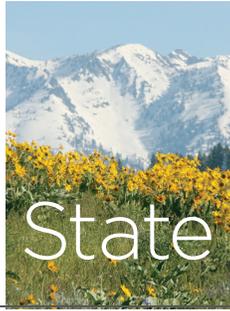


Oregon State Bar



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# 2012 Legal Services Program

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## Achievements and Results

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August 2013

Judith Baker  
[jbaker@osbar.org](mailto:jbaker@osbar.org)

# Oregon State Bar Legal Services Program

## Legal Services Committee

Michael B. Hallinan	<i>Chairperson</i>
Josh Newton	<i>Secretary</i>
Amy Edwards	<i>Member</i>
Laurence H. Hamblen	<i>Member</i>
Timothy Gerking	<i>Member</i>
Hon Eva J. Temple	<i>Member</i>
Kristin Bremer	<i>Member</i>
Karen Lord	<i>Public Member</i>
Ray Heysell	<i>BOG Contact</i>

## Staff

Judith Baker	<i>Director of Legal Services Programs</i>
Dawn Nelson	<i>Administrative Bookkeeper</i>

## Legal Services Providers

Center for NonProfit Legal Services: [CNPLS.org](http://CNPLS.org)  
Lane County Legal Aid and Advocacy Center: [LCLAC.org](http://LCLAC.org)  
Legal Aid Services of Oregon: [LawHelp.org/program/694/index.cfm](http://LawHelp.org/program/694/index.cfm)  
Oregon Law Center: [oregonlawcenter.org](http://oregonlawcenter.org) (includes operations of Columbia County Legal Aid)

## Preface

The accountability process is designed to provide the OSB LSP with information about the work of legal services providers. With this information the OSB LSP can carry out its duties to the OSB Board of Governors as outlined in the *Oregon Legal Services Program Standards and Guidelines*.<sup>1</sup>

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

The process has four components:

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

This is the second Accountability Report prepared by the OSB LSP from the information provided by Oregon legal services providers using the Self Assessment Report instrument. It is the first Accountability Report using a Peer Survey. See a summary of the survey results in Attachment A. This Accountability Report covers the services and accomplishments of Fiscal Year 2012.

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<sup>1</sup> Please refer to *Oregon Legal Services Program Standards and Guidelines*, Revised August 19, 2005, section II.B, "Duties to the OSB Board of Governors."

***IT IS THE MISSION OF THE OREGON STATE BAR  
LEGAL SERVICES PROGRAM...***

*...To use the filing fee revenue to fund an integrated, statewide system of legal services centered on the needs of the client community as identified in the Mission Statement of the OSB Civil Legal Services Task Force Final Report, May 1996; and*

*To use its oversight authority to work with Providers to insure that the delivery of services is efficient and effective in providing a full spectrum of high quality legal services to low-income Oregonians.*

*To work to eliminate barriers to the efficient and effective delivery of legal services caused by maintaining legal and physical separation between providers of general legal services to low-income Oregonians in the same geographical area, while maintaining Providers' ability to offer the broadest range of legal services required to serve the needs of clients.*

**Oregon Legal Services Program Standards and Guidelines,  
Revised August 19, 2005, section I, "Mission Statement."**

Available at: [http://www.osbar.org/\\_docs/rulesregs/LegServProgStandGuide.pdf](http://www.osbar.org/_docs/rulesregs/LegServProgStandGuide.pdf)

# Introduction

*Legal aid attorneys and organizations do a remarkable job. They are knowledgeable, committed, and responsive to client needs. Their major handicap is a lack of resources to serve a growing poverty population in Oregon.*

*Anonymous Community Partner, 2013 Peer Survey*

In 1998, Oregon became one of the first states in the nation to form an integrated statewide network of legal aid providers, when the Board of Governors of the Oregon State Bar gave final approval to the *Oregon Legal Services Program Standards and Guidelines*. That document laid out the mission, values and core capacities that today guide the efforts of legal aid lawyers, paralegals and administrators who comprise the Oregon State Bar Legal Services Program. Thousands of private lawyers contribute their pro bono services on an annual basis to provide access to justice for low-income Oregonians living throughout the state.

The Oregon State Bar’s Legal Services Program distributed \$6,069,750 to legal aid programs in 2012, and OSB-funded legal services programs provided legal advice and representation in 17,759 legal matters. Many times that number of people benefitted from the work of legal aid advocates, who served as leaders and members of state- and community-wide task forces tackling issues such as domestic violence and homelessness alongside partners in the bar, bench, human services network, and local and state government agencies; and as litigators who in 2012 set important precedents and addressed systemic problems that benefitted the low-income community as a whole.

Moreover, this work benefitted every Oregonian regardless of income level by reducing the economic and social costs that community-wide problems such as domestic violence and homelessness inflict on everyone. Legal services advocates filled a crucial niche in Oregon’s civil justice system by providing information, advice and representation to those who otherwise would have to navigate the system on their own, thereby making the courts more accessible, fair, efficient and effective for everyone.

This report provides the highlights of these achievements and results in 2012. It is based on (1) the information and data supplied by the legal aid providers in the first round of Self Assessment Reports that the providers submitted in early 2013; (2) responses to the Peer Survey; and (3) ongoing evaluation activities by the OSB LSP.

The first sections of this report provide an overview of the OSB Legal Services Program and describe the outcomes that were produced by OSB-funded programs in 2012. The final section provides highlights of programs’ efforts in 2012 to ensure that services and activities funded by OSB are aligned with the mission, values and core capacities outlined in the OSB LSP *Standards and Guidelines*.

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# Overview of the OSB Legal Services Program

The integrated, statewide system of civil legal aid organizations funded by the OSB Legal Services Program enabled low-income Oregonians to address critical legal issues directly affecting their families, homes, income, jobs and access to vital services such as education and health care.

As the map on the following page indicates, the network consists of four non-profit organizations that work together on a statewide basis to provide access to a full range of civil legal assistance for residents of every county in Oregon.<sup>2</sup>

- **Legal Aid Services of Oregon (LASO)** is a statewide program that provides a broad range of civil matters to low-income Oregonians. LASO receives federal funding from the Legal Services Corporation (LSC), in addition to the OSB LSP. Regional offices are located in Albany, Bend, Klamath Falls, Newport, Pendleton, Portland, Salem and Roseburg. LASO also provides statewide services to farmworkers through its Pendleton, Hillsboro and Woodburn offices and representation on Native American issues. Legal services are closely coordinated with other legal services providers and, in particular, with the Oregon Law Center (OLC).

- **Oregon Law Center (OLC)** is a statewide program that coordinates closely with LASO and the other Oregon providers to ensure that residents throughout the state have access to a full range of civil legal assistance.

Because it is not a recipient of federal LSC funds, OLC is able to provide services that LASO cannot provide due to federal restrictions. OLC has offices located in Coos Bay, Grants Pass, Hillsboro, McMinnville, Ontario, Portland, Salem, St. Helens and Woodburn. OLC also maintains a State Support Unit that provides legal assistance to legal aid lawyers statewide.<sup>2</sup>

- **Lane County Legal Aid and Advocacy Center (LCLAC)** provides general legal assistance in Lane County with the exception of family law cases that do not involve domestic violence. Legal service includes services for people 60 years and older delivered at various senior centers throughout Lane County. In November 2012 LASO closed its Eugene Branch Office, diminishing the amount of funding for legal services in Lane County by 25%.
- **Center for NonProfit Legal Services (CNPLS)** provides general legal assistance in Jackson County. As a non-LSC recipient, it is free of federal restrictions and is thus able to provide a full range of services in Jackson County, in close coordination with LASO and OLC.

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<sup>2</sup> In 2011 Columbia County Legal Aid assigned to OLC the responsibility to operate and maintain an office in St. Helens serving low-income residents of Columbia County. The Columbia County office is fully integrated into OLC's operating system and will not be discussed as a separate non-profit providing client service within this document.

## The Oregon State Bar Legal Services Program

*A network of non-profit organizations that...*

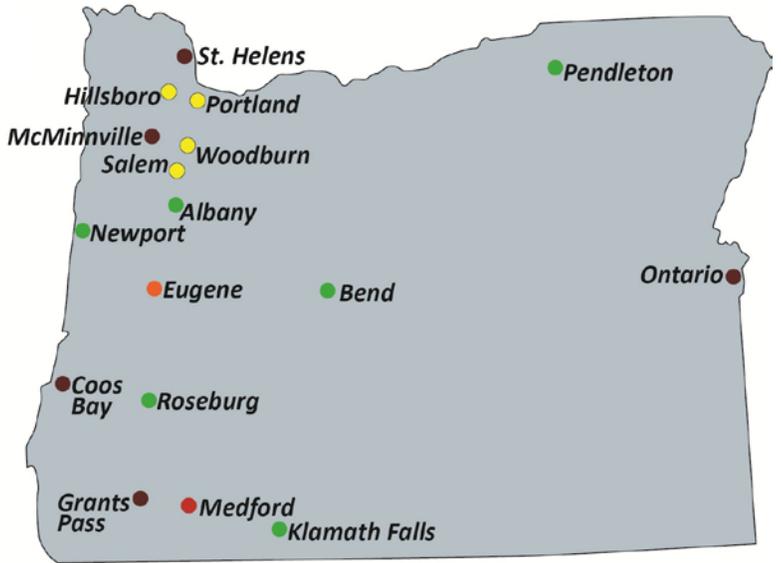
- Provides free civil (not criminal) legal assistance to low-income people.
- Is composed of four legal aid organizations with offices that collaborate closely with each other to provide access to a full range of legal services to residents of every county in the state.
- Employs 87 full time equivalent lawyers, 15 paralegals, and 53 others, including administrators, non-legal professionals, and support personnel.
- In 2012 completed 17,759 legal cases that provided low-income households with direct benefits such as protection from domestic violence, prevention of evictions and foreclosures, and access to public benefits for which they were eligible.

Poverty has grown nationally by more than 17% since the recession, and many Oregon counties have been hit much harder. For instance, poverty in central Oregon has increased by 70% since 2000.

# OSB Legal Services Program 2012

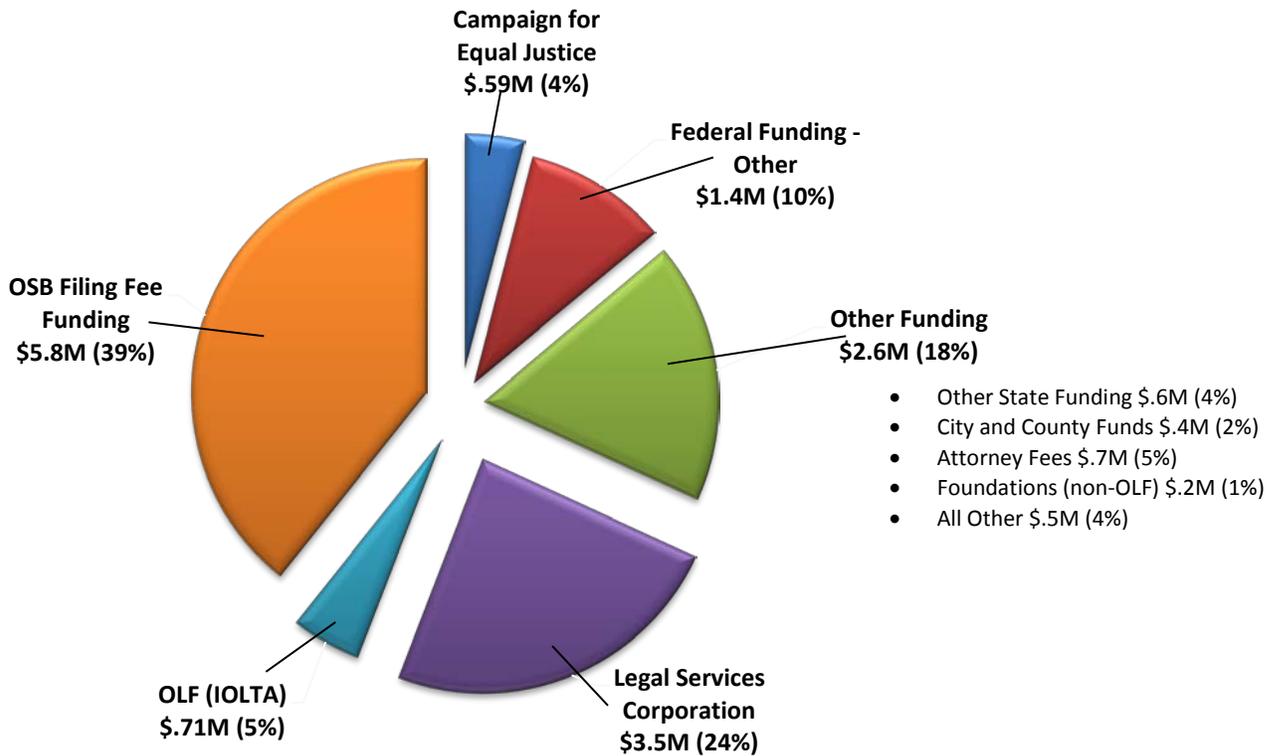
Colored dots indicate office locations.

- Center for Nonprofit Legal Services**
  - Medford
- Lane County Legal Aid and Advocacy Center**
  - Eugene
- Oregon Law Center**
  - Coos Bay
  - Grants Pass
  - Hillsboro
  - McMinnville
  - Ontario
  - Portland
  - Salem
  - St. Helens
  - Woodburn
- Legal Aid Services of Oregon**
  - Albany
  - Bend
  - Hillsboro
  - Klamath Falls
  - Newport
  - Pendleton
  - Roseburg
  - Salem
  - Woodburn



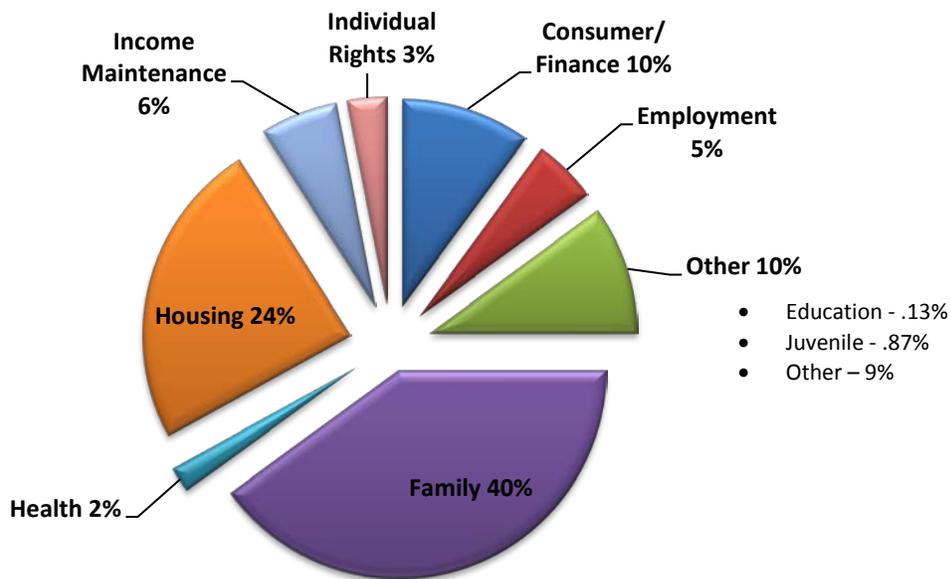
● Indicates instances of multiple programs sharing office space.

## Total Funding Received by OSB Legal Services Programs, 2012



## Direct Legal Assistance: *Direct legal assistance is the core service of OSB-funded legal services programs.*

Oregon legal aid programs provide free legal help to people who live at or near the poverty level. They perform intake, provide advice and brief legal assistance and if needed in-depth ongoing representation. These services are provided out of program offices located in cities and towns throughout the state, or referred to private attorneys who serve these clients on a pro bono basis. The pie chart reflecting number of cases closed does not capture time spent and people impacted by staff providing other services such as community legal education, pro se help and website information.



### Family Matters 7,007 Cases

- Adoption
  - Custody/Visitation
  - Dissolution of Marriage
- Guardianship/Conservatorship
  - Name Change
  - Parental Rights Termination
- Paternity
  - Domestic Abuse
  - Support

“Jane” is a domestic violence survivor with physical disabilities. She suffered severe emotional and physical abuse by her husband, who sometimes yelled at her for hours at a time. He also used their religious tenets to belittle her and undermine her self confidence. After Jane finally separated from him, LASO helped her obtain a restraining order under the Oregon Elderly Persons and Persons with Disabilities Abuse Prevention Act. Because of the couple’s religious beliefs, Jane did not want to file for dissolution of marriage, so the attorney filed for an indefinite legal separation. Counsel was able to negotiate an agreement that enabled the client to receive spousal support and leave the relationship with little debt, while adhering to her religious beliefs. (*Legal Aid Services of Oregon*)

**Housing Matters**  
**4,196 Cases**

- Federally Subsidized Housing Rights
- Mortgage Foreclosure
- Homeownership/ Real Property
- Landlord/Tenant (Other than Public Housing)
- Public Housing
- Housing Discrimination

“George and Martha” lived with their two school-aged children in an apartment complex in Portland that had policies and practices that discriminated against families with children. For instance, the complex issued fines when children rode scooters on pathways in the complex, or left play furniture on the patios. LASO filed a lawsuit challenging the discriminatory practices. The matter settled with the management agreeing to send its entire staff to fair housing training, to install a play structure at the apartment complex, and to change its practices with regard to the 8,300 housing units that it manages statewide. *(Legal Aid Services of Oregon)*

**Health Matters**  
**413 Cases**

- Medicaid/ Medicare
- Government Children’s Health Insurance Programs
- Private Health Insurance
- Home & Community Based Care
- Long Term Health Care Facilities

Ms. C lived in an Adult Foster Home, with care paid by Medicaid and administered by the local Senior and Disabled Services Office. Ms. C had suffered from cognitive limitations and left side paralysis from a stroke ten years earlier. On her third annual review she was found ineligible for services. Because Ms. C did not want to recognize the severity of her limitations, she had downplayed her answers, and the caseworker had not spoken with her caregivers. After two Medicaid hearings, the caseworker received input from the adult foster home provider and obtained complete and accurate information on Ms. C’s condition, leading to the reinstatement of her Medicaid assistance. *(Lane County Legal Aid and Advocacy Center)*

**Income Maintenance Matters**  
**1,131 Cases**

- Welfare
- Food Stamps
- Social Security
- SSI / SSDI
- Unemployment Compensation
- Veterans Benefits
- TANF

“Ellen” was fired after reporting discrimination in the workplace. As a single mother of two, she was concerned about making ends meet. When she was denied unemployment benefits she turned to OLC for help. After a long hearing and testimony from a number of witnesses, Ellen won her appeal. With her unemployment benefits she was able to pay her rent. She now has part time employment. Ellen said, “I am really appreciative. Without the help I wasn’t going to win. I was very nervous and didn’t know what to say.” *(Oregon Law Center)*

**Consumer Matters**  
**1,797 Cases**

- *Bankruptcy/  
Debtor Relief*
- *Contracts/  
Warranties*

- *Loans/  
Installment  
Purchases*
- *Collection*

- *Public Utilities*
- *Unfair Sales  
Practices*

“Jose,” who works hard in a potato packing shed to support his wife and two children, thought that the manager of his mobile home park was charging too much for utilities. A new state statute created a formula to allocate the utilities costs among tenants in a mobile home park. After the mobile home park owner came to the offices of OLC to review all of Jose’s bills and receipts, he agreed that there had been a mistake. Eventually, the owner took the receipts and documents to the County District Attorney. The property manager was convicted of criminal fraud. She had taken over \$20,000 from the tenants and the landlord. Today, 56 low-income families are still living in their homes in this mobile home park, and the property manager is no longer stealing from them and the owner. (*Oregon Law Center*)

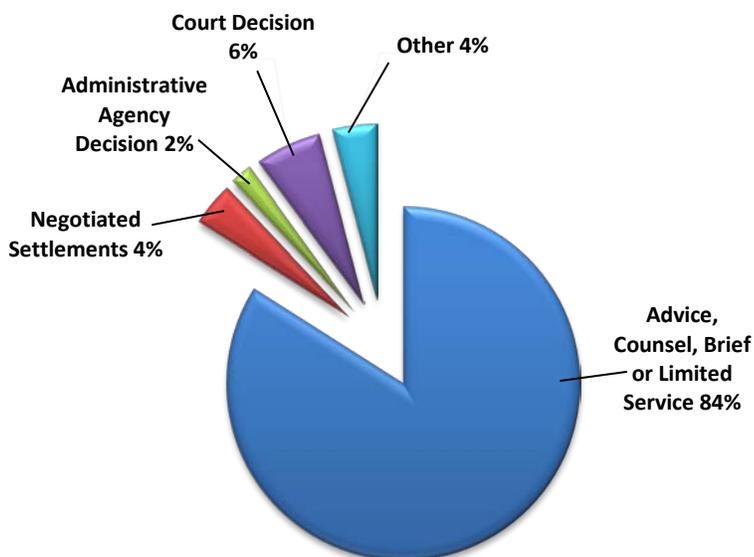
## Scope of Services: OSB legal services programs provide low-income Oregonians with access to a full range of legal services.

Providing low-income Oregonians with access to the types and levels of legal assistance they need in order to receive fair treatment within our legal system is a core value in the OSB LSP *Standards and Guidelines*.

**Oregon legal aid lawyers seek to maximize use of scarce resources.** They provide services in a compassionate manner, but strive to serve as many clients as they can with severely limited resources. They do this by being aware of the most compelling legal needs of the clients that they serve and providing a full range of legal services.

**A high proportion of cases are resolved without litigation.** As the chart below indicates, 84 percent of the problems handled in 2012 involved advising the client about steps he or she could take, or by providing non-litigation services such as drafting a letter or making phone calls on the client's behalf.

**Pro bono efforts of the private bar leverage the investment of dollars in OSB-funded programs.** Private lawyers affiliated with OSB-funded programs completed 3,385 cases on a pro bono basis in 2012. This represents nearly 19 percent of the total cases completed for low-income Oregonians in 2012 by OSB legal services programs.



### A Full Range of Services

**Intake and consultation**—Low-income people faced with a legal problem can apply for legal assistance by telephone or at a legal aid office. Depending on availability of resources and the nature of their legal situation, they will be provided with one or more of the following services:

- **Brief representation:** Legal advice or other brief services (for example, drafting a letter) provided by an attorney or paralegal.
- **Pro se assistance:** Information or coaching for people willing and able to proceed on their own in court with a simple matter.
- **Referral to other sources of help:** Assistance in finding a pro bono attorney or other source of aid.
- **Extended representation:** Full legal representation by attorneys and paralegals in court or administrative proceedings, leading to a formal decision and/or negotiated settlement.

**Community legal education**—Legal services attorneys and paralegals make presentations and distribute written materials describing legal rights and responsibilities across a wide array of areas, such as domestic violence, eviction, foreclosure and public benefits.

**Systemic advocacy**—Legal services advocates seek to make courts and administrative agencies work more effectively and efficiently, while offering a level playing field for low-income people through activities ranging from serving on agency task forces to conducting complex litigation.

**Legislative advocacy**—Legislative processes are an essential part of the legal system that affect the low-income population. Legal aid providers provide an important perspective regarding laws, regulations, rules and policies.

# Helping People Help Themselves: *In 2012, legal aid advocates helped thousands of people advocate on their own behalf.*

In addition to providing direct legal assistance, legal aid advocates helped thousands of people understand and act upon their legal rights and responsibilities as tenants, parents, employees, spouses and consumers.

Examples of their achievements in 2012 include the following:

## Pro Se (Self Help) Assistance

- Oregon legal aid advocates helped thousands of low-income people to prepare for self-representation in simple legal matters. For example, an experienced Housing/Consumer Law attorney at *The Center for Nonprofit Legal Services* in Jackson County calls applicants who are being harassed by collection agencies, reviews their financial situation, including income and resources, helps them understand where they are vulnerable and discusses the court process with them so that they may help themselves.
- The Portland Regional Office of *Legal Aid Services of Oregon* created and administers the Pro Se Assistance Project (PROSAP), which is designed to help meet some of the need of self-represented litigants in Multnomah County family law cases. At PROSAP clinics, held twice a week at the Multnomah County Courthouse, pro bono attorneys respond to discrete family law questions and/or review documents prepared by pro se litigants. For a newer part of the program, the Facilitation Clinic, newly trained lawyers help pro se litigants complete paperwork before they meet with a PROSAP attorney.

## Community Legal Education

- The *OregonLawHelp.org* website with legal information and operated by OSB LSP members received 618,822 page views on the English language version (compared to 421,972 page views in 2010) and 59,883 page views on the Spanish language version in 2012.
- *Legal Aid Services of Oregon* distributed 25,000 brochures and provided information through presentations at community centers, schools, shelters and legal services offices.

## Legal Services Other Than Direct Legal Representation

- **Pro se (self help) assistance.** With a struggling economy, many Oregonians are joining a growing flood of litigants in Oregon courts seeking to navigate complex legal proceedings on their own. OSB-funded legal aid programs work with the courts to deal with this issue and assist thousands of pro se litigants each year to navigate the court system more effectively.
- **Community legal education.** Many legal situations can be prevented and/or resolved more easily when people have access to timely, accurate information about their legal rights and responsibilities. The OSB Legal Services Program members collaborate to make this information increasingly more accessible.
- **Statewide and organization-specific websites.** OSB-funded legal services programs operate statewide and individual program websites providing 24/7 access to their community legal information, pro se materials and legal services. These include:
  - **All OSB LSP programs:** [OregonLawHelp.org](http://OregonLawHelp.org)
  - **Center for NonProfit Legal Services:** [CNPLS.org](http://CNPLS.org)
  - **Lane County Legal Aid and Advocacy Center:** [LCLAAC.org](http://LCLAAC.org)
  - **Legal Aid Services of Oregon:** [www.lasoregon.org](http://www.lasoregon.org)
  - **Oregon Law Center:** [oregonlawcenter.org](http://oregonlawcenter.org)

- *The Ontario office of Oregon Law Center* created community education training called “women in the workplace,” which covers topics like the family leave act, protection against sexual harassment, workers compensation, minimum wage, unemployment insurance and more. The most typical low-income family in Oregon consists of a single mother with one or two children.
- *Lane County Legal Aid and Advocacy Center* conducted training aimed at creating connections between the faith based and social services communities there, including a day-long seminar attended by 120 participants.
- *Center for NonProfit Legal Services* employees staffed a booth at Project (Homeless) Community Connect in May 2012, and a legal tent at Stand Down in September. For each of those outreach efforts, staff worked with various community organizations to assist veterans, the homeless and those at risk of homelessness. They provided community education materials, general legal information and advice to attendees.

## Partnerships

In 2012, Oregon legal aid programs collaborated with a wide array of organizations to solve community-wide problems all across Oregon. Working with funders, community-based organizations, bar associations, government agencies and private law firms helps maximize resources. It also helps ensure that as many partners as possible both understand and work toward resolving the problems of low-income Oregonians.

- **Dealing with the flood of self represented litigants in Oregon courts.** The Grants Pass regional office of the *Oregon Law Center* holds a monthly workshop on pro se divorce/custody. OLC distributes pro se forms, teaches how to complete them and offers follow-up appointments to review the completed forms.
- **Educating others who assist low-income Oregonians.** One of the community partners questioned during the Peer Survey stated: “I am a community health nurse and my ability to consult with Legal Aid has helped make me a better and more informed advocate for my clients. I have passed information on to my colleagues so that we can collectively make positive changes for our mutual clients.”
- **Helping low-income people avoid legal problems.** The *Center for Nonprofit Legal Services* worked with the Jackson County Circuit Court judges to hold court at Project Community Connect to help homeless resolve court fines and fees.
- **Increasing and leveraging pro bono private attorney resources** The Hillsboro Regional Office of *The Oregon Law Center* continues to operate a robust clinic staffed by in-house counsel from Intel and Hewlett Packard. In addition, the ProBono Oregon listserv reaches hundreds of potential pro bono attorneys statewide.
- **Helping to ensure laws and rules are fair for all.** A Senior Staff Attorney at *Lane County Legal Aid and Advocacy Center* often participates in rule advisory committees at the invitation of the state Aging and People with Disabilities Division of the Department of Human Services. During 2012 and 2013, his participation led to rule changes in the areas of regulations applying to long term care facilities.
- **Addressing the community-wide problem of homelessness.** One of the staff attorneys at the Bend Regional Office of *Legal Services of Oregon* is a key partner in Central Oregon's Homeless Leadership Coalition. The HLC is the oversight body for the region's Continuum of Care (HUD funded services). According to one of the community partners, “this is a complicated arrangement, and the LASO attorney has guided us through the process of formalizing the HLC, including the development of bylaws, voting members, committee structure ... all important to the success of the HLC and the Continuum of Care. Couldn't have done it without her. The process took one year, and requires ongoing attention to bylaws revision and other details.”
- **Working with government agencies.** According to one Community Partner who responded to the survey, “it is because of legal aid attorneys that several issues have been brought to [our agency’s] attention. We are taking action to investigate and resolve them.”

### Major Partners of the OSB Legal Services Program

- The Oregon State Bar
- The Oregon Law Foundation
- Campaign for Equal Justice
- County bar associations
- Community-based organizations – for example:
  - Shelters
  - Community foundations
  - Housing coalitions
- Members of the judiciary
- State and local government agencies
- Legislators
- United Way and other funders

## **Accountability: Providers aligned their services in 2012 with the OSB LSP Standards and Guidelines.**

*Good and competent in legal knowledge and practice; professional, ethical and courteous in their dealings.*

*Anonymous Judge, 2013 Peer Survey*

The Oregon State Bar Legal Services Program is charged with distributing dedicated filing fee revenues to the network of programs that deliver these legal services, and providing ongoing oversight and evaluation of providers based on the *OSB LSP Standards and Guidelines*. Providers are also reviewed pursuant to recognized national standards which includes the ABA Standards for the Provision of Civil Legal Aid.

In the 2010–11 update of the oversight and evaluation approach, OSB LSP staff collaborated with legal services providers to produce and implement a Self Assessment Report instrument that annually elicits information from the providers regarding the alignment of their services, systems and activities with five “Performance Areas” based on the Mission, Values and Core Capacities set forth in the OSB Civil Legal Services Task Force Final Report.

In addition, in 2013 OSB Legal Services staff created surveys targeted to each of five groups: clients, community partners, judges, attorney partners and opposing counsel. Survey results are summarized in **Attachment A**. Some data and anecdotes are included throughout the Accountability portion of this report.

### **The Performance Areas**

This accountability analysis is divided into “Performance Areas” that track the broad themes expressed in the mission statement for the OSB Legal Services Program and as stated in the Standards and Guidelines. Each section outlines the level of alignment found and flags areas of performance for further follow up. The performance areas are as follows:

- ***“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.”***

## **Performance Area One:**

### ***Achieving an Integrated, Statewide System of Legal Services***

It is the goal of the OSB LSP that all providers are part of an integrated statewide delivery system designed to provide relatively equal levels of high quality client representation throughout the state of Oregon. This means that the providers need to work together strategically to target limited resources to ensure equality of access statewide.

The Oregon providers are exceptional in how well they work together and with other stakeholders to achieve statewide integration and meet the requirements set out by the OSB LSP Standards and Guidelines. In 2012 the providers took steps that addressed this performance area.

- In 2012 a statewide legal services planning committee was formed to respond to the falling revenues for statewide legal aid funding in general and for LASO in particular. It was recognized that additional federal funding cuts, including federal sequestration, were likely to severely impact LASO in 2013 and beyond. Legal Aid Services of Oregon, Oregon Law Center, Lane County Legal Aid and Advocacy Center and the Center for NonProfit Legal Services joined together with representatives from the Oregon State Bar, the Oregon Law Foundation and the Campaign for Equal Justice to engage in statewide legal services planning. Members of the committee spent several months reviewing data about case statistics, poverty population, service area square miles, distribution of statewide legal services dollars and distribution of legal services staff among regional service areas throughout the state. The final result was the closing of the Lane County LASO office with LCLAAC remaining as the sole legal services provider in Lane County while keeping the rest of the statewide service delivery system stable. Although this restructuring has resulted in reduced services to clients, it did so in a way that helped ensure equality of access to services statewide and strategic targeting of limited resources. The strategic planning committee continues to meet in 2013, gathering extensive updated information about client demographics, service currently provided, priorities and needs assessment, with the intent to create the next statewide strategic plan that will guide legal aid for upcoming years.
- In 2012 LASO was awarded a grant from the Oregon Housing and Community Services Department to provide legal assistance to Oregon homeowners and renters who are facing foreclosure. LASO, OLC, LCLAAC and CNPLS all collaborated and began the statewide Legal Aid Foreclosure Help project. The project's goal is to preserve housing stability for low and moderate income Oregonians who are struggling as a result of foreclosure by increasing the availability of expert legal assistance, training and representation resources. Since the project began in November 2012, assistance has been provided to over 350 individuals, and 52 clients have been referred for pro bono assistance.

#### **Performance Area One**

*"It is the goal of the OSB LSP that all Providers shall be an integral part of an integrated delivery system for civil legal services which incorporates the Mission, Values and Core Capacities set forth in the OSB Civil Legal Services Task Force Final Report, May 1996..."*

*Mission statement of the OSB Legal Services Program  
(Emphasis added)*

#### **Equal Justice Values Related to This Theme:**

- *Ensure equality of access*
- *Strategic targeting of limited resources*
- *Balancing individual representation and advocacy enforcing broader rights of low-income communities*
- *Commitment to interdisciplinary advocacy*
- *Commitment to multi-forum advocacy*
- *Strategic utilization of all components in service of mission*
- *Maximize efficiency*
- *Minimize geographic and institutional parochialism*

## **Performance Area One Follow-up**

- **Strategic Planning and Implementation**

Providers have been working this year with OSB, OLF and CEJ staff to develop and draft a 2013 Statewide Strategic Planning Report, based on extensive updated information about client demographics, service currently provided, priorities and needs assessment and financial forecasts. They will complete the plan and implement the recommendations to guide services moving forward in a way that responds to the compelling, unmet legal needs of low income Oregonians while assessing the cost-effective use of resources.

- **Connection to Statewide Network**

One of the key means used by providers to ensure that Performance Area One is met is through statewide quarterly substantive law task force meetings, coordinated by the OLC Statewide Support Unit. The goals of the various task forces are to provide support to legal aid lawyers who specialize in housing, family, administrative and employment law. The task forces do so by reviewing changes in laws, talking about open cases and trends, writing self-help materials, and providing guidance, assistance and moral support. It is important that legal aid attorneys participate in various forums in which areas of law and strategies are discussed. This allows attorneys to stay aware of changes among the issues that affect the low-income communities it services. CNPLAS does not attend these taskforce meetings due to financial constraints. CNPLAS should find ways to attend either in person, by teleconference or by video conferencing to ensure that they are more connected to the statewide network of other staff attorneys that practice poverty law in Oregon.

## **Performance Area Two:**

### ***Identifying and Addressing the Priority Needs of the Client Community***

Performance Area Two gauges the success of providers at targeting their services on the most compelling needs of the client community and the ability to implement responses to the changing circumstances.

Providers do a good job of regularly assessing the needs of the community and meet the requirements set out by the OSB LSP Standards and Guidelines. All providers report that formally assessing the community takes place approximately every one to three years. The primary mechanism for input is a survey questionnaire distributed by a variety of methods, including online, mail and e-mail, telephone calls, and on-site availability of surveys for current clients. Information is sought from former and current clients, local attorneys and county bar associations, government and non-profit partner agencies.

After survey information is collected and analyzed, each office goes through a priority setting process. These priorities are adopted by the program's boards. OLC reports that in addition its board adopts legislative priorities prior to each session.

The providers also ensure that offices remain knowledgeable and responsive to the needs of the local client community through staff who are active members of their local communities, who interact with client groups and with groups that service the low-income community, and who are familiar with the low-income community's needs.

In their 2012 Self Assessment Reports, providers reported taking the following actions in response to the needs identified through assessment studies, involvement in the community and the intake process.

- As stated above under Performance Area One, in response to Oregon's foreclosure crisis *Legal Aid Services of Oregon* was awarded a grant from the Oregon Housing and Community Services Department to provide legal assistance to Oregon homeowners and renters who are facing foreclosure. All the programs collaborated and began the statewide Legal Aid Foreclosure Help project in response to a pressing client need in Oregon.
- *Legal Aid Services of Oregon's* Native American Program (NAPOLS) engaged in an extensive priority-setting process in 2012. NAPOLS was seeking to obtain statewide information about the needs of the Native American community. NAPOLS received 100 surveys from Tribal members and reviewed the cases handled during the last few years. NAPOLS found that due to increased resources for Tribes many were no longer financially eligible for NAPOLS services. Therefore the shift was to provide services to individuals rather than to Tribes. The LASO board adopted the revised priorities to reflect the legal needs identified through the process.
- Due to the recession, *Oregon Law Center's* regional offices were conducting community needs assessments and finding an increase in employment law issues. The issues included unemployment insurance, workers not getting paid, dangerous work environments, discrimination, and sexual harassment and assault. As a result the Employment Law Task Force was developed. The task force meets four times per year with the

#### **Performance Area Two**

*"It is the mission of the Oregon State Bar Legal Services Program... to fund an integrated, statewide system of legal services centered on the needs of the client community as identified in the Mission Statement of the OSB Civil Legal Services Task Force Final Report, May 1996..."*  
(Emphasis added)

#### **Equal Justice Values Related to This Theme:**

- Responsive to the most pressing client needs
- Flexible and responsive to changing environmental circumstances
- Strategic targeting of limited resources
- Focus on client empowerment
- Sensitivity to Client Communities and Cultures

goal to provide support to legal aid lawyers who specialize in the area of employment law. It does so by reviewing changes in laws, talking about open cases and trends, writing self-help materials, and providing guidance and assistance.

- *Lane County Legal Aid and Advocacy Center* has an open intake system and is able to identify trends in their community to be addressed. One example is identifying the problems low-income Social Security recipients had with creditors putting claims on funds pursuant to judgments. LCLAAC developed legislative strategy to address it.

### **Sensitive to Client Communities and Cultures.**

Part of what is analyzed in Performance Area Two is how sensitive legal aid providers are to client communities and cultures. Each legal aid provider has a responsibility to understand and respond to the needs of all the low-income communities that it serves, including those that are culturally and linguistically diverse. To be culturally competent means “having the capacity to provide effective legal assistance that is grounded in an awareness of and sensitivity to the diverse cultures in the provider’s service area”. *ABA Standards for Provision of Civil Legal Aid 2.4 on Cultural Competence*.

The legal aid providers all report that they have procedures and resources in place to address the needs of clients with limited English proficiency and for those with disabilities. Job openings are advertised to reach a diverse pool of applicants, and hiring factors include an applicant’s ability to communicate with persons in the client community and cultural understanding of that community. Providers also report that they provide periodic training on cultural competency.

As an example of being sensitive to the client community, the executive directors of OLC and LASO take steps to talk to Regional Directors about effective outreach and systemic representation to the client community both with current lawyers and new hires. The executive directors also evaluate and identify structural and staffing issues in a region and strive to make changes (staffing or areas of advocacy) to better serve the client community in that region. This includes taking into consideration the culturally and linguistically diversity of a service area.

## **Performance Area Three:**

### ***Achieving Efficiency and Effective Delivery of Services***

Efficiency and effectiveness became even more important in 2012 as a poor economy drove demand for legal assistance through the roof while available resources plummeted. Striving to improve efficiency, Oregon legal services providers reported the following significant efforts in their 2012 Self Assessment Reports:

- *Lane County Legal Aid and Advocacy Center* continues to be an advocate for change in the Oregon Health Plan and the state’s public entitlement programs for seniors, people with disabilities and other low-income populations. LCLAAC accomplishes this through participation in joint agency-stakeholder task forces and work groups and thereby continues to influence both substantive administrative program rules and agency procedures for transparency, accountability and stakeholder inclusion. In addition LCLAAC also provides leadership in statewide legislative efforts in the development and preservation of affordable, stable housing for low-income people.
  - For *Oregon Law Center*, domestic violence ranks first or second in priority in the client needs assessments. 40 percent of the cases closed by legal aid in an average year involve domestic violence. Legal aid does not have the resources necessary to provide direct service in each case. OLC has made this one of the highest priorities and deployed resources at the state, regional and local level to maximize efficiency and effectiveness. For example:
    - Sybil Hebb works in the Oregon Legislature with the Attorney General, judges, law enforcement, domestic violence service providers and other stakeholders to help improve systems designed to serve the victims of domestic violence.
    - Robin Selig works with the Judicial Department at the statewide level to help improve structures and systems serving the victims of domestic violence.
    - Attorneys in the Hillsboro Regional Office work at the regional and local level to help improve systems serving the victims of domestic violence and sexual assault. They collaborate with local judges, district attorneys, police and domestic violence shelters. They provide community education, advice, and brief service and representation to large numbers of individuals on these issues. The quality of their legal work is higher because of their connection to this legislative and administrative advocacy at the state and local level.
- In recognition of collaborative work at the state and local level, OLC received the Judge Stephen Herrell Award for Outstanding Collaborative Efforts to End Family Violence in October 2012.
- *Legal Aid Services of Oregon* was the recipient of a federal Legal Assistance to Victims grant from the U.S. Department of Justice. LASO worked with victim service providers (VSPs) in ten counties to provide legal assistance to victims of domestic violence, sexual assault, and stalking and/or dating violence in underserved rural areas. The goal was to provide a broad range of legal services to help survivors and their children achieve long-term safety and stability.

#### **Performance Area Three**

*“It is the mission of the Oregon State Bar Legal Services Program...[to] use its oversight authority to work with Providers to insure that the delivery of legal services is efficient and effective in providing a full spectrum of high quality legal services to low-income Oregonians.”*

*(Emphasis added)*

#### **Equal Justice Values Related to This Theme:**

- Measure effectiveness in terms of results achieved for clients
- Strategic targeting of limited resources
- Strategic utilization of all components in service of mission
- Maximize efficiency
- Ensure accountability

- *Center for NonProfit Legal Services* reported it organizes its efforts into six specialized units and two discrete projects to focus expertise and delivery of efficient and effective legal services to targeted populations.

### **Performance Area Three Follow-up**

- **Incorporating Best Practices**

OLC created a model of working with community partners at the state and local level to effectively advocate on behalf of domestic violence victims in Oregon. This is a systemic model of service that is both effective and efficient. Because there are not enough resources to provide direct service to each client, it is important to work with community partners at the state and local level to create similar models of advocacy for those areas of law that are a high priority for clients. Housing, health care and employment are all areas of law that would benefit from replicating the domestic violence model.

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

Performance Area Four reflects the principle expressed in the OSB LSP *Standards and Guidelines* that providing a wide range of legal services for the poor promotes fairness as well as efficiency. Enforcing broader rights of low-income communities such as legislative and administrative advocacy is a function of legal services advocates, as well as providing individuals with representation in day-to-day matters. Providing community legal education and helping people represent themselves are also important functions.

“All approaches need to be measured against the standard of whether they effectively respond to compelling, unmet legal needs of low income persons while assessing the cost-effective use of resources to accomplish a meaningful result.” *ABA Standards for Delivery of Civil Legal Aid 2.2 on Delivery Structure.*

Direct representation, brief legal services and self-help assistance were all illustrated earlier in the report on pages 4-9. The following examples illustrate the provider’s alignment with this theme concerning complex systemic litigation and legislative advocacy.

### **Complex Systemic Advocacy**

“A provider should strive to achieve both clients’ objectives and lasting results that respond to the low income communities’ most compelling legal needs.” *ABA Standards for Delivery of Civil Legal Aid 2.6 on Lasting Results for Low Income Individuals and Communities.* During the course of representing clients a provider will identify laws and policies that have a detrimental effect on the broader client community. Systemic advocacy is appropriate to defend against proposed changes or the status quo that negatively impact low income persons or communities. Examples of effective systemic advocacy are as follows:

- **Due process settlement changes city ordinance.** LASO represented a tenant whose landlord requested the city to terminate water service to the tenant’s rental unit after ongoing disputes. Without notice the city terminated water service and refused to turn it back on without the authorization of the landlord. This was pursuant to the city’s water termination ordinance. The tenant was without water for one and one-half months. LASO sued the city for violating the tenant’s due process rights. The city agreed to change its ordinance to provide notice of any water termination directly to the tenant in addition to the landlord. This now allows tenants to contact the city within 10 days and make arrangements to avoid termination.
- **Complex class action setting a national precedent.** OLC brought a class action that helped protect 264 affordable housing units at NE Halsey and 65<sup>th</sup> Avenue in Portland. In addition it enforced Congressional intent and set an important legal precedent in a case of first impression that benefits low-income families living in 2 million units of affordable housing nationwide. In exchange for money from the federal Low Income Housing Tax Credit (LIHTC) program, the property owners had agreed to commit the project to provide low-income housing until 2021. The promise is recorded as a restrictive covenant or equitable

### **Performance Area Four**

*“It is the mission of the Oregon State Bar Legal Services Program... to work with Providers to insure that the delivery of legal services is efficient and effective in providing a full spectrum of high quality legal services to low-income Oregonians.”*

*(Emphasis added)*

#### **Equal Justice Values Related to This Theme:**

- Balancing individual representation and advocacy enforcing broader rights of low-income communities
- Commitment to interdisciplinary advocacy
- Commitment to multi-forum advocacy
- Focus on client empowerment
- Strategic utilization of all components in service of mission

servitude on the deed, and includes language permitting tenants, former tenants and prospective tenants to enforce the provision as third-party beneficiaries. In this case, because the landlord had failed to comply with the requirements applicable to LIHTC housing, an employee of the State of Oregon, which had been assigned to monitor and enforce the rules, signed a document indicating that the property owner and the state agreed to release the affordability restrictions on the property. The property sold, but the purchaser had actual notices of the restrictions and release. OLC represented “Sarah”, who had lived in the property and had been forced to move when the new owners gave eviction notice to all of the tenants. She worried about the large number of low-income families that had been displaced. She filed a class action seeking an injunction forcing the owners to provide low-income housing through 2021 as promised. The defendants argued that the tenant could not stop the release and lacked standing. OLC and two volunteer attorneys working with the OLC represented Sarah. The National Housing Law Project helped because of the national importance of the case. After much debate, the Oregon Court of Appeals became the first court in the United States to hold that tenants can enforce the LIHTC property use restrictions recorded as a covenant on the deed.

### **Legislative Advocacy**

“A provider should advocate before legislative and administrative bodies or actively participate in a delivery system which includes such advocacy.” *ABA Standards for Delivery of Civil Legal Aid 3.2 on Legislative and Administrative Advocacy*. Legislative and administrative processes are an essential part of the legal system that affects low-income populations. Because of their knowledge of the legal problems of low-income persons, legal aid providers offer an important perspective regarding laws and policies that are considered at a legislative level or administrative rulemaking level. Examples of effective legislative advocacy are as follows:

- LCLAAC’s housing attorney has negotiated, drafted and explained to legislators a new method of billing for water and sewer costs for manufactured home park residents. He explained the new law and method to park residents, the state’s Manufactured Communities Resource Center, and landlord attorneys.
- OLC has two legislative advocates that worked on issues that were priorities for the low income community and because of that were adopted as part of a legislative agenda by the OLC board. The advocates worked on improving access to affordable health care, providing support to help low-income people use Section 8 housing benefits, increasing housing benefits for veterans, broadening access to mediation for people facing foreclosure, providing funding for foreclosure counselors and others who could help low-income people save their homes, funding for domestic violence shelters; and, establishing a structure that permits the victims of sexual assault to get a restraining order similar to the domestic violence restraining orders.

### **Integrating the Resources of the Legal Profession.**

The legal profession is a valuable resource in addressing the needs of the low-income community and should be integrated to the greatest extent possible into a provider’s efforts to provide a full spectrum of legal services that respond to its clients’ needs. One Attorney Partner’s survey response made clear the importance of pro bono support for legal aid providers: “I am an immigration attorney and have volunteered with the CNPLS since being licensed in 2008. ... I actively mentor their younger immigration attorney”.

92 percent of pro bono volunteers surveyed had a positive experience as a volunteer. As one respondent stated, “the LASO lawyers are fantastic resources, creative thinkers and excellent lawyers. They are always available to support the cases that they send out for pro bono representation.” For the 8 percent that were neutral about their volunteer experiences, however, the lack of resources to support them seems to be the reason.

Oregon legal aid providers all report that pro bono attorney involvement is an integrated part of the structure

used to deliver high quality legal services. The following are examples of how volunteer lawyers are used:

- The Volunteer Lawyer Project of the Portland Regional Office of LASO has existed for over 30 years. The bankruptcy clinic of the VLP serves clients in Multnomah, Washington, Clackamas, Yamhill, Columbia, Wasco and Hood River counties.
- The LASO Pendleton office uses pro bono attorneys for intake at several locations throughout its geographically wide service area.

### **Resource Development.**

Demand outstrips the resources available to meet the most compelling civil legal needs of low-income Oregonians. It is therefore essential that providers pursue strategies to maintain and expand available financial resources to enhance the ability to provide a full spectrum of legal services. The providers worked with the Campaign for Equal Justice (CEJ) as legal aid's primary resource development arm and engaged in numerous activities to support CEJ's annual campaign. The providers also work closely with the OSB to protect and expand funding for the OSB LSP.

### **Performance Area Four Follow-up:**

#### **Statewide Pro Bono Coordinator**

In 2011 OLC eliminated the Statewide Pro Bono Coordinator position due to funding shortfalls. The goal of the Statewide Pro Bono Coordinator is to increase the number of clients who are able to receive assistance from pro bono attorneys statewide. This helps to expand limited resources to provide direct representation of low income clients.

Realizing that pro bono is an important part of the statewide delivery structure, allocating resources back to that position is recommended and is currently part of the proposed Strategic Planning Report.

#### **Resource Development**

Providers should make it a priority to work in a meaningful way with CEJ on CEJ's private bar campaign to provide a cohesive effort to fundraise for statewide legal services. It is, of course, a key goal that the providers work together to provide relative equal access to legal aid statewide. Raising funds in a cohesive effort is a vital part of working together to reach that key goal.

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

Delivering high quality legal services has been a fundamental requirement of the Oregon State Bar Legal Services Program since its inception. Indeed, the *Oregon Legal Services Program Standards and Guidelines* incorporate by reference such national standards as the *ABA Standards for Providers for Civil Legal Services for the Poor* and the *Performance Criteria* of the federal Legal Services Corporation.

Pursuant to the ABA Standards for the Provision of Civil Legal Aid 6.1 to 6.6, the following are standards for quality assurance:

- A provider’s staff should be diverse, well qualified, sensitive to low-income persons and competent.
- A provider should assign and manage cases and individual workloads for attorneys and other staff.
- A provider should adequately supervise the work to assure each client is competently represented.
- A provider should review representation provided to clients to assure high quality assistance and to identify areas in which the provider should offer training and support.
- A provider should provide access to ongoing and comprehensive training for all personnel.
- A provider should assure the availability of adequate resources for appropriate legal resource and factual investigation.

**Performance Area Five**

*“High quality legal representation” of low income persons in this state should be defined and driven by the Lawyer's Code of Professional Responsibility, the ABA SCLAID Standards and by the LSC Performance Criteria.”*

*Mission statement of the OSB Legal Services Program (Emphasis added)*

**Equal Justice Values Related to This Theme:**

- Maintain standards of advocacy and program performance
- Ensure accountability

The 2012 Self Assessment Reports submitted by OSB-funded legal services programs provide detailed descriptions of the systems and procedures for quality assurance that were applied in various forms by every OSB-funded legal services organization. These include:

- Sophisticated, multi-office, web-based case management systems to record information, check client conflicts and track cases.
- Well-managed case oversight systems.
- Staff evaluation and performance review plans.
- Adherence to PLF standards of office system management of files and data.
- Availability of Lexis and BarBooks for all staff attorneys.
- Education on and systems to ensure client confidentiality.
- Participation in the minority law student job fair, public interest job fairs, externships and work study programs designed to expose diverse applicants to the programs and expose the programs to diverse applicants.
- Supervision of lawyers, paralegals, volunteers and law students.
- Attendance at local, regional and national training programs.

The following are examples of specific quality assurance activities reported in the 2012 Self Assessment Reports.

- *Oregon Law Center’s* State Support Unit (SSU) provides extensive support for litigation statewide. SSU attorneys provide sample complaints, briefs, orders and similar pleadings related to poverty law. SSU attorneys review pleadings, discuss strategy and provide advice. They co-counsel in more complex cases or

when a new attorney has a first trial. SSU attorneys set up moot court sessions to give attorneys an opportunity to practice oral arguments before federal and appellate courts.

- In 2012 *Legal Aid Services of Oregon* revised a number of its regional office accounting procedures and forms. Although there had been very little change in staff among the employees responsible for handling local office account procedures, it conducted program-wide, web-based trainings for office managers and supervisors on the revised procedures.
- *Center for NonProfit Legal Services* plans to make its website more user-friendly for its clients, with downloadable applications and the ability for community members to register for alerts and updates. It should make those changes before the next Accountability Report.
- *Lane County Legal Aid and Advocacy Center* trains more volunteers to identify under-served and, in particular, sexual assault survivors and have used our new Sexual Assault Legal Rights brochure, which was recently completed and approved by Office on Violence Against Women (OVW), to hand out at trainings with our volunteers and to other professionals.

## **Performance Area Five Follow-up**

### **Effective Use of Technology**

A provider should utilize technology to support efficient operations and the provision of high quality and responsive services. *ABA Standards for the Provision of Civil Legal Aid Standard 2.10 Use of Technology.*

A provider should examine all aspects of its operation for opportunities to increase the quality and range of its service through technology. To that end the providers have outlined in the Strategic Planning Report that they plan to review the technology needs throughout the programs and consider how to best meet those needs with the goal to better serve clients. It is recommended that these considerations be incorporated to the greatest extent possible within the confines of resources available.

### **Succession Planning**

Providers that have experienced senior staff including attorneys and administrative staff should put together a transition/succession plan to provide a road map for when they retire. The plan should involve other legal service providers and take into consideration the organizational impact both locally and statewide of retiring attorneys who are policy experts on statewide issues such as housing and public benefits.

## **Conclusion: *Striving for excellence is a key tenet of the OSB LSP Standards and Guidelines.***

*Words cannot express the feelings of despair when one needs legal aid and cannot afford it. ... I truly believe that if I were in a position to hire any attorney that I wanted, I could not find a better choice than [my legal aid attorney.]*

*[My legal aid attorney] was not only brilliant, but a very soothing and stabilizing influence.*

*Anonymous Clients, 2012 Peer Survey*

This Results and Accountability report has highlighted some of the key outcomes communicated by providers in their submissions for 2012. It has given many examples illustrating how legal services providers continue to align their services, systems and activities with the vision set forth in the OSB LSP *Standards and Guidelines*.

**The vision includes the quest for constant improvement.** With a struggling state economy that has swelled the numbers of people seeking legal assistance while shrinking the resources available to serve them, efficiency and effectiveness are critical values that figure prominently in every report submitted by Oregon legal services programs. Setting priorities and targeting resources to maximize their impact on the legal problems of low-income Oregonians continue to be both a challenge and an opportunity.

**The support of the Oregon State Bar is crucial.** As one of the providers summarized in its 2012 report:

*Legal aid's ability to provide efficient and effective services is dependent upon the ability of OSB, and its members, to educate current and future generations of lawyers about the importance of access to justice for low income Oregonians – to make them excited about supporting it. The rich history of legal aid in Oregon started in 1936 during the depression. It continued when a large number of Oregon lawyers, who had traveled to the South to help with voter registration in the 60's, returned home and provided leadership to build a statewide structure for legal aid. Leaders from the Oregon Supreme Court, the Legislature, law schools and private law firms are currently strong supporters of legal aid and access to justice. OSB should continue to promote a culture where OSB members believe that volunteering for pro bono work, making contributions to CEJ and supporting access to justice are part of being a lawyer in Oregon.*

# Summary of Survey Results

# Attachment A

As part of the 2012 evaluation process, the OSB sent out a survey to 914 individuals identified by the legal services providers as belonging to one of five categories: community partners, attorney partners, opposing counsel, judges or clients. Because only five clients responded, those responses were too few to be statistically significant. Individual answers to questions asked of clients have been included elsewhere in this report, but have been included only as anecdotal evidence of the work done by the legal services providers. What follows here is a summary of those results.

## Attorney Partners

Statewide, 100 attorney partners responded to the survey. Attorney partners are those who co-counseled with legal services attorneys, volunteered as pro bono attorneys for various organizations or otherwise partnered with legal services attorneys. Generally, attorney partners find that legal services attorneys are well-prepared, well-informed, good advocates who engage ethically, use resources wisely, are efficient with their time and are appropriately involved with their local communities. Less than 3% of attorneys partners surveyed believe that legal services attorneys are poorly prepared, bad advocates or inefficient with their time.

A representative comment about legal services attorneys, from their attorney partners, is that legal services attorneys are “hard working, overworked, and underpaid.” Staff attorneys are considered “[d]evoted, principled, sacrificing for the greater good.”

Overall concerns reported by the respondents had to do with decreased funding, and decreased availability of legal services attorneys. As one respondent put it, “Legal Aid attorneys in my community have historically been amazing and dedicated to a job where they are vastly underpaid for their professionalism and service to clients of limited means. I have serious concerns that legal aid is losing quality attorneys with the budget and staffing cuts.”

Of interest in these results is that 21.6% of attorney partners disagree with (3.3%) or were neutral about (18.3%) the statement that “Legal aid attorneys are efficient with their time.” Tying those responses to the narrative portion of the survey, it becomes obvious that the attorney partners who are neutral or negative about this statement tend to believe that legal services attorneys have overly litigated some matters, rather than settling or compromising. (This is true for the survey responses of opposing counsel, also.)

When asked whether legal services attorneys could have received a better result by engaging in different behavior, 89.9% of attorney partners responded “no.”

For those attorneys who were pro bono volunteers (92% of the respondents), 91.7% agreed that they had a positive experience volunteering for the legal services organization. Overall, 77.4% stated that they received adequate training from the organization, 19% were neutral (indicating that training was unnecessary), with 3.6% (three attorneys) indicating that they needed further training. Interestingly, only 69.1% felt they were adequately supervised, with 25% neutral, and 6% (5 attorneys) indicating that they did not receive adequate supervision. Statewide, legal services providers should examine whether their training and supervision of pro bono attorneys could be given a higher priority.

The survey also found that almost 24% of pro bono volunteers did NOT report their pro bono hours to the organization. Given that all legal services organizations are certified and therefore required to report their volunteers’ time to the Oregon State Bar, each organization should endeavor to create policies to ensure that volunteer time is adequately charted.

## **Community Partners**

Statewide, 82 Community Partners responded to the survey. Community Partners are those individuals, identified by the legal services providers, who work with the legal services providers through social service agencies or government agencies. Responses in this category were more mixed than those in the Attorney Partners category.

87% of respondents agreed that legal aid attorneys are well prepared for legal interactions. 89% agreed that legal aid attorneys are well informed in the areas of law or indigent services their organizations are involved with. 79.3% agreed that legal aid attorneys worked with them to meet the legal needs of their specific community. 84.2% agreed that working with the legal aid organization benefited their organization. 87.8% agreed that working with the legal aid organization benefited the clients they serve. 79.2% agreed that the legal aid organization was responsive to their input. 80.5% agreed that the legal aid organization was responsive to the legal needs of their community.

Interestingly, only 67.1% of respondents agreed that the legal aid attorneys they are familiar with are involved in local community activities. 25.3% of Community Partners were neutral on the question of legal aid attorneys being involved in local community activities, with 7.6% (6 respondents) disagreeing that legal aid attorneys are involved in their local community activities. Whether these statistics represent a lack of awareness of legal aid attorneys being involved in local community activities or the failure to be involved cannot be known. Legal services providers should endeavor to ensure that staff attorneys both remain involved and make public their connection with the legal services organization.

30% of Community Partner respondents stated that dealings with a legal aid attorney led their organizations to change their policies or practices. One Community Partner stated:

It is because of legal aid attorneys that several issues have been brought to Oregon Health Authority attention. We are taking action to investigate and resolve them. OLC (I understand a different organization than legal aid) has also used experiences from legal aid attorneys in their participation on Rules Advisory Councils which result in direct change to rules that improve access, quality and outcomes for our clients.

Another stated:

They raised some concerns about state agency process and language. We are in the process of making changes based, in part, to their input and will be seeking their input as we work through our communication improvements.

## **Judges**

The Judges' survey was particularly interesting. Thirty judges responded to the survey, making the survey a rather small sampling. Still, some general conclusions may be drawn. While over 90% of judges surveyed agreed that legal services lawyers are well prepared for their legal interactions (90%), good advocates for their clients (93.3%), ethical (96.7%) and well-informed on the law (96.6%), only 55.2% agreed that they are efficient with their time and only 69% agreed that they used resources wisely. 41.4% of Judges were neutral about the statement that legal aid lawyers are efficient with their time. 27.6% of Judges were neutral on the statement that legal aid lawyers use resources wisely.

When asked to describe the reputation of legal aid lawyers who practice in front of them, the judges are almost universally extremely positive. Representative comments include “Good, competent, hard-working, grossly underpaid,” “Good and competent in legal knowledge and practice; professional, ethical and courteous in their dealings” and “selfless and hardworking.” As one judge stated, legal services attorneys are “overworked and underpaid, stretched too thin because they have to cover too many courts.”

The strong judicial neutrality on efficiency and use of resources presents an opportunity for the legal services organizations to reflect on why judges might have concerns in that area. Have area judges contributed enough to the priority setting? Have area judges been well-informed on the substantial cuts to legal services programs? Can the legal services organizations work more closely with the judiciary to solve some of the representation problems? Can local judges do more work to encourage or support pro bono services of local attorneys?

### **Opposing Counsel**

Twenty-seven opposing counsel responded to the survey. 88.0% agreed that legal aid attorneys are well-prepared for legal interactions. (11.1% were neutral on this statement, 0 disagreed with it.) 96.3% agreed that legal aid attorneys were good advocates for their clients. 92.6% agreed that legal aid attorneys were well-informed in the areas of law they practice.

As with the judges who responded, opposing counsel tended to not agree as strongly that legal aid attorneys are efficient with their time or use resources wisely. One attorney strongly disagreed with the statement that legal aid attorneys are efficient with their time, while 25.9% (seven attorneys) remained neutral on that statement. Two attorneys disagreed that legal aid attorneys use resources wisely, while 34.6% (nine attorneys) remained neutral on that statement.

Again, the legal services programs should examine why it is that a significant percentage of opposing counsel believes that their attorneys could be more efficient and/or use resources more wisely. Generally, opposing counsel stated that the reputations of legal aid attorneys in their communities is good, but some provided the following comments, which might help the organizations reflect on why there is some perception of inefficiency and/or not the best use of resources:

They make poor decisions about which cases they take on.

They are very zealous about their cases and very committed to their clients. They file far more motions and do more discovery than private lawyers doing cases for people with similar income levels. They work very hard for their client's interests. They cannot be faulted for a lack of enthusiasm or dedication.

That they are good attorneys but not very helpful because they can only take cases where there is domestic violence and a huge amount of the population who need help are neglected.

Opposing Counsel were asked, specifically, “Are there any other comments you would like to make about legal aid attorneys.” This question provided some interesting input, with many opposing counsel wondering about the priority setting and screening done by local offices. The perspective of some opposing counsel appears to be that the legal services offices should think more about which cases to take, rather than taking whichever cases happen to walk into the door.

