

CHAPTER 12

ESSENTIAL GUIDE TO PRACTICE MANAGEMENT

Isaac Alley

Rachel Edwards

Monica H. Logan

Professional Liability Fund

Practice Management Attorneys

Essential Guide to Practice Management

1. PowerPoint Slides
2. Resources from the PLF provide a great variety of free CLEs, practice aids, publications, newsletter articles, and blog posts. Use the search box to help you locate materials.
 - a. PLF publications available at https://www.osbplf.org/services/resources/#plf_books
 - b. PLF CLEs available at <https://www.osbplf.org/services/resources/#cles>
 - c. PLF practice aids available at <https://www.osbplf.org/services/resources/#cles>
 - d. PLF blog, *InPractice*, at <https://www.osbplf.org/blog/inpractice/>
 - e. PLF newsletter, *InBrief*, available at <https://www.osbplf.org/services/resources/#inbrief>
3. **Resources for Topics Covered Today:**
 - a. **Trust Accounting**
 - i. PLF Practice Aids *see Trust Accounting*
 - a) Accepting Credit Cards
 - b) Client Ledger Card and Trust Journal
 - c) Closing Your IOLTA Account
 - d) Embezzlement Happens: Protect Your Firm
 - e) Frequently Asked Trust Account Questions
 - f) How to Set Up Your Trust Account in QuickBooks
 - g) Notice to Financial Institutions- Opening an IOLTA Account in Oregon
 - h) Trust Account Reconciliation
 - i) Trust Accounting Rules for Washington Practitioners
 - b. **Attorney Fees**
 - i. PLF Practice Aids *see Engagement Letters and Fee Agreements*
 - a) Engagement Letters and Fee Agreements
 - b) Fee Agreement – Authorization to Charge Credit Card
 - c) OSB Model Explanation of Contingent Fee Agreement
 - c. **Calendaring**
 - i. PLF Practice Aids *see Office Systems and Procedures*
 - a) Docketing & Calendaring Checklist
 - b) Reminder and Ticker Systems
 - c) Docket Control Follow-Up
 - d. **Conflicts**
 - i. PLF Practice Aids *see Conflicts of Interest*
 - a) Checklist for Avoiding Phantom Clients
 - b) Conflict of Interest Systems and Procedures
 - c) Declined Prospective Client Information Sheet
 - d) Request for Conflict Search and System Entry
 - e) Conflict of Interest Self Audit
 - f) Business Transactions with Client Disclosure
 - g) Conflict Disclosure and Consent Letters
 - h) Conflict Informed Consent Checklists
 - e. **File Management**
 - i. PLF Practice Aids *see Office Systems and Procedures*
 - a) File Retention and Destruction Guidelines

- b) File Closing Checklist
 - c) Mail Handling
 - d) New Client Information Sheet with Disclaimer
 - e) Production of Client File
 - f) Setting Up an Effective Filing System
 - ii. PLF Practice Aids *see Paperless Office and Cloud Computing*
 - a) Checklist for Going Paperless
 - b) Checklist for Scanning Client Files
 - c) Documenting Email as Part of the Client File
 - d) Paperless in One Hour
 - e) Saving Text Messages as Part of the Client File
 - iii. *InBrief* Articles
 - a) January 2019- Malpractice Risk Factors and How to Avoid Them Part II
 - b) October 2018- Malpractice Risk Factors and How to Avoid Them
- f. **Safe Use of Technology**
- i. PLF Practice Aids *see Cybersecurity and Data Breach*
 - a) Information Security Checklist for Small Businesses
 - b) Notice to Clients re Theft of Computer Equipment
 - c) Protecting Yourself and Your Law Firm from Data Breach
 - d) Removing Metadata
 - e) What to Do After a Data Breach
 - ii. *InBrief* Articles
 - a) September 2019- Protect Your Data by Using Encryption
 - b) June 2019- Cybersecurity and Employee Training
 - c) January 2019- File Retention and Destruction Procedures: Additional Safeguards to Protect Your Firm from Lost or Exposed Client Data
 - d) April 2017- Unwanted Data: How to Properly Destroy Data in Hardware
 - e) December 2016- What's Backing Up Your Data?
 - iii. PLF Practice Aids *see Using Technology*
 - a) Checklist for Migrating Data to New Software
 - b) ABA Technology Resources
 - c) Disclaimers
 - d) How to Backup Your Computer
 - e) Technology Resources for Mac Users
 - iv. PLF Practice Aids *see Paperless Office and Cloud Computing*
 - a) Floating in the Cloud (The Ethics of Electronic Client Files)
 - a) Online Data Storage Providers


Essential Guide to Practice Management

OSB Professional Liability Fund

Practice Management Attorneys:
Rachel Edwards
Monica Logan
Isaac Alley

- Trust Accounting
- Attorney Fees
- Calendaring
- Conflicts
- File Management
- Safe Use of Technology






Professional Liability Fund

Trust Accounting

Types of trust accounts
Key responsibilities

The proper mindset

A lawyer should hold property of others with the care required of a professional fiduciary



—

Lawyer Trust Account:

Where unearned
money belongs



Types of Trust Accounts

Cannot earn
net interest



IOLTA

Can earn net
interest



Separate interest-
bearing trust account

Formula to calculate net interest:

Principal x Interest Rate/12 x Number of Months = Interest

Example: Principal = \$10,000 Cost = \$25
Interest rate = 5% Monthly fee =
Number of months = 1 \$7.50

$$\mathbf{\$10,000 \times .05/12 \times 1 = \$41.67}$$

Net positive interest return:

$$\mathbf{\$41.67 - \$25 \text{ cost} - \$7.50 \text{ fee} = \$9.17}$$



Key Responsibilities

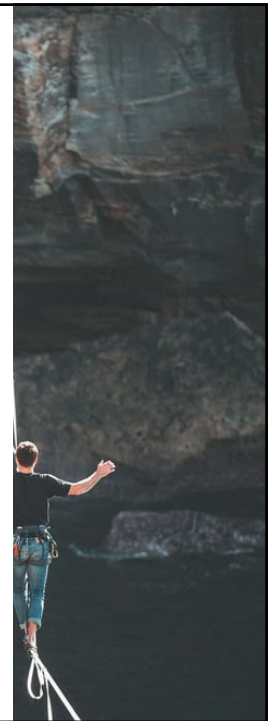
1. Keep funds separate

- No commingling your money and client funds in same account



2. Know each client's balance

Keep and review
individual client ledgers





3. Maintain records

- Client ledger
- Trust journal
- More...

Keep for 5 years



4. Wait for funds to be available

- Use 3-5-10 day rule
- Avoid overdrafts

5. Do 3-way reconciliation

Law Office LLC	
Three-Way Reconciliation	
RECONCILED	
Bank Name:	
Bank Account Name:	
Bank Account #:	
Statement Period: 10/1/22-10/31/22	
1. Book Balance	
Beginning balance on 10/31/22	\$5,210.00
Plus cleared deposits	\$7,724.00
Less cleared payments	(\$2,903.00)
Ending balance on 10/31/22	\$10,031.00
2. Bank Balance	
Ending balance on 10/31/22	\$10,206.00
Plus deposits in transit	\$0.00
Less outstanding payments	(\$175.00)
Reconciled bank balance	\$10,031.00
3. Client Ledger Balance	
Client Name	Balance as of 10/31/22
Aida Smith	\$5,470.00
Bob Lee	\$3,600.00
Cate Black	\$961.00
Total Client Ledger Balances	\$10,031.00

6. Account to Clients

- Explain billing procedures
- Send billing statements
- Use written fee agreements



7.

Use accounting software

Practice management software:

 Clio  mycase

 CosmoLex  PRACTICEPANTHER

 rocket matter®

 zolaSUITE

General accounting software:

 intuit quickbooks®

 xero

 FreshBooks

Beware of unclaimed property

- Take steps to find person
- Return to whomever is “entitled” to it
- Abandoned after 2 years
- Report to Oregon State Treasury
- Remit funds to OSB





Professional
Liability Fund

Attorney Fees

Ethical obligations
Third party payments
Accepting credit cards



Fees cannot be excessive

- Cannot charge or collect illegal or clearly excessive fees
- OSB Formal Ethics Opinion 2005-151 (fixed fees)
- See ORPC 1.5(b) to determine reasonableness



Put it in
writing

Contingent fee

- Cannot be used in domestic relations or criminal matters
- Comply with ORS 20.340
- ORPC 1.5(c)(1)-(2)

Earned upon receipt flat fee

- Will not be deposited into lawyer trust account
- Entitled to refund
- ORPC 1.5(c)(3) and 1.15-1(c)



Third party payments

ORPC 1.8(f)

- Informed consent
- No interference
- Maintain confidentiality


Specify in writing who receives refund

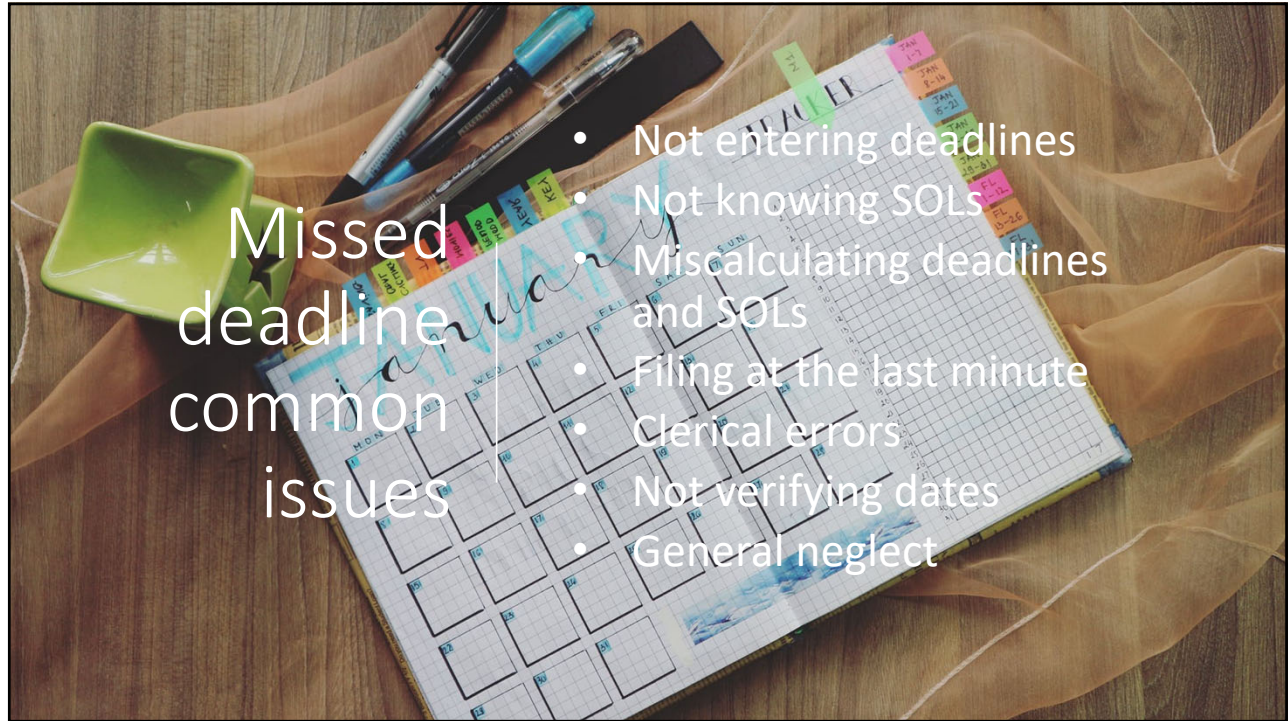
Accepting credit cards

- If single merchant account, it must be a trust account
- Consider transaction fees as cost of doing business
- Set-up fees, monthly fees, or annual fees are the lawyer's responsibility

OSB Formal Ethics Opinion 2005-172



 <p>Professional Liability Fund</p>	<h2>Calendaring</h2> <hr/> <p>Common issues Tips to avoid missing deadlines</p>
--	---




Missed deadline common issues

- Not entering deadlines
- Not knowing SOLs
- Miscalculating deadlines and SOLs
- Filing at the last minute
- Clerical errors
- Not verifying dates
- General neglect

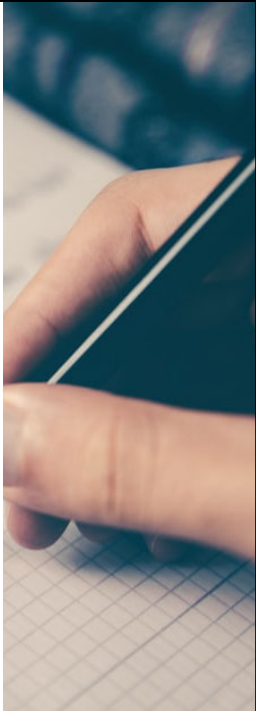


Tips to avoid missing deadlines



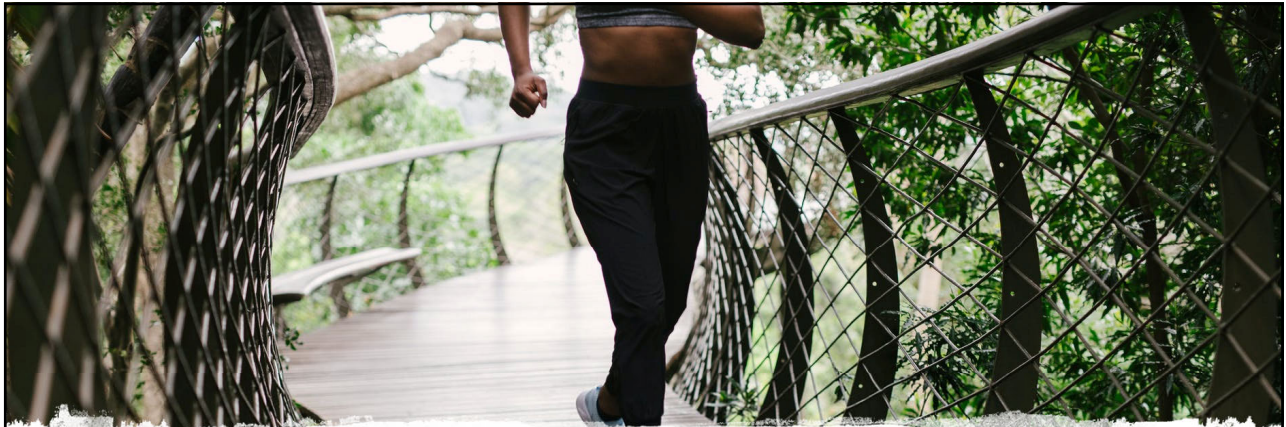
1. Use calendar to:

- Docket all deadlines and reminders
- Set recurring reminders to retrieve and review files



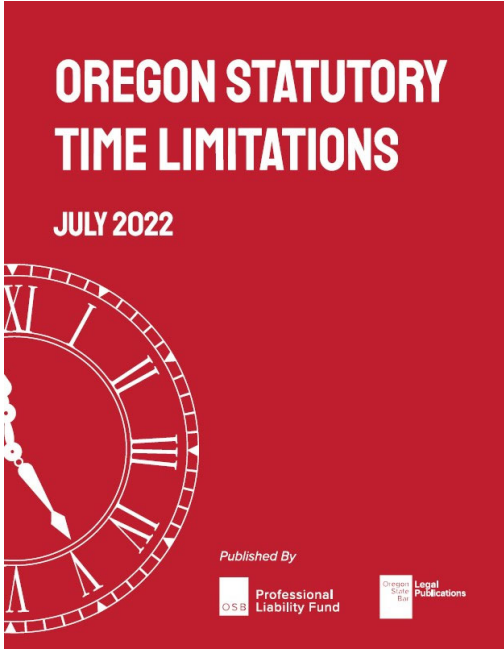
What to calendar?

- SOLS and case-related deadlines
- Client-imposed deadlines
- Self-imposed deadlines
- Court appearances
- Appointments
- Tasks to be completed



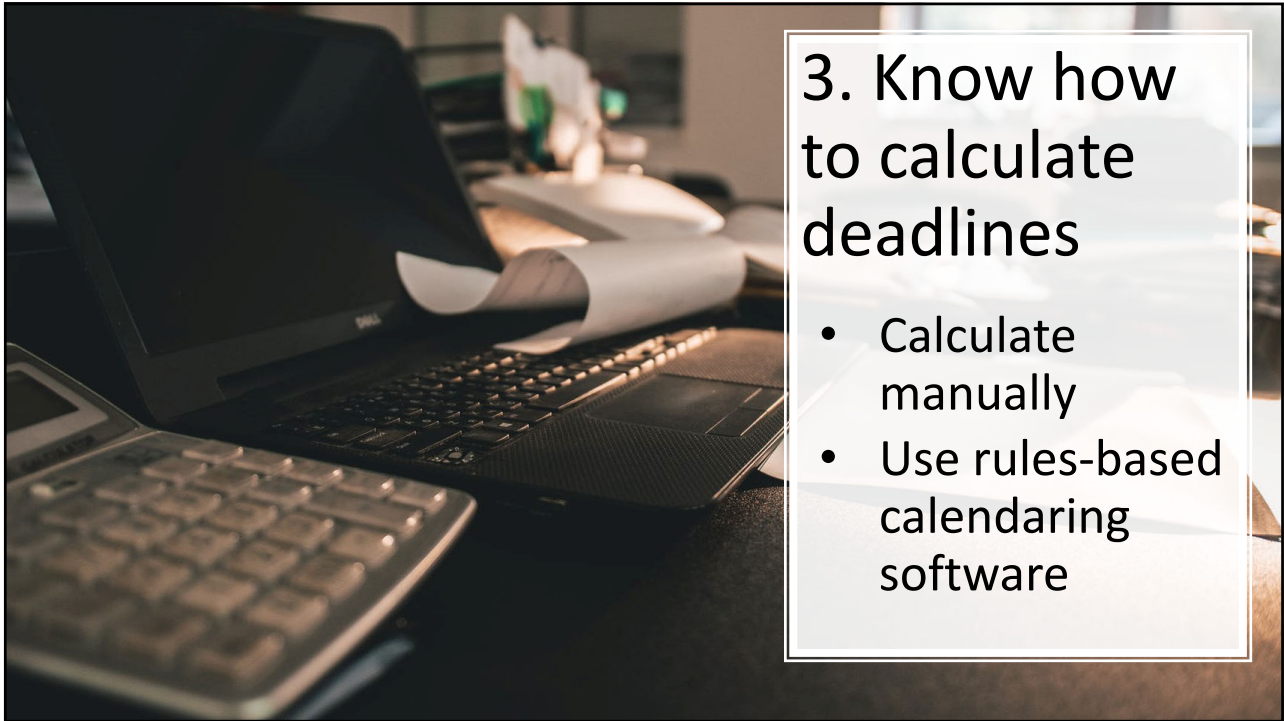
Good calendaring habits

- Enter dates immediately
- Have one entry point
- Capture dates from email, intake sheets, incoming documents
- Synchronize calendars



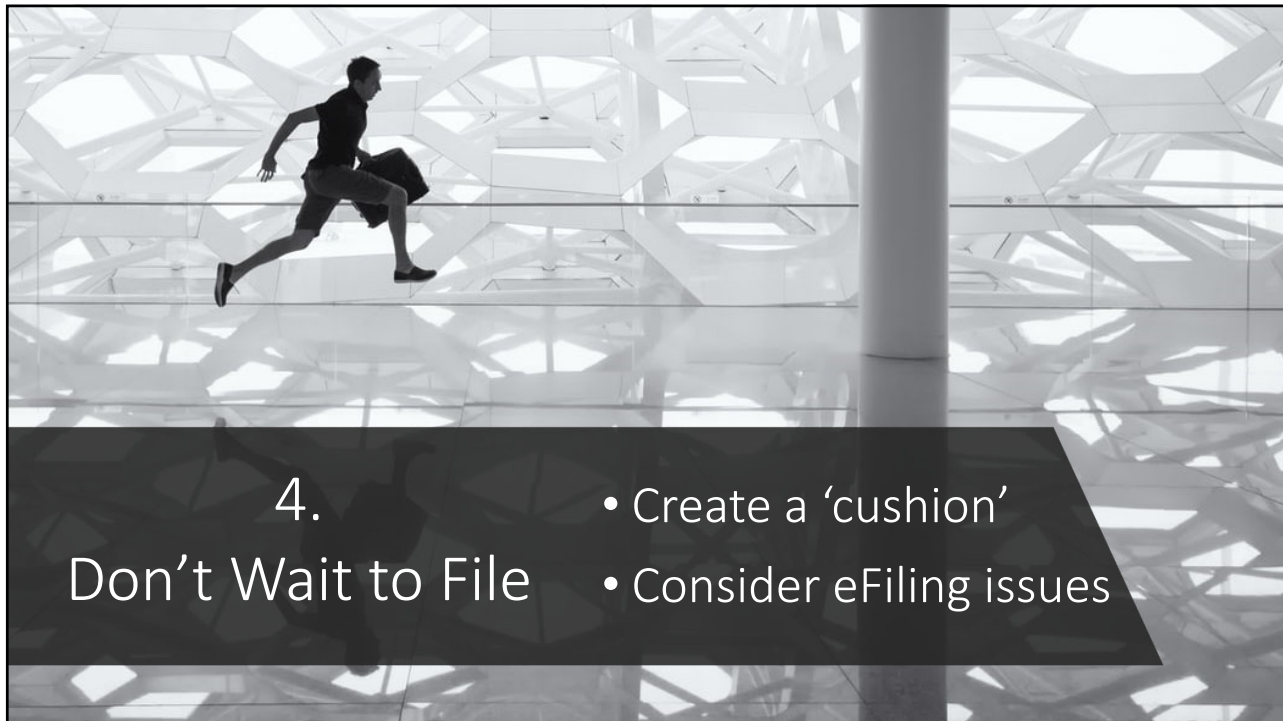
The image shows the cover of a book titled "OREGON STATUTORY TIME LIMITATIONS" published in July 2022. The cover is red with white text and features a white clock face graphic. The publisher information at the bottom includes the Oregon State Bar (OSB) Professional Liability Fund and Oregon State Bar Legal Publications.

2. Know statutes of limitation



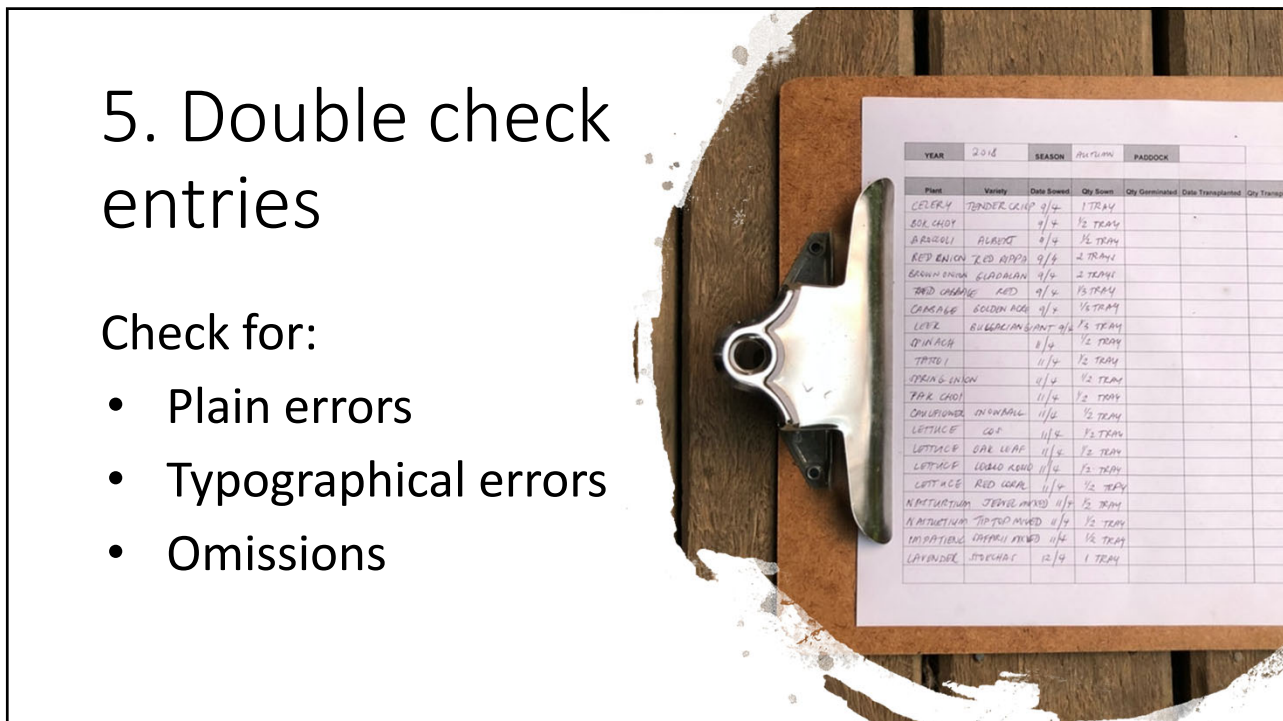
Rules-based calendaring software

Stand-alone rules-based calendaring software	Practice management software integrates w/ stand-alone tools	Practice management software w/ built-in rules-based calendaring
<p>LawToolBox.com</p> <p>CALENDARRULES</p>	<p>PracticeMaster</p> <p>Clio actionstep</p> <p>PRACTICEPANTHER rocket matter®</p> <p>HoudiniEsq</p>	<p>Firm Central</p> <p>AMICUS ATTORNEY ABACUSLAW!</p>



4. Don't Wait to File

- Create a 'cushion'
- Consider eFiling issues

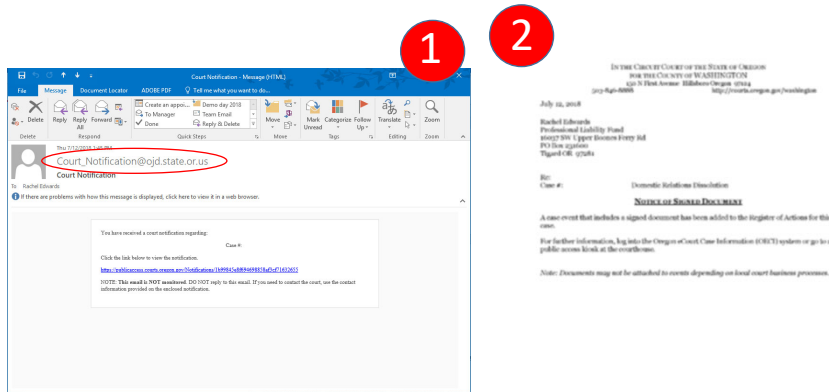


5. Double check entries

Check for:

- Plain errors
- Typographical errors
- Omissions

6. eCourt Notices & Calendaring



1. Notification via email
2. Link to court notice
3. Calculate deadline if necessary and calendar immediately

Professional Liability Fund

Conflicts

Types of Conflicts
The Golden Rules



Types of conflicts

ORPCs 1.7, 1.8,
1.9, 1.10, 1.11,
1.12

- Former clients
- Current/prospective clients
- Personal interests
- Imputation of conflicts
- Former government employee
- Former judge/neutral

The Golden Rules

- Establish a reliable system
- Know what to capture
- Know how to use the system
- Know when to run a conflict check
- Document search and result



Rule 1:
Establish a
Reliable
System



Use software program

Stand-
alone:



All-in-
one:



Rule 2: Know What to Capture


- Clients
- Adverse parties
- Related parties
- Declined clients
- Prospects
- Pro bono clients
- Addresses
- Firm members
- Personal conflicts



Rule 3: Know How to Use Your System

- William, Bill, or Willy?
- Elizabeth or Liz?
- Former Names
- SSN or TIN
- DOB
- 123 ABC Street



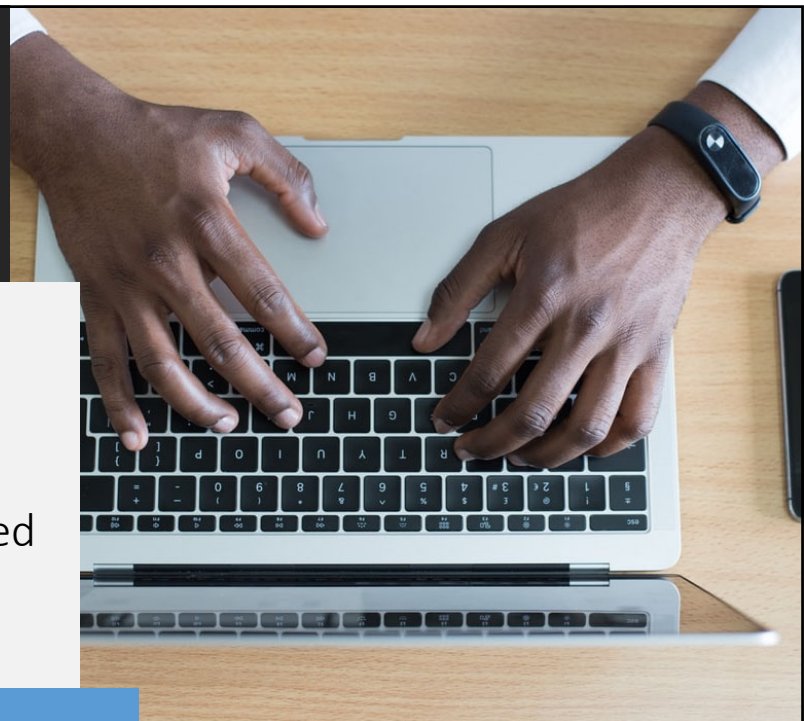


Rule 4: Know When to Run a Conflict Check

- At first contact
- When the file is opened
- Whenever a new party enters the case

Rule 5: Document Conflict Search & Result

- Who performed search
- When and where search was performed
- Result and conflict analysis





Screen & Prepare

Screen incoming lawyers


Prepare outgoing lawyers

Keep your own conflict list

Practice Tips

- Circulate 'New Matter' list weekly
- Update your system at closing
- Be aware of consent requirements





Professional Liability Fund

File Management

- Client File
- Documentation
- Retention
- Storage



Client Files

What is the client file?

Formal Opinion No 2017-192

Therefore, as a general proposition, and absent viable attorney liens,² a lawyer is obligated to deliver the entire client file to the former client or forward it to the client's new counsel upon receiving client consent. *In re Arbuckle*, 308 Or 135, 775 P2d 832 (1989); *In re Chandler*, 306 Or 422, 760 P2d 243 (1988). In most instances, the entire client file

will include documents and property of the client; litigation materials, including pleadings, motions, and correspondence; all other materials, including expert opinions, witness statements. The client file also includes records, and information that the lawyer maintained for use in the specific client matter, such as e-mail, audio files, digital photographs, and internal memoranda that may contain the exceptions discussed below, the

There are a number of circumstances in which documents that are contained in the client file maintained by the lawyer may not be included in the client file. For example, Client A's documents, a legal malpractice

must maintain in the representation of a client. Oregon implicitly impose on lawyers an obligation to maintain the lawyer's work for the client (competent representation). Oregon implicitly authorized. Other than documents and documents with original documents necessary to provide a client competent

² OSB Formal Ethics Op No 2005-6 *Schlusser Co., Inc.*, 335 Or 209, 63 P3d 100 (2005).

³ See Oregon RPC 1.0(q), which defines a "client file" as a record of a communication or representation of a client that the production of a "client file" request is not judged by the broader discovery standards found in ORCP 36 or FRCP 26 that would be applicable in litigation, for example, a legal malpractice action.

(3/2017)

... In most instances, the entire client file will include **documents and property that the client provided to the lawyer; litigation materials, including pleadings, memoranda, and discovery materials; all correspondence; all items that the lawyer has obtained from others**, including expert opinions, medical or business records, and witness statements. The client file also includes all **electronic documents**, records, and information that the lawyer maintained for use in the specific client matter, such as e-mail, word-processing documents on a server, audio files, digital photographs and **even text messages**.³

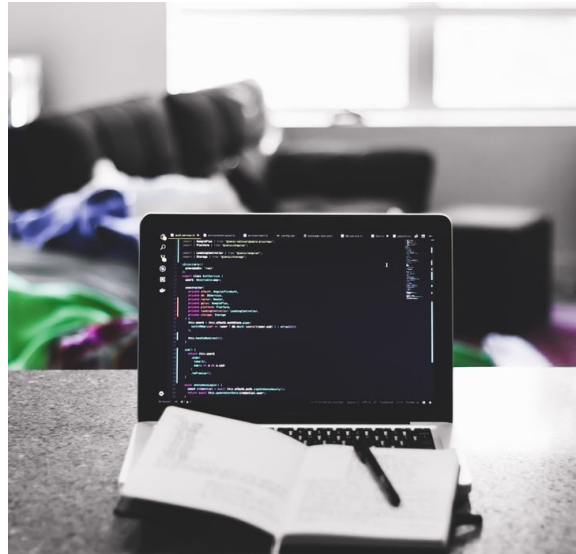
OSB Formal Ethics Opinion No. 2017-192

Typical Documents to Keep in Client File

- Client Intake Form
- Conflicts Disclosure and Consent
- Engagement Letter
- Nonengagement Letter
- Disengagement Letter
- Correspondence
- Fee Agreement
- Timekeeping Records
- Billing Statements
- Documents
- Records
- Attorney Notes

Documentation

- Conveys information in writing to clients
- Prevents misunderstanding
- Helps the lawyer articulate thought process
- Wards off a claim for legal malpractice
- Provides lawyer with evidence to defend against malpractice claim



Ways to document

- Promptly follow up by email or letter
- Promptly write memo to the file
- Take notes during the conversation





What to document

- Commencement, scope, and termination of representation
- Client's instructions and lawyer's advice
- Important conversations with clients, opposing parties, and other parties involved
- Major events and milestones in the matter

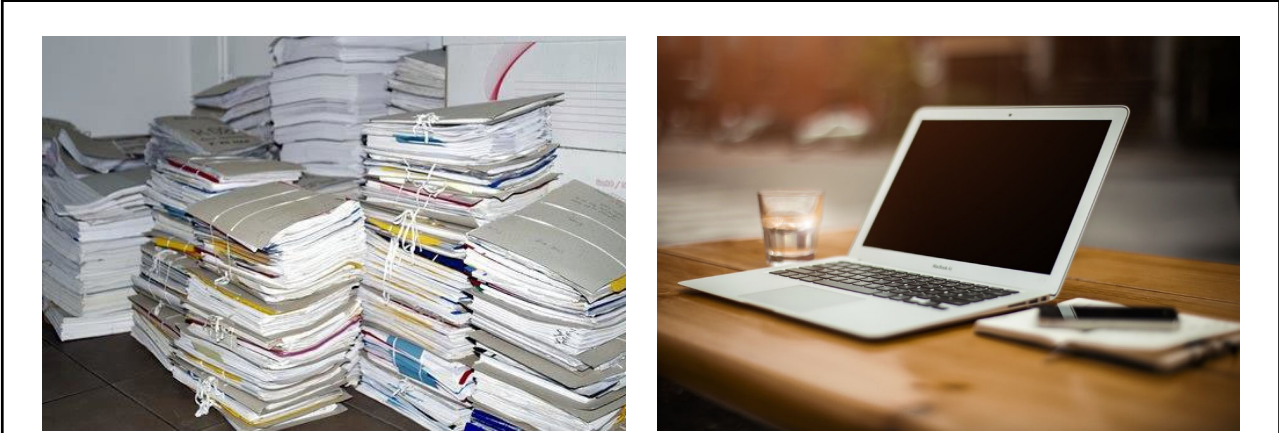


Retention



File Retention Guidelines

- Retain copy of file for 10 years
- Research and evaluate additional factors particular to practice area, cases, and clients
- Treat digital and paper files the same!
- See our *File Retention and Destruction Guidelines*



Storage

- Physical files v. electronic files
- Physical location v. cloud or hard drive
- Think 10 years ahead

*It is never a
good time
to lose your
data.
Back it up.*

DEVICES

- External hard drive
- External solid state drive
- Network attached storage
- Backup server

SOFTWARE

- Windows Backup
- MAC Time Machine
- Acronis Cyber Protect
- AOMEI Backupper
- EaseUS Todo Backup
- Cloud backup service (Backblaze, Carbonite, iDrive, SpiderOak)

DEVICES W/SOFTWARE

- Seagate Backup Plus drive
- Western Digital My Passport portable drive
- Samsung SSD T5



Professional
Liability Fund

Safe Use of Technology

Metadata
Cloud computing
Hardware and data destruction
Social media





Properties ▾

Size	13.9KB
Pages	1
Words	83
Total Editing Time	39 Minutes
Title	Add a title
Tags	Add a tag
Comments	Add comments


Related Dates

Last Modified	Today, 10:19 AM
Created	Today, 9:59 AM
Last Printed	

Related People

Author	 Rachel Edwards Add an author
Last Modified By	 Rachel Edwards

Related Documents

 [Open File Location](#)

[Show All Properties](#)

Metadata lurking in your document

- Comments, track changes, versions and ink annotations
- Document properties and personal information
- Header, footer and watermarks
- Hidden text
- Document server properties

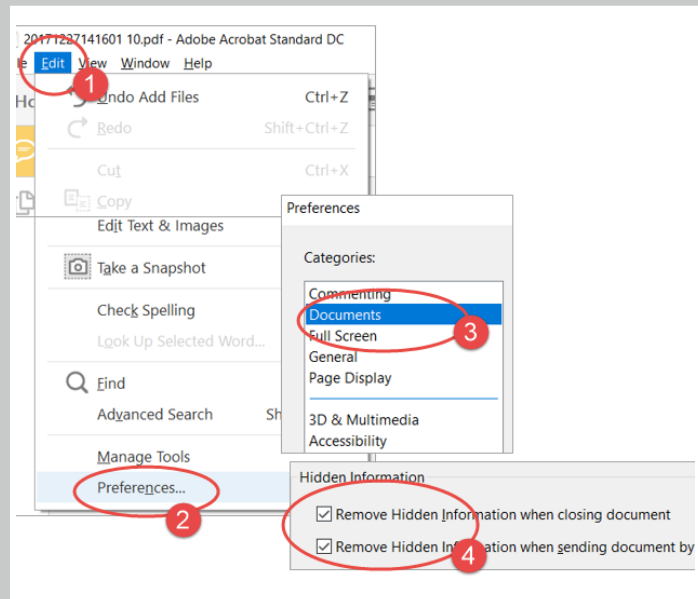
Competency: Disclosure of Metadata

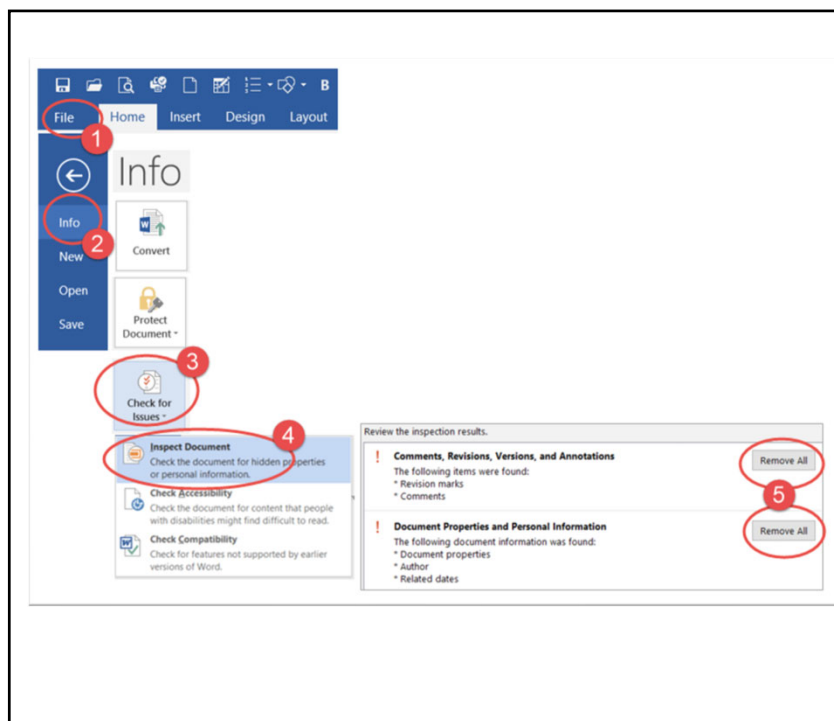
“Oregon RPC 1.6(c) requires that a lawyer **must use reasonable care to avoid the disclosure of confidential client information**, particularly when the information could be detrimental to a client. With respect to metadata in documents, reasonable care **includes taking steps to prevent the inadvertent disclosure of metadata**, to limit the nature and scope of the metadata revealed, and to control to whom the document is sent. What constitutes reasonable care will change as technology evolves.”

OSB Formal Ethics Opinion No. 2011-187 [Revised 2016]

Remove from PDF:

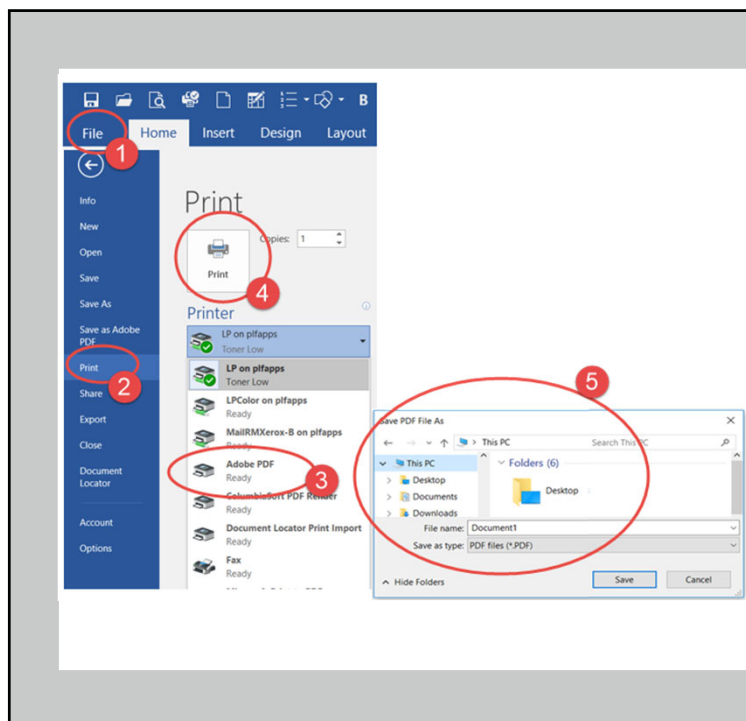
- Click on Edit
- Click on Preferences
- Select Documents
- Select when you want hidden info removed
- Click OK





Remove from MS Word:

- Click on File
- Click on Info
- Check for Issues
- Inspect Document
- Click on Remove All

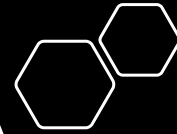


Print to PDF:

- Click on File
- Click on Print
- Select Adobe PDF from printer menu list
- Click on Print
- Rename and save the PDF file



OSB Formal Ethics
Opinion No. 2005-150
[Revised 2016]
(Competence and
Diligence: Inadvertent
Disclosure of
Privileged
Information)



Cloud
Computing

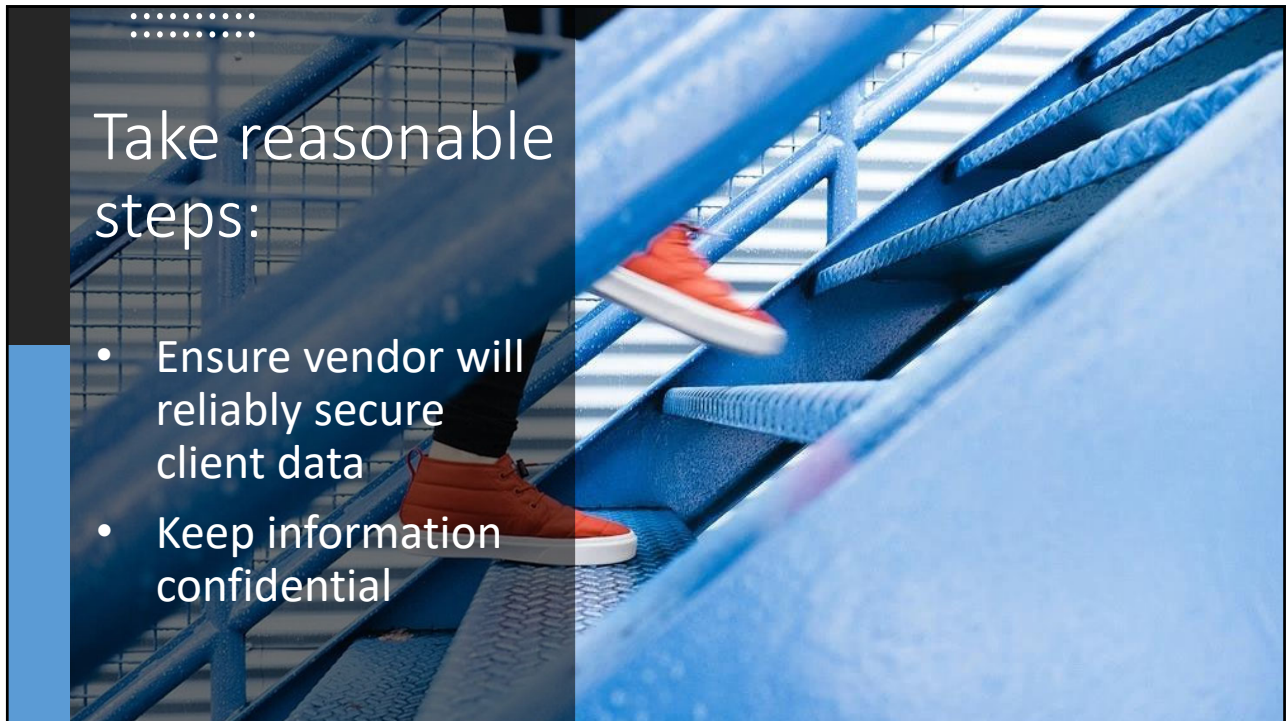
Security Concerns

- Is data encrypted?
- Who has access?
- Where are servers located?



Take reasonable steps:

- Ensure vendor will reliably secure client data
- Keep information confidential



OSB Formal Ethics
Opinion 2011-188

(Third-Party
Electronic Storage
of Client
Materials)



- Vet the vendors; and
- Review terms of service and user agreements

Hardware and Data Destruction

ORPC 1.6 Confidentiality





Software

Data Destruction

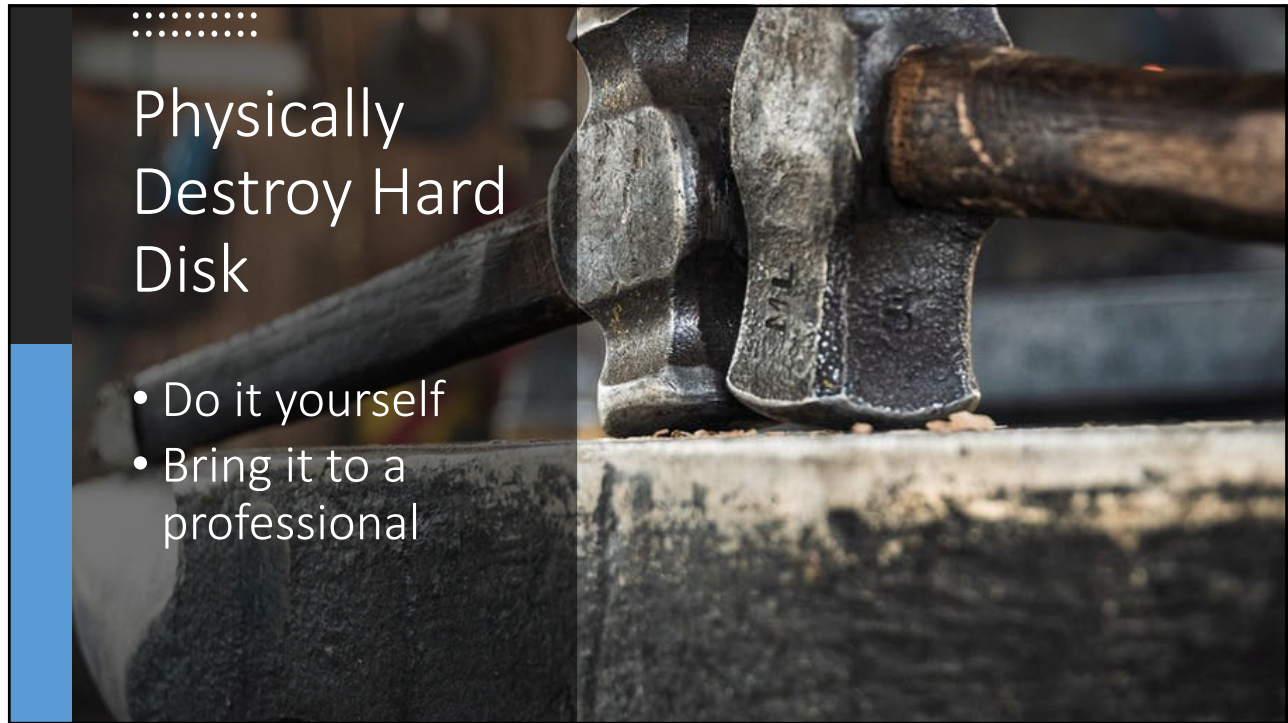
- DBAN (Darik's Boot & Nuke)
- CBL Data Shredder
- HDDGuru
- KillDisk

Use if you want to recycle, refurbish or donate computer

File Destruction

- zDelete
- Eraser
- Freeraser
- File Shredder
- Secure Eraser

Use if you want to keep computer but permanently delete unwanted files



.....

Physically Destroy Hard Disk

- Do it yourself
- Bring it to a professional



Social Media

- ORPC 1.1: Competence
- ORPC 1.4: Communication

Clients want to talk about their case

→

- Clients may damage their case
- Contact may be prohibited by court order



Social Media

- You want to boast about a big win
- You want to defend against a bad review
- ORPC 1.6: Confidentiality
- Professionalism

RESOURCES



Professional
Liability Fund

<https://www.osbplf.org> > Services

- Forms
- Books
- CLEs
- *In Practice* blog
- *In Brief* Newsletter
- Practice Management Assistance Program (PMAP)
- Oregon Attorney Assistance Program (OAAP)

Oregon State Bar

<https://www.osbar.org>

- Bar Counsel Articles
- Ethics Opinions
- BarBooks
- Legal Ethics Helpline: 503-431-6475
- CLEs
- Member Groups

eCourt Resources

Oregon Judicial Department

eFiling Website: <https://oregon.tylerhost.net/ofswb>

♦ Web training sessions ♦ Training videos ♦ User guides

Official Website: <https://www.courts.oregon.gov>

♦ FAQs ♦ UTCRs – Chapter 21 ♦ Policies & Standards for eFiling

Professional Liability Fund (www.osbplf.org)

♦ Services > CLEs & Resources > Forms > eCourt >

Oregon eFiling Checklist for First Time eFiler

Contact Us

<https://www.osbplf.org>
503-639-6911 | 800-452-1639

PLF Practice Management Attorneys

Rachel Edwards

rachele@osbplf.org

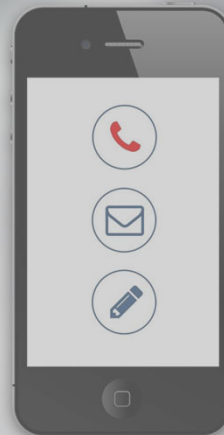
Monica Logan

monical@osbplf.org

Isaac Alley

isaaca@osbplf.org

Free and confidential



CHAPTER 13

CREATING A FIRM

SOLO SUCCESS: LAUNCHING YOUR OWN PRACTICE

Rachel Edwards

Professional Liability Fund

Practice Management Attorney

Solo Success:

Launching Your Own Practice

OSB Professional
Liability Fund

Rachel Edwards
Practice Management Attorney

Overview

- Planning
- Equipping the office
- Office systems and procedures
- Marketing and client development
- Assessment
- Resources





Planning



Practice Area

- Know your practice area(s)
- Types of clients
- Avoid general practice

Firm Name

- Cannot be false or misleading
- Trade names allowed if no connection implied with a government agency or other organization



Choice of Entity

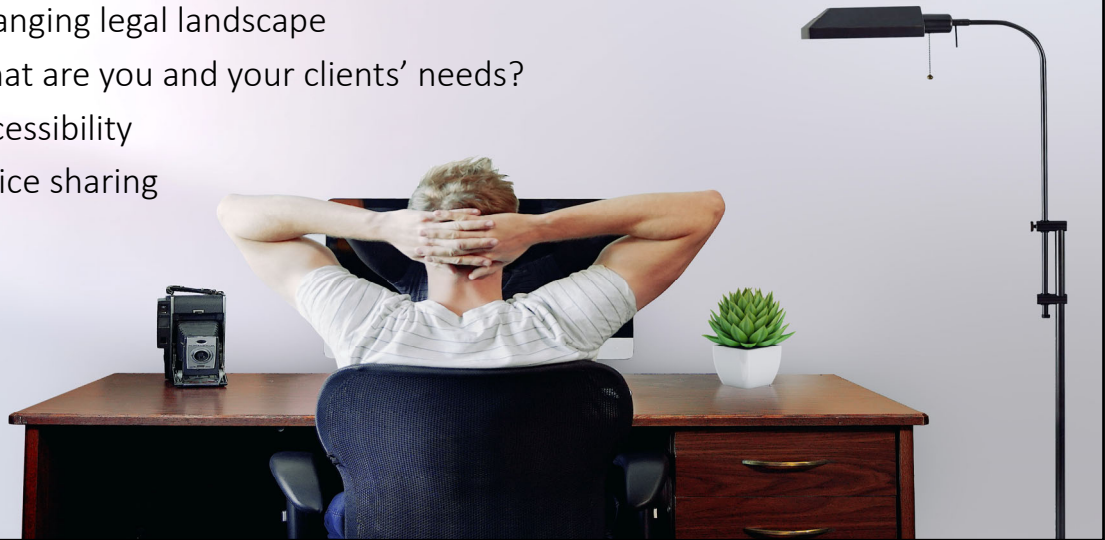
- Sole proprietorship
- Single shareholder PC
- Single member LLC

www.osbplf.org > Services > CLEs & Resources > Forms > Entity Formation for Lawyers



Location

- Changing legal landscape
- What are you and your clients' needs?
- Accessibility
- Office sharing



Business Description

Vision Statement

Mission Statement

Where do you want your firm to be in the next 3-5-10 years?

How do you intend to achieve your firm's vision?

www.osbplf.org/services/resources/#forms > Opening or Moving a Law Office > Law Office Business Plan Worksheet

Vision Statement



- WHO are you?
- WHAT problems do you want to solve?
- WHERE are your services needed?
- HOW do you reach those clients?

Sample Vision Statements



- To be the premier personal injury firm in the Pacific Northwest.
- We strive to be the standard for excellence in the field of marital and family law.
- To serve as the state's leader in the field of employment and labor law.

<https://www.osbplf.org/inpractice/vision-and-mission-statements-for-your-law-practice/>

Mission Statement

How do you achieve your vision?

Purpose	Business	Values
At ABC Law Firm, we help families overcome their differences and put their lives back on track.	Our firm is committed to delivering top-notch traditional and non-traditional legal services tailored to clients of all financial abilities.	We take our time to listen to and understand our clients' concerns and customize a solution that directly responds to their individual needs.

Startup Budget

- Hardware/software
- Furnishings and décor
- Supplies
- Research
- Marketing
- Entity registration
- Bar/PLF dues



www.osbplf.org > Services > CLEs & Resources > Forms > Opening or Moving a Law Office > Startup Budget

Monthly Budget

- Rent/utilities
- Phone/Internet
- Recycling/shredding
- Supplies
- Bar/PLF dues
- Organization dues (ex. local bar associations)
- CLEs
- Business insurance
- Marketing
- Subscriptions (ex. Paid research, software)
- Tax withholdings
- Accountant/bookkeeper
- Credit card processing
- Miscellaneous (ex. lunches, travel)
- Salary



www.osbplf.org > Services > CLEs & Resources > Forms > Opening or Moving a Law Office > Monthly Budget

Opening Bank Accounts

- General office
- IOLTA
 - Oregon Law Foundation Tax ID
 - Proper naming
 - Bank charges
 - Management

<https://www.osbplf.org/services/resources/#forms> > Trust Accounting > Notice to Financial Institutions-Opening an IOLTA Account in Oregon



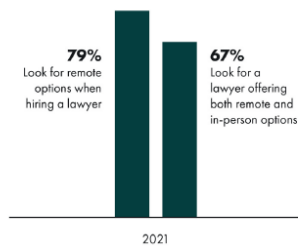
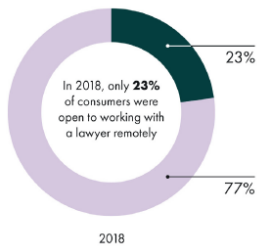
Equipping the Office

Type of Office

- Know your desired setup
 - In-office
 - Hybrid
 - Virtual
- Be ready to work remotely
- Efficient office space

Remote Options

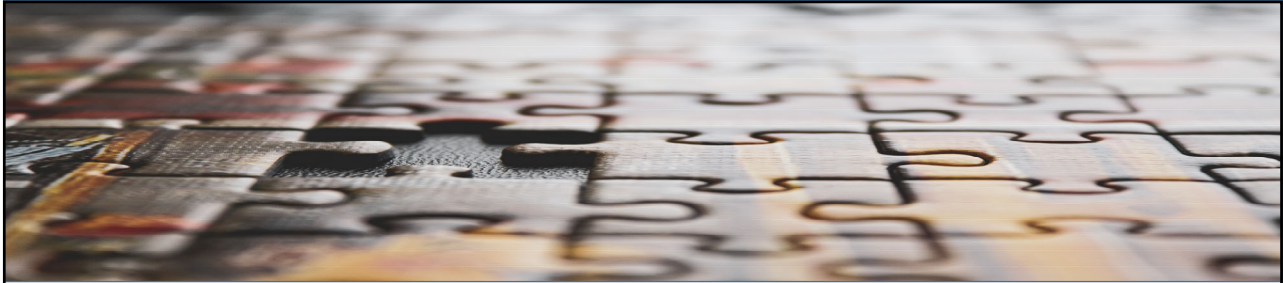
Clients look for more remote options today



Furniture and Supplies

- Desk
- Chair
- Headset
- Office supplies





Hardware and Software

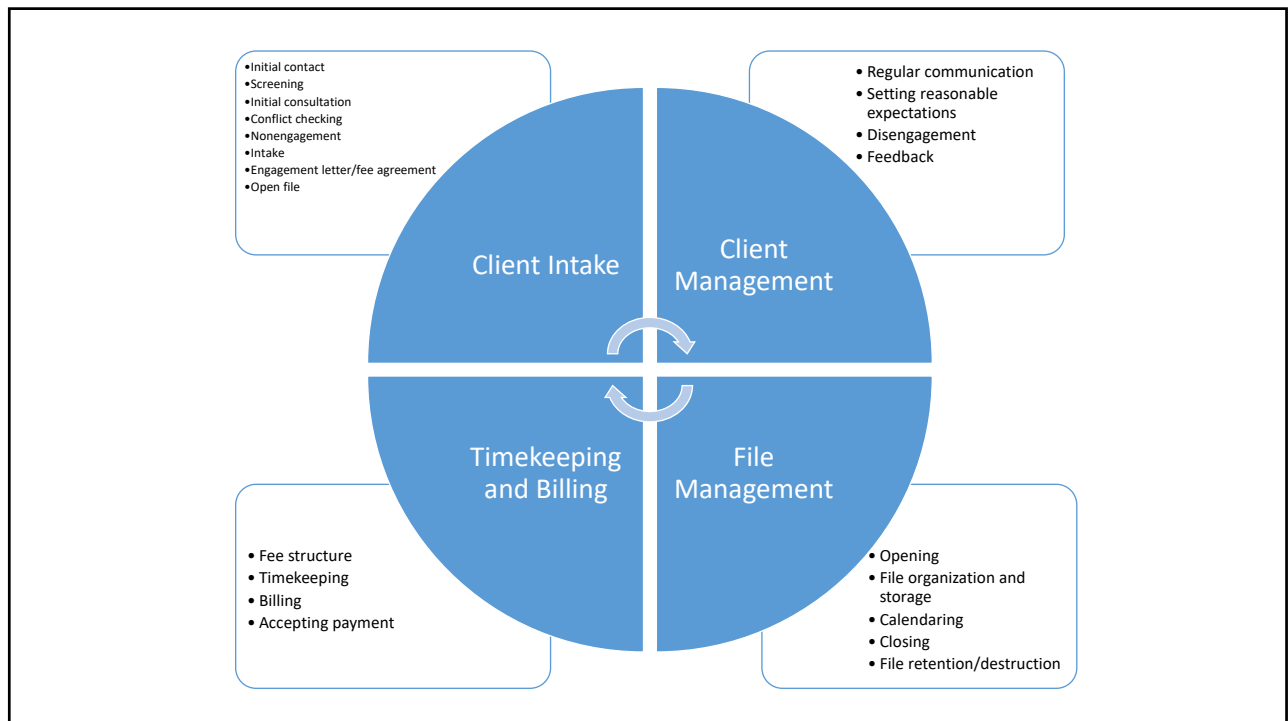
- Desktop/laptop/tablet
- Internet
- Phone system
- Printer/scanner/copier
- Word processing
- PDF
- Email
- Calendar
- Conflict checking
- File management
- Timekeeping/billing
- Accounting

Software Options

Practice Management Software	Standalone Software
	<ul style="list-style-type: none"> • Accounting • Antivirus • Client relationship management • Cloud storage • Dictation • Document automation • Electronic signature • Encryption • Notetaking • Payment processing • Videoconferencing • Virtual private network



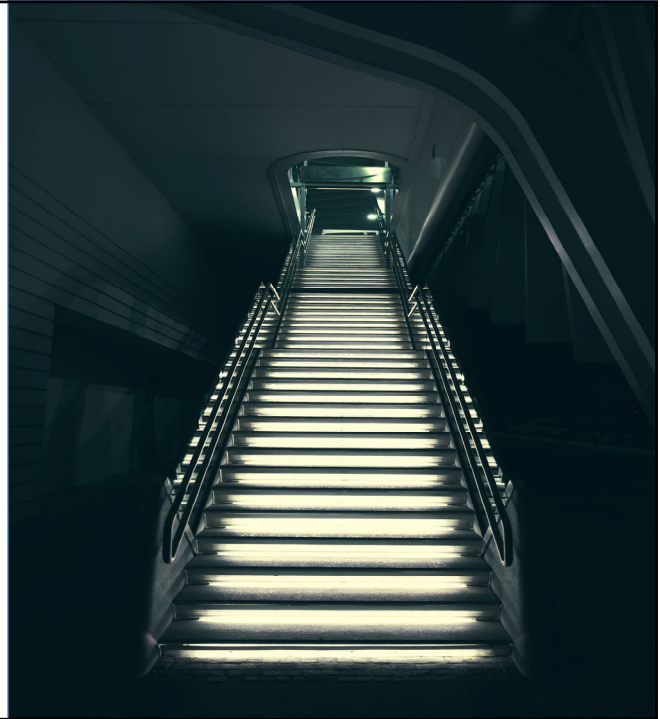
Office Systems and Procedures



Client Intake

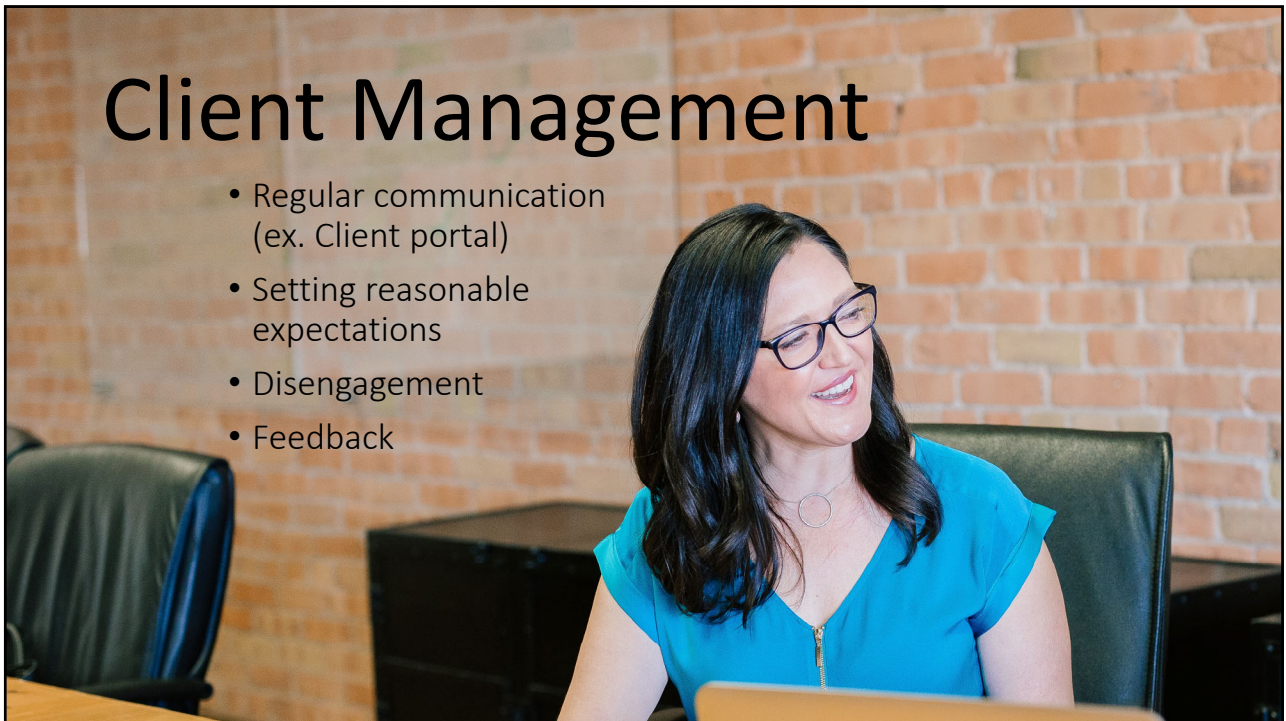
1. Initial contact
2. Screening
3. Initial consultation
4. Conflict checking
5. Nonengagement
6. Intake
7. Engagement letter/fee agreement
8. Open file

<https://www.osbplf.org/blog/inpractice/client-intake--making-it-more-effective-and-efficient/>



Client Management

- Regular communication (ex. Client portal)
- Setting reasonable expectations
- Disengagement
- Feedback



File Management

1. Opening
2. File organization and storage
3. Calendaring
4. Closing
5. File retention and destruction

<https://www.osbplf.org/services/resources/#forms> > Office Systems and Procedures > Setting Up an Effective Filing System



Timekeeping and Billing



- Fee structure
- Timekeeping
- Billing
- Accepting payments



Attorney Fees

- Hourly
- Flat
- Contingent
- Hybrid
- Subscription
- Alternative

<https://www.osbplf.org/blog/inpractice/establishing-reasonable-fees/>

Track Your Time

- Track immediately
- ALL time and expenses (administrative, flat, project, etc.)
- Be diligent
- Be consistent

<https://www.osbplf.org/blog/inpractice/managing-our-time-managing-ourselves/>



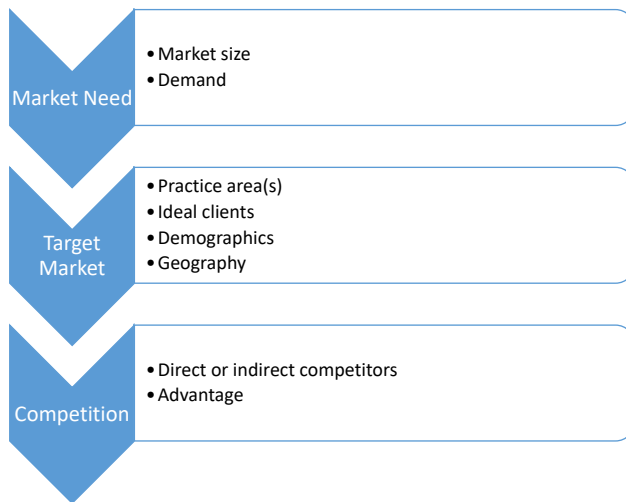


Practice Management Software	Standalone Software
    	  



Marketing and Client Development

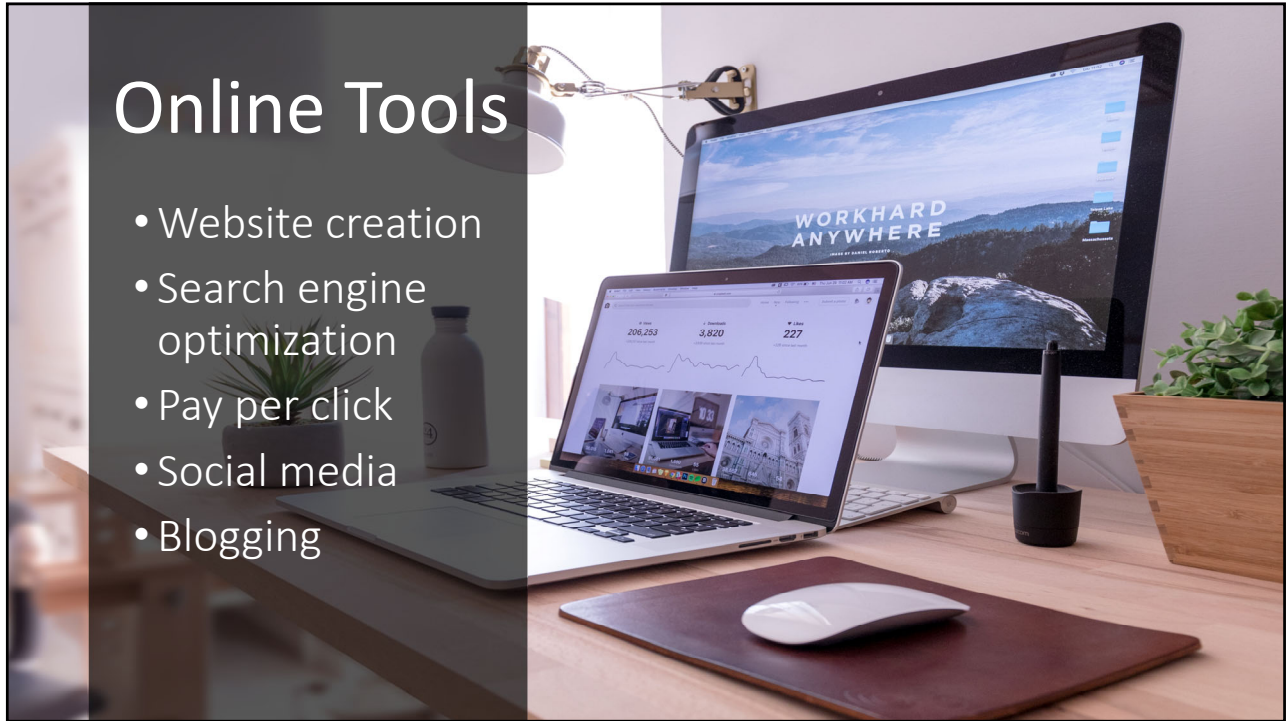
Market Analysis and Goals



- Set goals
- Track marketing
- Adjust marketing and intake strategies accordingly

Online Tools

- Website creation
- Search engine optimization
- Pay per click
- Social media
- Blogging



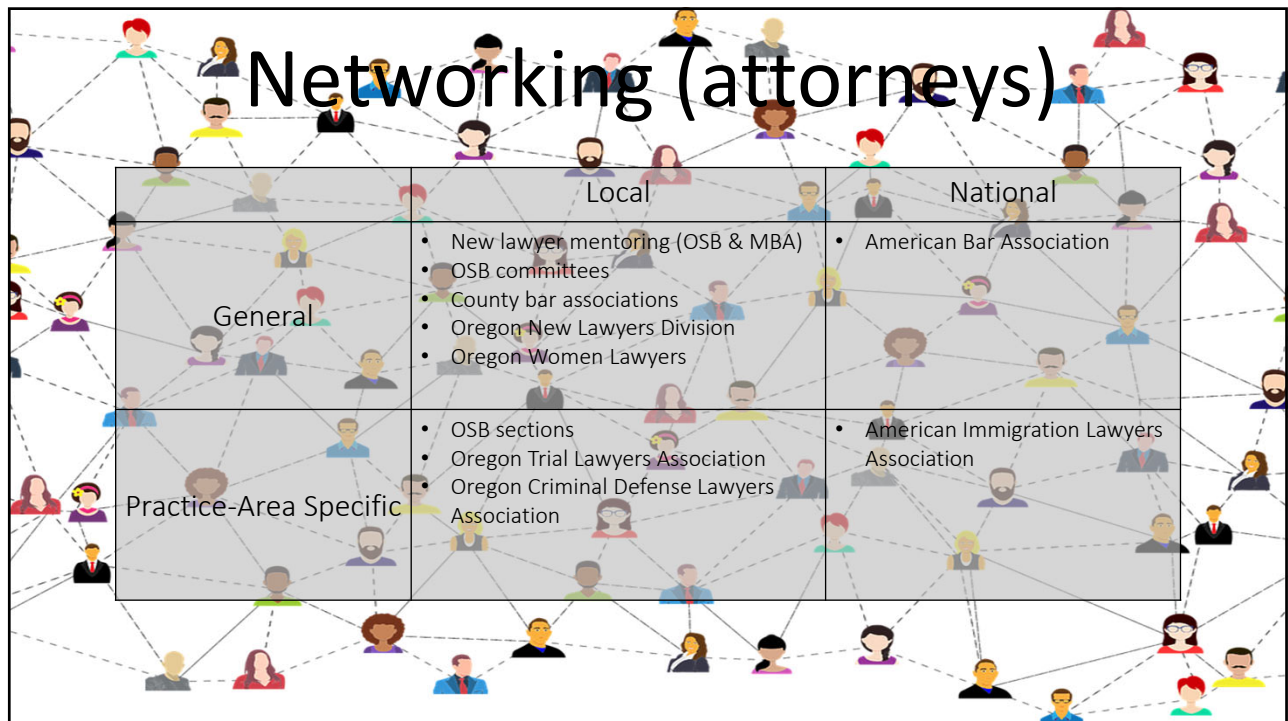
Offline Tools

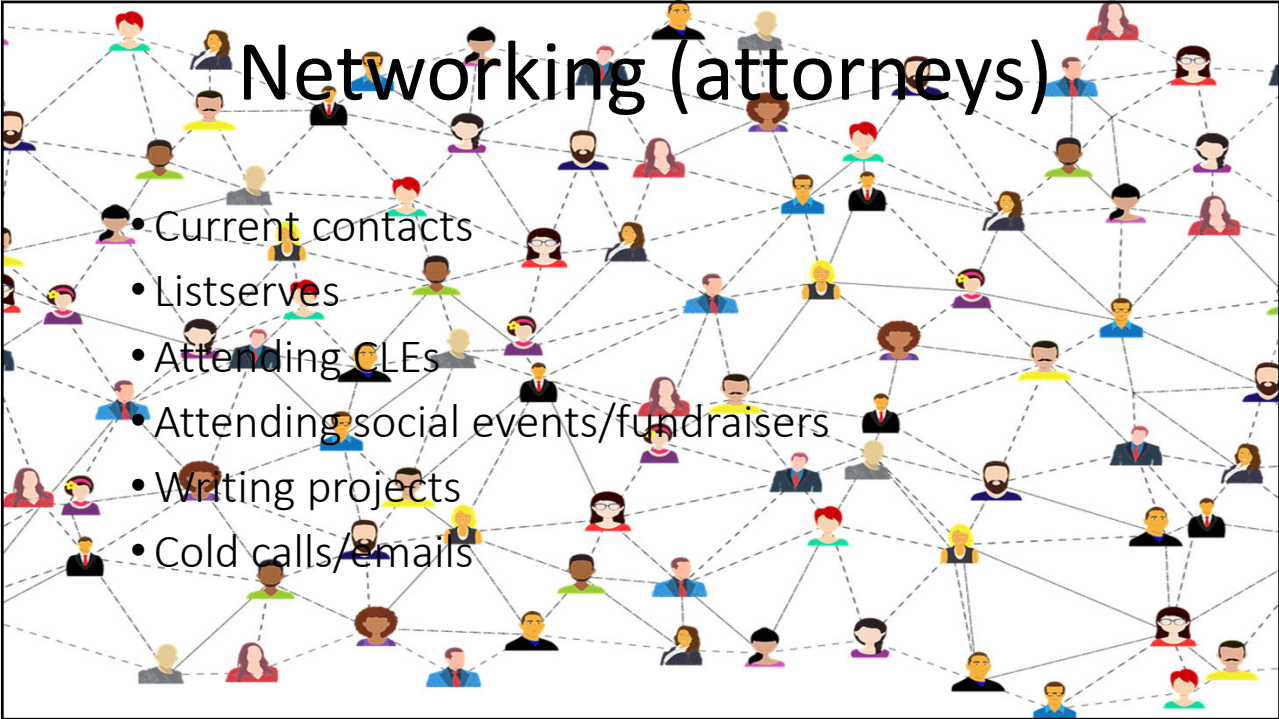
- Print ads
- Billboards
- Newspapers
- Transit ads
- TV/radio



Referrals

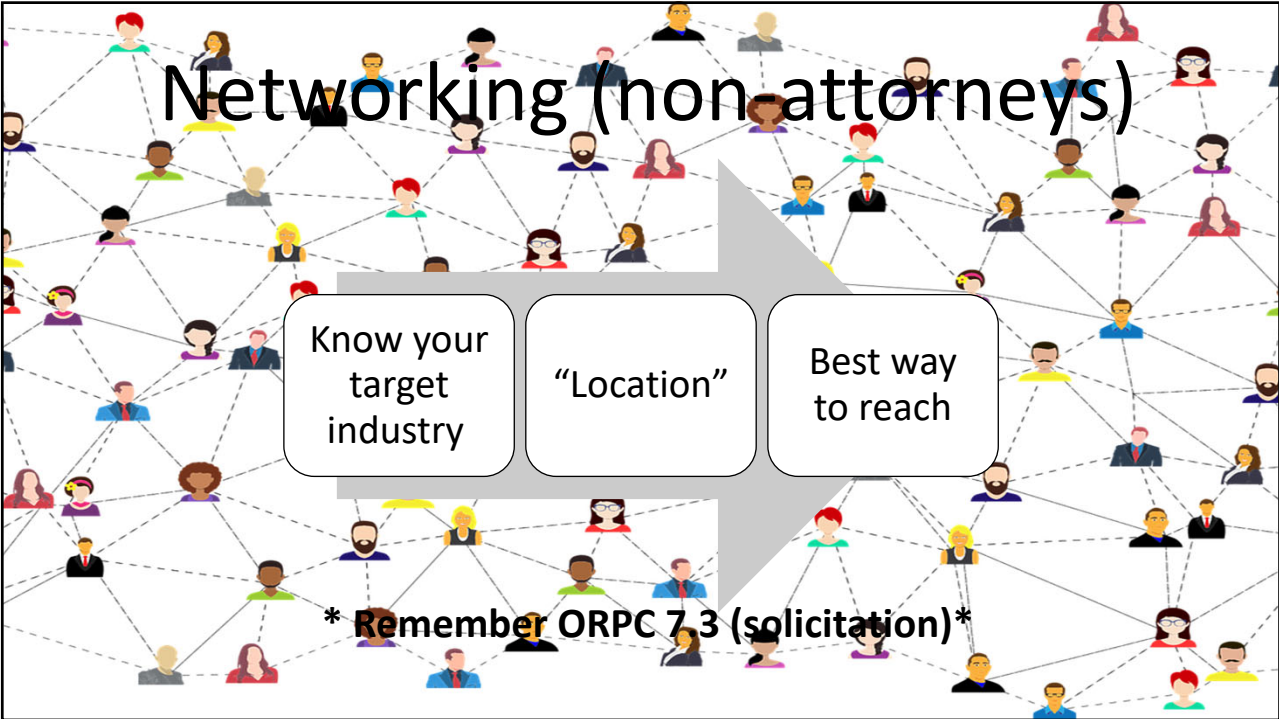
- Client referrals
 - Customer service
 - Exit survey/request
- Network referrals
 - Attorneys
 - Non-attorneys



A network diagram consisting of numerous small, colorful human icons connected by a web of dashed lines. The title "Networking (attorneys)" is centered at the top in a large, black, sans-serif font.

Networking (attorneys)

- Current contacts
- Listserves
- Attending CLEs
- Attending social events/fundraisers
- Writing projects
- Cold calls/emails

A network diagram similar to the one above, with human icons and dashed lines. The title "Networking (non attorneys)" is centered at the top. A large, light-gray arrow points from the left towards the right, containing three white rounded rectangular boxes with black text. Below the arrow, the text "* Remember ORPC 7.3 (solicitation) *" is displayed in a bold, italicized font.

Networking (non attorneys)

Know your target industry

"Location"

Best way to reach

*** Remember ORPC 7.3 (solicitation) ***

Client Development

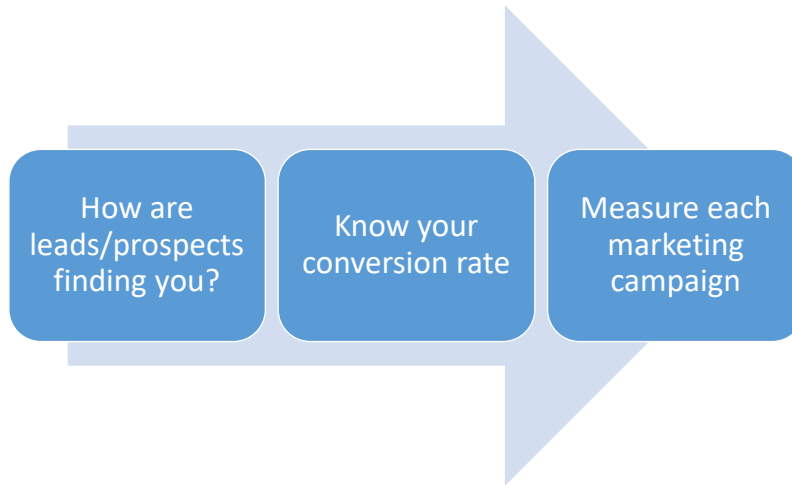


Conversion



- How many leads become clients?
- Track your conversion rate
 - $\frac{\# \text{ of clients}}{\# \text{ of leads}} \times 100$
 - 20 leads \longrightarrow 2 new clients = 10% conversion rate

Marketing Effectiveness



Client Relationship Management (CRM)

Practice Management Software	Standalone Software
	 



Assessment

Financial Health

	Income Statement	Balance Sheet	Cash Flow Statement
<i>Purpose</i>	Profitability during specific time period (ex. 1/1/21 to 2/28/21)	Snapshot of firm's financial position at a specific time (End of year)	How cash flow has changed over a period of time (ex. 1/1/21 to 12/31/21)
<i>Calculation</i>	Revenue earned minus expenses incurred	Assets, liabilities owners or stockholder's equity	Cash coming into the firm

<https://www.osbplf.org/inpractice/the-basics-of-your-financial-statements/>

Measure Progress

- Maintain written, measurable goals
- Track information
 - Financial
 - Number of leads/prospects/clients
 - Conversion rate
- Adjust as necessary



Hire?

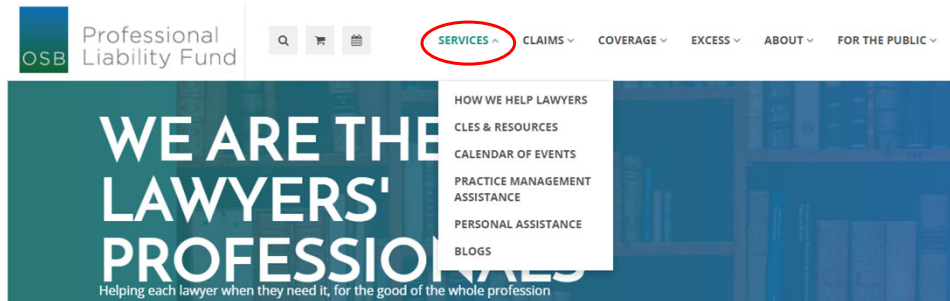
- Administrative vs. billable hours
- Budget
- Know your needs
- Attorney/non-attorney
- Employee or independent contractor
- Hiring process
- Supervisory duties



FOR
HIRE

<https://www.osbplf.org/services/resources/#forms> > Staff

PLF Resources



<https://www.osbplf.org> > Services

- Forms
- Books
- CLEs
- *InPractice* blog
- *InBrief* Newsletter
- Practice Management Assistance Program (PMAP)
- Oregon Attorney Assistance Program (OAAP)


Contact Us

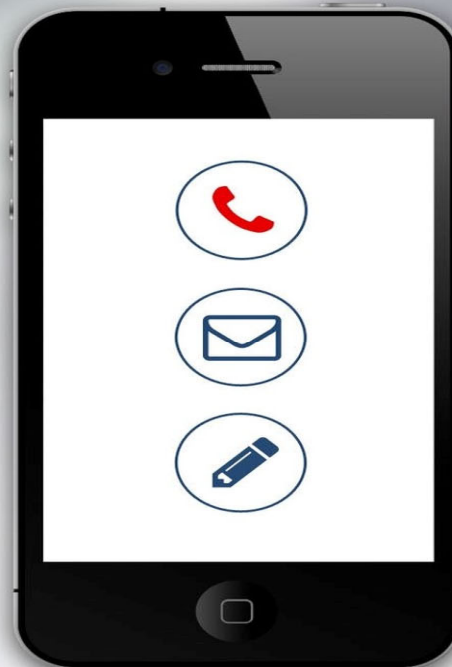
Practice Management Attorneys

www.osbplf.org

503-639-6911 | 800-452-1639

Rachel Edwards rachele@osbplf.org
Monica Logan monical@osbplf.org
Isaac Alley isaaca@osbplf.org

 and confidential



Solo Success: Launching Your Own Practice

1. PowerPoint Slides
2. PLF-covered attorneys by county in Oregon- <https://www.osbplf.org/blog/inpractice/you-may-be-needed-elsewhere--how-a-market-analysis-can-help/>
3. ABA Technology Resources- https://assets.osbplf.org/forms/practice_forms/ABA%20Technology%20Resources.pdf
4. Resources from the PLF Risk Management Services provides a great variety of free CLEs, practice aids, publications, newsletter articles, and blog posts:
 - a. PLF publications available at https://www.osbplf.org/services/resources/#plf_books
 - i. A Guide to Setting Up and Running Your Law Office
 - ii. A Guide to Setting Up and Using Your Lawyer Trust Account
 - b. PLF CLEs available at <https://www.osbplf.org/services/resources/#cles>
 - c. PLF practice aids available at <https://www.osbplf.org/services/resources/#forms>
 - d. PLF blog, *InPractice*, at <https://www.osbplf.org/blog/inpractice/>
 - e. PLF newsletter, *InBrief*, available at <https://www.osbplf.org/services/resources/#inbrief>
(use the search box to help you locate articles on topics you are interested in)
5. Resources for Topics Covered Today:
 - a. Client Relations
 - i. PLF Practice Aids *see Client Relations*
 - a) Client Relations Best Practices
 - b. Engagement Letters and Fee Agreements
 - i. PLF Practice Aids *See Engagement Letters and Fee Agreements*
 - a) Engagement Letters and Fee Agreements
 - c. Disengagement and Nonengagement
 - i. PLF Practice Aids *see Disengagement and Nonengagement*
 - a) PLF blog articles
 - a. Drawing the Line for Nonengagement
(<https://www.osbplf.org/blog/inpractice/drawing-the-line-for-nonengagement/>)
 - d. Entity Formation
 - i. PLF Practice Aids *see Entity Formation for Lawyers*
 - a) Choice of Entity for a Legal Practice in Oregon
 - e. Marketing
 - i. PLF Practice Aids *See Marketing*
 - a) Create a Marketing Plan for Your Small Law Firm
 - b) Marketing and Business Development Worksheets
 - c) Marketing and Business Development: Crucial Skills
 - d) Marketing Plans- Sample and Completed
 - ii. PLF blog articles
 - a) If You Build It They Will Come: Make It Easier For Potential Clients to Contact You (<https://www.osbplf.org/blog/inpractice/if-you-build-it-they-will-come--make-it-easier-for-potential-clients-to-contact-you/>)
 - b) Marketing: Your Law Firm, Yourself
(<https://www.osbplf.org/blog/inpractice/marketing--your-law-firm-yourself/>)

- f. Office Systems and Procedures
 - i. PLF Practice Aids *see Office Systems and Procedures*
 - a) File Retention and Destruction Guidelines
 - b) Creating an Office Procedures Manual
 - c) Docketing and Calendaring Checklist
 - d) Mail Handling
 - e) Office Systems Review Checklist
 - f) Reminder and Ticker Systems
 - g) Setting Up an Effective Filing System
 - h) New Client Information Sheet with Disclaimer
 - ii. PLF blog articles
 - a) Making the Work Flow (<https://www.osbplf.org/blog/inpractice/making-the-work-flow/>)
 - b) Don't Underestimate the "Obvious": Document, Document, Document (<https://www.osbplf.org/blog/inpractice/dont-underestimate-the-obvious--document-document-document/>)
 - c) Manage Your Trust Account Like You Care For Your Dog (<https://www.osbplf.org/blog/inpractice/manage-your-trust-account-like-you-care-for-your-dog/>)
 - d) Billing Software: Explore Your Options (<https://www.osbplf.org/blog/inpractice/billing-software--explore-your-options/>)
 - e) Phone Systems: What Works for Your Firm? (<https://www.osbplf.org/blog/inpractice/phone-systems--what-works-for-your-firm/>)
 - f) Manage Your Law Office with Documented Systems and Procedures (<https://www.osbplf.org/blog/inpractice/manage-your-law-office-with-documented-systems-and-procedures-/>)
 - g) Client Intake: Making it More Effective and Efficient (<https://www.osbplf.org/blog/inpractice/client-intake--making-it-more-effective-and-efficient/>)
 - h) Electronic Payment Processing Software for Law Firms (<https://www.osbplf.org/blog/inpractice/electronic-payment-processing-software-for-law-firms/>)
 - i) Reduce Malpractice Risk by Properly Managing Files (<https://www.osbplf.org/blog/inpractice/reduce-malpractice-risk-by-properly-managing-files-/>)
 - iii. CLEs
 - a) Practice Management Software: Know What You Want Before Making the Switch (<https://www.osbplf.org/cle-classes/practice-management-software--know-what-you-want-before/>)
- g. Opening a Law Office
 - i. PLF Practice Aids *see Opening or Moving a Law Office*
 - a) Checklist for Opening a Law Office

- b) Office Sharing Guidelines
- c) Home-Based Law Office
- d) Law Office Business Plan Worksheet
- e) Start-Up Budget
- f) Monthly Budget
- g) Cash Flow Worksheet 12 Months
- ii. PLF blog articles
 - a) Why is More Than a Question: Understanding Your Firm's Purpose (<https://www.osbplf.org/blog/inpractice/why-is-more-than-a-question--understanding-your-firms-purpose-/>)
 - b) Getting it All Done as a Solo (<https://www.osbplf.org/blog/inpractice/getting-it-all-done-as-a-solo/>)
 - c) Business Planning for Your Practice (<https://www.osbplf.org/blog/inpractice/business-planning-for-your-practice/>)
 - d) The Basics of Your Financial Statements (<https://www.osbplf.org/blog/inpractice/the-basics-of-your-financial-statements/>)
- h. Staff
 - i. PLF Practice Aids *see Staff*
 - a) Checklist for Hiring Staff
 - b) Checklist for New Staff
 - c) Confidentiality in the Law Office
 - d) Delegation Memo
 - e) Ethics for Support Staff
 - ii. CLEs
 - a) Staffing for Solo and Small Firms: Assembling an Effective Teams (<https://www.osbplf.org/cle-classes/staffing-for-solo-and-small-firms--assembling-an-effect/>)

CHAPTER 14

SOLO SUCCESS: STAYING THE COURSE

Monica Aguilar Campbell

Monica Aguilar Campbell Law Office LLC

Jeff Hinman

Hinman Law PC

Jessica M. Nomie

Jessica Nomie Law

Monica H. Logan, Moderator

Professional Liability Fund

Practice Management Attorney



Speakers: Jeff Hinman, Jessica Nomie, Monica Aguilar Campbell
Moderator: Monica Logan

Planning & Set-up

- Reason for solo practice
- Decisions like choice of entity, location, and practice area
- Hardware and software programs





Costs & Fees

- Operating expenses and costs
- Determining your hourly rate or fee structure

Client Development

- Finding new clients



Legal Support

- Decision to hire
- Hire vs. contract out for support services





CHECKLIST FOR OPENING A LAW OFFICE

- Decide what form of entity your business will be. (For solos: sole practitioner, professional corporation, single-member LLC. For multi-member firms: professional corporation, partnership, LLC, LLP.)

- Name your business. If you form a PC, LLP, or LLC, comply with statutory requirements. See ORS 58.115, ORS 67.625, and ORS 63.094, respectively.

The name of your business must not be misleading on the identity of the lawyers practicing under the name. Use of "and Associates" violates the Rules of Professional Conduct if there are no associates or no relationship exists among lawyers in an office share attempting to use this designation. "Group" violates the rule if the practice comprises a sole proprietor and no other lawyers. (The common meaning of "group" implies two or more individuals.) See ORPC 7.1 and 7.5(a).

Use of trade names and historical names of deceased or retired lawyers is permitted. For more information, review Sylvia E. Stevens, "What's In a Name: Things to consider before hanging that shingle," *Oregon State Bar Bulletin* (November 2006), available online at <https://www.osbar.org/publications/bulletin/06nov/barcounsel.html>.

- Choose a location (downtown, suburbs, virtual, or home office).
- Choose space option (rent office space, share office space, executive suite, virtual office, and/or home office).
- Determine office needs:
 1. Furniture:
 - a. Lawyer's office (desk, chair, guest chairs, file cabinet, chair mat, wastebasket)
 - b. Reception area (chairs, coffee table, lamp, pictures, magazine rack)
 - c. Staff (desk, chair, chair mat, wastebasket, file cabinet)
 - d. Conference (table, chairs)
 2. Equipment:
 - a. Dedicated business telephone – landline, VoIP, or cellphone
 - b. Voicemail or virtual receptionist
 - c. Secure Internet connection

Checklist for Opening a Law Office



Business Plan Worksheet

LAW OFFICE BUSINESS PLAN WORKSHEET A Guide to Helping You Write a Business Plan



The purpose of this worksheet is to help you think through some of the important issues of your law office so you have a better understanding of the business side of your practice. Use the worksheet to draft a formal business plan that you can use as a roadmap and tool to grow your practice.

BUSINESS DESCRIPTION

Use this section to work up a description of your firm. The description should capture the vision and mission of your practice.

Vision Statement

Describe in one or two sentences where your firm wants to be in the next 3 to 5 or 10 years. What is the future you want to create for your firm that captures your passions and inspiration for your practice?

Mission Statement

PLF Website

<https://osbplf.org> > Services > CLEs & Resources

The screenshot shows the Professional Liability Fund (PLF) website. The navigation bar includes 'SERVICES', 'CLAIMS', 'COVERAGE', 'EXCESS', 'ABOUT', and 'FOR THE PUBLIC'. A red arrow points to the 'SERVICES' dropdown menu. Below the navigation bar, there is a large banner with the text 'WE ARE HERE FOR YOU' and 'LAW PRO' (part of 'LAWYER SERVICES'). A list of resources is displayed, including 'Written materials' and 'Practice Management Attorneys'. The 'Written materials' list includes: 'A Guide to Setting Up and Running Your Law Office', 'Start-up budget', 'Monthly budget', and 'Business plan worksheet'. The 'Practice Management Attorneys' section is also visible. At the bottom of the page, there are buttons for 'PAY ASSESSMENT' and 'DO I NEED PLF COVERAGE?'.

- Written materials:
 - A Guide to Setting Up and Running Your Law Office
 - Start-up budget
 - Monthly budget
 - Business plan worksheet
- Practice Management Attorneys



Jeff Hinman

jeff@hinmanlawpc.com

541.668.7589

Jessica Nomie

Jessica@jnomielaw.com

971.258.1411

Monica Aguilar Campbell

monica@mac-lawoffice.com

503.744.0111

PRO BONO, LEGAL AID, AND OTHER TOOLS TO REACH JUSTICE FOR ALL

Maya Crawford Peacock

Executive Director, Campaign for Equal Justice

Jill R. Mallery

Statewide Pro Bono Manager, Legal Aid Services of Oregon

Eric E. McClendon

*Oregon State Bar Referral and Information Services
Manager*

William C. Penn

*Oregon State Bar Assistant Director of Oregon Law
Foundation and Legal Services Programs*

Chapter 17

PRO BONO, LEGAL AID, AND OTHER TOOLS TO REACH JUSTICE FOR ALL

TABLE OF CONTENTS

	<u>Page #</u>
ACCESS TO JUSTICE IN OREGON.....	17-2
OREGON STATE BAR HOUSE OF DELEGATES RESOLUTION.....	17-16
CALL TO ACTION.....	17-23
LEGAL AID SERVICES OF OREGON PROJECT DESCRIPTIONS.....	17-21
POWERPOINT SLIDES.....	17-41



Access to Justice in Oregon

Presented by

Maya Crawford Peacock

Executive Director, Campaign for Equal Justice

Jill Mallery

Statewide Pro Bono Manager, Legal Aid Services of Oregon

Eric McClendon

Director of Referral & Information Services, Oregon State Bar

William Penn

Executive Director, Oregon Law Foundation & Ast. Dir., Legal Services
Program OSB

Learning the Ropes
November 9, 2022

Justice Protects

Having fair access to the justice system is one of the most basic ways we protect ourselves and our families from harm. Fair access to the justice system protected Kelly from an abusive ex-partner, and fair access to the justice system protected her children when she couldn't protect them on her own.

When Kelly started the divorce process, her ex-husband hired a lawyer and started threatening to put all of his resources into getting custody of their three children. Kelly couldn't afford a lawyer of her own, but she knew her children wouldn't be safe in her ex-husband's custody. She had been granted a restraining order because of his abusive behavior, and he had continued his belligerence at parenting time exchanges. By the time the divorce was finalized, he had violated the restraining order multiple times.



When Kelly's local legal aid office saw that her ex-husband was engaging in a pattern of behavior that presented a real safety risk to Kelly and her children, they stepped in to help. Kelly's ex-husband wasn't cooperative and refused to respond to any of the settlement offers they presented. Ultimately, legal aid was able to get Kelly custody of her children, and the parenting plan she had requested and felt would be safe for the children. Exchanges of the children happened under supervision, and Kelly's restraining order was renewed.

Kelly tells us that “[legal aid] was amazing—super helpful...and always gave good advice.” Without the help of a lawyer, Kelly worries she would have had to give in to her ex-husband's demands. “It wouldn't have been a good outcome, or safe for the children.... I couldn't be more grateful to the whole legal aid office.”

ACCESS TO JUSTICE IN OREGON

I. Introduction

Legal aid provides free civil legal services to low-income and elderly Oregonians. Legal aid plays a critical role in providing access to justice and a level playing field for low income people statewide. Civil legal aid helps people protect livelihoods, health, and families: veterans denied rightfully earned benefits, women trapped in abusive relationships, and families facing wrongful evictions and foreclosures.

Our legal system is complex, and courts can be like a maze for non-lawyers. Without lawyers, people cannot meaningfully access the legal system to present meritorious claims and defenses. Civil legal aid makes it easier for people to access information and understand their rights.

Legal Aid Provides:

- Free civil legal services to low-income and elderly Oregonians.
- Brochures, court forms, and self-help materials to help people navigate our justice system.
- Websites with accessible legal information available to all Oregonians.
 - <https://oregonlawhelp.org>
 - <https://oregondisasterlegalservices.org>
- Resources to help stabilize families and prevent a further slide into poverty.

When we say the Pledge of Allegiance we close with “justice for all.” We need programs like civil legal aid to ensure that the very principle our founding fathers envisioned remains alive: justice for all, not just the few who can afford it.

Lawyers know first-hand the value and necessity of quality legal representation. Lawyers have a professional responsibility to help others in our community gain access to the justice system to protect their rights, their freedom, their homes, their livelihood, and their families. There are ways that lawyers and other civic minded Oregonians can make a difference in access to justice.

A Brief History of Legal Aid in Oregon: Legal aid in Oregon began in 1936 in Multnomah County. It was started by Oregon lawyers. In 1971, at the request of Governor Tom McCall, the Oregon State Bar conducted the first statewide legal needs study which led to the formation of a statewide legal aid program.

Oregon’s legal aid programs consist of two statewide programs, Legal Aid Services of Oregon (LASO) and the Oregon Law Center (OLC); and one countywide program, the Center for Non-

Profit Legal Services (CNPLS) in Jackson County. Services are provided to low-income clients through community-based offices located in 18 communities throughout Oregon.

General facts about legal aid in Oregon

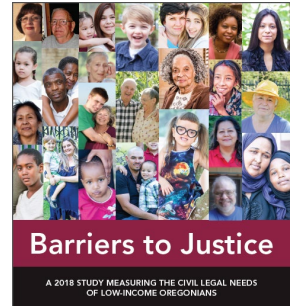
- Legal aid served over 15,500 low income citizens directly in 2021.
- Legal aid served 200,000 Oregonians through impact litigation in 2021.
- Legal aid served hundreds of thousands of Oregonians through administrative advocacy in 2021.
- Oregon’s three legal aid programs had a total of 131 attorneys in 2021. This is an 18% increase from 2020 when there were only 111. Legal aid lawyers make up less than 1% of the OSB.
- According to 2021 Census data (American Community Survey) – 663,988 Oregonians are low-income (defined here as at 125% of the Federal Poverty Income Guidelines or below). This is the income threshold that legal aid uses to determine who is eligible for services (more info on the income guidelines later).
 - This is 16% of Oregon’s population
 - This means that for each legal aid lawyer in the state, there are 5,068 low-income individuals who might need a lawyer.
 - ABA defines “minimally adequate access to justice” as 2 attorneys for every 10,000 low-income people. Oregon now meets this “minimally adequate” standard after many years of not meeting the standard.
 - We can and MUST do better than “minimally adequate.” However, look what can be accomplished when the number of legal aid attorneys goes from 111 to 131!
 - There are about 15,000 active attorneys in the OSB. That means there is 1 attorney for every 277 Oregonians.
- Oregon’s legal aid programs balance 80 different sources of funding, and funding from most sources declined during the recession.
- Legal aid stretches limited resources by providing self-help materials and through pro bono programs. OregonLawHelp.org, legal aid’s educational website, had more than 467,000 unique visitors.
- About 76% of legal aid’s clients are women—most with children to support.

II. What Are the Civil Legal Needs of Low-Income Oregonians?

Barriers to Justice: A 2018 Study Measuring the Civil Legal Needs of Low-Income Oregonians

Substantive Areas of Need

With the support of the Oregon Department of Justice, the 2018 Civil Legal Needs Study was commissioned in partnership with the Oregon Law Foundation, Oregon State Bar, Campaign for Equal Justice, Oregon Judicial Department, Legal Aid Services of Oregon, and Oregon Law Center to assess the current ability of low-income individuals to access the civil justice system. The findings were released in February 2019 in the Barriers to Justice report. A brief summary of the report follows:



General Study Findings:

Legal Problems are Widespread

75% of survey participants live in a household that experienced a legal problem in the previous 12 months.



- Problems are widespread
- Problems are related
- Civil legal help is needed

Legal Problems Multiply

5.4 legal problems were experienced by the typical low-income household in Oregon in the last 12 months.

*Fraud of Benefits
Unfair Eviction
Child Custody
Restraining Order*

Legal problems seriously affect the quality of life for low-income Oregonians. A vast majority of the low-income Oregonians surveyed experienced at least one legal issue in the last year. These legal problems most often relate to basic human needs: escaping abuse, finding adequate housing, maintaining income, living free from discrimination, and accessing healthcare. Even though their legal problems are serious, most people face them alone. We are still only meeting 15% of the civil legal needs of the poor.

The Need for Legal Aid Outpaces Resources

84% of people with a legal problem did not receive legal help of any kind.



Most Pressing Legal Issues: The legal needs survey asked a series of questions intended to reveal the kind of problems people experienced. Each question was designed to reveal an experience where it is likely that legal help could ease a problem or legal advice could clarify rights and obligations. The goal was to determine the issues that low-income Oregonians experienced where civil legal aid could help.

The report reveals the most harmful and the most common legal problems people face. The report also outlines the types of legal issues people have within a particular category. For example, within the housing arena, the report lays out the specific problems that people are having, whether it is habitability issues, or lack of affordable housing.

Disparate Effects: Survivors of domestic violence and sexual assault (DV/SA) suffer civil legal problems at significantly higher rates compared to the general population. Their legal problems go beyond family law and abuse issues. They experience a greater rate of legal problems in nearly all of the legal subject areas in the survey.

Households with DV/SA survivors were:

- 6.2 times more likely to experience the effects of homelessness
- 3.7 times more likely to have an education-related issue
- 3.0 times more likely to have an employment issue
- 2.1 times more likely to have a rental housing problem

African Americans and Native Americans suffer legal problems at significantly higher rates across nearly all legal areas studied. Latinx Americans suffer significantly higher rates in more than half of the areas studied. Along with higher rates of civil legal problems, these populations reported suffering more harm than others surveyed. Housing related issues (homelessness, rental housing, and mobile homes) and education related issues dominate the issues with the most disparate effect, and Latinx Americans encounters an extraordinarily disproportionate share of immigration legal issues.

African Americans were:

- 2.3 times more likely to experience homelessness
- 2.1 times more likely to experience an education issue
- 1.8 times more likely to experience an issue with policing
- 1.6 times more likely to experience a rental housing issue

Latinx participants were:

- 15 times more likely to experience immigration issues than non-Latinx Oregonians
- 1.8 times more likely to experience homelessness
- 1.7 times more likely to experience an education issue
- 1.3 times more likely to experience rental issues

Native Americans were:

- 2.7 times more likely to experience a veteran status issue than non-Native Americans
- 1.9 times more likely to experience an elderly or disability-related issue
- 1.9 times more likely to experience a mobile home issue
- 1.5 times more likely to experience homelessness
- 1.5 times more likely to experience a health care issue

Developments Since 2018: The Legal Services Corporation recently released their [2022 Justice Gap Report](#) bringing updated information about some of the effects of the pandemic on the legal needs of people with low incomes. LSC found that 33% of Americans with low incomes experienced at least one COVID-related legal problem in the prior year. 92% of those surveyed did not receive any or enough legal help with their problems; this is an increase from the similar 2017 LSC Justice Gap Report and the 2018 Oregon Legal Needs Study. LSC additionally found that only 19% reported seeking legal help for the problems they experienced with 46% of those who did not seek help saying concerns about costs were why they did not seek help.

The Solution: Increased access to legal aid is the best way to meet the legal needs of low-income Oregonians. Lack of funding is the biggest obstacle preventing legal aid from playing a greater role in the community’s solutions to systemic poverty and reaching more families when they need legal help. Oregon’s legal aid programs increase fairness in the justice system, empower individuals, and eliminate many of the barriers that block families living in poverty from gaining financial stability. Legal aid is deeply connected to the communities it serves, with established programs and diverse community partnerships to reach people in need.

Breaking Through Barriers to Justice: According to national standards set by the American Bar Association, the “minimally adequate” level of staffing for legal aid is two legal aid lawyers for every 10,000 poor people. In Oregon we have two legal aid lawyers for every 13,000 poor people. We must recommit ourselves to the reasonable and necessary goal of providing “minimum access to justice.” The 2014 Oregon Taskforce on Legal Aid Funding, which included elected officials and leaders in the legal community, concluded that we need to double the resources for Oregon’s legal aid programs in order to have minimally adequate access to justice.

**What Can Oregon Leaders Do to Address the Civil Legal Needs of Vulnerable Oregonians?
Take Action!**

When we say the Pledge of Allegiance, we close with “justice for all.” We need programs like civil legal aid to ensure that the very principle our country’s founders envisioned remains alive: justice for all, not just for those who can afford it.

Educate

Talk about the importance of access to justice. Let people know that civil legal aid is there for those who need help. Share this report. The information in this report is not widely known and it is hard to solve problems that no one is talking about. Let’s amplify the conversation.

Speak Up

Oregon has broad bipartisan support for legal aid at the local, state, and federal levels. As a community, let’s continue our sustained focus on a fair and accessible legal system—a system where our neighbors can know their rights and get the help they need.

Fund Legal Aid

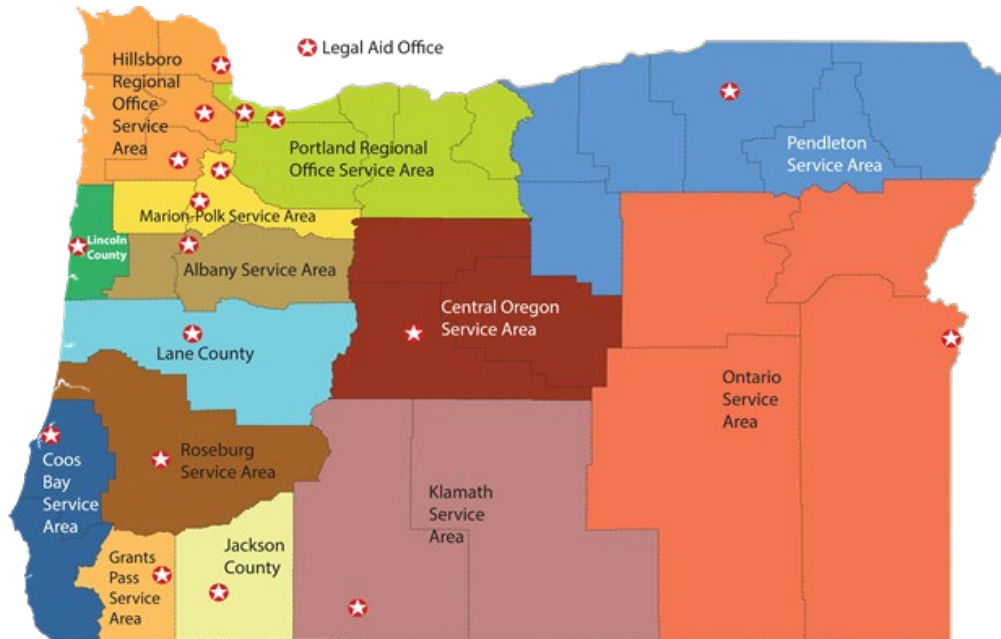
Legal aid is a state, federal, and private partnership. Legal aid receives funding from the State of Oregon, the federal government (Legal Services Corporation), private foundations, Interest on Lawyer Trust Accounts (Oregon Law Foundation), and private donations (Campaign for Equal Justice). The single best way to increase access to justice is to help us create more legal aid attorney positions.

The full report and underlying data can be found at: <https://olf.osbar.org/lms/>. If you would like a printed copy of the report, please let the CEJ know, and we will send you one in the mail. Also see the June 2019 OSB Bulletin for a great article about the study.

III. Where is Legal Aid Located?

Oregon's legal aid programs

- Legal Aid Services of Oregon (LASO) (statewide)
- Oregon Law Center (OLC) (statewide)
- Center for Non-Profit Legal Services (Jackson County)



There are legal aid offices in 18 communities in Oregon, including satellite offices (St. Helens and McMinnville), and these offices serve all 36 Oregon counties.

- Civil legal aid offices are located in areas based on population – many offices are along the I-5 corridor.
- Offices are placed so that low-income Oregonians have relatively equal access to justice throughout the state.
- It is difficult for a small staff to cover the large geographic service areas that makes up much of the state. For example, the Ontario service area is the size Massachusetts and Connecticut combined. With current funding, only three attorneys staff the Ontario office to serve clients in this region.

IV. Who is Eligible for Legal Aid?

As a general rule, all clients must have gross income under 125% of the federal poverty level in order to receive services. In some cases, clients with a higher gross income may be served if they have unusually high expenses in certain areas, like medical bills.

2022 Federal Poverty Measures

Number in Family	125% of Federal Poverty Level
1	\$16,988 per year \$1,416 per month
2	\$22,888 per year \$1,907 per month
3	\$28,788 per year \$2,399 per month
4	\$34,688 per year \$2,891 per month

The federal government’s measure of poverty was developed in the 1960s and was tied directly to the costs of food. It is widely accepted that this measure is not accurate, as expenses like housing and healthcare overwhelm most family budgets.

Additional Poverty Facts

- Poverty is higher for Black, Indigenous, and other People of Color in Oregon.
- The Economic Policy Institute has a “Family Budget Calculator” that estimates what it takes for a family to have a modest yet adequate standard of living. The calculator takes into account the cost of housing, food, child care, transportation, health care, other necessities, and taxes. The calculator does not include savings for retirement, rainy day, or college. It is based on 2022 costs.
 - For example, in Multnomah County, the budget for 1 adult and 2 children is \$7,686 a month or \$92,232 total.
 - <https://www.epi.org/resources/budget/>
- Food Insecurity Definition: the estimated percentage of individuals who have limited or uncertain access to adequate food. Food insecurity has profound negative impacts on the well-being and success of individuals, families and communities. During 2020, an estimated 1 million Oregonians, close to 1 in four people experienced food insecurity.
 - Oregon Hunger Task Force: <https://www.oregonhungertaskforce.org/>
- There is not a single county in OR where a full-time minimum wage worker can afford even a one-bedroom apartment at what the US Department of Housing and Urban Development determines to be the Fair Market Rent.

V. How Does Legal Aid Help?

Priority Setting

The Oregon State Bar Legal Services Standards and Guidelines help ensure that Oregon has a statewide system of legal services centered the needs of the client community. Oregon’s legal aid programs seek input from judges, lawyers, community service providers and other non-

profit organizations in determining the legal needs of low-income individuals in each particular community. Because legal aid is unable to provide services to all of those who seek services (or even a substantial majority), they must prioritize those areas of highest need.

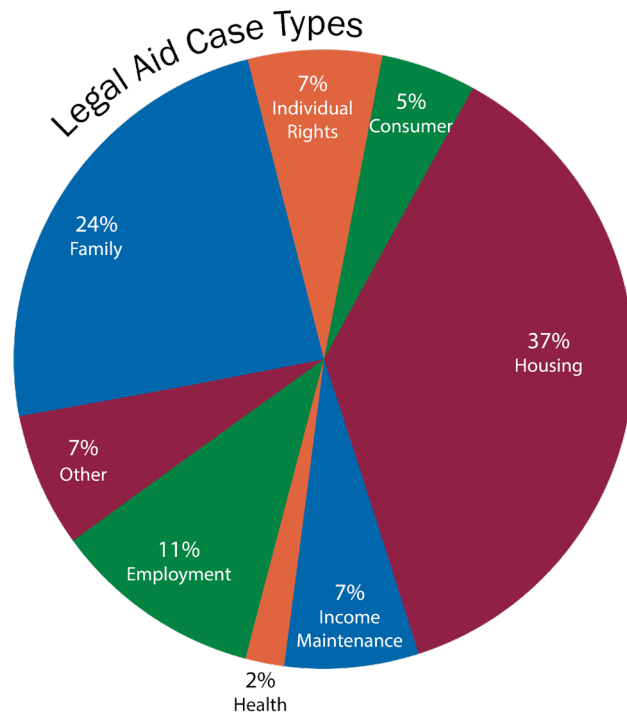
Efforts to Meet Critical Civil Legal Needs

The Oregon State Bar Legal Services Program “works to ensure that the delivery of services is efficient and effective in providing a full spectrum of high quality legal services to low-income Oregonians.” Oregon Legal Services Program Standards and Guidelines, Rev. August, 2005, Section 1, Mission Statement. The OSB Standards are based on national ABA Standards of legal aid programs.

- Key elements of the OSB standards include:
 - “An integrated, statewide system of legal services...that eliminates barriers...caused by maintaining legal and physical separation between providers”
 - “Centered on the needs of the client community”
 - “Efficient and effective” by deploying limited resources in a manner that maximizes the system’s ability to provide representation...”
 - “Full spectrum of legal services...The broadest range of legal services required to serve the needs of clients.”
 - “High quality legal services”
- Services are typically focused on critical civil legal needs, like food, shelter, and physical safety.

2021 Case Types

Legal aid assists low income people with a full spectrum of high priority civil legal problems. See the client stories on the first page for a few success stories or go to www.cej-oregon.org/success.shtml. Legal aid helped clients with the following types of cases in 2021:



- Legal aid stretches limited resources in several ways:
 - Telephone & video advice hotlines
 - Special purpose clinics
 - Pro bono recruiting and coordination
 - Self-help booklets
 - Classes to help prevent legal problems and also to help some clients to act on their own behalf in areas like uncontested divorce.
 - Many materials published by legal aid are located at www.oregonlawhelp.org.

Legal Aid Pro Bono Opportunities

Volunteer lawyers contributed thousands of pro bono hours in 2021. Pro Bono opportunities at legal aid have been carefully designed to focus on high priority areas for clients that also work well for volunteers from the private bar. Programs are evaluated for the efficiency in serving clients. Legal aid staff generally participates in screening clients, placing clients, providing and maintaining training and mentors for pro bono lawyers, and regularly evaluating the program.

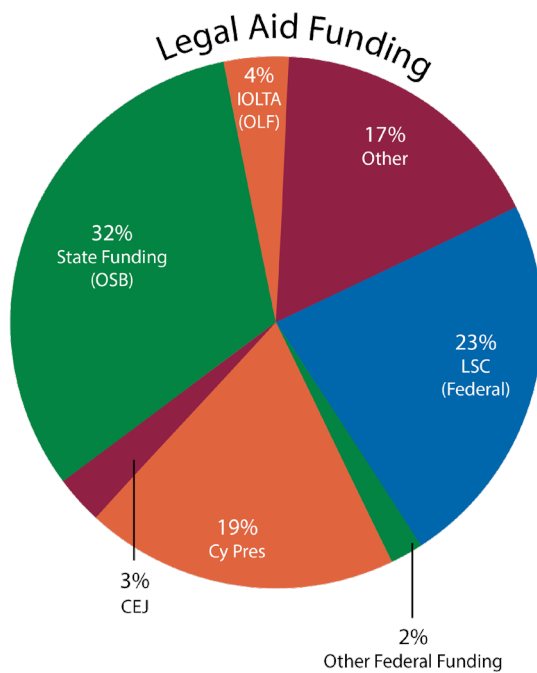
Legal aid needs you! If you are interested in handling a pro bono matter (and receiving training to do so), please check out www.probonooreton.org.

Statewide Strategic Planning

Legal aid regularly engages in strategic planning. A strategic planning group completed the most recent plan in October 2019. The group included representatives from a broad range of interested stakeholders. They reviewed client demographics, community based needs assessments from across Oregon, client needs, client priorities, client services, case opening and case closing statistics, current staffing, current distribution of revenue, current placement of offices, service delivery structures used in Oregon, and emerging service delivery structures being studied and tested in Oregon and across the United States. Legal aid managers, attorneys, and staff are providing information throughout the process. The Committee made findings about how to best deploy resources in a manner that maximizes the system's ability to efficiently and effectively respond to the most important legal needs.

VI. How is Legal Aid Funded?

Overview of Funding: Oregon's legal aid programs are a state, federal, and private partnership. The three programs receive funding from about 80 different sources. The chart on the next page reflects the breakdown of funding from 2021.



What follows here is a more detailed description of the major sources of funding. Total available revenue for Oregon’s legal aid programs in 2021 was about \$23 million.

Details on Sources of Funding:

- **State Funding:**
 - **Filing Fee/Statutory Allocation/Pass-through Funding:** Beginning in 1977, a portion of legal aid’s funding came from state court filing fees. Oregon was the second state in the nation to provide funding for legal aid through state court fees, and 32 states followed suit. In 1996, at the urging of then Senator Neil Bryant, the legislature adopted ORS 9.572, which created the Oregon State Bar Legal Services Program (OSB LSP) to ensure independent government standards, guidelines, evaluation, oversight, and enforcement for the nonprofit corporations providing legal aid. The legislation required the OSB to manage the funds, develop Standards and Guidelines for providers, and create a LSP Committee to provide ongoing oversight and evaluation to ensure compliance with the Standards and Guidelines and to further the program’s goals.

In 2011, following the work of the Joint Justice Revenues Committee, the structure changed. Instead of receiving funding from a fee added to certain court filings, which were adjusted periodically with overall funding increasing as filings increased, legal aid began to receive a statutory allocation of \$11.9 million per biennium — or \$5.95 million annually — from the general fund. The allocation was not increased between 2011 and 2019.

In 2019, the structure for state legal aid funding changed again. Legal aid's funding will now be distributed via pass-through funding through the Oregon Judicial Department budget, via the general fund. Funding for the 2021-23 biennium is \$12,784,050, an increase of about 7% over the amount designated in 2011.

- **General fund:** Legal aid also periodically receives additional funds from legislative general fund appropriations. For example, \$1 million for eviction defense work in the most recent biennium.
- **Federal funding:** Funding for legal aid through the Legal Services Corporation (LSC), which provides federal funding for legal aid, has varied from year to year since it began in 1976. Thanks to strong bipartisan support, Congress allocated \$489 million for LSC for FY 2022, an increase of \$25 million the previous year. Here in Oregon, legal aid has a long history of strong bipartisan support in the state legislature and among our federal representatives.
- **IOLTA/Oregon Law Foundation (OLF):** In 1989, the Interest on Lawyer Trust Account (IOLTA) program in Oregon became mandatory. A lawyer must hold all client property, including client monies, in a trust account. In cases where the clients' deposits are large enough and/or held for a significant period of time, the interest on the account is returned to the client. When the deposit(s) for an individual client are too small in amount or held for too short of a time to earn interest net of bank charges or fees, these funds are placed in a pooled interest-bearing trust account. The interest on pooled trust accounts is sent to the Oregon Law Foundation and distributed to law-related public interest programs, with legal aid as a "tier A" recipient that receives about 75% of the available funding. With the support of Leadership Banks and Credit Unions that pay higher-than-market rates on IOLTA accounts, the OLF was able to distribute over \$1.6 million in grants in 2021. The Oregon Law Foundation works with the Campaign for Equal Justice (CEJ) to get the word out to lawyers about the importance of banking at a leadership bank. CEJ includes information about leadership banks in its events around the state, includes information in its Call to Action, and celebrates leadership banks at its Annual Awards Luncheon.
- **Campaign for Equal Justice (CEJ) Annual Fund:** Since 1991, the Campaign has helped raise more than \$32 million in unrestricted funds for legal aid through an annual fundraising campaign focused on Oregon attorneys. Funding has increased over the years, and with the assistance of Meyer Memorial Trust both in 1991 and again in 2005, the Campaign has grown to over \$1 million annually. In 2021, the CEJ raised just under \$1.5 million dollars. The CEJ also manages an endowment fund, which has surpassed two million dollars, which means that the Campaign is able to add one more source of stable funding for legal aid. CEJ holds events around the state, and also works on increasing state and federal funding for legal aid, and additional private support. CEJ assists legal aid with communications about civil legal services for the poor.

- **Foundation Support/State and Federal Grants:** Legal aid receives grants from the state and federal governments and many private foundations. Grant funding is typically short term, between one to three years, so additional funding must always be sought to continue positions and projects created with grant funding.
- **Other Funding**
 - **Abandoned Property — IOLTA funds.** In 2009, the Oregon legislature directed abandoned client funds in lawyer trust accounts to the OSB LSP for distribution to legal aid programs. ORS 98.386(2). The statute went into effect in 2010. Previously the funds were directed to the Department of State Lands.
 - **Pro Hac Vice Fees.** Out-of-state lawyers who are not licensed to practice law in Oregon may appear in Oregon courts subject to certain rules. ORS 9.572. By statute, the fee for such appearances goes to the OSB LSP to fund legal aid. Pursuant to UTCR 3.170(6), the fee is \$500. The fees result in about \$250,750 annually for legal aid.
 - **Cy Pres.** “Cy Pres” means next best or nearest – when a member of the group in a class action cannot be found at the end of the settlement to receive their portion of the award, the amount that is unclaimed is given to a nonprofit or organization that helps people that are similar to those in the class, as near as the court can determine.

In 2015 the Oregon legislature passed a cy pres bill, requiring that 50% of residual class action funds be used to support legal aid. These unclaimed funds will go to the Oregon State Bar Legal Services Program in trust for legal aid. The other 50% of unclaimed funds will go to organizations directly related to the case at hand or an organization beneficial to the interests of those who filed the lawsuit.

In 2019 legal aid received a large cy pres award resulting from a settlement in a consumer protection suit (Scharfstein vs BP West Coast Products). Through this settlement, legal aid received approximately \$80 million dollars. Funds are held and invested by the Legal Services Program of the Oregon State Bar. The funds from this settlement will help improve the lives of low-income and vulnerable Oregonians across the state. Strategic and financial planning for these funds was completed in December 2019.

This award is not an adequate replacement for ongoing, stable funding. To put things in perspective, last year, the combined budgets of the three legal aid programs was \$23 million dollars. So, this award is roughly the equivalent of 3.5 years of funding.

Outside of this uniquely large settlement, annual cy pres funding for the previous three years averaged less than \$24,000 a year.

As word of this exciting news spreads, we want to make sure that legal aid donors, volunteers, community partners, legislators, and others know that they are just as important now as ever. If we are to make progress toward the goal of getting legal aid to an annual budget of \$30 million – as set out by the 2014 Civil Legal Aid Funding Taskforce – we need to double down on ALL of legal aid’s sources of funding.

- **Campaign for Equal Justice Endowment Fund.** In 2002, the CEJ, the OSB, and the OLF launched the Oregon Access to Justice Endowment Fund to support the future of legal aid. The Oregon Access to Justice Endowment fund was merged with the Campaign for Equal Justice in 2007 in order to save on administrative costs and is now called the “Campaign for Equal Justice Endowment Fund.” As of June 2022, the Campaign had about \$1.8 million in its endowment, with an estimated \$2.4 million in legacy pledges. Endowment funds are held by the Oregon Community Foundation. The Campaign for Equal Justice began to make annual distributions from the earnings on endowment funds in 2018, once the fund surpassed \$1 million.

The Task Force on Legal Aid Funding

In 2014, Task Force on Legal Aid funding brought together Oregon lawyers, the courts, bar associations, legislators and other elected officials, and foundations to address the legal aid funding crisis. In order to have a minimally adequately funded legal aid program, the Task Force on Legal Aid Funding found that funding needed to double, from \$15 million (in 2014) to \$30 million annually. The Task Force adopted its Final Report in June 2014, which includes a series of short term and long-term goals to increase funding. It is clear that funding must come from a number of different sources in order to reach even minimally adequate funding levels. The Task Force concluded:

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

Bar Involvement in Legal Aid

- HOD Resolution—attached
- A Call to Action—attached
- Legal Aid Pro Bono Opportunities – attached

Oregon State Bar
House of Delegates Resolution
Resolution in Support of Adequate Funding for Legal Services to Low-Income Oregonians
Proposed for the October 28, 2022 HOD Meeting

Whereas, providing equal access to justice and high quality legal representation to all Oregonians is central to the mission of the Oregon State Bar;

Whereas, equal access to justice plays an important role in the perception of fairness of the justice system;

Whereas, programs providing civil legal services to low-income Oregonians is a fundamental component of the Bar's effort to provide such access;

Whereas, since 1998, pursuant to ORS 9.572, the Oregon State Bar has operated the Legal Services Program to manage and provide oversight of funds allocated by the State of Oregon for legal aid. This is done in accordance with the Bar's Standards and Guidelines, which incorporate national standards for operating a statewide legal aid program;

Whereas, Oregon's legal aid programs do not have sufficient resources to meet the civil legal needs of Oregon's poor;

Whereas, the health and financial impacts of the COVID-19 pandemic are disparately impacting people from Black, Indigenous, and other people of color (BIPOC) communities, and low-income communities;

Whereas, assistance from the Oregon State Bar and the legal community is critical to maintaining and developing resources that will provide low-income Oregonians meaningful access to the justice system.

Resolved, that the Oregon State Bar;

(1) Strengthen its commitment and ongoing efforts to improve the availability of a full range of legal services to all citizens of our state, through the development and maintenance of adequate support and funding for Oregon's legal aid programs and through support for the Campaign for Equal Justice.

(2) Request that Congress and the President of the United States make a genuine commitment to equal justice by adequately funding the Legal Services Corporation, which provides federal support for legal aid.

(3) Work with Oregon's legal aid programs and the Campaign for Equal Justice to preserve and increase state funding for legal aid and explore other sources of new funding.

(4) Actively participate in the efforts of the Campaign for Equal Justice to increase contributions by the Oregon legal community, by establishing goals of a 100% participation rate by members of the House of Delegates, 75% of Oregon State Bar Sections contributing, and a 50% contribution rate by all lawyers.

(5) Support the Oregon Law Foundation and its efforts to increase resources through the interest on Lawyers Trust Accounts (IOLTA) program, and encourage Oregon lawyers to bank with financial institutions that are OLF Leadership Banks, meaning that they pay the highest IOLTA rates.

(6) Support the Campaign for Equal Justice in efforts to educate lawyers and the community about the legal needs of the poor, legal services delivery and access to justice for low-income and vulnerable Oregonians.

(7) Encourage Oregon lawyers to support civil legal services programs through enhanced pro bono work.

(8) Support the fundraising efforts of those nonprofit organizations that provide civil legal services to low-income Oregonians that do not receive funding from the Campaign for Equal Justice.

Presenters:

Peter A. Werner, OSB#091722
House of Delegates, Region 1

Kristi Gibson, OSB#990528
House of Delegates, Region 2

Elizabeth Knight, OSB#992454
House of Delegates, Region 5

Vanessa Nordyke, OSB#084339
House of Delegates, Region 6
OSB Past President 2018

Heather Decker, OSB#962589
House of Delegates, Region 7

Background

The mission of the Oregon State Bar is to serve justice by promoting respect for the rule of law, by improving the quality of legal services and by increasing access to justice. One of the three main functions of the bar is to ‘advance a fair, inclusive, and accessible justice system.

The Board of Governors and the House of Delegates have adopted a series of resolutions supporting adequate funding for civil legal services in Oregon (Delegate Resolutions in 1996, 1997, 2002, 2005–2021). This resolution is similar to the resolution passed in 2020.

The legal services organizations in Oregon were established by the state and local bar associations to increase access for low-income clients. The majority of the boards of the legal aid programs are appointed by state and local bar associations. The Oregon State Bar operates the Legal Services Program pursuant to ORS 9.572 to distribute the state statutory allocation for civil legal services and provide methods for evaluating the legal services programs. The Campaign for Equal Justice works collaboratively with the Oregon Law Foundation and the Oregon State Bar to support Oregon's legal aid programs. The Bar and the Oregon Law Foundation each appoint a member to serve on the board of the Campaign for Equal Justice.

Oregon's legal aid program consists of three separate non-profits that work together as part of an integrated service delivery system designed to provide high-priority, free, civil legal services to low-income Oregonians in all 36 Oregon counties through offices in 18 communities. There are two statewide programs, Legal Aid Services of Oregon (LASO) and the Oregon Law Center (OLC); and one county wide program, the Center for Non-Profit Legal Services (Jackson County). Because the need is great and resources are limited, legal aid offices address high priority civil legal issues such as safety from domestic violence, housing, consumer law, income maintenance (social security, unemployment insurance, and other self-sufficiency benefits), health, employment and individual rights. In 2021, about 24% of legal aid's cases were family law cases, usually helping victims of domestic violence. Another 37% of cases were related to maintaining housing. All of these programs work to stretch limited resources through pro bono programs and self-help materials. Last year legal aid directly served 15,556 clients. An additional 200,000 Oregonians were served through impact litigation. Furthermore, hundreds of thousands of Oregonians were served through administrative advocacy. Legal aid's website, www.oregonlawhelp.com received over 467,000 unique visitors a year. Additional Oregonians who were victims of wildfires received vital self-help information and referrals through legal aid's disaster service website, <https://oregondisasterlegalservices.org>.

Last year 13% of lawyers contributed to the Campaign for Equal Justice each year, but in some Oregon regions (Central Oregon, Jackson County, and Lane County, for example), participation is as high as 30%. Prior to the pandemic over 20% of OR lawyers contributed to the CEJ.



CALL TO ACTION

Learn.

Speak

Act.

- **Give** to the Campaign for Equal Justice. The best way to increase access is to create more legal aid staff attorney positions.
- **Review** your IOLTA account for abandoned client funds. The funds are paid to the Oregon State Bar for appropriation to legal aid through the Oregon State Bar's Legal Services Program.
- **Shop.** Support legal aid when you shop at Fred Meyer by linking your rewards card to CEJ (www.fredmeyer.com) and when you shop at Amazon through Smile.Amazon.Com. It costs you nothing, but supports legal aid.
- **Educate.** Talk about the importance of access to justice. Let people know—civil legal aid is there for those who need help. Host a Campaign for Equal Justice CLE for one hour of Access to Justice credit for attorneys.
- **Endow.** Take simple steps to endow your annual gift to the Campaign's endowment fund.
- **Volunteer** through one of legal aid's many volunteer lawyer projects and clinics, or help the Campaign for Equal Justice raise money for legal aid.
- **Speak Up.** Let state, federal and private funders know that access to justice is important.
- **Learn** how legal aid services are delivered in your community so that you can make appropriate referrals for low-income clients.
- **Move** your IOLTA accounts to a financial institution that is an Oregon Law Foundation Leadership Bank or Credit Union. If all lawyers took this step, funding for legal aid could increase by as much as \$1.7 million—enough to fund two small rural legal aid offices. Contact the OLF at www.oregonlawfoundation.org.
- **Connect.** Ask your bar group to take action to support statewide legal aid programs in Oregon. Contact the CEJ for ideas.

● **FOR MORE INFORMATION ON HOW YOU CAN BE INVOLVED** ●
CONTACT THE CAMPAIGN FOR EQUAL JUSTICE.

www.cej-oregon.org
503.295.8442



Federal Bar Association
Oregon Chapter



OAPABA
OREGON ASIAN PACIFIC
AMERICAN BAR ASSOCIATION



Oregon Chapter
A Chapter of the Association of Legal Administrators

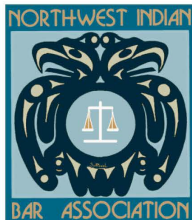
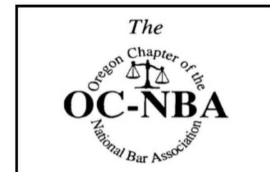
Has your bar or legal professional group signed on to the Call to Action?



We need help from all lawyers, bar and legal professional groups, and the community in providing access to justice for low-income Oregonians. Please join us!



Contact the CEJ at 503-295-8442 to sign on today.





Legal Aid Services of Oregon

Volunteer Lawyers Project Pro Bono Project Descriptions

Thank you for your interest in Volunteer Lawyer Project (VLP) opportunities with Legal Aid Services of Oregon (LASO). This is a list of statewide and area-specific opportunities.

Training materials are available on legal aid's pro bono website at: www.probonooregon.org
Mentorship and support are provided by legal aid and private attorneys.

Bankruptcy Clinic

The Oregon State Bar Debtor-Creditor Section and LASO sponsor the Bankruptcy Clinic. The project consists of two components, a bankruptcy class and a legal clinic. A recorded class is available on www.oregonlawhelp.org. Volunteer attorneys help low-income individuals assess their options and provide ongoing representation in a Chapter 7 when bankruptcy would be appropriate. This is currently a virtual clinic and cases are directly referred to volunteers.

Domestic Violence Project

Oregon has seen a rise in domestic violence cases during the pandemic. Organizations that assist survivors have also seen an increased need for services. This project provides critical legal assistance to survivors of abuse and stalking. Attorneys represent survivors in contested restraining order hearings in Clackamas, Multnomah and Washington Counties. These cases tend to have short timelines, limited issues and require a court appearance. DVP is an excellent opportunity for lawyers seeking courtroom experience and attorneys who cannot commit to long-term cases. Most volunteers are not family law lawyers and are not expected to assist clients with family law issues. Training and materials are available.

Expungement Clinic

Over 1.4 million people in Oregon have a criminal record. Expungement helps reduce barriers to safe housing, employment and education caused by criminal records. Attorneys assess whether clients are eligible for an expungement and complete all necessary court paperwork for those who qualify. We offer 2 clinics - Virtual Expungement Clinic in partnership with Intel, and an in-person Expungement Clinic in partnership with the Clackamas County Bar Association and Clackamas County Law Library. Training and materials are available.

Family Law Forms Project

In Oregon, 67 to 86 percent of family law cases involve at least one person representing themselves; the majority of whom cannot afford a lawyer. Attorneys with little (or no) family law experience can assist clients in completing their forms. Experienced family law attorneys can provide limited assistance to clients requiring discrete legal advice or document review. Attorneys are NOT expected to provide ongoing representation and clients sign a retainer agreement detailing the limited scope of the attorney-client relationship. Training and materials are available. This is a virtual project with in-person opportunities coming soon.

Housing Notice Clinic

Oregon is in the midst of an affordable housing crisis. In eviction cases, the vast majority of landlords are represented by an attorney or agent while very few tenants have any representation. While Legal Aid represents thousands of tenants a year, demand for assistance exceeds our limited resources. Your help is needed to preserve stable housing for members of our community. Through the clinic, pro bono attorneys provide critical legal assistance to low-income tenants. Attorneys review notices of termination, advise tenants on the validity of the notice, draft demand letters and negotiate settlements when defenses are present. Trainings and materials are available. This is a virtual clinic.

Senior Law Project

Seniors account for 18% of the population in Multnomah County and are one of the fastest-growing populations. The Senior Law Project consists of twenty monthly legal clinics scheduled through eight senior centers in Multnomah County. Attorneys provide a 30-minute consultation on a variety of civil legal issues to clients 60 or older (or who are married to someone 60 or older), regardless of their income. SLP volunteers provide continuing pro bono services for clients who meet LASO's financial eligibility. Training and materials are available. In-person and remote opportunity.

UI Benefits Panel

Unemployment insurance (UI) is the sole means of temporary wage replacement for workers and is critical in preventing individuals and families from spiraling into poverty. Help LASO expand its pro bono attorney panel for low-income Oregonians with controversies involving UI benefits. Attorneys provide legal advice and possible representation at an administrative hearing. This is an excellent opportunity for those seeking hearing experience and introduction to administrative law. Training and materials are available. Most hearings are conducted by phone.

Legal Aid Night Clinic

Attorneys from Stoel Rives LLP and Dunn Carney LLP staff the Night Clinic in a partnership with LASO. Volunteer attorneys screen the cases and provide legal representation to clients on a range of civil legal issues, including: consumer law, small claims advice, landlord/tenant, and estate planning.

ProBonoOregon

Legal aid offices around the state post pro bono opportunities on our website Oregon Advocates. Listings include the area of law, type of case, assistance expected and a brief description of the issue. To view current opportunities, visit: www.probonooregon.org

Disaster Assistance Panel

The Oregon wildfires have been described by Oregon authorities and experts as unprecedented; more than 1 million acres of land burned, hundreds of homes lost, and entire communities destroyed. The Disaster Assistance Panel assists wildfire survivors with FEMA disaster benefit appeals and disaster related legal issues. Trainings and materials are available on <https://oregondisasterlegalservices.org>. This is a statewide virtual opportunity.

NAPOLS Project

The 2018 Barriers to Justice noted that Native Americans are 1.9 times more likely to experience an elder law or disability-related issue, such as homelessness. In 14 of the 17 categories surveyed, Native Americans experience problems at higher rates than non-Native people. Native American Program Legal Aid Services (NAPOLS) represents Native clients in tribal, state, and federal courts, as well as in administrative proceedings, on issues specific to an individual's Native status. Pro bono attorneys provide assistance to Native clients around the state on a diverse range of matters, including consumer law and fair debt collection issues, family law, landlord/tenant, public benefits, elder law, and estate planning for clients with assets involving federal or tribal jurisdiction. Please contact Fabio Apolito at Fabio.Apolito@lasoregon.org

Statewide Tax Clinic

This clinic provides advice and representation to low-income clients who have a tax controversy with the IRS and related cases with Oregon Department of Revenue. Cases cover a range of state and federal personal income tax issues including collections, examinations (audits), innocent spouse claims, and tax court cases. Please contact Shannon Garcia at shannongarcia@lasoregon.org.

For more information or to volunteer, please contact:

Brett Cattani, Pro Bono Coordinator: brett.cattani@lasoregon.org
Shelby Smith, Pro Bono Coordinator: shelby.smith@lasoregon.org
Jill Mallery, Statewide Pro Bono Coordinator: jill.mallery@lasoregon.org

Thank you to the Multnomah Bar Association for their continued support of the VLP.

Access to Justice in Oregon Learning the Ropes November 9, 2022



An aspiration:
80 hours of pro bono services.

80

Direct legal service to
people with low incomes:
20 to 40 hours or two cases.

20 to 40 80

The Lawyers' Campaign for Equal Justice Legal Aid Services of Oregon Oregon State Bar Oregon Law Foundation



Justice Protects

Restoring Justice



Legal Aid in Oregon

More than
61%
of legal aid's cases
involved safety
and/or shelter



15,556
clients directly
served in 2021



36
counties served
(that's all of them!)



467,000
unique visitors consulted
oregonlawhelp.org
for legal information



Nearly
200,000
clients served through impact
litigation in 2021



18
communities
with legal aid offices



100s of 1000s
of clients served through administrative advocacy



Barriers to Justice

A 2018 STUDY MEASURING THE CIVIL LEGAL NEEDS OF LOW-INCOME OREGONIANS



The Study Findings Are Stark

Legal Problems are Widespread

75% of survey participants live in a household that experienced a legal problem in the previous 12 months.



Legal Problems Multiply

5.4 legal problems were experienced by the typical low-income household in Oregon in the last 12 months.

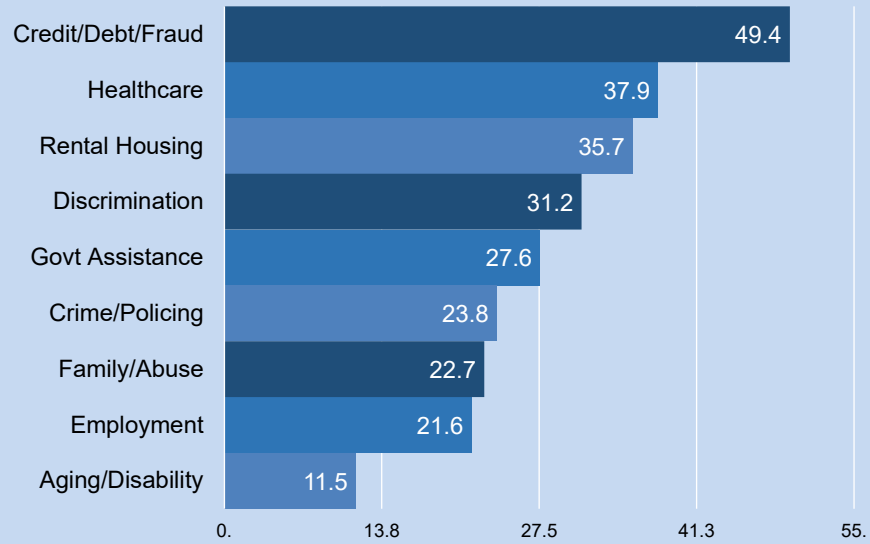
*Fraud of benefits
Unfair Eviction
Child Custody
Restraining Order*

The Need for Legal Aid Outpaces Resources

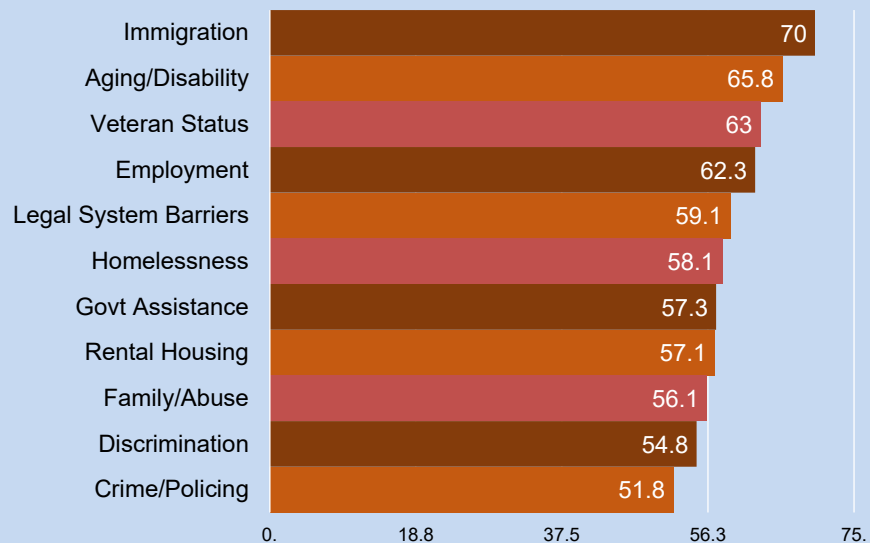
84% of people with a legal problem did not receive legal help of any kind.



Most Common Legal Issues



Most Harmful Legal Issues



Disparate Effects

Those with records had:

9.8x more homelessness

6.7x more farmworker issues

4.5x more tribal issues

3 x more policing issues

2.8x more homeowner issues

Assault survivors had:

6.2x more homelessness

3.7x more education issues

3 x more employment issues

2.1x more rental issues

Disparate Effects

African Americans:

2.3x more homelessness

2.1x more education issues

1.8x more policing issues

1.6x more rental issues

Latinx Americans:

15x more immigration issues

1.8x more homelessness

1.7x more education issues

1.3x more rental issues

Native Americans:

2.7x more veteran issues

1.9x more disability issues

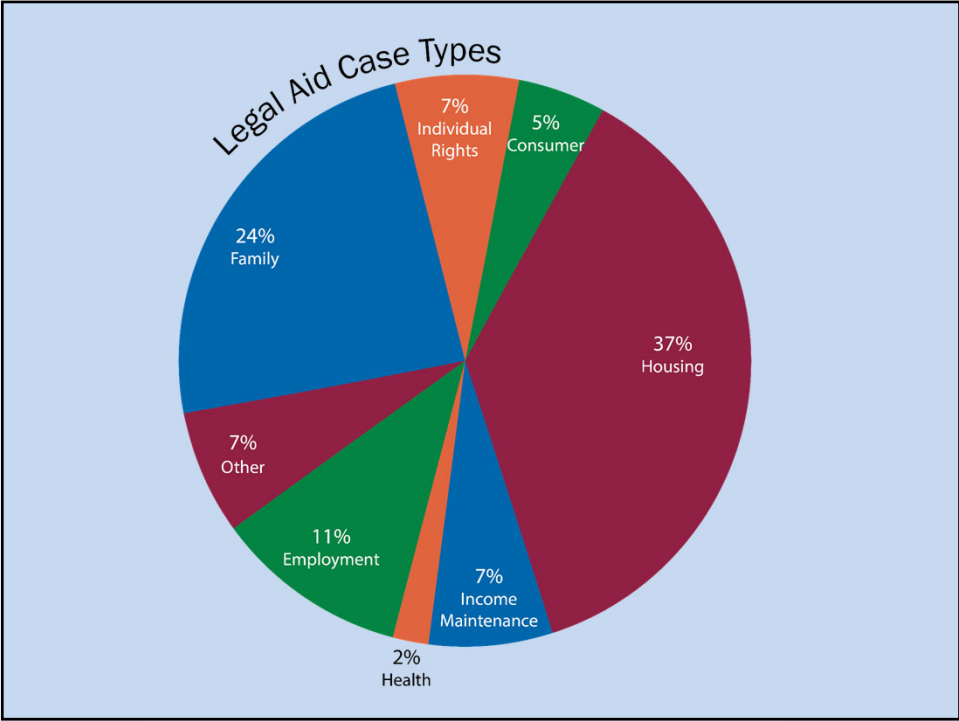
1.9x more mobile home issues

1.5x more homelessness

1.5x more health issues

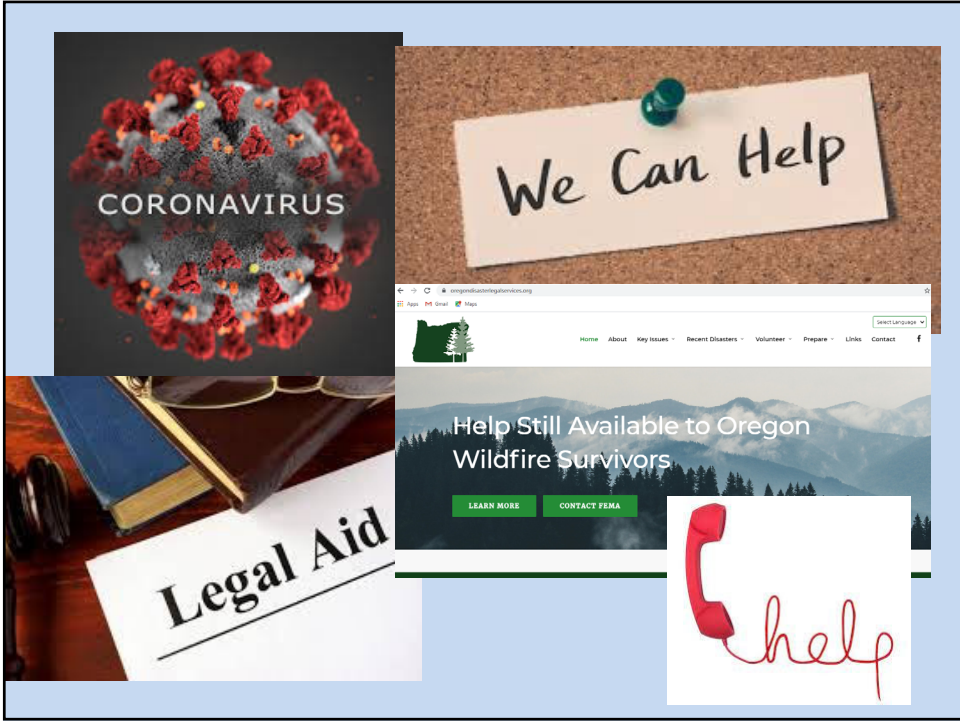
33% of low-income Americans experienced at least one civil legal problem linked to the COVID-19 pandemic in the past year.





2022 Income Eligibility

Number in Family	125% of Federal Poverty Level
1	\$16,988 per year \$1,416 per month
2	\$22,888 per year \$1,907 per month
3	\$28,788 per year \$2,399 per month
4	\$34,688 per year \$2,891 per month



Legal Aid Pro Bono Programs

- Bankruptcy Clinic
- Domestic Violence Project
- Expungement Clinics
- Family Law Forms
- Housing Notice Clinic
- Senior Law Project
- Unemployment Benefits Panel
- Statewide Tax Clinic
- NAPOLS Project
- Night Clinic

Domestic Violence Project



Housing Notice Clinic



Housing Notice Clinic

Volunteer Attorneys review tenants' notice of termination.

Advise, draft demand letters and negotiate settlements.

Opportunities for continued assistance available.

Attorneys sign up to receive case referrals via email.

Online CLE and extensive materials available.

Excellent opportunity for new attorneys.

Virtual volunteer opportunity.

Expungement Clinics



Expungement Clinics

Volunteer attorney review client criminal records to assess eligibility for set aside.

Attorneys complete all necessary paperwork for court when client is eligible.

Great opportunity for new attorneys and attorneys who cannot commit to long term cases.

Training and resources are available.

Virtual and in-person volunteer opportunity.

Attorneys sign up for clinics or to receive referrals.

NAPOLS Project

- Pro bono attorneys assist Native clients around the state.
- Diverse range of matters, including consumer law and fair debt collection issues, landlord/tenant, public benefits, and estate planning for clients with assets involving federal or tribal jurisdiction.
- Good opportunity for attorneys interested in Tribal/Indian Law.
- Support provided by NAPOLS.
- Remote opportunities available.
- Please contact Fabio Apolito at Fabio.Apolito@lasoregon.org

Benefits of Volunteering with Legal Aid

- Mentorship and support
- PLF Insurance Coverage - Certified Pro Bono Program
- Access to Trainings
- MCLE rules allow you to claim 1 hour of MCLE credit for every 2 hours of pro bono – up to a maximum of 6 per reporting period.



Volunteer Resources

Trainings and Materials:
www.probonooregon.org
www.oregonlawhelp.org
www.oregonrentersrights.org

Interpreter Services

LASO office space

Certified Pro Bono:

More can volunteer,
no PLF required.

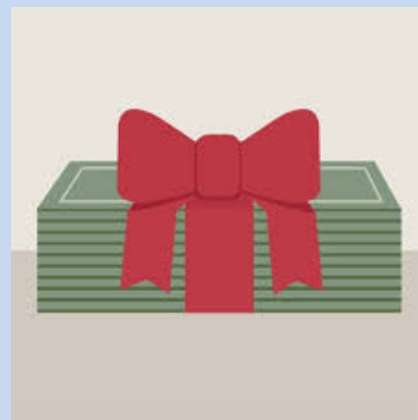


Save time on CLEs with pro bono:

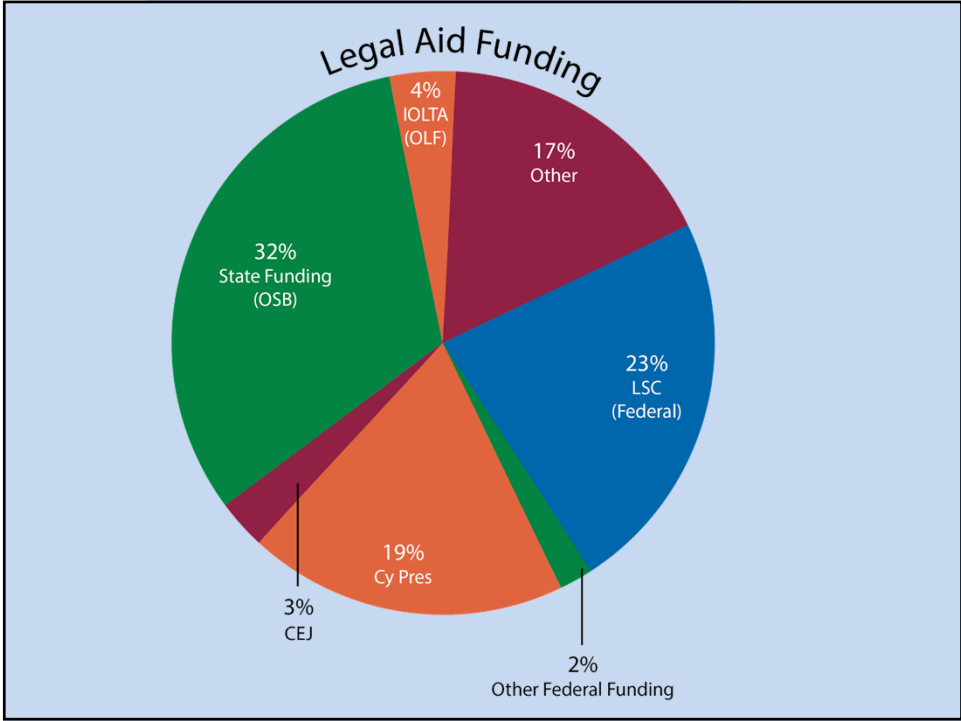
1 MCLE credit for
2 hours pro bono.



No time?
Give instead.



*Also give if
you have time.*



Leadership Banks & Credit Unions

Visionaries

Bank of Eastern Oregon

Beneficial State Bank

First Republic Bank

Heritage Bank

Northwest Bank

OnPoint Credit Union

OR Community Credit Union

Pacific West Bank

Washington Trust Bank

Wells Fargo Bank

Willamette Valley Bank

Advocates

Chase Bank

Columbia Bank

Oregon Pacific Bank

Summit Bank

Oregon State Bar Referral & Information Services (RIS)

Learning the Ropes

2022

RIS Programs

- ▶ Lawyer Referral Service
- ▶ Modest Means Program
- ▶ Military Assistance Panel
- ▶ Problem Solvers
- ▶ FEMA Response
- ▶ COVID-19 Pro Bono
- ▶ Free Legal Answers

Lawyer Referral Service (LRS)

- ▶ Approximately 350 attorney panelists
- ▶ Statewide, all areas of law
- ▶ Bilingual lines for Spanish speakers
- ▶ \$35 initial 30-minute consultation
- ▶ Over 50,000 referrals per year
- ▶ Over 90,000 Calls, 10,000 online referral requests (OLR)
- ▶ Resource guide

Modest Means Program

- ▶ Reduced hourly rates of \$60, \$80 or \$100 per hour based on client income and assets as measured against the Federal Poverty Guidelines.
- ▶ \$35 initial 30-minute consultation
- ▶ Family Law, Criminal Defense, Landlord/Tenant.
- ▶ 30,000 calls per year with approximately 4,000 referrals made.
- ▶ Launching housing subsidy this year to encourage participation

Pro Bono Programs

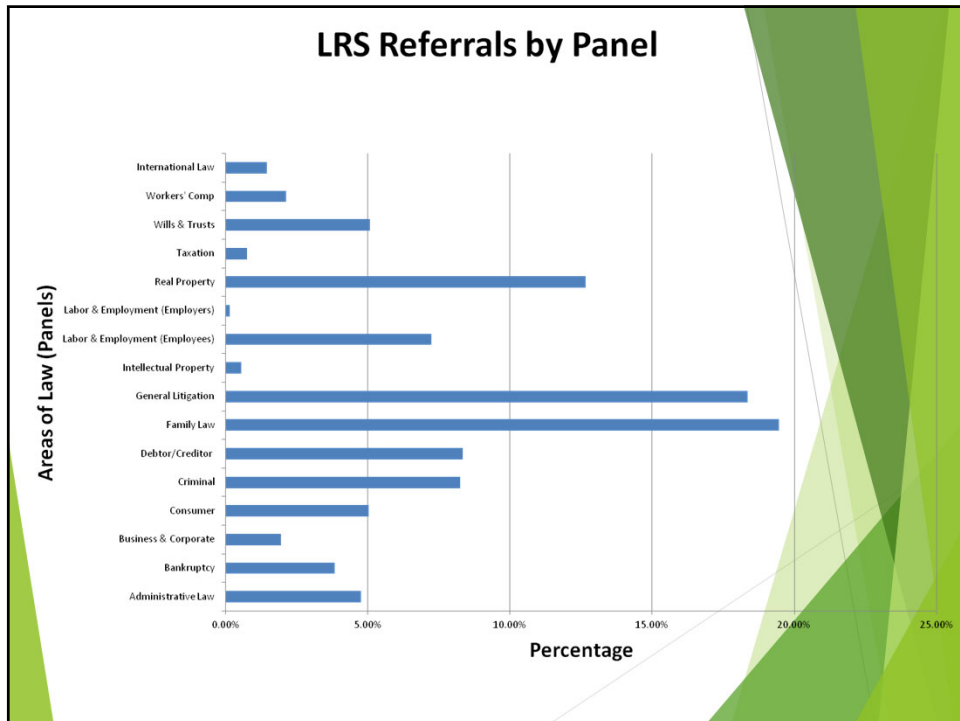
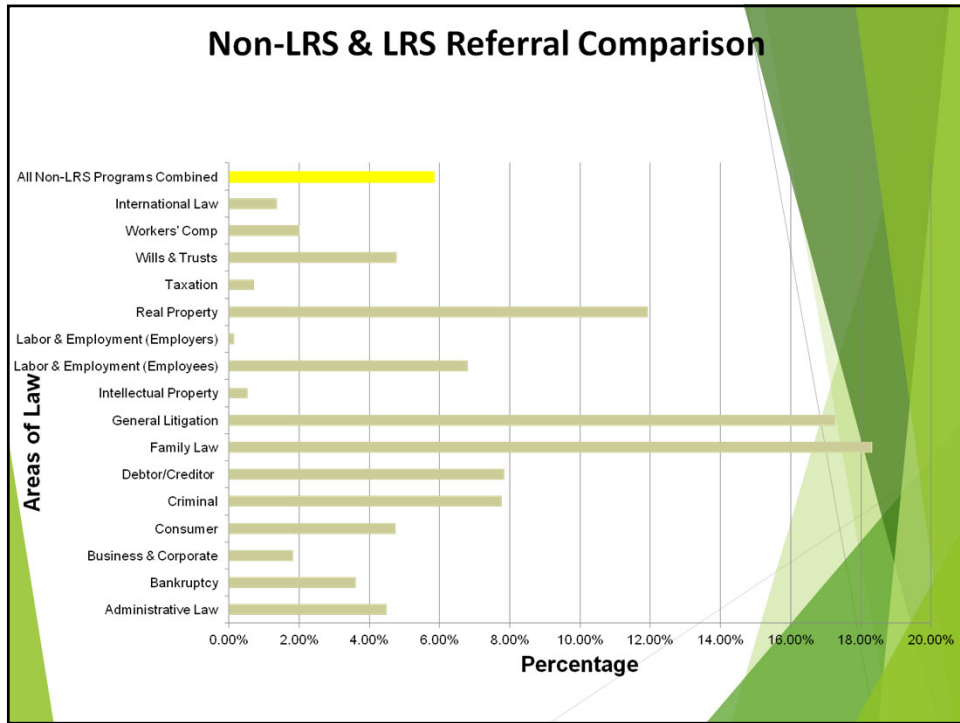
- ▶ Military Assistance Panel
 - ▶ 2 hours of pro bono work for active duty military and families
- ▶ Problem Solvers
 - ▶ Free 30-minute consultations for children aged 13-17
- ▶ FEMA
 - ▶ Wildfire related services
- ▶ COVID-19
 - ▶ Pandemic related services

Free Legal Answers

- ▶ Administered by OSB and ABA
- ▶ Virtual legal clinic
- ▶ Volunteer attorneys answer specific housing questions and respond via email
- ▶ Allows some follow up questions based on the attorney response
- ▶ Will eventually expand into other areas of law
- ▶ Launches 10/1/2022!
- ▶ oregon.freelegalanswers.org

Lawyer to Lawyer

- ▶ Free resource for attorneys
- ▶ Statewide, with over 200 different areas of law
- ▶ Includes a Legal Ethics panel
- ▶ Phone call or even lunch!
- ▶ (503)431-6408



Public Information

- ▶ <https://www.osbar.org/public/>
- ▶ Dozens of legal topics written by attorneys
- ▶ Will remain available until the legal web services portal is online

Contact Information

- ▶ My email for program questions:
emclendon@osbar.org
- ▶ Or call (503)431-6408
- ▶ Any Questions?

Educate Speak Up Fund Legal Aid





CALL TO ACTION

Learn.
Speak
Act.

- **Give** to the Campaign for Equal Justice. The best way to increase access is to create more legal aid staff attorney positions.
- **Review** your IOLTA account for abandoned client funds. The funds are paid to the Oregon State Bar for appropriation to legal aid through the Oregon State Bar's Legal Services Program.
- **Shop.** Support legal aid when you shop at Fred Meyer by linking your rewards card to CEJ (www.fredmeyer.com) and when you shop at Amazon through Smile.Amazon.Com. It costs you nothing, but supports legal aid.
- **Educate.** Talk about the importance of access to justice. Let people know—civil legal aid is there for those who need help. Host a Campaign for Equal Justice CLE for one hour of Access to Justice credit for attorneys.
- **Endow.** Take simple steps to endow your annual gift to the Campaign's endowment fund.

- **Volunteer** through one of legal aid's many volunteer lawyer projects and clinics, or help the Campaign for Equal Justice raise money for legal aid.
- **Speak Up.** Let state, federal and private funders know that access to justice is important.
- **Learn** how legal aid services are delivered in your community so that you can make appropriate referrals for low-income clients.
- **Move** your IOLTA accounts to a financial institution that is an Oregon Law Foundation Leadership Bank or Credit Union. If all lawyers took this step, funding for legal aid could increase by as much as \$1.7 million—enough to fund two small rural legal aid offices. Contact the OLF at www.oregonlawfoundation.org.
- **Connect.** Ask your bar group to take action to support statewide legal aid programs in Oregon. Contact the CEJ for ideas.

● **FOR MORE INFORMATION ON HOW YOU CAN BE INVOLVED CONTACT THE CAMPAIGN FOR EQUAL JUSTICE.**

www.cej-oregon.org
503.295.8442










Has your bar or legal professional group signed on to the Call to Action?



We need help from all lawyers, bar and legal professional groups, and the community in providing access to justice for low-income Oregonians. Please join us!

Contact the CEJ at 503-295-8442 to sign on today.









Thank You!

Maya Crawford Peacock

Executive Director
Campaign for Equal Justice
maya@cej-oregon.org

Jill Mallery

Statewide Pro Bono Manager
Legal Aid Services of Oregon
jill.mallery@lasoregon.org

Eric McClendon

Director of Referral & Information Services
Oregon State Bar
emcclendon@osbar.org

William C. Penn

Executive Director, Oregon Law Foundation &
Assistant Director, Legal Services Program at the Oregon State Bar
bpenn@osbar.org