

Legal Services Program

2015 Accountability Analysis

Overview

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*.

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. **A periodic Peer Survey** conducted of attorney partners, clients, judges, opposing counsel and community partners, all of whom are identified by the providers; and
4. **A periodic Accountability Report** to the OSB Board of Governors and other stakeholders, summarizing the information from the providers' Self Assessment Reports and other information, including ongoing contacts with providers by OSB LSP staff, annual program financial audits and the Annual Peer Survey.

The accountability review is an analysis of the information supplied by the programs in the Self Assessment Report covering the 12 month period ending December 31, 2014.

The Providers

There are four providers that receive funding from the OSB LSP:

Legal Aid Services of Oregon (LASO) – statewide provider with regional offices and the only entity that receives federal funds;

Oregon Law Center (OLC) – statewide provider with regional offices;

Lane County Legal Aid and Advocacy Center (LCLAC) – provides service in Lane County; and

Center for Nonprofit Legal Services (CNPLS) – provides service in Jackson County

The Performance Areas

This accountability analysis is divided into "Performance Areas" that track the broad themes expressed in the mission statement and statement of goal in the OSB Legal Services Program Standards and Guidelines.

Each section outlines and discusses the level of alignment found and makes recommendations. The performance areas are as follows:

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

1) Performance Area One: Achieving an Integrated Statewide System of Legal Aid Services
It is the goal of the OSB LSP that all providers are part of an integrated statewide delivery system designed to provide relatively equal levels of high quality client representation throughout the state of Oregon. This means that the providers need to work together strategically to target limited resources to ensure equality of access statewide. It also means that the providers need to minimize geographic and institutional parochialism. They should also be integrated in the Campaign for Equal Justice’s statewide efforts to increase resources for legal aid.

a) Strategic Planning

One of the structures that the four legal aid providers use to cooperate and provide relatively equal access for clients statewide is the strategic planning process. The last strategic planning process was in 2012/13 in response to the falling revenues for statewide legal aid funding in general and LASO in particular because of federal funding cuts including federal sequestration. The final result was the closing of the Lane County LASO Office with LCLAC remaining as the sole legal services provider in Lane County while keeping the statewide service delivery system stable. The strategic planning committee also created a long term strategic plan for providing efficient and effective service in future years without necessarily increasing revenue. The final report was December, 2013. Because the recommendations from the December, 2013 strategic planning report have been implemented, the providers are engaged in another strategic planning process which started in September, 2015.

Recommendation: Oregon’s strategic planning efforts have been recognized as a national best practice. That said those efforts need to be more integrated to meet this performance area. The last strategic planning report dated December 7, 2013 made recommendations on how OLC and LASO can enhance efficient and effective legal services to clients statewide. Although CNPLS and LCLAC information was included when looking at revenue, staffing and poverty population statistics, those organizations were not included in the main part of the plan that spoke to implementing recommendations on how to be effective and efficient. These are the recommendations having to do with advocacy, coordination, service delivery models, staffing patterns and technology.

LASO and OLC are the two statewide organizations with regional offices. They share a responsibility to provide services statewide while focusing on the needs of the local community. They work closely together to provide a full range of legal services to low-income clients. They maintain separate organizations only because of the restrictions on the federal funds and strive to integrate services as much as possible. They accomplish this by sharing a board; they both use Legal Server as their case management system; they use the same policies for intake, priority setting, regional office

management and regional manager evaluation. They also have joint quarterly managers meetings. Jackson and Lane County programs focus on providing services to clients in their community, except for the LCLAC lawyers who are experts in and focus on state policy. Because the county programs are stand alone nonprofits with different boards and different administrative and service delivery systems it makes it difficult for CNPLS and LCLAC to integrate with LASO and OLC in a way that promotes the efficiencies and effectiveness contemplated by this performance standard. The providers need to strive in this strategic planning process to look at ways to include all the providers in the recommendations that flow from the final strategic planning report.

b) Increasing Resources for Legal Aid

The Campaign for Equal Justice is legal aid's primary resource development arm. CEJ coordinates the annual fund drive, educates lawyers and the community about the importance of access to justice, works to increase state and federal funding for legal aid and builds an endowment. CEJ reports that the providers are integrated from a resource development and fund raising perspective. The providers engage in numerous activities to support CEJ's annual campaign and work closely with CEJ and the OSB to protect and expand funding for legal aid.

c) Integrated Training and Legislative Advocacy Network

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

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

The SSU reports that all provider attorneys are members of most of the statewide task force listserves. LCLAC attorneys routinely attend most state task force meetings but CNPLS only occasionally attends and has been absent from the family law task force. LCLAC and CNPLS are both absent from the employment law listserv and task force. LCLAC and CNPLS case closing statistics show that attorneys from those offices do not focus on employment law cases.

Recommendation: All provider practitioners should strive as much as practical to participate in the trainings and task force meetings facilitated by the SSU. Attorneys can currently attend task force by phone and providers should work on ways to allow lawyers located outside of Portland to attend trainings and task force meetings remotely to defray the cost of traveling to Portland. This may allow Medford attorneys to attend task force meetings more frequently although they should make it a priority to be more connected to the other lawyers who practice poverty law in Oregon.

Legislative Advocacy: LCLAC and CNPLS work closely with OLC in legislative advocacy in a variety of areas of law and the providers report that it is very effective.

2) Performance Area Two: Centered on the 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 response to the changing circumstances. They do this by understanding their community through participation on boards and advisory committees as well as working with social service agencies and community based organizations that serve low income persons. In other words providers need to be integrated into the community to be able to understand current need and see emerging trends. Ongoing assessment should be coupled with periodically conducting a more formal needs assessments and setting program priorities to address the needs identified. To fully understand the needs of a community, providers should strive to reach those populations that have not traditionally sought the services of the legal aid office.

a) OLC and LASO

OLC and LASO have both incorporated best practices for reviewing client need that determine the program's priorities. LASO and OLC report that the priority setting process happens approximately every two years at a regional office level and includes a periodic regional needs assessment to seek input from a wide variety of stakeholders including people who are income-eligible to be clients, former and current clients; local attorneys and county bar associations; government and non-profit partner agencies serving people who are income-eligible to be clients; local judges; and other community partners. The primary mechanism for input is a survey questionnaire distributed by a variety of methods, including on-line, mail and email, telephone calls, on-site availability of surveys for current clients and interviews and focus groups with clients. After survey information is collected and analyzed, each office conducts priority setting meetings involving office staff and others. The established priorities guide the work plans for each office, guide outreach/intake and become an integral part of each office's case acceptance decisions. LASO and OLC's priorities are adopted by the LASO and OLC Boards on an annual basis. Board policy is that LASO and OLC should implement the statewide program priorities through local office priority setting that contain more specific goals tailored to local considerations.

OLC and LASO report that local offices change priorities in response to changing client needs. Examples are the Bend office added housing cases for disabled clients to its list of priorities and the Pendleton office added three case priorities: guardianships; homeless rights issues; and pro se and pro bono assistance for expungement cases.

b) LCLAC

LCLAC reports that the primary method of assessing client community needs is through "Case Priority Planning Sessions" which is an analysis of statistics at intake, surveys, and staff observations and communications with other agency representatives and potential clients. In 2014, the process involved analysis of statistics and staff discussion. The last thorough assessment of Lane County clients and their legal service needs was conducted in 2011 by the LASO Regional Lane County Legal Aid office. After gathering the information, LASO coordinated their priority setting process with LCLAC to avoid duplication of services. The LASO Lane County Regional office closed in 2012.

Recommendation: In order to meet the OSB LSP Standards and Guidelines it is recommended that LCLAC develop tools, methods and policies to establish a more formal and periodic Client Needs

Assessment. The Assessment periodically appraises the needs of the eligible clients in the Lane County area. The appraisal should seek to include information from income-eligible to be clients, former and current clients, employees, social service agencies, the private bar and other interested persons. The appraisal should include surveying those populations that are eligible for services but have not traditionally sought LCLAC services.

c) CNPLS

CNPLS reports that they conduct a legal needs assessment for Jackson County at least once every two years using assessment questionnaires to seek input from former and current clients, judges, local attorneys, government and non-profit agencies and other community stakeholders. They also pay particular attention to community needs assessments conducted by ACCESS, local Community Action Agency and United way. CNPLS conducts priority setting meetings with staff and the board of directors. Once established, the priorities guide employee work plans and become a part of the case acceptance decisions.

Recommendation: Although CNPLS has recently conducted a client assessment and set priorities, it is recommended that CNPLS seek to understand the legal needs of those populations that are eligible for services but have not traditionally sought CNPLS services. It is also recommended that CNPLS be prepared to change priorities and implement a response to changing client need.

Both LCLAC and CNPLS have service delivery models whereby staff attorneys are very specialized in the area of law they practice. This may inhibit a response to a new area of law that emerges and calls for substantive knowledge and strategic approaches that are unfamiliar to a specialized attorney. As indicated in the recommendations above CNPLS and LCLAC need to be prepared to change priorities and implement a response to emerging client need even if outside their specialization.

All providers should strive to incorporate best practices in how they assess community need, set priorities and incorporate service changes for changing client need for all communities. Consistency statewide is important to achieve an understanding of the most pressing client need and understand how resources should be spent.

3) Performance Area Three: Achieving Efficient and Effective Delivery of Services

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

a) OLC

Safe, decent and affordable housing is important for low-income Oregonians. Housing is typically the first or second highest priority in the community based on client needs assessments. OLC reported that they and the housing law task force strategically targeted limited resources to better protect and improve affordable housing for low income Oregonians by using a broad range of advocacy tools to improve the applicable statutes, case law and practice at the local and statewide level. They did this by working with landlords and housing authorities to implement new housing law; litigating

to protect government subsidized housing units from loss; working with partners to improve policies and practices to comply with state and federal foreclosure protection for tenants; setting legal precedent at the Oregon Supreme Court to Protect Tenants from Retaliation and participating in legislative advocacy to support housing.

b) LASO

LASO's Portland Regional Office worked with community partners in Clackamas County for several years to establish a new family justice center where survivors of domestic abuse, sexual assault, and vulnerable adults can access many of their services under one roof. The family justice center opened in December 2013. Throughout 2014 LASO attorneys and intake workers met with survivors at the justice center. The one-stop model is an efficient and effective model that benefits clients by providing comprehensive, holistic services.

c) LCLAC

The Survivor's Justice Center continues to work closely with the University of Oregon School of Law Domestic Violence Clinic to facilitate a coordinated approach and to avoid duplication of services. This division of cases promotes efficiency both for the University and for Lane County Legal Aid & Advocacy Center. The Survivor's Justice Center is the hub for legal services for survivors in Lane County. They triage all cases once a week and determine which are appropriate for full or limited representation from their attorneys and which should be referred to the University's program.

d) CNPLS

CNPLS's housing attorney has been working with the statewide Legal Aid Foreclosure Help Project since its inception in 2013 and has been collaborating with four attorneys from OLC and LASO and with the local and regional agencies and the private bar. She also has a good working relationship with ACCESS housing counselors in Jackson County. She has attended the most number of resolution conferences of the 5 project attorneys and has developed an expertise for holding the creditors accountable and negotiating favorable outcomes. She attended the May Project training session in Eugene where she was the trainer on resolution conferences. She has also developed an expertise in seeking LRAPP. Due to her skill and knowledge, clients have received loan modifications. Cases without fee waivers are electronically filed in other Oregon counties.

Outcome Measures

The providers were also asked to report on outcome measures for cases closed in 2014 that involved litigation or settlement to show how effective the legal service was. The measure and results are as follows (includes outcomes from LASO, OLC and LCLAC) and reflect the excellent work that legal aid does for their clients:

LASO

- Client achieved a positive result – 93%
- As a result of our representation and as relevant to the client’s individual situation, in the attorney’s reasonable assessment:
 1. The client is physically safer – 82%
 2. The client is better able to keep children safe – 94%
 3. The client has obtained or maintained housing – 73%
 4. The client has improved housing conditions – 67%
 5. The client is more economically secure – 87%
 6. The case benefitted the client’s family or household members – 94%
 7. The case will benefit other low-income clients – 18%
 8. Where a positive result was not achieved, cases filed for strategic reason – 13%

OLC

- Client achieved a positive result – 93%
- As a result of our representation and as relevant to the client’s individual situation, in the attorney’s reasonable assessment:
 1. The client is physically safer – 77%
 2. The client is better able to keep children safe – 68%
 3. The client has obtained or maintained housing – 71%
 4. The client has improved housing conditions – 63%
 5. The client is more economically secure – 71%
 6. The case benefitted the client’s family or household members – 77%
 7. The case will benefit other low-income clients – 53%
 8. Where a positive result was not achieved, cases filed for strategic reason – 12.5%

LCLAC

- Client achieved a positive result – 92%
- As a result of our representation and as relevant to the client’s individual situation, in the attorney’s reasonable assessment:
 1. The client is physically safer – 90%
 2. The client is better able to keep children safe – 100%
 3. The client has obtained or maintained housing – 98%
 4. The client has improved housing conditions – 75%
 5. The client is more economically secure – 65%
 6. The case benefitted the client’s family or household members – 87%
 7. The case will benefit other low-income clients – 90%
 8. Where a positive result was not achieved, cases filed for strategic reason – 50%

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

All the programs provide a full range of legal services which include phone/walk-in intake and advice, direct legal representation for individuals by staff and pro bono lawyers, complex litigation, community legal education, assistance to self-represented litigants and legislative or administrative advocacy. Also, the providers make extensive use of other resources in the service area including community-based organizations that serve the same population.

In 2014 the providers closed a total of 13,626 cases which includes staff and pro bono cases.:

- 35% were family law cases,
- 28% were housing cases, and
- 9% were consumer/finance cases.

Approximately 83% were closed as advice and/or brief service.

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

Self-Represented Litigants: LCLAC reports a married couple with irregular income received advice and counsel from staff attorney. They appeared in court pro se and were successful in receiving a trial period plan (TPP), made all the payments, and then received a permanent modification of their loan. The wife later started work as a housing counselor.

Community Legal Education: CNPLS reports that their immigration attorney teaches citizenship classes to clients and community members at the First Presbyterian Church every Monday. Ten to twelve students attend these classes and 100% are deemed to be ready to pass the naturalization test to become citizens.

Direct Representation: LCLAC reports they represented a widow, age 75, with significant hearing problems, was listed on the deed with her deceased husband but was not on the home loan note. After significant negotiations, including citing applicable law and a resolution conference, the lender agreed to allow the client to assume the loan and to modify its terms, making it more affordable.

LASO reports they represented Ruth who was recovering from surgery in a wheelchair when her husband of several decades grabbed her and yelled at her in a public place. She felt deeply humiliated, and the reaction from those around her was a life-changing moment. "Unless we have someone to enlighten us about abused women, we have no idea what to do, or that you can walk out the door," says Ruth. She contacted LASO to help her get protection from his abuse for herself and her teenage son, who is autistic. Ruth and her son have been thriving apart from the abuser. Ruth says, "I have a right to enjoy my life and our son has a right to explore every avenue out there and not be held back." She wants everyone to know legal aid may have saved her life.

Major Cases and Projects That Have Systemic Impact: LASO, Oregon Law Center and the National Housing Law Project filed suit in federal court in an effort to preserve the only affordable housing complex in Merrill, Oregon. The complex is operated under the U.S. Department of Agriculture's Rural Development housing

subsidy program. The plaintiffs filed a complaint and preliminary injunction motion to enjoin USDA from accepting the final payment on the property's mortgage in advance of the date the mortgage was originally supposed to mature. Accelerated payment of the mortgage would prematurely remove the complex from the affordable housing program. USDA responded to the motion by conceding that the agency would not accept a premature final payment on the mortgage. This decision by USDA has already helped stop the premature final payment on another 42 unit affordable housing complex in Oregon and may help to stop the premature mortgage maturity of at least 70 other properties across the country. Other issues in the case remain to be litigated.

Legislative Efforts That Have Systemic Impact: LCLAC attorney John VanLandingham leads two coalitions of landlord and tenant advocates that have negotiated, drafted and gotten adopted into state law, consensus bills amending landlord/tenant law in every legislative session but one since 1983. John is the chief tenant advocate, chief drafter, electronic secretary and lead advocate within the Legislature for both coalitions. Oregon is the only state in the nation which amends its landlord/tenant laws through a coalition process; as a result, issues which require litigation in other states are usually addressed by state statute in Oregon.

Integrating the Resources of the Legal Profession: The legal profession is a valuable resource in addressing the needs of the low-income community and should be integrated to the greatest extent possible into a provider's efforts to provide a full spectrum of legal services that respond to its clients' needs. Oregon legal aid providers all report that pro bono attorney involvement is an integrated part of the structure used to deliver high quality legal services. 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.
- LCLAC uses both non-lawyers and lawyers for intake, to provide staffing in both the main office and Florence office.

Recommendation: Those attorneys who were pro bono volunteers and answered the survey agreed that they received adequate training and supervision and had positive experiences volunteering. That said only 50% of those volunteers reported their volunteer hours to the organization. As this is a critical piece of information for the Oregon State Bar, the organizations should ensure that each volunteer reports his/her hours and that those hours are reported to the Oregon State Bar's Pro Bono Coordinator.

5) Achieving High Quality of Legal Services

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

a) Technology

Providers should utilize technology to support efficient operations and promote high quality and responsive service. The rapid and ongoing changes brought about by technology have a dramatic impact on how low income persons interact with their environment and with the legal system. Each provider has a responsibility to plan effectively how it will use technology in providing assistance to

low income persons in its service area and in supporting its internal operations, including the production and management of legal work and the training and support of its staff. *ABA Standards for the Provision of Civil Legal Aid Standard 2.10 Use of Technology.*

LASO and OLCs

LASO and OLC have incorporated the technologies that should be in a modern legal aid office today. They engage in adequate planning around needs and capacities; they have adequate funds budgeted for technology; they both use a robust case management system (CMS) that includes reporting features and access to client and case data and is available in real time in all regional offices. The CMS does document production, timekeeping, calendaring and conflicts checks. The CMS allows staff to generate reports, extract meaningful data for case supervision, plan, and evaluate programs and other purposes. All staff can access the system and database remotely. OLC and LASO work closely in development and innovation relating to the two statewide legal aid community websites OregonLawHelp and Oregon Advocates. OregonLawHelp is a statewide website that contains information for the client community. Oregon Advocates is a website to provide staff and pro bono lawyers with access to sample pleadings, briefs, motions and other documents. OLC and LASO coordinate closely in both planning and purchasing systems which achieves greater efficiencies.

LCLAC

LCLAC reports that its CMS system is old and its replacement is a high priority but additional grant funds must be sought to be able to buy a good CMS in the future. Some funds have also been set aside as a start on this need. LCLAC reports referring clients to Oregon Law Help but does not report using the Oregon Advocates website to access sample pleadings, briefs and other documents to assist practitioners.

Recommendation: It is recommended that LCLAC make it a priority to budget and plan for incorporating those technologies that should be in a legal aid office today. This includes an upgraded CMS and upgrading computer security systems.

CNPLS

CNPLS does not currently have the technologies that should be in a modern legal aid office today. This is due to the lack of resources. CNPLS was recently awarded a Meyer Memorial Trust Foundation grant for \$85,000 to plan and implement a CMS system together with software and hardware needed to run the system. CNPLS reports referring clients to Oregon Law Help but does not report using the Oregon Advocates website to access sample pleadings, briefs and other documents to assist practitioners.

Recommendation: Use the grant funds to plan for and implement a new CMS system.

b) Management Systems

The providers report that they have systems in place to adequately review/supervise legal work, assign cases to legal staff and procedures for evaluating staff performance. They also report systems for appropriate legal research and investigation, provisions for ensuring client confidentiality and conflicts checks and provisions for zealous advocacy of clients' interests.

OLC and LASO

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

Every quarter LASO and OLC conduct quarterly managers meetings for all the managing attorneys. The agendas include topics such as "how to conduct a proper needs assessment" and "overcoming barriers to doing more systemic advocacy". The regional manager from Marion/Polk County commented on how helpful he finds the managers meetings both in substance and as a forum to interact with other managing attorneys.

Recommendation: LASO and OLC have incorporated best practices to assure the regional offices provide quality services. It is recommended that all providers adopt a similar set of criteria for operation of an office and for manager evaluation.

CNPLS

CNPLS reported that they have adequate systems in place for reviewing and supervising legal work, assigning cases to legal staff, supervising the work of fiscal and support staff and staff evaluation. It is not clear whether CNPLS has written management policies in place similar to LASO and OLC.

Recommendation: It is recommended that CNPLS adopt a set of criteria similar to that of LASO and OLC for operation of an office, and for manager and staff evaluations.

LCLAC

LCLAC's executive director retired the end of June, 2015. Two long time employees of LCLAC, John VanLandingham and Jean Beachdel, were appointed as co-directors on October 1, 2014. Mr. VanLandingham has taken on the responsibility of supervising the lawyers and Ms. Beachdel the support staff. LCLAC reports that in 2013 they developed a system for conducting staff evaluations for all staff which was replicated in 2014 and was slated again for July, 2015. LCLAC does not have written management policies in place similar to LASO and OLC.

Recommendation: It is recommended that LCLAC adopt a set of criteria similar to that of LASO and OLC for operation of an office, and for manager and staff evaluations.

Subcommittee Review of LCLAC

A LSP subcommittee is conducting a review of the delivery of legal services at LCLAC. The subcommittee will forward a report to the LSP Committee for further discussion.

Peer Survey

A peer survey was conducted of attorney partners, clients, judges, opposing counsel and community partners, all of whom are identified by the providers. A summary of the results are attached. The results are helpful for this review and also provide feedback to the providers from community stakeholders.

Appendix 1: Summary of Survey Results

As part of the 2014 evaluation process, the OSB sent out a survey to 491 individuals identified by legal services providers as belonging to one of five categories: community partners; attorney partners; judges; opposing counsel; and clients. As in 2012, only five clients responded to the survey. Consequently, 12 clients were successfully contacted by phone. The results of those phone conversations were added to the survey results. What follows is a summary of those results.

Community Partners

Forty of 160 community partners responded to the survey. The respondents included staff of public service organizations, other legal services providers, and various governmental. Generally, responses of community partners were highly supportive of the legal services organizations. 87.5% of respondents agreed that “working with the legal aid organization benefitted the clients we serve.” 85% believed that “working with the legal aid organization benefitted my organization.” 82% believes that “the legal aid organization was responsive to the legal needs of our community.” Only two people (5%) disagreed with that statement.

Community partners that expressed dissatisfaction generally did so based on budgetary issues. For instance, one community partner stated:

Legal Aid has had to limit who they can assist, likely due to budget constraints. Thus, people who are not users of Housing Choice vouchers receive NO help with their landlord & tenant issues. This includes people with incomes below \$1,000 per month, even when the Legal Aid attorney tells them they have a good case.

Another community partner stated that, “[o]ur community’s access to justice would certainly be stronger if we had more legal aid services, and higher income limits for the low income families they serve.”

Community partners found that legal aid staff and offices benefitted their organizations. 85% agreed or strongly agreed with that concept, with 13% remaining neutral or responding “don’t know.” Only 2.5% (1 respondent) disagreed with that statement.

The strongest response was to the question of whether legal aid attorneys are well informed in the areas of law or indigent services with which the community partners were involved. 70% strongly agreed with this, 15% agreed, and another 15% either didn’t know or were neutral. No respondents disagreed with that statement.

One community partner response obviously came from someone who works on the opposite side of legal aid in housing matters, but showed, clearly, the benefits to the larger community when legal aid works on community-wide needs. The respondent stated:

I found that working with legal aid to find solutions was the best avenue. Seeing things from both perspectives helps to find common ground when possible. Also, if you (as a landlord) have good documentation to support your actions and you follow the laws and regulations, it is very hard for the legal aid folks to dispute the action and then they can actually help the client to understand.

“If . . . you follow the laws and regulations . . .” When legal aid attorneys work to ensure that landlords (and employers and collection agencies et al) follow the laws and regulations, low income Oregonians benefit.

Some comments were negative. One community partner stated that, “[t]he staff we have interacted with need sensitivity training.”

A small, but significant number of community partners (25%) stated that dealings with a legal aid organization led their organizations to change policies or practices. One striking example involves the added benefit of better health for the legal aid clients:

*When implementing our non-smoking policy in our Public Housing properties, Legal Aid pointed out that we had not provided the full required advance notification before implementation date. We delayed the implementation to meet the full required advance notification time and Legal Aid informed the clients who had wanted to stop our change to go non-smoking that we did have the right to make that change. This actually stopped much of the protest talk and **got many residents to look at quitting smoking.** (Emphasis added.)*

Examples of ways in which legal aid staff have partnered with other community organizations abound. Legal aid attorneys have taught classes on “Landlord/tenant issues” in a Second Chance Renter class for homeless Oregonians. Legal aid attorneys have worked with at least one District Attorney’s office cross-training to hold offenders accountable and keep victims safe. Legal aid attorneys have had an on-going partnership for two years regarding labor issues for forestry workers. They have helped to study sexual harassment of farmworker women and helped to ensure access to health care for those same farmworkers. Legal aid has partnered for over 25 years with one organization to ensure fair housing rights for its clients.

Legal aid offices work with community partners on housing matters, senior services, health care issues, farmworker issues, Oregonians with disabilities, domestic violence, public benefits, and more.

Most of the community partners surveyed had been in longstanding partnerships with them, some as long as 25 to 30 years.

When asked about the general reputation of legal aid attorneys in their communities, the responses were consistent in stating two things: the staff attorneys are highly skilled, and there aren’t enough of them. Thirty six of the community partners wrote answers to that question. Other than commenting about the attorneys being over-worked, only two responses were negative. One community partner stated that “they are unprepared and . . . do not care.” Another responder stated:

It is mixed. There are defined cultural differences between our client population and the legal aid attorneys and we get mixed feedback, which I believe is often due to varying cultural approaches to such a relationship.

Legal aid managers might consider some additional cultural competency training.

Co-Counsel

Twenty-two of 101 co-counsel responded to the survey. Of those 22, the majority were impressed with the quality of services, ethical behavior and legal knowledge of the legal aid attorneys. 90% agreed that legal aid attorneys were well-prepared for legal interactions (10% didn’t know). 90% agreed that legal aid attorneys are good advocates for their clients, with 76% strongly agreeing (10% didn’t know). 90% believe that legal aid attorney behave in an ethically appropriate manner, with 81% strongly agreeing (10% didn’t know). While only 86% agreed that legal aid attorneys are well-informed in the areas of law they practice, it is because 14% stated that they don’t know for that question. Similarly, 24% of co-counsel didn’t know

whether legal aid attorneys are involved in local bar and community activities. In fact, the only negative responses to the survey were one co-counsel indicating that s/he disagreed that “legal aid attorneys are involved in local bar and community activities” and one remaining neutral on the statement that “legal aid attorneys spend appropriate time and resources on their cases.”

When asked to describe the general reputation of legal aid attorneys in their communities, the majority of responders stated “excellent” or “favorable” or “very good.” Legal aid attorneys are “seen as leading experts in certain areas.” They are “deeply committed to the cause of the indigent and the underrepresented and they work in sacrifice for the cause.” They “fight hard for their clients and do great work with limited time and resources.”

One responder from Grant’s Pass stated: “Legal community wonders what kind of cases they take. Not very visible except in family law.”

Those attorneys who were pro bono volunteers through legal aid agencies agreed that they received adequate training and supervision and had positive experiences volunteering. (One respondent was neutral on the issues of training and supervision.) Interestingly, only 50% of those volunteers reported their volunteer hours to the organization. As this is a critical piece of information for the Oregon State Bar, the organizations should ensure that each volunteer reports his/her hours.

Judges

While only 14 judges responded to the survey, their responses were both positive and helpful. 100% agreed that legal aid attorneys were well-prepared for legal interactions, were good advocates for their clients, behaved in an ethically appropriate manner, were well informed in the areas of law they practiced and used judicial resources appropriately. Five of 14 either didn’t know (4) or were neutral (1) on whether legal aid attorneys were involved in local bar and community activities. The legal aid organizations should examine whether staff attorneys are adequately involved in local bar and community activities.

One judge stated:

Our LA attys are exceptional advocates. They are a vital part of the legal and domestic violence community. They are always prepared to help out on projects. They only shortcoming: not enough of them.

Most judges believed that legal aid attorneys could not have achieved a better outcome for their clients if they had engaged in different behavior, although two believed they could have. The comments allowed in connection with the response did not provide any further guidance on this issue.

As far as general reputation of legal aid attorneys amongst judges, the judges surveyed generally said that the reputation is good to excellent. One judge stated, “I think good. Since the legal aid office closed in our county I see far fewer legal aid attorneys in my courtroom.”

One judge, identified by the Hillsboro OLC office, stated:

Other than local attorneys engaged in pro bono representation, which are coordinated by our local legal aid office, we do not have legal aid-employed attorneys appearing regularly here, so their reputation among the judges here is one of invisibility. I would note, however, that one of the staff attorneys from our regional legal aid office regularly

participates in our local family justice center, where she assists domestic violence victims with restraining order petitions, and with other legal needs.

Opposing Counsel

Only nine attorneys responded to the survey sent to opposing counsel. Most of those attorneys agreed or strongly agreed that legal aid lawyers are well-prepared for legal interactions, are good advocates for their clients, behave in an ethically appropriate manner, and are well-informed in the areas of law in which they practice. One attorney from Coos Bay strongly disagreed that legal aid attorneys are involved in local bar and community activities. Two attorneys disagreed with the statement that “legal aid attorneys are efficient in their use of judicial resources.”

One opposing counsel spoke eloquently on behalf of their services:

I think legal aid services should be increased and that their services are often overlooked or undervalued because of the unique nature of their practice. I also think they have a wide and important skill set in areas of law that cannot be supported by the market because there is [no] economic return for developing the specialty.

Opposing counsel had interesting things to say about legal aid attorneys. One attorney stated that, “[t]he reputation in this county is that they provide advice but never represent people in court.” Another stated that “I would like to see them more involved in the local bar – because they are often in cases that don’t have an opposing party it makes them disappear into the woodwork.”

Finally, opposing counsel often quite succinctly discussed insufficient funding of legal aid services:

- They need more funding for support staff.
- I get a lot of modest means referrals so I am not sure how well legal aid is meeting the demand out there.
- There needs to be more of them, especially in the area of family law. There should be family-law court-appointed attorneys for family law matters involving children.

Clients

The conversations with clients (and the survey responses) showed clients are consistently satisfied by the representation they received. 100% of the clients surveyed or interviewed agreed that their attorneys:

- Were well-prepared in their dealings with the client.
- Were good advocates on their behalves.
- Were available/accessible when the clients needed them.
- Behaved with courtesy and respect.
- Were well-informed in the area of law in which the dispute was involved.

Clients were effusive in their praise of the attorneys and programs who assisted them. Clients made statements such as:

- I could not have done it without [my advocate]. . . It has truly changed my life.
- [My advocate] jumped on it and got it resolved [right] away and he wouldn’t back down.
- [My advocate] was polite, professional and very well prepared for the hearing. I don’t believe that any other attorney could have presented my case any better and he was my champion throughout.
- She was professional, well informed and easy to work with.

- He was very kind and eased my mind.
- I hope [they] keep getting the funds to help out others. There are a lot of Hispanics that need the help but are too afraid to speak up because of their immigration status.

One client, from the Grants Pass OLC office, spoke glowingly about the staff at the office and the representation she received. She passed along that reaching someone at the office by phone was difficult. Going to the office in-person, or contacting her attorney by e-mail both brought good results so she stopped trying to get through via telephone.

It should be noted that LCLAAC provided information to this office about client and community partner surveys conducted by LCLAAC staff. While the information does not include the number of clients and community partners surveyed or the number who responded, it is clear that their response rate was good. As LCLAAC states, surveys returned for the Survivor's Justice Center show that 100% of the clients who received services agreed or strongly agreed that staff was effective. Many clients expressed appreciation for the work done by LCLAAC and community partners were similarly supportive of and grateful for the work done by the organization.