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Oklahoma State Legal Services Plan
Executive Summary

Introduction

This plan is the culmination of rigorous examination and reflection by the Oklahoma Bar Association's Legal Services Committee, members of a diverse blue ribbon committee and the public into how legal services can overcome the problems it faces and continue to serve Oklahoma's burgeoning low-income, elderly and Native American populations into the 21st century.

Many of the obstacles faced by Oklahoma's three legal services programs – Legal Aid of Western Oklahoma, Inc., Legal Services of Eastern Oklahoma, Inc. and Oklahoma Indian Legal Services – involve lack of resources, others are common to all businesses seeking to serve their customers in the most efficient ways possible.

The three programs in Oklahoma are successful in their missions because they are geared to the needs of their clients. The programs utilize the staff and pro bono delivery models which have traditionally been used for delivering legal services to the poor; small local offices solve the problems and address the concerns of local clients, under the watchful eye of local bar associations, United Way groups and other community sponsors. However, with changing technology and diminished resources these models are evolving in an effort to do more with less. In Oklahoma, in 1998, the overall delivery system seems to remain an efficient way of meeting the legal needs of people in all 77 counties.

The primary purpose of this plan has been to convene Oklahoma policymakers and leaders with representatives of the legal services community to map out a strategic plan for legal services in Oklahoma, to ensure that low-income persons in Oklahoma will continue to receive legal aid. Additionally, the plan will be submitted to the Legal Services Corporation.

Recommendations

The plan makes several recommendation for strengthening legal services in all areas of Oklahoma. The recommendations are:

1. Legal Aid of Western Oklahoma, Inc., Legal Services of Eastern Oklahoma, Inc. and Oklahoma Indian Legal Services, Inc. should remain independent programs serving distinct constituencies and continue to collaborate when possible, mutually benefitting from statewide resources without consolidation.

2. Each LSC-funded legal services provider should work with county bar associations to develop a system for making pro bono referrals in poor versus poor conflict of interest cases. This effort should be promoted and supported by the OBA Legal Services Committee or the OBA Board of Governors.

3. Each program should continue to grow technologically so that legal services clients will receive the most efficient legal help possible and so that legal services staff members from all programs will be able to use technological expertise and share resources.

4. Create statewide electronic technology task forces, enabling advocates from all three programs to confer on substantive matters electronically.

5. Create the capacity of coordinating technology planning and implementation on a statewide basis, either with a addition of a shared MIS Director, a shared contract for computer services or development of a technology coordination system to operate among LAWO, LSEO and OILS.

6. Request the Oklahoma Supreme Court and OBA to study the Self-Help Center, a joint project of the Superior Court in Arizona in Maricopa County, which allows clients access to pro se forms and information to accomplish several legal procedures on their own.

7. Create a Senior Citizens task force to serve as a vehicle for training paralegals and attorneys who work in senior law, as well as identifying legal problems and promoting uniformity in statistical reporting.

8. Urge the OBA to make permanent the current policy of allowing legal services attorneys to attend CLE events at reduced cost.

9. Create partnerships with trial lawyer associations and National Institute for Trial Advocacy (NITA) to provide for scholarships and free training and mentoring for legal aid advocates.

10. Create a training task force among legal services providers to ensure coordination among all three programs and that resources are used most efficiently in an effort to provide the greatest training opportunity for all staff members.

11. Urge the State Supreme Court and the OBA to study the adoption of a mandatory pro bono reporting requirement for all members of the OBA.

12. Urge law firms throughout the state and county bar associations to consider developing specialized "boutique" pro bono projects as a way of meeting the community need and enhancing expertise among new attorneys. LAWO and LSEO's HIV/AIDS Legal Resource Project is one example of a successful boutique project; the Stephens County Bar Association advice clinic is another.

13. Urge state law schools to consider making community services and/or pro bono activity a requirement for graduation.

14. Oklahoma's three legal services providers and Oklahoma's three law schools should formalize their cooperative relationships to allow the providers to benefit from free or discounted training at the law schools and the schools to utilize the providers' law offices as forums for practical experience.

15. Seek other federal sources of funding, in addition to LSC.

16. Urge the OBA and local bar associations to continue to explore fundraising opportunities for legal services such as annual drives, earmarking bar dues for legal aid or adopting comprehensive or opt-out IOLTA.

17. Encourage the State Legislature to continue, and increase if possible, the funding partnership

it established with legal services in 1996, while also exploring alternatives which may provide more stable funding, such as a filing fee surcharge.

18. Explore funding alternatives such as additional state resources, contracts with Indian tribes, corporate and foundation grants, United Way, development of a client donor base and special events. In addition, programs should create the necessary infrastructures to promote private giving, such as creation of charitable remainder trusts.

19. Continue to explore possible cooperative functions by the three programs which could result in greater efficiency, high quality and enhanced cost savings, including design of a shared statewide intake system.

20. Continue to recognize the State DHS Legal Services Developer for Senior Citizens, Oklahoma's law schools and other legal services providers as partners and resources in making legal services available to needy Oklahomans.

Conclusion

This legal services plan must be considered a starting place to help the bar, the public and government find a sense of direction in continuing to make justice available to our neediest citizens and making *justice for all* a reality in our state. Uncertainty about the future of LSC and IOLTA makes this first step in planning urgent to the poor, relevant to our justice system and important for all of society. Oklahoma has the resources and expertise to preserve justice for the poor; we must provide the will and the plan to make it happen.

Oklahoma Bar Association. The committee is broadly representative of both urban and rural private and government attorneys and legal services providers including one of the state's law school clinics. The use of the committee is consistent with prior statewide legal services planning efforts in Oklahoma, e.g., the planning and creation of Oklahoma's IOLTA program came from this committee in the early '80s as well as the successful initiative in 1996 to obtain state funding for legal services.

The committee began work on the planning process in the Spring when timelines and responsibilities were generally identified. Briefly, the planning process was as follows: 1) the chair of a subcommittee on state planning roughed out a plan and/or outline; 2) committee members made comments and suggested additions to the rough draft; 3) the subcommittee then finalized a committee draft; 4) the committee draft was then distributed to a broad-based blue ribbon committee of about one hundred for comment – the committee included government leaders (state and tribal), representatives of the judiciary, local funders, legal services board leaders (including client members), and representatives of the social services community; 5) a secondary distribution by each legal services program included board, staff, and others; 6) a statewide press release announced the planning process and invited inquiry as well as comment by the public at large; and 7) twenty-five members of the Legal Services Committee and blue ribbon committee met September 11, 1998 to finalize the State Plan after discussing and incorporating comments from the committee where appropriate. Appendixes A and B list membership of the committees. Several written comments and oral comments were made to the Committee. The plan was forwarded to the Legal Services Corporation on or about October 1, 1998 and publicly announced and distributed at the Annual Meeting of the OBA in November.

Poverty in Oklahoma and the Need for Legal Services:

The 1994 American Bar Association *Comprehensive Legal Needs Study* found that 47% of the nation's over 38 million poor annually have a non-criminal legal problem requiring the help of a lawyer. It must be assumed that the over half a million Oklahomans who live in poverty face the same fate.

Although largely white, young and female -- the face of poverty in Oklahoma is very diverse. Oklahoma poverty rates and income disparity which declined dramatically during the 70's have increased with equal velocity since. The 1990 census counted 509,854 poor in Oklahoma. That number continues to grow, and today almost one in every five Oklahomans is poor. Recent estimates place Oklahoma as the eighth poorest state in the nation.

Over 50% of the poor in Oklahoma are working age people, 14% are part of a growing seniors population and 35% are children. About half of all female-headed families with children live in poverty -- two-thirds of those with a very young child. Further, Oklahoma has substantial

institutional populations and a large population with disabilities. Although most poor are white, the impact of poverty is greatest on minorities.

Poverty by Race --	**Total**	**Poverty Rate**
White	344,128	13.7%
Indian	70,827	28.7%
Black	75,180	34.6%
Hispanic Origin (may be of any race)	23,526	29.2%
Asian	6,701	21.2%
Other	13,018	33.2%
TOTAL(excludes doule-count of Hispanics)	**509,854**	**16.7%**

Statewide, legal services staff and pro bono lawyers in 1997 served 20,000 low-income families. This is less than 10% of the ABA estimate of 239,000 problems faced by low income people in Oklahoma.

According to the 1990 census, Oklahoma has the largest number of American Indians in the United States. Oklahoma's Native American population of 252,000 is further overshadowed by the more than 600,000 Oklahomans who consider themselves Indian although not enrolled with their tribe. Oklahoma is home to 39 Indian nations and tribes. Oklahoma also has the largest number of HUD Indian Housing programs; two Department of the Interior, Bureau of Indian Affairs (BIA) area offices and one Department of Interior Field Solicitor's Office; a multitude of Indian Health Services (IHS) and tribal clinics across the state; and both tribal trial and appellate courts and courts of Indian Offfenses (CFR).

The legal needs of Native Americans are frequently grouped with other disadvantaged groups who have "special needs," including ethnic and racial minorities, the elderly, veterans, and migrants. At a certain level, low-income Native Americans have legal problems similar to all low-income people, and, as a result, have a need, although historically underutilized, for programs using LSC basic field funding, such as Legal Aid of Western Oklahoma and Legal Services of Eastern Oklahoma. In addition, however, low-income Native Americans have a host of legal needs unique to their political status as tribal members. Such legal needs are not based upon the fact that Native Americans are "especially needy," although Native Americans as a class are the poorest demographic group in the United States, and this extreme poverty exacerbates their legal problems. Nor do the special needs of Native Americans arise out of an economical or

racial classification. Rather, they derive from the unique legal status of Native Americans and tribal governments.

The 1998 Legal Services Corporation's draft *Legal Needs and Services in Indian Country Report* made the following findings applicable to Oklahoma's unique minority group.

A. The United States government has a special obligation to provide Native Americans with meaningful access to the legal system.

B. The unique specialized legal needs of Native Americans cannot be met except by specialized legal practitioners.

C. Native Americans face a number of barriers when seeking access to justice.

D. Over the past thirty years, the United States has consistently renewed its commitment to providing legal services for low-income Native Americans.

E. Native American programs funded by the Legal Services Corporation provide low-cost and effective access to legal services for low-income Native Americans who maintain a connection to Indian country or their tribal government.

F. There are significant unmet legal needs in Indian country.

G. Federal funding of Native American legal services is necessary to maintain access to justice for Native Americans.

Whether measured by per capita income, school dropout rates, infant mortality, suicide rates, or any other indicator, the fact is that life in Indian country--particularly for Indian youth--continues to be marked by poverty, rural isolation, cultural isolation, and high degrees of social and political disaffection.

This high incidence of poverty and social isolation gives rise to higher than average needs for social and legal intervention. Such needs, coupled with the unique legal context within which they arise, provide ample reason for singling out Native people and low-income Indian tribal governments for highly focused and specialized legal assistance.

Current Service Delivery System:

The Legal Services Corporation provides funding for three independent legal services projects in Oklahoma -- Legal Aid of Western Oklahoma (LAWO), Legal Services of Eastern

Oklahoma (LSEO) and Oklahoma Indian Legal Services (OILS). Further, LSC funds a component of LAWO with statewide responsibilities -- a Farmworker Law Center that serves agricultural workers.

Oklahoma Indian Legal Services provides statewide access to legal services to low-income Native Americans and low-income Indian tribes on civil legal problems that involve Indian Law issues. Native Americans with legal problems that do not have Indian Law issues are served by Oklahoma's other legal services providers. Services are provided by four lawyers and a support staff of three and legal interns from offices centrally located in Oklahoma City with LSC funding of $290,860.

Legal Services of Eastern Oklahoma provides legal services in 29 counties located in eastern Oklahoma. LSEO's Administrative office and largest service office are located in Tulsa. Regional offices serving multi-county service areas are located in Bartlesville, Hugo, Jay, Muskogee, Poteau, and Stilwell. LSEO's 26 attorneys and 7 paralegals provide services throughout eastern Oklahoma. LSEO receives about $1.76 million in LSC basic field funding.

LSEO's counterpart in central and western Oklahoma is **Legal Aid of Western Oklahoma.** LAWO serves clients in 48 of Oklahoma's 77 counties. Its Administrative Office and largest law office is in Oklahoma City. In addition LAWO has fully staffed offices located in Altus, Ardmore, Clinton, Lawton, Norman, and Stillwater. Further, it has satellite offices staffed by paralegals in Ada, Chickasha, and Woodward. LAWO utilizes $2.2 million in LSC basic field funding supporting 36 LAWO lawyers and 14 paralegals.

The **Oklahoma Legal Services Center** provides support services including legislative monitoring and advocacy, fund-raising, statewide communications (e.g., newsletter, legal aid directory, etc.), and other specialized services that can be more efficiently provided on a statewide basis from an office located in Oklahoma City. OLSC was formerly funded by a direct LSC grant; however, all LSC funding was eliminated by Congress beginning in 1996. Since that time LAWO, LSEO and OILS have jointly funded OLSC with non-LSC funds and housed it in LAWO's Oklahoma City office. About $50,000 funds a full time project director and office expenses. While no longer funding state support, LSC has mandated that vital support functions, e.g., training, communications and fund raising must be preserved for service providers.

The Oklahoma Department of Human Service's **Legal Services Developer (LSD)** for aging services, working with the state's aging advocacy network, speaks out on the the continuing need for senior law projects under the Older Americans Act (OAA). These projects serve the legal needs of older Oklahomans while giving priority in services to the needs of socially and/or economically deprived senior citizens. Further, the LSD has supported state funding for legal services work and bills creating standard forms for healthcare planning, which

is helpful to legal services lawyers and others. LSEO, LAWO and OILS will be invited to make presentations to Silver Haired Legislators for ideas for bills that would help legal services advocates serve the legal needs of Oklahoma's vulnerable elderly.

The **Farmworker Law Center of LAWO** provides specialized legal services for agricultural workers. The one attorney and one paralegal for the project are located in Oklahoma City and Clinton respectively. Because of office location and limited staffing, services are concentrated in western Oklahoma, although support and direct services are available on a statewide basis. The Center currently receives about $50,000 in LSC migrant funding and an additional $27,000 from other LAWO funding.

Pro Bono volunteer lawyers in Oklahoma are important partners in providing legal services, serving up to 10% of the low-income people served. They allow low-income Oklahomans to receive services from panels of volunteer pro bono lawyers throughout the state. LSEO and LAWO recruit volunteer attorneys, screen applicants for services and refer cases to over 1,000 pro bono lawyers who agree to take at least one case annually. In addition to local panels in each service area LAWO administers the HIV/AIDS Legal Resource Project sponsored by OBA/YLD, LSEO and LAWO that provides pro bono lawyers throughout the state and services from the University of Tulsa Health Law Clinic to clients with HIV/AIDS.

In addition to the above LSC funded initiatives, Oklahoma's law schools provide valuable legal services to low-income people. The University of Oklahoma's clinical civil legal aid program gives priority to family law cases**.** The Tulsa University School of Law's clinical legal aid program has two community projects -- Health Law and an Older Americans Project that provides direct legal services and distributes clinical legal education brochures. The OU and TU projects provide valuable community services, and in Tulsa and Cleveland Counties, on a limited basis, they provide a conflict referral alternative (e.g., poor v. poor cases). The Oklahoma City University School of Law maintains a Native American externship program that places legal interns and law clerks in LAWO and OILS offices. All three law schools not only provide valuable services, but perhaps as importantly, they help introduce law students to the problems of the poor and inculcate the professional responsibility of all lawyers to make justice available to the needy.

Because of a LSC funding reduction of about 25% in 1996, all the LSC funded projects have downsized in the past two years. Similarly, funding from LSC and the U.S. Department of Education for clinical legal services has been eliminated and has had an adverse impact on clinical legal education in Oklahoma.

Several small community-based pro bono and/or charity funded programs also exist in Oklahoma including Neighbor for Neighbor in Tulsa, Catholic Charities Immigration Law

Project, and others. Although small, each of these programs make a valuable contribution to meeting a special legal need or reaching out to a particular community.

I. Intake and the Provision of Advice and Brief Services

How are intake and delivery of advice and referral services structured within the state? What steps can be taken to ensure a delivery network that maximizes client access, efficient delivery, and high quality legal assistance?

1. Strengths of the Current Delivery System: The entire state is served with specialists in poverty law. The existing projects have a dedicated and experienced staff and volunteers committed to serving the poor. Oklahoma also has a smaller than desired, but useful system of pro bono panels, including a specialized panel serving HIV/AIDS people statewide, which supplements and makes services available where it is not cost-effective to have staffed offices. Importantly, the existing service system provides a statewide service delivery plan that provides minimum access to civil legal services in all of Oklahoma's 77 counties and 39 Indian tribes.

Intake and delivery of services is provided from regional legal services offices except for projects with statewide responsibilities, e.g., OILS, HIV/AIDS Legal Resource Panel, and LAWO's Farmworker Law Center. Both regional and statewide projects maximize access to services by the use of toll-free WATS telephone lines. All offices utilize "hot line" concepts that make the provision of routine advice available via telephone. OILS has aggressively promoted and publicized "First Tuesday" as a day each month to deliver telephone advice, counseling, and brief services on the first Tuesday of each month. Thus, First Tuesday callers either receive immediate services or are directed to apply for OILS's extended services. OILS also routinely does intake every Tuesday and Thursday as well as emergency intake on other days.

Oklahoma Indian Legal Services has developed advice brochures, including Personal Safety Plans for domestic violence; Tracing Your Indian Roots; Guide to Pro Se Form Pleadings in Tribal Courts; Handbook of Tribal Courts. LSEO and LAWO also publish and distribute several pamphlets that target common civil legal problems of low-income or elderly people. OILS' success in recruiting legal interns and law graduates offers a recurring wealth of volunteer hours providing community education, self-help brochures, and tribal advocates in tribal courts. OILS, LAWO, and LSEO have incorporated a mediation referral system in conjunction with Oklahoma's Early Settlement Mediation Program. OILS attorneys are trained in mediation and serve on mediation pro bono panels.

The difference between the legal needs of Native Americans and non-Native Americans is a difference created in federal law that: (a) adds to the frequency and complexity of the legal disputes which affect Native Americans, and is absent from the lives of non-Indians; and (b)

prevents lawyers from giving minimally competent legal advice to Native Americans or tribes on most matters if they do not have specific expertise in tribal and federal Indian law. Oklahoma Indian Legal Services is the only legal services provider in the state that maintains a staff of Indian law experts familiar with the complexities of current and historical Indian law underpinnings, federal treaties, a myriad of federal statutes, as well as the laws of 39 various Oklahoma tribes.

Comments received from the Department of Interior's, Tulsa Field Solicitor's Office, affirm the need to maintain a separate legal aid organization to serve the special legal needs of low income Native Americans in Oklahoma.

> *"Unfortunately attorneys in our office, who monitor probate cases involving restricted Indian Lands in eastern Oklahoma, sometimes see the harmful effects on Indians when members of the Oklahoma Bar not well versed in federal Indian Law attempt legal representation of Indian clients in Indian land matters. The experience which the OILS attorneys have acquired in the practice of federal Indian law over the passage of time is invaluable for their Indian clients. This type of experience can be obtained only by focusing on the practice of federal Indian law rather than a mixed poverty law practice.*"

In the eastern part of the state, LSEO has decided to establish an intake hotline as a pilot project in its Tulsa Law Office. A Hotline Manager has been hired and existing office space has been reconfigured to provide for separate computerized intake stations that will be staffed by volunteers and paid staff as well. Further, LSEO is in the process of purchasing a modern computerized telephone system that will handle the hotline as well as provide more modern telecommunication services to its Tulsa Law Office and Administrative Office. LSEO's Technology Task Force is investigating the possibility of upgrading its case management software in order to provide increased support flexibility for both its Intake Hotline and the regular legal work done in its regional law offices. A fellowship awarded to LSEO by the National Association for Public Interest Law (NAPIL) will provide an attorney this Fall who will develop pamphlets, brochures, and community education materials which will be integrated into the network of advice and brief services which the Hotline will provide.

The legal services programs provide a wide range of legal services, from routine advice to representation before state, federal and tribal courts/administrative agencies and governing bodies. Annually over 20,000 low-income households are served. The quality advocacy provided most often has no impact beyond the individual clients; however, from time to time precedent setting cases have had broader impact on the law.

Inter-program coordination, communications, community and bar training by the programs

and state support center (OLSC) work together to maximize quality and quantity of legal services provided on a statewide basis. Culturally sensitive services that recognize the legal needs of Oklahoma's diverse population are assured by responsible boards and staffs.

In accordance with the LSC Act, each of the LSC funded programs have representative governing bodies composed of at least 60% attorneys with at least a majority of the board membership selected by state or local bar associations and at least one-third with consumers who are eligible low-income people when selected. The boards meet at least quarterly and their program governance focuses on policy making, oversight and the allocation of scarce program resources by a responsible system of priority setting.

Board established priorities for each program focus limited resources on the most important and urgent client problems. The priorities identify the cases the legal services program may accept. The appraisal includes input from the client community, social services programs, the public at large and the organized bar. It considers inter alia: poverty demographics, program resources, availability of alternative services, relative importance of the problem and cost of providing the service.

2. Weaknesses within the current system: Resources are woefully inadequate -- staffed and pro bono -- causing problems with basic services and specialists, e.g., farmworker services are concentrated in western Oklahoma because resources are so limited and the two staff members are located there. Some client communities with barriers to services are especially under-served, e.g., the institutionalized -- nursing home residents, mentally ill, juveniles, incarcerated persons with civil problems and undocumented aliens -- because of institutional barriers or LSC restrictions. Another problem caused by inadequate resources is the "conflict of interest" problem created by poor person versus poor person disputes. In areas with only one legal services provider and a pro bono program administered by the same legal services provider, the poor person who did not win the race to legal aid may have no chance of finding alternative counsel.

In addition, a weakness that impacts program efficiency is that the specialized expertise to replace the back-up services offered by LSC funded national support centers in substantive areas is inadequate in many areas of the law, e.g., health, welfare, public housing and consumer. Further, there is inadequate public understanding of the need and importance for civil legal services for the poor and a similar lack of public recognition of the importance of services being rendered by pro bono lawyers and legal services staff. Coexistent with this need is the need to make the public more aware of the services provided by Oklahoma legal service providers and how to access them.

3. Goals and timetables: In the eastern part of the state, LSEO has determined to establish a centralized telephone intake delivery system for advice and brief services. At present, the hotline is

being set up as a pilot project for its Tulsa Law Office only, so that the system can be tested and procedures established using that four county service area to start. As the "bugs" are worked out of the system, LSEO hopes to expand the coverage of the hotline to include the rest of its 29 county service area. When operational, clients will then be able to dial one toll-free phone number from anywhere in the eastern part of the state in order to access LSEO's services. It is planned for the hotline to be staffed by both PAI attorneys and regular staff so that prospective clients can have almost immediate access to an attorney who is trained in the poverty law area of concern. Clients can then be either given the advice or brief services they need at that time, or can be referred to their local legal aid office for more involved assistance. The expected timetable for the full implementation of the centralized intake hotline is one year.

All Oklahoma legal services offices, except some small one-person satellite offices, make use of WATS telephone lines to provide access to services in their immediate service area. LSC funded providers should expand this use of telephone intake and services. Centralized program-wide intake and advice is planned by LSEO and being explored by LAWO as a potential way of expanding services, with the idea being that more would receive routine services while staff in branch offices would have more time available for serving more time-consuming cases. The cost of staffing, administering and networking, the burdens of reduced staff in other offices, and the loss of immediacy in providing intake at a remote office will have to be balanced with perceived benefits. Careful study and planning should be undertaken by legal services providers before adopting a regional or statewide intake system. A study of this model as it exists for seniors in several states, including Texas, as well as the general legal services state hotline in New Hampshire should be studied. A minimum goal for LAWO will be the greater integration of telephone intake system technolgy into its systems. For example, LAWO will integrate legal information material into case management software so advocates can quickly access and provide it to clients.

It is also suggested that each LSC funded legal services provider work to develop with county bar associations a system for the county bar association to make referrals to *pro bono* lawyers in poor versus poor conflict of interest circumstances. This effort should be promoted and supported by the OBA Legal Services Committee or the OBA Board of Governors.

As an adjunct to the services provided by the legal aid programs, it is recommended that the OBA study establishing a referral hot-line or clearinghouse for the general public to legal services and public interest providers throughout the state such as LSEO, OILS, LAWO, Oklahoma AG's Consumer Fraud Unit, ACLU, YLD GAAP, the Insurance Commissioner, law school clinics, public defender offices, etc.

II. Effective Use of Technology

Is there a state legal services technology plan? How can technological capacities be developed statewide to assure compatibility, promote efficiency, improve quality, and expand services to clients?

1. Overview: All legal services providers need to have a technology development plan that carefully weighs costs and benefits. New and not so new technology is on the market that helps provide high quality legal services: automated telephone systems, mobile phones and pagers, LAN and WAN computer networks with the potential for enhancing case handling and intake, FAX and E-Mail systems, and use of desk and laptop computers. Costs and technology shock combine to make the planning process crucial. Further, any upgrade in technology must include an appropriate ongoing training program. Finally, legal services providers should consider coordinated purchasing efforts as a way of reducing costs and promoting compatible systems.

LSEO, LAWO, and OILS have developed their internal systems without a statewide plan. However, there has been some coordination between the programs through discussion between computer responsible staff with each program. This has resulted in some decisions that promote compatibility, e.g., LAWO and LSEO have identical case management software such that a unified case management system for state data collection and case outcomes is possible. In other matters, programs have chosen to go their own way; e.g., word processing software.

A more formal technology task force with representatives from all legal services programs and perhaps the OBA technology person and the State Commerce Department technology support person might result in the formulation of a coherent state technology plan. The creation of such a group could be an activity of the OBA's Legal Services Committee in consort with the OBA Law Office Management and Technology Section.

2. Assessments of Strengths: LSEO has established a program-wide Technology Task Force which is chaired by its part-time MIS Director and meets monthly as part of its management meetings. Over the last two years, LSEO has taken steps to systematically improve its technological status and try to make use of the be Internet access nefits modern technology can provide. At present, each of LSEO's offices have LANs**,** and each has its own e-mail address. Each LSEO employee now has a Pentium computer and intra-office as well as inter-office e-mail capabilities. In addition, each LSEO attorney also has a separate e-mail address and can send and receive documents from his/her desk, both as e-mail attachments and by fax modem. With the new computers have also come modern office packages that allow each office to share electronic calendars and case file "tickle" systems. Each LSEO attorney also has desktop access to the Internet, Westlaw research databases, and CD-ROM libraries in his/her offices. All workstations are networked with Kemp's computerized case management system, which allows for both centralized timekeeping as well as intake and eligibility screens on each client's case. In addition, each LSEO office also has a Pentium laptop computer loaded with the case management system

and word processing software so that outreach and intake can be accomplished or documents can be produced in the field and in isolated settings. These laptops are also loaded with CD-ROM law libraries so that advocates can have research capabilities in court.

LAWO uses several program groups to develop technology and tech-related service systems. The Technology Task Force composed of representatives of each LAWO office work on program issues, and each member serves as a reporter for problems and ideas from each office. LAWO's Management Council, which includes all LAWO Management and representatives from Attorney, Paralegal and Support staff, identifies general needs and directions for technology development. Final program technology decisions are made by LAWO's Accountant with Executive Director approval in accord with LAWO's board approved budget.

After upgrading computers in all offices to more contemporary standards, LAWO installed LAN networks in all law centers and now utilizes networked word processing, form/brief banks, timekeeping and Kemp's case management software, and CD-ROM law libraries. LSEO and LAWO use similar case management software, which will facilitate cooperative projects in the future. Further, each office is developing systems for inter/intra program e-mail and Internet access.

OILS has been even more constrained in technology development due to budgetary limitations. However, recently OILS has been able to upgrade its systems through the grant of eight 486 computers and WordPerfect software through the American Bar Association, Technology Exchange Project and Corel Corporation.

OILS has Internet access, fax, and e-mail technology. Furthermore, OILS has Internet posting privileges through the Native American Constitution and Law Digitization Project sponsored by the National Indian Law Library and the University of Oklahoma School of Law. Further, OILS educational materials are posted on the Internet and are linked to many Oklahoma and national American Indian web-sites.

3. Assessment of Weaknesses: LSEO and LAWO have only been able to accomplish their technological upgrades by utilizing the savings from employee turnover and lags in funding cycles. The cost of maintaining a technology budget is difficult when faced with the need to maintain as much strength in front line advocates as possible. OILS has had little staff turnover or new revenue, making substantial technological change near impossible.

LSEO has had to carve its MIS Director's duties out of time that is otherwise dedicated to the management of direct services to clients, and LAWO has similarly given responsibilities to its accountant. Unfortunately, there are not sufficient resources to provide for the amount of ongoing training and full-time support needed to fully support the technological advances. In some cases

this has meant that both hardware and software have been delayed in being fully implemented because there was not sufficient support for training and back-up available within the program.

LAWO trails LSEO in developing Internet and e-mail access, and it only recently converted to a more recent version of case management software that has been in use by LSEO. The transition to new systems for LAWO has been costly and, in the short run, as disruptive for all offices as it was for LSEO. Change is not painless when it comes to technology.

4. Goals: LSEO and LAWO are looking to continue their technological growth and hope that legal aid programs statewide can share in the benefits. At present, LSEO is investigating an upgrade to the same version of the case management software LAWO has purchased, which would then enable the two programs to have comparable databases and reports. This software program also has the capability of utilizing standardized interview questions and form letters, which will streamline the provision of advice and brief services in both programs. Along with the installation of a modern phone system, this software program will enable LSEO to create a free-standing hotline intake system, which will be made more effective by the combination of technologies. LSEO is also working on the implementation of modern document assembly software and templates for many of the recurring pleadings, documents, and correspondence. The LSEO Technology Task Force has also decided to establish a program web site, which will enable the program to provide even greater help to clients and staff alike. Once in place, this web site will allow the program to inform the public and potential clients about its services. It will also give the program the capability of providing all of its employees with individual e-mail addresses and a domain on the Internet where program news, policies, forms, manuals, and the like can be available to employees.

Another goal should be the expansion of technology into the area of statewide task forces on matters of substantive law. For years interested legal aid advocates from LSEO, LAWO and OILS have periodically met to confer and be updated on substantive matters of interest to their work in poverty law, such as entitlements, consumer law, and so forth. However, the time needed for traveling the distance to a site, as well as the travel expense to the programs, have limited the frequency and attendance at such meetings. Recently LSEO has begun to establish "electronic task forces," i.e., the shared use of e-mail messages and document sharing capabilities within the program that allows individual advocates to post questions (and answers) concerning problems affecting our clients and our practice. By expanding such e-mail task forces beyond program boundaries, advocates from around the state would no longer have to wait and have to travel half a day every few months in order to bounce ideas off of other advocates who practice in that area of poverty law elsewhere in the state. In addition, usage of web sites can create places where the latest briefs or unpublished decisions on an obscure point of law can be posted for all with an interest in that area of law to visit and download whenever they are able. This electronic sharing is one way in which legal services providers can make the most of their limited resources and try to

fill the void left by the loss of the national substantive back-up centers.

Other goals the legal services programs should strongly consider are the joint funding by LSEO, LAWO and OILS of a state-wide MIS Coordinator or Director and the group purchase of support services. Not only could this person direct the technology planning process for the programs, but s/he could also help ensure that the programs choose compatible technology and systems. Similarly standardized communications systems and information sharing capabilities, as well as one or more web sites, could be utilized by the programs and the public. This person could also facilitate state-wide training sessions and prepare manuals and videos so that all legal services technology users would know how to adequately use and benefit from the efficiencies of the new technology. Also, Oklahoma's legal services programs could consider seeking special discounts for statewide support services for all three programs by joining together in the support contract.

Oklahoma's law schools provide access to LSEO, LAWO, and OILS staff to their law school libraries and web sites. Similarly, access to law school electronic research resources, including LEXIS and WestLaw as well as Internet access should be explored and expanded where possible. For example, WestLaw and LEXIS should be asked to donate time to lawyers doing *pro bono* work.

5. Timetable: As both of Oklahoma's large regional legal aid programs either already have or soon will be purchasing major technological components, such as phone systems and case management software, and LSEO is working on the establishment of its web site, it would make sense that some kind of statewide planning or system for the direction of technology be implemented immediately to help share experiences. Oklahoma's programs continue making these decisions independently of each other, it may be harder and more expensive in the future to find ways to share and coordinate electronically. As a part of the decision making process, the programs should also decide upon whether to 1) fund a statewide MIS Director, and/or 2) contract for statewide support services within the next six months, and/or 3) develop systems to improve technology coordination been OILS, LSEO and LAWO.

III. Increased Access to Self-Help and Prevention Information

What are the major barriers low-income persons face in gaining access to justice in Oklahoma? What efforts can be taken on a statewide basis to expand client access to the courts, provide preventive legal education and advice, and enhance self-help opportunities for low-income persons?

1. Overview: In Oklahoma, as in most other American jurisdictions, the law is a myriad of rules and regulations that are constantly changing but seldom made more understandable for the public at large. Although the state legislature and judiciary have taken some steps toward making our system of justice more accessible to the public (e.g. small claims courts, pro se victim protection orders, etc.), for the most part the complexity and breadth of our laws has made it hard for the average citizen to either know what the rules are or have the necessary access to the appropriate systems to make them responsive to his needs. Increased use of Oklahoma's trial and appellate courts, alternative dispute resolution and self-help processes could provide increased access to the justice system

2. Assessment of Strengths: Oklahoma's legal services programs have traditionally committed themselves to trying to make the law more understandable and accessible to those who otherwise could not afford legal counsel to help them. LAWO staff were instrumental in establishing the pro se victim protection order system, and they have also utilized pro se kits and clinics for uncontested divorces for years. In addition, LAWO developed client-centered brochures in English, Spanish, and Vietnamese years ago and has continued its commitment to trying to demystify the law through such means.

LSEO has also developed divorce kits and has enlisted pro bono attorneys from around the program to help clients in special clinics, which are designed to teach them how to pursue certain legal matters on their own without a lawyer. LSEO also has developed a variety of pamphlets and brochures, which are made available at each of its offices, by mail, and at other community agencies. Both LAWO and LSEO have for many years had successful community education programs for clients through the Older Americans' projects that they administer throughout the state.

This last year OILS published a booklet outlining all of the pro se form pleadings which are available from the tribal courts throughout Oklahoma. OILS has also published pamphlets and brochures outlining its available services and relating information on matters of Indian Law. Each of the legal services providers makes its staff available to speak to other agencies and to client groups, both on how prospective clients can access services as well as on information in the nature of preventative law and community education on legal matters of interest.

3. Weaknesses: As with everything else in legal services, the time and resources legal aid

providers have available for community education and work with clients on pro se matters is extremely limited. Since programs are being asked daily to take on clients for representation in court and elsewhere, so as to use their litigation and advocacy skills to try to protect fundamental needs, there is little time left in the normal day for efforts at prevention or to assist with uncontested and other lower priority matters. Although each program has tried to help in these areas, its primary focus must be on those urgent and important cases that demand immediate attention. When possible, community education programs are worked up individually by the available staff members for presentation to specific audiences, but there is no vehicle for sharing the fruits of this work and consequently there is much reinventing of the wheel.

4. Goals: As in other jurisdictions, Oklahoma should strive to simplify the law in areas where there will not be contested litigation or the full assistance of an attorney is not required. A number of court systems have taken great strides in this area. A good example is the Self-Help Center, a joint project of the Superior Court of Arizona in Maricopa County and the Arizona Bar Association. The Center allows clients access to pro se forms and the information necessary to accomplish a number of legal matters; the forms are available either in a paper or electronic format at the Center, and can also be accessed on-line from a number of kiosks located in the county library system throughout the Phoenix area. In addition, a list of attorneys on a panel is available to assist those who need further help with the forms. These lawyers agree to provide the necessary guidance on the use of the pro se materials for a small flat fee and also agree that they will not take on the pro se client as a regular client concerning the matter at hand. This joint project has received national awards and is clearly a way of the future, but it will only work with the aggressive support by the courts, the organized bar and the State Legislature.

5. Timetable: The Oklahoma Supreme Court and the Oklahoma Bar Association should study the Maricopa County project and consider implementing such a program for the use of pro se litigants here. Those who have visited the program and seen how it works have come away very impressed and wishing that such a resource could be made available for those who do not really need the assistance of an attorney.

In the fall of 1998 LSEO will have the assistance of an attorney who will work entirely on community education and pro se materials for the next two years, thanks to a fellowship from the National Association for Public Interest Law and the generous support of the Oklahoma Natural Gas Company and Public Service Company of Oklahoma. As with the pamphlets and brochures that the legal services programs have already developed, the efforts of the NAPIL Fellow concerning matters of interest to Oklahoma clients can be made available throughout the state. More coordination among all of the providers would help to focus what few resources each has individually into more of a combined pool of resources for all. With the kits and materials that the providers can produce, pro bono attorneys who do not want to take on a contested matter that could

last weeks or months may nevertheless agree to help out by teaching a class of pro se litigants once every few weeks. Kits and information that have been prepared consistent with Oklahoma law can then be used all over the state if local legal services offices are there as a back-up resource to deal with local variations in procedures. Although the NAPIL Fellow will not start until the Fall of 1998, the sharing and coordination of existing resources should start now.

There are some other things the legal services programs can do now even though available resources are still extremely limited. A statewide task force of those who serve Older Americans under Title III, Older Americans Act grants should be formed, with the DHS Legal Services Developer perhaps facilitating its creation. Senior Law Project staff is largely composed of paralegals, many from rural areas, who are called upon to prepare and conduct community education presentations throughout the year. These advocates have similar work in common and should be encouraged to meet together so that they can also share the community education presentations and packets of information they have individually developed. Videos of how the presentations should be done could be made and shared so that each advocate would have a video library of possible presentations that could be replicated by them for their local senior citizen audiences. Also, the accompanying materials and hand-outs could be produced in bulk so that senior citizens paralegals could have a variety of types of information to share with the senior groups whom they address. Further, such a task-force could be a vehicle for training, identifying legal problems/solutions and promoting uniformity in statistical reporting.

IV. Capacities for Training and Access to Information and Expert Assistance

Do program staff and pro bono attorneys throughout the state receive the training and have access to information and expert assistance necessary for the delivery of high quality legal services? How can statewide capacities be developed and strengthened to meet these needs?

1. Overview: With the funding cuts of 1996, LSC withdrew all support for national and state support centers as well as the regional training centers that had historically facilitated skills training for legal services programs. With most providers having already cut back on in-house training units during the uncertain funding times of the 1980's, the 1996 cuts to national support services dealt a severe blow to the efforts of programs to provide even the minimum necessary training regimen for their staff.

2. Assessment of Strengths: Oklahoma's three legal services programs have pooled their non-LSC funds to continue the existence of the Oklahoma Legal Services Center, which focused on training as a major responsibility in the past. However, since the LSC grant to OLSC was eliminated, OLSC's focus has shifted to legislative monitoring, fundraising for the three programs and other activities. Although it continues to provide some logistical support for trainings and other

events such as the Annual OBA Pro Bono Attorneys' Reception, OLSC's single-person staff does not have the funding to continue to hold training events for the programs.

Now each legal services provider has set aside a portion of its budget for training, and staff are permitted to attend CLE events put on by the OBA and others in substantive areas relevant to the poverty law practice. The OBA has allowed legal services staff to attend many of these events at reduced cost so as to stretch the training budgets further. As available, staff are also allowed to attend trainings which are put on by poverty law organizations such as the National Legal Aid & Defender Association (NLADA), and skills training such as that put on by National Institute of Trial Advocacy (NITA).

Pro bono attorneys have been able to attend free trainings each year as a bonus for helping legal services programs help the poor. LAWO and LSEO have conducted a Basic Divorce Practice seminar in Oklahoma City and Tulsa for years and have also sponsored free CLE events on other topics such as Consumer law, Veterans Benefits, Housing Law, Immigration, Juvenile Law, and the like, which not only reward pro bono lawyers, but also equip them to better serve low-income clients.

Specialized annual law training has been made available to OILS attorneys through the Oklahoma Supreme Court's Sovereignty Symposium. Further, each of OILS' attorneys has been invited to speak at national Indian law conferences that waive registration fees. OILS is also the Oklahoma legal services conduit for access to national Indian law resources, such as the Native American Rights Fund, National Association of Indian Legal Services, and Center for the Study of American Indian Law and Policy.

Pro bono attorneys also receive discounts on publications from some of the remaining national back-up centers, and from the OBA on a CLE of their choice after having completed twenty hours of pro bono service during a year. The programs have also been contacted by the Oklahoma Chapter of the American College of Trial Lawyers with a promise of help on training on basic skills for the less experienced legal aid attorneys.

Although separate training units no longer exist in any of the legal services programs, each does try to conduct some internal training with the limited resources available. Both LAWO and LSEO conduct periodic meetings of their advocates during which either staff or outside presenters are brought in to teach the attendees some aspect of poverty law relevant to their areas of practice. One functioning statewide task force (the Public Benefits Interest Group) has survived from all of those task forces that briefly flourished in the mid-1980's. These meetings are held periodically at a central site and are successful because of the dedication of the group's chair, who ensures that interesting speakers are present with packets of information for dissemination at each meeting.

3. Assessment of Weaknesses: Although in times past the programs have conducted trainings jointly, at present each program is largely using its own resources to conduct its own training agenda, without coordination with the other programs. When LAWO and LSEO accidentally held two different major pro bono training events in different parts of the state on the same day, an agreement was reached to have the three programs map out their PAI and other major training events over the course of a two year calendar, but the coordinating group has not met in recent months and never did take on the task of trying to coordinate the sharing of the internal trainings that each program was doing. With the loss of the regional training center in Denver, there is no longer a clearinghouse so that Oklahoma programs can try to take part in trainings being conducted by other legal services programs throughout the western United States. Internal resources are inadequate to provide the kind of training that is needed, especially considering the fact that increased turnover due to uncertain funding and historically non-competitive legal services salaries has brought a concomitant influx of recently admitted attorneys. New inexperienced staff increases the need for skills trainings and orientation programs.

4. Goals: Oklahoma's legal services organizations must maximize the resources they have left in order to get the quality training their staff must have to adequately represent their clients. The OBA should be encouraged to expand and make permanent the policy of allowing legal services attorneys to attend CLE events at cost. Ongoing partnerships should be established with trial lawyer organizations and NITA to provide for scholarships and free training and mentoring for legal aid advocates. A training task force should be established among the legal services programs and meet periodically to coordinate staff trainings so that economies of scale and "cross-pollination" benefits can be obtained. Increased use of technology, such as "electronic task forces" and information posted on program web sites, can enable legal services staff even in remote corners of the state to stay up on current happenings without the need for extended travel and time away from the office. The OLSC can perform a clearinghouse function by maintaining a videotape library of tapes made of internal trainings as well as those obtained from outside sources.

Although Oklahoma's three law schools and three legal services programs have historically cooperated on many activities, including training, sharing of expertise, and others, much of this cooperation has been informal or on a case-by-case basis. Efforts should be made to formalize working relationships between legal services providers and the law schools. For example, free or discounted training could made available to legal services staff, law students, and faculty.

5. Timetable: A training task force with representation of LAWO, LSEO, and OILS should be established immediately and begin a regular meeting schedule to coordinate the pooling of training resources and the planning of events. If the programs agree to fund a statewide MIS Director, s/he could then oversee the establishment of a technology task force and begin implementing an e-mail information exchange program as well as setting up information systems for all to use on program web sites, or identifying such information elsewhere for staff to access.

V. Engagement of Pro Bono Attorneys

What is the current status of private attorney involvement in the state? What statewide efforts can be undertaken to increase the involvement of private attorneys in the delivery of legal services?

1. Assessment of Strengths: The role of voluntary services by lawyers and non-lawyers has always been key in providing access to legal services to low-income people. It is likely that this role must become more important if poor people are to continue to have access to legal services. LAWO and LSEO have pro bono panels of attorneys in all of their service areas with an overall participation rate of about 10%. In addition, the HIV/AIDS Legal Resource Project is a pro bono project with volunteers throughout the state that meets a compelling need. Annual family law training events produced by LSEO and LAWO held in Oklahoma City and Tulsa have provided important training for pro bono lawyers. Further, the Oklahoma Bar Association has been a formal partner since the early 80's in promoting and facilitating *pro bono publico.* The OBA efforts have included strong support by bar leadership through promotion of pro bono efforts in the Oklahoma Bar Journal, and otherswise.

2. Assessment of Weaknesses: The participation level of Oklahoma attorneys in pro bono has been stagnant, at about 10%, for several years. Further, LAWO and LSEO have too often underutilized the panel. Alternative methods of providing pro bono service are not well publicized or utilized.

Further, until the late 60's, there were almost no Indian people trained as attorneys in the United States. Historically, attorneys bordering "Indian country" usually represented interests inimical to those of individual Indians and smaller tribes. The unsavory history of Oklahoma lawyers' relationship with Native Americans is legendary and documented by Oklahoma's native daughter, Angie Debo, in her many books.

Given this foundation, it is not surprising that there exists no organized pro bono effort by the private bar. Finally, only 1.6% of the Oklahoma Bar identify themselves as having handled any Indian law issues in the past year. The brutal reality is that there are too few Oklahoma lawyers with the expertise to provide pro bono legal services to Oklahoma's substantial low-income Indian community.

3. Goals and Timetables: Despite efforts in some jurisdictions to make pro bono services mandatory, in the vast majority of states, pro bono legal services remain truly voluntary services that are given in recognition of the special role lawyers play in making the justice system work. However, in several jurisdictions, in recognition of the professional obligation to "make the justice

system work for all," mandatory reporting of pro bono activities to the bar on an annual basis has become a requirement of licensing. This information could be used to promote organized pro bono activities and to enhance the public's perception of lawyers by publicizing the good work by attorneys. In the next year, the Supreme Court and OBA should study the adoption of a mandatory pro bono reporting requirement for all members of the Association.

Just as the American Bar Association has a pro bono goal for individual attorneys the OBA and/or the Oklahoma Supreme Court should adopt a specific pro bono public service goal of 50 hours (identical to the ABA standard) for all attorneys and recognize attorneys that meet or exceed the minimum goal. Pro bono services would include a wide range of public service activities including serving the civil legal needs of the poor.

A wide range of pro bono services to clients should be available to volunteer attorneys; e.g., representation in various areas of law, community education, backup support to legal aid advocates, appellate advocacy, advice and counseling, etc. These alternatives could, in the near term, be promoted through advertisements in the Oklahoma Bar Journal and through periodic recruiting campaigns.

A pro bono service plan must include public and media recognition of the work of volunteer lawyers as a way of encouraging additional services and enhancing the image of the profession. The OBA, OCBA, TCBA, and other bar associations should consider enhancing their efforts to recognize pro bono work. The OBA Legal Services Committee should adopt a media advocacy plan to formalize such efforts.

Specialized or "boutique" pro bono projects by law firms or county bar associations should be supported as a way of expanding services and enhancing expertise; e.g., the HIV/AIDS Legal Resource Project originated by the OBA Young Lawyers Division has been incorporated into both LAWO and LSEO's pro bono programs). Similarly, when lawyers in Stephens County wanted to establish an advice clinic, LAWO provided support and incorporated the project into LAWO's pro bono program.

LSEO and LAWO have always made use of pro bono attorneys as individual case handlers and plan to promote other ways in which attorneys may serve. Both programs have made use of pro bono attorneys and psychologists as lecturers in CLE programs that they provide to members of their PAI panels for training. In addition, LSEO is planning to allow pro bono and reduced fee attorneys to help staff its centralized intake hotline, as well as teach unrepresented clients how to use the pro se kits which the NAPIL Fellow will develop for pro se clinics. LSEO is also working on setting up programs within the corporate counsel departments of local corporations to try to give those lawyers the opportunity to serve by helping clients with uncomplicated matters, similar to pilot projects that have proven effective with business lawyers in San Francisco and elsewhere.

Oklahoma's law schools should actively consider incorporating mandatory community services and/or a mandatory pro bono program as a graduation requirement for all law students. Instilling the ideal of making the justice system truly available to all should begin in law school. Legal services providers, in turn, must devote resources to developing worthy opportunities for law student and legal intern participation in legal services work.

An innovative pioneering spirit must be a part of making pro bono services effective. Many other ideas are waiting for volunteer lawyers committed to the promise of *justice for all*. Many of the above goals can be undertaken within the year; however, others may require laying an educational foundation before they can be undertaken; e.g., mandatory pro bono reporting.

VI. Development of additional resources.

What statewide financial resources are available for legal services to low-income persons within the state? How can these resources be preserved and expanded?

Assessment/Goals/Timetables: The provision of civil legal services for the poor is the result of a public/private partnership of both funding and volunteer services. Unfortunately, current resources available for the provision of legal aid on non-criminal matters are woefully inadequate to meet even the most urgent and important legal needs of low-income people. The shortfall in resources could be increased by possible reduction or loss of LSC, IOLTA and Older Americans Act funding. Thus, the plan must include alternatives and a recommended resource development plan.

National -- LAWO's, LSEO's, and OILS' largest source of funding, by far, is the Legal Services Corporation. It provides over 75% of Oklahoma legal services funding. Thus, preservation of LSC should be the foundation of any state legal services plan. In addition, where appropriate, Oklahoma's legal services providers should seek other federal sources of legal services funding.

Bar Resources -- Lawyer fund raising drives, bar dues earmarked for legal aid (mandatory or voluntary) and the adoption of comprehensive or opt-out IOLTA are additional funding opportunities that the bench, bar and legal services providers should explore in order to be full participants in making legal services available to the poor. A $100 bar dues surcharge would generate over $1 million each year. LAWO's, LSEO's, and OILS' existing lawyer fund raising efforts currently raise less than $100,000 annually; however, there is potential for substantial growth given experiences in other states.

State -- Oklahoma state government has for the past three years provided an appropriation to fund legal services for the poor. These services target family law with priority given to domestic violence cases. The current funding of $600,000, although helpful, meets only a small part of the

actual need and is less than one-third of the LSC funding reduction of 1996. The bar and the legal services community should continue to work with the legislature to help ensure that low-income Oklahomans have access to justice.

The State's Legal Services Developer for Senior Citizens should be considered a readily available advocacy resource. The LSD can mobilize aging advocacy groups such as the State Council on Aging, Alliance on Aging, and Silver Haired Legislature to speak out on how legal services attorneys ensure access to health and income maintenance through the government, housing for the elderly, and on the need for increased Older Americans Act appropriations for legal services.

Additional funding and alternative state funding sources should be explored. Many government funding alternatives exist, including: a filing fee surcharge; an increased appropriation, lawyer escrow account escheat law; a fee applied to punitive damage awards; *cy pres* funds from unclaimed class action awards that in turn escheat to the state; real estate escrow IOLTA accounts. For example, it is likely that a $10 per case increase in court filing fees would provide $1.3 to $2 million in steady legal services funding. Tobacco settlement/judgment funds should be sought for health care legal advocacy on issues such as Medicaid, since the Oklahoma lawsuit is seeking the return of funds spent for persons (largely age 50 and older) who had tobacco-related diseases. People with these diseases will continue to be Medicaid recipients for decades to come and will have legal needs related to their healthcare throughout their lives. These and other ideas should be explored by the state and Supreme Court to ensure that the state is a partner in making civil legal services available to the poor.

Tribal Sources -- LSC regulations allow Native American programs to accept contracts for services to tribes. Although the majority of Oklahoma's Indian nations are low income themselves, a few have made significant strides toward economic self-determination. As more tribes successfully develop their limited resources, OILS, as a trusted Indian law advocate, is postured to develop and accept tribal contracts.

Private Sources -- The public at large should also play a role in making resources available for legal services. United Way, corporate and foundation grants, client opportunities to give after receiving services, collaborative fund raising efforts with other agencies, resource sharing and special events are examples. In addition, legal services should establish long-term planned giving tools, such as the charitable remainder trust to allow friends in the community to leave portions of their estates to legal services providers and clients. Annual lawyer fund raising campaigns in Tulsa and Oklahoma counties should be expanded and enhanced to include other parts of the state and other donors, e.g., non-attorneys. The growing presence of Oklahoma's 600,000 people aged sixty and older should be tapped by asking aging advocates, including area aging agency representatives, to serve as volunteer staff and board members.

VII. Configuration of a Comprehensive, Integrated Statewide Delivery System

Where there are a number of LSC-funded programs and/or the presence of very small programs, how should the legal services programs be configured within the state to maximize the effective and economical delivery of high quality legal services to eligible clients within a comprehensive, integrated delivery system?

1. Program Merger and Consolidation: LSC, in its state planning letter dated February 12, 1998, asked state planners to consider the consolidation of smaller programs into larger programs. LSC doubts that any program with a poverty population of 30,000 or less can provide efficient, effective, high quality services. LSC is also concerned about programs with poverty populations under 60,000. OILS has a census based poverty population of 70,827 scattered over the entire state; LSEO serves a poverty population of 226,394 distributed over 24,399 square miles and LAWO serves a poverty population of 283,460 distributed over 44,258 square miles.

However, LSC has historically acknowledged the unique character of "Indian Legal Services" as demonstrated by its 1998 *Legal Needs and Services in Indian Country Report* and segregated "Native American" funding line item. To consider consolidation of the only Native American Legal Services program in the state with the highest number of American Indians, would turn LSC's commitment and the federal trust responsibility to Indian nations and their peoples on its head.

In recognition of the need for specialized civil legal services to Indians and Indian tribes, LSC and Congress have historically funded Indian Legal Services under a different formula from funding for basic field programs. LSC boards have come to recognize and appreciate the role and purpose of Indian Legal Services programs by focusing regulatory attention on uniquely Indian issues. For example, §1007(h) of the LSC Act allows criminal representation in tribal courts and §1010(c) of the Act permits specified expenditure of funds received from tribes or foundations designated to benefit Indians.

OILS serves a poverty population exceeding LSC "basic field" criteria for merger and consolidation and provides efficient, effective, high quality services to Oklahoma's Indian community. More importantly, OILS is the only program with the acknowledged expertise to provide legal services representation in complex Indian law cases. Further, as an independent program, OILS successfully overcomes the significant Native American barriers of native languages, lack of private bar, cultural barriers, geographic barriers, and barriers created by the unpopularity of representing Indian rights against established interests in the dominant state. Nowhere is this better demonstrated than in the recent acrimonious litigation between polarized state and tribal sovereignty interests in taxation, license tags, Indian child welfare, Indian gaming

and tribal court jurisdiction.

Although OILS possibly could benefit from some of the efficiencies of scale found in a larger program, little would be gained from a substantive legal standpoint because much of its work is unique. Any merger would create additional problems for Native American conflict of interest issues. OILS was created in 1980 as a component of LAWO; however, the plan was to spin off OILS as an independent legal services program as a way of ensuring a sense of Indian ownership and building credibility in the client community. Further, the independence of OILS was viewed as a way of ensuring that Native American legal services funding was not diverted into non-Indian legal issues.

It is recommended that OILS as an independent program be maintained and additional LSC, state, tribal and national foundation funding be sought to prevent the need for further consideration of the consolidation or merger of Oklahoma's Native American legal services program. In that case, Indian law specialists should be retained by the surviving program(s). It is also recommended that OILS investigate cooperative purchasing, accounting and other administrative services with the other legal services providers to reduce overhead expenses.

The service areas of the general legal aid providers – LSEO and LAWO -- are large, making delivery of services, management and program governance more difficult. Any sense of program ownership by local bar associations and community groups would be diminished through reducing combined board membership of the two groups to a more manageable size -- a 50 percent reduction in total board membership would be likely. Savings would be generated by reducing board membership; however, the savings are not likely to be great as these non-compensated boards only meet on a quarterly basis. This loss of community input caused by merger could have an adverse impact on local fund raising, program oversight and political support.

The current division of Oklahoma service areas is logical given the population centers of the state, demographics of eastern and western Oklahoma and the distances from appropriate administrative offices. In 1977, when LSEO and LAWO were created, a statewide program was rejected for these and other reasons.

A merger would result in savings from consolidating some administrative functions. However, any apparent savings would be diminished by the necessity of maintaining administrative services and staffs in the other half of Oklahoma to ensure quality case/staff management and administration. This office design could save one to two-and-a-half positions, depending on the final configuration of the Oklahoma City and Tulsa administrative offices.

Currently, LAWO and LSEO have administrative staffs of 8 and 6½, respectively. Each office has broad overall management responsibilities to board, staff, clients, the bar and pro bono

attorneys, funding agencies and the public. Arguably, given the responsibilities, size of service area and number of offices, LSEO and LAWO administrative offices are understaffed, e.g., LSEO does not have a Deputy Director or litigation coordinator and LAWO does not have a program pro bono coordinator.

2. Office Mergers and Consolidation: Both general legal services providers should review service areas and consider consolidating offices. Although it is likely that additional office closings could be necessary due to possible reductions in funding, great care should be taken in this process, as an office once closed is difficult to ever reopen . Saving dollars, maintaining access to services for all Oklahomans, the availability of local funding and support, as well as other factors, should be considered in the review.

LSEO has reconfigured all of its office service areas in the last two years due to the funding cutbacks of 1996. Although this has meant that every LSEO office now has a service area of at least four counties, it has enabled the program to ensure that each of its regular law offices has at least two attorneys, one paralegal, and one support staff member. In this new configuration, LSEO can now absorb some funding cuts, if need be, without further closure of offices, and it is also able to open new offices (and reduce service areas) if substantial new funding is obtained. Although the funding future for legal services programs is still uncertain with the current Congress, this reconfiguration has enabled LSEO to be stronger, more stable, and better able to adapt to whatever change may come than it was when its delivery system included as many as four one-attorney offices just three years ago.

As a result of the LSC funding reduction of 1996, LAWO reduced overall staffing levels and merged its Shawnee Law Center into its Norman Law Center. This consolidation reduced overall operating costs and allowed retention of all advocate positions from both offices.

3. Goals: LAWO, OILS, and LSEO should not merge or consolidate at this time; however, the three legal services projects should establish a goal of continuing to work to improve teamwork. In particular, cost sharing alternatives, such as a possible statewide intake system should be studied. The goal of the resulting integrated delivery system must be improving access to a full range of high quality, cost-effective legal services for needy Oklahomans.

Conclusion:

This legal services plan must be considered a starting place to help the bar, the public, and government find a sense of direction in continuing to make justice available to our neediest citizens. Uncertainty about the future of LSC and IOLTA makes this first step in planning urgent to the poor and important to our justice system. Oklahoma has the resources and expertise to preserve justice for the poor. We must provide the will and the plan to make it happen.

Approved by the Legal Services Committee of the Oklahoma Bar Association this 11th day of September, 1998.

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Dallas Ferguson, Chairman

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