

# **OSB Civil Legal Services Task Force Final Report (May, 1996)**

In 1995, the Oregon State Bar, in conjunction with the Oregon Supreme Court, appointed a Task Force to undertake a comprehensive review of the statewide service delivery system and to develop plans to implement changes to build on and strengthen the system that was in place. The following were appointed: Stephen Walters, Portland, Hon. David Brewer, Eugene, Hon. Neil Bryant, Bend, Edward Clark, Salem, Michael Haglund, Portland, Hon. Jack Landau, Salem, James Massey, Sisters, Katherine McDowell, Portland, Katherine O'Neal, Portland, Lawrence Rew, Pendleton, and Martha Walters, Eugene. Because Stephen Walters was the chair of the Task Force, it is generally referred to as the "Walter's Task Force."

The Task Force was given the charge to "develop a plan for civil legal services in Oregon for 1996 and future years, which will, when implemented, effectively provide a full range of legal services to low income Oregonians with all available resources." The Task Force believed it was important to adopt clearly articulated, and commonly accepted, statements of the mission, equal justice values and core capacities of Oregon's civil legal services delivery system. The mission, values of equal justice, and core capacities adopted by the Task Force are set out below.

## **I. Mission**

Legal services programs exist to ensure that institutions and organizations created to serve public interests and needs, particularly governmental and civic institutions, treat individuals equally no matter what their economic situation. This is not a radical notion; it is the cornerstone of America concepts of justice and fair play.

The mission of Oregon's statewide legal services delivery system should continue to be centered on the needs of its client community. It should be expansive, recognizing that equal justice contemplates more than simply providing a lawyer in every family law or unlawful detainer case (though it certainly includes this goal as well). The mission must contemplate lawyering in its broadest sense, acknowledging that the interests of low income clients can only be served if the delivery system is dedicated to providing full and complete access to the civil justice system in a way that empowers this segment of the population to define, promote, and protect its legitimate interests. As such, the mission must be to:

- Protect the individual rights of low income clients;
- Promote the interests of low income individuals and groups in the development and implementation of laws, regulations, policies and practices that directly affect their quality of life;
- Employ a broad range of legal advocacy approaches to expand the legal rights of low income individuals and groups where to do so is consistent with

- considerations of fundamental fairness and dignity; and
- Empower low income individuals and groups to understand and effectively assert their legal rights and interests within the civil justice system, with or without the assistance of legal counsel.

## **II. Equal Justice Values**

The mission suggests core values which will have important implications for operational decisions about a restructured civil legal services delivery system. Many of these core values already exist in current partnerships, and much of the work associated with reconfiguring the delivery system should therefore focus on retaining and, whenever possible, expanding the ability of any changed structure to reflect these values:

- Responsive to Most Pressing Client needs. The civil legal services delivery system must have the capacity to regularly and effectively identify the most important and pressing legal needs of low income clients and identifiable client constituencies in consultation with the low income client community; there must be a corresponding commitment to deploy resources in a manner which maximizes the system's ability to respond effectively and economically to those most important and pressing needs.
- Ensure Equality of Access. The system must be designed to foster real equality of access to justice. It must maximize its capacity to identify and address pressing legal issues unique to or disproportionately experienced by specified segments of the low income client community who experience physical, mental, developmental, cultural, linguistic, geographic, or other barriers that limit their ability to effectively assert their rights within the justice system.
- Measure Effectiveness in Terms of Results Achieved for Clients. The system should measure its effectiveness in terms of demonstrable differences attained for clients within areas of high priority client need.
- Flexible and Responsive to Changing Environmental Circumstances. The system must have the capacity to reconfigure, reallocate and redefine client needs and appropriate advocacy dictated by changing environmental, social and political dynamics.
- Strategic Targeting of Limited Resources. The system should be designed to ensure the ability to target resources on legal advocacy that will likely result in the longest term benefits on issues of the greatest significance to clients as identified in a legal needs assessment.
- Sensitive to Client Communities and Cultures. A high priority must be placed on understanding the broader range of values, cultures, and aspirations represented within the various communities of clients being served, and on developing internal capabilities to provide effective legal reorientation that is sensitive to

these values, cultures, and aspirations.

- Balancing Individual Representation and Advocacy Enforcing Broader Rights of Low Income Communities. The system must serve a dual commitment to asserting and enforcing the broader interests of the low income community as a whole and client constituencies within that whole, while maintaining accessibility to individual clients in need of legal representation on high priority matters.
- Commitment to Interdisciplinary Advocacy. The system must embrace a commitment to interdisciplinary advocacy on behalf of low income clients in order to achieve long term benefits for both individual and group clients.
- Focus on Client Empowerment. The legal services delivery system must effectively employ strategies (e.g. self-help programs, advice programs, community legal education, client outreach, hotlines, ADR programs, etc.) that support and enhance the ability of low income clients and client communities to control their lives.
- Commitment to Multi-Forum Advocacy. The civil legal services delivery system must develop and maintain an institutional capacity to pursue high priority advocacy within non-judicial forums, including legislative, administrative, and quasi-judicial forums. As an institutional value, the system should emphasize the resolution of disputes in a non-adversarial manner where possible.
- Strategic Utilization of All Components in Service of Mission. The service delivery system must strategically utilize and integrate staff attorneys, private attorneys, volunteer attorney programs, specialized advocacy programs, public interest law firms, law school clinics, private law firms, other professional disciplines, social service providers, client groups and individual clients, to undertake and complete high priority legal advocacy.
- Maximize Efficiency. The system should avoid duplication of capacities and administration; should develop and maintain coordinated and accessible client intake, case evaluation and referral systems; and should strive to maintain organizational relationships and structures that maximize economies of scale and promote the effective use of existing and emerging technologies.
- Maintain Standards of Advocacy and Program Performance. Legal representation should be provided in a manner that is consistent with applicable ethical obligations to clients, and which conforms to the performance expectations established in the ABA Standards for Providers of Civil Legal Service to the Poor and the emerging ABA Standards for Providing Civil Pro Bono Legal Services to Persons of Limited Means.
- Minimize Geographic and Institutional Parochialism. Decisions about service delivery and resource allocation must be determined in the context of what will

best serve client needs statewide. At the same time, the system must have the capacity to identify and respond to local and regional issues which affect clients and to encourage local identification with and ownership of the commitment to equal justice.

- Assure Accountability. The civil legal services delivery system must be structured in a manner that demands and gets full accountability to its clients. Consistently with this value, it must also be accountable to the community at large, to the judiciary and to the organized bar for its performance in delivering high quality, efficient and appropriate services.

### **III. Core Capacities**

The entire system (including both funding and service delivery components) must develop and maintain certain core capacities necessary to provide representation in service of the mission and consistent with the overall advocacy philosophy. These include capacities:

- To provide relatively equal levels of high quality client representation throughout the state of Oregon.
- To deploy resources to address high priority areas of representation, and to service identifiable client constituencies with distinct needs (e.g. migrant farm workers, institutionalized persons, senior citizens, Native Americans, refugees, etc.) as identified through the needs assessment process.
- To carry out client advocacy in a manner consistent with attorneys' professional codes, statutes and court rules generally applicable to the practice of law, including the capacity to pursue all forms of relief in all forums appropriate to the effective resolution of clients' legal problems.
- To engage in a full range of formal and informal representation of clients and client interests before federal, state, regional and local legislative, administrative and quasi-judicial governmental and non-governmental bodies.
- To engage in culturally relevant client outreach, education and other self-help efforts free from inappropriate restrictions on the authority to provide representation to those who, as a result of such efforts, seek legal assistance.
- To provide training, coordination and support of legal advocacy for low income people on a statewide basis.
- To provide support, assistance, coordination and training for community organizations involved in providing legal, educational, health or human services to, or providing advocacy on behalf of low income people.

- To engage in activities designed to expand and diversity the funding and resource base.
- To deploy restricted and unrestricted resources in a manner that maximizes the system's ability to provide representation that is accountable to and in service of the mission.
- To secure high degrees of involvement and commitment on the part of all segments of Oregon's legal community, including attorneys in private, corporate, and governmental practice, the judiciary and the community at large.
- To access and effectively employ technological resources on a system-wide basis.