

LEGAL AID SERVICES OF OKLAHOMA, INC.

Statement of Priorities 2008

I. Introduction

Legal Aid Services of Oklahoma, Inc. establishes Priorities to promote efficient and effective use of resources and to maximize LASO's ability to address the most critical legal needs of low-income persons and the elderly in Oklahoma. These Priorities are intended to guide LASO management and staff in determining allocation of resources, in making individual case acceptance decisions, in developing effective service delivery strategies, and in focusing fundraising strategies.

All Priorities apply program-wide and are intended to focus the delivery of both direct and indirect client services. Direct services to clients or the client community include screening, intake, counsel and advice, brief services (including assistance to eligible clients wishing to proceed *pro se*), and representation. Indirect, or "other services," include referrals, community education (group presentations, website information development, *etc.*), and provision of self-help kits or forms to the public, among others. Indirect services also include activities designed to enhance the quantity or quality of legal services to the client community, including provision of information about the availability of legal services; collaborations with the private bar, law schools, and other organizations serving clients; and professional development, such as training, continuing legal education, and tracking substantive law developments.

The need for legal services among the members of LASO's client community continues to exceed available resources. In order to maximize the effectiveness of its resources, LASO has identified client legal needs that will be considered for representation and will utilize other delivery methods, such as advice and referral; provision of written materials or *pro se* packets; and community legal education for others. On issues affecting broader segments of the client population, LASO will use systemic advocacy to achieve long-term favorable change for clients. LASO also encourages staff to be innovative in developing service delivery strategies to accomplish the goals in each priority area, and to evaluate the effectiveness of all delivery strategies.

II. Goals of Priorities

Fundamental to LASO's mission¹ is the pursuit of civil justice for low-income persons through both direct and indirect services. LASO's Priorities seek to further that mission by aligning LASO's resources with the goals of program Priorities, as summarized below.

¹ / LASO's mission statement is "to be a partner in the community to make equal justice for all a reality."

Improving the Client Community's Access to Justice

“Access to Justice” means that all eligible individuals should have equal opportunity to address their legal needs through the justice system by empowering them to know and assert their rights; by providing effective legal advice and/or representation or other forms of client assistance; and by removing barriers to access to the justice system. Promoting access to the justice system includes (1) addressing poverty-related issues that create barriers to full participation in Oklahoma’s justice system; (2) ensuring fair access to the facilities and benefits of the justice system (courthouse facilities, interpreter services, *etc.*); (3) assuring the fair administration of court-appointment systems for indigents; and (4) improving access to LASO’s services by those seeking assistance in identified priority matters or non-priority emergency matters.

Preserving Housing and Building Stronger Communities

The primary goals under this priority are to (1) promote independence and dignity for clients and their families through assistance in getting and keeping decent, safe, and affordable housing; and (2) improve the neighborhoods and communities in which clients live.

Protecting Consumers

The primary goals here are to (1) protect household income and assets; (2) promote clients’ awareness of their rights and responsibilities as consumers; and (3) ensure equitable access to financial services.

Promoting Health and Economic Security

The primary goals here are to (1) assure availability and accessibility to programs intended to meet basic human needs; (2) assure availability and accessibility of adequate and affordable health care; and (3) increase opportunities for clients to escape poverty through education, job training, and employment.

Ensuring Safety and Stability for Clients and their Families

The goals here are to (1) promote the personal safety and welfare of clients and their families; (2) stabilize family relationships and promote economic well-being by establishing the rights and responsibilities of clients and family members; and (3) improve outcomes for children.

Addressing the Needs of Populations with Special Vulnerabilities

The goals here are to (1) create and utilize special delivery mechanisms to reach populations with barriers to accessing LASO’s services; (2) promote maximum independence and dignity for senior citizens and persons with disabilities; and (3) improve access to necessary services.

III. Service delivery methods

A. Intake and Screening

Intake and screening are not legal services *per se*, but nonetheless are resource-intensive. Aspirational goals are to develop systems to ensure that “priority” and “emergency, non-

priority” circumstances are recognized as early as possible in the process; that program resources are not unduly spent on non-priority matters; that every potential client with a high-priority need has access to LASO’s services; adherence to the ABA Standards for the Provision of Civil Legal Aid, LSC directives on intake and Hotline systems (including LSC Program Letter 02-04 regarding characteristics of an intake, advice, and referral system), and the LSC Performance Criteria, as they relate to intake and screening activities.

B. Advice and Counsel, Referral

In order to provide assistance to LASO-eligible community members with legal problems that are not considered for brief services or representation, LASO staff may provide advice and counsel as part of an intake, advice and referral process. The objective of this delivery method is to provide LASO-eligible community members with quick access to information or legal advice about their rights even though the resources of the program might not permit representation. Another objective is to provide referral to other and perhaps more appropriate sources of assistance for LASO-eligible community members. While advice or document preparation may also suffice for some priority cases, one would expect that a higher level of services would be necessary in most cases.

C. Community Legal Education

LASO staff will undertake community legal education to inform members of the low-income community and senior Oklahomans of their legal rights and responsibilities and to assist them to proceed *pro se*. The goal is to empower members of the low-income community and the elderly to recognize and protect their own interests and to improve access to the justice system. LASO may use a variety of legal education delivery methods, such as *pro se* clinics; court-based legal information desks; distribution of brochures and fact sheets; seminars; or provision of web-based legal information.

D. Use of Volunteer (Pro Bono) Resources

The goal here is to enhance our use of volunteers to meet the needs of our clients. To the extent that pro bono attorneys are available who will accept such cases, LASO may accept and refer pro bono cases that are within LASO non-priority areas and that would not otherwise be considered for extended services or representation by LASO staff. Examples of such cases include uncontested divorces, name changes, bankruptcies, and or other categories of legal problems that do not meet any of the criteria for priorities.

E. Representation

For purposes of these Priorities, representation refers to services *beyond the provision of* advice and counsel, referral to a more appropriate resource, referral to a *pro se* clinic or website, or provision of customized *pro se* documents or non-customized *pro se* packets. The goal here is to align LASO’s most resource-intensive services with the most critical legal needs of the client community.

Representation may involve intervention, mediation, or negotiation with a third party; preparation of documents where advocacy assistance by LASO is contemplated; advocacy in

court or at administrative hearings; appellate practice; systemic advocacy; or legislative and administrative rule-making, as permissible. It may also involve transactional work on behalf of a group or individual or community economic development work.

F. Appropriate Level of Program Services

When evaluating whether to commit program resources, including representation, LASO will consider:

1. The likelihood of success on the merits;
2. The time required to address the problem is reasonable considering the legal issues, the amount in controversy, and the impact on the client or client community;
3. The applicant's ability to benefit from advice or legal information or *pro se* assistance, and particularly whether this ability is limited by factors such as disability, illness, mental impairments, or limited English proficiency;
4. Whether there are sufficient staff or *pro bono* resources available for effective representation;
5. Whether there are other resources available in the community to address the problem. [Consideration of this factor does *not* imply that if the alternative resources are inadequate, that LASO should assume the responsibility vested in another service provider or agency. For example, if a legal problem is appropriate for referral to the EEOC for action, the fact there may be a backlog within that agency does not imply that LASO staff should address the problem rather than make that referral.];
6. Whether there are significant adverse consequences for the client or client community if no LASO legal assistance is provided.
7. Whether there are significant benefits for the client or client community if LASO assistance is provided; and
8. Whether the problem is common and representation can be leveraged to benefit a significant number of potential clients.

IV. Core Priorities

LASO's Priorities include the following core areas: Access to Justice; Housing; Consumer; Health and Economic Security; and Families and Children. LASO may also provide specialized services to address the needs of populations with significant vulnerabilities, such as senior applicants, residents of long term care facilities, institutionalized persons, persons with disabilities, and persons with limited English proficiency. In some geographic areas, some services for these populations may depend on the availability of grant funds for that purpose.

LASO strives to ensure access to the appropriate level of services with respect to the highest priority issues throughout the State. Therefore, in the core priority areas, all LASO offices should allocate a reasonable amount of staff time to evaluate highest priority issues for assistance. If resources become available, or if an urgent legal need arises for a client or the community (including non-priority "emergencies"), then LASO offices may also engage in work in secondary priority areas. If there is an intention to do so on a recurring basis, the reason(s) therefore shall be communicated by the office Managing Attorney or Special Project manager to the Director of Litigation and Field Services, and the Director's written approval sought.

From time to time, including at the request of an advocate or managing attorney, the Executive Director, after consultation with the Director of Litigation and Field Services, will issue administrative guidance in the application of these priorities.

V. Grants for Special Services or Populations

Grants sought and received by LASO will usually fund activities that are consistent with these Priorities. Where a grant expands client income eligibility or requests additional services not prohibited by law, LASO will provide the services contracted for by the funder.

VI. Emergency Cases or Other Services Outside of Priorities

LASO resources may be used to provide case and other services on non-priority matters with prior written approval of the Executive Director when there is a need for immediate legal action and no other legal assistance is available. Emergencies include legal action to: (1) secure or preserve the necessities of life; (2) protect against or eliminate a significant risk to the health or safety of the client or the client's immediate family; or (3) address significant legal issues that arise because of new and unforeseen circumstances, such as natural disasters or changes in the law.

High Priority

LASO will presumptively focus its resources on the following client problems. The order of substantive areas of practice listed below is no indication of the priority of one substantive area over another.

Housing

- Unsafe housing conditions (includes affirmative actions and evictions, where the tenant has previously reported the condition to the landlord or a governmental entity).
- Relief for tenants whose landlord has locked them out, seized essential belongings, shut off utilities, or taken other illegal steps to force them out.
- Threatened loss of a home which is being purchased or which is owned.
- Evictions from private housing if there is a meritorious claim or defense.
- Denial of admission to public housing or denial of government assistance with rent payments.
- Termination of government housing assistance or eviction from public housing.
- Loss or denial of utility services if the loss or denial will adversely affect the health or safety of household members.

Consumer

- Enforcement of exemption rights when exempt income or assets essential to client's well-being have been illegally seized or garnished and the client does not appear able to assert exemption rights without assistance; or where there exists a pattern or practice of courts authorizing unlawful collections or garnishees permitting such garnishments.
- Debt collection involving illegal practices or harassment, where self-help is not a feasible option or has been ineffective.
- Cases in which the client faces possible loss of liberty as a result of a debt collection action.
- Efforts to prevent predatory lending targeted to vulnerable populations.

Health and Economic Security

- Medical coverage by programs for low-income individuals, including eligibility denials and denials of coverage for a specific treatment or service.
- Denials, terminations, or reductions of Food Stamps, TANF, or other governmental programs directed toward subsistence needs.
- Failure or refusal of DHS to provide adequate supportive services for a client to engage in work or educational activity.
- Denials of SSI eligibility; terminations, reductions, or claimed overpayments of SSI or Social Security Disability benefits, to the extent that private attorneys are not available to take those cases.
- Assistance in overcoming barriers to employment.

- Denial of unemployment benefits.

Families and Children

- Orders of protection for victims of domestic violence who would not be able to obtain the relief *pro se* or with the assistance of a non-attorney court advocate.
- Divorces or child custody matters involving victims of domestic violence in which the victim qualifies for or has obtained a domestic violence order of protection.²
- Cases involving child snatching or defense of custody for the primary caretaker, where there is a verifiable risk of significant harm to the child if no action is taken.
- Denial of school admission for children who are homeless.
- School enrollment or admission issues involving disputes over custodial status or residency.

Access to Justice

- Cases involving court procedures or services where full access to the justice system is prevented by lack of client funds, without provision for reasonable alternatives, such as: unreasonable or unlawful restrictions on use of affidavits *in forma pauperis*; inability to comply with court-related counseling, mediation or arbitration, parent-improvement courses, parenting coordinator services, or similar requirements placed on litigants that require the expenditure of funds.
- Where unreasonable or unlawful barriers have been erected to the exercise of the right to appointed counsel (or other advocate, however characterized, including guardian *ad litem* or other such nomenclature).
- Where courts have failed to accommodate litigants who are self-represented (*pro se*), mentally challenged, disabled, or who have limited English proficiency.
- Claims regarding jurisdiction to determine custody or visitation rights under Oklahoma's Uniform Child Custody Jurisdiction and Enforcement Act.

Needs of Populations with Special Vulnerabilities

- Cases where courts fail to provide necessary interpreter services
- Outreach services where barriers exist to accessing LASO's assistance, such as the aged, the disabled, and/or the homebound; institutionalized persons; the homeless; cultural minorities, including minority language speakers.
- Abuse and/or financial exploitation of disabled persons, or persons age 60 or over.
- Enforcing the rights of residents of long term care facilities.
- End of life, medical or disability planning, wills, living wills, and powers of attorney, for persons 60 or over, disabled, and/or otherwise eligible under a special contract.
- Guardianship defense where necessary to protect the autonomy of a client.
- Guardianship prosecution (or substitution) if necessary to obtain services, which cannot be resolved with advice or referral.

^{2/} The language "who would qualify for...an order of protection" is intended to include victims who have credible allegations of abuse that would qualify them for an order, but for any number of reasons, it is not practical or advisable to get an order.

Secondary Priority

LASO may provide legal assistance, up to and including representation, in Secondary Priority areas, provided that sufficient resources have been allocated to meet the need in High Priority areas.

Housing

- Action to address other housing issues or problems that will provide a significant benefit to a client or client community, to the extent resources allow.

Consumer

- Denials of access to credit or rehabilitation of credit, including claims under the FCRA.
- Repossession or debt collection actions involving consumer goods or services (including utilities) where creditor has failed to follow statutory requirements.
- Sale of defective products or services where there is a written or implied warranty or fraudulent activity.
- Action to address other consumer issues that will provide a significant benefit to a client or client community, to the extent resources allow.

Health and Economic Security

- Drivers license suspension/revocation cases when required for employment.
- Action to address other issues related to health, public benefits or employment that will provide a significant benefit to a client or client community, to the extent resources allow

Families and Children

- School issues related to access to appropriate services
- Guardianship of minor children cases where a formal order is necessary for obtaining housing, medical treatment, protection, or school enrollment.
- Defense of guardianships where court-appointed counsel is not available, the grant of guardianship would substantially interfere with existing custodial or liberty interests, and there is a meritorious defense to the action.
- Action to address other family law issues that will provide a significant benefit to a client or client community, to the extent resources allow