



Legal Services Corporation
Office of Program Performance

Program Quality Report
for
Legal Aid Services of Oregon
Recipient # 938004

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INTRODUCTION

Background on the Visit.

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit to Legal Aid Services of Oregon (LASO) between July 18 and July 22, 2011. The team included Program Counsel from the Office of Program Performance Evora Thomas (team leader), Stephanie Edelstein, Glenn Rawdon and Tim Watson; and, Nancy Glickman and Alex Gulotta, Temporary Employees.

Program quality visits are designed to ensure that LSC programs are providing the highest quality legal services to eligible clients. The evaluation examines the effectiveness of legal assistance and representation provided to eligible clients, including a program's engagement with the low-income community; and the efficiency of its leadership, management, and administration.

In conducting this evaluation, OPP relied on the LSC Act and Regulations, the LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The evaluation is organized consistent with the four Performance Areas of the LSC Performance Criteria, which cover needs assessment and priority setting; engagement with the low-income community; legal work management and delivery; and program management including board governance, leadership, strategic planning, resource development, and coordination within the delivery system.

The team reviewed documents and information that LSC receives from the program in the routine course of business, such as grant application information, case service reports (CSRs), and other service reports (OSRs). The team also reviewed documents and information the program submitted in advance of the visit, including advocates' writing samples and an on-line survey of LASO staff. On site, the team visited 11 of the 13 program offices¹ and the Central Administration office. The team interviewed attorneys, tribal court advocates, managers, administrative personnel, the executive team, and support staff. In addition to speaking to most of the LASO staff members, the team met with – or interviewed by phone – a sample of board members, judges, and representatives of local agencies and community organizations.

Program Overview

LASO is a non-profit organization that was established to provide legal representation on civil cases to low-income clients throughout Oregon. LASO's mission is "to achieve justice for the low-income communities of Oregon by providing a full range of the highest quality civil legal services."² Oregon is a vastly rural and sparsely populated state, comprised of 36 counties covering approximately 96,981 square miles. The total population of Oregon reported in the

¹ Managers from all program offices were interviewed.

² See, Legal Aid Services of Oregon website, *OregonLawHelp.org*.

2000 U.S. Census is 3,347,667,³ including a poverty population of 388,740 persons.⁴ That population has grown increasingly diverse; while 83.6% is White;⁵ 3.7% is Asian, 1.8% is Black, 1.4% is American Indian and 11.7% is of Hispanic origin.

Following several years of rigorous planning to reconfigure the state's civil legal services delivery system, in 2006 LASO entered into mergers with two former LSC grant recipients, Marion-Polk Legal Aid Service, Inc. (MPLAS) and Lane County Legal Aid Service, Inc. (LCLAS)⁶. Other legal services providers also participated in the deliberations to ensure the preservation of goals first articulated in the "Statewide Legal Aid Feasibility Study," conducted in 1971 by the Committee on Legal Aid of the Oregon State Bar. That report's recommendations sought to promote equitable access to services statewide, particularly in rural communities. It designated 18 locations where it was important to maintain a local legal services office. In 1996, when new regulations were adopted for LSC grant recipients, the statewide delivery system was restructured to ensure that a full range of services would continue to be available to low-income people by geographically integrating a network of LSC-funded and non-LSC funded program offices.

The Central Administrative office for the program is located in Portland, the county seat of Multnomah County, which holds the distinction of being both the smallest county in area and the largest county in population in Oregon. LASO has field offices located in Albany, Bend, Eugene, Klamath Falls, Newport, Oregon City, Pendleton, Portland, Roseburg, and Salem. Offices in Woodburn, Hillsboro and Pendleton serve farmworker clients statewide. Its Native American Program, known as "NAPOLS" provides representation on Native American issues. At the time of the visit, there were a total of 98 employees on staff, including 54 attorneys, 8 paralegals and 36 other staff members.

In 2010, LASO reported total revenue of \$9,584,966, including \$4,375,105 in LSC funds and \$5,209,861 in non-LSC funds, reflecting an increase over the prior year. In 2009, the program had reported total revenue of \$9,062,862, including \$4,347,772 in LSC funds and \$4,715,090 in non-LSC funds. However, funding reductions have occurred in 2011, including the elimination of the general fund appropriation from the state of Oregon and reduction to \$4,172,986⁷ in the LSC grant award. As a result, the program will have to reduce staffing to accommodate the revenue shortfall. At the time of the visit LASO projected that approximately 15% of the staff might be separated from employment.

³ From, U.S. Census Bureau. The total population of Oregon reported in the 2010 Census is 3,831,074 persons. This is a 12% increase over the 2000 population. Census data was not compiled on poverty populations in 2010.

⁴ According to the Census Bureau's 2010 American Community Survey, Oregon's poverty population totaled 596,408, of the state's total population of 3,765,919. The 2010 ACS provides the most recent data the Census Bureau recommends using for state level estimates. The 2010 ACS total population number differs from the 2010 Census number because (a) the 2010 ACS figure is the average of 2009 and 2010 data while the 2010 Census is for the 2010 calendar year and (b) the ACS surveys a sample of addresses while the Census is supposed to survey all addresses.

⁵ White persons not Hispanic are 78.5% of the total population.

⁶ LASO merged with MPLAS on January 1, 2006; and with LCLAS on July 1, 2006.

⁷ The LSC grant award included \$3,353,985 for basic field; \$204,192 for Native American; and, \$614,809 for migrant services.

SUMMARY OF FINDINGS

LASO conducted a comprehensive legal needs assessment in 2007, as part of a statewide strategic planning process and used the results to develop its program priorities by conducting a rigorous assessment of empirical data to determine the most pressing legal needs of poor people in Oregon. LASO has allocated resources consistent with the program priorities; and, will be required to reapportion the resources as a result of recent revenue shortfalls. Through local office priority-setting processes LASO evaluates its effectiveness and identifies newly emerging issues. To the extent resources permit, the board of directors should undertake a new strategic planning process to address ongoing and emerging challenges related to its funding and other changes in laws and emerging client needs. LASO should use the annual case acceptance guidelines process to develop program-wide advocacy strategies or advocacy campaigns in core substantive areas. LASO should also adopt core case acceptance guidelines, setting a minimum standard to be implemented by every office, subject to additions based on local needs.

LASO attempts to carry out program operations in a manner that affirms client dignity and is sensitive to client circumstances. LASO offices provide adequate accommodations for staff to perform in a comfortable and professional environment. Some waiting areas lack appropriate privacy for applicants in the course of intake screening interviews, causing client confidentiality to be compromised. LASO should examine whether the interior office configurations could be modified to provide greater confidentiality for clients.

LASO's intake system is accessible to potential clients and sufficiently flexible to serve applicants with emergencies and those who are unable to come into the office in person due to incapacity. Both walk-in and telephone intake screening is performed throughout the program as is intake at outreach centers, although intake days, hours, screening procedures and decisions on case acceptance vary dramatically from office to office resulting in dissimilar client access to services. Hotlines are available for two specialized areas. LASO should review the various modes of intake utilized throughout the program and adopt uniform best practices to be implemented program-wide in a coordinated system.

LASO collaborates with social services and community organizations where they exist. Advocates are members and/or serve on local boards of numerous community organizations; and engage in a variety of activities to ensure access for clients.

LASO has strategically located its program offices throughout Oregon in urban and rural areas to ensure the greatest opportunity for client access to resources and services. Accommodations are made for those with special access challenges including those with physical disabilities and other restrictions or limited language proficiency.

LASO has a dedicated, experienced and highly competent staff that is well respected by the judiciary and social service community throughout its service area. LASO makes generous training available for advocates. The State Support Unit of the Oregon Law Center (SSU)

provides additional expertise and support by involvement in substantive task force, case review meetings and co-counseling cases and other legal work activities.

LASO produces a mix of limited and extended legal assistance in administrative and judicial forums throughout the state. Legal work supervision policies and procedures have been adopted, but are not uniformly followed. The program does not have a director of litigation or other position with responsibility for overseeing/coordinating the various management systems and protocols for the program. LASO should create such a senior management position.

LASO attorneys are appropriately engaged in representation of clients and have handled cases that have widespread impact. Outcomes are evaluated at the local level. In 2010, LASO closed 266 LSC eligible cases per 10,000 poor persons, which is comparable to the national median of 284 and average of 262 cases closed per 10,000 poor persons. Extended service case closures of 37 per 10,000 poverty population were less than the national median of 61 cases.

Native American Program of Oregon Legal Services (“NAPOLS”)⁸ collaborates with partners who serve the Native American populations and has historically engaged in extended representation involving tribal recognition. More recently, the unit has been transitioning to individual representation on a limited basis, although its case numbers still appear to be quite low.

The Farmworker Program provides a high level of service to a significant number of eligible clients. Case work reflects advocacy in a mix of forums providing significant outcomes for individual clients with benefits to the broader farmworker community. Outreach is done at migrant labor camps, farmworker housing developments and other sites to meet personally with clients who lack transportation and telephones. All staff members speak Spanish.

LASO effectively integrates private attorneys into its work. The director of administration provides program-wide oversight and coordination with other organizations. LASO staff appears to consider *pro bono* to be an integral component of the delivery system; and, has developed several interesting PAI options in addition to individual case referrals. LASO works collaboratively with OLC and the OSB to promote *pro bono* statewide, and to avoid duplication or any sense of competition.

LASO provides other services for clients, including: community legal education, *pro se* assistance and training of community partners, and involvement in various bar, social service, and community activities designed to assist the low income population.

The LASO board of directors demonstrates a commitment to the program and its mission, is appropriately involved in major policy decisions, and is asserting effective oversight. Board members are informed about the needs of the communities where clients reside and the unique challenges of the communities they represent. To the extent resources permit, the board of directors should undertake a new strategic planning process to address ongoing and emerging challenges related to its funding and other changes in laws and emerging client needs.

⁸ The program was established by a predecessor to LASO, the Oregon Legal Services. However, because of community recognition of “NAPOLS” there has never been a change in the program name or its acronym.

Leadership at LASO is experienced and held in high esteem. LASO should develop a protocol for evaluation of regional directors and consistently conduct formal evaluations.

LASO has formulated an effective management structure that is responsive to program needs. LASO appears to have appropriate financial policies, procedures, and staffing in place. Until recently, LASO has been successful in expanding and diversifying its funding base.

LASO plays an essential role within the coordinated, statewide legal services delivery system in Oregon.

DISCUSSION OF FINDINGS

PERFORMANCE AREA ONE. Effectiveness in identifying needs of low-income people in the service area and targeting resources to meet those needs

Criterion 1. Periodic comprehensive assessment and ongoing consideration of legal needs

Finding 1: In 2007, LASO conducted a comprehensive legal needs assessment as part of a statewide strategic planning process and used the results to develop its program priorities.

In 2007, as part of a statewide strategic planning initiative, legal needs were assessed by LASO. This was the latest in a series of planning processes by the legal services programs in Oregon. The Oregon Law Center (OLC), a non-LSC funded legal services provider in the state, partnered with LASO in this process.⁹ Oversight of the process was provided by a joint committee of the board of directors of each of these two programs. This committee, which included the executive directors of the programs, was established to receive and study information; and give advice to their respective boards on recommendations from their study. In addition, a joint staff planning committee known as the Strategic Planning Advisory Committee (SPAC) was formed to engage managers of the participating programs to work on the process along with the executive directors. After holding twelve separate meetings to discuss its research and analysis of the information it had collected beginning in June 2007, SPAC presented its findings and recommendations to the oversight committees in November 2007. Prior to issuing its report, staff members from the participating programs were given an opportunity to review and comment on the content.¹⁰ The report addressed resource allocations, including office staffing requirements as part of its considerations. The process concluded with the adoption of statewide priorities. Thereafter, the LASO board adopted the recommended priorities.

During the 2007 assessment, information was collected on demographic trends, changing

⁹ Other non-LSC legal service providers in the Oregon justice community also participated, including Lane County Legal Aid and Advocacy Center (Advocacy Center), the Center for Nonprofit Legal Services (CNPLS), and Columbia County Legal Aid (CCLA).

¹⁰ SPAC meeting minutes, survey results, sub-committee reports, data charts and definitions, staff feedback about the draft report, and related documents were made available on the legal aid advocates' website, www.oregonadvocates.org.

legal needs, current allocations of resources and staffing, and other relevant information. In compiling data, SPAC utilized the services and expertise of the Population Center of Portland State University and the Performance Reporting Information System of the Oregon Employment Department. To determine regional and statewide trends, SPAC analyzed and reported on changing legal needs that were collected from recent needs assessments conducted by local program offices.

At the time of the PQV, LASO had begun another legal needs assessment in April 2011 using interviews and survey questionnaires to individuals, community organizations and federally recognized tribes. Information is being elicited from organizations that serve geographically remote, disabled, homeless, senior, farmworker and LEP constituencies. A new comprehensive assessment is contemplated for 2015.

Recommendations¹¹

I.1.1.1.* To the extent resources permit, the board of directors should undertake a new strategic planning process to address ongoing and emerging challenges related to its funding and other changes in laws and emerging client needs.

Criterion 2. Setting goals and objectives, developing strategies, and allocating resources

Finding 2: LASO has adopted program priorities and allocated resources consistent with the program priorities. Due to funding shortfalls the program will be required to reappportion its resources.

The current priorities of LASO approved by the board of directors includes subsections on general priorities, particular migrant priorities, particular Native American priorities, serving populations with special vulnerabilities, the delivery of legal services, regional office implementation, and procedures for emergency exceptions to program priorities.

LASO is part of a thoughtful state-wide system designed to meet the most pressing legal needs of low-income Oregonians through a variety of strategies including: advice, limited assistance, extended representation, community education, pro se assistance, clinics, etc.

The LASO Board of Directors adopts LASO priorities annually, most recently on May 14, 2011. The board has determined that, in light of the significant differences among the various geographic regions of the program's service area, implementation of the statewide

¹¹ Recommendations in this report will have a Roman Numeral to identify the Performance Area, followed by three numbers identifying, respectively, the Criterion addressed by the recommendation, the number of the finding, and a number designating whether it is the first, second, third, etc., recommendation under that finding. For example, III.2.14.3 designates Performance Area III, Criterion 2, Finding 14, third recommendation under finding 14. There are two tiers (levels) of recommendations in this report. Recommendations marked with an asterisk are Tier One Recommendations and are intended to have a direct and major impact on program quality and/or program performance. In your next grant renewal application or competitive grant application, your program will be required to report what it has done in response to Tier One Recommendations instead of submitting a full narrative.

program priorities should be achieved through local office case acceptance criteria and attorney work plans that contain more specific goals, objectives and measurements tailored to local considerations. Consequently, each regional office has adopted its own priorities. Effective advocacy approaches are selected, after considering all possible forums, legal approaches and available methods of achieving the desired outcomes, in light of what is appropriate, likely to succeed, and cost-effective. Task forces and specialists are geared to some but not all of the enumerated state wide priorities. Recommendations, based on the examination of trends and legal needs are prepared and forwarded to the board of directors as part of their annual review of priorities. In 2011, the board reviewed materials from the Multnomah County and the Pendleton regional offices.

Local priorities are reviewed annually or bi-annually within each regional office. Legal needs are examined through a process that involves input from clients, community partners and other key stakeholders, along with examining intake trends, closed case statistics and other data to review existing and emerging client needs. Each office has developed its own unique approach to this activity. For example, in some offices, greater reliance on input from community organizations is possible; and, in others, input from local bar associations and/or the courts may prevail. Additional input from information shared during statewide task force meetings is also incorporated.

LASO staff expressed a desire to see basic case acceptance guidelines used in a more strategic manner, program-wide, to collectively address issues impacting low-income families in various parts of the state. It was not clear to the team from data supplied by the program that the regional differences in case acceptance result in effective deployment of advocate resources to achieve strategic statewide objectives.

LASO resources allocated to the local offices to implement priorities have been compromised by the recent shortfalls in projected revenue for 2011. According to the executive director of LASO, “. . . the layoff plan calls for a combination of full layoffs, partial reduction in hours, and elimination of frozen positions. All told LASO is losing just under 16 FTE. The Oregon Law Center has had to make similar cuts, and between the 2 organizations we are losing about 16% of the combined workforce. We did not close any regional offices and did not cut staffing in the smallest 3 person offices, so a higher proportion of the cuts occurred in Portland and Salem.”¹²

Recommendation

1.2.2.1. LASO should use the annual case acceptance guidelines process to develop program-wide advocacy strategies in core substantive areas.

1.2.2.2.* LASO should adopt core case acceptance guidelines, setting a minimum standard to be implemented by every office, subject to additions based on local needs.

¹² Email to Evora A. Thomas from Tom Matsuda, September 12, 2011.

Criterion 3 & 4. Implementation, Evaluation and Adjustment.

Finding 3: Through local office priority-setting processes LASO evaluates its effectiveness and identifies newly emerging issues.

LASO engages in both formal and informal evaluation of the effectiveness of its delivery strategies and work, and makes changes in program goals, objectives, and strategies where indicated by such evaluations. LASO stays apprised of new, emergent issues through monthly meetings with Oregon Law Center and with Lane County Legal Aid and Advocacy Center in Eugene. In considering adjustments, LASO examines available information concerning the effectiveness of other legal assistance providers in the service area, including review of public benefits task force notes, opening memos and bi-annual reports. Office staff also hears of emerging needs in their communities by involvement in local activities, such as church groups; and by participation on local community boards and advisory groups for other providers, e.g., co-chair of local homelessness council. In some offices and programs, the annual priority setting process discussed above has effectively identified emerging client needs such as foreclosure assistance, driver's license restoration and consumer advocacy for migrant farm workers. Both staff members and others interviewed by the PQV team expressed a concern regarding the lack of resources currently available to handle more consumer cases, despite the increasing demand for assistance.

LASO has been the subject of external evaluations by numerous non-LSC funders. The Oregon State Bar Legal Services Program (OSB-LSP) conducted a comprehensive peer review in 2007. 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.

Recommendation

I.3.3.1. If and when resources allow, the program may want to devote additional resources to support the work of all priority areas, most particularly consumer law.

PERFORMANCE AREA TWO. Effectiveness in engaging and serving the low-income population throughout the service area.

Criterion 1. Dignity and sensitivity.

Finding 4: LASO attempts to carry out program operations in a manner that affirms client dignity and is sensitive to client circumstances.

LASO offices provide adequate accommodations for staff to perform in a comfortable and professional environment. The individual offices and common areas reflect the personal character of staff and recognition of the program's overall mission. Waiting areas are clean, child friendly, and stocked with community legal education literature and other information about relevant community services providers. Notwithstanding the appearance of LASO offices, some waiting areas lack appropriate privacy for applicants in the course of intake screening interviews.

Client confidentiality during intake interviews is compromised in several offices where the staff is not situated in an office area that is segregated for interviews.

Recommendation

II.1.4.1. LASO should examine whether the interior office configurations could be modified to provide greater confidentiality for clients.

Finding 5: The LASO intake system is accessible to potential clients and sufficiently flexible to serve applicants with emergencies and those who are unable to come into the office in person due to incapacity.

LASO operates a decentralized intake system that relies on the program-wide automated case management system (CMS), *Legal Server*, to store data on income/asset and other client eligibility requirements, interview notes and other case related information; to perform client conflicts checks; to memorialize telephone advice; and, to manage extended case assignments. Data input is contemporaneous. The program's telephone system includes voicemail, accommodates hearing impaired persons and has the ability to provide recordings while callers are waiting. However, the telephone system is not integrated; each office has its own system. This limits the ability to transfer calls or assign persons to answer intake calls. Analysis of new technologies is currently underway to upgrade the telephone system as resources permit.

Both walk-in and telephone intake screening is performed throughout the program as is intake at outreach centers. Intake days and hours vary dramatically from office to office resulting in dissimilar client access to services. About 85% of intake is telephone, and walk-ins, letters and outreach each represent 5% of total intake. Timelines vary. For instance, speaking to an intake worker may take up to 3 days from time of contact; substantive interview, up to 14 days; advice, limited action or referral, up to 14 days; and, decisions on case assignments or investigation, between 1 and 2 weeks. Emergencies are handled immediately. Two specialized hotlines have been developed: the Child Support Hotline and the Public Benefits Hotline. However the execution of the idea falters as multiple clients are tracked to a specific time slot when only one client can access the service at any given time.¹³ Each local office and/or hotline has adopted its own manual on intake and case acceptance practices; and these were last reviewed in 2011.

Accommodations for clients with access challenges are evident, such as home and institutional visits; onsite intake during outreach; language translation assistance for those with limited English proficiency; and, handicap accommodations for those with physical challenges. The program has adopted an LEP Plan. Some offices and special projects use client satisfaction questionnaires to evaluate effectiveness, but the practice is not uniform throughout the program.

Finding 6: The LASO intake system operates differently in each office with varying degrees of distinction in oversight.

¹³ Some regional offices, such as Salem, have opted not to participate in the two hotlines. The cases are handled directly by the local office instead.

Intake procedures vary from office to offices. Intake is guided by separate case acceptance policies adopted by each regional office; and, for all special hotlines and programs such as the Child Support and Public Benefits Hotlines; the Senior Law Project; the Farmworker Program; and, NAPOLS. Although they are not compiled into a comprehensive manual, some program-wide policies have also been adopted to memorialize procedures for client intake and case acceptance; financial eligibility screening; referrals; and, in 2011, a staff work group developed a robust procedure for conflicts checking, *Detecting and Analyzing Conflicts of Interest Guidelines for Staff*.

Pre-screening is conducted by intake specialists¹⁴ who are supervised by regional directors or supervising attorneys. Their role is limited to pre-screening of the location of the applicant's residence, the legal problem to determine whether it is within LASO priorities and, preliminary conflicts checking. Thereafter, the call is referred to the appropriate advocate or hotline. Eligibility determinations are made by the attorney or paralegal who is assigned the call. These advocates also provide advice, which is followed-up by written correspondence in some, but not all instances. Few form letters have been developed to memorialize advice and these are not currently automated.

In some instances, the regional directors periodically review advice provided to eligible clients; and, from time to time look at the basis for other applications having been rejected. Once an interview is conducted and advice is provided to a client, the advocates bring cases that may warrant additional legal assistance to the case acceptance meetings held in the regional offices. At that time, regional directors or supervising attorneys employ varying approaches to determine whether extended services are appropriate and to whom the case should be assigned.

Intake related trainings, including online training is primarily conducted in the local offices. The intake specialists do not meet routinely to share ideas, strategies or concerns, but may participate in regional office weekly case review meetings where new intake is discussed.

Recommendation

II.1.6.1.* LASO should review the various modes of intake utilized throughout the program and adopt uniform best practices to be implemented program-wide in a coordinated system. These practices should include shortening the time and streamlining the number of contacts in the intake process and making the disposition of advice only cases and supervisory review of rejected and/or advice only decisions more expeditious. Representatives of all participants in the intake process, including intake specialists, should be involved in this review. For additional guidance, see Standard 5.2, Policy for Acceptance of Applicants for Service, *ABA Standards for the Provision of Civil Legal Aid*.

II.1.6.2. LASO should develop and implement a program-wide client satisfaction survey for all recipients of services with protocols for reviewing this data on a regular basis.

II.1.6.3.* As LASO explores upgrading its telephone system, it should ensure that the system purchased will allow for a system of coordinated intake, such as by providing for the transfer of

¹⁴ In the smaller regional office, receptionists and office managers also perform intake screening functions.

calls to any staff person in the program, by allowing staff to log into the system to accept hotline calls and by allowing callers to select their language, then routing calls to intake workers with the appropriate language skills.

II.1.6.4. LASO should develop automated form letters to be used by staff for intake, such as letters to advise clients of the advice given and the level of service to be provided by the program.

Criterion 2. Engagement with the low-income population.

Finding 7: LASO collaborates with social services and community organizations where they exist.

LASO is widely known to members of the low income population throughout each region of the program. Specialized programs such as the Farmworker Program and NAPOLS enjoy similar recognition. LASO advocates are members and/or serve on local boards of numerous community organizations; and participate in area social service networks; produce and distribute booklets in English and Spanish, covering a variety of poverty law topics; and, work with local bar associations to ensure access for clients. LASO maintains a network of regional offices; conducts outreach in areas where offices are not located; and, the Farmworker Program engages in substantial outreach to migrant labor camps and other venues throughout Oregon.

Criterion 3. Access and utilization by the low-income population.

Finding 8: With a few exceptions, LASO is accessible and facilitates effective utilization by the low-income population.

LASO is strategically located throughout Oregon to provide optimum client access to its program offices, including segments of that population who traditionally have had difficulties accessing or utilizing civil legal assistance. LASO maintains a system of urban and rural offices to better reach clients outside urban centers. The program established a system of urban and rural offices throughout the state, based on a comprehensive state plan that integrates LSC and non-LSC providers into a network that increases client access through physical presence of staff in rural areas. These offices are located in areas most convenient to the highest concentrations of the poverty population. With the exception of the Marion/Polk office in Salem, all offices are open daily from 9:00AM to 5:00PM; and provision is made for applicants who cannot be available during regular office hours. Migrant staff is located in the Hillsboro, Woodburn and Pendleton offices. Some offices continue to display signage and utilize letterhead from their pre-merger affiliations.

LASO has also identified portals for conducting onsite intake with other organizations and agencies. For example, on two days each week LASO staff in Portland is assigned to the Gateway Center, established to provide an opportunity for co-location of agencies to improve service delivery by facilitating communication among domestic violence community-based services, law enforcement and prosecution. LASO staff conducts intake and provides legal assistance to eligible clients. They also provide training to other community partners on

identifying issues that affect their mutual constituencies. Many other community partners throughout the state informally refer clients to LASO.

Significant efforts to recruit/retain a diverse staff are evident. The diversity of program staff reflects the composition of the client constituency; and, takes into account major language differences. As discussed in **Finding 5**, *supra*, LASO has a meaningful language access process that facilitates utilization by LEP clients, particularly those who speak Spanish. LASO's 2010 Workforce Analysis showed more than 30 employees with Spanish language skills. All Farmworker Program staff members speak Spanish. LASO hosts a client friendly website, OregonLawHelp.org that provides information on legal services programs and substantive legal issues. It is also available in Spanish.¹⁵

LASO's Eugene office presents several access challenges. LASO co-locates in building space shared with another legal services provider. With LASO offices on the third floor, handicap access for clients is less than ideal. In addition, with no separate entrance or independent access, the office is inaccessible when the other organization in the building is closed. In addition, as there is one unitary phone system, LASO clients are unable to reach LASO staff when the sister organization is closed.

Recommendation

II.3.8.1.* LASO should update all letterhead and pleadings as soon as possible to reflect its current organizational name; and, as resources permit the signage of all offices should also be changed accordingly.

II.3.8.2. LASO should consider moving the Eugene office to handicap accessible space with a separate entrance and independent phone system, or otherwise address the accessibility issues.

PERFORMANCE AREA THREE. Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area

Criterion 1. Legal representation.

Finding 9: LASO has adequate capacity to carry out its work, insofar as its resources permit.

LASO has a dedicated, experienced and highly competent staff. Of the 54 attorneys at the program, 35 have more than 10 years' experience in the profession; and, while the program has a number of new attorneys, a significant staffing reduction is imminent. The program and its work are well respected by the judiciary and social service community throughout its service area. LASO makes generous training available to staff and advocates routinely attend local, state, and national events. There is an orientation for new staff as well as a list of competencies¹⁶ required

¹⁵ Portions of the website are also available in Chinese, French, Korean, Mandarin Chinese, Russian, Somali and Vietnamese.

¹⁶ Litigation experiences include: Bar admission; participation on litigation teams; deposition preparation; subpoenaing a witness; drafting and filing a complaint in court; arguing a substantive motion or appeal; writing and

of all new attorneys within their first two years of practice. The program uses substantive task forces to share ideas, train staff, and identify issues in a number of priority areas. In addition, experienced staff members are routinely available for consultation throughout the state. Staff attorneys also attend numerous CLE programs and other trainings.

The State Support Unit of OLC (SSU) is a valuable resource that provides expertise and support in a myriad of matters. It affords opportunities for co-counseling, substantive training and identification of emerging issues through task force meetings, listservs, case reviews; and attendance at national conferences. SSU members participate in many regional office case review meetings. However, some LASO staff felt that more time should be spent within regional offices on collaborative strategy planning and campaigns designed to maximize the impact of individual cases.

Except for automated letters and forms, staff generally has sufficient resources to support their work including research tools such as *LexisNexis* and *FastCase*, a legal research service for Oregon law; an automated case management system, office software applications and litigation funds. There was no evidence that LASO has uniform, unified or currently populated form banks. In some offices, form letters are used intermittently. Some advocates have developed their own form letters and pleadings for cases with similar issues. These documents are not automated and integrated with the CMS nor are they available throughout the program. In addition to *Legal Server*, the staff has computers with *Windows 7* operating systems and for the bulk of their work they use *Microsoft Office 2010* or *WordPerfect X4*. Each office has its own file server and there is shared space available to all staff on a server in Portland. However, there are no protocols in place currently regarding storage of documents on individual hard drives. Advocates use a variety of *OUTLOOK* and *Legal Server* features without having uniform protocols, even within the same office.

LASO has a solid basic technology infrastructure in place (except for the phone system) to support the work of staff; and, it has an appropriate system in place to support the technology, including clear instructions to staff on how to use this support system. While this technology is in place, it has not reached its full potential to improve the efficiency and effectiveness of legal work. For example, LASO is not using it for document assembly and knowledge management. The program also has websites in place for clients, advocates, and *pro bono* lawyers, but does not have an intranet.

Recommendation

III.1.9.1.* The program should provide all routinely used letters and pleadings in an automated format for advocates, staff, and *pro bono* attorneys. A product such as *HotDocs* would allow forms to be created that can be used by *pro se* litigants as well; and, *HotDocs* integrates with *Legal Server*, making it easy to use by staff.

filing a substantive memorandum of law that is not based on “boiler plate language”; observing or conducting at least three trials, including at least one jury trial.

III.1.9.2. The program should evaluate the current levels at which its various technology improvements are being utilized by staff, *pro bono* attorneys and others, along with how they are using these technologies to ascertain what measures are necessary to increase utilization.

III.1.9.3. The program should create a protocol on the storage of documents so that users do not store anything of importance on local hard drives.

Finding 10: LASO utilizes systems, approaches, and techniques to ensure that representation is carried out with maximum effectiveness; and, has adequate policies and procedures to support effective advocacy, but they are not always followed.

Legal representation is effectuated by means of a mix of limited representation and extended representation. The limited representation is often provided through the use of advice hotlines or outreach intake. The extended work is orientated to both individual client needs and impact to the client community. Legal work is performed in a variety of forums including administrative agencies, tribal courts, Oregon trial and appellate courts; and, federal courts. Some staff expressed a desire to undertake more extended representation. The program has detailed legal work supervision policies and procedures but they are not uniformly followed. Periodic thorough case reviews, appropriate levels of reviewing written work, review of all closed cases (including advice), bi-annual evaluations, entry of case notes into *Legal Server*, and use of *Legal Server* as a supervisory tool are utilized in many, but not all offices. Several other support mechanisms for advocates are in place, such as established case load limitations;¹⁷ tickler and calendaring systems; office case filing systems; pleadings banks; and, support staff available to aid in the work flow. However, there are no protocols in place for the calendaring of appointments or tickling of cases.

LASO does not have a director of litigation. 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. This supervision occurs on a somewhat informal basis. With these supervisory responsibilities resting entirely with the executive director, it appears that there is inadequate capacity for effectively overseeing/coordinating all the various legal work management systems and protocols for the program.

Recommendations

III.1.10.1* The program should create a senior management position to oversee and coordinate the various legal work protocols and systems used by the program including intake, document creation and management, development and implementation of program priorities and supervision of legal work at all levels. The focus of this position should be strategic and seek to

¹⁷ Attorneys with more than one year of experience should handle about thirty-five cases (including impact).

maximize the use of LASO's resources so as to achieve in its representation and work the greatest possible benefits and systemic solutions for low-income clients and for the eligible population as a whole.

III.1.10.2.* Notwithstanding the need for a director of litigation, LASO should ensure that all regional directors and supervising attorneys adhere to uniform standards and protocols of supervision throughout the program.

III.1.10.3. The program should create a protocol on tickling cases and scheduling important dates and appointments.

Finding 11: LASO achieves reasonable case outcomes for its clients within the limitations of its resources.

Other legal services providers, judges, volunteer attorneys and community agencies interviewed, indicated that LASO attorneys are appropriately engaged in representation of their clients in all forums. A review of the program's cases reflected representation in state, federal, and appellate courts, as well as various administrative tribunals on a variety of priority issues. Additionally, LASO has participated in a number of cases that resulted in widespread impact on the client population. For example, LASO representation in an individual TANF administrative matter alleging improper notice led to the agency conducting statewide staff training on the issue. In another instance, a LASO public benefits hotline attorney used hotline cases as examples to assist in changing the statewide rules on managed care.

The quality of legal representation and outcomes are continually evaluated by the program in a myriad of ways. Not only are cases evaluated at case acceptance meetings and individual case reviews, but each advocate also submits semi-annual advocacy reports that specifically list the benefits achieved by clients. Client satisfaction surveys are also used intermittently.

The program encourages prompt closure of limited service cases. A variety of factors are used to determine whether a case should receive limited assistance, including: staff availability, merit, client safety, impact on the larger client population, availability of other resources, vulnerability of the client, egregious adverse party conduct; and, whether limited action will resolve the matter. Family law, housing and public benefits cases make up the largest number of limited services cases, many of which are disposed of by the housing, public benefits, or child support hotlines. The advocates' ongoing caseloads are generally in the low range of less than ten to 40 open cases. The low numbers may be the result of the intake process being overly restrictive as to which cases are channeled for extended representation. However, it should be noted that in many instances a large percentage of a staff member's ongoing caseload involves litigation or administrative hearings. The litigation is both defensive and affirmative and has also included jury trials. The writing samples submitted also reflected extensive work on individual cases. A number were voluntarily submitted trial memorandums or affirmative motions with accompanying briefs. The overall samples were generally of good quality with some being excellent and others that might have benefitted from a more thorough review.

In 2010, LASO closed a total of 9,040 cases, of which 1,340 (14.8%) were extended services. LASO closed 266 LSC eligible cases per 10,000 poor persons, which is comparable to the national median of 284 and average of 262 cases closed per 10,000 poor persons. Extended service case closures of 37 per 10,000 poverty population were less than the national median of 61 and average of 57 cases. Due to the coordination of legal services delivery with other providers, LASO does not provide direct service throughout the entire state of Oregon.¹⁸ This may distort the “per poor persons” analysis because the figure used in the analysis represents the state’s entire poverty population, rather than counties where LASO provides direct legal services.

It also appears that some casework, most notably advice, may not always be counted in office closed case statistics despite being appropriate cases for inclusion under the LSC *CSR Handbook*. A few staff members that were interviewed suggested 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.¹⁹

Recommendation

III.1.11.1 The program should seek to ensure that CSR data appropriately reflects the legal work performed by the staff.

Finding 12: LASO's Native American unit, which has historically provided significant representation to tribes, has begun providing individual representation in a variety of Indian cases.

NAPOLS is based in Portland, which has a large urban Native American population and is home to many Native American service providers. Intake for NAPOLS is supervised by the NAPOLS Director. NAPOLS intake is available daily and case acceptance meetings are held twice weekly, resulting in substantive interviews within 3-5 days. NAPOLS collaborates with other partners who serve the Native American community; and, refers a few cases to private attorneys that practice Indian law. NAPOLS conducts outreach in tribal communities throughout the state and with other community partners including Big Brothers/Big Sisters, NA Youth & Family Center, NA Rehabilitation Association and National Indian Child Welfare Association.

Over several decades the NAPOLS unit has historically engaged in extended representation involving tribal recognition and tribal infrastructure. These cases are labor intensive and require protracted timeframes for completion. Much of this work has been accomplished. Accordingly, the unit has been transitioning to individual representation on a limited basis, although its case numbers still appear to be quite low. Interviews and writing samples, as well as the last grant narrative, depict high quality work and significant outcomes for both individual and group clients. Individual cases include advising clients about the *Cobell*²⁰

¹⁸ Some counties are served by OLC or CNPLS.

¹⁹ See, LASO comments by letter dated November 30, 2011 in response to the PQV Draft Report in reference to this finding. The letter is attached to this Final Report.

²⁰ *Cobell v. Salazar*, is a class action lawsuit about individual Indian land held in trust by the federal government. The lawsuit claims that the federal government violated its duties by (a) mismanaging trust funds/assets, (b)

case settlement and on probate matters. Family issues, tribal court enrollment, and Indian Child Welfare Act (“ICWA”) cases are also being handled.

The NAPOLS unit is comprised of seven people. The director is funded 50% by LSC. One staff attorney is funded almost 100% by LSC, but still satisfies a small Native American Rights Fund grant for tribal code work. Two support staff, an office manager and a receptionist, together totals .75 FTE of an LSC-funded position. The unit has non-LSC funding sources that absorb a significant amount of the work. Two attorneys perform work pursuant to public defender contracts to act on behalf of children in ICWA cases. The LSC-funded attorneys are well-known in the state as trainers on important Indian law topics. In addition to community legal education to eligible constituencies, NAPOLS also provides training to attorneys within Oregon and nationally.

In 2010 NAPOLS closed only 26 cases and closed only one extended case (4%). It appears that some cases that would be reportable as Native American cases are reported in the basic field CSR’s. LASO advocates have provided legal services to individual Native Americans and to the tribes in regional offices where LSC-Native American funding has not been allocated. These cases are attributed to Basic Field which distorts the CSR’s and cost allocations for financial reporting. It also appears that some cases handled for other funders may be reportable as LSC cases but are not included in the NAPOLS CSR’s. In addition, the unit has tended to keep files open for extended periods on a variety of issues when it would be more appropriate to segment the issues into discrete files. The unit advises other offices on Native American issues and expressed an interest in a program-wide meeting in which they could provide additional training for the program staff at large.

Recommendation

III.1.12.1.* NAPOLS should assess whether any cases handled by LASO would be more appropriately closed as NAPOLS cases included within the program’s CSRs reported to LSC.

Finding 13: The Farmworker Program at LASO provides significant legal assistance to migrant farmworkers in Oregon.

Oregon is the sixth largest user of farm labor in the country. The work available to farm laborers is diverse and changing with economic realities. Large numbers of workers are employed in orchards, berry farms and traditional row crops. Increasingly, workers also are employed in egg farming, dairy farming, Christmas tree farming and the plant & tree nursery industry.

improperly accounting for those funds, and (c) mismanaging trust land/assets. The trust funds include money collected from farming and grazing leases, timber sales, mining, and oil and gas production from land owned by American Indians/Alaska Natives. The recent settlement establishes funds worth approximately \$1.5 billion to pay individual Indian trust beneficiaries for past accounting problems and resolve historical asset mismanagement claims. Settlement and administrative expenses, incentive fees and expenses of the Class Representatives, and legal fees and expenses will be paid out of these settlement funds. Another \$1.9 billion will be used primarily to buy up interests in trust lands that are owned by many people (“fractionated interests”).

The Farmworker Program provides a high level of service to a significant number of eligible clients. The program engages in a mix of strategies for the provision of services. Case work includes traditional substantive areas -- wages, working conditions, migrant housing -- and broader areas -- consumer protection, immigration and sexual harassment. Case work reflects advocacy in a mix of forums providing significant outcomes for individual clients with benefits to the broader farmworker community. During 2009-10, the Farmworker Program distributed more than 13,000 community legal education documents, conducted more than 100 community education events and represented 496 migrant farmworkers. Outreach is done at migrant labor camps, farmworker housing developments and other sites to meet personally with clients who lack transportation and telephones.

Farmworker program staff members all speak Spanish, as do farmworkers. The Farmworker Program has handled complex cases with significant outcomes for its clients. For example, LASO litigated a complex farmworker case involving the WARN Act²¹ and wage claims under Oregon law, ORS 652.150. The case was brought against a large corporate nursery employer that engaged in mass layoffs and failed to pay outstanding wages due at the time of the terminations. Although the employer filed for bankruptcy protection, the program followed the employer into bankruptcy court in Delaware and leveraged a favorable settlement. In another case, LASO filed a complaint with the federal OSHA challenging the state OSHA's failure to maintain safety standards at least as strict as the federal requirements; the complaint resulted in substantial improvements to Oregon's work safety standards. LASO successfully litigated several sexual discrimination and workplace sexual harassment cases as part of a concerted campaign to reduce sexual violence in the workplace.

Staff also attends national farmworker trainings. In 2010 the Farmworker Program closed 270 cases of which 18 were extended cases. A client advisory group assists in evaluating the Farmworker Program. Farmworker Program staff members serve on two separate boards of affordable housing development non-profit corporations; the Housing Facilitation Task Force; the Oregon Child Development Coalition; and the Woodburn Community Forum. Pro se assistance is not considered appropriate for the Farmworker Program.

Criterion 2. Private Attorney Involvement.

Finding 14: LASO effectively integrates private attorneys into its work.

LASO's 2011 Private Attorney Involvement (PAI) plan describes a number of ways in which the program seeks to engage private attorneys in its work. Interviews confirm that the plan is being followed. There appear to be sufficient staff assigned to PAI at the program-wide level and in the regional offices. The director of administration provides program-wide oversight and coordination with other organizations. The Multnomah County office has a supervising attorney for *pro bono*. In smaller offices, responsibilities for *pro bono* rest with the regional director or another staff person. LASO staff appears to consider *pro bono* to be an integral component of the delivery system. This attitude is encouraged by the process of having cases assigned to *pro bono* after they are discussed at case reviews.

²¹ Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101, *et seq.*

LASO has developed several interesting PAI options in addition to individual case referrals, including: monthly bankruptcy clinics co-sponsored with the Oregon State Bar (OSB) Debtor-Creditor Section and involving bankruptcy judges as well as attorneys; domestic violence project in which volunteer attorneys sign up to represent domestic violence victims seeking restraining orders; statewide tax clinics, which has been a good way to involve transactional lawyers; and, night clinics with large law firms. Some of these programs are currently only held in the Portland area.

In the smaller offices, in addition to direct referrals (i.e. the more traditional *pro bono*) other models are in operation such as the Emeritus Lawyer Volunteers in Service project (“ELVIS”) in Salem. ELVIS is a *pro bono* program using retired lawyers. In Oregon, the ABA awarded a small grant for a project called “Expanding ELVIS” to do outreach in rural areas. The project was managed by MPLS, which is now LASO’s Salem office. There are also on-site opportunities for newer lawyers to represent clients *pro bono* under the supervision of LASO staff. According to LASO, in 2010, of the 12,563 attorneys in the state, 7500 were eligible to participate in LASO’s initiatives and 774(10%) agreed to participate, while 389 (50%) of those accepted *pro bono* cases.²² In that year, LASO closed 1344 PAI cases, including 300 extended services (22%). Extended cases were primarily in the areas of consumer (127 cases), family (133 cases including 95 domestic abuse cases), housing (15 cases) and employment (12 cases).

Finding 15: LASO adopts a coordinated approach to *pro bono* in Oregon.

LASO works collaboratively with OLC and the OSB to promote *pro bono* statewide, and to avoid duplication or any sense of competition. The Oregon Supreme Court and the Oregon State Bar actively encourage *pro bono* participation by lawyers in the state. The court rules include a *pro bono* rule modeled on ABA Model Rule 6.1, volunteer reporting of *pro bono*, and a rule permitting retired or otherwise inactive lawyers licensed in the state to volunteer with certified *pro bono* programs. Bar rules also require certified *pro bono* programs to report. The OSB employs a Statewide *Pro bono* Coordinator who provides support to existing *pro bono* programs and helps to develop new programs.

²² In deriving the 7500 number, LASO was provided with information from the Campaign for Equal Justice (CEJ), which keeps track of detailed demographic information about Oregon attorneys. CEJ obtains much of its information about Oregon attorneys from the Oregon State Bar, which is a mandatory membership association for all attorneys licensed in Oregon. LASO excluded from the total number of active members the following: judges, district attorneys, active members who are residing out of state, and attorneys who practice in areas served by other legal aid programs (OLC and the Jackson County program). They did not exclude public defenders because they don’t have reliable information as to the number of these attorneys. LASO did not exclude government attorneys, even though because of ethical and policy constraints they are very limited as to the type and amount of *pro bono* services they can provide. They also did not exclude any attorneys in areas, such as Lane County, where there is another legal aid program in addition to LASO. 7500 is an approximate number, but LASO feels that it is an accurate estimate of the numbers of attorneys who are eligible and actually available to participate in its *pro bono* projects, even if their ability to participate might be limited. It should be noted that some of the attorneys excluded from the count for geographic reasons are participating in *pro bono* programs through the Oregon Law Center and the Jackson County program. LASO’s *pro bono* programs represent the majority of *pro bono* services in Oregon, but LASO’s numbers don’t represent all of the *pro bono* activity in the state.

LASO also benefits from and contributes to the Oregon listserv sponsored by OLC on which weekly cases needing a *pro bono* lawyer are posted. Support for volunteers includes trainings; manuals and forms posted on oregonadvocates.org; mentoring by LASO and OLC staff; malpractice coverage; access to research materials; and, office space if they don't have their own. Volunteers receive recognition at state and county bar events. Like many communities, LASO is challenged in finding volunteers in those communities outside the Portland metro area where there are few if any lawyers. LASO and its partners are working to overcome that challenge by offering the services of lawyers from other parts of the state when appropriate (such as in administrative cases where the hearings may be conducted by telephone), and by posting *pro bono* cases on the statewide volunteer listserv to encourage out of area lawyers to accept them. A judge in one rural area observed that the legal community would be open to see more *pro bono* in his community - which creates an opportunity for the court to help with recruitment.

Recommendation

III.2.15.1. LASO is encouraged to continue to develop partnerships and models to involve private attorneys in its work, particularly in rural areas.

Criterion 3 and 4. Other program activities to and on behalf of the eligible client population.

Finding 16: LASO engages in a myriad of other services for clients.

Among the other services LASO provides for clients are: community legal education, *pro se* assistance and training of community partners, and involvement in various bar, social service, and community activities designed to assist the low income population. LASO provides training on legal issues to staff of organizations that support victims of domestic violence, sexual abuse and stalking. Staff serves on multi-disciplinary task forces addressing elder abuse and exploitation. Several offices have computers in the reception area for use by clients and other members of the community.

Oregon has Family Law Courthouse facilitators to assist individuals in handling cases *pro se*. LASO worked collaboratively on a task force with the state courts and other stakeholders to study the issue of *pro se* assistance in family law matters that resulted in the creation of the facilitator positions in courthouses around the state. LASO frequently refers clients and applicants to the facilitators and provides further assistance to eligible clients who have questions about their individual cases that require legal advice that the facilitators cannot provide, or who need more help filling out *pro se* forms. In addition, the LASO Multnomah County office in Portland, administers a *pro bono* clinic, the “*Pro Se* Assistance Project”, where volunteer attorneys provide individual advice and assist clients with completing their court forms. In the other offices, this assistance is provided by LASO. A few offices provide classes to assist clients on *pro se* family law matters, including uncontested divorce.

In other areas of law, LASO also provides *pro se* assistance in conjunction with the provision of advice or limited action to clients who come through the regular intake systems. In the landlord-tenant area, advocates often provide advice to a client about how to get repairs done

on a rental unit and provide sample letters to assist the client in making this request. Materials to assist individuals on a *pro se* basis are available on the Oregon Law Help website, and through other websites, such as the Oregon State Bar and the Oregon Judicial Department websites. LASO views *pro se* assistance as an integral part of the continuum of services that they can provide. They selectively choose to provide *pro se* assistance when it is appropriate under the circumstances, considering the client's needs, the office's capacity and priorities, the opposing party, and the issues at stake in the case.

PERFORMANCE AREA FOUR. Effectiveness of governance, leadership and administration

Criterion 1. Board Governance.

Finding 17: The LASO board of directors demonstrates a commitment to the program and its mission, is appropriately involved in major policy decisions, and is asserting effective oversight. Board members are informed about the needs of the communities where clients reside and the unique challenges of the communities they represent.

The LASO board is comprised of committed, influential, passionate, and thoughtful attorneys who are respected members of the state and local bar associations; and client eligible members who are knowledgeable about the needs of the client communities where they reside. LASO board composition is consistent with 45 CFR 1607, the LSC regulation that prescribes the method of membership appointment and ratios of attorney, client-eligible and other member appointments to the board of directors. In addition to the Oregon State Bar, the Multnomah County, Marion County, and Lane County Bar Associations each have authority to appoint candidates to the LASO board of directors. The LASO by-laws also provide for the appointment of a certified public accountant (CPA) who is selected by a committee of the board.

LASO's board has three officers, including the President, Secretary and Treasurer. The CPA, who is viewed as the board's financial expert, is currently treasurer of the board. There are only two standing committees of the LASO board: the Executive Committee which has the authority to act on behalf of the full board between meetings; and the pro bono committee, which promotes recruitment of volunteer attorneys. The LASO board exercises its fiduciary role by holding regular meetings of its full membership on a quarterly basis. Meetings are held in Portland, yet members are willing to attend despite traveling significant geographic distances. Members are permitted to participate by teleconference. Client members of the board share fully in board deliberations and their insights and perspectives are considered in board decisions.

The LASO board's chairman talks with the executive director on a frequent basis to remain informed of ongoing and recent developments. The board has a high regard for the integrity, competency and accountability of the executive director and spoke highly of his leadership, particularly with respect to the current financial crisis. The executive committee performs financial oversight by participating in the development of LASO's annual operating budget and reviewing quarterly financial statements. Each activity is reported and approved by the full board during regular meetings. A separate *ad hoc* committee was established to address the revenue shortfalls that arose in 2011.

LASO has provided some training for board members on their fiduciary responsibilities, including how to review financial reports. This training has been provided by the executive director as part of their orientation, and embellished through additional input from regional directors. Information is made available to the board through a variety of ways, including: board packets prepared and delivered to members in advance of full board meetings; written minutes of each full board meeting; written reports from the executive director and other management staff.

LASO and OLC are two separate entities, with overlapping boards of attorneys and client eligible members. They conduct separate, but consecutive meetings of each organization on the same day, preserving separate sets of minutes and accompanying documents.

The Executive Director received formal evaluations in early years; and, since then he receives informal feedback as the board deems appropriate.

Recommendations

IV.1.17.1. The board should consider creating a separate committee that is directly responsible for the fiduciary oversight of financial administration; and reports its activities to the full board.

IV.1.17.2. LASO should provide formal training to all board members regarding their fiduciary responsibilities and related topics. LASO should arrange to provide training for all board members at each of its regular full board meetings.

IV.1.17.3. The Director of Finance should generate and distribute monthly financial statements for all members of the executive or financial oversight committee, contemporaneously with those produced for the executive director.

IV.1.17.4.* LASO should develop a protocol for evaluation of the executive director and consistently conduct formal periodic evaluations.

Criterion 2. Leadership.

Finding 18: Leadership at LASO is experienced and held in high esteem.

The program's management team or "Central Administration" includes the executive director, director of administration, director of finance and the assistant director of administration. The program informally mentors staff to become future leaders. The program is led by the executive director who, along with the director of administration, has substantial experience in law office management and the delivery of civil legal services. Interviews indicated that they are proficient and are well-regarded among the board, staff and throughout the client community. Further, these individuals are recognized throughout Oregon as experienced, highly competent professionals who understand and respect the cultural values of the state of Oregon. Many important decisions are addressed in coordination with the leadership of the Oregon Law Center. It was observed that there is inadequate administrative support designated specifically to assist the executive director.

Each regional office is managed and supervised by a regional director. They meet regularly with the executive director and other members of the Central Administration, by teleconference, in meetings at the central office or in visits to the regional offices. The regional directors function with a high degree of independence. The legal work and management functions of the regional directors are not formally evaluated on a regular basis although they receive some supervision by the executive director and director of administration. LASO does not have a formal leadership succession plan, yet, the board and managers are mindful of the need to identify and mentor prospective leaders working in the program.

Recommendation

IV.2.18.1.* LASO should develop a protocol for evaluation of the regional directors and consistently conduct formal periodic evaluations.

IV.2.18.2. LASO is encouraged to develop a succession plan that will ensure a smooth transition in the event that the executive director retires or is otherwise unavailable.

IV.2.18.3. As soon as resources permit, LASO should consider designating administrative support specifically to assist the executive director.

Criterion 3. Overall Management and Administration.

Finding 19: LASO has formulated an effective management structure that is responsive to program needs.

Central Administration is located within the central office in Portland, where there are bi-weekly management meetings that include TAPS –i.e. Tom Matsuda, Aleta Doerr, Phil Martin and Suzannah Newman. The purpose is to update one another about what each is working on, to decide issues appropriate for their roles, and to increase collaboration in their administrative work. This is an effective means of communication for the central administration. They strive to make sure that their response to staff inquiries or concerns is consistent. They move as a “unit” and do not create “favorites.”

As described in **Finding 18**, *supra*, regional offices are managed by regional directors, most of whom are attorneys with significant years of experience as legal services providers. As part of their responsibility, they rely on a checklist that is used in case closing reviews to ensure compliance with LSC regulations. There are regularly scheduled meetings or conversations between them and executive leadership. Regional attorneys have received some management training. Support and administrative staff have limited opportunities for training.

From time to time, the executive director or director of administration generates emails to update staff on recent developments. Their preference in most instances is to communicate through the regional directors. Program staff communicates through emails, listservs, taskforces, and teleconference meetings and reported that communications were working well, making them feel connected.

Regional directors are permitted to pursue local funding opportunities when they secure prior approval from the central administration. They are also responsible for cultivating

collaborations and solid relations with local courts, local government and community organizations.

Recommendations

Criterion 4. Financial Administration.²³

Finding 20: LASO appears to have appropriate financial policies, procedures, and staffing in place.

The program has an experienced financial team that appears to provide solid financial management. The financial director reviews the program's fiscal posture each month and engages in continuous dialogue with the executive director to discuss financial issues. Quarterly reports are prepared for the board. The financial director also presents a summary to the executive committee; and the full report to the board at its quarterly meetings. The reports discuss the state of various funding sources and include prospective planning for new or expected funding sources. The financial unit also presents the audit report, the IRS Form 990, and analysis of union proposals for the board.

One board member is a CPA who has been on the current board and a predecessor board for a total of 24 years. She describes the program's accounting system, resources, and practices as excellent. The program employs *MIP* accounting software. Timekeeping is entered in *Legal Server*. The PQV team was advised of some instances of payment of late fees on invoices. This is attributed to delays in the process of submission of invoices by outer offices. The financial director noted that no LSC funds are used to pay penalties and that the amounts total only \$200 or so per year.

The accounting manual was last revised in 2003 and is now undergoing revision to conform to the new LSC accounting guide. The new manual is expected to be completed soon. The financial director indicates that he and his staff are constantly in touch with the regional directors to review revenue sources, time entries, and discuss office needs.

Criterion 5. Human Resource Administration.

Finding 21: LASO human resources policies and practices appear adequate to recruit and retain quality staff.

LASO maintains effective human resources administration. The program has a designated HR administrator who is an attorney and whose title is assistant director of administration. While she does not have a degree in human resources, she has previous work experience in this area and in the area of employment law. She maintains her knowledge of the area through attendance at conferences and participation in webinars and other trainings on

²³ This visit was conducted by the Office of Program Performance for the purposes set forth in the Introduction. OPP findings and recommendations under this criterion are limited to staffing, organization, and general functions. Assessment of fiscal operations is conducted by other offices at LSC

employment and human resources issues. The assistant director of administration is also the plan administrator for some of the benefit plans.

LASO's fringe benefits and retention policies such as LRAP, retirement plans, health insurance, and other benefits all appear adequate for retaining and supporting quality staff. Staff attorneys apply for the OSB LRAP program and some LASO staff has 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 the program qualify for and receive this benefit. LASO currently contributes the equivalent of 6% of an employee's salary towards the employee's retirement accounts. Salary structure and benefits are reviewed as part of collective bargaining.

LASO employs a balance of experienced and less experienced staff, and staff is diverse in terms of experience, gender, and ethnicity. Performance reviews are to be conducted every two years. Overall morale is high despite apprehension about the current funding crisis. Staff exhibited pride in their association with LASO.

Support and administrative staff have limited opportunities for training.

Recommendation

IV.3.21.1.* LASO should provide opportunities for training for support and other administrative staff.

Criterion 7. General Resource Development and Maintenance.

Finding 22: LASO has a history of expanding and diversifying its funding base.

LASO reports that LSC funds previously comprised less than 50% of the total budget. The *Program Overview*, *supra* at Page 2, describes revenue generated by LASO in 2009 and 2010. LASO is a major participant in the *Campaign for Equal Justice* which raises funds statewide for LASO and other legal services programs through an annual fundraising campaign. Many members of the board of directors and staff have participated in this campaign and other local activities to generate additional revenue for the program. Additional non-LSC funding is derived from state appropriations, grants and contracts. In addition to *cy pres* awards, *pro hac vice* admission fees also help to fund legal services programs in Oregon. There does not appear to be the mission drift that can sometimes accompany outside grants. Unfortunately, in 2011, LASO is also facing the perfect storm of funding reductions – general fund, IOLTA, and LSC. The impact is described in **Finding 2** *supra*.

Recommendation

IV.7.22.1. LASO should continue to explore other sources of funding, including attorney fees and *cy pres* awards.

Criterion 8 and 9. Coherent and comprehensive delivery structure; and participation in an integrated delivery system.

Finding 23: LASO plays an essential role within the coordinated, statewide legal services delivery system in Oregon.

LASO is one of two statewide civil legal services providers within Oregon. There are two additional programs²⁴ serving specific regions within the state. As the result of rigorous strategic planning, these programs work collaboratively, complementing the services provided by the other programs operating within the same region. The goal of this arrangement is to ensure that providers make available a full range of services throughout the state. The program coordinates with the Oregon Law Center to operate two hotlines; produce community education materials; populate the statewide websites; and, support management and delivery of legal work.

LASO adheres to the principles promulgated by the Oregon State Bar for the effective and efficient delivery of legal aid, entitled *Legal Services Program Standards and Guidelines, Revised November 2010*. Resources are allocated in accordance with the strategic plan and adjustments occur from time to time, such as the transfer of LASO's Hillsboro basic field office responsibilities to OLC.

²⁴ In addition to LASO and OLC, the Center for Non-Profit Legal Services (Jackson County) and the Lane County Law and Advocacy Center (Salem).