

February 11, 2021



Oregon Progressive Party Independent Party of Oregon

Position on Bill at 2021 Session of Oregon Legislature:

SB 181: Support

Dear Committee:

The Oregon Progressive Party (OPP) and Independent Party of Oregon (IPO) support this bill, which would require courts to consider, in determining the amount of an award of attorney fees, whether (1) the attorney(s) performed services on a *pro bono* basis or (2) the award of attorney fees otherwise promotes access to justice.

The clear purpose of this change is to avoid the devaluation of attorney services, merely because they were provided on a *pro bono* basis. Many important public issues are litigated on that basis, because public interest groups and concerned citizens cannot afford to hire full-priced attorneys. The attorneys who take on these public interest cases are no less competent and diligent than are fully paid attorneys. If their clients prevail on public issues, any award of attorney fees should not be reduced merely because the attorneys agreed to prosecute the case on a *pro bono* basis.

Further, often the public-spirited attorneys agree to pursue these public interest cases with no payment by the client, except if attorney fees are awarded by the court. These arrangements should be considered "*pro bono*." In any event, these arrangements certainly "otherwise promote[] access to justice" by enabling lesser-endowed public interest groups to pursue litigation, when necessary to protect public health, welfare, the environment, or justice itself.

Oregon Progressive Party

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