

SUMMARY OF 2013 LEGAL AID STRATEGIC PLANNING PROCESS, FINDINGS, AND RECOMMENDATIONS

Strategic Planning Committee. Representatives from a broad range of interested stakeholders worked on the Strategic Planning Committee, meeting in large and small workgroups sixteen times from April 2012 to September 2013, gathering and considering large amounts of information that they used to make findings and recommendations.¹

Criteria Applied to Make Findings and Recommendations. The Committee applied the criteria set out in the Oregon State Bar Standards and Guidelines, adopted pursuant to ORS 9.572, including the Mission, Equal Justice Values and Core Capacities that are incorporated into the Guidelines, to make decisions. These standards incorporate the detailed American Bar Association Standards for Providers of Civil Legal Services to the Poor. The standards require that legal aid providers routinely identify the most important legal needs of the low income clients and deploy resources in a manner that maximizes the system's ability to efficiently and effectively respond to the most important legal needs. The system must be designed to foster real equality of access to justice so that each low income person in Oregon has relatively equal access to justices regardless of where he or she lives. The system must have the capacity to reconfigure, reallocate, and redefine client needs as dictated by changing environmental, social, political, legal, and technological environments.

Information Gathered and Considered by Committee. The Committee gathered and studied updated information about client demographics, community based needs assessments from across Oregon, client needs, client priorities, client services, case opening and case closing statistics, client communities, current staffing, current distribution of revenue, current placement of offices, service delivery structures used in Oregon, and emerging service delivery structures being studied and tested in Oregon and across the United States. They sought input from legal aid managers and staff at several stages through the process.

¹ Members included Judith Baker (Oregon State Bar Legal Services Program and Oregon Law Foundation, from Tigard), Sandra Hansberger (Lawyers' Campaign for Equal Justice, from Portland), Stephen Walters (private attorney, from Portland), Michael Mason (President of the Legal Aid Services of Oregon Board, from Portland)(LASO), Beverly Pearman (President of the Oregon Law Center Board, from Portland)(OLC), Marc Perrin (Member of the Lane County Legal Aid and Advocacy Center Board and member of LASO and OLC boards, from Eugene)(LCLAC), Paul Pavlich (Member of Center for Nonprofit Legal Services Board from Medford)(CNPLS), Kristin Mackay (Client member of LASO and OLC boards, from Stayton), Meg Ramirez (Client member of LASO and OLC boards, from Brightwood), Wayne Belmont (Member of LASO and OLC boards, from Newport), Mark Comstock (Member of LASO and OLC boards, from Salem), Janice Morgan (LASO, from Portland), David Thornburgh (OLC, from Portland), Ralph Saltus or John VanLandingham (LCLAC, from Eugene), and Debra Lee (CNPLS, from Medford).

The Committee gathered detailed information about client demographics from the American Community Survey (ACS). The Census Bureau and other government agencies use the ACS estimates, instead of the Census figures, to estimate poverty populations, now that the long Census form no longer gathers this data.

The Committee prepared and carefully reviewed an Excel spreadsheet that included measurable information about the different service areas and offices statewide including poverty population, square miles in the service area, staffing, and office budget information. The chart includes information from all LASO and OLC offices and programs, the Lane County Legal Aid and Advocacy Center (LCLAC), and Center for Nonprofit Legal Services (CNPLS). The chart was used by the Committee to compare the various service areas and programs, and to help evaluate a major principle of the planning process: *“A low income person in Oregon should have relatively equal access to civil legal services regardless of location or status.”* The Committee recognized that some, but not all, of the criteria set forth in the OSB Standards and Guidelines can be analyzed by using the objective statistical information in the chart. Other criteria are more intangible or subjective, but are also important to the planning analysis. Planning decisions should consider both kinds of information.

Input from Staff. The Committee used different mechanisms (computer surveys and office meetings) to engage in discussion and receive extensive input from staff and managing attorneys at three different stages in the planning process – identifying the potential improvements, narrowing this list by selecting the priorities for improvement, and the final drafting of the written recommendations.

In March of 2012, the Committee sent a computer survey to all one hundred and twenty-five employees at LASO and OLC staff asking them to identify the strengths and weaknesses in the current service delivery system. The list of items identified by the survey was taken to a statewide meeting of managing attorneys. They prioritized the list ranking the changes that would best address the needs of clients. This list of priorities was shared with all staff and they were asked to recommend changes. Meetings were held in each local legal aid office giving staff an additional opportunity to provide information about client needs and how the programs could best address client needs. In addition to seeking input on how to maintain effective structures and create more effective structures, the Committee sought specific recommendations from staff about how to prioritize any new staffing to best address client needs.

The Committee considered the locations of offices and service areas statewide and considered whether clients would be better served by offices in different locations or by changing the service area boundaries of some offices. The Committee considered satellite offices with paralegals, circuit riding, video conferencing, hotlines, 800 numbers, and different service delivery models. The Committee looked in-depth at four areas of the state: Lincoln/Tillamook/Benton Counties, the mid-Willamette Valley, Southern Oregon, and the Columbia River Gorge. The Committee asked the managing attorneys of the offices serving those areas to research and provide written recommendations about the best geographic location for an office or offices to serve those areas. The managing attorneys provided

information about the poverty population in those areas, including geographic locations of high-poverty areas and percentages of limited English speakers.

FINDINGS OF STRATEGIC PLANNING COMMITTEE

After analyzing this information, the Committee made twenty-five specific written findings identifying client needs and how to best deploy scarce resources in a manner that maximizes the system's ability to efficiently and effectively respond to the most important legal needs. The Committee decided that the current service delivery model that serves clients through community based regional offices integrated into the coordinated statewide service delivery structure best serves the needs of low-income clients in Oregon. LASO and OLC are supplementing and improving the provision of direct client service through regional offices by improving self-help materials, improving the web site that provides materials for clients, maintaining current statewide hotlines, maintaining access to unbundled legal services, and working with partners to improve interactive electronic forms. After studying the results reported by legal aid programs in other states, decisions were made to not adopt single point of access statewide hotlines or web based intake because these tools did not appear to address the most important client needs in Oregon.

The Committee found that the population in Oregon living at or below 125% of the federal poverty guidelines, and therefore eligible for civil legal services, increased by approximately 61.5% between 2000 and 2011. It identified communities in Oregon that have been harder hit by the current economic downturn. Oregon had the eighth highest increase in poverty during that period compared to other states. The increase in the population that is income eligible to receive legal aid, the increasing severity of need, and the decrease in revenue for legal aid have created a legal aid crisis in Oregon, where it is no longer possible to provide minimum access to the 850,000 eligible individuals who live across the 98,381 square miles that comprise Oregon. The current legal aid crisis in Oregon leaves many, or even most, low-income families in Oregon without minimum access to legal aid. Oregon's legal aid programs now estimate that lower income people obtain legal assistance for their problems less than 15% of the time—a decrease from the legal needs study in 2000 and updates in 2005 and 2009. There is a pressing need to increase the number of pro bono and staff attorneys to address this need. Increasing the number of attorneys is the highest priority and the most important thing that programs can do to address the current crisis in Oregon. There are currently 90 legal aid lawyers to serve the 850,000 people in Oregon whose incomes are low enough to qualify for assistance. To provide minimum access to justice, Oregon should have two legal aid lawyers for every ten thousand individuals who are eligible for services; Oregon currently has one legal aid lawyer for every 9,444. By comparison, there is approximately one licensed attorney for every 311 people living in Oregon.

RECOMMENDATIONS OF STRATEGIC PLANNING COMMITTEE

Considering the findings referenced above, the Committee discussed various ideas about how scarce resources should be spent to address the important client needs and improve services to clients statewide. After investigating, analyzing, and discussing various options, the Committee formulated recommendations that fall into four general categories: those that require no change in staffing; those that may require a shift in staffing or revenue; those that require additional staffing when additional resources become available; and those related to increasing revenue. The recommendations are summarized below.

Enhancing Efficient and Effective Legal Services with No Change in Staffing. Through the planning process, the Committee identified several high-priority recommendations for enhancing the efficiency and effectiveness of services statewide. Those ideas included improving pro bono programs in each office; emphasizing the importance of adjusting outreach, intake, and case acceptance based on the clients community needs assessment; improving communication and coordination of services statewide; and using resources strategically to identify and address legal problems that have a serious impact on low-income communities. Most of those ideas do not require additional staffing. Because broad support existed for these ideas throughout the programs and because the Committee agreed that they would improve services to clients, LASO and OLC have already begun to implement some of the ideas that require no new staffing or resources. These included creating opportunities for attorneys from different offices and programs to co-counsel in appropriate cases and implementing an electronic system for timely sharing of information about significant litigation in the programs and about serious legal needs in low-income communities around the state.

Enhancing Efficient and Effective Legal Services through Possible Shifts in Staffing or Revenue. LASO and OLC should continue to identify the technology needs throughout the programs and meet those needs. LASO should review the functions that the LASO Central Office performs, including support for technology throughout the program, and consider shifting job responsibilities or staff to better support technology at LASO. OLC should evaluate how it can use staff effectively to support technology. The LASO and OLC Executive Directors should work with the Regional Directors of the Salem OLC and LASO offices to determine the appropriate division of responsibilities and staff assignments between the two offices. Whenever an existing position becomes vacant, the Executive Director should work with the managing attorney of the affected office to determine the appropriate job category for the new hire. In some offices it may be appropriate to change a vacant support staff position to a staff attorney position or vice versa.

Enhancing Efficient and Effective Legal Services with Additional Staff. As new resources become available, the Committee identified a specific list of positions that should be added to improve the programs' ability to respond to the most important client needs. Consistent with the information gathered and the findings, the list calls for an improved ability to provide pro bono services statewide and adding staff attorneys across the state. Attorneys are the core resource deployed by legal aid to provide high quality services through public education, web sites, hotlines, appointments to provide advice and brief service, negotiation, mediation, arbitration, litigation, appeals, and other services. Even before legal aid was forced to reduce staffing by twenty percent, there was a need to

increase the number of attorneys deployed statewide to provide relatively equal access to justice.

Increasing the Amount and Sources of Revenue for Legal Aid. Oregon must recommit itself to the reasonable and necessary goal of providing “minimum access” to justice. The amount of revenue must be significantly increased and the sources of revenue broadened in order to provide the minimum acceptable level of access to justice for low-income people. More revenue must come from sources that remain consistent during times of economic downturn when the largest number of clients will be the most desperate for service. There must be sufficient stable revenue to provide at least two legal aid lawyers per ten thousand low-income clients in order to achieve the goal of minimum access to justice in Oregon.

ADOPTION AND IMPLEMENTATION OF THE PLAN

The boards of directors at LASO and OLC adopted the 2013 strategic plan at the board meetings held on December 7, 2013. Legal aid is now actively moving forward to implement the recommendations contained in the strategic plan. Legal aid was successful in implementing the recommendations adopted in similar strategic plans in 2002 and 2007. This is a critical time in the history of legal aid, where increasing client need and decreasing revenue require a strategic response to significantly increase revenue to restore minimum access in Oregon.