

Legal Services Program

2020 Accountability Update Report

Overview

During 2018, the OSB Legal Services Program (LSP) conducted an in-depth accountability review of the legal aid providers funded by the program. The final report for the 2018 review was presented to the OSB Board of Governors in April of 2019. The LSP periodically conducts in-depth accountability reviews like the one conducted in 2018. Between these in-depth reviews, the LSP conducts ongoing evaluation activities including peer reviews, desk reviews, ongoing contacts, and other evaluation activities consistent with the OSB LSP *Standards and Guidelines*.

This 2020 Accountability Update is part of the LSP's ongoing evaluation process. This update began as an effort to assess changes that programs have made in response to the 2018 review. While the LSP was preparing for the update, conditions changed in two significant ways. First, legal aid programs began implementing a new strategic plan based on the start of funding distributions from a significant award under ORCP 32 O. Second, the state's safer at home precautions in response to the pandemic came into effect. As a result of these changes, this update focuses on three topics, changes flowing from the 2018 review, changes flowing from new ORCP 32 O funding, and changes flowing from reaction to the novel Corona virus.

This report is primarily based on legal aid provider responses to twelve narrative question. The LSP also reviewed case closure and financial data for the 12-month period from January 2019 through December 2019 connected to the legal aid providers. Case closure and financial data is collected annually through a partnership between the LSP and the Oregon Law Foundation.

Updates based on the 2018 Accountability Review

To help the providers adhere to the five themes of the LSP's mission, the 2018 Accountability Review report included several recommendations. In the report's conclusion, those recommendations were summarized into three categories: cooperation, evaluation, and contemplative priorities and service delivery models.

Cooperation

The 2018 Accountability Review highlighted the responsibility of all three legal aid providers to make sure staff of all organizations participate in State Support Unit task force meetings and listservs to encourage lawyers to stay abreast of changes among the issues that affect low-income clients in Oregon. Similarly, the 2018 Accountability Review highlighted the responsibility of all three providers to make sure managers from all organizations participate in quarterly management meetings. The 2018 review found that CNPLS staff were less engaged with listservs and taskforce meetings and that there were barriers to their participation.

LASO and OLC reported efforts to provide an inviting and welcoming atmosphere for CNPLS staff on listservs and at task force meetings, and reported the continued ability for attendance at task force and management meeting via video conference. CNPLS reported purchasing webcams and speakers for all attorneys to facilitate remote participation in task force and management meetings. Additionally, CNPLS case handling staff are signed

up for listservs and are encouraged to participate in task force meetings. Debra Lee, Executive Director of CNPLS, noted the work that all three organizations did together during their recent statewide strategic planning and stated continued interest in participating in quarterly management meetings.

Evaluation

The 2018 Accountability Review highlighted the need for all three organizations to assess succession risks, particularly in hard to staff offices. Turnover and succession risks in OLC's Ontario office were noted, and the report suggested that similar risks were likely elsewhere in Oregon's legal aid network. The 2018 Accountability Review also highlighted the need for CNPLS to adopt a set of evaluation criteria for the operation of their office and evaluation of staff performance.

OLC determined that approximately 25% of their staff are within about five years of retirement. Both LASO and OLC reported expecting salary increases allowed by the recent ORCP 32 O award to both reduce staff turnover and allow the organizations to more competitively recruit new staff.

LASO reported hoping to increase longevity in more-rural offices by expanding where it recruits new staff from. Recruiting outreach has been added to law schools in smaller communities and rural areas. Additionally, LASO reported beginning to work with a diversity, equity and inclusion consultant to among other things seek advice on recruitment and retention strategies.

CNPLS reported that its board has reviewed the evaluation and operation criteria used by LASO and OLC and is expected to adopt those criteria this summer. CNPLS is also in the process of considering policies supporting diversity, equity, and inclusion as well as trauma-informed services. Once the policies are finalized, they will be used in evaluations of staff members and the executive director.

Contemplative priorities and service delivery models

The 2018 Accountability Review highlighted the importance of programs employing a contemplative process where their priorities and service delivery models flow from client needs and where limited resources and client needs are contemplatively balanced in a number of ways. Additionally, the report emphasized that programs and their staff must be able to provide reasons why balancing choices are made, recognize the disadvantages of their choices and structures, and clearly show what steps will be taken to mitigate those disadvantages.

The 2018 review called out the need for CNPLS to engage in contemplative priority setting and contemplative consideration of its delivery model to adapt to changing community needs. Further, the review called out the need for LASO and OLC to provide CNPLS with help and expertise in establishing best practices for planning and priority setting.

CNPLS has not yet completed its needs assessment, priority setting, and service deliver model review; however significant progress was made in the approximately one year from the 2018 Accountability report becoming final and the safer at home precautions taking effect in spring of 2020. Primarily through the State Support unit of OLC, assistance and needs assessment instruments have been shared with CNPLS. Both CNPLS and OLC expressed continued interest in working together as priority setting and service deliver model review continue.

CNPLS has identified both statewide needs assessments and local needs assessments to help with its planning process and has begun engaging using surveys and focus groups with community partners. Unfortunately, precautions related to the pandemic have slowed progress.

Contemplative priority setting and service delivery model consideration are essential to meeting the goals of the LSP Standards and Guidelines; therefore, it is important that CNPLS continue its efforts and complete its priority setting and deliver model consideration as soon as practicable given the circumstances.

In 2020, CNPLS is not alone in needing to complete needs assessments and priority setting during the continuing pandemic. Several LASO and OLC offices are also reviewing community need and adjusting priorities this year. LASO, OLC, and CNPLS must work together to share tools and methods to conduct needs assessments with limited or no in-person interaction. The Legal Services Program Committee expects meaningful needs assessment and priority setting progress to occur this year and will receive progress reports at its quarterly meetings.

Service Expansion from Large ORCP 32 O Award

2020 brought both an additional inflation adjusted \$4 million in funding from a large ORCP 32 O award and the beginning of a new statewide strategic plan executed by all three providers in response to this new funding.

The large ORCP 32 O award came after nearly a decade of flat state funding from the statutory appropriation. After this period of flat funding, providers found their salaries significantly below the salaries of competitors: lower than legal aid salaries in Washington, lower than public defenders in Oregon, and far lower than district attorneys and DOJ lawyers in Oregon. OLC discussed how the large ORCP 32 O award allowed for an increase in salaries with the intention to improve staff recruiting and retention leading to improved client services.

So far, the following positions and efforts have been added as a result of this new funding:

New Positions

- OLC: Director of Operations – this position will relieve administrative bottlenecks and improve efficiency statewide.
- OLC: State Support Unit attorney focused on housing law – this position will help LASO, OLC, and CNPLS offices across the state address the housing crisis
- OLC: State Support Unit litigation paralegal – this position will help support staff in offices across the state better assist in litigation
- OLC: An additional staff attorney in Hillsboro – this position will help increase service in the Hillsboro region which previously was the most understaffed region.
- CNPLS: Additional 0.5FTE attorney focused on immigration and assisting attorneys at the other legal aid providers with immigration and immigration status issues.
- LASO: An additional bilingual legal assistant in Albany – previously the Albany office had no Spanish-speaking support staff.
- LASO: Change of a staff attorney position to a supervising attorney position in Portland – this position will allow for better management and improve the ability of the Portland office to pursue grant funding.
- Programs have also created paid summer law clerk positions – these positions will help programs recruit more diverse staff as unpaid internships have long created an experience gap for communities of color and those who rely on financial aid for their education.

Additional Efforts

- OLC: Move of the Hillsboro Farmworker office to Gresham
- LASO & OLC: Engagement of a diversity, equity, and inclusion consultant to help improve services to the public.

- CNPLS: adding text messaging capability to case management system – this will allow for easier exchange of documents and information with clients, especially when not meeting in person.
- LASO: New Gresham office – this will allow LASO to better serve clients by being physically closer to low-income and communities of color in east Multnomah County.

All three programs noted that they have paused pursuing additional changes contemplated by the strategic plan because of present funding uncertainty due to the COVID-19 pandemic. If other funding decreases, the funding from the large ORCP32 O award will need to be relied on to maintain service levels rather than to expand services further.

Pandemic Response

In response to the pandemic and stay at home measures, all three programs have shifted to using technology to facilitate remote delivery of services. All three programs also reported seeing increases in client need for help connected to housing and public benefits. CNPLS reported increased anxiety in immigrant communities and an increased need to provide information about public charge rules. Other issues have continued at pre-pandemic levels. CNPLS additionally reports helping respond to the essential needs of their client community with information about food assistance, shelter, and other programs.

As housing and public benefit issues fit within the priorities of all three programs, they were all prepared with expertise to respond to client needs. In response to increased need, the statewide benefits hotline has been expanded, all three programs are improving their online or social media presence, and numerous COVID-specific client education materials have been created and distributed through OregonLawHelp.org.

The Update survey was completed at the end of May, and the Legal Services Program will continue to work with programs to understand client needs stemming from the pandemic and provider responses.

Conclusion

The legal aid programs have made serious effort to respond to the core recommendations of the 2018 Accountability Analysis. We hope to see LASO and OLC continue to welcome CNPLS staff and management to task force and management meeting and we hope to see CNPLS staff continue to participate. CNPLS has taken significant steps along the path to contemplative priority setting and service model consideration; it is of paramount importance that CNPLS complete that process as soon as it becomes practicable to do so. It is also of paramount importance that LASO and OLC continue to offer encouragement and support as CNPLS completes this process including sharing their own work on conducting needs assessment and priority setting during the pandemic. The Committee expects progress to continue and will continue to monitor progress at its quarterly meetings.

A year's worth of planning for service expansion as a result of a significant ORCP 32 O award has slowed over the last few months because of the need to respond to the pandemic. Although providers have adjusted in how services are provided to accommodate the pandemic, uncertainty still remains. There are questions concerning the impact on core funding and whether a pandemic-driven recession will increase the percent of Oregon's population that qualify for legal aid. How these uncertainties resolve will determine whether legal aid can continue to expand services or whether it must struggle to maintain the current service level.