

Legal Aid Services of Oregon

921 SW Washington, Suite 570, Portland, OR 97205

(503) 224-4094

(503) 417-0147 FAX

November 30, 2011

Evora Thomas
Program Counsel
Legal Services Corporation
3333 K Street NW
Washington, D.C. 20007

RE: LSC Program Quality Visit, July 18-22, 2011
Legal Aid Services of Oregon, Recipient No. 938004
Response to Draft PQV Report

Dear Evora:

In response to the letter we received from Janet LaBella dated November 1, 2011 and the draft report of the Program Quality Visit that occurred earlier this year, I am submitting comments and suggested corrections of factual matters in the draft report on behalf of Legal Aid Services of Oregon. Before doing so, I would like to extend my thanks and appreciation to you and to all of the members of the PQV team who visited us last July. We recognize that program assessments through direct engagement in the field require a tremendous amount of work and time away from other obligations, before, during, and after the visit. Thank you very much for organizing and leading that effort, and please convey our appreciation to the other members of the team.

We have already benefitted from the assessment of many aspects of our program in the draft report. I was also proud and pleased to see, during the exit interview and in the draft report, the team's clear recognition of the many strengths of LASO and the network of legal services providers in Oregon.

There is always room for improvement. We have already started to discuss and plan for implementation of some of the recommendations. Other recommendations, particularly those that require additional resources, may be difficult to implement in the current fiscal climate. In any event the report will serve as a good reference point for the future as we continually strive to provide more efficient and effective services to our clients.

The following are LASO's specific responses to the draft report:

Introduction, Page 1, Fourth Paragraph

"On site, the team visited all ten program offices."

Response: We have thirteen offices, plus the Central Administrative Office. The team visited 11 offices, but met with managers from all offices.

Introduction, Page 2, Last Paragraph

"LASO has experienced funding reductions during the past two years. In 2010, the program reported total revenue of \$7237,789, including \$4,375,105 in LSC funds and \$2,862,684 in non-LSC funds. One year earlier, the program reported total revenue of \$9,062,862, including \$4,347,772 in LSC funds and \$4,714,090 in non-LSC funds."

Response: The first sentence of this paragraph is not accurate because the amounts stated for LASO's 2010 revenue are not correct. In our March, 2011 Grant Activity Report, we reported total 2010 revenue of \$9,584,966, including \$4,375,105 in LSC funds and \$5,209,861 in non-LSC funds. As a result, our revenue increased in 2010 over the 2009 amount. Revenue decreases have occurred in 2011.

Program Overview, Page 2, Top of Page

"while 83.6% remains White."

Response: We prefer "is."

Program Overview, Page 2, Second Full Paragraph

"known as NAPOL"

Response: The acronym for the program is NAPOLS.

Finding 3, Page 8, First Paragraph

"Lane County Legal Assistance Center in Eugene."

Response: The program name is Lane County Legal Aid and Advocacy Center.

Finding 3, Page 8, Second Paragraph

"The Oregon State Bar Legal Services Program (OSB-LSP) conducted a comprehensive peer review in 2007; and they used the OSB-LSP Standards and Guidelines as the framework for the evaluation."

Response: In 2011, the OSB-LSP implemented a new Self-Assessment reporting procedure. The OSB is currently preparing an evaluation report based on the 2011 self-assessment process that will be based on criteria in the OSB-LSP Standards and Guidelines.

Finding 8, Page 11, First Paragraph

"After having recently closed the Hillsboro office, migrant staff is located in the Woodburn and Pendleton offices."

Response: LASO still has a migrant program office in Hillsboro. Migrant staff members are located in the Woodburn, Pendleton and Hillsboro offices.

Finding 8, Page 12, First Full Paragraph

"Almost all Farmworker Program staff members speak Spanish"

Response: All Farmworker Program staff members speak Spanish.

Finding 10, Page 14, Second Paragraph

"LASO does not have a director of litigation; and there does not appear to be any direct supervision of either the legal work or the management responsibilities of the regional directors. It appears that there is inadequate capacity for overseeing/coordinating all the various legal work management systems and protocols for the program."

Finding 18, Page 22, Second Paragraph

"The legal work and management functions of the regional directors are not formally evaluated on a regular basis although their supervision by the executive director and director of administration is implied."

Response to Finding 10 and 18: The executive director directly supervises all regional directors on management functions and legal work. The Support Unit attorneys review the legal work in all offices and report to him about their observations. The director of administration and the assistant director of administration report to the executive director about management issues in the offices. In addition, the executive director directly contacts regional directors periodically and is available to assist regional directors on matters (legal work or management issues) that arise in offices. While this supervision occurs on a somewhat informal basis, it is inaccurate to state that the regional directors are not supervised on their management functions or legal work.

Finding 11, Page 16 , Top of Page

"may eschew the 'per poor persons' analysis."

Response: We think that "skews" is a preferable word choice.

Finding 11, Page 16, Recommendation III.1.11.1*

"The program also reports that some work performed by advocates has not been reported as an LSC funded case when the services were performed pursuant to a specific contract even though some of the clients served under the contracts may also have been eligible for LSC funded legal assistance."

Response: It is our belief, and was definitely our intention, that we reported to the PQV team exactly the opposite of the above statement. We include LSC-eligible cases in our CSRs without regard to how they are funded. The reporting of CSRs and the determination of which cases to include or not include occur in the Central Administrative Office. We think that it is possible that

some staff may not have a complete understanding of which cases are reported as part of our CSRs. But that determination is not made in our local offices.

In our 2010 CSRs we reported 9040 closed LSC-eligible cases. Of these, 7117 were funded by LSC funds or other general non-LSC funds (filing fees, IOLTA, private fundraising) on cases that are LSC-eligible. Also included in our CSRs were 1923 cases that were also LSC-eligible but were funded by and coded to 23 other non-LSC funding sources, including grants and contracts. Our CMS is set up to identify LSC-eligible cases and we have set up several reports in Legal Server to help us double-check that LSC-eligible cases are properly identified as "LSC-eligible" on the basis of LSC eligibility factors, regardless of the funding source.

Where there has been a misunderstanding on our part is not reporting LSC-eligible "Native American cases" in our Native American CSRs, rather than as part of our Basic Field CSRs, as noted. We are addressing this issue. Although we agree that it is more appropriate to include these cases as part of our Native American CSRs, LSC-eligible Native American cases have always been part of our CSRs and reported to LSC.

Finding 12, Page 16, First Paragraph

"NAPOLS is based in Portland, which has the largest Native American population in the state; and is centrally located between most of the reservations in Oregon."

Response: A more accurate description would be: "which has a large urban Native American population and is home to many Native American service providers." Geographically, Portland is not centrally located between most Oregon reservations.

Finding 12, Page 17, Second Full Paragraph

"These cases are attributed to Basic Field which eschews the CSR's."

Response: We think that "skews" is a preferable word choice.

Finding 13, Page 18, First Full Paragraph

"LASO litigated a complex FLSA and WARN Act case against a large corporate nursery employer . . ."

Response: The WARN Act case did not include an FLSA claim. It included a wage claim under Oregon law, ORS 652.150.

Finding 14,, Page 19

"which is now LASO's Salem."

Response: The word office needs to be added.

Finding 21, Page 24, Second Paragraph

"Currently two attorneys receive LSC sponsored LRAPs; some others participate in the OSB and LASO's LRAP program."

Response: Attorneys apply for the OSB LRAP program and some of our staff have been selected to benefit from this program. LASO's LRAP is a bargained-for benefit that is available to all attorneys who are currently in repayment status on law school loans. As a result, most recently graduated attorneys in our program qualify for and receive this benefit.

Finding 23, Page 25, Last Sentence

"Hillsborough office "

Response: This should be "LASO's Hillsboro basic field office."

Please contact me if you have any questions about these suggestions, or if anything else is needed for the preparation of the final report. Thank you again for your assistance throughout this process.

Sincerely,



Thomas J. Matsuda
Executive Director

c: Michael Mason, Board President
Aleta Doerr
Phil Martin