several of the funniest members of the Oregon State Bar competing in the amateur comedy contest. Ira Zarov and David Denecke are chairing the event.

October date set for Legal Aid Open Houses

Legal Aid Open Houses are scheduled for October 6, 2004. Held in offices across the state on a single day, these events effectively demonstrate grassroots support for legal services in Oregon and provide an opportunity for local community leaders and the local press to learn first hand about this important work.

Rural domestic violence project re-funded

The Department of Justice Office of Violence Against Women has awarded Legal Aid Services of Oregon a \$500,000 grant to continue an innovative project that increases the availability of legal services for women experiencing domestic violence, sexual assault and stalking. The project, called Civil Legal Assistance for Rural Oregon (CLARO), serves clients in

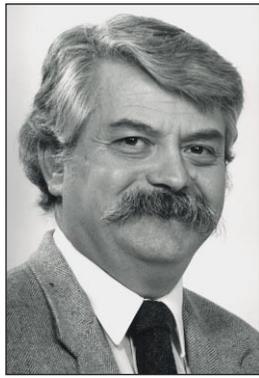
Tillamook and Clatsop counties, Klamath and Lake counties and Union and Wallowa counties. The grant will also extend services to members of the Confederated Tribes of Siletz Indians. Under CLARO, legal aid lawyers collaborate with non-profit survivor programs to remedy the impact of violence and provide protection to survivors. Sybil Hebb, support attorney for family law, notes that, "Studies have shown that providing civil legal services is a most effective tool in achieving long-term safety." Innovative features of the project include the use of a courthouse facilitator supervised by a grant-funded lawyer as well as remote video hookups to improve communication between lawyers and their clients.

Department of Justice awards grant to farmworker programs

In August 2003, the Department of Justice announced that the Legal Aid Services of Oregon and the Oregon Law Center's Farmworker Programs would receive one of eleven grants nationwide aimed at preventing immigration-related job discrimination. Farmworker Program director Janice Morgan says, "Most farmworkers have limited understanding of American laws and the American legal system. This grant will help us to educate workers about their right to be free from discrimination in the workplace." The \$42,000 grant will fund outreach and education for immigrant workers in Oregon and recognizes the leadership that Oregon's legal aid programs bring to farmworker issues. In its announcement, the Department of Justice said, "Our grant recipients, who are well known and respected in their communities, will work with us to assist employers in preventing discrimination and to protect workers' rights."

ROBERT PAYNE: A VOICE FOR RURAL OREGON

When Robert Payne died this past February at 58, low-income people in Yamhill County and across Oregon lost an advocate and a friend. He had practiced law in McMinnville Oregon for much of his adult life, for five years as director of Yamhill County Legal Aid in McMinnville beginning in 1978 and in private practice from 1986 until 2003. For twenty years, on the Board of Legal Aid Services of Oregon and Oregon Law Center, he spoke up for the interests of the rural poor. When a person needing legal help came to his office, he would help them whether or not they were able to pay. He took cases, particularly in family law, that the McMinnville legal aid office did not have the resources to handle.



Robert Payne

In addition to the practice of law, Payne gave generously to the community, including four years on the McMinnville Planning Board and twelve years on the McMinnville City Council. He served on the Boards of Habitat for Humanity, Yamhill County Community Action, and was a founding member of the Henderson House Family Crisis Center in McMinnville.

Payne began his career in Georgia as a VISTA volunteer. He graduated from the University of Georgia School of Law in 1975 and then moved to Oregon to take a legal aid post in Coos Bay. In 1977, Bob Joondeph, now director of the Oregon Advocacy Center, had one of his first jobs as a lawyer at Coos Bay under Payne's direction. Joondeph says, "Bob was a guy who loved being a lawyer. He loved doing case reviews. I was a young start-

ing-out lawyer and I had a lot of work and he was just always available to talk about the cases. He was very interested in ethics, very scrupulous and wanted to do things the right way."

Bob and his wife Nancy moved from Coos Bay to McMinnville in 1978. They bought an old house and, Joondeph says, "They were always repairing that house. They had foster kids. They took kids coming from terrible circumstances and they also had two young children of their own. He and Nancy were just living this exemplary life in terms of doing good and being part of the community."

On the Board of Legal Aid Services of Oregon, Payne was a voice for the rural poor. As a result of his efforts, the Klamath Falls regional office was able to stay open for four years beyond the initial decision to close it. In 1996, when legal aid funding was slashed and restrictions imposed on providing services, Payne was concerned about the loss of service in rural areas. Michael Mason, current Chair of the Legal Aid Services Board said, "We used to talk about how different it was to serve rural clients, the greater cost because of all the time you spend in the car and the distances you have to travel. We both understood that if legal service programs spent the same amount per client in rural and urban areas, rural clients would suffer." Mason also said that, "Bob believed deeply in the values that were thought to be the true American values in the 1960s and 70s and that people have since turned away from. At that time, greed was threatening to overwhelm us and some like Bob were trying to revive ideas such as democracy and fairness."

"He and Nancy were just living this exemplary life in terms of doing good and being part of the community." Bob Joondeph

Mason remembered that when an issue was under debate, Payne would sit quietly, waiting and listening. After everyone had finished, Payne would ask just the right question or make a key assertion that challenged or clarified what had been said. Tom Matsuda, Legal Aid Executive Director, agreed, "Those remarks of his helped the Board move toward the right decision about a difficult issue on many occasions. Bob had this credibility and wisdom that came from living unselfishly and treating all people with respect."

Payne served on the McMinnville City Council from 1992 until last year. City Manager Kent Taylor talked about his skills, "He was steady, hard working and, in formulating policy, he tried to consider what was most fair for everyone in the community, including the growing Spanish-speaking population."

Colleagues were amazed to hear that when Bob and Nancy Payne moved from their first house in McMinnville, they donated it to a local domestic violence group for a shelter, Henderson House Family Crisis Center. As a founding board member, Payne also provided legal counsel for their incorporation. David Thornburgh, Oregon Law Center Director reflected on how many times, over more than a decade, they had talked together about domestic violence and the role of legal aid in trying to establish support for domestic violence services and Payne had never mentioned the origins of the McMinnville shelter. "That gives you some insight into the modesty of his personality." ■

Marisa Mandujano – Equal Justice Works fellow in the Gorge

Marisa Mandujano, a 2002 graduate of Willamette Law School, is at the beginning of the final summer of a two-year fellowship from Equal Justice Works, formerly the National Association of Public Interest Law. Working with Legal Aid Services of Oregon Farmworker Program, Mandujano provides outreach, education and legal assistance in the Columbia Gorge under the supervision of program director, Janice Morgan. With office space in Hood River and in the Dalles, she is building a more accessible legal presence in the Columbia Gorge, a region that has been served in the past by staff from the Oregon City and Pendleton offices.

During the last harvest season, Mandujano visited more than 100 labor camps to distribute information in Spanish and to speak with workers about minimum wage, safe housing, and safe work practices. She speaks with women in the camps about sexual harassment. She speaks at local churches and has been interviewed for the Hood River News. Mandujano holds office hours weekly in Hood River and the Dalles. When first recommended for an internship with legal aid in 1999, she recognized that this was the reason she was studying law. She thought, "I'm speaking Spanish. I'm working with farmworkers. This is what I want to do for my grandfather."

Raised apart from her Latino father, Marisa grew up with her mother in Los Angeles but she retained early memories of

her grandparents, Steve and Consuela Salinas, who were agricultural workers in Texas and California starting in the 1940s. She remembers her grandfather's bad back. "He picked hazelnuts and who knows what else. He worked construction. My grandfather worked hard. After his back was hurt, he lost the house he built with his own hands because he didn't know anything about his legal rights." Mandujano's great grandmother worked in the fields, too. "My grandfather and my great-grandmother

Mandujano says that her reading of the 14th amendment drew her to the law, particularly where it says, "...nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

picked together to survive. So did both my grandparents."

Near a hospital Marisa's mother took her to as a little girl, she saw strawberry pickers at work in the field. "You'd always see the workers out there working in their straw hats and the hot Southern California sun. I struggled a lot with my cultural identity and I remember thinking, 'Why is it they're out there working so hard just to earn a little bit of money?' 'Why wasn't I out there working?'"



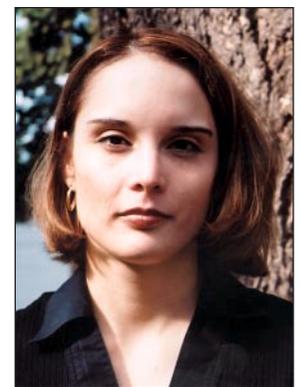
Steve Salinas

At George Fox University and later at Willamette Law School, Mandujano involved herself in multicultural studies and in the Latino community. She continued her work as a legal aid law clerk year around. At Willamette she co-organized two conferences on Race,

Minorities and the Law. Conference topics included the history of Latinos in the US. One session examined a famous case in Los Angeles in 1943 that culminated in the "Zoot Suit Riots". Mexican youth were targeted during a period of unrest between the white culture and young Latino men. The young men, called Zoot Suiters, adopted the flamboyant style of dress and anyone who wore the zoot suit was characterized as belonging to a violent street gang. The trial of 22 young men charged with a killing was notable for the taunting, discriminatory behavior of the judge, resulting in a number of convictions that were later overturned.

In addition to her cultural history, Mandujano says that her reading of the 14th amendment drew her to the law, particularly where it says, "...nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." She notes that it says "any person" and adds "documented or undocumented."

During her last year of law school, Mandujano decided that she would seek out her father so that he could attend her graduation. She was able to find him and he came to her graduation and brought her grandfather. Later that year, her grandfather sat next to her at a cousin's graduation and he pulled an old photo from his pocket and handed it to her saying, "That's me. I was 21 years old." She says, "I couldn't believe my eyes! He was wearing the high-waisted pants and suspenders. He was a Zoot Suiter." ■



Marisa Mandujano

NEW ENDOWMENT FOR JACKSON COUNTY JOINS OREGON ACCESS TO JUSTICE ENDOWMENT FUND

Distinguished members of Jackson County's business and legal community have launched the Jackson County Partnership for Justice Campaign. Their goal is to establish a new designated fund of the Oregon Access to Justice Endowment Fund directed toward the Center for NonProfit Legal Services in Medford. Contributions and planned gifts to the Partnership for Justice will be used to build long-term sustainability for the Center for NonProfit Legal Services. The Center, incorporated in 1972, has a long history of protecting the rights of low-income people in Jackson County.



Center for NonProfit Legal Services, Medford

The committee sought foundation support from the Carpenter Foundation and the Oregon Community Foundation. Both foundations responded generously, providing grants that will fund expenses, including staffing, for the campaign.

Densmore outlines the two primary goals of the Partnership for Justice Campaign. "One is to retire the \$200,000 mortgage on the Center's historic Thomas building. The second goal is to raise \$200,000 to inaugurate the Jackson County

Center for NonProfit Legal Services Endowment Fund. All contributions will be included in the Oregon Access to Justice Endowment Fund and managed by the Oregon Community Foundation."

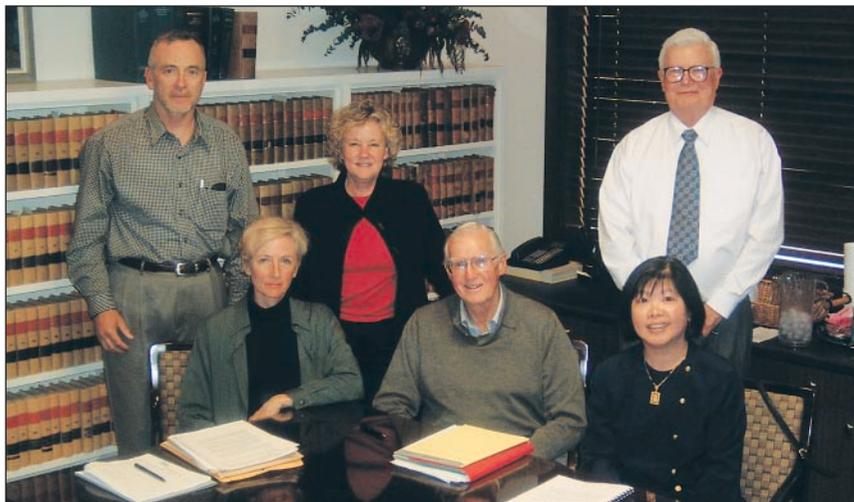
"This effort is the result of several years of thoughtful planning by the Center's Board of Directors," says William Leever, Partnership for Justice Campaign Co-Chair. "Our fundraising strategy for this effort to provide sustainable funding for Legal Services is unique in that we are seeking contributions from outside the legal community. The citizens of Jackson County need to ask themselves, 'What would happen if Legal Services did not exist?'"

In anticipation of the Partnership's goal to raise funds from a broad cross section of citizens, the Center for NonProfit Legal Services has established a public relations committee that will work in conjunction with the fundraising campaign. The committee will engage citizens of the community and demonstrate the positive impact that Legal Services has on all residents of Jackson County. ■

"Our fundraising strategy...to provide sustainable funding for Legal Services is unique in that we are seeking contributions from outside the legal community." William Leever, Partnership for Justice Co-Chair

Partnership for Justice Co-Chairs William Deatherage and William Leever are leading the committee. The Campaign's initial goal is \$400,000. Sue Densmore, owner of Densmore Communications in Medford and a former member of the Center's Board, is serving as consultant for the effort.

William Leever, Partnership for Justice Campaign Co-Chair. "Our fundraising strategy for this effort to provide sustainable funding for Legal Services is unique in that we are seeking contributions from outside the legal community. The citizens of Jackson County need to ask themselves, 'What would happen if Legal Services did not exist?'"



Partnership for Justice Committee: William Leever, Midge Thierolf, Sue Densmore, Carl Brophy, William Deatherage and Debra F.J. Lee. Not pictured: Steve Patterson, Bonnie Pickering, William Thorndike, Jr., Peter Sage, Patrick Huycke and Joseph Davis

LEGAL AID OFFICES in Oregon

What We Do

Housing
Family Law
Domestic Violence
Employment Law
Administrative Law
Senior Law



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

Annual Luncheon continued

"Congressman Wu has been a critical leader in the struggle to ensure equal access to justice for every American." He praised the legal community, "Thanks to Tonkon Torp, I have been accorded the privilege of becoming an Oregon lawyer and I have learned first hand of the commitment of the attorneys and judges in this state. This state, ladies and gentlemen, and you may not know it, is a model for the rest of the nation."

Congressman Wu, in conclusion, reflected on his law career. "There is one individual, Judge Rosenblum, whom I would like to recognize...coming out of Miller Nash I had done nothing but transactional documents and when we started our own firm (Cohen & Wu), well, let's just say that if I ever entered a courtroom, I was 'walking malpractice.' The first courtroom I entered on behalf of a client was Judge Rosenblum's and, you know, one kindness can be remembered for a long time and passed on to many others."

The luncheon program also included Judge David Brewer who spoke about the obligation of lawyers to help people in need of their services and the effect, since 1995, of federal restrictions on legal services providers. Legal aid client Rob Wheaton described the assistance Multnomah Legal Aid Services had given him when he was threatened with the loss of prescription drugs critical to his survival (see articles). Ed Harnden, chair of the Oregon Access to Justice Endowment Fund spoke about the progress made in 2003 to build the Endowment. Legal aid lawyers and lawyers who provided assistance pro bono in the past year were recognized by Congressman David Wu and Board Chair Henry Hewitt. ■



- Please invite me to an information dinner.
- Please contact me about the endowment fund.
- Please send me more information about the endowment fund.
- I have included the Oregon Access to Justice Endowment Fund in my estate plans.

Name _____
Address _____
City, State, Zip _____
Phone _____

Oregon Access to Justice Endowment Fund, 921 SW Washington Street, Suite 520, Portland, Oregon 97205
phone 503-295-8442 fax 503-417-8191 email cej@aracnet.com

OREGON Access to Justice ENDOWMENT FUND



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