

“Learning the Ropes”

November 7-9, 2023
DoubleTree by Hilton Hotel Portland
1000 NE Multnomah St.
Portland, OR 97232

[Visit Conference Site](#)

Total MCLE credits: 15.75

Total Practical Skills Credits: 9.75

Total Ethics Credits: 2

Total Mental Health/Substance Use Credits: 1

Total Introductory Access to Justice Credits: 3

Day 1: 6.75 MCLE credits

4.75 Practical Skills Credits – Oregon Practice and Procedure

2 Ethics Credits – Oregon Specific

Day 2: 6 MCLE credits

3.5 Practical Skills Credits – Oregon Practice and Procedure

1 Mental Health/Substance Use Credit

1.5 Introductory Access to Justice Credits

Day 3: 3 MCLE credits

1.5 Practical Skills Credits – Oregon Practice and

Procedure 1.5 Introductory Access to Justice Credits

Learning the Ropes

Agenda

DAY 1

Day 1 qualifies for 6.75 MCLE Credits (4.75 Practical Skills Credits - Oregon Practice and Procedure; 2 Ethics Credits – Oregon Specific)

November 7–9, 2023

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conference.osbplf.org

8:00 – 8:30 Registration/Check-In

8:30 – 9:00 PLF Overview

Learn about the Professional Liability Fund (PLF) and your legal malpractice coverage, both at the primary and optional excess levels.

Megan I. Livermore, *PLF Chief Executive Officer*

Emilee Preble, *PLF Director of Administration & Underwriting*

9:00 – 10:00 Introduction to Claims and Risk Management

Get a general overview of the PLF's claims and risk management departments, the services they offer, and what to do when you make a mistake.

Matthew A. Borrillo, *PLF Director of Claims*

Hong Dao, *PLF Director of Practice Management Assistance Program*

10:00 – 10:15 Break

10:15 – 11:15 Regulation of Lawyer Conduct in Oregon (*1 Ethics Credit - Oregon Specific*)

Get to know the Oregon State Bar and revisit your ethical duties of loyalty, competence, and integrity as lawyers.

Linn D. Davis, *Oregon State Bar Assistant General Counsel and Client Assistance Office Manager*

11:15 – 12:15 Professionalism: Be the Person Your Dog Thinks You Are (*1 Ethics Credit - Oregon Specific*)

Understand the concept of professionalism from a judge's perspective, so even your pet would take pride in your conduct.

The Honorable John V. Acosta, *United States Magistrate Judge*

The Honorable Eric L. Dahlin, *Multnomah County Circuit Court Judge*

12:15 – 1:30 Meet the Judges Luncheon (included in registration fee)



Professional
Liability Fund

Learning the Ropes *Agenda*

November 7–9, 2023

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DAY 1, continued

Choose a Concurrent Session

1:30 – 2:15	Civil Motion Practice Laura Caldera Loera <i>Bullivant Houser Bailey PC</i>	1:30 – 2:15	Estate Planning and Administration; Guardianships and Conservatorships Melissa F. Busley <i>Dunn Carney LLP</i>
2:15 – 2:20	Transition	2:15 – 2:20	Transition
2:20 – 3:05	Family Law Amanda C. Thorpe <i>Cauble & Whittington</i>	2:20 – 3:05	Personal Injury Robert Le <i>The Law Office of Robert Le</i>
3:05 – 3:10	Transition	3:05 – 3:10	Transition
3:10 – 3:55	Criminal Law Justin N. Rosas <i>The Law Office of Justin Rosas</i>	3:10 – 3:55	Business Transactions Scott D. Schnuck <i>Altus Law LLC</i>

3:55 – 4:05 Break

4:05 – 5:05 Alternative Dispute Resolution – Mandated and Voluntary

Explore the array of alternative dispute resolution (ADR) options for resolving conflict and understand when ADR may be mandatory or voluntary.

Lisa Brown, *Lisa Brown Attorney LLC*

Learning the Ropes

Agenda

DAY 2

Day 2 qualifies for 6 MCLE Credits (3.5 Practical Skills Credits - Oregon Practice and Procedure; 1 MHSU Credit; and 1.5 Introductory Access to Justice Credits)

- 8:00 – 8:30 Registration/Check-In
8:30 – 10:00 Essential Guide to Practice Management

Gain fundamental insights and tips for handling the lawyer trust account, conflicts of interest, technology, office systems, file management, and avoiding common pitfalls.

Rachel Edwards and Monica H. Logan, *PLF Practice Management Attorneys*

- 10:00 – 10:15 Break

Choose a Concurrent Session

Creating a Firm

- 10:15 – 11:15 Solo Success: Launching Your Own Practice

Rachel Edwards
PLF Practice Management Attorney

- 11:15 – 12:15 Solo Success: Staying the Course

Jinoo Hwang
Northwest Legal

Jessica M. Nomie
Jessica Nomie Law

Maria Zlateva
Attorney at Law

Monica Logan, Moderator
PLF Practice Management Attorney

Joining a Firm

- 10:15 – 11:45 Associate Success: Tips for Joining Firms (Part I)

Anthony Li, Associate
Reynolds Defense Firm

Holly J. Martinez, Associate
Perkins Coie LLP

Nicholas Sanchez, Associate
Markowitz Herbold PC

Traci R. Ray, Moderator
Executive Director, Barran Liebman LLP

- 11:45 – 12:15 Associate Success: Tips for Joining Firms (Part II)

Parna Mehrbani, Partner
Tonkon Torp LLC

Bryan R. Welch, JD, CADC I
OAAP Attorney Counselor

Learning the Ropes *Agenda*

DAY 2, continued

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12:15 – 1:30 Bar Leader Luncheon (included in registration fee)

1:30 – 3:00 Pro Bono, Legal Aid, and Other Tools to Provide Access to Justice for All (1.5
Introductory Access to Justice Credits)

Learn about the unmet legal needs in Oregon and discover the tools to assist lawyers in addressing these needs, ensuring that everyone has equal access to justice.

Ayla Ercin, *Executive Director, Campaign for Equal Justice*

Jill R. Mallery, *Statewide Pro Bono Manager, Legal Aid Services of Oregon*

William C. Penn, *Oregon Law Foundation Executive Director and Legal Services Assistant Director*

3:00 – 3:15 Break

3:15 – 4:15 Lawyer Well-Being (1 *Mental Health and Substance Use Education Credit*)

Join the Oregon Attorney Assistance Program (OAAP) to uncover challenges lawyers encounter in their practice and explore strategies for maintaining well-being.

Kyra M. Hazilla, JD, LCSW, *OAAP Director and Attorney Counselor*

Douglas S. Querin, JD, LPC, CADC I, *OAAP Senior Attorney Counselor*

Bryan R. Welch, JD, CADC I, *OAAP Attorney Counselor*

Kirsten Blume, JD, MA Candidate, *OAAP Attorney Counselor Associate*

Learning the Ropes

Agenda

DAY 3

Day 3 qualifies for 3 MCLE Credits (1.5 Practical Skills Credits - Oregon Practice and Procedure; 1.5 Introductory Access to Justice Credits)

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conference.osbplf.org

8:00 – 8:30 Registration/Check-In

8:30 – 9:30 Courtroom Do's and Don'ts

Hear about successful protocols and procedures that can help you navigate the courtroom effectively and make the most out of your legal proceedings.

The Honorable Adrian L. Brown, *Multnomah County Circuit Court Judge*

The Honorable Benjamin Souede, *Multnomah County Circuit Court Judge*

9:30 – 10:00 Tips, Traps, and Tools for Navigating Negotiations and Professional Relationships

Learn the basics of successful negotiations, how to find common ground, and how to achieve your desired outcomes while fostering positive relationships with your counterparts.

Richard Vangelisti, *Vangelisti Mediation LLC*

10:00 – 10:15 Break

10:15 – 11:45 Lawyering for Clients with Diverse Needs *(1.5 Introductory Access to Justice Credits)*

Gain practical tips and advice on representing a diverse range of clients, including minors, aging clients, and members of the LGBTQ community; understand their unique needs and challenges so you can provide them with the quality legal representation they deserve.

Darin J. Dooley, *Draneas Huglin Dooley LLC*

Talia Y. Guerriero, *Albies Stark & Guerriero*

Jennifer A. McGowan, *Youth Rights & Justice*

CHAPTER 12

ESSENTIAL GUIDE TO PRACTICE MANAGEMENT

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 CLEs available at <https://www.osbplf.org/services/resources/#cles>
 - b. PLF practice aids available at <https://www.osbplf.org/services/resources/>
 - c. PLF publications available at https://www.osbplf.org/services/resources/#plf_books
 - d. PLF newsletter, *InBrief*, available at <https://www.osbplf.org/services/resources/#inbrief>
 - e. PLF blog, *InPractice*, available at <https://www.osbplf.org/blog/inpractice/>
3. **Resources for Topics Covered Today:**
 - a. **Trust Accounting**
 - i. PLF Practice Aids see *Trust Accounting*
 - a) Accepting Credit Cards
 - b) Checklist for Closing Your IOLTA Account
 - c) Client Ledger Card and Trust Journal
 - d) Embezzlement Happens: Protect Your Firm
 - e) Frequently Asked Trust Account Questions
 - f) Notice to Financial Institutions- Opening an IOLTA Account in Oregon
 - g) Trust Account Reconciliation
 - h) Trust Accounting Rules for Washington Practitioners
 - b. **Attorney Fees**
 - i. PLF Practice Aids see *Engagement Letters and Fee Agreements*
 - a) Checklist for Drafting Engagement Letters
 - b) Engagement Letters and Fee Agreements
 - c) Fee Agreement – Authorization to Charge Credit Card
 - d) OSB Model Explanation of Contingent Fee Agreement
 - ii. PLF Practice Aids see *Office Systems and Procedures*
 - a) Billing and Time slips
 - b) Daily Time Sheets
 - c. **Calendaring**
 - i. PLF Practice Aids see *Office Systems and Procedures*
 - a) Docket Control Follow-Up
 - b) Docketing & Calendaring Checklist
 - c) Reminder and Tickler Systems
 - ii. *InBrief* Articles
 - a) December 2019- The Cost of Missing Deadlines
 - d. **Conflicts**
 - i. PLF Practice Aids see *Conflicts of Interest*
 - a) Business Transactions with Client Disclosure
 - b) Checklist for Avoiding Phantom Clients
 - c) Conflict Disclosure and Consent Letters
 - d) Conflict Informed Consent Checklists
 - e) Conflict of Interest Self Audit
 - f) Conflict of Interest Systems and Procedures

- g) Declined Prospective Client Information Sheet
- h) Request for Conflict Search and System Entry
- 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) Memo of Conversation
 - e) New Client Information Sheet
 - f) New Client Information Sheet with Disclaimer
 - g) Production of Client File
 - h) Setting Up an Effective Filing System
 - i) The Ethics of Electronic Client Files- Floating in the Cloud
 - j) Using Template Repositories
 - 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) Floating in the Cloud
 - e) Online Data Storage Providers
 - f) Paperless in One Hour
 - g) 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) January 2019- File Retention and Destruction Procedures: Additional Safeguard to Protect Your Firm from Lost or Exposed Client Data
 - c) 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) What to Do After a Data Breach
 - b) Checklist to Prevent and Prepare for a Data Breach
 - c) Information Security Checklist for Small Businesses
 - d) Notice to Clients re Theft of Computer Equipment
 - e) Removing Metadata
 - ii. 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
 - iii. 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
 - ii. *InBrief* Articles

- a) August 2023- Exploring Chat GPT's Capabilities, Limits and Risks for Lawyers
- b) September 2019- Protect Your Data by Using Encryption
- c) June 2019- Cybersecurity and Employee Training
- d) January 2019- File Retention and Destruction Procedures: Additional Safeguards to Protect Your Firm from Lost or Exposed Client Data
- e) October 2018- Incident Response Plan
- f) May 2018- Cybersecurity Risk Assessment and Analysis
- g) January 2018- Anatomy of a Ransomware Attack: One Firm's Story

Essential Guide to Practice Management

Presented by
PLF Practice Management Attorneys:
Rachel Edwards
Monica Logan

OSB

Professional
Liability Fund

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

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



Net Interest-Bearing Trust Account Factors

- Amount
- Expected duration of deposit
- Potential non-IOLTA account interest rate
- Bank and firm costs to establish and administer account
- Capability to calculate and pay income to individual clients
- Any other circumstances affecting net return

$$\text{Principal} \times \text{Interest Rate}/12 \times \text{Months} = \text{Interest}$$
$$\text{Interest} - \text{Costs} = \text{Net Interest}$$

Formula to calculate net interest:

$$\text{Principal} \times \text{Interest Rate}/12 \times \text{Number of Months} = \text{Interest}$$

Example: Principal = \$10,000 Administrative costs = \$50
Interest rate = 0.05%
Number of months = 1

$$\text{\$10,000} \times \text{.0005}/12 \times 1 = \text{\$0.42}$$

Net positive interest return:

$$\text{\$0.42} - \text{\$50 administrative costs} = \text{\$49.58}$$

Formula to calculate net interest:

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

Example: Principal = \$500,000 Administrative costs = \$200
Interest rate = 0.05%
Number of months = 12

$$\boxed{\$500,000} \times .0005/12 \times \boxed{12} = \$250$$

Net positive interest return:

$$\$250 - \$200 \text{ administrative costs} = \$50$$



Key Responsibilities

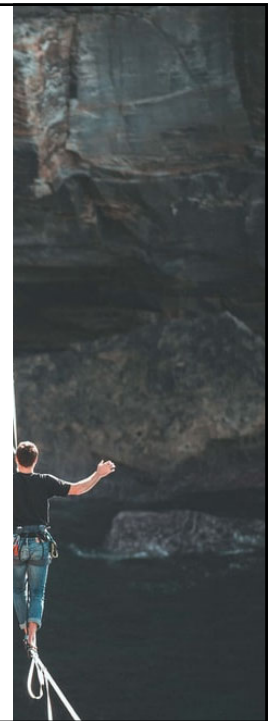
1. Keep funds separate

- No commingling your money and client funds in same account



2. Know each client's balance

Keep and review
individual client ledgers

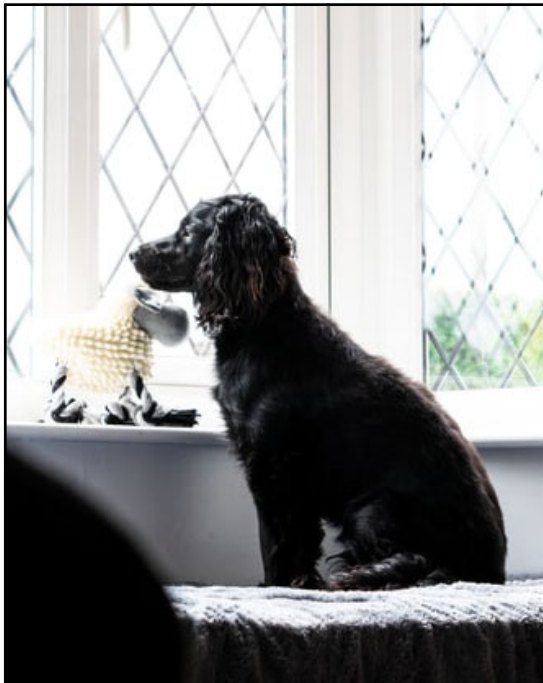




3. Maintain records

- Client ledger
- Trust journal
- More...

Keep for 5 years



4. Wait for funds to be collected

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

5. Do 3-way reconciliation

Law Office LLC	
Three-Way Reconciliation	
Statement date:	10/31/23 (for the period 10/01/23-10/31/23)
Bank Name:	Bank of America
Bank Account Name:	Law Office LLC Lawyer Trust Account
Bank Account #:	1234
Reconciliation Status:	Reconciled
Reconciled By:	RE
Reconciliation Date:	10/31/23
1. Lawyer Individual Trust Account Ledger Balances	
<u>Client Name</u>	
Adams, Arnie	\$6,325.00
Barnes, Betty	\$6,500.00
Cobb, Calvin and Kate	\$4,215.00
Downey, Diane	\$6,433.00
Total Client Ledger Balances	\$23,473.00
2. Lawyer Trust Account Journal Balance	
Beginning balance on 10/01/23	\$7,500.00
Plus cleared deposits	\$27,500.00
Less cleared payments	(\$4,027.00)
Ending balance on 10/31/23	\$23,473.00
3. Bank Balance	
Ending balance on 10/31/23	\$23,473.00
Plus deposits in transit	\$0.00
Less outstanding payments	\$0.00
Reconciled bank balance	\$23,473.00

6. Account to Clients

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



7.

Use accounting software

Practice management software:



PRACTICEPANTHER



rocket matter®

C^ARET Legal

General accounting software:



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



ATTORNEY FEES

Ethical Obligations
Third Party Payments
Accepting Credit Cards



Ethical Obligations

- Fees cannot be illegal or excessive
- See ORPC 1.5(b) to determine reasonableness
- Contingent fee
 - ORS 20.340 and ORPC 1.5(c)(1)-(2)
- Earned upon receipt flat fee
 - Will not be deposited into lawyer trust account
 - 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



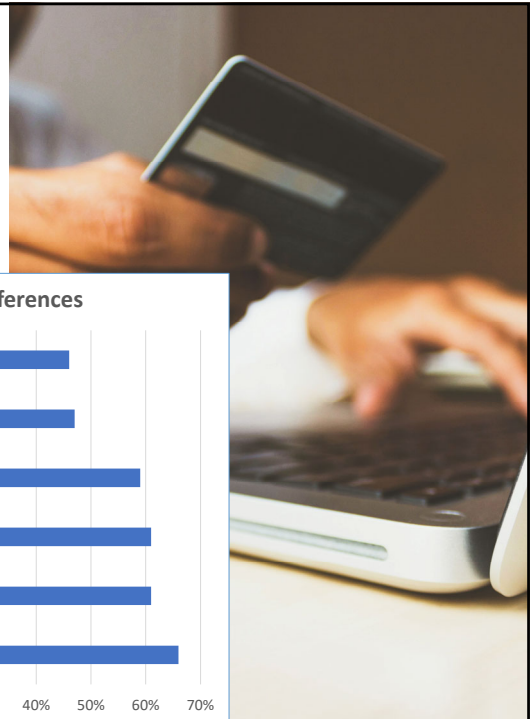
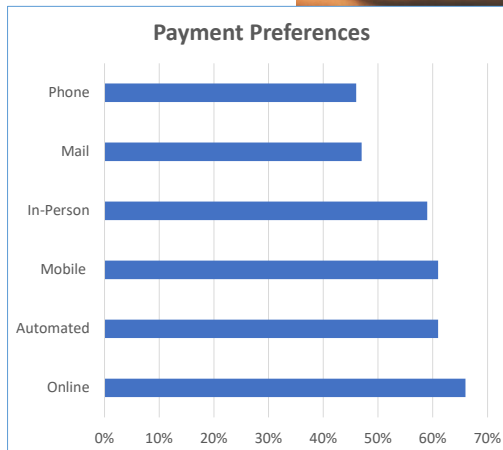
Accepting credit cards

- 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

Payment Processors

- Practice management software trends
- Client payment preferences
- Trust accounting compliance



CALENDARING

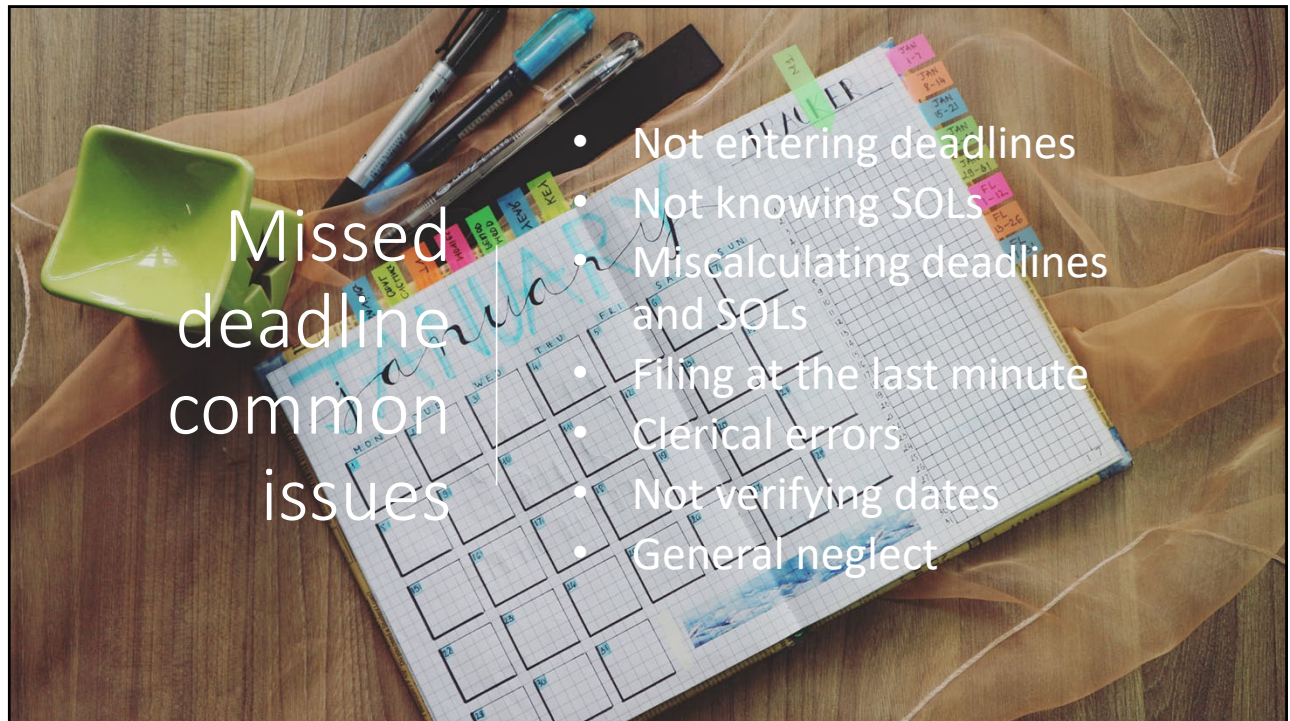
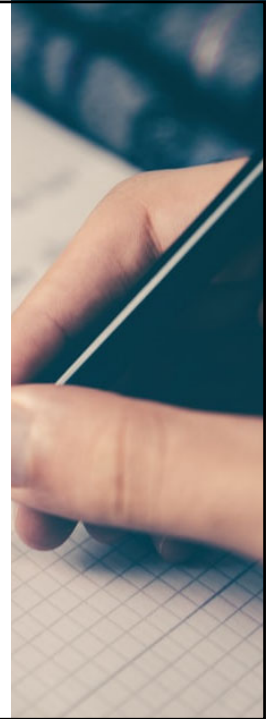
Common Issues

Tips to Avoid Missing Deadlines



What to calendar?

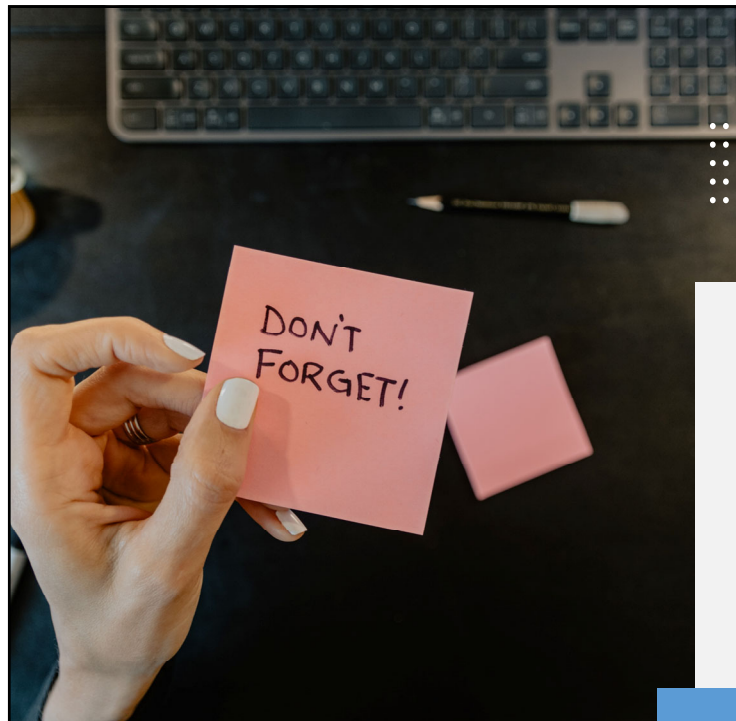
- SOLS and case-related deadlines
- Client-imposed deadlines
- Self-imposed deadlines
- Court appearances
- Appointments
- Tasks to be completed



Missed
deadline
common
issues

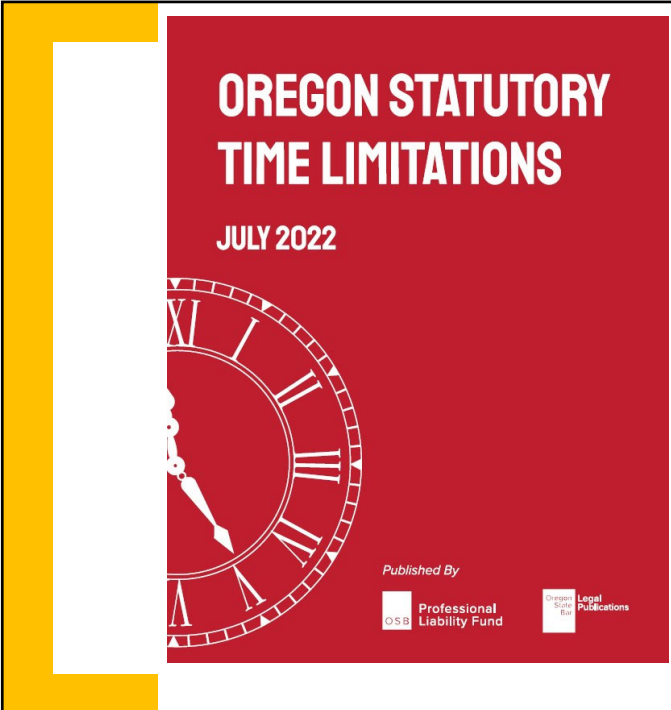
- Not entering deadlines
- Not knowing SOLs
- Miscalculating deadlines and SOLs
- Filing at the last minute
- Clerical errors
- Not verifying dates
- General neglect

Tips to avoid missing deadlines



1. Use calendar to:

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



**OREGON STATUTORY
TIME LIMITATIONS**

JULY 2022

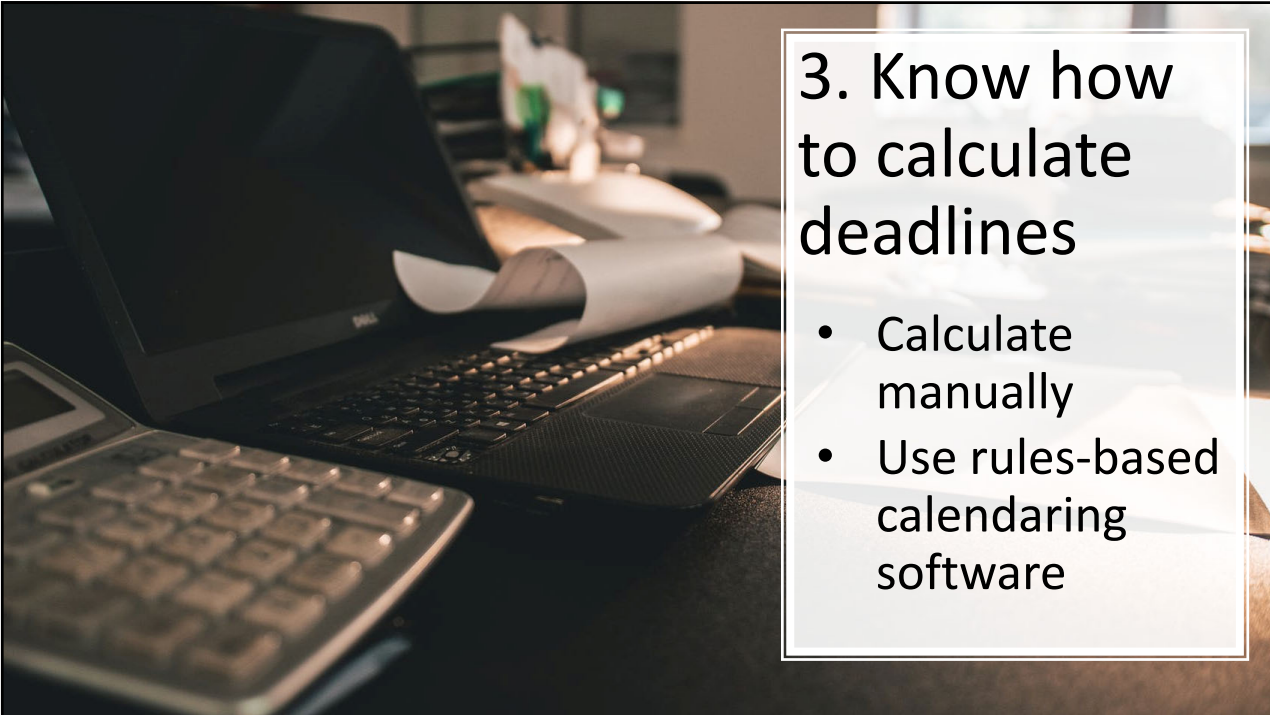
Published By

OSB Professional Liability Fund

Oregon State Bar Legal Publications

2.












Know statutes of limitation




3. Know how to calculate deadlines

- Calculate manually
- Use rules-based calendaring software

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
 	     	  



4.
Don't Wait to File

- Create a 'cushion'
- Consider eFiling issues

Slide 31

MLO Rachel, I removed the internal borders for each section because I think Clio integrates with LawToolBox and CalendarRules now and I think HoudiniEsq integrates with Calendar rules, so this way the logos are more associated with each category than the horizontal lines. I hope this makes sense and looks ok.

Monica Logan, 2022-10-04T19:21:40.242

5. Double check entries

Check for:

- Plain errors
- Typographical errors
- Omissions



6. eCourt Notices & Calendaring

1

Court_Notification@notify.ojd.state.or.us

Court Notification

2

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF [REDACTED]

Re: In the Matter of: [REDACTED]
Case #: [REDACTED] Estate - General

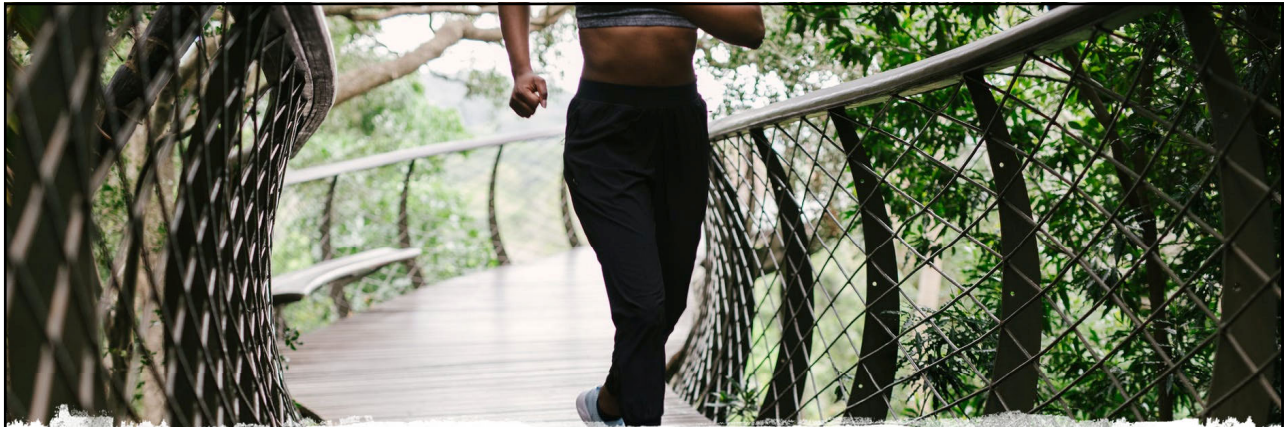
NOTICE OF SIGNED DOCUMENT

A case event that includes a signed document has been added to the Register of Actions for this case.

For further information, log into the Oregon eCourt Case Information (OEI) system or go to a public access kiosk at the courthouse.

Note: Documents may not be attached to events depending on local court business processes.

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



Practical Tips

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

CONFLICTS

Types of Conflicts
Key Conflict Tips





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

Key Conflict Tips

1. Establish a reliable system
2. Know what to capture
3. Know how to use the system
4. Know when to run a conflict check
5. Document search and result





1. Establish a Reliable System

Use software program

Stand-alone:



All-in-one:



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2. Know What to Capture

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



3. Know How to Use Your System

- William, Bill, or Willy?
- Former Names
- SSN or TIN
- DOB
- Address



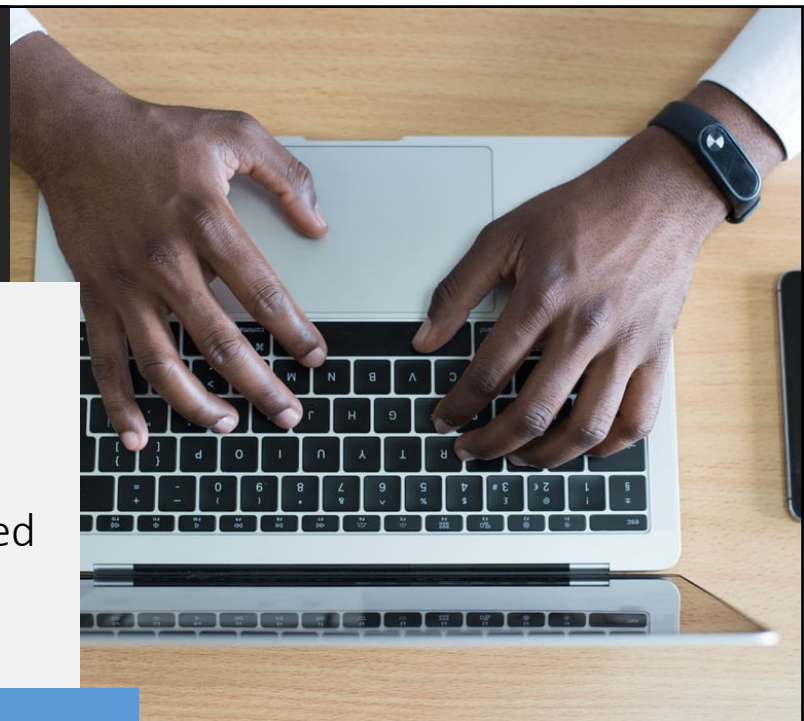


4. Know When to Run a Conflict Check

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

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



Practical Tips

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

FILE MANAGEMENT

Client File
Documentation
Retention
Storage



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 Ar buckle*, 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, 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

There are a number of circumstances in which the client file maintained by the lawyer may include documents, a legal memorandum, or other materials that are not the property of the client. For example, a lawyer may maintain in the representation of a client documents that are confidential or otherwise protected by the attorney-client privilege. In such cases, the lawyer must exercise professional judgment to determine whether the disclosure of such documents is necessary to provide a client competent representation.

OSB Formal Ethics Op No 2005-4, *Schlusser Co., Inc.*, 335 Or 209, 63 P3d 100 (2005).

See Oregon RPC 1.0(q), which defines the "client file" as the record of a communication or representation 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.

(8/2017)

... 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

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

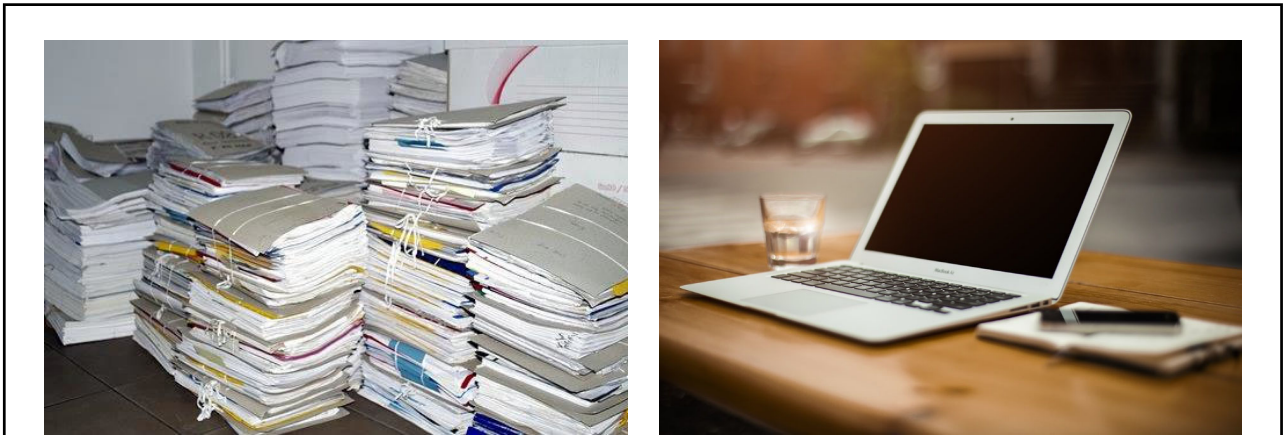
Typical Documents to Keep in Client File

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



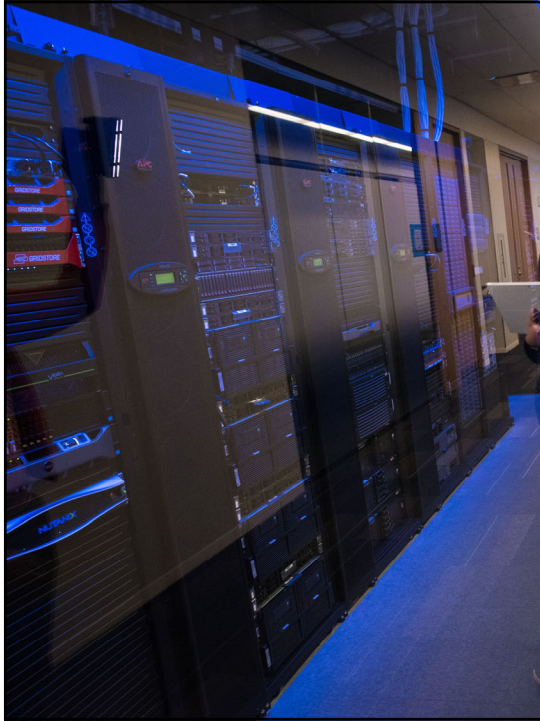
File Retention Guidelines

- 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
- Cloud vs. hard drive
- Think 10 years ahead



Electronic Files

- On-premise
 - Hard drive
 - Server
- Cloud
 - Practice management software
 - Third-party hosted server
 - Document storage app
 - Document management app

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
- AOMEI Backupper
- EaseUS ToDo Backup
- Cloud backup service (Acronis Cyber Protect, Backblaze, Carbonite, iDrive)

DEVICES W/SOFTWARE










- Seagate Backup Plus drive
- Western Digital My Passport portable drive
- Samsung T7 Shield



Practice Management Software

- Database to gather matter records
- Contacts, documents, and tasks
- Back and front end of firm operations

Cloud-Based Practice Management Software		Minimum Users	Conflict Checking	Contact Mgmt	Matter Mgmt	Document mgmt	Document automation	Calendaring	Tasks/Workflow	Email Mgmt	Client Portal	Timekeeping	Billing	Trust Acctg
Clio	\$69/user/mo	No	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
mycase	\$59/user/mo	No	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
CosmoLex	\$85/user/mo	No	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
PRACTICEPANTHER	\$59/user/mo	No	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
rocket matter	\$59/user/mo	No	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
SMOKEBALL	\$99/user/mo	No	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
CARET	\$79/user/mo	Yes (3)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
actiontap	\$89/user/mo	No	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Centerbase	\$79/user/mo	Yes (5)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Cloud-Based Practice Management Software	Customer Relationship Management	Automatic Timekeeping	Text Messaging	E-signature	Online Payments	Full Accounting	Website Builder	Appt. Booking
 Clio	✓		✓	✓	✓		✓	✓
 mycase	✓	✓	✓	✓	✓	✓	✓	
 smoLex	✓		✓	✓	✓	✓	✓	
 PRACTICEPANTHER	✓		✓	✓	✓		✓	
 rocket matter	✓		✓	✓	✓		✓	
 SMOKEBALL	✓	✓	✓	✓				
 C^RET	✓	✓	✓	✓	✓	✓		
 actionstep			✓		✓	✓		
 Centerbase	✓	✓	✓			✓	✓	

SAFE USE OF TECHNOLOGY

- Remote Work
- Cloud Computing
- Cybersecurity
- Data Destruction
- Social Media





Internet Security

- WiFi protected access 2/3
- Virtual Private Network (VPN)
- Best for public spaces or at home
- Creates a virtual tunnel for information to pass through

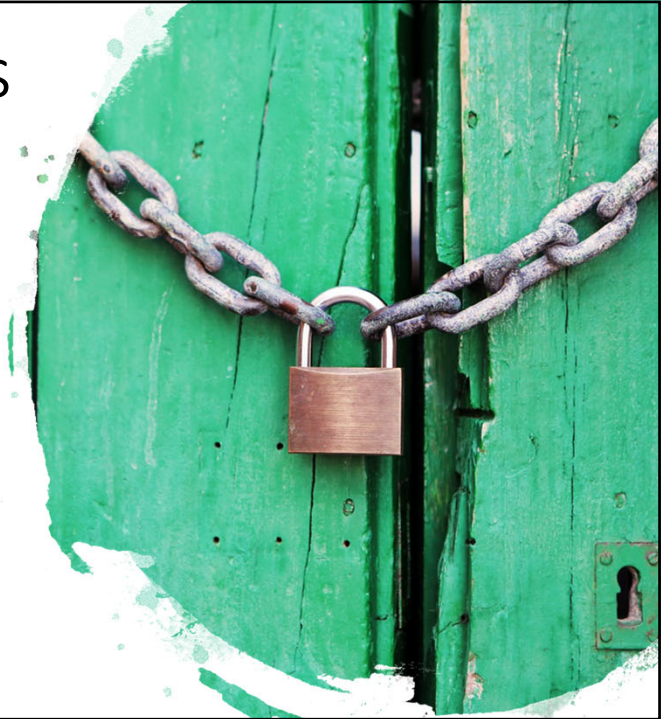
Practical Tips

- Use law firm devices on the home network rather than taking control of a home machine
- Patch devices to make sure updates installed
- Use firewalls and anti-spyware



Security Concerns for Cloud Computing

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



*OSB Formal Ethics
Opinion 2011-188*

*(Third-Party
Electronic Storage
of Client
Materials)*



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

Cyberattacks 2.0

- Business email compromise vs. potential client
- Lax approach to security while working remotely
- Sharing and reusing credentials



Phishing Red Flags

PC

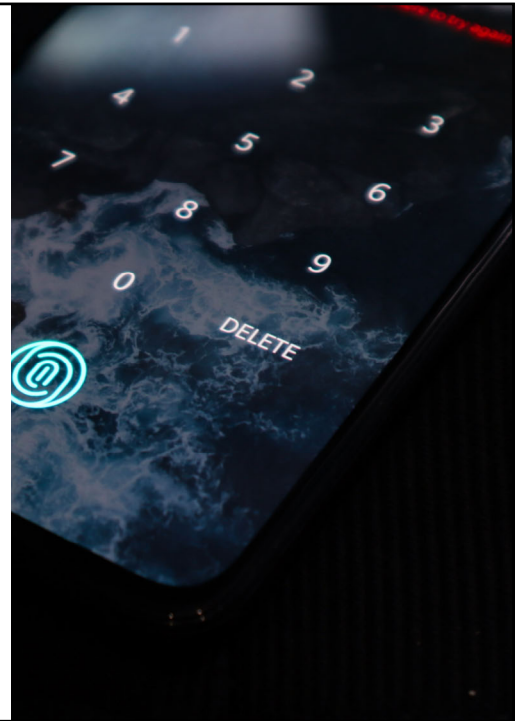
1. PC is not from around your area
2. Easy money for little work
3. Matter is resolved quickly
4. Demand prompt refund or payment
5. Lag time between incident and you

Non-PC

1. Message appears to come from management, coworker, or vendor
2. Pretends to share a mutual interest
3. References recent travel or conference
4. Heightened sense of urgency
5. Asks to bypass company's security policy
6. Request doesn't make sense

Multifactor Authentication

- Authentication by:
 - Something you know
 - Something you have
 - Something you are
- Free Microsoft Authenticator



Password Protection

- Maintains passwords
- Encrypted electronic vault
- Adds protection to your programs
- Limits access

Encryption

- Data unreadable without decryption key
- Prevents unauthorized access
- Options:
 - Before Uploading to Cloud Storage
 - Full Disk Encryption



Email Encryption

- Risks of sending unencrypted emails
- Email add-on for additional security
 - SecureGmail or Digital ID
- Other email add-ons for encryption
- Signal (encrypted texting)



Metadata

- Comments, track changes, versions and ink annotations
- Document properties and personal information
- Print to PDF before emailing



Artificial Intelligence

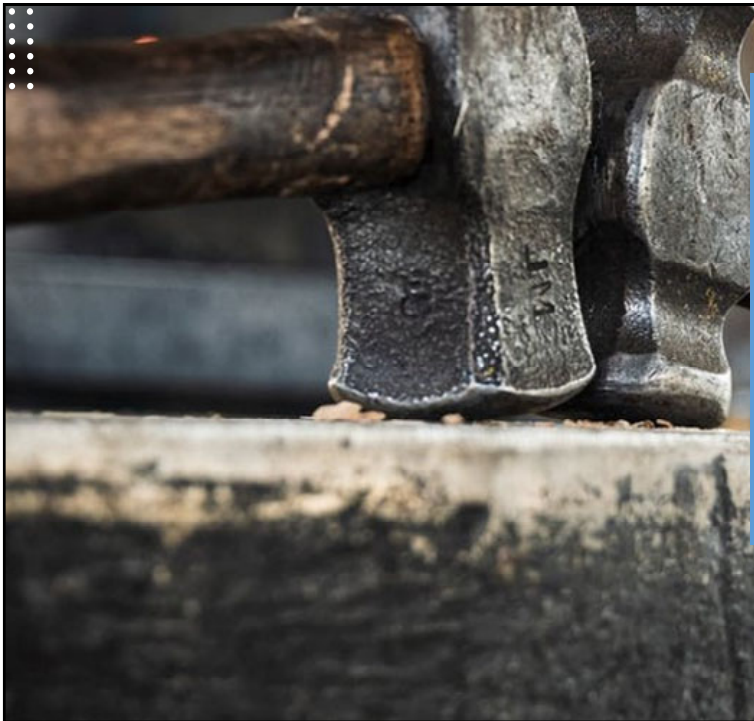
- Large Language Models
- Generative AI
- Regulation
- Key Capabilities
- Verify, Verify, Verify





Hardware and Data Destruction

ORPC 1.6 Confidentiality



Options to
destroy data
completely:

1. Physically destroy the hard drive
2. Use specialized software to overwrite data

Software

Data Destruction

- DBAN (Darik's Boot and 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



Social Media

- Clients may damage their case
- Contact may be prohibited
- ORPC 1.1: Competence
- ORPC 1.4: Communication
- Attorneys want to defend against a bad review
- ORPC 1.6: Confidentiality
- Professionalism

PLF Resources

www.osbplf.org > Services > CLEs & Resources

The screenshot shows the OSB Professional Liability Fund website. The top navigation bar includes 'OSB Login / Non-Member Login', the OSB logo, and the text 'Professional Liability Fund'. A search bar and icons for search, shopping cart, and calendar are present. The 'SERVICES' menu is highlighted with a red circle and a red arrow pointing to the 'CLEs & RESOURCES' option. The dropdown menu lists: HOW WE HELP LAWYERS, CLEs & RESOURCES, CALENDAR OF EVENTS, PRACTICE MANAGEMENT ASSISTANCE, PERSONAL ASSISTANCE, DISCOUNTS, and BLOGS. Below the menu is a large banner with the text 'WE ARE THE LAWYERS' PROFESSION' and 'Helping each lawyer when they need it, for the good of th'. At the bottom, there are four service categories: LAWYER SERVICES (Our Practice Management Attorneys and), MALPRACTICE CLAIMS (PLF Claims Attorneys investigate, evaluate,), PRIMARY COVERAGE (Learn more about the malpractice), and EXCESS & CYBER (Make sure your law practice is covered).

PLF Practice Aids

www.osbplf.org > Services > CLEs & Resources > Practice Aids

The screenshot shows the OSB Professional Liability Fund website's 'Practice Aids' page. The top navigation bar includes 'OSB Login / Non-Member Login', the OSB logo, and the text 'Professional Liability Fund'. A search bar and icons for search, shopping cart, and calendar are present. The 'SERVICES' menu is highlighted with a red circle and a red arrow pointing to the 'CLEs & RESOURCES' option. The dropdown menu lists: HOW WE HELP LAWYERS, CLEs & RESOURCES, CALENDAR OF EVENTS, PRACTICE MANAGEMENT ASSISTANCE, PERSONAL ASSISTANCE, DISCOUNTS, and BLOGS. Below the menu is a large banner with the text 'WE ARE THE LAWYERS' PROFESSION' and 'Helping each lawyer when they need it, for the good of th'. At the bottom, there are four service categories: LAWYER SERVICES (Our Practice Management Attorneys and), MALPRACTICE CLAIMS (PLF Claims Attorneys investigate, evaluate,), PRIMARY COVERAGE (Learn more about the malpractice), and EXCESS & CYBER (Make sure your law practice is covered).

Substantive Law

- Templates and Checklists

Fee Agreements and Engagement Letters

- Checklist and Templates

eCourt

- How-Tos and Checklists

Cybersecurity and Data Breach

- Template Notice Letter
- Informational Articles

Office Systems and Procedures

- Guides for Office Systems

Using Technology

- How-Tos for Outlook, Word, and Migrating Data

RESOURCES



Professional
Liability Fund

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

- Practice Aids
- Books
- CLEs
- *InPractice* blog
- *InBrief* 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



<https://courts.Oregon.gov>

- FAQs
- UTCRs
- Policies & Standards for eFiling

Contact Us

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

PLF Practice Management Attorneys

Rachel Edwards

rachele@osbplf.org

503-726-1474

Monica Logan

monical@osbplf.org

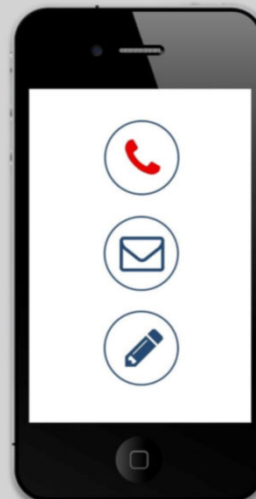
503-924-1774

Kalia Walker

kaliaw@osbplf.org

503-924-4171

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

1. PowerPoint Slides
2. ABA Technology Resources-
https://assets.osbplf.org/forms/practice_forms/ABA%20Technology%20Resources.pdf
3. Resources from the PLF Practice Management Assistance Program 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
 - iii. Oregon Statutory Time Limitations Handbook
 - iv. Planning Ahead: A Guide to Protecting Your Clients' Interests in the Event of Your Disability or Death
 - 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 Information on topics you are interested in
4. 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) Checklist for Drafting Engagement Letters
 - b) 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) Law Practice Business Development Goal Setting Checklist
 - b) Create a Marketing Plan for Your Small Law Firm
 - c) Marketing and Business Development Worksheets
 - d) Marketing and Business Development: Crucial Skills
 - e) Marketing Plans- Sample and Completed
 - ii. PLF blog articles

- a) Google Business Profiles: Take Advantage of Free Marketing (<https://www.osbplf.org/blog/inpractice/google-business-pro%E2%AC%81les-take-advantage-of-free-marketing/>)
 - b) 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/>)
 - c) 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 Tickler Systems
 - g) Setting Up an Effective Filing System
 - h) New Client Information Sheet with Disclaimer
 - ii. PLF blog articles
 - a) File Management: Tips for Managing the Chaos (<https://www.osbplf.org/blog/inpractice/file-management--tips-for-managing-the-chaos/>)
 - b) The Three P's of Profitability (<https://www.osbplf.org/blog/inpractice/the-three-ps-of-profitability/>)
 - c) Making the Work Flow (<https://www.osbplf.org/blog/inpractice/making-the-work-flow/>)
 - d) Don't Underestimate the "Obvious": Document, Document, Document (<https://www.osbplf.org/blog/inpractice/dont-underestimate-the-obvious--document-document-document/>)
 - e) 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/>)
 - f) Billing Software: Explore Your Options (<https://www.osbplf.org/blog/inpractice/billing-software--explore-your-options/>)
 - g) Phone Systems: What Works for Your Firm? (<https://www.osbplf.org/blog/inpractice/phone-systems--what-works-for-your-firm/>)
 - h) Manage Your Law Office with Documented Systems and Procedures (<https://www.osbplf.org/blog/inpractice/manage-your-law-office-with-documented-systems-and-procedures-/>)
 - i) Client Intake: Making it More Effective and Efficient (<https://www.osbplf.org/blog/inpractice/client-intake--making-it-more-effective-and-efficient/>)

- j) Electronic Payment Processing Software for Law Firms
(<https://www.osbplf.org/blog/inpractice/electronic-payment-processing-software-for-law-firms/>)
- k) 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/>)



Solo Success: Launching Your Own Practice

 Professional
Liability Fund

Rachel Edwards
Practice Management Attorney
OSB Professional Liability Fund

Overview



PLANNING



BUDGETING



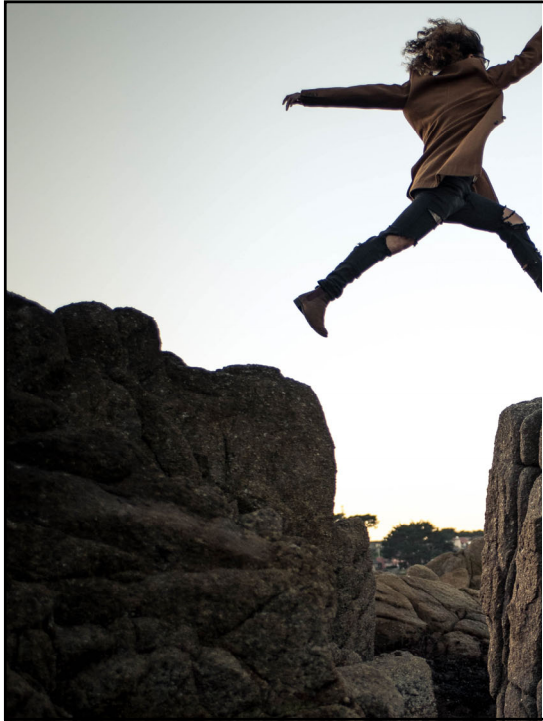
SETTING UP
INFRASTRUCTURE AND
SYSTEMS



UNDERSTANDING
FINANCIALS

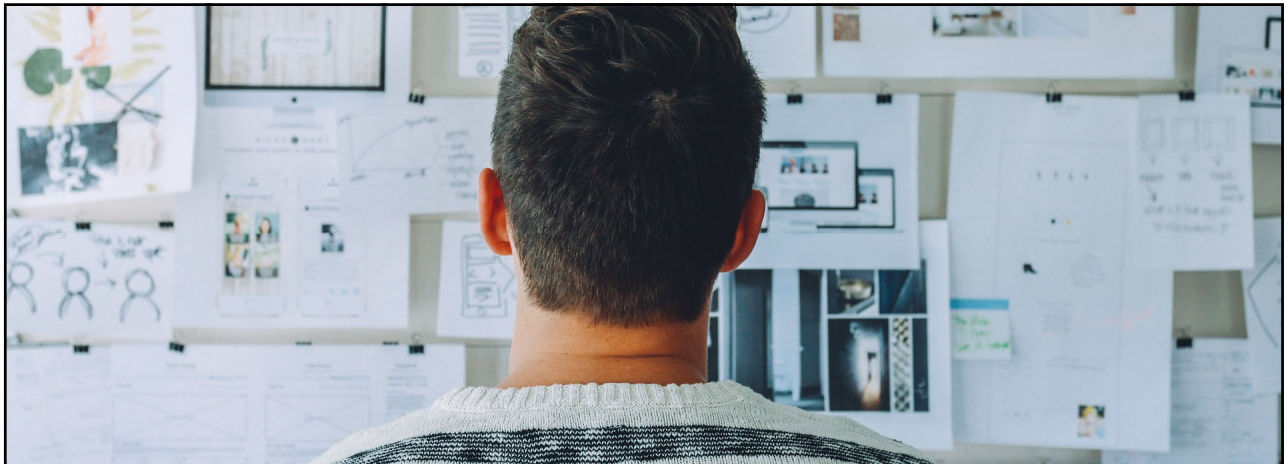


SCALING



Are you ready to launch your own practice?

- Pros & cons
- Professional experience
- Financial situation
- Personal life
- Risk tolerance



Planning

Business Plan

- Set goals
 - Define strategies
 - Evaluate market potential
 - Roadmap for growth
 - Manage risk
-



Business Description

Vision Statement

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

Mission Statement

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

Vision Statement

A vintage telescope on a tripod is positioned on the right side of the slide, overlooking a cityscape at dusk. The sky is a mix of blue and orange, and the city lights are visible in the distance.

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

Sample Vision Statements

A person is sitting on a large rock in the foreground, looking out over a vast landscape of clouds. The sky is a mix of blue and orange, suggesting a sunrise or sunset. The clouds are dense and cover the entire horizon.

- 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.

Market Analysis



<https://www.clio.com/resources/legal-trends/2022-report/>



<https://www.mycase.com/reports/2022-legal-industry-report/>

- Demand for legal services
- Billing and collection practices
- Effects of inflation
- Remote work
- Lawyer transitions
- Client preferences
- Technology shifts



Budgeting

Startup Budget

- Hardware/software
- Furnishings and décor
- Supplies
- Research
- Marketing
- Entity formation
- Fees and assessments



Monthly Budget

- Rent
- Utilities/internet
- Communications
- Recycling/shredding
- Parking
- Supplies
- Salaries
- Tax withholding
- Payments on furniture/equipment
- Insurance premiums
- Professional organization dues
- Subscriptions
- CLEs
- Miscellaneous

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



Infrastructure and Systems

Form an Entity

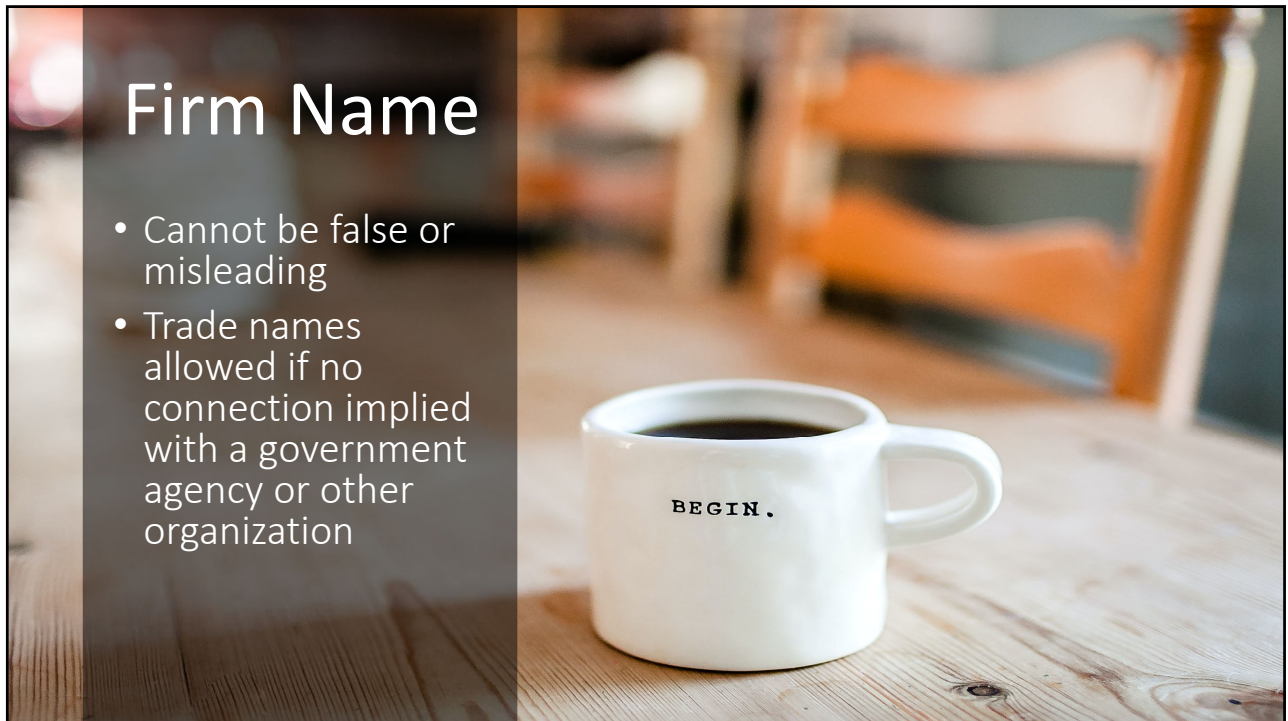
- Sole proprietorship
- Single shareholder PC
- Single member LLC

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



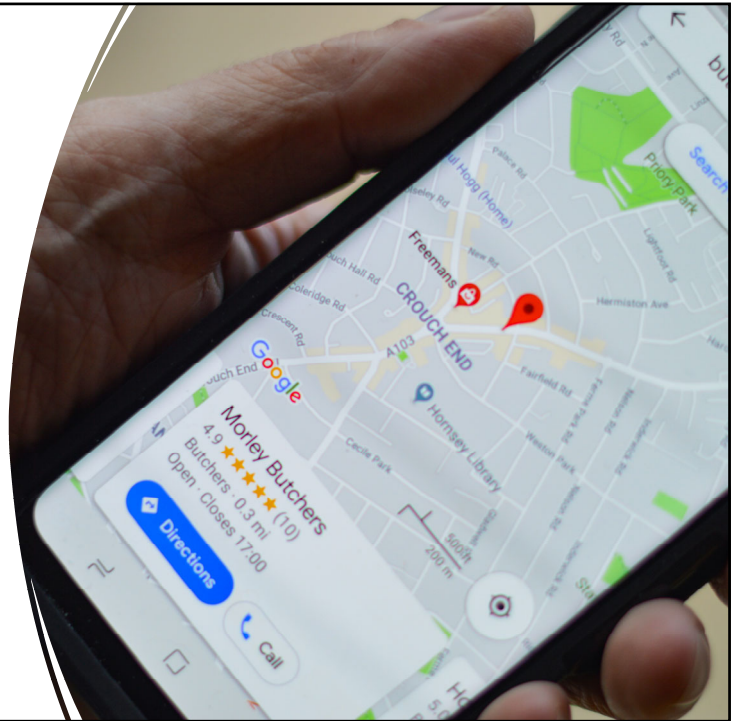
Firm Name

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



Location

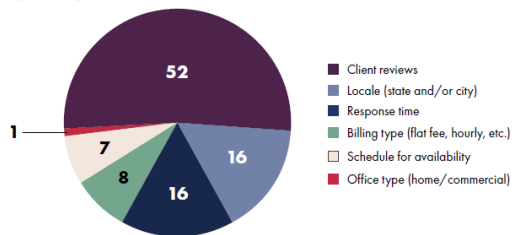
- Home office
- Commercial office
- Hybrid



Clients and Location

Reviews continue to have the largest impact on hiring decisions

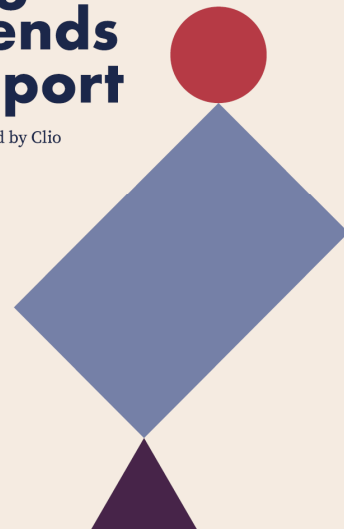
Hiring impact score (out of 100)



2022

Legal Trends Report

Published by Clio



Opening Bank Accounts

- Operating
- IOLTA
 - Oregon Law Foundation Tax ID
 - Bank charges
 - Management

www.osbplf.org > Services > CLEs & Resources > PLF Books > A Guide to Setting Up & Using Your Lawyer Trust Account



Hardware



COMPUTER



INTERNET
CONNECTION



PHONE



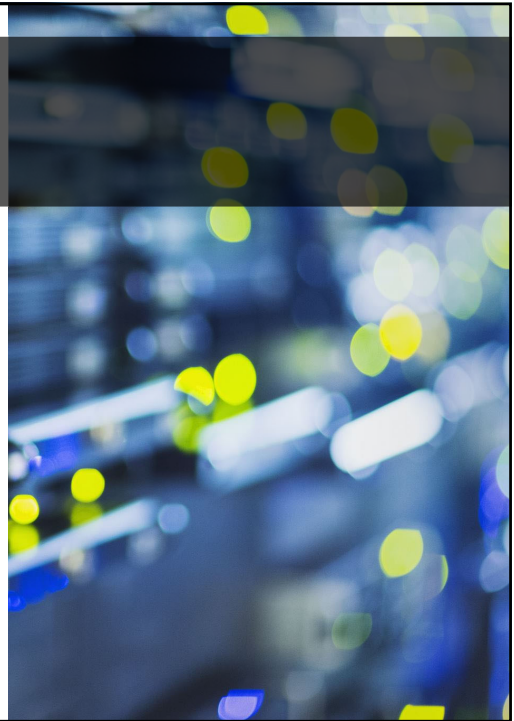
FURNITURE



OFFICE
SUPPLIES

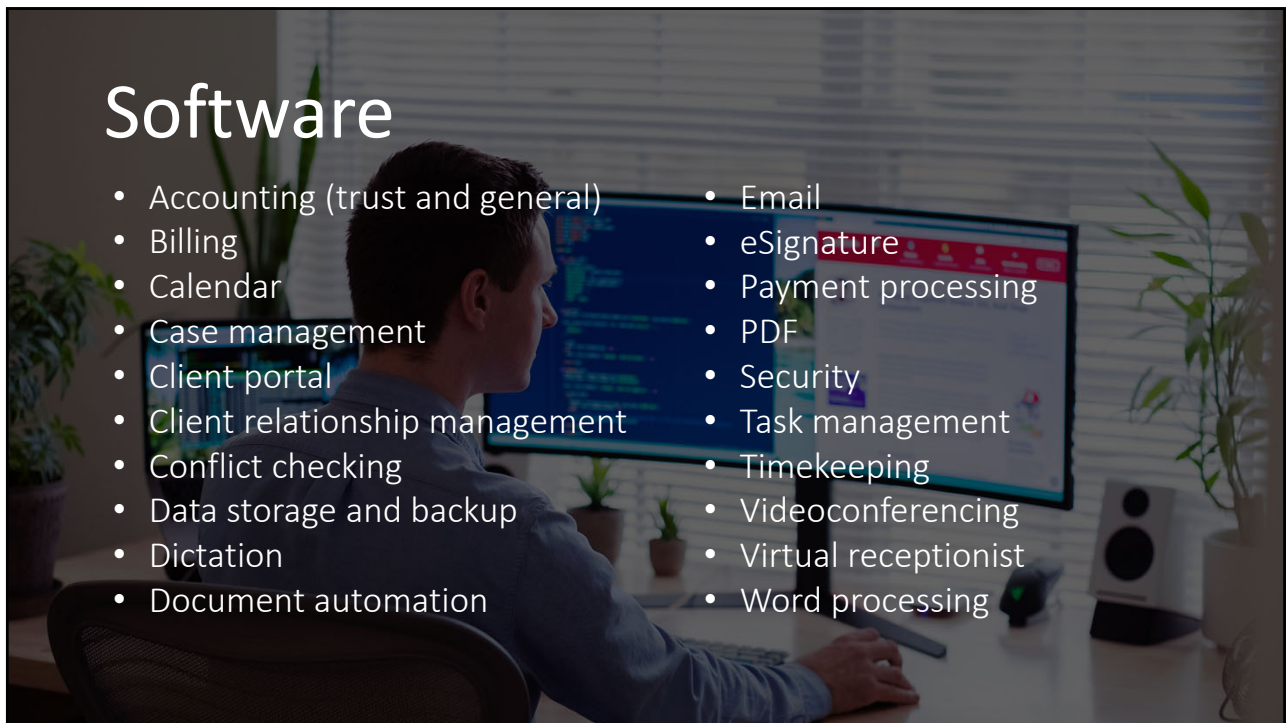
IT Infrastructure










- Network
- Server and storage
- Computer security
- Backup and recovery
- Remote access
- Technical support












Software

- Accounting (trust and general)
- Billing
- Calendar
- Case management
- Client portal
- Client relationship management
- Conflict checking
- Data storage and backup
- Dictation
- Document automation
- Email
- eSignature
- Payment processing
- PDF
- Security
- Task management
- Timekeeping
- Videoconferencing
- Virtual receptionist
- Word processing

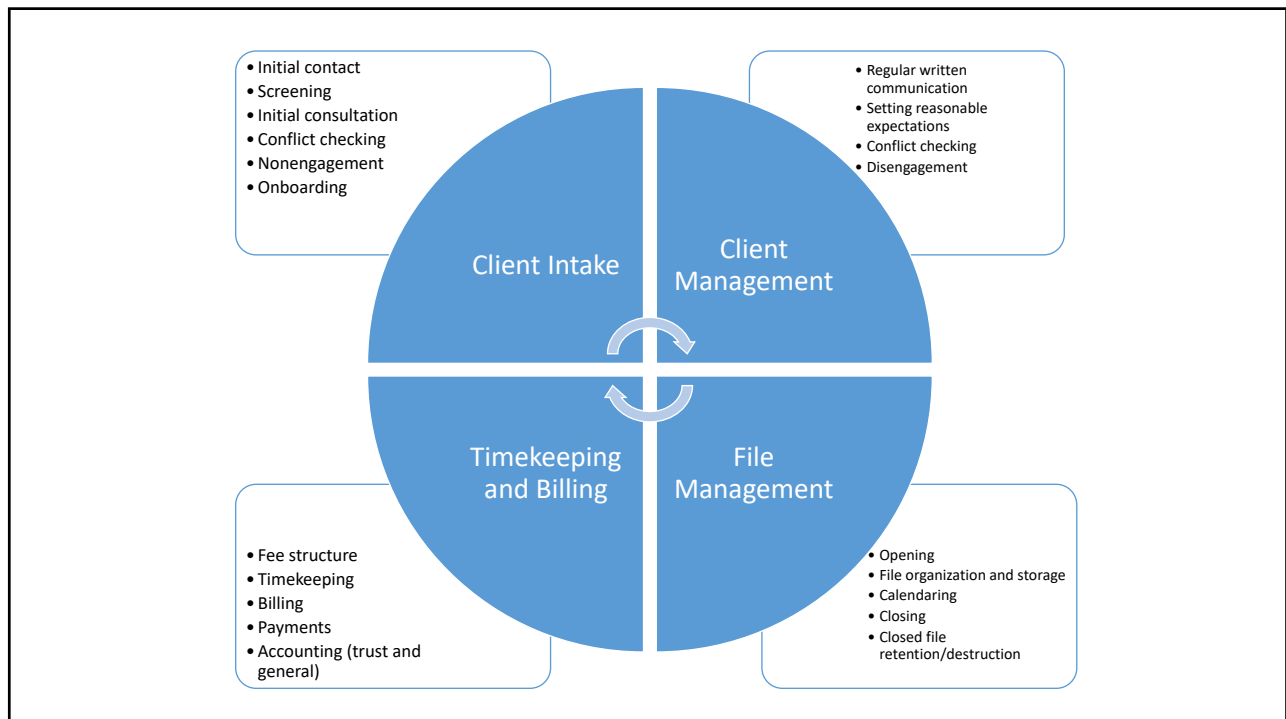


Cloud-Based Practice Management Software		Minimum Users	Conflict Checking	Contact Mgmt	Matter Mgmt	Document mgmt	Document automation	Calendar	Tasks/Workflow	Email Mgmt	Client Portal	Timekeeping	Billing	Trust Acctg
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 mycase	\$69/user/mo	No	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
 CosmoLex	\$89/user/mo	No	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
 PRACTICEPANTHER	\$89/user/mo	No	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
 rocket matter	\$69/user/mo	No	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
 SMOKEBALL	\$179/user/mo	No	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
 C^ARET	\$89/user/mo	No	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
 actiontap	Not listed on website	No	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
 Centerbase	Not listed on website	Yes (5)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Cloud-Based Practice Management Software	Customer Relationship Management	Automatic Timekeeping	Text Messaging	E-signature	Online Payments	General Accounting	Website Builder	Appt. Booking
 Clio	✓ (Clio Grow Add-on)		✓	✓ (number depends on tier)	✓		✓ (Clio Grow Add-on)	✓ (Clio Grow Add-on)
 mycase	✓	✓	✓	✓	✓	✓	✓	
 CosmoLex	✓ (CRM add-on)		✓	✓ (CRM add-on)	✓	✓	✓ (Website add-on)	
 PRACTICEPANTHER	✓		✓	✓	✓			
 rocket matter	✓ (add-on)		✓	✓ (number depends on tier)	✓		✓ (Website add-on)	✓ (add-on)
 SMOKEBALL	✓	✓	✓	✓	✓			
 C^ARET	✓	✓	✓	✓	✓	✓		
 actionstep					✓	✓		
 Centerbase	✓	✓	✓		✓	✓	✓	



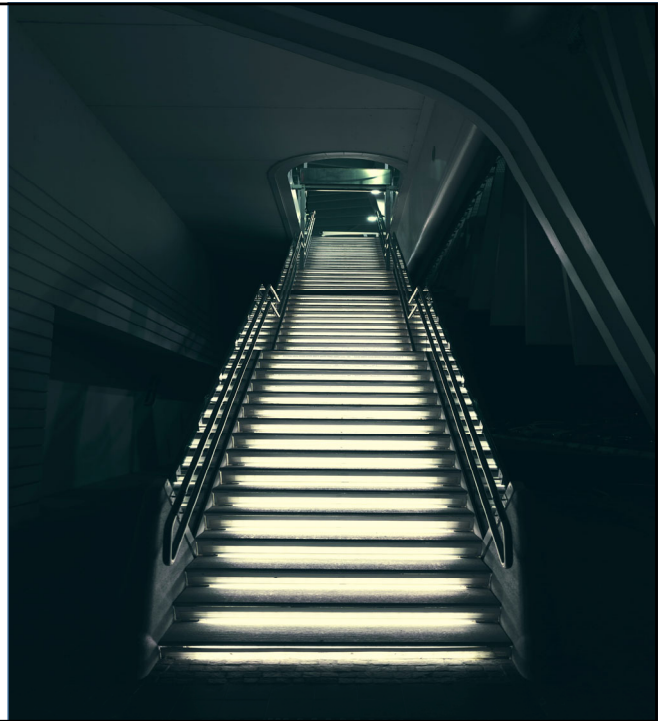
Office Systems and Procedures



Client Intake

1. Written intake procedures
2. Be consistent
3. Use detailed and inclusive intake questionnaire
4. Look for red flags
5. Send nonengagement if not taking the case
6. Clear and detailed fee agreement

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



Client Management

- Regular written communication
- Set boundaries for communication
- Set reasonable expectations
- Written disengagement



File Management

1. Written and consistent procedures
2. Data storage and backup
3. Paper the file
4. Closing procedure
5. Keep files for at least 10 years from date of closure
6. Proper destruction



Timekeeping and Billing

- Establish fee structure
- Determine timekeeping and billing procedures
- Track time immediately
- Know trust accounting rules
- Payment processing
- Avoid collections



Staffing

- Receptionist
- Legal assistant or paralegal
- Bookkeeper/CPA
- IT consultant

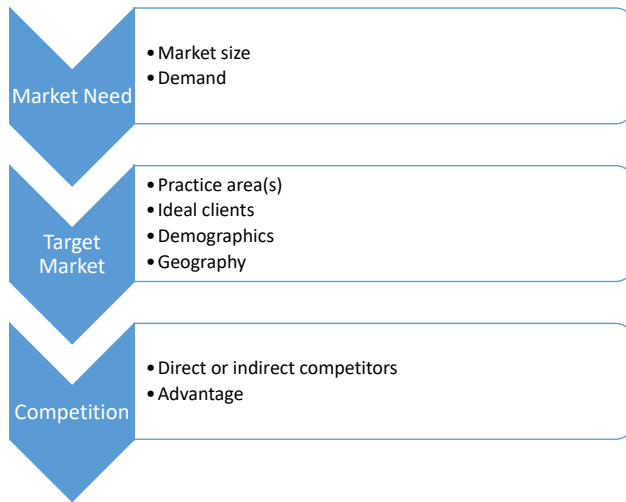
Employee or
Independent
Contractor?

www.osbplf.org > Services > CLEs & Resources > Practice Aids > Contract Lawyering

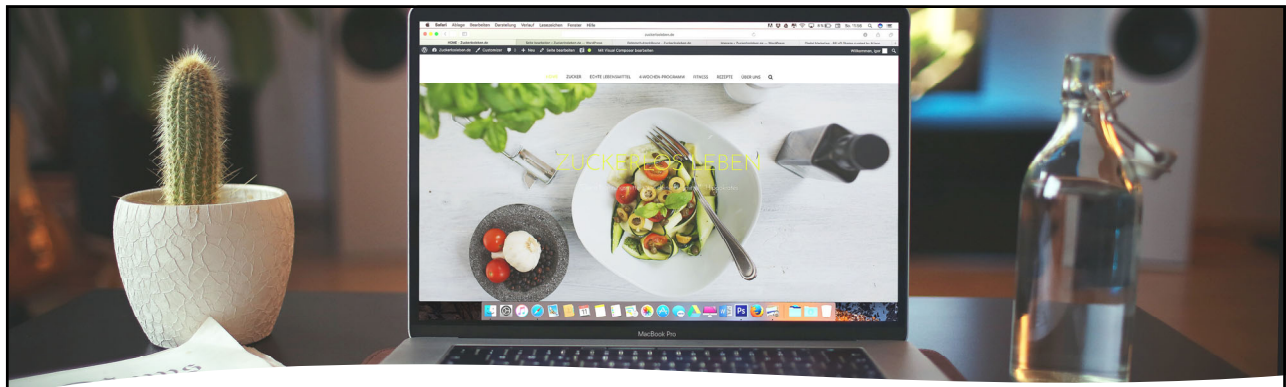


Develop Business

Market Analysis and Goals



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



Website

- User-friendly
- Clean and professional design
- Accurate content
- Mobile friendly
- Disclaimer
- Search engine optimization
- Chatbot

Marketing Strategies

Client referrals

Good customer service | Exit survey/request

Network referrals

- Attorneys
- Non-attorneys

Online marketing

- Website/SEO
- Display ads
- Email marketing
- Pay per click
- Google ads
- Social media
- Online reviews

Print ads

- Billboards
- Transit aids
- Newspapers/newsletters
- TV/radio

Network Referrals

Attorneys

- New lawyer mentoring programs
- County bar associations
- OSB practice-area sections
- Oregon Trial Lawyers Association
- Oregon Criminal Defense Lawyers Association
- CLEs
- Social events
- Articles

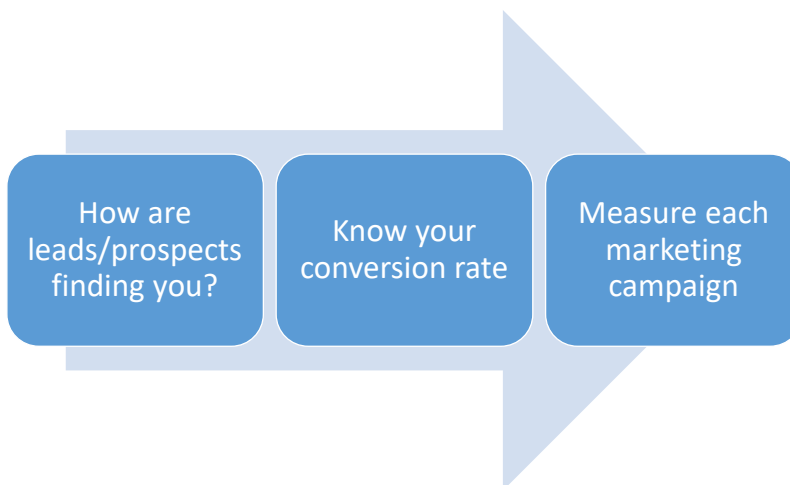
Non-attorneys

- Associated vendors
- Office sharers
- Trade associations
- Board of directors
- Speaking engagements
- Churches
- Schools
- Neighborhoods

Client Development

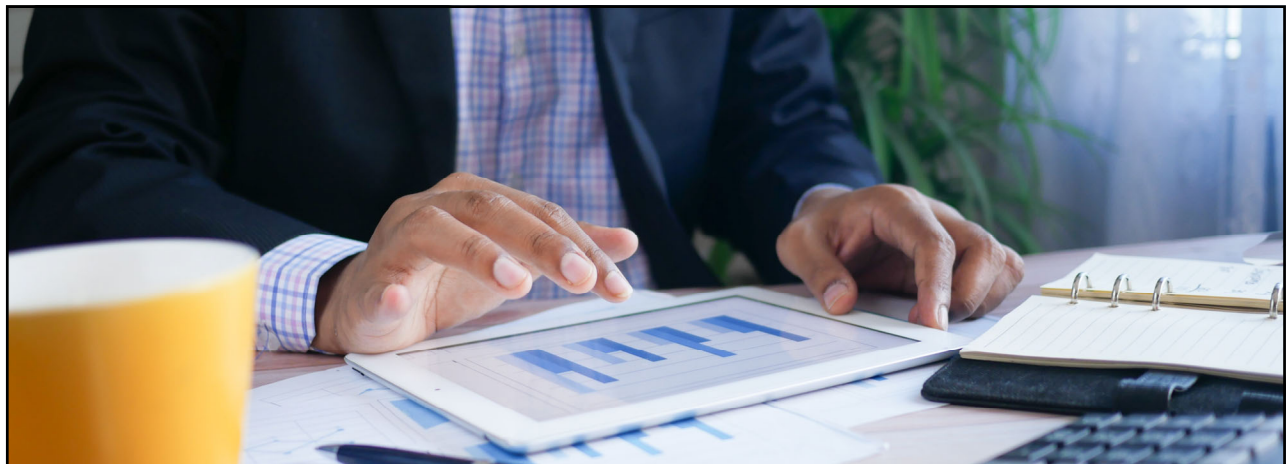


Marketing Effectiveness



Insurance

- Legal Malpractice
 - Primary (PLF)
 - Excess (PLF or commercial carrier)
- Cyber
 - PLF excess or commercial carrier
- Other
 - Business interruption
 - Property insurance
 - Personal (health, life, illness, disability, home, automotive)



Understanding Financials

Profit & Loss (Income)

- Profitability during a specific time period
- Revenue earned minus expenses incurred
- Helps you assess your firm's profitability, ability to generate revenue, and efficiency in managing costs

Profit and Loss	
January 1, 2022 - March 15, 2022	
	TOTAL
Income	
Billable Wages	0.00
Interest Earned	0.00
Legal Fee Income	0.00
Other Income	0.00
Revenue	650.00
Total Income	\$650.00
Cost Of Goods Sold	
Legal Expenses	0.00
Professional Fees	0.00
Total Cost Of Goods Sold	\$0.00
GROSS PROFIT	\$650.00
Expenses	
Advertising & Promotion	0.00
Bank Service Charges	0.00
Entertainment Meals	100.00
Office & General Expenses	0.00
Office Supplies	0.00
Other Expenses	0.00
Reconciliation Discrepancies	0.00
Rent & Lease	0.00
Travel	100.00
Utilities	0.00
Total Expenses	\$200.00
NET OPERATING INCOME	\$450.00
Other Income	
Total Other Income	\$0.00
Other Expenses	
Total Other Expenses	\$0.00
NET OTHER INCOME	\$0.00
NET INCOME	\$450.00

Balance Sheet

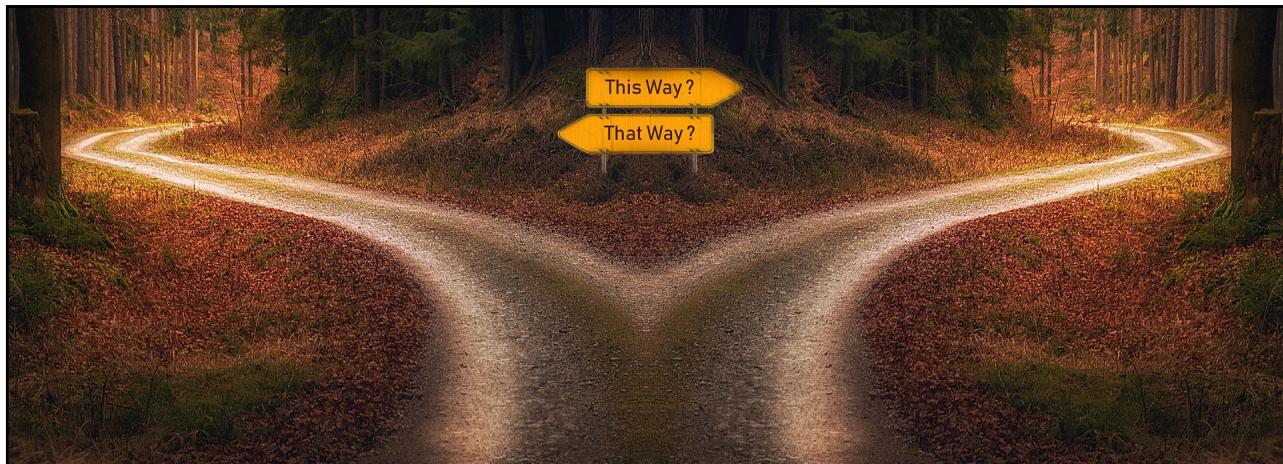
- Snapshot of your firm's financial position at a specific point in time
- Shows how much your firm owns (assets), how much it owes (liabilities), and how much is left for you as an owner (equity)
- Helps you assess your firm's financial strength, liquidity, and solvency

Balance Sheet	
As of March 15, 2022	
	TOTAL
ASSETS	
Current Assets	
Accounts Receivable (A/R)	500.00
Cash (Opening)	-117.60
Other Current Asset	0.00
Prepayments	0.00
Total/Opening	0.00
Total	372,096.21
Total Current Assets	\$374,096.61
Non-Current Assets	
Office Equipments	-482.40
Other Non-current Asset	0.00
Total Non-Current Assets	-\$482.40
Total ASSETS	\$373,614.21
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable (A/P)	-90.00
Cash (Opening) - Non-Trust Credit Liability	1,000.00
Payroll Liability	0.00
Taxes	0.00
Total - Trust Liability	372,096.21
Total Current Liabilities	\$373,096.21
Non-Current Liabilities	
Long Term Liabilities	0.00
Total Non-Current Liabilities	\$0.00
Total Liabilities	\$373,096.21
Equity	
Other Equities	0.00
Owner's Equity	0.00
Partner Distributions	0.00
Retained Earnings	0.00
Net Income	450.00
Total Equity	\$450.00
Total LIABILITIES AND EQUITY	\$373,614.21

Cash Flow Statement

- Cash inflows and outflows during a specific time period
- Shows how cash flow has changed over a specific time period
- Helps you assess your firm's liquidity and ability to pay bills

Statement of Cash Flow	
January 1, 2022 - March 16, 2022	
	TOTAL
OPERATING ACTIVITIES	
Net Income	450.00
Adjustments to reconcile Net Income to Net Cash provided by operations:	
Accounts Payable (A/P)	-50.00
Accounts Receivable (A/R)	-550.00
Cash (Operating) - Non-Trust Credit Liability	50.00
Other Current Asset	0.00
Payroll Liability	0.00
Prepayments	0.00
Taxes	0.00
Trust Operating	0.00
Trust	-1,500.00
Trust - Trust Liability	0.00
Total Adjustments to reconcile Net Income to Net Cash provided by operations:	-\$2,050.00
Net cash provided by operating activities	-\$1,600.00
INVESTING ACTIVITIES	
Office Equipments	482.40
Other Non-current Asset	0.00
Net cash provided by investing activities	\$482.40
FINANCING ACTIVITIES	
Long Term Liabilities	0.00
Other Equities	0.00
Owner's Equity	0.00
Partner Distributions	0.00
Retained Earnings	0.00
Net cash provided by financing activities	\$0.00
NET CASH INCREASED FOR PERIOD	-\$1,117.60
Cash at beginning of period	\$0.00
CASH AT THE END OF THE PERIOD	-\$1,117.60



Scaling

31 Scaling Up

- Increased demand for services
- Desire to expand practice area(s)
- Revenue growth
- Inability to meet current client needs
- Long-term planning

33 Scaling Down

- Decreased demand for services
- Desire to lessen practice areas
- Declining revenue
- Health issues
- Long-term planning



Scaling Up

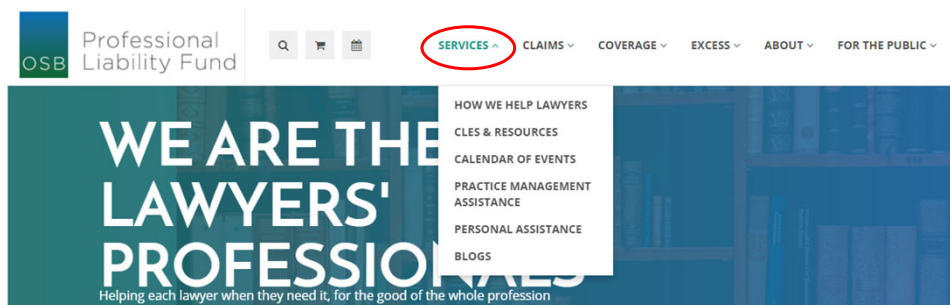
- Hire additional staff
- Determine expansion of services
- Reexamine office systems and procedures
- Adjust budget



Scaling Down

- Assess current workflow and practice areas
- Review staff and needs
- Adjust budget

PLF Resources



www.osbplf.org > Services

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

Contact Us

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and confidential

CHAPTER 14

SOLO SUCCESS: STAYING THE COURSE

Jinoo Hwang

Northwest Legal

Jessica M. Nomie

Jessica Nomie Law

Maria Zlateva

Attorney at Law

Monica H. Logan, Moderator

Professional Liability Fund

Practice Management Attorney



1

Planning & Set-up

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

A photograph of a spiral notebook, a grid notepad, and a watch on a desk. The spiral notebook is open and has a white cover. The grid notepad is also open and has a white cover. The watch has a black strap and a gold case. The background is a light-colored surface.

2

Planning & Set-up

- Hardware
- Software
- Other supplies



3



Costs & Fees

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

4



Client Development

- Finding potential clients
- Converting leads

5



Legal Support

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

6



7



8

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.

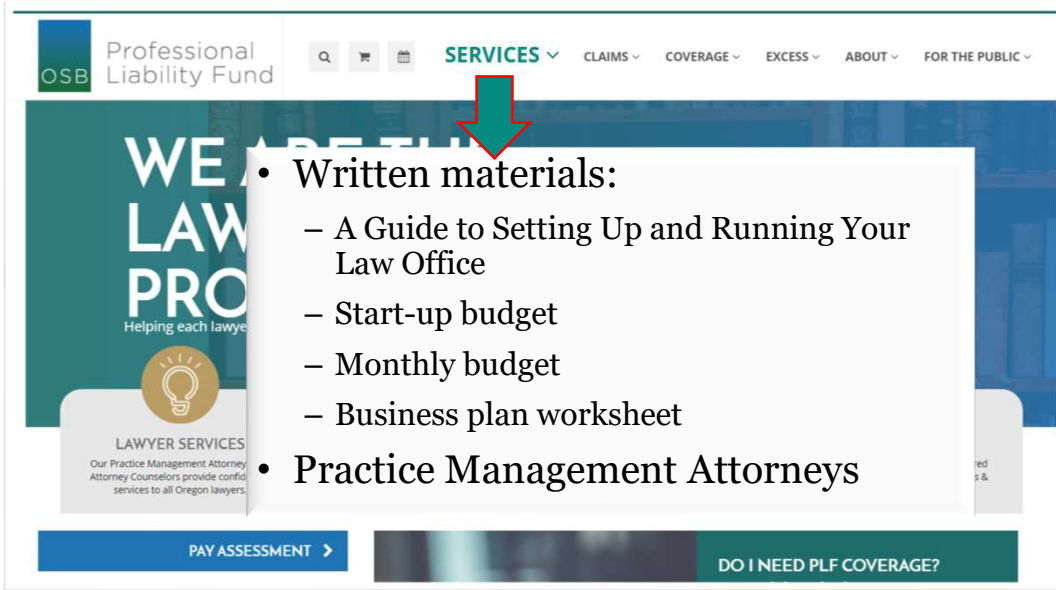
Vision Statement

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 OSB Professional Liability Fund 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 THE LAW PRO' and 'Helping each lawyer'. A white box highlights the following resources:

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

At the bottom of the page, there are two buttons: 'PAY ASSESSMENT >' and 'DO I NEED PLF COVERAGE?'.

11



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THANK YOU

12

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

Ayla Ercin

Executive Director, Campaign for Equal Justice

Jill R. Mallery

Statewide Pro Bono Manager, Legal Aid Services of Oregon

William C. Penn

*OSB Oregon Law Foundation Executive Director and
Assistant Director Legal Services Programs*

Chapter 17

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

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Access to Justice in Oregon

Learning the Ropes

November 8, 2023

Presented by

Ayla Ercin

Executive Director, Campaign for Equal Justice

Jill Mallery

Statewide Pro Bono Manager, Legal Aid Services of Oregon

William Penn

Executive Director, Oregon Law Foundation



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 allowed Charity and Dina to provide their son Maxwell with the medical help he needed.

Maxwell is an eight-year-old with autism who had outgrown the largest commercially available car seat that fully buckled him in. The car seat's chest piece and headrest sat too low, and



Maxwell was able to unbuckle himself. Maxwell's mother Charity didn't think it was safe to drive him in the car anymore, but that meant he would be confined to

home, against his therapy plan to get out into the community and interact outside his immediate family.

Charity couldn't afford the specialty car seat that would allow her to transport him safely, and their OHP insurance for low-income Oregonians denied their request to cover the seat. Charity wanted to try to appeal, but didn't have much hope that she would win.

Luckily, Maxwell's pediatrician knew about legal aid, and found them help for their upcoming hearing. Charity couldn't believe she was going to have a lawyer by her side. "Having a lawyer come to these appeals isn't a normal thing because they are for people on OHP— people who can't afford lawyers. Having a lawyer made them think about my request more than they normally would." Their legal aid lawyer only had a few weeks to prepare, but jumped right in and assembled a team of experts to testify about the necessity of the car seat and its safety.



Charity won her appeal and OHP agreed to cover a car seat for Maxwell. This case not only helped Charity and her son, but changed the OHP rule so they will now cover car seats for other families as well!

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.

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 almost 23,000 low income clients directly in 2022.

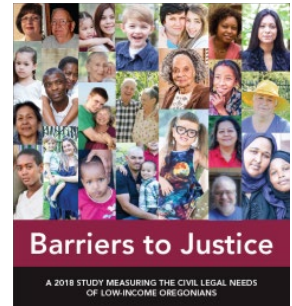
- Legal aid served nearly 80,000 Oregonians through impact litigation in 2022.
- Legal aid served hundreds of thousands of Oregonians through administrative advocacy in 2022, including almost 500,000 low-income children who benefited from legal aid’s advocacy for improved childhood healthcare services.
- Oregon’s three legal aid programs had a total of 136 attorneys in 2022. This is a 22% increase from 2020 when there were only 111 attorneys. Legal aid lawyers still make up less than 1% of the Oregon State Bar.
- According to the most recent available data (the 2021 American Community Survey from the Census Bureau) – 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 4,882 low-income individuals who might need a lawyer.
 - The American Bar Association defines “minimally adequate access to justice” as having 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 136!
 - 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 426,000 unique visitors in 2022.
- About 72% 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:



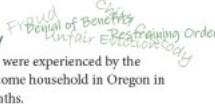
General Study Findings:

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.



The Need for Legal Aid Outpaces Resources
84% of people with a legal problem did not receive legal help of any kind.



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.

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.

**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

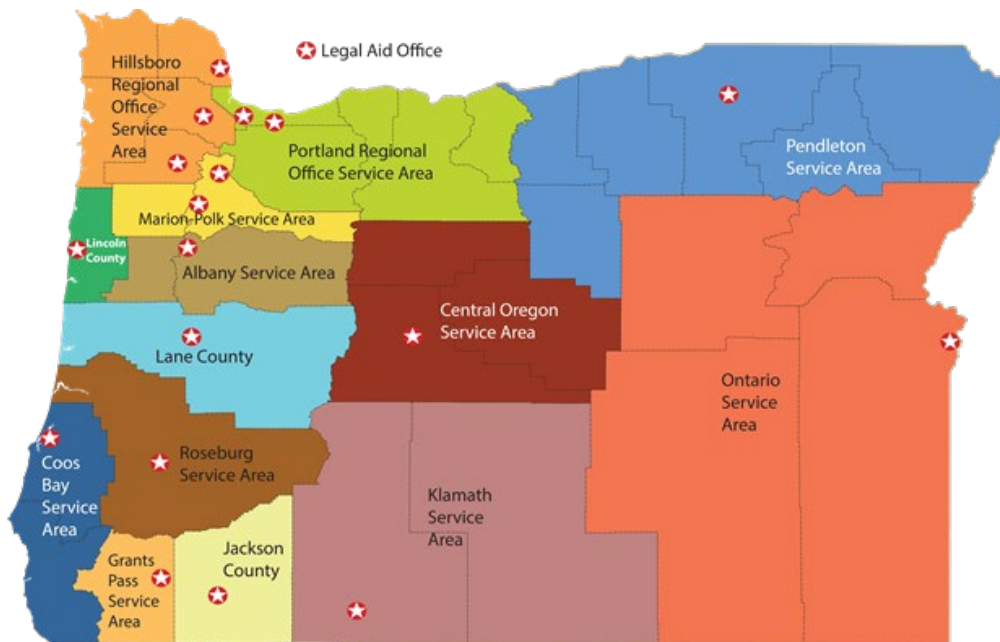
Legal aid is a state, federal, and private partnership. Legal aid receives funding from the State of Oregon, the federal government (Legal Services Corporation), private foundations, Interest on Lawyer Trust Accounts (Oregon Law Foundation), and private donations (Campaign for Equal Justice). The single 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/Ins/>. 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). Together, 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 four 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.

2023 Federal Poverty Measures

Number in Family	125% of Federal Poverty Level
1	\$18,225 per year \$1,519 per month
2	\$24,650 per year \$2,054 per month
3	\$31,075 per year \$2,590 per month
4	\$37,500 per year \$3,125 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/>

- As of 2022, there were only two counties (Harney and Wheeler) 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.

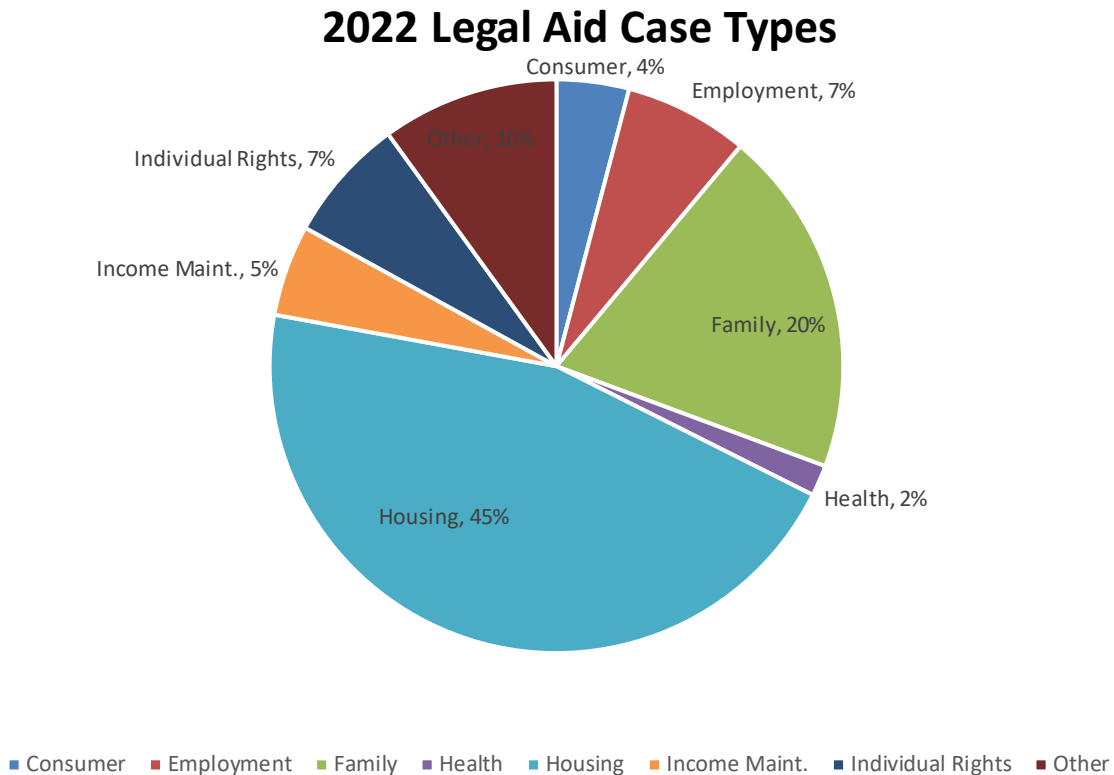
Efforts to Meet Critical Civil Legal Needs

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.

2022 Case Types

Legal aid assists low income people with a full spectrum of high priority civil legal problems. See the client story 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 2022:



- 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 2022. 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.probonooregon.org.

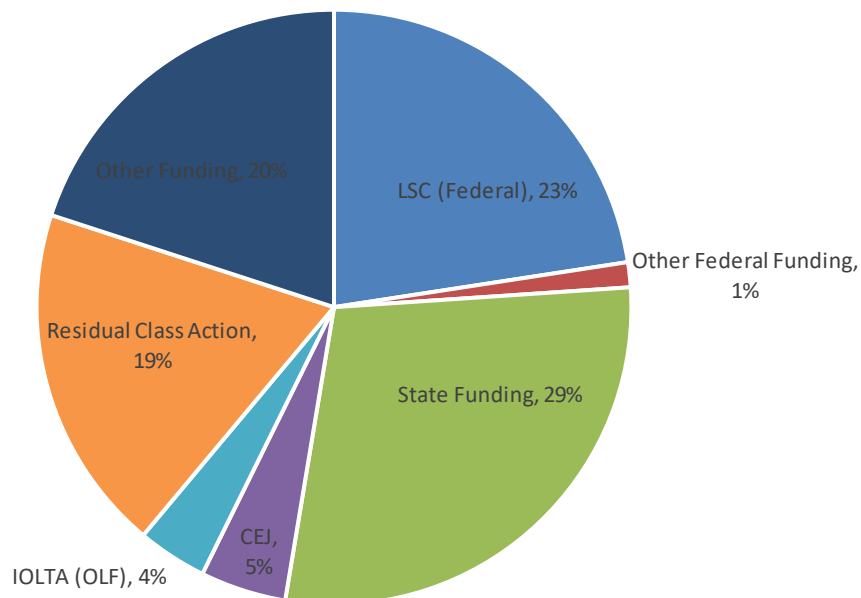
Statewide Strategic Planning

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 below reflects the breakdown of funding from 2022.

2022 Legal Aid Funding Sources



■ LSC (Federal) ■ Other Federal Funding ■ State Funding ■ CEJ ■ IOLTA (OLF) ■ Residual Class Action ■ Other Funding

What follows here is a more detailed description of the major sources of funding. Total available revenue for Oregon’s legal aid programs in 2022 was about \$24 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 is now distributed as pass-through funding from the Oregon Judicial Department budget, via the general fund. Funding for the 2023-2025 biennium is \$13,957,733 – an increase of \$1,173,683 over the previous biennium, but \$3,044,317 less than amount requested to maintain current service levels given increased salary costs and inflation.

- **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 \$560 million for LSC for FY 2023, an increase of \$71 million from 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 \$33.5 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 2022, the CEJ raised just under \$1.5 million dollars. The CEJ also manages an endowment fund, which has almost two million dollars in assets, 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.

- **Residual Class Action Funding.** When a member of the class in a class action litigation cannot be found to receive their portion of the settlement award, the amount that is unclaimed is given to a nonprofit for the public good, or an 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 residual class action 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 residual class action 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. In 2022, 19% of legal aid funding came from residual class action funding.

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 \$24 million dollars. So, this award is roughly the equivalent of 3.3 years of funding.

Outside of this uniquely large settlement, annual residual class action 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 March 2023, 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 27, 2023 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, 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.

Submitted By:

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

Kristie 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, 2005–2022). This resolution is similar to the resolution passed in 2022.

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 2022, about 20% of legal aid's cases were family law cases, usually helping victims of domestic violence. Another 45% 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 almost 23,000 clients, a 50% increase over the prior year. An additional 500,000 Oregonians benefited from legal aid's administrative advocacy. Legal aid's website, www.oregonlawhelp.com received over 426,000 unique visitors last year alone. Additionally, Oregonians who were victims of wildfires received vital self-help information and referrals through legal aid's disaster service website, <https://oregondisasterlegalservices.org>.



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.
- **Learn** how legal aid services are delivered in your community so that you can make appropriate referrals for low-income clients.
- **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.
- **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.
- **Connect.** Ask your bar group to make a financial contribution to the CEJ.
- **Endow.** Take simple steps to endow your annual gift to the Campaign's endowment fund.
- **Shop.** Add community rewards to your Fred Meyer card and link to the Campaign for Equal Justice (www.fredmeyer.com). It costs you nothing, but supports legal aid.
- **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.
- **Move** your IOLTA accounts to a Leadership Bank or Credit Union — a financial institution that offers higher IOLTA rates. If all lawyers took this step, funding for legal aid could increase by as much as \$1.7 million. Find Leadership Banks at the OLF website: www.oregonlawfoundation.org.
- **Justice Circle.** Join the Justice Circle by making a recurring monthly donation. It builds stronger and more reliable funding support.

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

www.cej-oregon.org
503.295.8442



Call to Action

Has your bar or legal professional group signed on yet?
503-295-8442



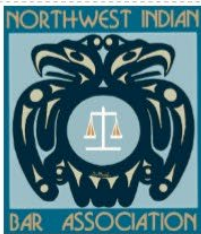
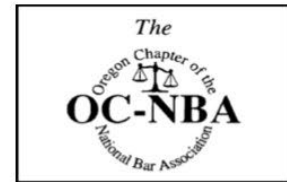
Federal Bar Association
Oregon Chapter



OAPABA
OREGON ASIAN PACIFIC
AMERICAN BAR ASSOCIATION



OADC Oregon Association of Defense Counsel





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. In-person legal clinics and direct referral opportunities.

Domestic Violence Project

According to national studies, 1 in 3 women and 1 in 4 men will experience intimate partner violence in their lifetime and over 50% of transgender people will experience sexual violence. This project provides critical legal assistance. Attorneys represent survivors of abuse and stalking 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. Most volunteers are not family law lawyers and are not expected to assist clients with family law issues.

Expungement Clinic

As of 2021, up to a third of people in Oregon had a criminal record. Since expiration of renter protections in October 2022, the rate of eviction filings has surpassed pre-pandemic levels, as many as 2,076 eviction filings per month. Expungement of criminal and eviction records helps reduce barriers to safe housing, employment, and education. Through this clinic, attorneys assess whether clients are eligible for an expungement and complete all necessary court paperwork for those who qualify. We offer both in-person and virtual opportunities.

Family Law Forms Project

In Oregon, 67 to 86 percent of family law case involve at least one person representing themselves; the majority of whom cannot afford a lawyer. Both experienced and inexperienced attorneys can help. 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. Client meetings can occur at LASO or volunteer attorney office.

Housing Notice Clinic

Oregon is in the midst of an affordable housing crisis. In eviction cases, landlords are often 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 low-income tenants. Attorneys review notices of termination, advise tenants on the validity of the notice, draft demand letters and negotiate settlements. Statewide 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. In-person and remote opportunities available.

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. 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. 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.

OHLA Project

The Oregon Homeowner Legal Assistance (OHLA) project provides legal services to low- and moderate-income Oregonians who are at risk of foreclosure. Some eligible homeowners who meet specific income guidelines are referred to volunteer pro bono attorneys for a free initial consultation and possibly representation on a reduced-fee basis at an amount acceptable to both attorney and client. If you are interested in finding out more about the OHLA pro bono project or are interested in volunteering, please contact Faye Weisler at faye@elemental.law.

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.





Justice Sustains

The Lawyers' Campaign for Equal Justice

Legal Aid Services of Oregon

Oregon State Bar

Oregon Law Foundation

Access to Justice in Oregon

Learning the Ropes
November 8, 2023

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



Justice Sustains

Legal Aid in Oregon

More than
65%
of legal aid's cases
involved safety
and/or shelter



Almost
23,000
clients directly
served in 2022



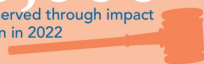
36
counties served
(that's all of them!)



426,000
website visitors found free and
up-to-date legal guidance at
oregonlawhelp.org in 2022



Nearly
80,000
clients served through impact
litigation in 2022



18
communities
with legal aid offices



Almost
500,000
low-income children benefited from legal aid's advocacy
for improved childhood healthcare services in 2022





Barriers to Justice

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



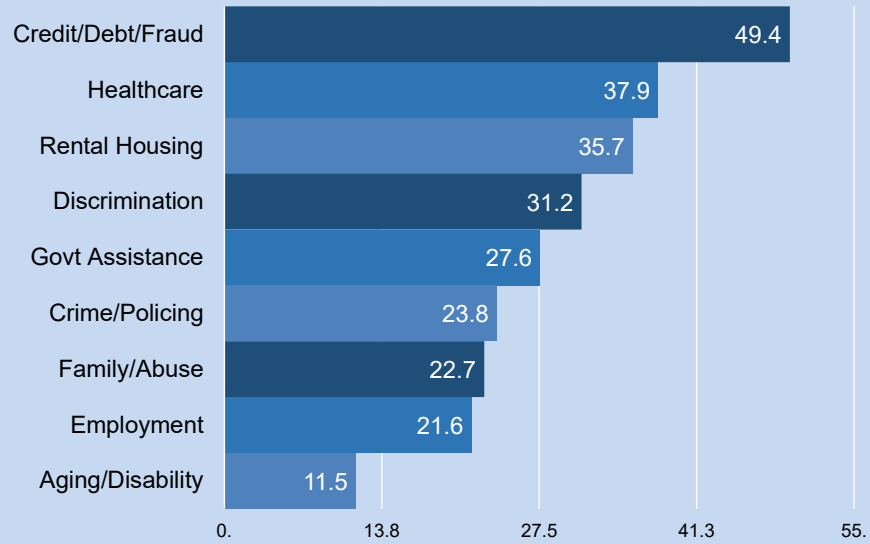
The Study Findings Are Stark

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

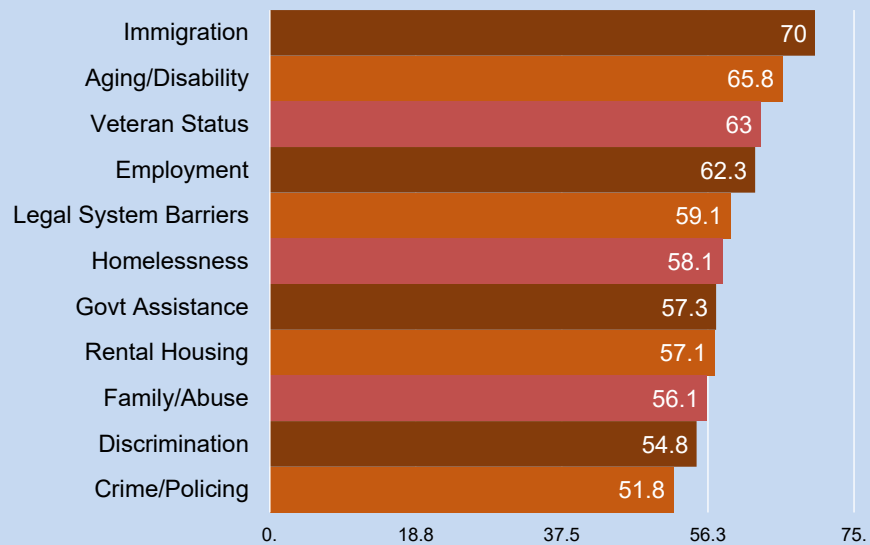
Legal Problems Multiply
5.4 legal problems were experienced by the typical low-income household in Oregon in the last 12 months. *Fraud of benefits, Unfair Eviction, Restraint Order, Child custody*

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

Changes since 2018

Impact of the COVID-19 Pandemic

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

The types of civil legal problems most likely to be attributed to the COVID-19 pandemic are those involving income maintenance, education, and housing.



The Justice Gap:
The Unmet Civil Legal Needs of Low-income Americans

APRIL 2022

LSC America's Partner
for Equal Justice
LEGAL SERVICES CORPORATION

By 2022, **92%** of the civil legal problems reported by low-income Americans received inadequate or no legal help.



The Justice Gap:

The Unmet Civil Legal Needs of Low-income Americans

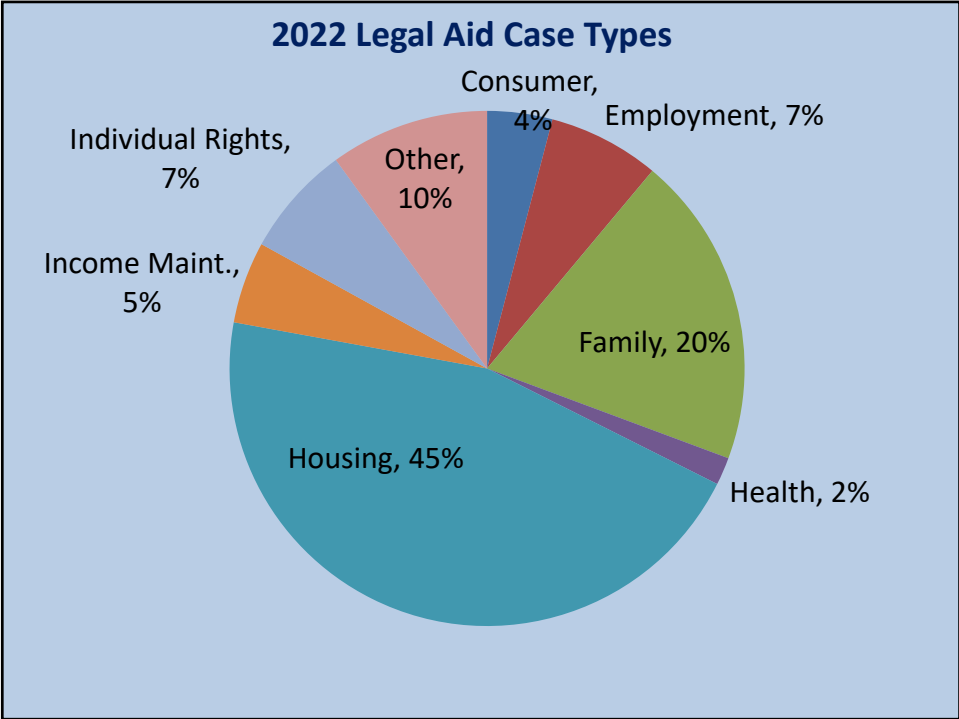
APRIL 2022

LSC America's Partner
 for Equal Justice
LEGAL SERVICES CORPORATION

Concerns about the cost of legal help stand out as an important barrier to seeking and receiving legal help.

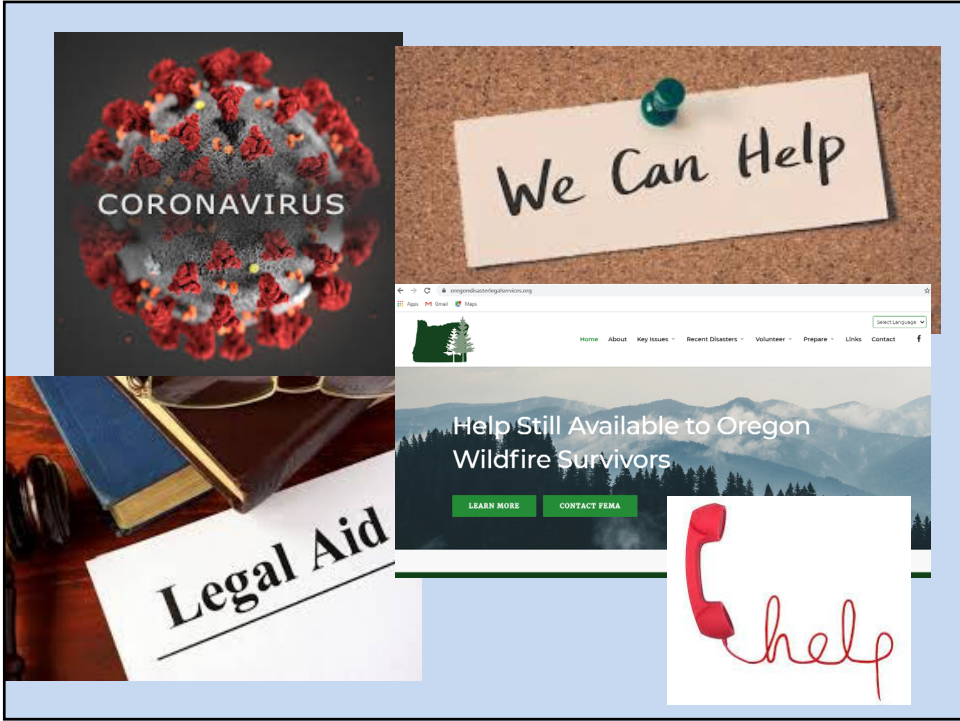
Nearly one-half (46%) of those who did not seek legal help for one or more problems cite concerns about cost as a reason why.





2023 Income Eligibility

Number in Family	125% of Federal Poverty Level
1	\$18,225 per year \$1,519 per month
2	\$24,650 per year \$2,054 per month
3	\$31,075 per year \$2,590 per month
4	\$37,500 per year \$3,125 per month



Legal Aid Pro Bono Programs

Bankruptcy Clinic
Domestic Violence
Project

Expungement Clinics

Family Law Forms

Housing Notice Clinic

Senior Law Project

UI Benefits Panel

Statewide Tax Clinic

NAPOLS Project

Night Clinic

Domestic Violence Project



Domestic Violence Project

Pro bono attorneys represent survivors of abuse in contested restraining order hearings.

Cases have short timelines, limited issues, & a court appearance.

Excellent pro bono opportunity for attorneys seeking courtroom experience.

Volunteers are not expected to assist clients with ongoing family law cases.

Attorneys sign up to be available to take a case on call or on a specific day.

Online CLE's, mentorship and extensive materials available.

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.

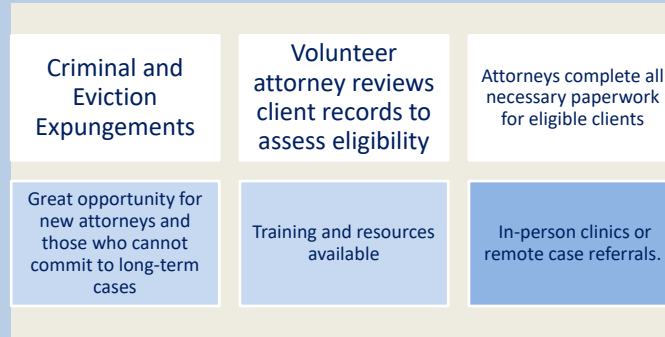
Excellent opportunity for new attorneys.

Virtual volunteer opportunity.

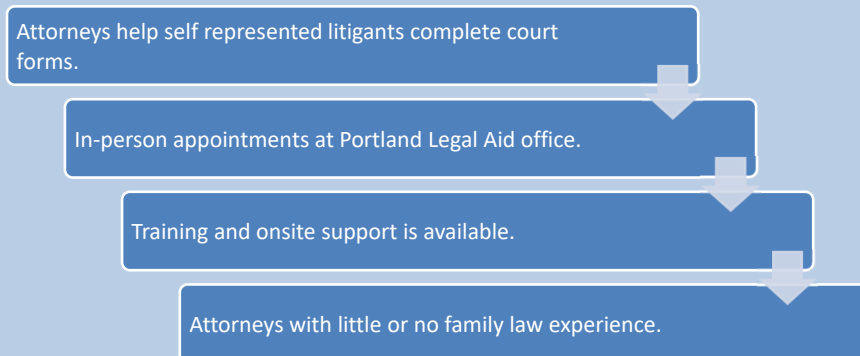
Expungement
Clinics



Expungement Clinics



Family Law Forms



Benefits of Volunteering with Legal Aid



Mentorship and Support



Certified Pro Bono Program-PLF Coverage



Access to Trainings and Resources



1 hour of MCLE credit for every 2 hours of pro bono – up to 6 per reporting period.

Pro Bono Work in Professional Development

CLIENT INTERACTION-
IMMEDIATE
MEANINGFUL CLIENT
CONTACT

LEAD COUNSEL
EXPERIENCE

BROADER
SUBSTANTIVE
EXPERIENCE



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.

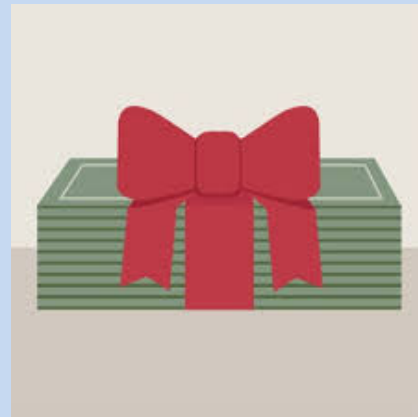


Save time on CLEs with pro bono:

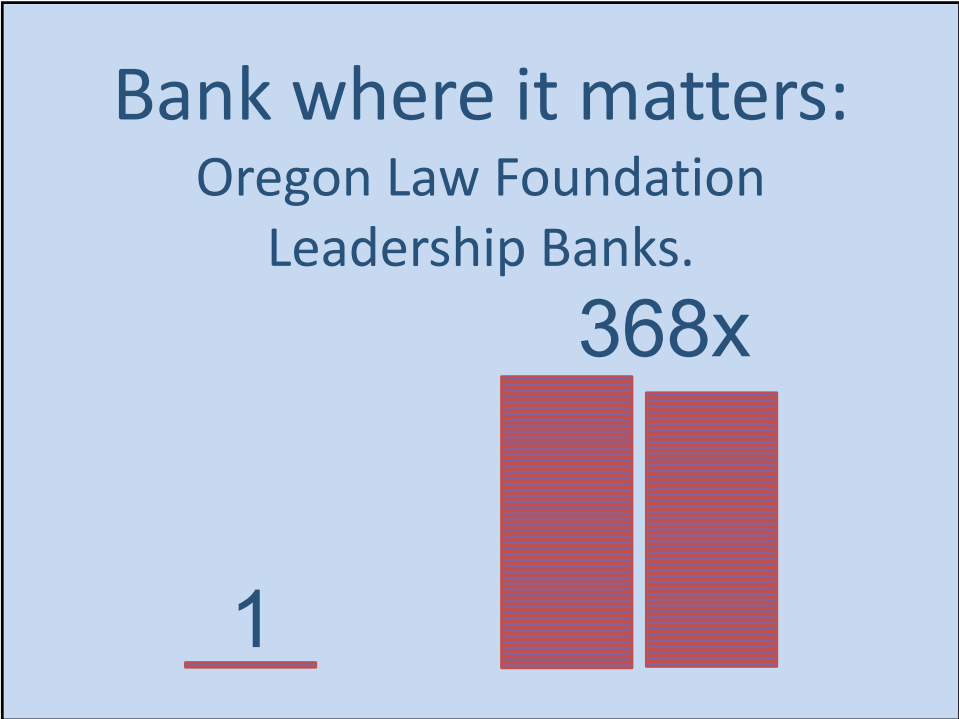
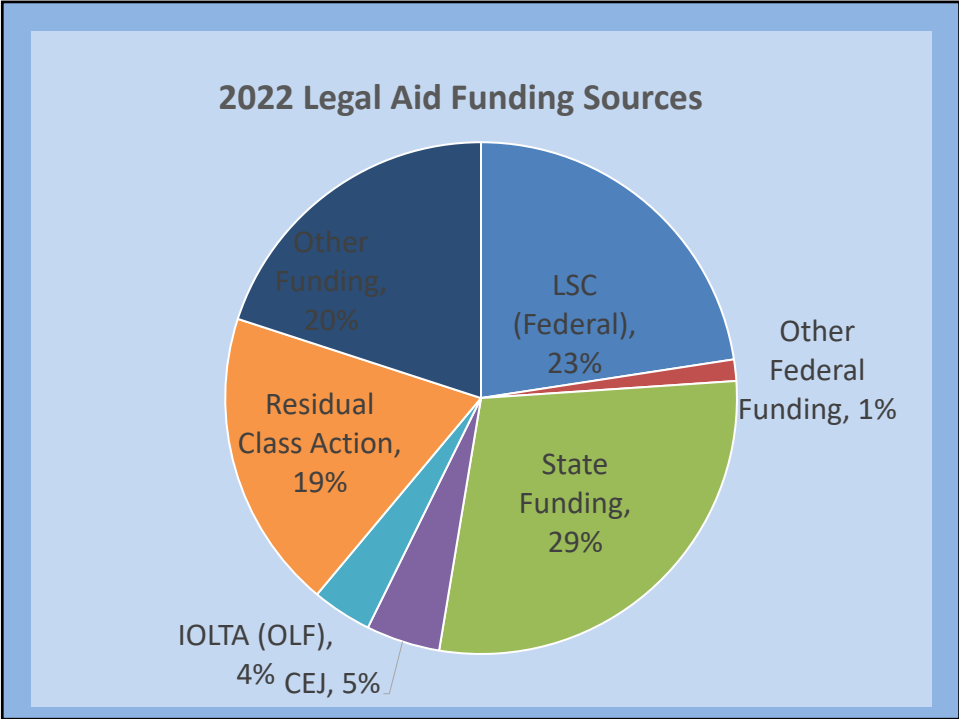
1 MCLE credit for
2 hours pro bono.



No time?
Give instead.



*Also give if
you have time.*



Leadership Banks & Credit Unions

Visionaries: 3.68%+ interest

Bank of America	OnPoint Credit Union
Bank of Eastern Oregon	OR Community Credit Union
Beneficial State Bank	Pacific West Bank
Community Bank	Pioneer Trust Bank
Heritage Bank	Umpqua Bank
Lewis & Clark Bank	Washington Trust Bank
Northwest Bank	Wells Fargo Bank

Leadership Banks & Credit Unions

Advocates: 3.15% to 3.67% interest

Chase Bank	KeyBank
Esquire Bank	Oregon Pacific Bank
First Republic Bank	Summit Bank
1 st Security Bank of WA	Willamette Valley Bank

Oregon State Bar Referral & Information Services (RIS)

Learning the Ropes
2023

RIS Programs

- ▶ Lawyer Referral Service
- ▶ Modest Means Program
- ▶ Modest Means Program: Eviction Defense Subsidy
- ▶ Military Assistance Panel
- ▶ Problem Solvers
- ▶ Lawyer to Lawyer/Take Me To Lunch
- ▶ 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

Modest Means Program: Eviction Defense Subsidy

- ▶ Qualifying eviction defense cases include a \$100 per hour subsidy on the sliding scale fee mentioned before for all Modest Means cases
- ▶ Lawyers earn hourly rates of \$160, \$180 or \$200 per hour, for up to seven hours of work.
- ▶ To support this effort, the bar is offering a free CLE on eviction defense that you can access through the OSB website
- ▶ To encourage lawyers to take FED cases OSB will continue to provide the subsidy for eligible matters until the expiration of grant funds

Pro Bono Programs

- ▶ Military Assistance Panel
 - ▶ 2 hours of pro bono work for active duty military and families
 - ▶ family law is most common type of legal service requested. Volunteers trained in Servicemembers' Civil Relief Act. Other common issues are consumer and debtor/creditor law, real property (including foreclosure and landlord/tenant) law, and estate planning.

Pro Bono Programs, continued

- ▶ Problem Solvers
 - ▶ Free 30-minute consultations for children aged 13-17
 - ▶ Consultations usually concern family law issues, emancipation and other areas of law pertinent to teens and young adults.

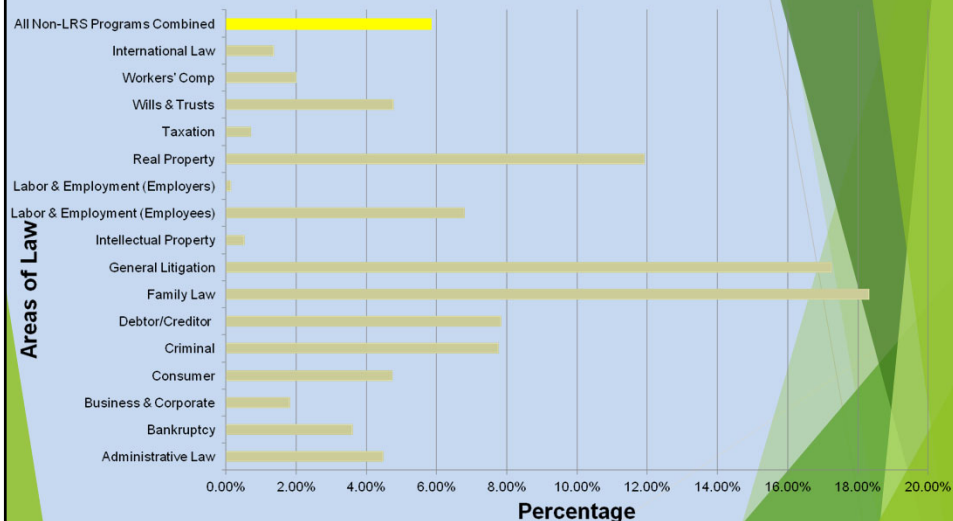
Lawyer to Lawyer/Take Me To Lunch

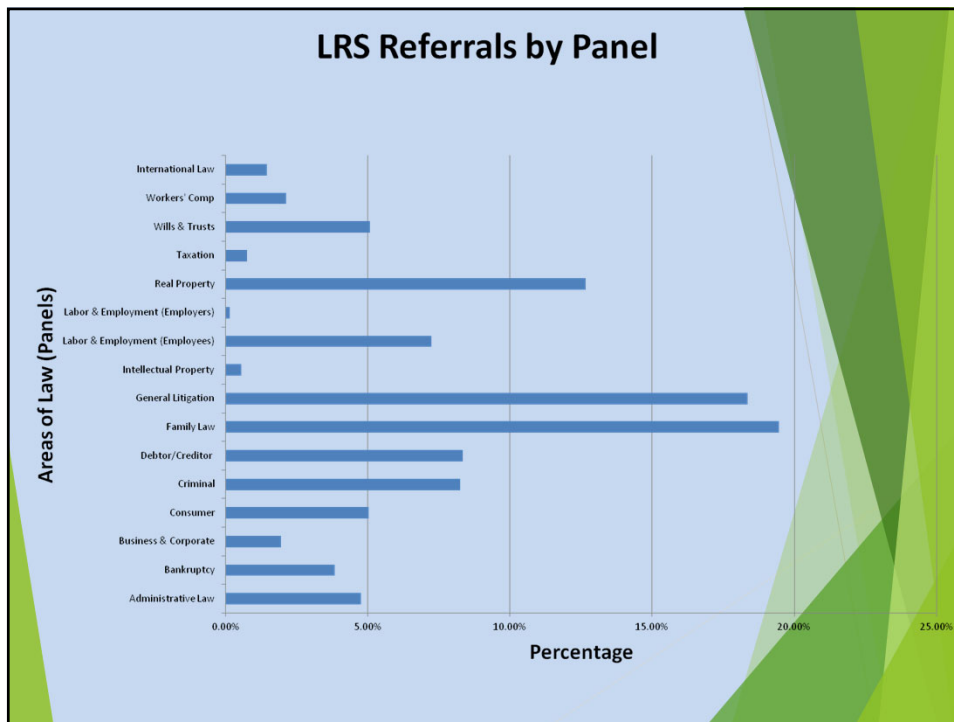
- ▶ Connects lawyers with experienced lawyers willing to offer informal advice at no charge
- ▶ Free resource for attorneys
- ▶ Statewide, with over 200 different areas of law
- ▶ Includes a Legal Ethics panel
- ▶ Phone call or even lunch!
- ▶ (503)431-6408

Free Legal Answers

- ▶ Administered by OSB and ABA
- ▶ Virtual legal clinic
- ▶ Volunteer attorneys answer specific civil law questions and respond via email
- ▶ Frequent questions address family law, eviction, and consumer law
- ▶ Allows some follow up questions based on the attorney response
- ▶ Will eventually expand into other areas of law
- ▶ oregon.freelegalanswers.org

Non-LRS & LRS Referral Comparison





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
- ▶ Revamped OregonLawHelp.org expected to launch this year

Contact Information

- ▶ Contact Eric McClendon, the Director of the Referral & Information Services program with questions:
emcclendon@osbar.org
- ▶ Or call (503)431-6408

**Educate
Speak Up
Fund Legal Aid**





CALL TO ACTION

Give to the Campaign for Equal Justice. The best way to increase access to justice is to help legal aid afford more staff attorney positions. We suggest giving at least the value of 3 billable hours of your legal services a year. www.cej-oregon.org/give

Volunteer through one of legal aid's many volunteer lawyer projects and clinics, or join a committee to help the Campaign for Equal Justice raise money for legal aid.

Educate. Host a Campaign for Equal Justice CLE for one hour of Access to Justice credit.

Connect. Ask your law firm and bar group to make a financial contribution to CEJ, create a fundraiser on social media, and host a fundraising event.

Endow. Take simple steps to endow your annual gift to the Campaign.

Move your IOLTA account to a Leadership Bank or Credit Union — a financial institution that offers higher interest rates. Find Leadership Banks at: www.oregonlawfoundation.org



For more information, contact CEJ staff:
www.cej-oregon.org/a-call-to-action
503.295.8442

Organizations that have signed on in support of the Call to Action include:

- Association of Legal Administrators, Oregon Chapter
- Federal Bar Association, Oregon Chapter
- Multnomah Bar Association
- Northwest Indian Bar Association
- OGALLA, the LGBT Bar Association of Oregon
- Oregon Asian Pacific American Bar Association
- Oregon Association of Defense Counsel
- Oregon Attorneys with Disabilities Association
- The Oregon Chapter of the National Bar Association
- Oregon Criminal Defense Lawyers Association
- Oregon Filipino American Lawyers Association
- Oregon Hispanic Bar Association
- Oregon Law Foundation
- Oregon Minority Lawyers Association
- Oregon Muslim Bar Association
- Oregon Paralegal Association
- Oregon State Bar
- Oregon Trans Law Caucus
- Oregon Trial Lawyers Association
- Oregon Women Lawyers

Thank You!

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Chapter 18

LAWYER WELLBEING

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We are lawyers and counselors.

About the OAAP

We help lawyers, judges, and law students develop the skills they need to meet the demands of their professional and personal lives in a healthy way. Our services are confidential and free. Call or email us—we offer hope and help.

- 🌱 *Well-being & stress*
- 🌱 *Anxiety & depression*
- 🌱 *Problem substance use*
- 🌱 *Compulsive behaviors*
- 🌱 *Career & lifestyle*
- 🌱 *Relationships*
- 🌱 *Challenging times*
- 🌱 *Burnout & vicarious trauma*
- 🌱 *Planning for retirement*
- 🌱 *Law school challenges*

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Confidential Assistance

All communications with the OAAP are completely confidential and will not affect your standing with the Professional Liability Fund (PLF) or the Oregon State Bar. The OAAP is a confidential service of the PLF for all members of the Oregon legal community. Call us at **503.226.1057** or visit us at **oaap.org**.



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Thrive in law, thrive in life.



March 2018

Issue No. 107

IN SIGHT for Oregon Lawyers and Judges

IMPROVING THE QUALITY OF YOUR PERSONAL AND PROFESSIONAL LIFE

NATIONAL TASK FORCE REPORT ON LAWYER WELL-BEING

In 2017, the National Task Force on Lawyer Well-Being (Task Force), consisting of the American Bar Association (ABA) Commission on Lawyer Assistance Programs and a broad coalition of other organizations, published the most comprehensive report (Report) to date on the well-being of American lawyers. The Report, *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*, relied on numerous empirical studies, two of the most notable being the recent ABA-Hazelden Betty Ford Foundation survey of nearly 13,000 currently practicing U.S. lawyers and the 2016 Survey of Law Student Well-Being, surveying over 3,300 law students from 15 law schools throughout the country. These studies revealed that many lawyers and law students struggle with anxiety, depression, and/or substance use issues.

Well-Being in the Legal Profession

The findings of these studies and the national media attention their publication generated, sparked the creation of the Task Force and its Report. The central question for the Task Force was how the profession can best address these health concerns in a collaborative, comprehensive, and sustainable way to meet the needs of all concerned.

The Report made clear that, although a disturbing portion of our legal profession has substance use and behavioral health challenges, the majority of lawyers and law students do not. It noted, however, “. . . that does not mean that they’re thriving. Many lawyers experience a ‘profound ambivalence’ about their work, and different sectors of the profession vary in their

levels of satisfaction and well-being.” Well-being is thus more than “the absence of illness; it includes a positive state of wellness.” To be a good lawyer, the Report noted, one has to be a healthy lawyer, and the research suggests that “the current state of lawyers’ health cannot support a profession dedicated to client service and dependent on the public trust.” The Task Force thus undertook to address not only mental health and problematic substance use concerns, but also the overarching issue of lawyer well-being within the profession. How can lawyers experience well-being and actually thrive in their personal and professional lives?

The Task Force defined lawyer well-being as a continuous process whereby one seeks to thrive in six primary areas of one’s life:

Emotional health – identifying and managing emotions in personal and professional environments;

Occupational pursuits – cultivating personal satisfaction, growth, enrichment, and financial stability;

Creative or intellectual endeavors – engaging in continuous learning and the pursuit of creative or intellectually challenging activities;

Spirituality – experiencing a sense of meaningfulness and purpose in all aspects of life;

Social connections – developing a sense of belonging and support with others important in one’s life; and

OREGON ATTORNEY ASSISTANCE PROGRAM

503-226-1057

1-800-321-OAAP

www.ooap.org

Helping
lawyers and judges
since 1982

- Alcohol & Chemical Dependency
- Career Change & Transition
- Gambling Addiction
- Mental Health
- Procrastination & Time Management

A free, nonprofit,
confidential program
for you.

Physical health – striving for regular physical activity, proper diet, nutrition, sufficient sleep, and recovery from the use of unhealthy substances.

Stakeholders

The Task Force’s Report makes over 40 recommendations, some general to all stakeholders within the legal community and some very specific to each individual stakeholder group. The Report is nothing less than a call to action. It seeks to encourage through collective action significant change in the culture of the legal profession. The stakeholder groups addressed include judges, regulators, legal employers, law schools, bar associations, professional liability carriers, and lawyer assistance programs.

Task Force Recommendations

To their credit, many of the stakeholders in Oregon are committed to lawyer well-being and have already begun implementing some of the Task Force’s recommendations. However, there is always room for additional improvement when it comes to one of the most important issues for this and future generations of our legal community.

Some of the general recommendations to all stakeholder groups include:

- Take action to minimize the stigma that is often attached to mental health and substance use disorders; encourage those with such conditions to seek help.
- Foster collegiality and respectful engagement throughout the profession; reduce chronic incivility that can foment a toxic culture that is counter to well-being.
- Promote diversity and inclusivity initiatives that encourage both individual and institutional well-being.
- Create meaningful mentoring and sponsorship programs, which research shows can aid well-being and career progress, particularly for women and diverse professionals.
- Guide and support the transition of older lawyers to, among other things, capitalize on the wealth of experience they can offer and, at the same time, reduce risks sometimes faced by senior lawyers challenged by the demands of technically evolving professional environments.

- De-emphasize alcohol at social events, and provide a variety of alternative non-alcoholic beverages at such events.

- Utilize monitoring to support recovery from substance use disorders in environments where it can be supportive.

Some of the recommendations to specific stakeholder groups include:

- Conduct judicial well-being surveys.
- Provide well-being programming for judges and staff.
- Encourage judicial participation in the activities of lawyer assistance programs, such as volunteering as speakers, particularly when the judge is in recovery him/herself.
- Educate and inform the judiciary regarding signs and symptoms associated with substance use and behavior health conditions so they are better able to identify when a lawyer may be in need of assistance.
- Adopt regulatory objectives that prioritize lawyer well-being, such as expanding continuing education requirements to include well-being topics; require law schools to create well-being education as a criterion for ABA accreditation; more closely focus on conduct and behavior rather than diagnosis and treatment as character and fitness bar admission criteria so as to avoid stigmatizing mental and behavioral health conditions and treatment; educate and accurately inform law students about bar admission criteria to reduce their fear that getting needed professional treatment will hinder their chances of bar admission.
- Adopt diversion programs and other alternatives to discipline for minor lawyer misconduct to encourage treatment for underlying substance use and mental health disorders.
- Add well-being-related questions to the multi-state professional responsibility exam.
- In legal work environments, form active lawyer well-being committees; monitor for signs of work addiction and poor self-care in legal work; and actively combat social isolation and encourage interconnectivity.
- In law schools, create best practices for assisting law students experiencing psychological distress; provide training to law school faculty regarding student mental

What the Research Tells Us

For years, many have voiced varying degrees of concern about the physical and behavioral health of the legal profession. The findings of the two research studies referred to above clearly signaled “an elevated risk in the legal community for mental health and substance use disorders tightly intertwined with an alcohol-based social culture.” Below are some highlights of that research:

Among law students surveyed:

- 17% experienced some level of depression;
- 14% experienced severe anxiety;
- 23% had mild or moderate anxiety;
- 6% reported serious suicidal thoughts in the past year;
- 43% reported binge drinking at least once in the prior two weeks;
- Nearly one-quarter reported binge drinking two or more times in the prior two weeks;
- 25% qualified as being at risk for alcoholism for which further screening was recommended; and
- 50% reported that chances of bar admission are better if a mental health or substance use problem is hidden.

Among lawyers surveyed:

- Between 21% and 36% qualified as problem drinkers (i.e., hazardous use, possible dependence);
- 28% struggled with depression;
- 19% struggled with anxiety; and
- 23% struggled with unhealthy stress.

Lawyers with less than 10 years of practice and those working in private law firms experienced the highest rates of problem drinking and depression and elevated levels of other difficulties, including social isolation, work addiction, suicide, sleep deprivation, job dissatisfaction, and work-life conflicts.

health and substance use disorders; and develop mental health and substance use disorder resources, including taking active steps to encourage help-seeking practices by students.

- Empower law students to help fellow students in need; facilitate a confidential recovery network for students; provide educational opportunities on well-being-related topics in law schools; and discourage alcohol-centered law-school-related events.

- Encourage local and state bar associations to sponsor quality CLE programming on well-being topics, and utilize the resources of state lawyer assistance programs when appropriate.

- Emphasize well-being in loss prevention programs, including being aware of the role of lawyer impairment in claims activity.

- Among lawyer assistance programs, encourage emphasis on confidentiality; high-quality well-being programming; and appropriate and stable funding for outreach, screening, counseling, professional staffing, and preventative education.

The Task Force Report “makes a compelling case that the legal profession is at a crossroads” and the time for action is now. It is premised on the belief that, through collective action by all of us, we have the capacity to create a better future for our nation’s lawyers. Improving lawyer well-being is a win-win for everyone: it is good for clients, good for business, good for the profession – and it is the right thing to do!

DOUGLAS S. QUERIN, JD, LPC, CADC I
OAAP ATTORNEY COUNSELOR

References appear on page 4

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Depression, Anxiety, Acute Stress, Trauma, and Problematic Substance Use

Common Signs, Symptoms & Coping Strategies

Depression

- Prolonged & debilitating feelings of sadness, hopelessness, worthlessness, and despair;
- Feelings of hopelessness, and pessimism;
- Loss of interest in activities once enjoyable;
- Difficulty focusing, concentrating, tracking, decision-making;
- Changes in:
 - Energy levels (agitation or lethargy);
 - Sleep Habits (insomnia or sleeping too much);
 - Eating (eating too much or too little; losing or gaining weight);
- Paralyzed from taking action in one's own self-interest; procrastination;
- Can include recurrent thoughts of death or suicide.

Symptoms are often severe enough to cause noticeable problems in relationships with others or in day-to-day activities, such as work, school or social activities.

Clinical depression can affect people of any age, including children. However, clinical depression symptoms, even if severe, usually improve with psychological counseling, antidepressant medications, or a combination of the two.

Anxiety

- Fight, flight, or freeze response often feels "locked" in the on-position;
- Prolonged debilitating anxiety or worry;
- Procrastination;



- Irritability;
- Prolonged disruption of sleep (inability to fall asleep/ stay asleep);
- Avoidance of situations;
- Distress in social situations;
- Obsessive or compulsive behavior;
- Difficulty focusing, concentrating, tracking;
- Difficulty self-regulating emotions (crying, irritability, anger, restlessness);
- Paralyzed from taking action in one's own self-interest;
- Panic attacks: The sudden onset of intense apprehension, fearfulness or terror. During these attacks, symptoms such as shortness of breath, heart palpitations, chest pains, choking or smothering sensations and/or fear of "going crazy" or losing control.

Acute Stress or Trauma

- Hyperarousal: Startling easily and in a manner that doesn't fit the situation;
- Intrusive Thoughts: Recurring images or memories, flashbacks or nightmares;
- Avoidance or Numbing: Flat affect, little emotion in face or voice, deep blank stare, fixed look;
- Disassociation: Emotional or cognitive separation from one's present state (e.g., presence of unaccounted-for time, incoherent storyline, impaired memory of events);
- Change in perspective: Feeling cynical or having a negative view of the world, self-doubt, dampened spiritual, beliefs, shame, or self-blame, obsessed with trauma;
- Feelings of hopelessness;
- Sleep disturbance: Difficulty falling asleep, staying asleep, or getting up in the morning;
- Somatic disturbance: E.g., headaches, body aches, digestive problems, lack of energy;
- An inability to stop crying;
- Feeling sad most of the time or having thoughts of self-harm or suicide.



Coping With Depression & Anxiety – Things We Can Do

- **Connect – Don't Isolate.** Connecting with other people, especially during moments of anxiety or depression can make a huge difference in outlook and mood. It can change our thoughts and feelings, as well as encourage us to take new positive actions.
- **Ask for help.** Reach out to friends, family, colleagues, peers, or mentors and expand your support system. Contact professionals such as clinicians or counselors, including the OAAP, for added support.
- **Identify & Reframe Negative Thoughts.** Our thoughts can empower us or constrain us. Negative thoughts may be the result of being stuck with a particular way of thinking (“cognitive distortions”). These limiting thoughts can reinforce feelings of depression and anxiety. Some common cognitive distortions include:
 - **All or Nothing Thinking:** Viewing situations in dichotomies – black or white; right or wrong; good or bad without any middle ground. As an example, “If I don’t do well on this exam then I am a failure.”
 - **Overgeneralization:** Taking a solitary negative experience and generalizing it as permanently true. As an example, “I can’t get *anything* right as a law student”;
 - **The Mental Filter:** Focusing on the negative only and not giving weight to any positive aspects of an event.
 - **Diminishing the Positive:** Discounting the positive experiences or events. Examples: ○ “My professor said that my legal memo was exceptionally written *but* that was a fluke.”
- **Self-Compassion.** When we practice self-compassion, we take on an attitude of kindness and understanding toward ourselves, much like a trusted and loving friend who listens to us with empathy and is encouraging and validating. Self-compassion has been associated with lowered anxiety, while allowing us to see challenges with greater calm and as a learning opportunity (Seppala, 2011).



- **Exercising Gratitude.** Gratitude elicits positive feelings and leads to emotional well-being. A study of a three-month trial of gratitude journaling showed a significant favorable impact on well-being, affect, and depression (O’Connell, O’Shea, & Gallagher, 2017). Setting up a diary of positive experiences can provide the opportunity to experience these emotions again and again when re-reading diary entries (Seligman et al. 2005). Keeping a journal, a file, or record of events with favorable outcomes can help us cultivate gratitude.
- **Problem Substance Use.** Unhealthy ways of coping with daily stress from work, school or personal life can lead to experiences of emotional dysregulation, anxiety, and depression, as well as substance use. Regular use of substances such as street drugs, medications or alcohol may lead to dependence, serious consequences, and for some, addiction as well as other mental health or medical concerns.

Problematic Alcohol Use/Other Substances. What It Can Look like.

- Using the substance in larger amounts or for a longer than intended.
- Persistent desire or unsuccessful efforts to cut down or stop using the substance.
- Not managing to do what you should at work, home or school, because of substance use.
- Continuing to use, even when it causes problems in relationships.
- Giving up important social, occupational or recreational activities because of substance use.
- Using substances again and again, even when it puts you in danger.
- Continuing to use, even when you know you have a physical or psychological problem that could have been caused or made worse by the substance.
- Spending a lot of time getting, using, or recovering from use of the substance.
- Cravings and urges to use the substance.
- Needing more of the substance to get the desired effect (tolerance).
- Development of withdrawal symptoms, which can be relieved by taking more of the substance.



- Changes in mood, appearance, or behavior, such as Isolation; decreased performance or motivation; inattentiveness, procrastination; excuses that don't meet the circumstances.

Helpful Approaches to Addressing Substance Misuse

- Develop adaptive coping skills to manage stress, anxiety, depression or other mental health concerns.
- Recognize the signs and symptoms of substance abuse.
- Get help sooner rather than later.
- Talk to people you trust. That could be family, friends, or supportive school staff, campus counseling professionals, or dean of students canal also be very helpful resources.
- Call the Oregon Attorney Assistance Program, www.oaap.org.

Helping A Friend or Colleague Who Is Suffering

✓ Offering Assistance Helps

You do not have to be a mental health expert to be of assistance to someone who appears to be struggling with mental health or substance use concerns.



- In most cases, if you have concerns about a potentially impaired person, there are likely others who have similar concerns.
- *Trust your instincts.*
- In most cases, professionals who emotionally implode or get into serious personal and/or professional trouble were previously known by others to be struggling; many of the signs of a problem have existed for some time and have been observed by others.
- *Doing something is generally better than doing nothing.*
- Personal contact (phone or in-person) is generally better than emails & texts
- Emails & texts are generally better than no contact.
- Law firm professionals who are personally/professionally struggling are often unwilling to seek assistance; they are embarrassed, do not want to impose on others, or are in denial. But they may respond to offers to talk.

✓ Having a Compassionate, Non-Judgmental Conversation Helps.

Compassion, Curiosity, Lack of Judgement and Genuine Concern Are Key.

- When the potentially impaired person is someone you do not feel comfortable dealing with directly, look for alternatives (e.g., OAAP).
- Avoid “ganging-up.” Especially for an initial conversation, having a private conversation with one or two people present who can express concern, and can discuss behaviors they have observed, is usually more helpful.
- Compassion & candor can go together; be direct (“I’m very concerned about you. You seem to be really struggling with _____. Can I help you?”).



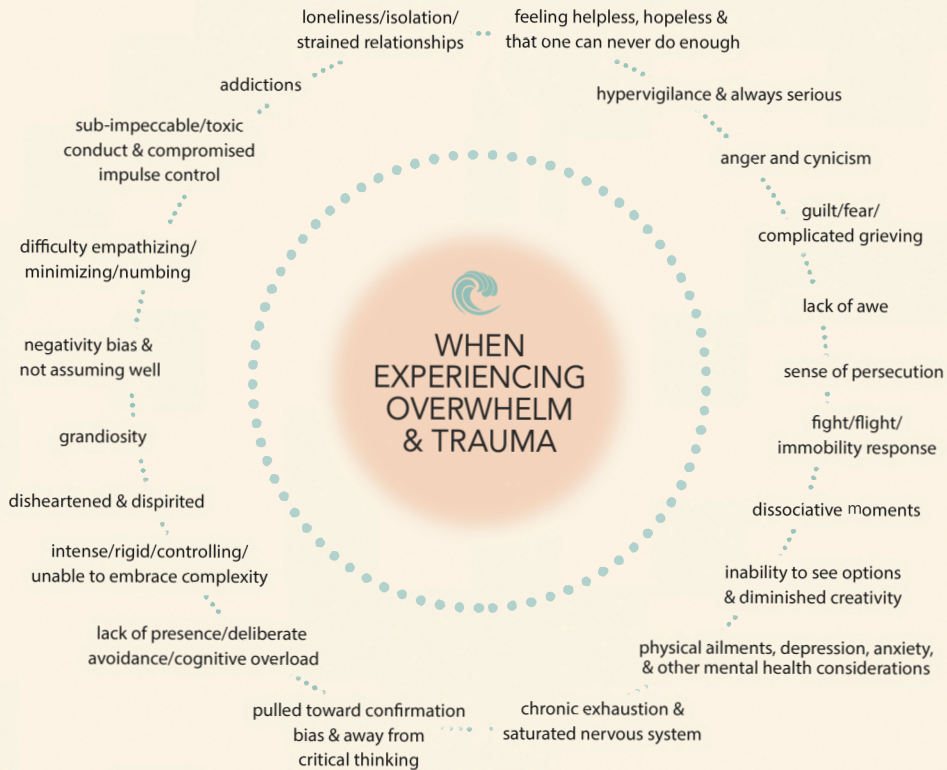
- Focus on behaviors that you have observed. Avoid second-hand reports if possible. Avoid labeling.
- Be prepared to encounter denial, rationalization, justification and blame.
 - Listening to a person deny what to you is an obvious problem can be very frustrating. Continuing to focus the conversation on specific observed problems (e.g. missed appointments, unanswered phone calls) rather than arguing can be helpful.
 - If the person’s problem is substance use, they may want to make a change, but are also likely getting some benefit from the behavior (“checking-out”, anxiety relief, etc.). They may rationalize or justify their behavior while at the same time acknowledging a problem on some level. Try to talk to the part of them that wants to change or recognizes the problem, rather than arguing with part of them that doesn’t.
 -
- Have a plan in case the person is ready to get help – a phone number to call or a person to talk to. E.g. **“Here is a number for someone who can help...can we make the call right now?”**

OAAP - 503.226.1057

National Suicide Prevention Lifeline - 1.800.273.TALK (8255) (available 24/7)

✓ For A Person Seeking Help, Just Listening Helps.

- Be available to just talk, listen, and be present. Often, this is the most valuable support that can be offered.
- Be supportive and encouraging.
- Be curious and interested.
- Share your experience if relevant.
- Be sensitive to feelings of shame, guilt and embarrassment.
- Be discrete.
- More being than doing (really hard for lawyers!).



PROFESSIONAL QUALITY OF LIFE SCALE (PROQOL)

COMPASSION SATISFACTION AND COMPASSION FATIGUE

(PROQOL) VERSION 5 (2009)

When you [help] people you have direct contact with their lives. As you may have found, your compassion for those you [help] can affect you in positive and negative ways. Below are some-questions about your experiences, both positive and negative, as a [helper]. Consider each of the following questions about you and your current work situation. Select the number that honestly reflects how frequently you experienced these things in the last 30 days.

1=Never

2=Rarely

3=Sometimes

4=Often

5=Very Often

- _____ 1. I am happy.
- _____ 2. I am preoccupied with more than one person I help.
- _____ 3. I get satisfaction from being able to help people.
- _____ 4. I feel connected to others.
- _____ 5. I jump or am startled by unexpected sounds.
- _____ 6. I feel invigorated after working with those I help.
- _____ 7. I find it difficult to separate my personal life from my life as a lawyer.
- _____ 8. I am not as productive at work because I am losing sleep over traumatic experiences of a person I help.
- _____ 9. I think that I might have been affected by the traumatic stress of those I help.
- _____ 10. I feel trapped by my job as a lawyer.
- _____ 11. Because of my work, I have felt "on edge" about various things.
- _____ 12. I like my work as a lawyer.
- _____ 13. I feel depressed because of the traumatic experiences of the people I help.
- _____ 14. I feel as though I am experiencing the trauma of someone I have helped.
- _____ 15. I have beliefs that sustain me.
- _____ 16. I am pleased with how I am able to keep up with lawyering skills and protocols.
- _____ 17. I am the person I always wanted to be.
- _____ 18. My work makes me feel satisfied.
- _____ 19. I feel worn out because of my work as a lawyer.
- _____ 20. I have happy thoughts and feelings about those I help and how I could help them.
- _____ 21. I feel overwhelmed because my work load seems endless.
- _____ 22. I believe I can make a difference through my work.
- _____ 23. I avoid certain activities or situations because they remind me of frightening experiences of the people I help.
- _____ 24. I am proud of what I can do to help my clients.
- _____ 25. As a result of my work, I have intrusive, frightening thoughts.
- _____ 26. I feel "bogged down" by the system.
- _____ 27. I have thoughts that I am a "success" as a lawyer.
- _____ 28. I can't recall important parts of my work with trauma victims.
- _____ 29. I am a very caring person.
- _____ 30. I am happy that I chose to do this work.

YOUR SCORES ON THE PROQOL: PROFESSIONAL QUALITY OF LIFE SCREENING

Based on your responses, place your personal scores below. If you have any concerns, you should discuss them with a physical or mental health care professional.

Compassion Satisfaction _____

Compassion satisfaction is about the pleasure you derive from being able to do your work well. For example, you may feel like it is a pleasure to help others through your work. You may feel positively about your colleagues or your ability to contribute to the work setting or even the greater good of society. Higher scores on this scale represent a greater satisfaction related to your ability to be an effective caregiver in your job.

If you are in the higher range, you probably derive a good deal of professional satisfaction from your position. If your scores are below 23, you may either find problems with your job, or there may be some other reason—for example, you might derive your satisfaction from activities other than your job. (Alpha scale reliability 0.88)

Burnout _____

Most people have an intuitive idea of what burnout is. From the research perspective, burnout is one of the elements of Compassion Fatigue (CF). It is associated with feelings of hopelessness and difficulties in dealing with work or in doing your job effectively. These negative feelings usually have a gradual onset. They can reflect the feeling that your efforts make no difference, or they can be associated with a very high workload or a non-supportive work environment. Higher scores on this scale mean that you are at higher risk for burnout.

If your score is below 23, this probably reflects positive feelings about your ability to be effective in your work. If you score above 41, you may wish to think about what at work makes you feel like you are not effective in your position. Your score may reflect your mood; perhaps you were having a “bad day” or are in need of some time off. If the high score persists or if it is reflective of other worries, it may be a cause for concern. (Alpha scale reliability 0.75)

Secondary Traumatic Stress _____

The second component of Compassion Fatigue (CF) is secondary traumatic stress (STS). It is about your work related, secondary exposure to extremely or traumatically stressful events. Developing problems due to exposure to other's trauma is somewhat rare but does happen to many people who care for those who have experienced extremely or traumatically stressful events. For example, you may repeatedly hear stories about the traumatic things that happen to other people, commonly called Vicarious Traumatization. If your work puts you directly in the path of danger, for example, field work in a war or area of civil violence, this is not secondary exposure; your exposure is primary. However, if you are exposed to others' traumatic events as a result of your work, for example, as a therapist or an emergency worker, this is secondary exposure. The symptoms of STS are usually rapid in onset and associated with a particular event. They may include being afraid, having difficulty sleeping, having images of the upsetting event pop into your mind, or avoiding things that remind you of the event.

If your score is above 41, you may want to take some time to think about what at work may be frightening to you or if there is some other reason for the elevated score. While higher scores do not mean that you do have a problem, they are an indication that you may want to examine how you feel about your work and your work environment. You may wish to discuss this with your supervisor, a colleague, or a health care professional. (Alpha scale reliability 0.81)

WHAT IS MY SCORE AND WHAT DOES IT MEAN?

In this section, you will score your test so you understand the interpretation for you. To find your score on **each section**, total the questions listed on the left and then find your score in the table on the right of the section.

Compassion Satisfaction Scale

Copy your rating on each of these questions on to this table and add them up. When you have added them up you can find your score on the table to the right.

3. _____
 6. _____
 12. _____
 16. _____
 18. _____
 20. _____
 22. _____
 24. _____
 27. _____
 30. _____

Total: _____

The sum of my Compassion Satisfaction questions is	And my Compassion Satisfaction level is
22 or less	Low
Between 23 and 41	Moderate
42 or more	High

Burnout Scale

On the burnout scale you will need to take an extra step. Starred items are "reverse scored." If you scored the item 1, write a 5 beside it. The reason we ask you to reverse the scores is because scientifically the measure works better when these questions are asked in a positive way though they can tell us more about their negative form. For example, question 1. "I am happy" tells us more about

- *1. _____ = _____
 *4. _____ = _____
 8. _____
 10. _____
 *15. _____ = _____
 *17. _____ = _____
 19. _____
 21. _____
 26. _____
 *29. _____ = _____

Total: _____

The sum of my Burnout Questions is	And my Burnout level is
22 or less	Low
Between 23 and 41	Moderate
42 or more	High

You Wrote	Change to	
	5	the effects of helping when you are <i>not</i> happy so you reverse the score
2	4	
3	3	
4	2	
5	1	

Secondary Traumatic Stress Scale

Just like you did on Compassion Satisfaction, copy your rating on each of these questions on to this table and add them up. When you have added them up you can find your score on the table to the right.

2. _____
 5. _____
 7. _____
 9. _____
 11. _____
 13. _____
 14. _____
 23. _____
 25. _____
 28. _____

Total: _____

The sum of my Secondary Trauma questions is	And my Secondary Traumatic Stress level is
22 or less	Low
Between 23 and 41	Moderate
42 or more	High

CARING FOR YOURSELF IN THE FACE OF DIFFICULT WORK

Our work can be overwhelming. Our challenge is to maintain our resilience so that we can keep doing the work with care, energy, and compassion.

10 things to do for each day

1. Get enough sleep.
2. Get enough to eat.
3. Do some light exercise.
4. Vary the work that you do.
5. Do something pleasurable.
6. Focus on what you did well.
7. Learn from your mistakes.
8. Share a private joke.
9. Pray, meditate or relax.
10. Support a colleague.

For more information see your supervisor and visit www.psychosocial.org or www.proqol.org

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SWITCHING ON AND OFF

It is your empathy for others helps you do this work. It is vital to take good care of your thoughts and feelings by monitoring how you use them. Resilient workers know how to turn their feelings off when they go on duty, but on again when they go off duty. This is not denial; it is a coping strategy. It is a way they get maximum protection while working (switched off) and maximum support while resting (switched on).

How to become better at switching on and off

1. Switching is a conscious process. Talk to yourself as you switch.
2. Use images that make you feel safe and protected (switch off) or connected and cared for (switch on) to help you switch.
3. Find rituals that help you switch as you start and stop work.
4. Breathe slowly and deeply to calm yourself when starting a tough job.

We encourage you to copy and share this card. This is a template for making the pocket cards. You may make as many copies as you like. We have heard from some organizations that they have made thousands of copies. Some people find that it is helpful to laminate the cards for long-term use. The ProQOL helper card may be freely copied as long as (a) author is credited, (b) no changes are made other than those authorized below, and (c) it is not sold.
www.proqol.org