

# Legal Services Program

## 2018 Accountability Analysis

### Overview

The accountability process is designed to provide the OSB Legal Services Program (LSP) with information about the work of legal services providers. With this information, the OSB LSP can carry out its duties to the OSB Board of Governors as outlined in the *Oregon Legal Services Program Standards and Guidelines*.

The process focuses on the effectiveness of the providers in meeting the needs of individual clients and the larger client community, and in developing and using resources. The goals of the review are to ensure compliance with the OSB LSP *Standards and Guidelines*; to ensure accountability to clients, the public, and funders; and to assist with each provider's self-assessment and improvement.

The process has four components:

1. **An annual Self-Assessment Report (SAR)** submitted by providers, including a narrative portion and a statistical/financial portion;
2. **Ongoing Evaluation Activities by the OSB LSP**, including peer reviews, desk reviews, ongoing contacts, and other evaluation activities consistent with the OSB LSP *Standards and Guidelines*;
3. **A periodic Peer Survey** conducted of attorney partners, clients, judges, opposing counsel, and community partners, all of whom are identified by the providers; and
4. **A periodic Accountability Report** to the OSB Board of Governors and other stakeholders, summarizing the information from the providers' SARs and other information, including ongoing contacts with providers by OSB LSP staff, annual program financial audits, and the Annual Peer Survey.

This Accountability Analysis examines the information supplied by the programs in their SARs covering the 12-month period ending December 31, 2017, and onsite reviews of the Center for NonProfit Legal Services (CNPLS) office in Medford, the Legal Aid Services of Oregon (LASO) Pendleton Regional Office, and the Oregon Law Center (OLC) Ontario Regional Office. Seven reviewers participated in the process: Bill Penn, Brent Hall, Andrea Thompson, Sara Kobak, Laurie Craghead, Judge Tim Gerking, and Judith Baker. This analysis includes a follow-up to the recommendations made in the 2016 Accountability Report.

### Program Overview

Legal aid clients receive free civil legal services through three nonprofits that are part of an integrated delivery system that is designed to provide relatively equal levels of high-quality client services in all 36 Oregon counties. There are two statewide programs, LASO and OLC; and one county-specific program, the CNPLS in Medford. A significant change to the civil legal aid provider structure happened during this reporting period. Effective January 1, 2017, OLC and Lane County Law and Advocacy Center (LCLAC) merged, and LCLAC became a regional office of OLC and no longer a county-specific program. Another significant change is the retirement, effective in April 2018, of OLC's executive director who has been a legal aid lawyer for 40 years. After conducting a national

search, the OLC board selected an internal candidate who has had almost two decades of experience representing low-income people with disabilities, immigrants, and people experiencing homelessness.

Civil legal aid has offices in 17 communities and services all Oregon counties. The majority of the regional offices are located along the I-5 corridor as that is the most populated area. There are also offices located on the coast, in central Oregon, and in eastern Oregon. In some areas, there are only a few lawyers to serve a large geographic region (e.g., three lawyers in Ontario serve an area the size of Massachusetts and Connecticut combined).

An estimated 807,000 low-income Oregonians currently qualify for legal aid's help. There are 116 legal aid lawyers in Oregon, so roughly two legal aid lawyers for every 14,000 low-income individuals. The providers served 28,500 clients in 2017.

## The Performance Areas

This Accountability Analysis is divided into Performance Areas that track the broad themes expressed in the mission statement and statement of goals in the OSB LSP *Standards and Guidelines*. The Performance Areas also incorporate The American Bar Association (ABA) *Standards for the Provision of Civil Legal Aid*. Each section outlines and discusses the level of alignment found and makes recommendations. The Performance Areas are as follows:

1. **"An integrated, statewide system of legal services** ... [that eliminates] barriers ... caused by maintaining legal and physical separation between providers."
2. **"Centered on the needs of the client community."**
3. **"Efficient and effective"** ... by deploying limited resources in a manner that maximizes the system's ability to provide representation.
4. **"Full spectrum of ... legal services"**—"the broadest range of legal services required to serve the needs of clients."
5. **"High-quality legal services."**

### Performance Area One: Achieving an Integrated Statewide System of Legal Aid Services

It is the goal of the OSB LSP that all providers are part of an integrated statewide delivery system designed to provide relatively equal levels of high-quality client representation throughout the state of Oregon.

#### **Criterion 1.1 Working Together Strategically to Target Limited Resources to Ensure Equality of Access Statewide.**

**Finding 1.1** One of the structures that the three legal aid providers use to cooperate and provide relatively equal access for clients statewide is the strategic planning process. The 2016 Accountability Report recommended that LCLAC and CNPLS increase their level of participation in the statewide strategic planning process by being part of the implementation of the planning recommendations. The legal aid providers' most recent strategic planning process was adopted by their boards in 2016. The final Strategic Planning Report included LCLAC and CNPLS in the recommendations given by the strategic planning committee, to enhance the efficiency and effectiveness of statewide services through advocacy and coordination, possible shifts in staffing or revenue, and additional staff.

**Recommendation 1.1** Once all the recommendations from the current strategic plan are completed, the providers' boards of directors should undertake a new strategic planning process to address ongoing and emerging challenges related to their funding and other changes in laws and emerging client needs.

### **Criterion 1.2 Minimizing Geographic and Institutional Parochialism**

**Finding 1.2** LASO and OLC are statewide organizations with regional offices. They share a responsibility to provide services statewide while focusing on the needs of each local community. They work closely together to provide a full range of legal services to low-income clients. They maintain separate organizations only because of the restrictions on federal funds, and they strive to integrate services as much as possible. To accomplish this, they share a board; they both use LegalServer as their case management system; and they use the same policies for intake, priority setting, regional office management, and regional manager evaluation, all aligned with the *Standards and Guidelines*. They also have joint quarterly manager meetings. LCLAC merged into OLC effective January 1, 2017, becoming the OLC Lane County Regional Office. When LCLAC merged into the OLC, the office adopted the systems listed above, minimizing the geographic and institutional parochialism.

Since the 2016 Accountability Report, CNPLS has adopted the same case management system used by LASO and OLC. There appears to have been limited integration of CNPLS into the active exchange of ideas, best practices, and management techniques that occur regularly between LASO and OLC.

**Recommendation 1.2** LASO, OLC and CNPLS should continue to work together as they have on eliminating their differences. All providers should work to integrate i the exchange of ideas, best practices, and management techniques that are aligned with the *Standards and Guidelines*. By working together, all providers can benefit from the flow of ideas and practices in all directions. The focus should be on working together to discover the best ways to provide consistent services, consistent quality, and consistent access to services across the state, based on local needs.

### **Criterion 1.3 Integrated Training**

**Finding 1.3** It is important that providers encourage lawyers to stay abreast of changes among the issues that affect low-income clients in Oregon by participating in various forums in which such issues and strategies are discussed.

OLC houses the State Support Unit (SSU). The goal of the SSU is to provide support to *all* of Oregon's legal aid lawyers. It does this by sponsoring training designed to provide professional development for legal aid lawyers statewide. This training includes areas such as new-lawyer training, motion practice training, discovery training, complex litigation training, and trial advocacy training. The SSU also maintains listservs to keep all staff up to date on changes in legislative, administrative, and case law. In addition, the SSU attorneys sponsor quarterly task force meetings organized by family, employment, housing, and administrative law to keep staff up to date on substantive law developments and provide opportunities to network, discuss cases, and understand statewide developments. It is important that legal aid attorneys participate in various forums in which areas of law and strategies are discussed. This allows attorneys to stay aware of changes among the issues that affect the low-income communities they serve.

The 2016 Accountability Report recommended that all provider practitioners strive as much as practical to participate in trainings and task force meetings facilitated by the SSU. In addition, the report recommended that providers work on ways to allow lawyers located outside of Portland to attend trainings and task force meetings remotely to defray the cost of traveling to Portland. It was hoped this would allow Medford attorneys to attend

task force meetings more frequently. It was further recommended that Medford attorneys make it a priority to be more connected to the other lawyers who practice poverty law in Oregon.

In response to the recommendation, OLC and LASO reported that they improved remote access by adding video meeting technology to LASO's large training room. As a result, legal aid lawyers may now remotely attend task force meetings, manager meetings, and other trainings. All LASO and OLC offices, including the Lane County Regional Office (formally LCLAC), purchased new desktops that include appropriate cameras, microphones, and software to attend meetings by video remotely from each desk.

The review team that interviewed CNPLS attorneys in Medford found in their discussions that some CNPLS lawyers knew that the SSU existed and others were not aware of the professional development opportunities provided.

**Recommendation 1.3** CNPLS should ensure that all of their attorneys participate in the trainings and task forces that the SSU offers. This would further integrate CNPLS attorneys and services into the statewide system of legal aid services. LASO and OLC should work with CNPLS to ensure that they are better connected and feel welcomed by directly inviting CNPLS attorneys to the listservs and task force meetings. LASO and OLC should ensure that task force meetings can be attended remotely by CNPLS attorneys by video when appropriate, and CNPLS should allocate the funds necessary to purchase an appropriate web camera so staff can participate remotely.

#### **Criterion 1.4 Increasing Resources for Legal Aid through Integrated Efforts**

**Finding 1.4** The Campaign for Equal Justice (CEJ) is the primary resource development arm for all the legal aid providers. The providers agree as recipients of CEJ's fundraising efforts to not solicit lawyer contributions on their own to avoid confusion by donors. CEJ coordinates the annual fund drive, educates lawyers and the community about the importance of access to justice, works to increase state and federal funding for legal aid, and builds an endowment. CEJ reports that the providers are integrated from a resource development and fundraising perspective. The providers engage in numerous activities to support CEJ's annual campaign and work closely with CEJ and the OSB to protect and expand funding for legal aid.

CNPLS has a long history, independently from CEJ, of engaging the community beyond lawyers and judges with its Founder's Breakfast. CNPLS reported the implementation of donor tracking software to help enhance this event and its donor outreach beyond the legal community. The Founder's Breakfast is unique in Oregon and laudable. Outside Jackson County, it has proven difficult to implement broad-based development efforts beyond the legal community.

**Recommendation 1.4** Providers should continue to work with CEJ in a collaborative manner to increase funding for legal aid services statewide. CNPLS should coordinate with CEJ regarding the Founder's Breakfast to see if there are ways that CEJ's resources can enhance fundraising efforts outside the legal community. LASO and OLC should, through CEJ, explore whether the development efforts of CNPLS outside the legal community can be viable in other parts of the state. CNPLS has been and should continue to be mindful not to solicit lawyer contributions at the Founder's Breakfast to avoid competition and confusion with CEJ's potential lawyer donors.

## Performance Area Two: Centered on the Needs of the Client Community and Targeting Resources to Address Those Needs

### **Criterion 2.1 Periodic Comprehensive Assessment and Ongoing Consideration of Legal Needs**

**Finding 2.1** Performance Area Two gauges the success of providers at targeting their services on the most compelling needs of the client community and the ability to implement responses to the changing circumstances. They do this by understanding their community through participation on boards and advisory committees as well as working with social service agencies and community-based organizations that serve low-income persons. In other words, providers need to integrate into the community to be able to understand current needs and see emerging trends. Ongoing assessment should be coupled with periodically conducting more formal needs assessments and setting program priorities to address the needs identified. The 2016 Accountability Report recommended that all programs incorporate best practices in how they assess community needs. In response, LASO began drafting a standard client priorities survey for use by all LASO offices. Professor Grant Farr of Portland State University advised LASO on the project. Professor Farr attended a quarterly LASO/OLC managers meeting at which he trained managers on survey drafting and survey techniques to enhance the validity of the data. After input from managers, LASO drafted a significantly redesigned survey instrument and began using it in 2017.

The CNPLS Executive Director and the Regional Managers of the LASO Pendleton office and OLC Ontario office all report engaging in assessment activities both informally and formally. The LASO Pendleton office's survey and assessment data were reviewed and found to be very detailed and thorough. They also conveyed that attorneys and support staff are engaged in their community, which is an effective mechanism for ensuring that offices remain knowledgeable of the needs of the client community.

**Recommendation 2.1** OLC and LASO should continue to assess the results of using the redesigned survey instrument to ensure that it enhances the assessment process, in that it provides more uniform data across service areas without its length being too much of a deterrent for clients to complete. CNPLS should assess the sufficiency of its already completed assessment process and determine whether OLC and LASO's client assessment practices and new survey instrument will enhance its client assessment process. Consistency in methodology statewide is important to understand the most pressing client needs and how resources should be spent.

### **Criterion 2.2 Setting Priorities, Developing Strategies, and Targeting Resources to Address Those Needs**

**Finding 2.2** OLC and LASO both report through staff interviews and SARs that after client and community survey information is collected and analyzed, each office conducts priority-setting meetings involving office staff and others. The established priorities guide the work plans for each office, guide intake/outreach, and become an integral part of each office's case acceptance decisions. LASO and OLC's priorities are adopted by the LASO and OLC Board on an annual basis. Board policy is that LASO and OLC should implement the statewide program priorities through local office priority-setting processes that contain more specific goals tailored to local considerations. OLC and LASO use a variety of strategies, including advice, limited assistance, extended representation, community education, pro se assistance, and clinics designed to meet the most pressing legal needs of low-income Oregonians. An example of action taken as a result of changing need is reported by OLC. OLC employees joined together with other service providers to identify priorities and coordinate providing legal services for Latino clients who sought legal advice on multiple issues because of the significant changes in how the United States government was administering federal law after January 2017. Priorities were adjusted and major projects and cases were initiated to respond to the shifting legal need among low-income Oregonians.

LASO reports that due to Oregon’s housing crisis, they are redoubling efforts to preserve housing and address homelessness by representing clients in more individual cases, engaging in outreach and education, and, critically, working on systemic solutions to benefit a larger number of clients.

CNPLS reports that it conducts a legal needs assessment for Jackson County at least once every two years using assessment questionnaires to seek input from former and current clients, judges, local attorneys, government and nonprofit agencies, and other community stakeholders. That said, after obtaining the information, staff did not appear to engage in an advocacy planning process. CNPLS staff work hard to represent their clients within the legal practice areas in which they specialize, however they are unable to justify a connection between the cases they do take and a larger planning process to utilize limited resources on the greatest community need. For example: Although domestic violence victims make up a large number of CNPLS clients in a variety of legal areas, CNPLS does not represent domestic violence victims in restraining and protective orders alone which represents a substantial number of clients served by OLC and LASO. CNPLS did not have an explanation for why Medford is experiencing a housing affordability crisis, but there has not been a refocusing of resources to address housing on a broader scale.

**Recommendation 2.2** CNPLS has a service delivery model where staff attorneys are specialized in the area of law they practice. ABA Standard 2.2 on Delivery Structure points out that although this specialization has advantages it also has the potential to inhibit a response to a new area of law that calls for substantive knowledge and strategic approaches that are unfamiliar to a specialized attorney. In addition, not all CNPLS attorneys are connected with the OLC’s SSU, which has the expertise to provide the guidance needed to consider advocacy strategies to adapt to changing community needs. CNPLS must engage in planning processes used by OLC and LASO in conjunction with the SSU that are consistent with the *Standards and Guidelines*, to set priorities, service goals, and advocacy strategies that incorporate service changes for the most pressing client needs in Jackson County. LASO and OLC should take affirmative steps to assist CNPLS in those efforts. As ABA standard 2.2 specifies, “a provider should periodically review how it deploys its staff and adjust how it relies on specialists and generalists to reflect changing client needs and staff capabilities.” However CNPLS’s service delivery structure evolves, CNPLS should be aware of the advantages and disadvantages and should take appropriate steps to address any weaknesses.

### Performance Area Three: Achieving Efficient and Effective Delivery of Services

Performance Area Three speaks to how effectively legal aid represents its clients and that it achieves the results with minimum waste of resources and effort. “Efficient and effective” is a phrase used throughout the ABA *Standards*. This includes those standards that address joint planning by providers around access and service-delivery models, the importance of statewide training opportunities, and choosing advocacy methods that both accomplish a meaningful result and are a cost-effective use of resources. Joint planning and statewide training opportunities were discussed under Performance Area One. This section will focus on advocacy methods that both accomplish a meaningful result and are a cost-effective use of resources and efficiencies.

#### **Criterion 3.1 Using Advocacy Methods that both Accomplish a Meaningful Result and Are a Cost-Effective Use of Resources and Efficiencies**

**Finding 3.1** Efficient and effective advocacy methods are developed when advocates both assess individual cases and use community contacts to identify and address systemic problems in order to reduce the number of individual problems experienced by the client community. The following are examples from the providers that highlight effective and efficient advocacy methods:

## OLC

Community partners serving low-income clients and public health physicians notified OLC that low-income people were being routinely denied access to new life-saving drugs that were almost 100% effective in curing hepatitis C. Instead, low-income people were told that they could not get the new drug until they reached the late stage of the disease, by which time most patients would be permanently disabled. OLC attorneys who work on public benefits issues completed extensive legal research, consulted with national experts, and concluded that low-income patients had legal claims that were likely to prevail under federal law. In addition, they learned that Oregon had the highest hepatitis C death rate in the nation (15 per 100,000 per year compared the national rate of 6 per 100,000). Oregon also had a high ratio of people infected with hepatitis C compared to other states (3,050 per 100,000 compared to 1,700 nationwide). It was estimated that 47,000 Oregonians had been diagnosed and that 95,000 were infected. The infection and death rates had a disproportional impact on communities of color in Oregon. Seeking benefits for health care was a priority for OLC.

Using the OLC administrative law task force and in-house administrative law listserv, all OLC, LASO, and CNPLS offices were alerted to be on the lookout for clients who presented with a denial of a request for hepatitis C treatment. The administrative law hotline started to screen for potential clients. The task force provided training and sample pleadings for legal aid lawyers statewide to increase efficiency and effectiveness. Shortly after that, legal aid advocates across Oregon started accepting cases for individual clients who had been denied this treatment. Legal aid offices in Albany, Coos Bay, Eugene, Portland, and other locations, prevailed on individual cases heard before administrative law judges, resulting in life-saving treatments for their clients. After clients prevailed in a growing number of individual cases, some caseworkers started to settle claims, after receiving briefing documents from legal aid and before the hearing date, by agreeing to provide the treatment.

Legal aid advocates sought to change the statewide policy to bring it into compliance with federal law. Changing the statewide policy would be more efficient and effective than handling hundreds of individual cases. A new statewide policy would also be better for low-income people who did not know that they had a legal right, nor how to enforce that legal right. OLC advocates drafted pleadings to file a class action in federal court and shared a copy with agency attorneys. As usual, OLC offered to meet with attorneys for the agency before filing the case, to determine whether they could reach a settlement before filing. Settlements can be more efficient and effective than litigation because settlements can occur faster, give the parties more control over the terms, and leave the parties with a better working relationship to implement the agreed-on changes. Through mediation, the parties signed a memorandum of understanding (MOU) in which OLC's clients agreed to delay filing the federal class action until after the next legislative session, the agency agreed to seek additional funding for hepatitis C treatments in that session, and both parties agreed on a draft policy that would comply with federal law.

During the last two weeks of the 2017 Legislature, OLC learned that the final agency budget did not contain additional funding for hepatitis C medication, largely due to the \$1.6 billion deficit, the broad range of demands on the agency, and the last-minute collapse of support for the revenue enhancement measure. OLC legislative advocates swung into action, arranging meetings with the legislative leadership. As a result of OLC's lobbying efforts, the legislature appropriated an additional \$10 million to pay for these life-saving hepatitis C treatments. Together with existing funding, this made it possible to implement the new policy. Many organizations were seeking funds at the end of that session.

After the legislature approved funding, OLC advocates worked with the attorneys representing the agency to make certain that the MOU was fully implemented. At one point, there was some reluctance, but then the MOU was implemented.

## **LASO**

The City of Portland has funded LASO to address the legal needs of tenants who are facing potential involuntary displacement from their homes and communities. This is a one-year contract that has enabled LASO to hire one full-time staff attorney and one bilingual and bicultural intake/outreach staff to work solely on this project. Through this project, LASO represents the Portland communities impacted most by the current housing crisis (i.e., communities of color and other vulnerable populations) through direct representation of tenants at risk of involuntary displacement. Much of this work is focused on preserving housing stability and resolving issues before an eviction filing occurs in order to best preserve a tenant's record. In addition, this project focuses on representing tenants in addressing larger building-wide issues such as massive rent increases, evasion of the obligations under the relocation-assistance ordinance, unlawful utility billing, hazardous living conditions, or other violations of the law. For many of the tenants represented through the project, there are numerous other tenants at the same complex who are positively affected. Through this project, LASO staff has strengthened our relationships of trust and partnership with agencies serving communities of color by accepting referrals directly from partnership agencies, providing walk-in intake at partnership agencies, and responding to trends identified by partnership agencies. The project team is currently conducting regular walk-in clinics at Immigrant and Refugee Community Organization and Self-Enhancement, Inc. and is in conversations with the Urban League to set up similar housing legal clinics. LASO hopes that the funding will be renewed for future years.

## **CNPLS**

As a part of an effort to provide an integrated system of legal services at the community level, CNPLS assisted in coordinating a legal outreach area at Project Community Connect and a legal tent at Stand Down. The goal of the "Legal Services" is to provide general information and, in some cases, specific legal assistance to applicants who are seeking to understand and address their legal problems. The "Legal Services" in both events provides access to judges and legal professionals who volunteer their time to provide pro bono help and either direct assistance or referral/next steps. Last year the legal services professionals worked with over 300 applicants of the 600 persons who attended the Project Community Connect event. In some cases, CNPLS was able to resolve the issues, and in some, CNPLS was able to assist applicants to begin (or begin again) to understand a realistic assessment of their problems. Volunteers help applicants to understand if there is a legal issue with a judicial or legal solution—or if there are other steps they need to take.

**Recommendation 3.1** Providers should continue to identify and address systemic problems in order to reduce the number of individual problems experienced by the client community. Providers should engage advocacy methods that both accomplish a meaningful result and are a cost-effective use of resources and efficiencies.

## **Performance Area Four: Achieving a Full Spectrum of Legal Services**

**Criterion 4.1 Providing a Wide Range of Legal Services for the Poor Promotes Fairness as Well as Efficiency and Effectiveness.**

**Finding 4.1** Enforcing broader rights of low-income communities is a function of legal services advocates, as well as providing individuals with representation in day-to-day matters. Providing community legal education and helping people represent themselves are also important functions.

The providers offer a wide range of legal services including phone or walk-in intake and advice, direct legal representation for individuals by staff and pro bono lawyers, complex litigation, community legal education, assistance to self-represented litigants, and legislative or administrative advocacy. Also, the providers make

extensive use of other resources in the service area, including community-based organizations that serve the same population.

In 2017 the providers closed a total of 21,897 cases, which includes both staff and pro bono cases.

- 33.1% were housing law cases,
- 32.5% were family law cases, and
- 8% were consumer/finance cases.

Services are aggregated into two categories: brief service and extended service. Brief service includes the counsel-and-advice category and the limited-action category, like writing a letter, making a phone call, or preparing a simple document. Extended service includes negotiating settlements, filing and arguing cases in court or administrative hearings, and other activities, like extensive document preparation. In 2017 approximately 84% were closed as advice and/or brief service and 16% as extended service.

The providers outlined cases that reflect the full spectrum of legal services given in the SAR they completed. Examples of typical cases are as follows:

**Community Legal Education:** CNPLS's Immigration Law Project (ILP), Housing/Consumer Law Unit, and other units that serve seniors, disabled adults, and veterans hold many community outreach and education workshops. Technology plays an important part in this work. Using laptops for PowerPoint presentations allows attorneys to effectively work remotely in outreach settings. This equipment optimizes CNPLS's ability to include PowerPoint technology in its presentations, allowing it to communicate in visual, aural, read/write, and kinesthetic sensory modalities (VARK), making it easier for its attendees to receive information responsive to their varied approaches to learning.

**Direct Representation:** OLC reports that when Manuel appeared before a state judge in response to a highly dubious claim of trespass, the judge released him on his own recognizance, directing him to go to the local county jail solely for the purpose of being fingerprinted and immediately releasing him from state custody. Instead, pursuant to an unconstitutional policy that was in direct violation of a 2014 federal court decision in Oregon (a case also handled by OLC), the county jail unlawfully held him for Immigration and Customs Enforcement (ICE) without a warrant, court order, or good cause to believe that he had committed a crime that warranted holding him. The insurance defense lawyer who represented the jail quickly settled Manuel's federal court case by paying damages and changing the jail's policy.

**Major Cases and Projects That Have Systemic Impact:** LASO's advocacy changed an illegal practice by a housing authority that caused serious financial harm to low-income families. A private attorney regularly represented the housing authority in evictions actions. The private attorney entered into stipulated agreements with the housing authority's residents that included agreements to pay attorney's fees and costs. The housing authority was conditioning ongoing tenancy in public housing on the repayment of attorney's fees and court costs each month through these stipulated agreements, in violation of federal law. LASO's research showed that the housing authority was regularly imposing massive fees on low-income tenants. LASO advocates met with the housing authority management and convinced them to stop violating federal law with attempts to collect court costs and attorney's fees through the stipulated agreements.

**Integrating the Resources of the Legal Profession:** The legal profession is a valuable resource in addressing the needs of the low-income community and should be integrated to the greatest extent possible into a provider's efforts to provide a full spectrum of legal services that respond to its clients' needs. Oregon legal aid providers

all report that pro bono attorney involvement is an integrated part of the structure used to deliver high-quality legal services.

Because LASO is obligated to spend 12.5% of its federal Legal Services Corporation (LSC) funds on pro bono activities, LASO houses both the Volunteer Lawyer Project of the Portland Regional Office and the Statewide Pro Bono Coordinator. The Volunteer Lawyer Project has existed for over 35 years and serves about 2000 clients annually through various clinics mostly in the Multnomah County area. The Statewide Pro Bono Coordinator is a relatively new position. This position was created to improve pro bono opportunities throughout the state by helping rural offices develop better pro bono programs. One particular innovative project is Oregon's first "Virtual Legal Clinic" that serves clients from the Bend service area. This is a partnership between LASO and Miller Nash Graham & Dunn (MNGD) and links MNGD attorneys from their urban offices in Portland, Vancouver, and Seattle to legal aid clients in rural Central Oregon living in Jefferson, Deschutes, and Crook Counties. The Statewide Pro Bono Coordinator reported that a similar model is being pursued to serve the Coos Bay area.

The LASO Pendleton Regional Office is also innovative in how it incorporates the use of pro bono attorneys. The Regional Manager has developed a system of pro bono attorneys who provide intake and some brief service at several locations throughout its geographically wide service area. This accomplishes two things. It increases services to clients in geographical areas that are hard to reach and creates a greater connection to the private bar.

**Recommendation 4.1** The providers should continue to set advocacy goals that incorporate a wide range of legal services to efficiently and effectively serve the assessed needs of the client community.

## Performance Area Five: Achieving High Quality of Legal Services

Delivering high-quality legal services is a fundamental requirement of the OSB LSP. This area includes approaches for reviewing/supervising legal work, methods for assigning cases to legal staff, supervising support and fiscal staff, technical support, evaluating staff, training staff, recruiting and retaining diverse qualified staff, and ensuring zealous advocacy of clients.

### **Criterion 5.1 Providers Should Utilize Technology to Support Efficient Operations and Promote High-Quality and Responsive Service.**

**Finding 5.1** The 2016 Accountability Report recommended that CNPLS and LCLAC purchase new modern case management systems (CMS). It was expected to cost about \$70,000 in implementation fees plus monthly maintenance costs to adopt a new CMS at LCLAC; however, when LCLAC merged with OLC, the existing LegalServer implementation at OLC was expanded to also serve LCLAC at zero cost. Since the last report, CNPLS has implemented the LegalServer CMS. Now, LASO, OLC, and CNPLS all use the same modern, web-based CMS. LASO and OLC make use of LegalServer's ability to keep time, calendar, check conflicts, manage grant spending, collect and report data, generate documents, coordinate pro bono projects, organize client documents, efficiently record client communications, and consistently process case intake and case closures. CNPLS has just begun to use the features of its LegalServer implementation, presently primarily relying on the system for intake and conflict checks.

The expandability of LegalServer is an important tool as technology continues to change. In 2017, LASO added the ability to send SMS text messages directly from LegalServer. This addition presents new ways to communicate with clients and new means to connect with each client in the way that is appropriate for the client. LASO and OLC are working through LegalServer on new ways to track and report on the time attorneys spend on different kinds of cases. Tracking and reporting on what kinds of cases attorneys actually spend their

time on is essential to the final step of delivering legal services that are responsive to community need, checking up on whether priorities are being met.

The 2016 Accountability Report also recommended that LCLAC upgrade its computer security system. When LCLAC merged with OLC, all new computer equipment was placed in the Lane County office, along with hardware to safely connect to OLC's secure intranet.

LASO and OLC coordinated the purchase of new desktop computers and servers. LASO and OLC moved their email to Office365, taking advantage of free services Microsoft provides to nonprofits and gaining security and efficiency benefits from not having to maintain their own email servers.

OLC and LASO continue to work closely in development and innovation relating to the two statewide legal aid community websites OregonLawHelp and Oregon Advocates. OregonLawHelp is a statewide website that contains information for the client community. Oregon Advocates is a website to provide staff and pro bono lawyers with access to sample pleadings, briefs, motions, and other documents. Recently, ProBonoNet, the web service that OregonLawHelp runs on, updated its templates to display information in a way that dynamically changes to fit mobile phones, tablets, and desktop computers.

As with the general unfamiliarity CNPLS staff had with the SSU, CNPLS staff reported a lack of familiarity with the sample pleadings, briefs, motions, and other documents available to them through Oregon Advocates.

**Recommendations:** LASO and OLC should continue to develop ways to compare the time their staff spends on brief-service versus extended-service cases, and the amount of time staff spends on impact cases. LASO should study the usefulness of their implementation of SMS messaging and report results to the other providers. CNPLS should explore the features of LegalServer and strive to find ways to improve staff efficiency by integrating the use of LegalServer into daily work. CNPLS staff should be encouraged to utilize the OregonAdvocates website to benefit from and contribute to the resources available there.

#### **Criterion 5.2 Providers Should Implement Management Systems to Ensure a High Level of Quality Service.**

**Finding 5.2** OLC and LASO specifically report that they have the same policies in place to ensure that the regional offices provide quality services. The policies are outlined in two documents called Criteria for Operation of Offices and Criteria for Manager Evaluation and are consistent with the OSB LSP *Standards and Guidelines* and ABA *Standards*. The criteria in both documents are the same because the regional managing attorneys are evaluated against whether the office criteria are met. The criteria cover important areas such as the effectiveness of advocacy, setting advocacy goals, intake, management of legal work, community visibility, accessibility, private bar involvement, training and career development, office systems, OSB *Standards and Guidelines*, and financial matters. Staff evaluations take place. LASO and OLC's collective bargaining agreement and the personnel policies for managers provide procedures for staff evaluations, with regional managers evaluated every other year. The OLC and LASO staff interviewed all reported that their performance is evaluated on a consistent basis.

In addition, every quarter LASO and OLC conduct quarterly managers meetings for all the managing attorneys. Topics of discussion in 2016 and 2017 included how to conduct effective community legal education presentations, improvements to intake systems, and how to develop and effectively use work plans in supervision, to name a few. The topics covered are germane to supporting high levels of quality service.

The 2016 Accountability Report recommended that both CNPLS and LCLAC adopt a set of criteria similar to what is outlined in the Criteria for Operation of Offices and Criteria for Manager Evaluation used by OLC and LASO. When LCLAC and OLC merged on January 1, 2017, the OLC written standards became effective in the Lane

County office. It is helpful that OLC hired as the managing attorney for Lane County someone who had been the managing attorney in LASO's Bend office and was familiar with these written standards.

CNPLS did not follow through on the 2016 recommendation of adopting a set of criteria similar to what is outlined in the Criteria for Operation of Offices and Criteria for Manager Evaluation used by OLC and LASO.

**Recommendation 5.2** It is recommended that CNPLS adopt and implement a set of criteria similar to that of LASO and OLC for the operation of a legal aid office and evaluation of manager performance.

**Criterion 5.3 It Is Important to Recruit and Retain Highly Skilled Staff Sensitive to Low-Income Persons and Their Legal Needs and Committed to Providing High-Quality Legal Services.**

**Finding 5.3** The providers all report that they strive to recruit and retain diverse, qualified, and competent staff who will provide high-quality civil legal services. When openings occur, they advertise broadly, with special outreach to minority communities to increase the diversity of the applicant pool, and they set pay based on the comparable market, pay a language add-on, and offer a strong benefits package. Attorneys are provided opportunities to gain experience, receive training, have mentors, and make a difference.

Although CNPLS's staff compensation is lower than OLC and LASO, CNPLS staffing is stable and retention is not a problem. During the onsite review, CNPLS staff reported a high level of satisfaction with both their jobs and work environment.

The review team also conducted a site visit to both the LASO Pendleton office and the OLC Ontario office. It was apparent that there are issues associated with the recruitment and retention of attorneys in rural and remote regions of Oregon. This is not an issue unique to rural legal aid offices. Pendleton has 3.5 attorneys, but only two of those attorneys do general legal work, with the Regional Manager included in that number. The Regional Manager has been at the Pendleton office for many years, providing a stability that is invaluable. That said, the other staff attorney position is difficult both to recruit for and to retain. During the review team's visit, the Regional Manager was the only attorney providing general legal services, in addition to his management duties. LASO has recently hired a staff attorney to fill the position.

Currently, the OLC Ontario office is fully staffed with three attorneys, including the Regional Manager, who has been in that position for about a year and a half. The Ontario office has grappled with turnover of the Regional Manager position, and it is hoped that this position can stabilize. The Ontario office has two support staff who have been there since the office opened. They are extremely well known in the community and provide consistency and stability to an office that has seen turnover in attorney staff. They both reported that they would like to retire sometime soon. OLC should make it a priority to provide thoughtful succession planning for replacing these two support staff, since they have been such a consistent presence and stabilizing asset to the office.

It was clear that all the staff interviewed onsite were passionate and sensitive to the clients they serve and committed to providing high-quality legal work to address the problems of low-income people in their community. They all work in rural communities that have challenges unique to that area, from the legal issues their clients face to the daunting task of having a meaningful presence in geographical areas that are both large and isolated.

**Recommendation 5.3** OLC should make it a priority to provide thoughtful succession planning for the two support staff positions in Ontario. In addition, providers should explore ways to minimize the challenges to recruiting and retaining attorneys to serve in the rural and remote regional offices.

## Additional Compliance Standards for Providers

### **Standards and Guidelines C. Provider Use of Funds and Eligibility Guidelines, 3. Payment of Costs**

Pursuant to the *Standards and Guidelines*, eligible clients may not be charged fees for legal services provided with funds under ORS 9.572 et seq. However, a provider may require clients to pay court filing fees or similar administrative costs associated with legal representation.

It was apparent from interviewing CNPLS staff that CNPLS asks clients for a suggested donation for providing services. The following are examples:

1. The front office staff who greet the public ask each person requesting service for a \$5 donation before giving them the application. Staff were clear that the application would not be denied if the person did not have \$5, although many people just pay it.
2. CNPLS has a schedule of fees for providing immigration legal service to clients. This too is a donation, and staff were clear that clients could pay as little as \$10 per month or nothing at all and still receive service. The fee schedule is similar to the one used by Immigration Counseling Service (ICS). ICS is a nonprofit that provides immigration legal services to low-income immigrants. The fee schedule is part of ICS's business model. ICS is different in that it does not receive funding under ORS 9.572 et seq.
3. The support staff for the public guardianship unit reported that there is a \$200 suggested donation for guardian services, and the client can pay \$10 per month.

Although CNPLS labels these payments as suggested donations and attempts to make it clear that payment is not required to receive services, it is likely that at least some clients and potential clients pay not out of a sense of detached and disinterested generosity but instead out of a sense that payment is required to receive or continue to receive good-quality assistance. Given the circumstances of people seeking or receiving assistance through a legal aid office and the fact that for many it feels like the only option they have to receive fair consideration in the legal system, all requests for donations made in the course of representation or made when a potential client is requesting representation may feel mandatory. The requests for donations that CNPLS makes are a violation of the LSP *Standards and Guidelines* requirements that programs not charge clients.

**Recommendation** CNPLS must stop asking applicants and clients for a suggested donation to avoid any appearance of coercive influence from a desire to receive or continue receiving services. To the extent CNPLS is required by any funder to request donations, CNPLS should assess that funding stream and take steps to minimize any related chance of or appearance of coercive influence.

### **Standards and Guidelines E. Provider Grievance Committee and Process**

Pursuant to the *Standards and Guidelines*, providers must have an internal grievance process to address complaints about the manner or quality of legal assistance provided in individual cases and complaints about the denial of legal assistance in individual cases. In a subset of these situations, namely for complaints about the manner or quality of legal assistance that has been rendered and for complaints specifically about the denial of service where the denial was due to a determination of financial ineligibility, the provider must use a grievance process that at least provides for review by the program's director (or designee) and allows for appeal to the grievance committee of the provider's board of directors.

In addition to the providers' internal grievance processes, the LSP has its own grievance process to handle client appeals from the providers' grievance processes, complaints about violations of the *Standards and Guidelines*, and complaints about overall quality of services or performance of a provider.

In 2018, the LSP and the Legal Services Committee reviewed a complaint regarding LASO. In the course of that review, LASO was provided a set of recommendations regarding the specific grievance and regarding its grievance process in general. Among the recommendations was a call to update internal grievance materials to indicate that individuals unsatisfied with the internal grievance process can take up their concerns with the LSP after exhausting the internal process. Additionally, it was recommended that LASO review its internal procedures to ensure that it is carefully considering whether a complaint raises a concern about the manner or quality of legal assistance provided. LASO has committed to implementing these recommendations.

**Recommendation** All providers should review their grievance materials to ensure that clients are made aware that they may raise concerns with the LSP after exhausting internal grievance procedures.

## Conclusion

The Oregon State Bar Legal Service Program's *Standards and Guidelines* set out a framework for the program and the providers to work together to address the civil legal needs of low-income Oregonians. Additionally, the *Standards* direct providers to operate in accord with the best practices presented by *ABA Standards for the Provision of Civil Legal Aid*. Key to Oregon's civil legal aid model are concepts of cooperation, assessment, and constant improvement.

It is clear that all three providers make improvements in the lives of their clients. It is also clear that the staff of all three providers is competent, compassionate, and driven to provide quality civil legal services to low-income Oregonians. In short all three providers do impactful work. The *LSP Standards* and the *ABA Standards* specify what it looks like to incorporate best practices for improvement, and the recommendations throughout this report are designed to make sure the providers are in fact incorporating those practices in the way that the *Standards* dictate.

Prior to release, the Legal Services Program gave the three providers a draft of this report and asked for feedback on the report. Providers have already taken steps to address technical recommendations like modifications to grievance procedures, changes to how and when donations are sought from clients and implementing technology to allow meetings by video for greater participation in the trainings and task forces that the SSU offers.

Based on this review, the recommendations in this report, and the responses from providers, there are three issue areas the providers must focus on: cooperation, contemplative priorities and service delivery models, and staff and management evaluations based on the *Standards*. These issues are critical to improving the delivery of civil legal services in Oregon and must be promptly addressed by the providers.

## Cooperation

Cooperation is key to the Performance Area One recommendations. It is the responsibility of all three providers to make sure that staff from all organizations participate in State Support Unit task force meetings and listservs to encourage lawyers to stay abreast of changes among the issues that affect low-income clients in Oregon. Similarly, it is the responsibility of all three providers to make sure managers from all organizations participate in quarterly management meetings.

This review found that CNPLS staff were less engaged with, and in some cases not aware of, task forces and listservs. It is the responsibility of CNPLS to see that staff participate; however, it is not its responsibility alone. LASO and OLC are also responsible for making sure taskforces and manager meetings are welcoming and

accessible to CNPLS staff. CNPLS has reported that steps have been taken to install cameras, microphones and software to facilitate attending meetings remotely.

## Contemplative Priorities and Service Delivery Models

A contemplative process where the priorities and service delivery models flow from client needs is key to the Performance Area Two, Three, and Four recommendations. With limited funds, programs face a number of balancing acts when striving to best provide civil legal services: extended representation vs brief service; impact litigation / systemic change vs individual cases; staff specialization vs generalization of practice; how much to focus on which legal subject areas; kinds of clients to prioritize, and how, where, and to whom to do outreach. More important than the precise balancing points that each office comes to are the process of actively and contemplatively choosing the balance and change as necessary. Programs and their staff must be able to provide reasons why balancing choices are made, recognize the disadvantages of their choices and structures, and clearly show what steps will be taken to mitigate those disadvantages.

This review calls out the need for CNPLS to engage in contemplative priority setting and contemplative consideration of its delivery model to adapt to changing community needs. CNPLS does not stand alone in these efforts, the State Support Unit of OLC as well as LASO and OLC leadership must provide CNPLS with help and expertise establishing best practices for planning and priority setting.

It should be noted that accountability reviews dating back to 2004 have called for CNPLS to adopt procedures for establishing priorities for the use of resources pursuant to the *OSB-LSP Standards and Guidelines*

## Evaluation

Evaluation to ensure that offices provide quality services pursuant to the *Standards and Guidelines and ABA Standards* is key to the Performance Area Five recommendations. All providers must engage in evaluating their efforts, management, and staff against the goals of the *Standards and Guidelines and ABA Standards*. This includes regular office management and staff evaluation. OLC and LASO have incorporated the use of two documents called Criteria for Operation of Offices and Criteria for Manager Evaluation that are consistent with the *Standards and Guidelines and ABA Standards*. It recommended that CNPLS adopt and implement a similar set of criteria for the operation of their office and evaluation of performance. Evaluation also includes using case and time data to determine if priorities and the service delivery balance targets are met.

Evaluation also includes assessing succession risks, particularly in hard to staff offices. This review shows staff turnover/succession risk for OLC's Ontario office and potential risk is likely elsewhere for both LASO, OLC and CNPLS.

We look forward to our continued work with the providers to improve the civil legal services available to low-income Oregonians and to improve the lives of low-income Oregonians. The next Accountability Analysis will take place in 2020. The review will focus on whether steps have been taken to address the recommendations outlined in this report to assure satisfactory compliance with the *Standards and Guidelines* pursuant to ORS 9.576.

# Appendix 1: Survey

As part of the review process, the OSB sent feedback surveys to 544 individuals identified by the legal service providers. Individuals fell into four categories: community partners (199), attorney partners (119), opposing counsel (111), and judges (115). Each category of respondent received a slightly different survey reflecting those respondents' interactions with the providers. Common to all surveys was a series of questions ranking the quality of work performed by providers and their attorneys. Additionally, each survey asked respondents to freely respond to a question asking for the reputation of legal aid attorneys in their communities.

Responses were distributed across the three providers, and no single provider stood out as different from the others. When looking at individual providers, particularly with opposing counsel and judges, the number of responses were too low to get an individual feel. For all groups, a combined summary of responses is presented for all providers together.

## Community Partners

Sixty-three community partners completed the survey out of 199 requests sent out. Responses were almost completely positive. Only three of the survey respondents gave negative marks to a provider on the questions regarding the quality of work performed by attorneys and providers. Two of those provided consistently negative responses, and the third responded negatively in only two categories.

For all quality-of-work questions, the most selected response was "strongly agree" with statements about quality work. Seventy-one percent of respondents strongly agreed that "working with the legal aid organization benefitted my organization." Sixty-eight percent of respondents strongly agreed that "legal aid attorneys are well informed in the areas of law or indigent services my organization is involved with." Sixty-six percent strongly agree that "working with the legal aid organization benefitted the clients we serve."

Comments following the quality questions were overwhelmingly positive. Words like "awesome" and "above and beyond" were common. One respondent stated, "Legal Aid in Lincoln County is more beneficial to my shared customers at DHS than words can express." Negative comments connected with a need for more funding, referring to a need for more representation and offices closer to clients in the more remote service regions.

Thirty percent of respondents indicated that dealing with a legal aid attorney led their organization to change policies or practice.

Similar to the 2014 survey, when asked about the overall reputation of legal aid attorneys, comments consistently reported that the staff are well respected and that there are not enough of them. One comment succinctly stated, "Over-worked, under-funded and very reputable." A handful of comments stated that the attorneys are never available or commented about offices being located in different counties, making it difficult for clients to receive service. Both of these kinds of comments reflect staffing and office-location decisions made by the providers and driven by funding.

## Co-Counsel & Pro Bono Attorneys

Thirty-five of 111 co-counsel or pro bono attorneys responded to the survey. These attorneys either partnered with a legal aid provider to represent clients or volunteered to take pro bono cases screened by a legal aid provider. Again, responses were almost completely positive. One respondent rated legal aid "neutral" on four

quality measures and strongly negatively on two quality measures—local bar and community involvement and efficiency in the use of judicial resources. Two respondents rated negatively and one respondent rated neutrally on the bar and community involvement of legal aid attorneys. One of these respondents noted that there was increasing effort to “engage the local bar beyond the normal non-lawyer service providers.”

As with community partners, the most frequent selection for all quality measures was strongly positive. About one quarter of respondents indicated that they did not know in response to questions about community and bar engagement, appropriate use of time and resources, and appropriate use of judicial resources.

In response to questions about the reputation of legal aid, the most common descriptive word in the 26 responses was “Excellent”. It was repeatedly noted that attorneys are committed but under-resourced.

Two respondents indicated that legal aid could achieve a better outcome with different behavior. One called for prioritizing more impact litigation even if it reduces the number of individual service cases that can be taken. The other noted:

*“I believe that the reticence to cooperate and collaborate with social service providers, social groups and the media in an open and transparent way reduces the effectiveness of legal aid. It also reduces fundraising from the general public.”*

Both of these reflect on legal aid’s long-running reluctance to publicize its victories, partnerships, and systemic change pursuits. That reluctance to draw attention may cause fewer attacks from those opposed to legal aid’s efforts to end poverty; however, it also blinds allies, hindering success in fundraising and suppressing public opinion. A lack of visibility of the work being done by legal aid was a detail that came out in this same section of the same survey with co-counsel in 2014.

Eighty percent of respondents were pro bono volunteers with legal aid. All but one responded that they had a positive experience volunteering, with two-thirds strongly agreeing that they had a positive experience. Two attorneys disagreed that they received adequate training from legal aid; however, one of these attorneys reported volunteering with a project where legal aid partners with the attorney’s firm and received training from the firm. The other reported taking referral cases and not participating in a formal targeted pro bono project. Two attorneys disagreed that they received adequate supervision. One of these received supervision from the attorney’s firm in a legal aid partnered project, and the other did not provide additional details.

Just as in 2014, 50% of pro bono volunteer indicated that they report their volunteer hours to the Oregon State Bar.

## Opposing Counsel

Only nine of 111 opposing counsel attorneys responded to the survey. Incidentally, this is the same number who responded in 2014. The low response rate—8%—is in some ways an indicator that legal aid is providing competent and professional counsel. It is expected that a lack of strong feelings neither strongly positive nor strongly negative would create a low response rate. The relatively high response rate from partners and co-counsel indicates that the survey itself was not a barrier to response.

The responses to quality-related questions were more evenly distributed between positive and negative responses for opposing counsel than other survey takers. Some areas are noteworthy. In response to “Legal aid attorneys behave in an ethically appropriate manner,” all responses were neutral or positive. In response to

“legal aid attorneys spend appropriate time and resources on their cases,” the most common response was negative and 56% of responses were either negative or strongly negative.

In response to the question of legal aid attorney reputation, responses were mixed; several reported a generally good reputation, but some noted difficulties. One noted a reputation for being strong advocates but difficult to deal with. Another noted that they thought legal aid took cases without merit and expressed a low opinion of legal aid’s clients.

Again, these responses need to be read in context with the 92% who did not have strong enough opinions either positive or negative to respond to the survey.

## Judges

Eighteen of 115 judges asked to complete the survey responded. As with opposing counsel, this low response rate—16%—can be interpreted as indicating a lack of strong positive or negative feelings from judges.

Unlike the opposing counsel responses, the responses on quality-of-work questions from judges were all positive or extremely positive, except for one neutral response each on three of the questions.

Only one judge noted that a legal aid attorney could have achieved a better result with different behavior. The judge noted a need to be more strategic with evidentiary objections, particularly when dealing with self-represented parties on the other side.

When asked about the reputation of legal aid attorneys, responses were generally positive. The comment of one judge reflects the general overall feel of comments:

*“Our legal aid attorneys always do a great job for their clients and we are happy to see them involved in a case. There are not enough of them.”*

Two comments noted that newer attorneys could use more experience, mentoring, or organization in their presentations.

## Conclusions

The primary purpose of the surveys is to identify if there are areas of concern that require further investigation. The overall view of legal aid and legal aid attorneys is positive, and there are no major areas of concern. Criticisms fit into three categories that suggest some minor areas to either continue paying attention to or to watch in the future.

1. Resource scarcity issues – A number of comments remarked on the need for more attorneys, difficulty in clients getting access to help due to time constraints, and offices located outside the county where clients reside. All of these comments relate to a need for more resources to allow legal aid providers to reach more clients. These comments also make clear the need for providers to continue to thoughtfully determine where to locate offices, thoughtfully determine the balance between full-service and brief-service cases, and thoughtfully provide resources to assist low-income pro se court users who cannot be provided caseworker time due to resource scarcity.
2. Publicity issues – Comments from opposing counsel about legal aid taking unmeritorious cases and comments from partner attorneys about the need to focus on more impact cases and more cooperation reflect gaps in public awareness regarding legal aid’s strategies, successes, and case acceptance priorities.

Increased public involvement in the priority-setting process and public unveiling of priorities and strategic goals could help address these views. Additionally, sharing successes in systemic change litigation cases could help the legal profession understand the breadth of work performed by legal aid providers in Oregon.

3. Training and new-lawyer retention issues – Three comments touched on the turnover of new lawyers, and two connected that to the need for more trial skill and mentoring. These comments show the need to continue to focus on new-lawyer training and trial skill assistance from the SSU, and to make sure there is a spread of experience in the caseworker staff of programs.

## Appendix 2: Outcome Measures

The providers reported outcome measures for cases closed in 2017 that involved litigation or settlement to show how effective the legal service was. The measure and results are as follows (includes outcomes from LASO, OLC, and CNPLS) and reflect the excellent work that legal aid does for their clients.

### CNPLS

- Client achieved a positive result – 80%
- As a result of our representation and as relevant to the client’s individual situation, in the attorney’s reasonable assessment:
  1. The client is physically safer – 72%
  2. The client is better able to keep children safe – 75%
  3. The client has obtained or maintained housing – 65%
  4. The client has improved housing conditions – 65%
  5. The client is more economically secure – 90%
  6. The case benefitted the client’s family or household members – 75%
  7. The case will benefit other low-income clients – 50%
  8. Where a positive result was not achieved, cases filed for strategic reason – 50%

### LASO

- Client achieved a positive result – 90%
- As a result of our representation and as relevant to the client’s individual situation, in the attorney’s reasonable assessment:
  1. The client is physically safer – 84%
  2. The client is better able to keep children safe – 84%
  3. The client has obtained or maintained housing – 79%
  4. The client has improved housing conditions – 65%
  5. The client is more economically secure – 84%
  6. The case benefitted the client’s family or household members – 90%
  7. The case will benefit other low-income clients – 28%
  8. Where a positive result was not achieved, cases filed for strategic reason – 21%

### OLC

- Client achieved a positive result – 96%
- As a result of our representation and as relevant to the client’s individual situation, in the attorney’s reasonable assessment:
  1. The client is physically safer – 93%
  2. The client is better able to keep children safe – 92%
  3. The client has obtained or maintained housing – 85%
  4. The client has improved housing conditions – 66%
  5. The client is more economically secure – 90%
  6. The case benefitted the client’s family or household members – 92%
  7. The case will benefit other low-income clients – 43%
  8. Where a positive result was not achieved, cases filed for strategic reason – 57%

## Appendix 3: Financial Review

As part of the review process, the financial health of the legal service providers was assessed. First, independent audit reports submitted by the providers were reviewed. No concerns were raised by the audit reports. Second data from each provider's four most recent tax returns were used to analyze each provider, using Charity Navigator's financial health assessment methodology<sup>1</sup>. The methodology determines a charity's program, administrative, and fundraising expense ratios, as well as other factors including working capital ratio and liabilities-to-assets ratio over one to four years depending on the metric. All three legal service providers received good to excellent scores.

Both LASO and OLC spend 89% of their funds on program expenses and 10% on administrative expenses. CNPLS is roughly equivalent, spending 85% on program expenses, 14% on administration, and, because of some direct fundraising work, 1% on fundraising. The high percentage of funds going to program expenses shows the administrative efficiency of Oregon's legal aid delivery system. All three organizations maintain reasonable reserves: LASO holds an approximately six-month reserve, OLC an eight-month reserve, and CNPLS an approximately one-year reserve. These reserves are appropriate to help smooth cash flow but not so large as to slow the delivery of services. Finally, all three organizations maintain appropriate liabilities-to-assets ratios.

No concerns were raised by the summary-level financial review of the providers.

---

<sup>1</sup> <https://www.charitynavigator.org/index.cfm?bay=content.view&cpid=35>