

Legal Services Program Accountability Review 2021

Introduction

Oregon law requires the Oregon State Bar's Legal Services Program (OSB LSP) to periodically review the legal service providers funded by the program. The process allows OSB LSP to assess provider compliance with applicable standards and guidelines, assist with each provider's self-assessment and improvement, and enable accountability to clients, the public and funders.

Overview: OSB LSP & the Accountability Review Process

The OSB LSP, established in 1996, funds legal services for low-income Oregonians.¹ Since 1998, the LSP has overseen Oregon's integrated and statewide system of civil legal aid organizations (Providers). The Providers serve and advocate for the needs of low-income Oregonians. They tackle critical legal issues that impact family stability, housing, finances, employment and access to vital services such as education and health care.

The LSP funds three general civil legal service providers: Oregon Law Center (OLC), the Legal Aid Services of Oregon (LASO) and the Center for Nonprofit Legal Services (CNPLS). CNPLS' program serves Jackson County. OLC and LASO are statewide organizations with regional offices. Collectively, the organizations operate offices in 18 communities to serve Oregonians in all 36 counties.

In 2020, there were:

- 675,447 Oregonians income-qualified for legal help²
- 6,673 cases closed

¹ The Legal Services Program's scope and responsibilities is detailed in ORS 9.572, ORS 9.576 and ORS 9.578.

² U.S. Census Bureau; American Community Survey (ACS), Five-year Estimates Subject Table S1701: Poverty Status in the Past 12 Months, accessed via <https://data.census.gov/cedsci/table?text=S1701&g=0400000US41,41%240500000>.

- 106 case handling attorneys statewide
 - 1.6 attorneys per 10,000 income-qualified Oregonians.
- Top service areas included:
 - Housing (35%)
 - Family (30%)
 - Income Maintenance (8%)
 - Employment Law (8%)

The Accountability Review strives to assess Provider effectiveness and efficiency in meeting the needs of individual clients and the larger client community. To do so, the process includes multiple components:

- *Annual Self-Assessment Report*: Providers submit funding and case data.
- *Ongoing Evaluation Activities by the OSB LSP*: The LSP is in ongoing contact through informal site visits, request for information, and other evaluation activities consistent with the *LSP Standards and Guidelines* including, as needed, responding to client complaints.
- *A periodic Accountability Report*: This periodic report, delivered to the OSB Board of Governors and other stakeholders, summarizes Provider performance and compliance with the *LSP Standards and Guidelines*.

The periodic Accountability Report tracks broad themes of effective coordination, operations, service delivery, community engagement and other key features expressed in the *Oregon Legal Services Program Standards and Guidelines*’ (*LSP Standards and Guidelines*) mission statement and statement of goals. These Performance Areas also incorporate principles from The American Bar Association (ABA) *Standards for the Provision of Civil Legal Aid* (*ABA Standards*). The Performance Areas include:

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

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2021 Accountability Review

The 2021 Accountability Review examines Provider activity between 2018 and 2021. It summarizes and analyzes information from the Providers' self-narrative and data on finances, services and staff. It also references observations, feedback and highlights from site visits. OSB LSP staff, along with several LSP Committee members and Practice Law Foundation (PLF) staff, virtually visited LASOs Klamath Falls office, OLC's Grants Pass office, and the CNPLS office.³ At the site visits, participants received an office overview and then interviewed office staff, the Executive Director and Board members. The final information source is a statewide Survey of civil legal aid system partners. The review incorporates survey feedback to illustrate individual experiences of system partner respondents.⁴

³ Site Visit participants included OSB staff: Keren Farkas, Laura Greer, Bill Penn, Cathy Petrecca and Brooke Thacher; LSP Committee members: Michelle Bartov, Laurie Craghead, Sandy Handsberger, Leslie Kay, Rachele Selvig and Ross Williamson; and Professional Liability Fund staff: Hong Dao and Rachel Edwards. The site visits are meant to be in person events. Due to the pandemic, however, the virtual format likely limited participants' ability to observe and create impressions.

⁴ The surveys sourced from a convenience sample and had limited respondents: (1) Organizations and Community Partners – 38 responses, (2) Courts (Trial Court Administrators and Judges) – 16 responses, (3) Partner Attorneys – 21 responses. As the sample is not a random or necessarily representative, it is not appropriate to extrapolate from the responses. Instead, the survey results will be referenced to represent trends and beliefs among respondents.

Like past reports, this report is divided by the Performance Areas. Each section will draw on information from the source materials to highlight Provider activity, achievements and opportunities in the respective topic. The information is meant to highlight and summarize, not exhaustively capture Provider activity. To concretely illustrate organizational and regional office work, the report will periodically highlight examples from the site visit, self-assessment narrative, data and survey.

Performance Area 1: Achieving an Integrated Statewide System of Legal Aid Services

The *LSP Standards & Guidelines* and the *ABA Standards* emphasize the importance of regional and statewide collaboration to achieve a comprehensive and accessible system of legal services.⁵ In the review period, Providers illustrated this value through coordination and decision making in various areas.

Strategic Planning and Collaboration

In 2019, Providers convened for a statewide strategic planning process. The process incorporated broad participation and sources of feedback, concluding with twenty-six recommendations to improve statewide operations and service delivery.⁶ As captured in the 2020 Update, Providers have implemented a substantial portion of the recommendations.⁷ These additions, largely made possible from the 2019 Scharfstein Cy Pres award, strategically fill gaps in statewide technical assistance, direct service capacity and operations to better

⁵ ABA Standards for the Provision of Civil Legal Aid (2006) Standard 2.3 (on Participation in Statewide and Regionals Systems) describes the tools and opportunities of coordinated regional and statewide systems.

⁶ The committee included representation from the Providers' boards and staff plus representatives from the Oregon State Bar, Oregon Law Foundation, Campaign for Equal Justice, Governor's Office, and the Judiciary. Of the seventeen committee members, eleven came from the staff or boards of Legal Aid providers. In creating the strategic plan, the committee considered a number of factors including the OSB LSP Standards and Guidelines, the ABA Standards for the Provision of Civil Legal Aid, staff surveys and feedback, and information about Oregon's population and client communities.

⁷ New positions and efforts included:

- OLC - Director of Operations, State Support Unit attorney with housing law focus, State Support Unit litigation paralegal, staff attorney in Hillsboro office, and move of the Hillsboro Farmworker office to Gresham.
- CNPLS – 0.5FTE immigration attorney.
- LASO - bilingual legal assistant in Albany, change of a staff attorney position to a supervising attorney position in Portland, and a new Gresham Office.
- LASO & OLC - Engagement of a DEI consultant.

serve clients. For the several recommendations not yet implemented, Providers report continued exploration and some hesitation of ongoing costs.

Continued Opportunities:

Providers are commended for implementing a substantial portion of recommendations from the 2019 strategic plan. Providers should consider reconvening the stakeholders before moving forward with the remaining recommendations. Given the shifting needs created by the COVID-19 pandemic and wildfires in recent years, it may be timely to reassess needs and reaffirm, refine or modify the remaining recommendations and implementation timelines.

Survey Highlights

Survey results demonstrated strong perceptions of attorney quality among respondents:

75% of Court Survey respondents (Trial Court Administrators and Judges) agreed or strongly agreed that attorneys were well-prepared for legal interactions and good advocates for their clients.

76% of Community Based Organization and System Partner respondents reported that legal aid has a very good or good reputation in their community.

Statewide Technical Assistance and Training

The State Support Unit (SSU), housed at OLC, develops and delivers resources to facilitate high quality legal practice statewide. The unit offers a variety of support, including trainings, quarterly task force meetings, consultations for attorneys and co-counsel on major cases. Focusing on priority legal areas, including public benefits, housing, immigration and family law, the SSU creates opportunities for OLC, LASO and CNPLS staff to strategize, learn and stay up to date on law and policy developments.⁸

CNPLS has increased its participation in the shared resource. As described in the 2020 Accountability Report, CNPLS attorneys are now signed up for the various subject matter listservs and participate in the virtual offerings. Additionally, CNPLS's full time immigration-attorney supports Provider immigration law expertise through consultations, task forces and varied technical assistance.

Following recommendations from the 2018 Accountability Analysis, SSU now offers resources remotely. Staff at all Providers have the ability and hardware (zoom and computer cameras) to participate in the various task forces, trainings and other events.

Site visits at OLC and LASO demonstrated consistent reliance on SSU for training, mentorship, co-counseling and subject matter tasks forces. CNPLS staff displayed mixed awareness of the SSU resources, with one attorney attending trainings and seeking consultation and another reporting little knowledge of the unit.

⁸ ABA Standards for the Provision of Civil Legal Aid (2006) Standard 7.17 (on Maintenance of Professional Conduct) explains how coordinated trainings and technical assistance helps legal aid attorneys deliver high quality representation.

Continued Opportunities:

CNPLS is commended for increasing participation with the SSU. Because of the continued mixed awareness among staff, CNPLS leadership should consider strategies to better integrate and support the resource, for example encouraging regular use and establishing expectations for staff and encouraging staff to share their legal area expertise and insights as a resource for attorneys from other programs and offices. CNPLS should brainstorm approaches to enhance use and application of the resource with the SSU.

Institutional and Geographic Collaboration

Providers try to coordinate efforts and resources to achieve relatively equal access for low-income Oregonians. OLC and LASO are in constant coordination to achieve this objective. The organizations share a board, use the same case management system, and use multiple similar policies, including those for intake, priority setting and regional office management. As needed, they work together to jointly plan, coordinate approaches and address pressing legal needs without duplication. This embedded collaboration has allowed for thoughtful placement of offices, specialties, and use of funding opportunities to meet identified needs.

Responding to a recommendation from the 2016 and 2018 Accountability Analysis, CNPLS has adopted OLC and LASOs Criteria for Operations. This adoption will align CNPLS' operations and expectations with the other Providers, facilitating office coordination and compliance with the Standards and Guidelines.⁹

Continued Opportunities:

Providers should continue working together to create efficiencies in operations and service delivery. This reporting period included numerous examples of positive collaboration through strategic planning, coordinating responses to emergent needs from the wildfires and COVID-19, and sharing resources to promote race-equity and effective priority setting processes.

⁹ 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.

Providers should continue exploring opportunities to minimize inefficiencies and service delivery challenges due to institutional divisions, including opportunities to coordinate with organizations beyond those funded by the OSB Legal Services Program. During the next accountability analysis, the Legal Services Program will review modifications to operations and policies from CNPLS's adoption of the Criteria for Operations.

Performance Area 2: Identifying and Addressing Priority Needs

Understanding and responding to client community needs is central to Providers work and effectiveness. Providers achieve that understanding and responsiveness through various methods, including priority setting and ongoing engagement with its client community and trusted intermediaries. These activities help the organizations tie their service capacity and operations to the most critical needs, and pivot when emerging needs arise.

During this review period, Providers illustrated both of these efforts.

Setting Priority Needs

OLC and LASO use a similar priority setting process. The process typically involves multiple data sources, primarily surveys and demographic data. Over the reporting period, each local office engaged in the exercise, collecting input from former and current clients, low-income community members and local stakeholders, including attorneys, courts and community-based organizations. Survey questions ask respondents to indicate types of legal problems experienced, and include several open-ended questions, such as:

- What legal issues have you had in the last year?
- What three things stressed you out in the last year/what keeps you up at night?

Site Visit Highlights

Site visits offered insight into the priority setting process' challenges and usefulness:

Hearing from the community - LASO's Klamath Falls office described a proactive approach to gathering community feedback. After initially distributing its survey by mail and email and not getting a large response, office staff reached out to get emails from clients over the past five years. This approach substantially increased its respondent pool and available input for priority setting.

Pivoting to meet emerging needs - OLC's Grants Pass office describe a responsive pivot to brief advice and limited scope cases during the review period. Due to fluctuating rules around benefits, housing and unemployment during COVID, staff saw an increased need in short-term work where "some education, a phone call or letter" could make a huge impact to a client. Accordingly, staff shifted to meet that need.

Learning from Community Partners and Knowledge Sharing - CNPLS staff described learning about new legal needs in its community, specifically housing discrimination against LGBTQ community members. To meet that need, CNPLS is consulting with OLC to build capacity in fair housing work.

- In your experience and observation, what are up to three civil law legal issues or areas of law that people who cannot afford a lawyer seem to need most help within our community?

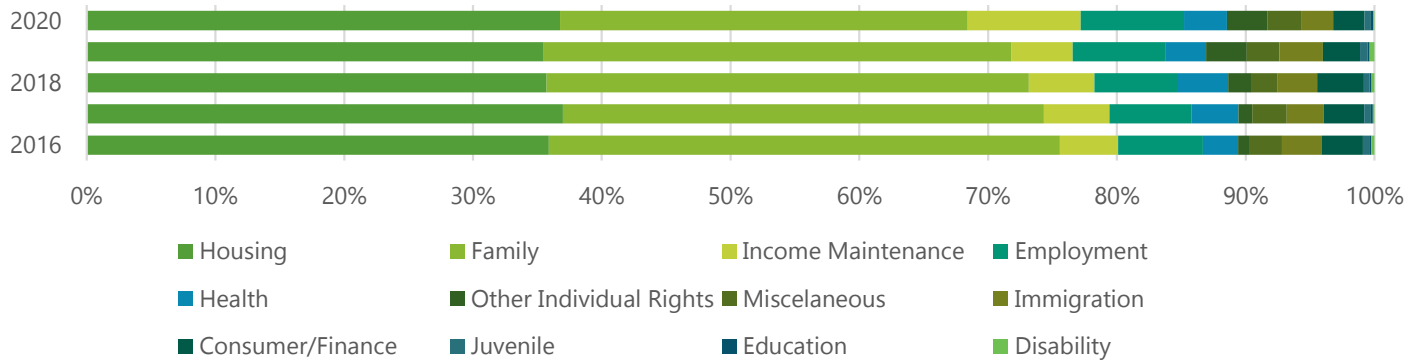
The offices then assess the regional findings, applying the *LSP Standards and Guidelines* to set case priorities tailored to their local needs. SSU staff participate in the regional office meetings to analyze the data sources and help determine local priorities. The result is tailored case priorities for each office, with corresponding case acceptance decisions and work plans. The local process informs each organizations statewide priorities, which are annually approved by the boards.

OLC and LASO's process now informs CNPLS' process. Following recommendations from the 2018 LSP Accountability Analysis, CNPLS improved its capacity for a contemplative priority setting process. As noted in the 2020 Accountability Update, OLC shared the needs assessment instruments and offered assistance to CNPLS. In 2021, CNPLS gathered information on client needs, primarily through a survey of local residents, communication with community groups and review of demographic (census) data and national resources on legal needs. Site visit conversations revealed an informal review of survey results, but lack of clarity about a contemplative process, or application of the *LSP Standards and Guidelines*.

Trends in Case Closures

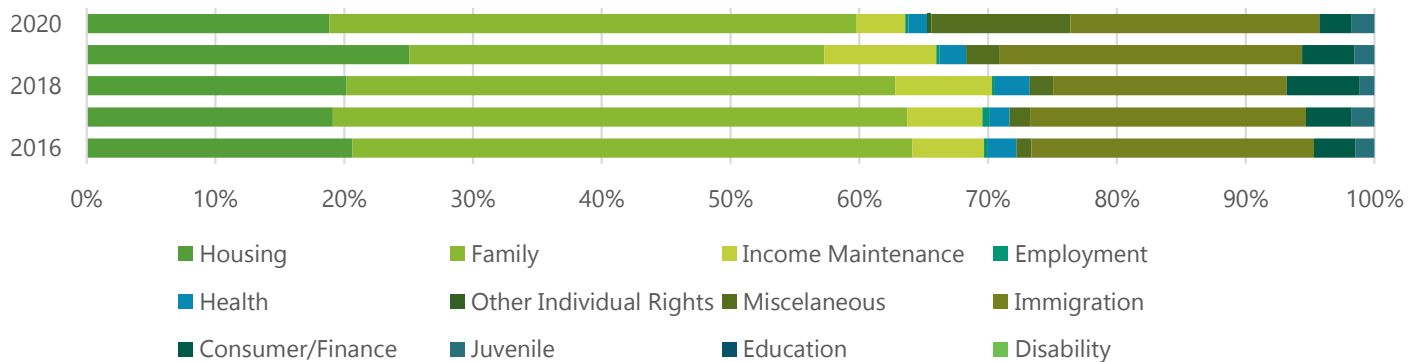
Organization case priorities are expressed through the cases that they close. With a dedicated immigration attorney, CNPLS shows significantly more immigration work than LASO and OLC. Notwithstanding a change in community priorities, it would be expected for an additional area of legal focus to shrink all other legal areas in proportion to their prevalence; however, comparing CNPLS case closures to LASO and OLC closures, it appears that the bulk of shrinkage is in Housing cases.

All Programs Case Categories Over Time

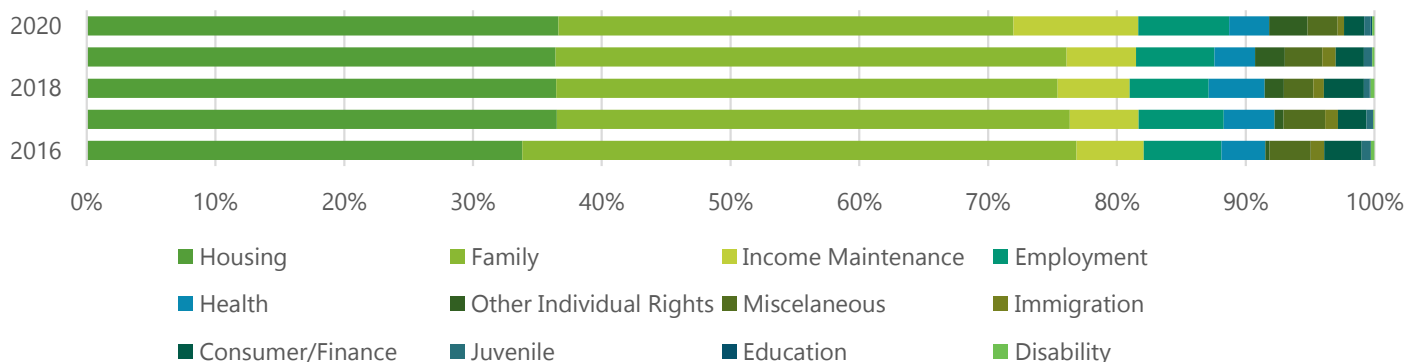


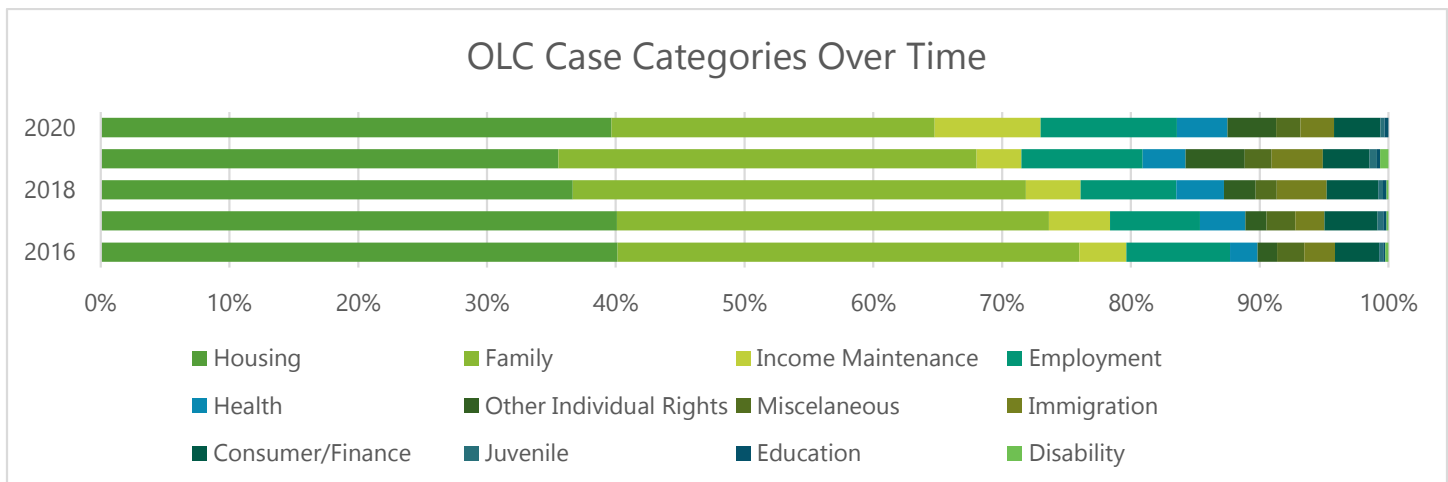
Housing cases have become the largest service category overall driven by some growth in housing itself, but more by additional categories supplanting family law work.

CNPLS Case Categories Over Time



LASO Case Categories Over Time





For LASO and OLC, 2020 shows a sharp increase in income maintenance cases as one would expect from a response to the pandemic; CNPLS shows a dramatic decrease in these cases. CNPLS shows a strong increase in Miscellaneous cases in 2020 as expected from response to the southern Oregon wildfire disaster.

Continued Opportunities:

Feedback from the site visits and the survey revealed opportunities for Providers to strengthen stakeholder input, involvement and understanding of the priority setting and case acceptance processes. Based on feedback, Providers may want to explore:

- Better informing and integrating local TCAs and Judges into the priority-setting process.¹⁰
- Additional strategies or processes to incorporate community members into the priority setting process.¹¹
- Creating benchmarks or expectations for sufficient responses/input from the various stakeholders in its priority setting process.¹²

¹⁰ Among court survey respondents, 12.5% agreed that the court was appropriately included in the priority setting process, 25.1% disagreed or strongly disagreed, and the remainder were neutral or unsure.

¹¹ Among organization and community partner respondents, 44.7% agreed or strongly agreed that the community they serve had an opportunity to provide input into the priority setting process, 21% disagreed or strongly disagreed, and the remainder were neutral or unsure.

¹² It is unclear whether there are expectations around minimum community and stakeholder input to complete the priority setting process.

- Additional approaches to educating the community on its priority setting process and case acceptance policies.¹³

As recommended in the 2018 Accountability Analysis, Providers should continue assessing their methods to evaluate community needs and set advocacy and service delivery goals. Providers may also want to identify measures to determine whether the process is meeting identified goals and objectives. As explained in *ABA Standard 2.6*, “when a provider engages in a periodic evaluation of its operation, it should measure the degree to which it is accomplishing meaningful results for its clients. ”

The 2018 and 2020 Accountability reports tracked CNPLS’ progress applying a contemplative priority setting process. This review affirms that continued progress, specifically use of Spanish/English survey to methodically capture client needs and ongoing feedback from its community partners. Moving forward, CNPLS is encouraged to continue working with its partner Providers or outside consultants to refine the practice and ensure there is a clear connection between its needs assessment process, its resource allocation and case acceptance decisions. As already underway with the fair housing work and wildfire response, CNPLS should continue to build expertise to serve identified needs of the community.

This review of closed caseload data revealed relatively lower rates of representation in housing cases at CNPLS as compared to the other Providers. As in other areas, being an outlier is not necessarily a problematic sign. It does, however, offer an opportunity for CNPLS to review case priorities and assess whether regional factors exist to explain the difference.

Additionally, case data from this and the 2018 review shows that CNPLS is the only region with no closed federally subsidized housing cases and no closed restraining order cases (not combined with a family law case). Inquiries with staff did not reveal clear explanations for the variation. As with the variation in housing cases, CNPLS should assess whether regional factors exist to explain the difference. Those inquiries and efforts to

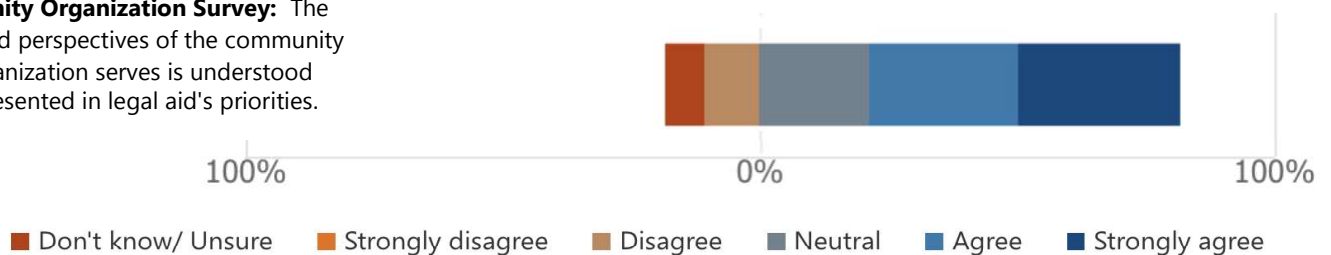
¹³ Several respondents were unsure about the case selection process, expressing confusion or frustration with clients not accepted for services from Providers, for example commenting: “I wish that they could represent everyone or there was a way to explain why some cases are not taken,” “I honestly don’t know what legal aid does in our county,” “The feedback is they are hard to get to,” “I can’t refer anyone to them because they never help and they hardly ever appear in court,” and “I used to mention them to pro se parties and they always said they refused to help them.”

examine client need and create informed priorities are fundamental to the *LSP Standards and Guidelines*.

Responding to Community needs

Providers stay aware of emerging legal needs through long-standing and ongoing engagement with the community. LASO, CNPLS and OLC staff are involved in boards, tasks forces, advisory committees and relevant community based organizations. This engagement enables Provider ongoing assistance and influence into policies, services and initiatives for its eligible client community. Each of the organizations noted weekly case meeting, and the SSU as additional opportunities to identify emerging issues.

Community Organization Survey: The needs and perspectives of the community your organization serves is understood and represented in legal aid's priorities.



Community organizations surveyed overwhelmingly either agreed or strongly agreed that legal aid providers understand and are responding to the needs they are observing.

During this review period, Providers illustrated responsiveness to clients changing and emerging needs. For example, the organizations launched multiple modified operations to account for the pandemic's impact:

- Acknowledging the anxiety and confusion around changes in landlord/tenant and public benefits law, LASO and OLC allocated resources to develop and distribute client information materials. Likewise, the organizations added hours to its statewide Public Benefits hotline.
- As in-person events were largely inaccessible, LASO and OLC pivoted to social media (Facebook) to offer live community education presentations and share written know-your-rights materials. LASO also transitioned some of its pro bono clinics to a remote clinic model, where pro bono attorneys served clients virtually.
- OLC responded to the initial drop in intake during the pandemic by innovating new intake and outreach methods, such as increased times for voicemail,

Site Visit Impressions

Klamath Falls LASO: "They seem to be based in their community and see the local courts, libraries, agencies and housing authority as partners."

CNPLS: "I get the sense that [CNPLS] is very in-tune with the current needs of their community." "[CNPLS] has a long-standing reputation in the community and community partners know to refer clients to them"

Grants Pass OLC: "The office is firmly part of discussions among the broader network of service providers in the community."

placing service application outside the office door and advertising on TV, radio and other media.

- LASO adapted outreach methods, such as placing posters at high-traffic areas like laundromats and food banks with tear-off tabs listing their phone number.
- CNPLS' Immigration team worked with community partners to provide immigration clients with targeted legal information on pandemic emergency resources.

Providers also adapted services to address wildfire impacts on clients. For example, CNPLS launched a partnership with the Multi-Agency Shelter Transition Team (MASTT) to interview fire victims and develop an informed action plan for recovery and resources. LASO also quickly shifted services, developing collaboration, legal information, pro bono and direct service capacity for wildfire victims.¹⁴

Cultural Sensitivity and Competence

During this review period, Providers worked to be culturally sensitive and competent in operations, policies and client services:

- *Community Based Organizations (CBO) and Community Relationships.* The Providers build and maintain relationships with culturally diverse organizations and community-based groups. For example, CNPLS staff is involved in Medford CADEI (formerly Medford Multicultural Commission) and Black Alliance for Social Empowerment (BASE), and reports the activity facilitates "deeper relationships and connections, building trust and cultural competency." One OLC and LASO community partner commented on its partnership with the offices on "specialized delivery strategies" for isolated communities, such as migrant farm workers and Native Americans.¹⁵

At the site visit, LASO Klamath Falls staff noted challenges reaching Latinx clients because there are no culturally specific CBOs in the region. Staff are now exploring other venues – such as churches and daycares – to better

Site Visit Impressions

Klamath Falls LASO: "I think the office is doing a great job helping people who have no other place to turn."

CNPLS: "The office had to gear up and switch gears because of the wildfire crisis. This reflects the ability of these specialists to be nimble and adapt to changing circumstances"

Grants Pass OLC: "When asked about the needs of their community, a quick response was provided that seemed in line with the times, such as homelessness and how housing insecurity leads to domestic violence and loss of benefits issues."

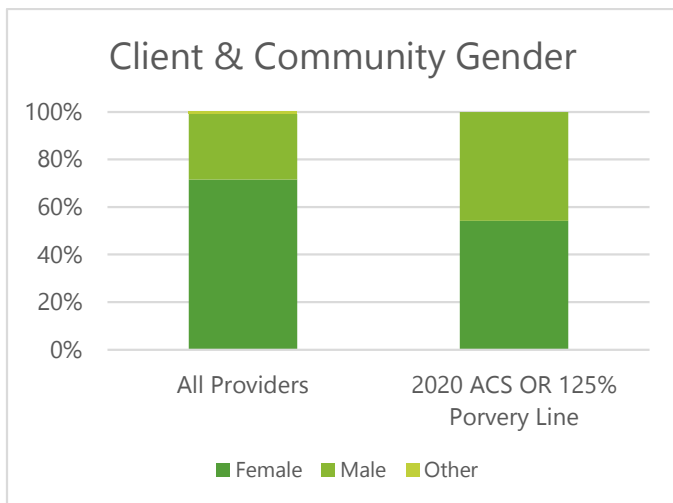
¹⁴ One survey respondent commented, "They have been a wonderful partner in several issues happening in our community. They are good at alerting us of things, such as a mass hotel/apartment eviction so that we (local government) can try to assist where we can. They were wonderful in stepping up and helping wildfire survivors."

¹⁵ A survey respondent commented that, "Legal Aid provides outreach to the Hispanic and farmworker populations in the Mid Willamette areas of Marion, Polk and Yamhill counties. We work together in partnership to educate FW's about legal services available."

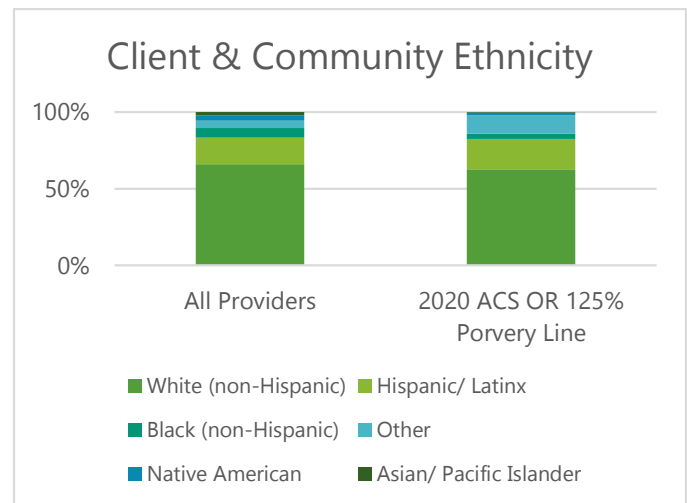
engage with cross-sections of its eligible population. The office also noted new approaches and efforts to directly serve Tribal and Farmworker populations.

- *Board selection:* LASO and OLC have worked with their Boards to enhance member diversity through race equity trainings, recruitment and revised policies. One site visit participant noted that “it was quite apparent that the LASO board has racial equity work and DEI (diversity, equity and inclusion) in mind.” Over the past three years, the organizations have increased diversity among board members.
- *Operations:* Providers conducted staff, manager and board trainings, engaged consultants and modified policies to support cultural competency. Since 2019, OLC and LASO have worked with an outside diversity, equity and inclusion (DEI) consultant to improve their capacity to deliver services through a racial equity lens, including anti-racism trainings, reviewing hiring process and developing a targeted strategic plan. OLC and LASO also report incorporating training on cultural competency during regular staff meetings, trainings and task forces.

One highlight during this review period was a joint training for Provider managers from the Racial Justice Institute at the Shriver Center for Poverty Law in January 2021. OLC and LASO have already instituted protocols where local offices use demographic data, specifically comparing client demographics to community demographics, to inform priority setting. The 2021 training, attended by all three organizations, added additional insights and guidance on how to incorporate a race equity lens throughout the priority setting process and resulting work plan. OLC and LASO managers received materials to incorporate race equity into priority setting and performance evaluation. CNPLS reported that the training was “transformative and challenging to conventional wisdom.”



76% of legal aid clients statewide in 2020 were female reflecting a focus on serving survivors of Domestic Violence



Exact comparison is difficult due to differences in data categories.

Provider 2020 case closure data shows that its client population is racially and ethnically diverse. Statewide, client racial and ethnic backgrounds are roughly proportional to the eligible population. It should be noted, however, that equal does not necessarily mean equitable. The 2018 Oregon Civil Legal Needs Study revealed that those with low incomes coming from racial and ethnic minority backgrounds experience civil legal needs at significantly higher rates and experience more harmful outcomes from those civil legal problems. Accordingly, a service delivery model could show higher representation rates for clients from racial and ethnic backgrounds than in the financially eligible client pool.

Continued Opportunities:

The site visits revealed strong enthusiasm from the racial equity trainings. As this is a new approach and framework for the offices, there is also a need for continued infrastructure, training and resources. Providers should continue exploring ways to support race equity work across offices, particularly the smaller and rural offices where diverse communities may be smaller or more insulated.

OLC's and LASO's work with the DEI consultant has clearly influenced policies, practices and understanding across their boards and offices. CNPLS should continue its work to integrate race equity into its operations and practice. OLC and LASO should also consider adding CNPLS into its development of a targeted DEI strategic plan.

Providers should work together to share learnings, resources and specialized staff to continue growing this capacity, particularly its application to the priority setting and case selection processes.

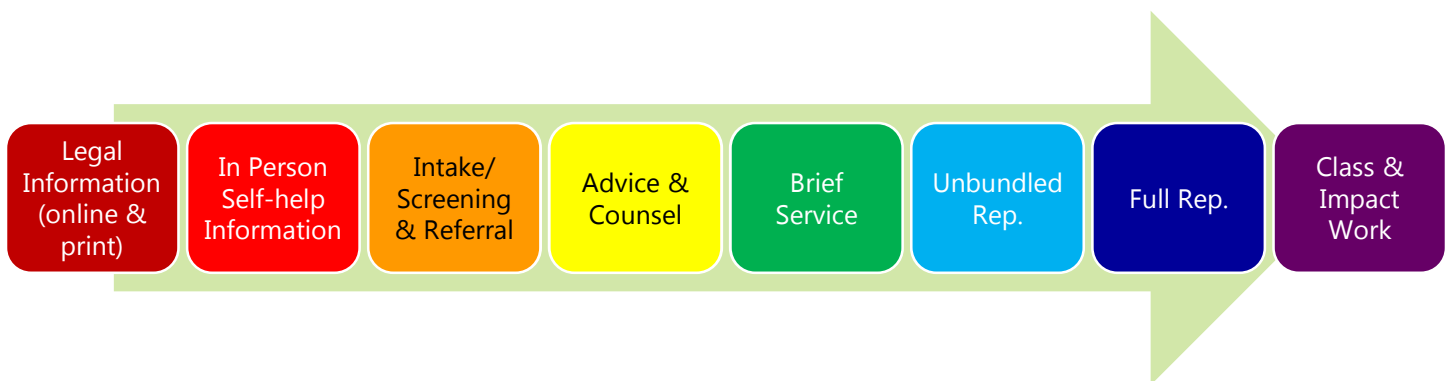
Incorporating a race equity measure could facilitate responsive and equitable services and strategies.

Providers are cognizant of the importance of diversity among staff and board members. Various efforts already underway – including work with the DEI consultant, professional development and recruitment strategies—are building an infrastructure for more diversity in staff. Providers should continue that work and explore collaboration with system partners to build a stronger attorney pipeline into civil legal services, as further developed under Performance Area 5.

Performance Area 3 and 4: Efficient and Effective Delivery of the Full Spectrum of Legal Services

Limited resources and high need for civil legal aid in Oregon require Providers to employ a deliberate service delivery structure. Per applicable standards, the delivery approach should be effective in meeting the civil legal needs of low-income Oregonians. The approach should also be efficient, meaning cost-effective at delivering benefits and results for the client population. Creation of culturally responsive and community-informed priority setting processes (detailed in Performance Area 2) enable the Providers to identify and operationalize an appropriate delivery structure.

Because low-income Oregonians present legal needs with a range of complexity and seriousness, the delivery structure must consider the Full Spectrum of Legal Services. As such, Providers employ a range of approaches to meet the identified need.



Without sufficient resources to meet the breadth of need, Providers decide how to prioritize resources across the continuum. *ABA Standard 5.2* describes this ongoing challenge and the tools to support those decisions:

"A legal aid provider and its practitioners face a constant tension between the desire to help every eligible person who comes to it with a critical legal problem and the realization that resources are inadequate to provide quality help for all who seek it. Case acceptance policies are important tools to help the provider focus resources on the most important issues. They should be developed in the context of other strategies to encourage efficient program operations to maximize the amount of time and resources that are available to support high quality representation."

When deliberately considering each approach against other available strategies, Providers are better equipped to efficiently and effectively deliver resources to low-income Oregonians.

Delivering a Full Spectrum of Efficient and Effective Legal Services

Providers use a mix of advocacy methods to meet the priority legal needs of low-income Oregonians. As OLC described in its self-assessment, there is an intentional relationship between utilizing the tools:

"We build a culture where advocates do extensive outreach and handle a large number of individual cases, to be seen as a resource in the community, drawing clients and community partners. Advocates then use these individual cases and community contacts to identify and address systemic problems in order to reduce the number of individual problems experienced by the client community."

By using community education and individual representation to inform systemic advocacy, Providers can be more efficient and effective in their advocacy strategies. This relationship is well-illustrated by recent litigation initiated by OLC's Grants Pass office to address discriminatory practices against homeless residents. LASO and CNPLS also illustrate the relationship in their self-narratives, reporting a number of client referrals following coordinated trainings with local CBOs on expunging eviction records and immigration, respectively.

LASO and OLC try to achieve a balanced distribution of advocacy methods. The organizations use measures,

Effective and Efficient Legal Services:

Legislative and Litigation Advocacy for Homeless Residents: Through its direct client representation and community engagement, OLC's Grants Pass saw a trend of local police targeting homeless residents for criminal violations. They initiated a class action lawsuit against Grants Pass, prevailing on a number of the claims by summary judgement. While the matter was on appeal, OLC's Legislative staff participated in advocacy to reform how Oregon's localities enforcing site ordinances statewide.

Coordinated Disaster Relief: LASO and CNPLS quickly responded to the civil legal needs of low-income Oregonian disaster survivors. LASO coordinated various centralized strategies: a pro bono panel, a specialized lawhelp website, a dedicated hotline for clients seeking services, training on FEMA appeals to equip staff and pro bono attorneys on the critical legal area, and funding specialized staff to manage the ongoing disaster response. CNPLS joined LASO, FEMA and other statewide agencies to effectively coordinate the response. To respond to local need, CNPLS developed legal expertise, directly represented local survivors to obtain relief and partnered with local agencies to support the community.

oversight and ongoing training to assist that balance. For example, LASO and OLC expect attorneys to spend 50% of their time on impact cases. Additionally, the offices deem 35 cases per attorney (including impact cases) as an appropriate caseload, with 50 cases as the upper limit. Managers assess workload distribution through quarterly timekeeping data reports and regular staff meetings. Staff and Manager Performance review consider performance on that measure. The site visit conversations demonstrated regional office efforts to meet the impact standard and find the right balance between limited and full representation for its community.

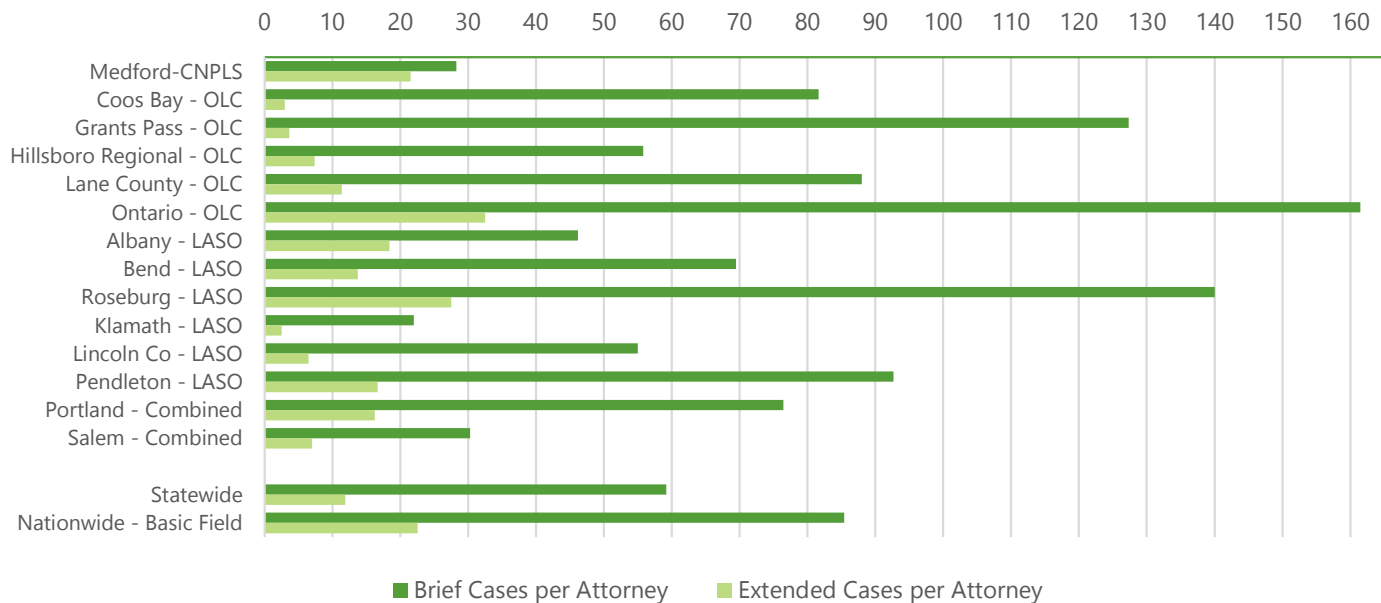
Ongoing training and assistance is a central piece to delivering efficient and effective services. LASO and OLC detail trainings for staff on a broad range of advocacy methods, focusing on the importance of systemic advocacy. Trainings, task forces and SSU guidance help attorneys at the three organizations build skills to identify and use the appropriate advocacy tool on the continuum. This partnership enhances capacity and expertise statewide. As an example, LASO's Klamath Falls staff reported partnering with the SSU to identify and address themes in unemployment law matters.

The site visits revealed another component of efficient and effective service delivery: use of non-attorneys in day to day practice. It is clear that the legal assistants played critical and complementary roles at the offices, supporting intake, distribution of resources, and community engagement.¹⁶

Cases closed per attorney in an office is another part of observing attorney and program efficiency. Legal aid offices must balance modes of advocacy—case work, public education, working with community partners and commissions, pursuing impact litigation, and others. The precise balance for a particular office will leave more or less time allocated to case work and influence case closures per attorney. Accordingly, on their own, outliers are not a sign of inefficiency or efficiency.

¹⁶ ABA Standards for the Provision of Civil Legal Aid (2006) Standard 2.9 (on Use of Non-Attorney Practitioners) describes how Providers can incorporate non-attorneys into their operations and service delivery.

2020 Cases per Attorney



Cases closed per attorney fluctuate by office, but average statewide close to national levels.

Continued Opportunities:

Providers should continue using mixed staff to support efficient and effective service delivery. In addition to legal assistants, Providers may explore adding social workers or case managers to provide comprehensive client support. Additionally, with the upcoming addition of licensed paraprofessionals, Providers should explore whether that role could efficiently support the delivery model.

Providers should continue using technology to understand workloads, trends and support the appropriate and responsive mix of advocacy approaches. As noted in the 2018 Accountability Analysis, Providers should also actively consider how they will use technology to support delivery of advocacy approaches.

Cases closed per attorney reflect another spot for programs to explore how different regional needs may call for a different balance of advocacy

Direct Representation Highlights:

Elder Law: OLC helped protect the safety, home and health of an elderly woman in Eastern Oregon. The woman's daughter and roommates had taken over her home, forced the woman to live in the garage and restricted her water and bathroom access. OLC successfully represented two proceedings: a municipal court summons and an EPPDAPA (Elderly Persons and Persons with Disabilities Prevention Act)

Eviction Defense: LASO helped secure housing and restore utilities for a single mother. The Landlord wanted the family to vacate the apartment, and cut off the power and water to get them to leave. LASO successfully argued for a Temporary Restraining Order and Preliminary injunction, restoring the utilities and allowing the family to remain in their housing.

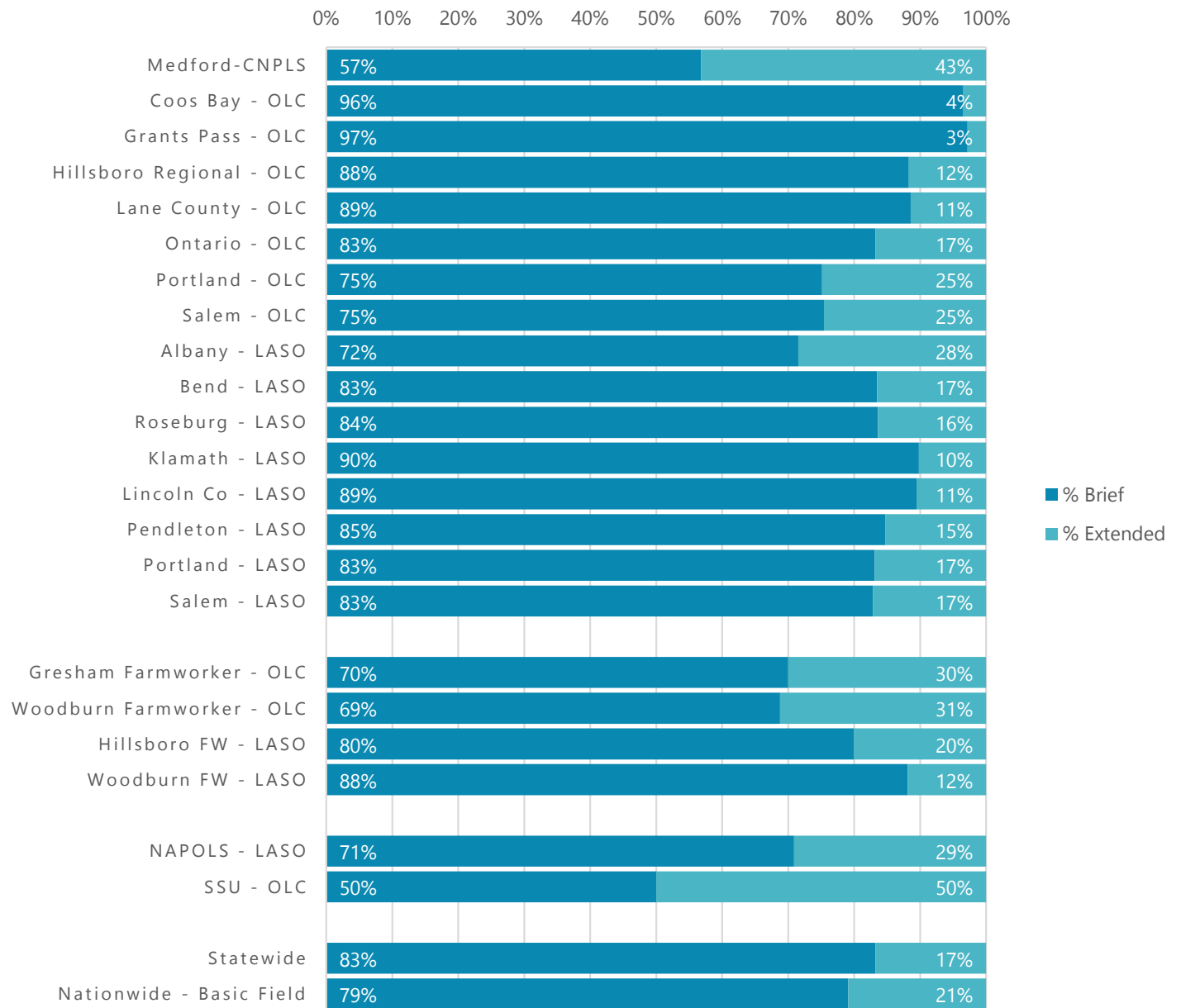
Veteran Rights: CNPLS secured Title II benefits for a Marine Corp Veteran. The veteran was originally denied benefits in 2012 before "mental impairment" encompassed the Veteran's diagnosis, PTSD. CNPLS successfully reopened and re-litigated the case, resulting in a finding of mental impairment and an award of ten years coverage.

methods. Providers should continue engaging in needs assessments and strategic planning processes to investigate and identify the appropriate mix of services for their region.

Direct Legal Services

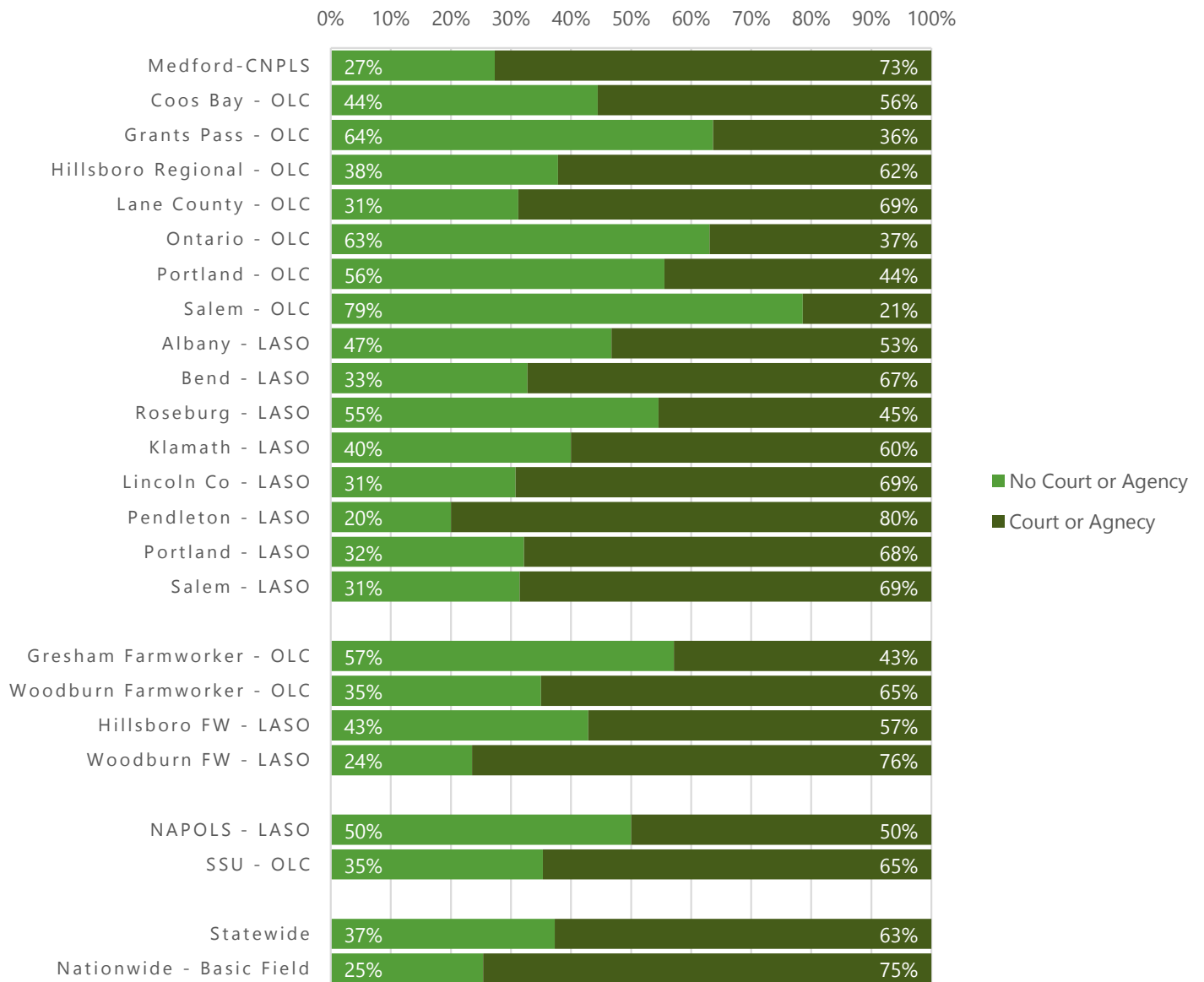
Direct representation of clients is a primary Provider tool. Based on various factors, Providers offer clients different levels of advocacy– ranging from limited to extended services. All Provider offices reported performing direct legal representation provided by staff attorneys. All but one office also reported working with at least some pro bono attorneys to provide additional direct legal services.

2020 Brief vs Extended



Service Level Ratio in staff cases: Legal aid offices balance time serving more clients with brief services vs serving a smaller number of clients with extended services. National data is from the 2020 LSC by the Numbers Report reflecting work by federally funded legal aid offices.

2020 Extended Cases Agency or Court Involvement



Ability and willingness to litigate or pursue an agency action is essential to offices providing a full-spectrum of legal assistance.

Continued Opportunities:

As noted in *ABA Standard 5.2* (on Policy for Acceptance of Applicants for Service) legal aid offices work to identify an effective and efficient balance in its service delivery and case acceptance policies. Statewide, Providers distribution between brief and extended representation, and matters with and without court or agency action, follows national standards. Regional office outliers present an opportunity for Providers to assess regional

factors that call for a different ration of service level provided. Providers should continue using multiple tools to assess and support the appropriate balance.

Impact Projects

Impact cases aim to influence systems, policies, laws and groups of individuals. They can use different advocacy methods, including partnering with coalitions, direct representation with systemic importance, media advocacy and affirmative litigation. OLC's Legislative Unit also uses legislative and administrative advocacy to achieve systemic change. In this reporting period, LASO worked on 454 impact cases. This area of practice helps achieve "lasting results" for low-income Oregonians.¹⁷

Through effective advocacy on prioritized case types, Providers can also influence systems. For example, LASO's Klamath Falls Office has historically prioritized Family Abuse Prevention Act (FAPA) Restraining Order cases. In its most recent priority setting, the office identified a lessened need for full representation on FAPA cases. The office's educated speculation is that its previous representation on significant numbers of DV cases familiarized the court with the matters. This shift has made it possible for clients to navigate the matters pro se, sometimes with assistance from shelter staff. It also informed the shift in need, and accordingly resources, from family law to housing law.

CNPLS is commended for participating in impact work during this reporting period. Its growing immigration practice has been involved in litigation on novel immigration legal issues. Additionally, it is apparent that staff are actively involved with local groups to systemically inform local policy decisions – particularly around affordable housing and houselessness challenges.

Continued Opportunities:

LASOs decision to track impact projects creates a helpful measure. OLC and CNPLS should explore

Impact Projects:

Protecting the Right to Assert Habitability

Claims: Seeing the potential impact on low-income Oregonian renters, LASO helped challenge a Court of Appeals decision that low-income renters who withhold rent act in "bad faith" and cannot assert a habitability counterclaim. Partnering with another provider, LASO filed an amicus brief first to urge the Oregon Supreme Court to review the case and then, after review was granted, to overturn the Court of Appeals decision. LASO's advocacy helped protect a tenant's ability to withhold rent while pursuing a good faith habitability, safeguarding a critical protection for low-income Oregonians renters.

Minimizing Court Debt: OLC used a mixed litigation/legislative advocacy approach to support Oregonians navigating court debt. OLC brought suit in Federal Court to challenge the automatic suspension of driver's licenses for failure to pay traffic tickets without an ability-to-pay hearing. That matter is now pending in the Ninth District following OLCs timely appeal of the lower court's dismissal. Meanwhile, OLC advocated for a state law that stopped driver's license suspension due to unpaid court fees and fines. That law took effect in October 2020. OLC has continued working in this area through representing individual clients and working with local jurisdictions to develop thoughtful practices around court debt.

¹⁷ ABA Standards for the Provision of Civil Legal Aid (2006) Standard 2.6 (on Achieving Lasting Results for Low Income Individuals and Communities) details how Providers can combine advocacy methods to serve both individuals and the greater community.

similarly tracking impact projects to better understand the distribution of case types.

CNPLS should continue exploring impact opportunities to incorporate into their practice and coordination with State Support Unit (SSU).

Pro Se Assistance

When low-income Oregonians cannot access representation, Providers can offer pro se assistance. During this review period, Providers used a mix of approaches, including trainings, written self-help information, direct assistance and process improvements.

- *Client and Community Partner Education:* CNPLS delivered several immigration law trainings, including a Know Your Rights presentation for farmworker families and a legal training for Medford Police Department on supporting immigrant survivors of violence.
- *Legal Self-Help Information:* OLC and LASO developed legal information content in housing, family, employment law and other priority legal areas on OregonLawHelp. The site, administered by LASO, had 470,999 visitors in 2020. Responding to the eviction crisis and statewide disasters, LASO also launched websites with targeted information on renter's rights and disaster relief. OLC also created a LawHelp page on Facebook to offer additional and mobile-friendly legal information to clients.

Over this reporting period, Providers have collaborated to revamp OregonLawHelp and transition its civil legal help content to a centralized and user-friendly site – an effort referred to as the Portal Project. With Oregon Judicial Department (OJD), OSB and the Oregon Law Foundation (OLF) as partners, the Portal will consolidate legal self-help information currently on three sites: OregonLawHelp, OSB and OJD. It will also add new features to enhance accessibility, such as plain language content and triage tools to help connect clients with tailored resources and information. As the Providers noted, “the portal will in a sense be a “merger” of the...existing websites,” and will help the “legal aid programs to reach greater numbers of low-income clients who need access to legal information and representation.” This project aligns with multiple findings and recommendations within the 2019

Site Visit Highlights

Site Visits revealed application of various Pro Se/Self-help tools:

Print and Mobile-friendly Resources: When providing legal information, LASO's Klamath Falls office has increased reliance on online legal information. Staff noted the importance of a mobile-friendly format for clients to view on their cell phones. Based on input from the priority setting process, the office also maintains some print legal information.

Partnering with local libraries: LASO's Klamath Falls offices partners with local library to deliver Know Your Rights trainings. People seeking additional assistance will often reach out to the office the next day for an intake assessment.

Hotlines: Attorneys at LASO's Klamath Falls office and OLC's Grants Pass office staff legal advice hotlines.

Strategic Plan. It also represents expectations and concepts outlined in the *ABA Standards*.¹⁸

- *Media:* Through an Oregon Health Authority (OHA) grant, OLC worked with a professional videographer to create culturally competent and linguistically accessible short videos on legal rights to health and safety for workers. OLC reports utilizing multiple formats, including radio video, socio-dramas to deliver information to its client population.
- *Pro Se Assistance:* Providers offer direct support to self-represented litigants, such as assistance completing court forms or self-help materials. Except for CNPLS, all general service offices, the Native American Program, and most farmworker offices reported having either regular hours for providing pro se materials and assistance or offering pro se assistance by appointment. LASO notes that it uses pro bono attorneys to provide pro se assistance often through clinics.
- *Systemic Strategies:* OLC supports self-represented litigants through advocating for funding, law and policy changes. For example, OLC participated in statewide workgroups to update self-help information, family court forms and processes to facilitate use for self-represented litigants.

Continued Opportunities:

The Portal Project presents an opportunity to expand civil legal help resources and access for low-income Oregonians. Robust legal information and pro se assistance are strong complements to direct and systemic representation that – in tandem – can efficiently and strategically remove access barriers within Oregon’s civil legal system. As noted by a survey respondent, “part of Legal Aid’s mission is to provide legal information as a means to fill the gap between those who need help and the small number that get unbundled services of full information. There is a tremendous need for innovation and creation of plain language materials.” Providers should continue supporting the Portal’s

¹⁸ ABA Standards for the Provision of Civil Legal Aid (2006) Standard 2.10 (on Effective use of Technology) describes how technology supports efficient opportunities and quality service delivery (“A provider should be alert to the ways that emerging technologies can be used to serve low income persons directly, either by supporting their access to representation or by directly providing legal information and other needed assistance. The provider should budget not only for the equipment and software to support such efforts, but also for the non-technical expenses, such as personnel necessary for the development and updating of content. It is also important that a provider work with others in regional and statewide systems to explore ways that technology may be used collaboratively to strengthen the overall system.”)

development and maintenance to meet that need and strengthen the continuum of civil legal help for low-income Oregonians.

The Portal also provides an opportunity for regional offices to utilize pro se resources. Several site visit participants noted CNPLS limited use of pro se services, and the Portal could provide a new tool for CNPLS to provide pro se assistance. CNPLS should explore ways not only to contribute to the Portal, but also to use the Portal as a means to deliver services to those they cannot provide full representation.

Pro Bono

Another expected component of Providers' services is pro bono advocacy. The organizations work with partners to expand service options for low-income Oregonians. For example, LASO and OLC offer pro se clinics where volunteer lawyers provide discrete assistance in different legal areas. LASO's Volunteer Lawyer Project, based out of its Portland office, coordinates several such clinics in various legal areas, including Criminal Records Expungement, Family Law and Residential Eviction. Several OLC regional offices host volunteer clinics, including two virtual clinics with tri-county based law firms supporting clients from OLC's Coos Bay and Ontario offices. CNPLS uses pro bono by hosting volunteer lawyers onsite several nights a week to advise on guardianship and veteran legal needs.

OLC and LASO coordinate engagement, referral, training and quality control of volunteer attorneys. To facilitate placement, LASO, with support from OLC, maintains an interactive placement website (www.oregonadvocates.org), where attorneys can search and select a list of pro bono opportunities, including direct representation. It also contains regularly updated model pleadings, briefs, motions and other documents. The organizations use the site and a statewide email listserv to connect attorneys with pro bono cases. The statewide efforts complement OLC and LASO regional office projects. For example, the Klamath Falls office noted working with LASO's statewide coordinator to identify pro bono representation for eviction cases.

Notably, each of the site visit offices reported challenges identifying and building local pro bono capacity and interest.

Continued Opportunities:

Although there is statewide and office-specific pro bono activity reported, strong pro bono access was not mentioned by the site visit offices. There are understandable challenges— particularly in rural communities – to build and maintain pro bono capacity. Building upon past efforts, OLC and LASO should proactively coordinate with regional offices to brainstorm solutions on building local access and leveraging virtual pro

bono support in more communities across Oregon. CNPLS should also assess building local pro bono volunteer capacity, including seeking guidance from LASOs statewide Pro Bono Coordinator. During the 2018 program review, the Pendleton office of LASO stood out as a more rural office leader in utilizing pro bono volunteers; assessing lessons to be learned from Pendleton and techniques that can be replicated elsewhere is a worthwhile endeavor.

Data Highlights

All Provider offices reported having some phone intake hours.

75% of offices reported providing 30 or more hours of phone intake per week.

80% of offices reported providing 20 or more hours of phone intake per week.

65% of offices reporting being available for walk-in intake 30 or more hours per week.

Facilitating and Equalizing Access through Outreach and Intake Processes

Part of an effective service delivery model is using accessible and thorough intake and outreach methods. Community engagement and awareness, cultural sensitivity and priority setting – all principles within Standards 1 and 2 – are foundational to those operations. OLC and LASO describe implementing “best practices in intake and outreach methods in order to ensure [they] are not simply serving clients who are able to find [their] office, but that [they] are affirmatively reaching clients who would not otherwise know about legal aid and who are experiencing legal problems that significantly impact their lives.” The organizations modified outreach and intake methods due to the pandemic exemplifies this value.

Intake procedures that accommodate varying transportation, language, and accessibility needs are critical to effectively reach clients. OLC and LASO report infusing those considerations into operational decisions, including placing offices to minimize geographic and transportation barriers, staffing offices to meet the anticipated eligible population in each service area, and prioritizing hiring of bilingual staff. As of the 2021 reporting period, nearly 40% of LASO and OLC staff were Spanish-English Bilingual.

CNPLS’ office is in an accessible central location to reach clients. The organization employs a bilingual receptionist and offers its intake application (fillable pdf) in English and Spanish. Currently, however, its website is English only. Additionally, the application process is the primary means of accessing services. At the site visit, staff reported that individuals with language and disability barriers find ways to apply for services. Also, as already commended in the 2020 update, CNPLS stopped requesting donations from intake applicants fulfilling one of the corrective actions requested in the 2018 review.

The site visit offices reported modifying intake processes due to the pandemic. Previously in person, much of intake at OLC and LASO offices transitioned to phone intake. LASO Klamath Falls noted the transition has largely been successful. OLC Grants Pass noted it also made voicemail available at additional hours to remain accessible to clients.

Continued Opportunities:

ABA Standard 4.5 explains that

“A Legal Aid provider has a responsibility to operate in ways that facilitate access to its services, for all members of the low-income population it serves. Many aspects of its operation affect accessibility of its services: the provider’s overall delivery strategy, including areas of specialization and practice concertation; office location; utilization of technology; intake hours and design of facilities; outreach; and the involvement of contract and volunteer attorneys. A provider also needs to be attentive to the access needs of specific populations for which there are particular barriers to seeking and utilizing services that are offered.”

This accountability analysis revealed strengths in access operations and also continued opportunities to facilitate access. As recommended in the 2019 Strategic plan, Providers should convene a workgroup to develop an online intake system or other web-enabled legal assistance. Although 75% of offices report having 30 or more hours per week of phone intake, CNPLS and many of the smallest offices do not provide phone intake during most business hours. Additionally, only LASO’s Salem office regularly offers intake after business hours. A centralized method of intake could be an efficient and effective complement to regional operations. For example, it could reduce overhead associated with extended or “after hours” intake and support smaller offices work to serve a vast area with intake from a relatively centralized location. Similarly, Providers should revisit investing in a video intake pilot project. These are timely conversations, as the initiatives could coordinate with the Portal to simplify and streamline access to services.

Beyond technology enhancements, Providers may want to explore developing best practices in intake and case selection process. The site visits revealed different and flexible approaches. It could be beneficial to capture and assess variations in office hours, intake forms, timelines for response time to clients, labor division between attorneys and support staff, response based on case type, and procedures for adequately

informing community partners of its case acceptance policies. As offices had to move into phone, hybrid and modified intake approaches, it is timely to reconsider best practice.

CNPLS should examine its intake and case selection process against the expectations of *ABA Standard 4.1* (on the Provider's Intake System).¹⁹ The organizations limited phone availability and reliance on an application process for intake raises accessibility and efficiency questions.

Additionally, site visit conversations described a multi-step process in assessing client financial and case type eligibility. The process may be unnecessarily cumbersome and prolonged, especially given the quick pace of some civil legal needs. CNPLS should explore opportunities to enhance access and efficiency in its intake and case selection process.

Strengthening Resources

As documented in the 2018 civil legal needs study, Oregon's civil legal aid services are inadequate to meet the needs of low-income Oregonians.²⁰ While funding levels have increased since 2018, Providers emphasized the continued need to sustain and enhance funds for legal services, specifically tying more funding to their ability to hire and retain an adequately trained and diverse staff. Notably, the majority of court, community partner and attorney survey respondents did not believe that Legal Aid attorneys had sufficient staffing to serve the needs of financially eligible members of the community. Survey respondents commented:

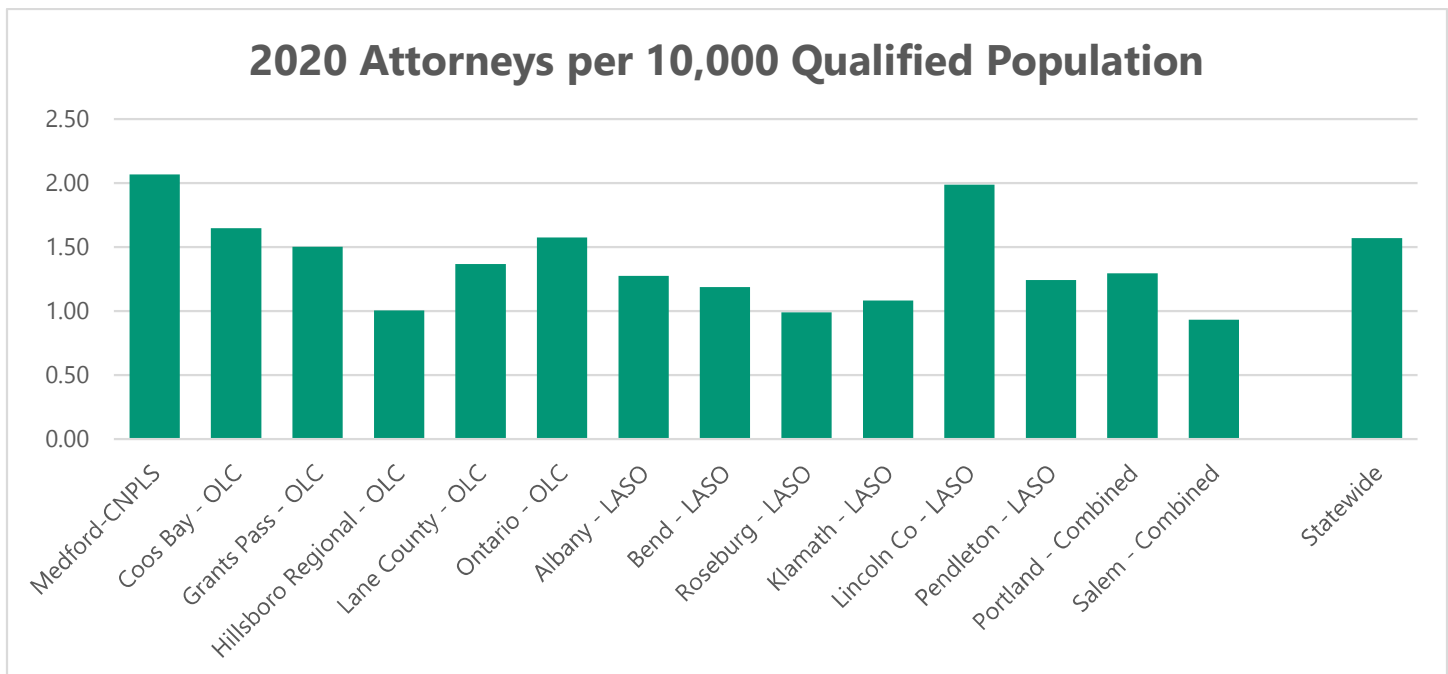
"I strongly support legal aid, but there is simply not enough attorneys/attorney time to go around. We have such a huge amount of [domestic relations, restraining order, guardian ad litem] and similar work in which pro se parties urgently need the assistance of counsel but cannot afford it. Many of them have contacted legal aid but are unable to receive assistance."

"As always, our local legal aid would benefit from greater funding and more attorneys to assist with local cases."

Provider staff data against poverty population show that the ratio of attorneys to clients is under national recognized targets.

¹⁹ ABA Standards for the Provision of Civil Legal Aid (2006) Standard 4.1 (on Provider's Intake System) describes how a Provider should ensure its intake process is user-friendly for the potential client.

²⁰ Barriers to Justice: A 2018 Study Measuring the Civil Legal Needs of Low Income Oregonians (2019) <https://olf.osbar.org/files/2019/02/Barriers-to-Justice-2018-OR-Civil-Legal-Needs-Study.pdf>.



The Legal Services Corporation has called two lawyers for each 10,000 legal aid qualified people the target to provide “minimum access” to legal aid.²¹ Although Medford and Lincoln County reach that level, statewide there were only approximately 1.6 attorneys per 10,000 income-qualified Oregonians in 2020. Assuming linear scaling of staff with funding, Oregon would require approximately 1.5x more legal aid funding to reach “minimum access.” The National Center for Access to Justice suggests a best policy benchmark of providing at least ten attorneys per 10,000 people living below 200% of the federal poverty line.²² Providing ten attorneys per 10,000 legal aid income-qualified Oregonians (below 125% of the poverty line) would require more than 7.5x current legal aid funding. Reaching the NCAJ benchmark would require even more funding.

Funding

Providers draw on mixed funding stream for its operations. The funds include several rather constant sources of funding: State Allocation, IOLTA, LSC (for LASO), Cy Pres and Campaign for Equal Justice (CEJ). CEJ is a critical funding source and part of Oregon’s civil legal aid infrastructure. The organizations

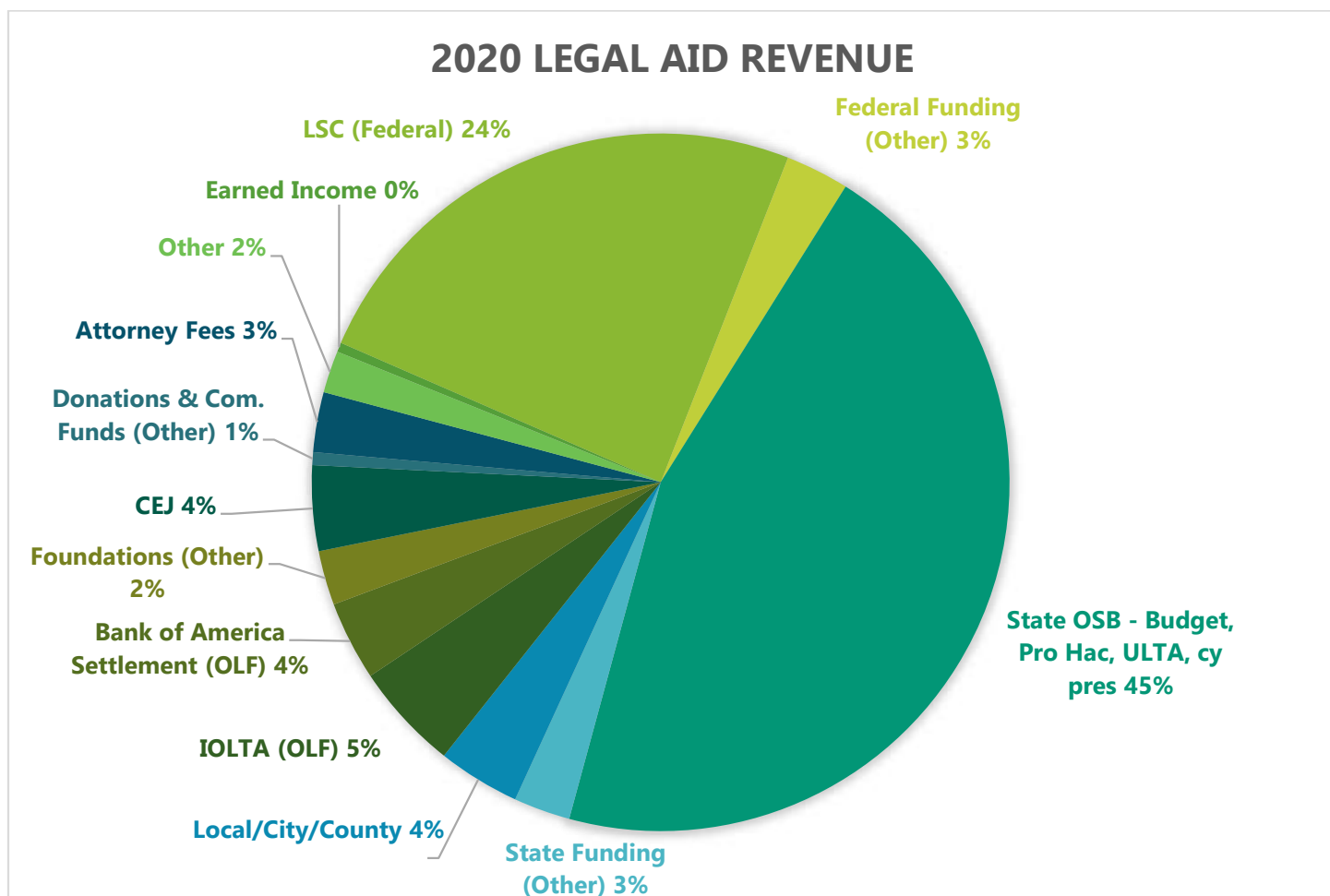
²¹ Documenting the Justice Gap In America (2007) “‘Minimum access’ was defined as two lawyers, with appropriate support, per 10,000 low-income people.”

<https://www.lsc.gov/sites/default/files/LSC/images/justicegap.pdf>

²² National Center for Access to Justice, Attorney Access, “this best policy benchmark recognizes that each state should work toward the goal of ensuring that there are at least 10 legal aid attorneys for every 10,000 people living below 200% of the federal poverty line.”

<https://ncaj.org/state-rankings/2020/attorney-access>

support CEJ in various ways, including developing materials, organizing events and partnering on outreach. CNPLS holds a Founders Breakfast to raise funds for its organization, hosting a virtual event in 2020 and hybrid event in 2021.



During this reporting period, Providers secured new funding sources to meet emerging and changing needs:

- *Wildfire Relief:* LASO obtained multiple grants to serve disaster survivors, applying the funds to hire interdisciplinary staff, coordinate a hotline, build a website, and provide a range of direct and referral services.
- *Housing:* OLC secured various funds from private foundations, city and state agencies to build its eviction defense practice.
- *Early Aid Advocacy:* OLC and LASO obtained a time-limited grant with Oregon's Office of Public Defense services to serve families at risk of separation. Two OLC and two LASO offices created education materials and conducted outreach with local Department of Human Services and juvenile defender attorney offices.

- *Medical-Legal Partnership:* Using a one-time OHA grant, CNPLS partnered with a federally qualified health center to identify clients with civil legal needs.

Continued Opportunities:

Providers should continue coordination to maintain and sustain funding. CNPLS should remain cognizant of its responsibility to support CEJ's operations in addition to the Founders Breakfast. Providers should also continue pursuing additional funding streams to supplement its larger funding sources, and add resources for needed projects and initiatives.

Performance Area 5: High Quality Legal Services

Providers create systems to assure their legal services are high quality. This institutional responsibility includes establishing strong operations and quality control mechanisms to maintain a well-trained, resourced and supported staff and, in turn, enhance service delivery to clients. Several examples of key systems and operations include:

- *Supervision and Oversight:* Similar to past reports, OLC and LASO describe a set of written policies to support high-quality service, including, for example, organization-wide protocols on meaningful oversight of legal and non-legal client work and caseloads within guidelines. CNPLS also describes regular processes, such as weekly meetings, to achieve balanced caseloads and supervision.

Providers integrate technology to support staff practice and supervision. For example, OLC and LASO use Legal Server to track caseloads and case progress. CNPLS reports using its Legal Server to track staff hours and outcome measures.

- *Evaluation:* OLC and LASO staff and managers receive regular evaluations. The organizations use data from Legal Server to inform evaluations, and assess staff and managers against established expectations. During this reporting period, LASO incorporated professional development into its performance evaluation process as an effort to promote leadership growth and succession planning. CNPLS has initiated a biannual performance review process, using an employee global skills index (EGSI).

OLC and LASO's shared board biannually evaluate the Executive Directors, drawing on staff and system partner feedback. CNPLS's board evaluates the ED on an as-needed basis.

Site Visit Highlight:

The LASO and OLC site visit offices onboarded new attorneys during the pandemic. Staff at the offices reported a similar mix of direct training by the managing attorney and relying on SSU for guidance, particularly on complex systemic matters. The new attorneys appreciated the mixed opportunities for training and guidance.

- *Training:* Some examples of targeted training, include:
 - *Legal:* The State Support Unit (SSU) offered litigation skills, substantive law and new lawyer trainings. It also continued supporting attorneys through quarterly meetings, sometimes inviting outside experts. Additionally, SSU supported individual attorneys through direct consultations, such as help drafting pleadings and arguing in court, a process most attorneys at OLC describe as “invigorating.”
 - *Technology:* In September 2019, LASO staff received training and written materials to use Metajure, a new application to search case files. LASO and OLCs primary IT staff attended a national Legal Server training. CNPLS staff received training on Legal Server and new applications.
 - *Management:* OLC and LASO offered four yearly trainings to managers in 2018 and 2019, and two trainings over 2020 and 2021, including the race equity training and a training on remote supervision. CNPLS was invited to participate in the management meetings.

Continued Opportunities:

Providers are commended for using Legal Server reports to track and more meaningfully understand its work, and also offering trainings to build that capacity. Providers should continue exploring Legal Server tools to evaluate and enhance performance.

As an individual office with little turnover, it is understandable that CNPLS reports less formality in this area’s various operations. CNPLS should, however, explore developing and documenting policies on performance reviews, training and supervision structures.

Recruitment, Retention and Succession Planning

To recruit a diverse applicant pool, OLC and LASO describe deliberate outreach to reach BIPOC candidates. LASO and OLC provide a salary add-on for relevant language competency. Additionally, the organizations are working to revise the recruiting and hiring process to better incorporate race equity.

Providers have also developed strategies to better retain qualified staff and support succession to leadership positions. For example, although not a 2019 strategic plan recommendation, OLC and LASO leveraged the additional Scharfstein Cy Pres resources to substantially increase salaries and, hopefully, improve their ability to retain high quality staff. Also, LASO developed a leadership succession plan with strategies to support professional development

and leadership growth. LASO and OLC encourage staff to be leaders in their community, and employees who demonstrate additional skill or leadership responsibilities now qualify for additional compensation.

Based on the narrative and site visit, succession planning remains an impending challenge for the Providers. Following a recommendation from the 2018 Accountability Assessment to prioritize thoughtful succession planning, OLC reported the positive impact of increased salaries, and also its continued effort to find ways to minimize disruption of staff turnover.

Continued Opportunities:

Providers should continue to explore succession planning and strategies to prevent client service disruption, potentially in the next cycle of strategic planning. Given the distinct challenges of sustaining entry-level and experienced staff in rural offices, Providers should prioritize new approaches to recruit and sustain staff in those regions.

CNPLS should begin to actively implement a succession plan for the ED, as site visit participants reported minimal discussion of succession planning efforts by staff and the Board. CNPLS leadership should also prioritize opportunities for board development, specifically education on the *LSP Standards and Guidelines*.

To support recruitment efforts, Providers may want to coordinate and collaborate on building a stronger civil legal aid recruitment pipeline. OSB and the LSP committee could support this coordinated effort, and explore different recruitment strategies and partnerships with high schools, community and four-year colleges, and law schools.

Site Visit Impressions

Site Visits revealed a positive work culture:

Klamath Falls LASO: A site visit participant noted "Job satisfaction is important to retaining new attorneys, and I get the impression that the Klamath Falls office has a good understanding of this part of the operations."

CNPLS: CNPLS attorneys reported an environment where they are supported, respected, and people don't tend to leave the positions until retirement.

Grants Pass OLC: A site visit participant noted that the regional director's "approach to staff well-being, office happiness and new lawyer mentoring is to be commended." Unfortunately, due to hiring challenges, the office has been unable to fill a staff attorney position.

Integrating Technology

Informed by the 2019 strategic plan and realities of remote work due to the pandemic, Providers made several technological upgrades during this reporting period:

- Both LASO and OLC upgraded their VoIP phone systems to serve all offices and offer remote softphone capability.
- LASO implemented Metajure. The program allows attorneys to search for case materials.

- Staff at each of the Providers have laptops for remote work. Both LASO and OLC pivoted their previously planned technology updates in response to new pandemic needs.
- OLC moved its data to cloud storage.
- OLC purchased software to enhance the quality of consumer education presentations.
- Providers continued exploring Legal Server's tools. The organizations describe using its features to track time, case acceptance, and grant reporting. LASO staff can now use Legal Server for electronic signatures and to auto-populate documents – including closing letters and intake follow up letters. CNPLS turned on SMS texting, and OLC spoke of integrating both email and texting into their use of Legal Server.
- CNPLS has implemented a VPN to ensure staff can access the network server and LASO and OLC expanded their VPN functionality to support remote work.
- LASO and OLC discussed the use of advanced security methods like one time passwords and security keys (Yubbikeys).

To varying degrees, the Providers use outside contractors to support IT functions. OLC and LASO also describe a growing internal infrastructure to deliberately consider technological needs. OLC created an IT position in 2020 to support statewide and regional use of technology. In its technology planning decisions, OLC reports deliberately seeking input from "[s]taff assigned to perform more unique roles related to complex litigation, farmworker outreach, homeless outreach, and public affairs." LASO uses a program technology committee, staffed by two regional directors, the program technology paralegal and the director of administration, to support technology improvements.

Continued Opportunities:

Providers should continue to identify opportunities to enhance operations and service delivery systems through technology. In the upcoming years, there are various technology-related initiatives, such as the Portal, automated intake or remote intake, where Providers will have opportunities to deliberately consider how technology can support their work.

OLC and LASO are commended for their additional staff and infrastructure to support technology planning. In the interest of coordination, Providers should share innovations and processes to support effective use of technology statewide.

Providers should explore opportunities to expand advanced security features. Of particular focus should be the use of phishing-resistant methods like FIDO/WebAuth security keys (Yubikeys) and the coming availability of Passkeys. Legal Server has a built-in ability to support one time passwords and Providers should explore the viability of turning on that feature. Similarly, Microsoft 365 has multi-factor authentication methods that should also be explored.

Conclusion

As noted throughout the report, this review period coincided with the pandemic, the wildfires, and their resulting span of unanticipated challenges. The events required significant shifts to each Provider's internal operations. It also required a swift response to meet the emerging civil legal needs of vulnerable Oregonians who experienced disproportionate harm and instability. LSP commends Providers for nimbly responding to the need through adapting service delivery, outreach approaches, intake methods and subject matter expertise. As stated by one Committee member, Providers, "not only survived but excelled during a time of great challenge [and] met the needs of its clients as presented by those challenges." These efforts exemplify the client community responsiveness and thoughtful service delivery expected by the LSP Standards and Guidelines.

The upcoming review period is also likely to present notable opportunities for Provider innovation and development. Oregon is in an exciting period of access to justice initiatives with the upcoming Portal Project and licensing of paralegals, both set to launch in 2023. The Portal Project will streamline, simplify and improve access to civil legal information and tailored resources. Providers will have the opportunity to support, complement, and strengthen this new tool to ensure low-income Oregonians have meaningful access to the spectrum of legal help. Similarly, the addition of Licensed Paralegals – authorized to do limited legal work in family and housing law – offers an opportunity for Providers to reconsider integration of non-lawyer staff in its service delivery model. The LSP looks forward to seeing how the resources are incorporated into Provider operations.

In addition to the new initiatives, the *LSP Standards* will soon be reviewed against the ABA's multi-year examination and revision to the Standards for the Provision of Legal Aid.²³ In Fall 2021, the ABA issued the revised Standards to reflect broad

²³ The revised Standards for the Provision of Civil Legal Aid are available at https://www.americanbar.org/groups/legal_aid_indigent_defense/resource_center_for_access_to_justice/standards-and-policy/updated-standards-for-the-provision-of-civil-legal-aid/.

changes in civil legal aid delivery system and practice.²⁴ The update modified and reorganized the 2006 version in four key areas of change:

- (1) Conception of the legal aid delivery system/ecosystem and role of legal aid broadly,
- (2) Technology (specifically technology available to attorneys and its use in their practice),
- (3) Regulatory standards and ethics rules,
- (4) Promotion of staff diversity, application of race equity principles, and institutionalization of cultural humility training and practices impact the quality of services and the ability of providers to effectively serve the entire client community.

Initiatives referenced in this report show how Providers are already employing practices to meet the evolving structures. Using the ABAs updates to reexamine the *LSP Standards* will ensure we incorporate their learnings and apply a modernized framework to assess civil legal aid in Oregon. The updates will help LSP effectively track Provider achievements and opportunities in the next accountability process.

Building on the strong growth during this review period, LSP hopes Providers will continue active coordination to further develop Oregon's system of accessible, high-quality, responsive and race-equity informed civil legal aid. As noted in this review, CNPLS has progressed forward to address the 2018 recommendations of increased coordination, evaluation and contemplative priority setting and service delivery models. There is, however, additional progress expected to fulfill the requirements of the LSP Standard and Guidelines. It is important that CNPLS use the opportunities identified in this report to continue examining and improving its intake processes, priority setting and evaluation structures. Additionally, all

²⁴ The Revised ABA Standards for the Provision of Civil Legal Aid, available at <https://mielegalaid.org/sites/default/files/civicrm/persist/contribute/files/RevisedABAVailCassidyEhmanPowellBoudreaux.pdf> ("There have been fundamental changes in society, in low-income communities, in the use of technology by both advocates and clients, and in conceptions of the structure of legal aid delivery systems and in the practice of law, all of which profoundly affect how legal aid providers function and how client communities are served. The Model Rules of Professional Conduct have undergone significant changes, some directly related to legal aid practice. The ongoing, significant evolution in the use of information technology that has had a revolutionary effect on society and has reshaped the practice of law. New and innovative methods for delivering legal services via nonattorney legal practitioners have emerged. Courts have significantly increased their efforts to accommodate the needs of unrepresented litigants, including through the use of virtual and online proceedings.")

Providers should convene to review progress towards the current strategic plan and decide when it will be timely to review or update the plan.

2022 marks twelve years since the Legal Services Program developed the self-assessment reporting system that underlies this report, and this is the fifth iteration of this self-assessment process generating a report. As new ABA standards are incorporated and procedures are updated this will likely be the last use of this particular self-assessment process. Over the decade plus of using this process, some things have changed: five distinct provider organizations have merged into three, and offices no longer exist in Independence and Oregon City. Other systemic challenges have remained stubbornly the same. The 2010 report talks of homelessness prevention efforts, the “flood of self-represented litigants,” and the need to recruit and mentor new law graduates. These remain continued opportunities for improvement today.

The 2010 accountability report’s conclusion states “The vision [set forth in the OSB LSP *Standards and Guidelines*] includes the quest for constant improvement.” No matter how much good work we do, we will only succeed in doing our best work when we are humble enough and curious enough to look for where we can do better. All three legal service providers do good work for their clients; we hope this report provides a map for some of the areas where constant improvement might happen.

Appendix: Financial and Transparency Review

As part of the review process, the financial health and organizational accountability and transparency were assessed using Charity Navigator's rating methodologies²⁵. These assessments are based on information included in 2016 through 2019 federal tax returns and an assessment of materials available on organization websites.

The financial assessment measures organizational efficiency by weighing program expenses against other expense areas. All three organizations have good financial capacity and operate efficiently. LASO and OLC are able to apply a slightly higher percentage of funds to program expenses than CNPLS—90% for LASO and OLC vs 85% for CNPLS. This difference is likely driven primarily by economies of scale at LASO and OLC and to a lesser extent by CNPLS applying a very modest 1% of its expenses to non-lawyer fundraising where LASO and OLC just rely on lawyer fundraising through the CEJ.

Financial capacity is measured based on expense growth, working capital ratio, and liabilities ratio. At the end of the financial review period, both LASO and OLC held approximately six months of reserves while CNPLS held approximately ten months of reserves. All three providers have reasonable levels of reserves balancing financial stability and delivery of services to meet current client needs. Additionally all three organizations had reasonable liability to asset ratios: 14% for LASO, 10% for OLC, and 3% for CNPLS.

Accountability and Transparency are assessed based on corporate policy best practices and behaviors. These include practices like board involvement in reviewing tax returns, whistleblower and conflict of interest policies, and public publication of financial and leadership information on an organization's web site. LASO and OLC met review criteria on all policy and practice areas. CNPLS met all review criteria but one, maintaining a whistleblower policy. It is worthwhile for CNPLS to consider adopting a whistleblower policy. On the public publication of financial and leadership information, all three providers list their boards on their websites. Only OLC additionally posts senior staff's names and 990 tax returns on their website; LASO and CNPLS should consider doing the same. For additional public transparency, all three providers should consider publishing their audited financial statements.

There are no concerns raised by this financial, accountability, and transparency review; however, there is space for the providers to increase public transparency of their finances.

²⁵ <https://www.charitynavigator.org/index.cfm?bay=content.view&cpid=1284>