



**Legal Services Corporation
Office of Program Performance**

**Final Program Quality Visit Report
for
Oklahoma Indian Legal Services**

Recipient # 737018

March 24 – 27, 2014

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INTRODUCTION

Background on the Visit

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit at Oklahoma Indian Legal Services between March 24 and March 27, 2014. The team included Program Counsel from the Office of Program Performance, Evora Thomas (team leader), and Carolyn Worrell, Temporary Employee ("the PQV team").

Program quality visits are designed to evaluate whether LSC programs are providing the highest quality legal services to eligible clients. In conducting this evaluation, OPP relied on the LSC Act and regulations, the LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The evaluation is organized consistent with the four Performance Areas of the LSC Performance Criteria, which cover needs assessment and priority setting; engagement with the low-income community; legal work management and delivery; and program management including board governance, leadership, administration, resource development, and coordination within the delivery system.

The team reviewed documents and information that LSC receives from the program in the routine course of business, including grant applications and renewals, case service reports (CSRs), and other service reports (OSRs). The team also reviewed documents and information the program submitted in advance of the visit, including advocates' writing samples and an on-line survey of staff. On site, the team visited the program's main office in Oklahoma City and from that location, interviewed all program staff. The team interviewed advocates, managers, administrative personnel, the executive team, and support staff. In addition to speaking to the *OILS* staff members, the team met with – or interviewed by phone – a sample of board members, judges, and representatives of local agencies and community organizations.

Program Overview

Oklahoma is primarily rural and most of *OILS*' client-eligible population resides in rural areas. *OILS* reports that the 2010 census numbers show that Oklahoma has the second highest Native American population in the United States. The state is home to 39 distinct tribes with roughly 482,760 tribal members living in Oklahoma. This is a 23.2% increase over the 2000 census. The tribal population has increased to 12.7% of the total population of the state. To effectively deliver legal services to this special population *OILS* accepts cases from throughout the entire state, is centrally located in Oklahoma City, and utilizes a circuit-riding method to reach low-income Native Americans and others with legal issues that are a direct result of the unique political status of being a tribal member and/or the sovereign status of the tribal government. For the most part, the jurisdictional boundaries of the tribes are not clearly delineated because Oklahoma does not have traditional reservation boundaries.

OILS attorneys have specialized expertise in various aspects of Indian law, especially those pertaining to Oklahoma's unique legal requirements. These include Indian land titles, probates, and *guardians ad litem* in tribal courts; the American Indian Probate Reform Act, wills and estate planning; specific laws pertaining to the Five Civilized Tribes and General Allotment

Act Tribes; Indian Child Welfare; Indian housing; tribal court practice and appeals; and, the treatment of Indian assets for taxation and social security purposes. In addition to federal laws that impact low-income Native Americans, there are many different tribal courts as well as case types that must be brought in state district court or before administrative tribunals. *OILS* staff attorneys are each responsible for an assigned geographical region within the statewide service area. This division allows each attorney to become familiar with the specific tribal courts, tribal codes, procedures and varying tribal cultures prevailing in their assigned area. Another LSC grant recipient, Legal Aid Services of Oklahoma, Inc. (LASO) is the statewide provider of basic field legal services.

For 2014, *OILS* received an LSC grant award for basic field – Native American legal services in the amount of \$756,200. *OILS* does not receive LSC funding for any other components. In developing its 2014 budget, the program projected that it will receive additional income from non-LSC funders in the amount of approximately \$400,623.

Over the past few years, due to revenue reductions, *OILS* experienced staffing losses of one attorney and one paralegal in 2012 and another attorney in late 2013.

SUMMARY OF FINDINGS

DISCUSSION OF FINDINGS and RECOMMENDATIONS

PERFORMANCE AREA ONE. Effectiveness in identifying the most pressing civil legal needs of low-income people in the service area and targeting resources to address those needs.

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

FINDING 1: *OILS* has adopted effective practices to identify and to assess the most compelling legal needs of the Native American population it serves in Oklahoma.

OILS assesses the legal needs in its service area on an ongoing basis. Annually, the program provides a needs assessment survey to accepted clients, court clerks, tribal court clerks, judges and other relevant tribal offices. It asks clients, including participants at its wills clinics and expungement clinics, to complete a legal needs survey form and a client satisfaction survey. It also asks attendees to complete forms when they conduct community education events and participate in Indian Country events such as pow-wows. Surveys are also mailed to clients with case opening documents and are returned along with client services agreements. The survey form does not appear to allow respondents to *add* needs to the list; rather the form asks that the respondent rate the included list of legal areas from most to least important. The survey does not appear to take reading proficiency levels into account.

In 2013, *OILS* reports that it distributed 700 surveys with a return of 164 responses. Along with identifying legal needs, the instrument helps to identify changing demographics of Indian communities in Oklahoma. The 2013 results revealed that 84% of the respondents and clients are over the age of forty; a majority of annual household incomes are less than \$10,000

and only 40% have access to a computer. *OILS* concluded that its target communities will have an aging population, with very little formal education, and will be economically disadvantaged.

In addition to the surveys, *OILS* obtains information from other entities that interact with the Native Americans served by the program. *OILS* has strong relationships with tribal governments, tribal courts, social service providers, federal agencies and courts. These entities provide on-going information regarding the legal needs of the populations they serve. These relationships ensure that *OILS* is able to identify emerging needs in real time such as the needs resulting from the recent *Cobell* class action settlement.¹

RECOMMENDATIONS:²

1.1.1.1. OILS should review its current survey instruments and compare ones in use by other Native American LSC grantees. Any revisions should include a section to the survey form that allows respondents to add legal needs not on the list. OILS should also determine the reading comprehension level of the document.

Criteria 2 and 3. Setting goals and objectives, developing strategies and allocating resources; Implementation.

Finding 2: *OILS* has established program priorities with goals and objectives; and appropriately targets resources to meet those objectives.

An updated report, entitled “2013-14 Resource Allocation and Priorities for Oklahoma Indian Legal Services, Inc.” describes the prioritization process and case acceptance priorities for the program. The prioritization process focuses on nine factors in determining how the program’s resources will be allocated: 1) appraisal of the needs of the client population; 2) significant segments of the client population with special legal problems or special difficulties of access to legal services; 3) resources of *OILS*; 4) availability of other free legal resources; 5) availability of other sources of outreach; 6) relative importance of particular legal problems; susceptibility of particular problems to solutions through legal process; 8) whether *OILS*’ legal efforts

¹ *Cobell v. Salazar*, is a class action lawsuit that was brought by Native American representatives against two departments of the United States government, claiming that the U.S. government had incorrectly accounted for the income from Indian trust assets, which are legally owned by the Department of Interior, but held in trust for individual Native Americans. The case was settled for \$3.4 billion in 2009, with \$1.4 billion going to the plaintiffs and \$2 billion allocated to repurchase land that was distributed under the Dawes Act, and thereby return the land to communal tribal ownership.

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

complement other efforts to solve particular problems in the area; and, 9) whether legal efforts by *OILS* result in efficient and economical delivery of legal services.

As a result of the foregoing process, *OILS* adopted priorities in five broad areas of Indian law: 1) Juvenile Law; 2) Natural Resources and Land Distribution; 3) Housing and Property; 4) Sovereignty; and, 5) Indian Entitlements. Case priorities include the Indian Child Welfare Act; *Guardian ad Litem*s; Adoptions; Guardianships; probates; MHO Housing; Indian Health Services; and Indian Country questions. Priorities are ranked as high, medium and low for purposes of case acceptance. *OILS'* program priorities also include the provision of legal advice, community education, activities with other legal aid offices, non-priority emergencies and contracts and grants. *OILS* refers Native American applicants with civil legal problems outside of its priorities to *LASO*, the other LSC grantee in Oklahoma that provides basic field legal services delivery. In 2012 *LASO* closed 870 cases involving Native American clients; and in 2013, it closed another 692 cases involving Native American clients.

Finding 3: *OILS* last adopted a formal strategic plan in 2008 and initiated another strategic planning process in 2014.

In 2008 *OILS* adopted a strategic plan entitled *Vision Quest 2008*, which sets forth the program's mission statement, as follows:

To protect and serve the Indians of Oklahoma in the continued struggle to preserve and enhance tribal and individual status-related rights through representation of qualified persons and tribes and through the education of clients, tribes, lawyers, judges and social services personnel.

Along with the mission statement, the plan identified four objectives and corresponding strategies to achieve the mission. The objectives are: 1) to increase the level and quality of representation to the low-income Indian communities of Oklahoma; 2) to increase the legal knowledge of the low-income Native American community in Oklahoma; 3) to educate the legal and social network of Oklahoma as to the requirements and obligations of Indian law; and, 4) to assist the tribes of Oklahoma in protecting their sovereignty and culture from encroachment by the dominant society.

In January 2014, the *OILS* board of directors began a new strategic planning process when it conducted a facilitated discussion of future strategies to meet its stated objectives. Led by one of its own members, the discussion assessed several strategies according to nine factors deemed appropriate considerations for employing proposed strategies. The factors were 1) compatibility with mission; 2) funding; 3) serves target population; 4) LSC rules; 5) efficient use of resources; 6) achievable within six months; 7) capacity of board/staff; 8) strategic importance; and, 9) communication to offices.

The board had not done any strategic planning earlier because of resource limits –i.e. in some instances it was difficult to know what the revenue would be until well into the fiscal year because of the uncertainty of funding levels. Board members report that their immediate strategic priorities for 2014 are (1) getting new board members, (2) identifying the location for a new office site in northeastern Oklahoma, (3) fundraising, and (4) partnership with law schools

to train licensed legal interns to appear in state courts in Oklahoma County District (Juvenile) Court where there is a high concentration of Indian parents in that court.

RECOMMENDATIONS:

1.2.3.1. OILS should continue its discussions within the board of directors, also engaging staff and other stakeholder participation in order to formulate a new strategic plan for the next five years.

Criterion 4: Evaluation and Adjustment.

Finding 4: *OILS* has engaged in limited activities to examine the quality and effectiveness of its delivery of legal assistance and to identify emerging legal needs.

The legal needs assessment process employed by *OILS* affords the program ongoing opportunities to receive feedback on the quality of its legal services delivery and to learn about emerging legal needs. *OILS*' attorneys were described as "real troopers" by representatives of the Office of Special Trustee for American Indians. When the Bureau of Indian Affairs (BIA) stopped doing wills for Indian people in 2004 and the need for wills drafting was overwhelming, *OILS* and the law schools "jumped in and did them."

Following the *Cobell* settlement in 2009, *OILS* recognized the necessity for the provision of accurate information and legal assistance to potential beneficiaries in order for them to receive proceeds from the settlement. Working in collaboration with the Department of Interior (DOI), Office of Special Trustee for American Indians (OST)³, *OILS*' attorneys researched the Individual Indian Money Account (IIM) in order to ensure that clients receive the amount they are entitled to under the *Cobell* settlement. There were tight deadlines to file applications for the *Cobell* settlement proceeds. Part of those requirements were the submission of affidavits. Under the guidance of *OILS*' executive director, the program put together three major clinics at the Wichita Tribe's gymnasium for people to complete the affidavits.

OILS does not have a formal procedure in place to capture outcomes of its legal assistance in all cases. The program provides case closure statistical data to LSC and its other funders, but does not assess the impact or value of its services to individual clients or the tribal communities where they reside. In some instances, such as serving as *Guardians ad Litem*, the program examines whether the wards are placed in a safe family environment. The new Pika case management system (CMS) has the ability to capture such data and the program will consider implementing this feature in the future.

Interviews with other stakeholders interested in addressing Native American legal needs in Oklahoma indicated that there is a significant unmet need concerning grandparent custody of

³ OST maintains the addresses of IIM account owners. Addresses make it possible for OST to keep in touch with account owners, sending them their account statements and their funds. Whereabouts Unknown (WAU) accounts are those for which OST does not have current address information. According to DOI, as of March 31, 2014, there were 61,498 WAU accounts. The combined monetary value of those accounts was \$96.6 million.

Native American children. Whether *OILS* can address this need and the level of its undertaking is currently a matter of resource capacity.

RECOMMENDATIONS:

1.4.4.1. OILS should explore processes to capture outcomes resulting from its work, including whether it has the capacity to do so with its case management system.

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

Criterion 1. Dignity and Sensitivity

Intake –

Finding 5: *OILS* has a centralized intake system with the capacity to conduct intake screening and referral for the entire service area.

OILS operates a centralized, toll-free telephone intake system that is easily accessible to clients seeking legal assistance and is maintained and supervised effectively by experienced staff. Operation of the intake system engages the director of litigation, two intake specialists⁴ and an administrative paralegal. All calls to the main office of *OILS* are answered first by the receptionist. The executive director and office manager supervise the unit. However, neither the executive director, nor office manager has had formal training on intake systems in recent years. *OILS* has well-defined and ongoing oversight/ supervision of the unit activities. There is clear delegation of responsibilities and troubleshooting, when needed. A newly installed CMS, Pika, provides cloud-based access and storage, permitting easier remote access for intake during outreach. *OILS* has produced written intake procedures, although the manual has not been updated as yet to reflect integration of the new CMS.

OILS' intake hours are Monday through Thursday from 9:00AM to 12:00 noon and 1:00PM to 3:00PM. Walk-in applicants are interviewed whenever they come into the office. The program estimates that 99% of its intake is by telephone. Callers seeking legal assistance are routed to the intake specialist who determines eligibility and conducts an interview to determine the facts associated with the legal problem using scripted questions from a pull-down menu available in the CMS. Case notes are entered in the CMS contemporaneously. When the intake specialist is not available at the time a caller contacts the program due to caller volume, *OILS* relies on a call-back system using voicemail. Usually the callers are contacted the same day, or within the next business day; and multiple attempts are made to reach these callers. There are no procedures currently in place to evaluate the system for call volume, wait times or other relevant factors.

Once eligibility and case acceptance criteria are met and the applicant is interviewed by the intake staff, the director of litigation reviews the application and assigns the case to an

⁴ The second intake specialist was hired by *OILS* and started work within the month of the PQV and was not interviewed separately, although she attended the entrance and exit conferences.

attorney based on the legal problem and the geographic location where the issue has arisen. In some instances, a follow-up call may be required to determine additional facts before advice is provided. The assigned attorney provides legal advice to the client and directs the completion of the advice letter by the intake case manager, who is a paralegal. If limited assistance, further research and/or investigation are required, the assigned attorney completes the necessary work. The assigned attorney presents the case for extended representation at the next weekly case staffing meeting. Only cases requiring more than advice are initially presented at case review meetings. Tax cases are immediately assigned to the tax attorney.

Once a case has been accepted for extended representation, the intake case manager mails the acceptance letter and related forms for the client's completion and signature. Throughout the intake process, there is no document assembly software being used currently to facilitate the intake and advice activities.

RECOMMENDATIONS:

II.1.5.1. OILS should update its intake procedures manual to reflect current practices, including reliance on the new Pika case management system.

II.1.5.2. OILS should consider acquiring document assembly software, such as HotDocs to facilitate the preparation of form letters and other documents.

II.1.5.3. OILS should provide staff training on intake systems and best practices, including access to online training materials. Best practices for managing coordinated intake and hotline programs may also be found at www.lsntap.org, www.lri.lsc.gov and www.legalhotlines.org.

Criteria 2 and 3. Engagement with the low-income population; Access and utilization by the low-income population.

Outreach -

Finding 6: In order to promote the organization's services, OILS effectively conducts outreach to Native American client communities, service providers and support groups.

OILS conducts significant outreach in areas where tribal members are concentrated. The staff regularly participate in tribal activities such as pow-wows, gatherings and other cultural events; attend health fairs; distribute pamphlets and brochures at locations frequented by Native Americans; do radio broadcasts; and, provide content on its website. For example, information booths have been provided at the Quapaw Tribal Health Fair, the Sac and Fox Tribal Health Fair, the Choctaw Nation Labor Day Festival, and the Seminole Nation Festival. OILS also provides an information booth each year when attorneys, legislators and tribal government officials attend the Sovereignty Symposium sponsored by the Oklahoma Supreme Court. Brochures and posters are also placed at the offices of tribal governments, the Bureau of Indian Affairs and tribal and state court clerks' offices. OILS also uses tribal newsletters, which are mailed to all tribal members, to advertise the availability of legal services, the advice hotline and community education clinics. And, it provides intake onsite at the wills clinics and expungement clinics held

throughout the state. The effectiveness of their outreach efforts is confirmed by the representatives of the tribal courts, governments and agencies with whom the *OILS*' staff interacts and who are intimately familiar with the program and its staff.

Office Staffing & Location -

Finding 7: Within its statewide service area, *OILS* promotes client accessibility and utilization of its services by strategically locating its offices and deploying its legal staff.

OILS maintains a centrally-located main office in Oklahoma City and a small satellite office in Ada. Oklahoma City is the state capitol and home of two law schools with curricula in Indian law. Operating from a central office ensures equitable treatment of applicants and clients in the intake and case acceptance process that is primarily performed in the main office. Also, from both the main office and the Ada office, staff attorneys "circuit-ride" to pre-assigned regions of the state.⁵ *OILS* has divided the state of Oklahoma into regions to achieve the greatest continuity of access to services throughout a vast geographic area. Travel to specific areas, affords clients the opportunity to interact with the *OILS* staff from locations in close proximity to their homes/tribal jurisdictions. It also affords the staff attorney the ability to gain greater familiarity with the variations in tribal codes, courts, governments, customs, geographies, and economies of the 39 tribes in Oklahoma. The attorneys have the opportunity to establish solid relationships with the tribal judiciary, officials and agency representatives; and, to collaborate in referral of clients to the most appropriate resources to address their problems. The staff attorney in the Ada office is located in close proximity to Choctaw and Chickasaw tribal jurisdictions. Notwithstanding the benefits of a centralized office delivery model, *OILS*' board of directors is discussing the feasibility of also opening a satellite office in northeast Oklahoma.

OILS' staff is appropriately diverse to reflect the composition of the eligible client community. The majority of the staff members are Native Americans who are enrolled members of several different tribes found in Oklahoma. They possess the requisite cultural competency to engage the client population. The office environment is appropriately furnished and decorated in a style that reflects an appreciation for Native American culture even though few clients come into the offices. Staff members appear to have a strong commitment to the program's mission and are respectful and supportive of each other. Collaboration and congeniality appear to be work ethics that are encouraged throughout the organization.

During the past two years, two staff attorneys left *OILS* and neither position had been filled at the time of the PQV. This reduction in staff has adversely impacted the capacity of the program inasmuch as the remaining staff, including the executive director and director of litigation, has had to assume some of the responsibility for coverage in the geographic regions where the former staff attorneys were assigned. The program anticipates that it will recruit a new attorney during 2014.

⁵ Over the past three years, *OILS* reduced the number of regions from six to its current configuration of five regions.

Limited English Proficiency –

Finding 8: *OILS* appears to effectively accommodate clients with limited English proficiency.

OILS has adopted a written policy to address the need for accommodating applicants and clients with limited English proficiency (LEP). A few staff members are familiar with tribal tongues spoken by the elders in some of the tribes, such as Seminole-Creek. The program reports that most applicants bring someone with them if they are not comfortable with speaking in English. The policy permits family members and friends to interpret for an LEP client if there is no conflict of interest. The staff recognizes that using family members for interpreters can be problematic for family law and probate cases. *OILS*' bi-lingual staff "sight-translate documents." Interpreters are usually available to assist LEP clients at proceedings in the tribal courts. On the telephone the challenge is usually broken English rather than total lack of proficiency. *OILS* requires that any interpreter or translator for an *OILS* client sign a Confidentiality and Professional Conduct Agreement prior to rendering services.

RECOMMENDATIONS:

II.3.8.1*. *OILS* should review its limited English proficiency policy, taking into account guidance found in LSC Program Letter 04-2, and the accompanying memorandum, "Guidance to LSC Programs for Serving Client Eligible Individuals with Limited English Proficiency," December 6, 2004, and materials on LRI.

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

Criterion 1. Legal representation

Finding 9: *OILS* provides effective legal assistance to Native American clients throughout Oklahoma with a staff of attorneys, paralegals and other support who have specialized expertise in Indian law.

As described above in Finding 7, *OILS*' staff attorneys and paralegals circuit-ride to provide legal assistance to clients. They utilize the full range of advocacy tools from advice to full representation to appeals to meet their clients' needs. As court appointed *Guardians ad Litem* for children, the attorneys provide objective information and recommendations to the court concerning what is in the best interest of their clients.

The *OILS* attorneys are regarded as experts in the practice of Indian law, particularly with respect to issues affecting low-income persons. The executive director is nationally recognized for her expertise in Indian probate law and Indian land title and distribution; the director of litigation has published the *Indian Child Welfare Act Handbook*; and, one of the staff attorneys has been an adjunct professor at one of the local law schools in Oklahoma City. The *OILS* attorneys are frequently called upon to be trainers at CLE's and workshops sponsored by the Oklahoma Bar Association, the Oklahoma Indian Bar Association, various tribal bar associations and other organizations. Judges have requested their assistance in other cases involving issues of

Indian law. The director of litigation has trained district attorneys, Court Appointed Special Advocates (CASA) volunteers and state and tribal child welfare workers and others on the Indian Child Welfare Act (ICWA); and, the executive director has regularly conducted training on American Indian Probate Reform Act of 2004 (AIPRA.)

The program appears to provide high quality services to its clients in cases that are of great complexity. These are cases that involve issues of great importance to Native American clients such as the *ICWA* cases, Indian probates (wills and estates) and applications of Native Americans to receive their proceeds from the *Cobell* class action settlement. Initially, the *Cobell* settlement administrators would not recognize tribal court probates; but, due to the *OILS* attorneys' advocacy, the administrators now recognize tribal court probates. And, when the *Cobell* settlement administrators came through Oklahoma, the *OILS* executive director provided "poignant testimony in telling beneficiaries stories." Indian law has inherent complexities that are not otherwise present. For example, in Oklahoma, to be valid a will for a full-blooded Indian must be approved by the courts while the testator is alive. *AIPRA* controls the process for trust allotments but the probate laws of the State of Oklahoma control distribution for the restricted allotments.⁶

Probates of Indian allotments have been neglected for decades and income from Bureau of Indian Affairs approved leases are left unclaimed because the legal heirs have not been adjudicated. Federal law requires that an Indian wanting to convey an acre of his or her allotment to obtain a home must first have the deed approved by a state court or the Bureau of Indian Affairs, depending on the specific tribe of which the person is a member. Indian children are subject to the provisions of the state and federal *ICWA*. Each tribe may also have tribal welfare codes that include custody provisions. Many attorneys in the state are unfamiliar with the legal issues Oklahoma Indians face and the low-income Indian person has no recourse or access to the courts without *OILS*. While *OILS* does not capture outcome measurements, it was clear to the team that its advocacy yielded positive results for clients. For example, as evidenced in a writing sample submitted to LSC, approval of deed in a probate case yielded benefits to dozens of heirs of the decedent.

In addition to its work with Indian law, *OILS* sponsors the Low-Income Taxpayer Clinic (LITC), funded by the Internal Revenue (IRS), which is not limited to representation of Native Americans. The staff attorney responsible for this project is recognized by the IRS personnel and legal community in Oklahoma as an expert in taxation law; and, as a result he is highly effective in obtaining relief from tax burdens for his clients. He is assigned his cases through the regular intake process, and some cases are referred from the Tax Court. Further outreach is achieved by sending a list of tax clinics to everyone who has an IRS collection action against them. Financial eligibility is 250% of the poverty level. In addition, the LITC staff attorney goes to the U.S. Tax Court when proceedings are held in Oklahoma City. He provides assistance to anyone who is unrepresented, asks for his help and meets the financial eligibility requirements for the project.

⁶ *AIPRA* made many changes to the way trust or restricted land and property is inherited, plus other changes about land management and purchases. *AIPRA* affects trust or restricted property owned by American Indians (AI). It does not affect trust or restricted lands located in Alaska. It also does not affect property owned by Indians if that property is not held as trust or restricted property.

He reports doing a “lot of offers in compromise” and is getting “a lot of tax debts dismissed.” He estimated that last year he saved clients at least \$500,000.

Overall, *OILS* and its work are well respected by the tribal courts, state judiciary, social services community and federal agency personnel throughout Oklahoma. Judges describe the attorneys as always well prepared, highly knowledgeable, professional, and respectful of their clients. Client satisfaction surveys indicate a high level of appreciation for the results achieved on their behalf.⁷

Finding 10: *OILS*' case statistics reflect recent staff reductions and the complexity of the cases handled by the program.

Over the past few years, due to revenue reductions, *OILS* experienced staffing losses of one attorney and one paralegal in 2012 and another attorney in late 2013. In 2011, there were eight attorneys and three paralegals at *OILS*, including the executive director and director of litigation. The numbers dropped to six attorneys and two paralegals in 2013. In addition, in early 2013, the director of litigation, who also carries a substantial case load, was on medical leave and unavailable for work for several months. These events adversely affected the program's case statistics.

In 2012 there was a 13.1% drop in closed cases. *OILS* closed 987 cases, which represents a reduction of 150 cases from 2011. Of the 987 cases, 871 (89.1%) were classified as limited service and 108 (10.9) as extended services. The national medians of closed cases for LSC funded Native American programs are 71.2% limited service cases and 28.8% extended service cases. In comparing the *OILS* case statistics, its extended services are less than half the national average. Of the 987 cases, 537 (54.4%) are family, 241 (24.4%) miscellaneous, 95 (9.6) juvenile, 94 (9.5) employment, 10 (1.0%) housing, 4 (0.4%) consumer, 3 (0.3%) income maintenance, 1 (0.1%) education, (0.1%) individual rights, and (0.1%) health. Cases classified as miscellaneous include the program's priority areas of probate, wills, and land issues.

In 2013, *OILS* closed 642 cases, a drop of 34.9% from 2012⁸. Approximately 33.9% of the cases closed in 2013 were extended service cases. Most cases were closed with problems in family law (20.7%); and, with miscellaneous problems (54.6%), including 229 cases involving wills/estates and 76 cases involving Indian/Tribal law. As described above in Finding 9, the number of extended service closed cases does not adequately demonstrate the significant benefit that one complicated probate case may afford many family members. Similarly, to help potential beneficiaries of the *Cobell* settlement who were required to meet extensive eligibility qualifications under stringent time deadlines, the *OILS* attorneys conducted extensive community education and clinics where legal assistance was provided in preparing affidavits to meet specific requirements. These clients will realize the benefits of this monetary settlement for many years to come.

⁷ The program reports that 600 surveys were distributed in 2013 with responses from 65 participants. The overall response was positive with eighty six percent (86%) indicating *OILS* provided satisfactory or better service. The same percentage indicated *OILS* was able to answer or resolve the legal issue presented.

⁸ In 2012 *OILS* closed 987 cases and in 2013, 642 cases.

Finding 11: *OILS* has implemented and maintains systems to manage the legal work of the program.

OILS has adopted practices and procedures for oversight that have the elements of a solid system for the management and supervision of its legal work. Some of these elements include: written case handling and supervision procedures; consistent use of the CMS, Pika, for entering case notes and uploading documents to client files; confirmation of advice in writing; weekly case acceptance meetings; caseload limitations; effective program-wide use of calendars, which allows staff to better coordinate work and cover for each other –e.g. filing and picking up documents in distant courts; consistent use of the tickler system in Pika; one-on-one semi-annual open case reviews; quarterly case reviews via CMS; and, review of every case by the executive director before it is closed.

Working closely with the executive director, the director of litigation is primarily responsible for the legal work oversight. Among his responsibilities are: providing an overview of the work for the attorneys; conducting case reviews; ensuring that the attorneys are keeping time on cases; coaching and mentoring when necessary; and, “making sure everything in cases is going appropriately.” He is also responsible for reviewing all applications for legal assistance and assigning them to the staff attorneys. Staff under the supervision of the director of litigation appears to be fully aware of his role and responsibilities. In addition to the formal supervision structure, there is a rich culture of supervisors having an open door policy and case discussions among colleagues. Staff reports they feel comfortable asking for help from anyone in the program.

The writing samples submitted to LSC and reviewed by the PQV team were sufficient to meet the purpose for which they were intended. They reflect the breadth of legal work done by *OILS*. In some instances the work was not well-edited, although the legal arguments, points and authorities were persuasive.

Staff attorneys have access to a wide variety of sources of support for their legal work, including: the expertise of the senior attorneys within the program; appropriate specialized treatises on federal Indian Law and extensive online resources such as WestLaw. Sources of support include the Native American Rights Fund (NARF), National Association of Indian Legal Services (NAILS), and the Oklahoma Indian Bar Association. There is also an Indian Law Section of the Oklahoma Bar Association. Most of these organizations have email lists that contain information on recent legislative, judicial and administrative developments in Indian law. *OILS* staff also have access to Indian law professors at the Oklahoma’s law schools. Attorneys and paralegals are provided a myriad of training opportunities. The three main training events that the attorneys attend are: the annual two-day Sovereignty Symposium sponsored by the Oklahoma Supreme Court; the federal bar’s Indian law training event held every other year; and the Creek Nation’s conference on Doing Business in Indian Country. *OILS* is characterized as “being big on training” so that training opportunities are readily made available to staff.

As described in Finding 5, above, the intake process affords clients the convenience of receiving written legal advice regarding their specific issue that usually includes legal information and, when appropriate, a range of options for action that the individual client should

take concerning the legal problem presented. Advice may be accompanied by other assistance such as drafting a letter or contacting a third party on behalf of the client. *OILS* reports that situations that are frequently appropriate for limited assistance include letters advising agencies that trust and restricted assets are exempt from federal law; letters requesting documents from the BIA or other agencies; and, explanations to clients of letters received from agencies determining the status of land through review of court records.

RECOMMENDATIONS:

III.1.11.1. OILS should review the written work of the attorneys more closely to catch typographical, grammatical and/or formatting mistakes.

Criterion 2. Private attorney involvement

Finding 12: *OILS* offers opportunities for delivery of legal services through private attorney involvement that engage volunteer lawyers with experience and expertise in Indian Law.

OILS does not receive a basic field grant from LSC but is aware of the value of private attorney involvement in the delivery of legal services. Nevertheless, the program recognizes that there may be only a few private attorneys who are experienced in Indian law and available to provide *pro bono* assistance in Indian Country. As the tribes become more economically developed, they have attracted private attorneys with expertise in Indian law, who frequently are precluded from doing *pro bono* work because of the conflict of interest. *OILS* includes volunteer opportunities on its website. The program has been successful in getting a few private attorneys to assist with cases, including members of the board of directors. Most recently, legal staff at AT&T has begun to attend wills and expungement clinics and have prepared some wills.

RECOMMENDATIONS:

III.2.12.1. OILS should continue to look for opportunities to involve private attorneys in the program's work, particularly as the number of attorneys admitted to the bar with Indian law expertise expands.

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

Finding 13. *OILS* sponsors a variety of community legal education events, along with providing pro se and other self-help assistance to clients.

In addition to providing CLE trainings on Indian law issues for judges and attorneys, *OILS* provides community education for tribal elders and other officials. The community education is provided through presentations to community groups, publication of brochures and posting legal information on *OILS'* website. *OILS* sponsors a "Wills Clinic" to educate Native Americans on the provisions of *AIPRA* and to review existing wills and/or create new wills for tribal members. Will drafting may accompany the education component. Between January and

July 2013, *OILS* conducted thirteen Wills Clinics at various tribal centers throughout Oklahoma. The clinics targeted tribal members of the Comanche, Cheyenne, Arapaho, Seminole, Choctaw, Absentee Shawnee, and Quapaw Tribes. During the same period, *OILS* also conducted three clinics to introduce participants to the provisions of the *Cobell* settlement and the requirements for eligibility to its benefits. More than 130 individuals participated in these clinics. And, between March and November 2013, *OILS* introduced four "Expungement Clinics," where more than approximately 85 participants were advised of the benefits of having criminal records eradicated and the procedures for accomplishing that objective.

With funding awarded by the Bureau of Justice Assistance, *OILS* also provides pro se assistance through the "Court Facilitator Project," a self-help desk set up at the Courts of Indian Offenses for the smaller tribes or tribes that have only recently developed a tribal court system. The participating tribes are: Kickapoo, Quapaw, Seminole, Sac and Fox, Pawnee, Cheyenne, Absentee Shawnee, Citizen Pottawatomie, Arapaho and Anadarko Tribes. The Court Facilitator project is designed to provide information to pro se litigants in tribal court on how to get their case through the court system. An *OILS* attorney or paralegal is present at the courthouse on assigned days and the tribal judge or court clerk refers the litigant to the court facilitator for assistance. After the consultation, the individual is given the toll free number to call if further information is needed. Appointments are often scheduled in advance. Types of assistance provided include, setting court dates; how to serve proper notice on the opposing party; where to go for assistance in enforcing child support; how to file an entry of appearance and waiver; assistance in preparing final orders; asking for and obtaining continuances; obtaining victim protective orders; and custody orders; and support modification orders. As important as assisting people in proceeding with their case pro se, *OILS* court facilitator also provides referrals when it is not advisable for the litigant to proceed without legal representation. Between January and May 2013, *OILS* conducted 17 sessions and assisted 38 individuals. Feedback from judges and court clerks has been overwhelmingly positive. Staff attorneys are also members of the various tribal bars.

OILS also sponsors eight informational clinics in conjunction with the Low Income Taxpayer Clinic. Staff attorneys have been trained by the IRS as tax preparers and assist participants in completing their income tax returns. This helps to ensure that the participants who are eligible will receive "earned income tax credits."

Finding 14. *OILS* staff is involved in activities of the bar associations and other groups interested in addressing Indian law and legal issues.

The attorneys at *OILS* are active participants in the Oklahoma Bar Association, and some serve on committees such as the Technology Committee and the Indian Law Section. They are also members of the Oklahoma Indian Bar Association, where the executive director and one of the current staff attorneys are officers. These groups reciprocate with *OILS* in their exchange of legal resources and training. Staff attorneys are also members of the various tribal bars. *OILS* staff members also serve on the boards of community organizations that serve the members of Indian tribes in Oklahoma. The participation of staff with these organizations generates awareness of the issues facing Native Americans, while offering them a forum to discuss ways to resolve these issues. Organizations and agencies expressed a high regard for the contributions of *OILS* to their efforts to assist their mutual constituencies. Recently, *OILS* sponsored law student internships

with Boston University School of Law; and each year *OILS* works closely with students from the three Oklahoma law schools: the University of Oklahoma, the Oklahoma City University and University of Tulsa, exposing them to the unique qualities of Indian law office practice. Through internships and externships, students gain an understanding of Indian law issues and the impact on low-income Native Americans. From time to time *OILS* attorneys lecture on Indian law issues at these Universities.

PERFORMANCE AREA FOUR. Effectiveness of governance, leadership and administration

Criterion 1. Board governance.

Finding 15. The governing body of *OILS* is committed to the mission of the organization and it strives to exercise its fiduciary responsibilities effectively, notwithstanding the challenges of retaining client eligible board members.

OILS' governing by-laws provide for a 15 member board of directors including at least nine attorneys who are members of the Oklahoma Bar Association and five low-income individuals who are eligible to be clients at the time of appointment. The by-laws also address the identification of the designating agencies authorized to appointment directors to the board. Several of the board's current attorney members are respected in the legal community and have been recognized by the OBA as successful practitioners and law school faculty. Some have expertise in Indian law. The board is appropriately diverse, reflecting the ethnic, tribal and geographic differences of the client population.

There are four officers of the board: president, vice-president, secretary and treasurer. Each is elected to serve a one year term, ". . . and shall continue in office until a successor is elected." The current President has held the position since 2004. The board has been unable to retain active client-eligible board members despite ongoing recruitment efforts to identify potential appointees. One of the consequences of vacancies has been that the board has experienced challenges in holding its meetings due to a lack of quorum from time to time. Members can participate telephonically, but client member participation has been sporadic. Often, during the interim between regular meetings, action items are addressed through emails and teleconferences. Minutes and meeting agendas reveal that at times, the review of information pertaining to the activities of more than one fiscal quarter have been addressed in a single meeting, and that fewer than four quarterly meetings have been held during the fiscal year.

The board exercises its fiduciary role through oversight that includes adoption of appropriate policies and review of program performance reports submitted to funders. The board adopts an annual operating budget; and other financial oversight is achieved through delegation to an audit/finance committee and review of *OILS'* quarterly financial statements. One member with extensive experience in financial oversight serves as the chair of the Financial Planning Sub-Committee of the Strategic Planning Committee of the Oklahoma Bar Association,⁹ which

⁹ Mr. Harry Woods also has extensive experience with insurance bad faith defense, tort and contract litigation, financial fraud litigation, accounting malpractice, class actions, Civil RICO, NASD arbitrations, horse racing

is responsible for monitoring the financial health of the OBA. The Audit & Finance Committee also coordinates with the outside auditors, Cole & Reid, who were retained two years ago to conduct the annual audit in accordance with GAAP¹⁰ principles and GAAS¹¹ standards. The audit reports have been unqualified and are distributed to the committee members in advance of its meeting with the auditor to discuss the report and ideas for change. It is then submitted to the full board for review.

Although the evaluation instrument was not available for inspection during the PQV, the board conducts an annual evaluation of the executive director. Most recently, the board engaged in the first phase of strategic planning for the organization. In doing so, several significant areas of priority were identified, one of which is resource development. The board has discussed, but has not played an active role in fundraising despite previously establishing a fundraising committee. The board is aware of the need to develop a leadership succession plan for itself and key leadership positions within the staff.

RECOMMENDATIONS:

IV.1.15.1. * OILS must continue its efforts to recruit and retain client eligible members to fill any current vacancy. In doing so, the board should consider the appointment of newly identified community organizations, institutions and agencies, along with law students and tribal officials who are eligible for legal services.

IV.1.15.2. * OILS must conduct four separate quarterly board of directors meetings during each fiscal year.

IV.1.15.3. * OILS should consider alternative times, locations and technology options for participation in meetings to accommodate the needs of board members and to improve attendance.

IV.1.15.4. OILS should activate its resource development committee of the board or establish an advisory fundraising committee to the board.

IV.1.15.5. * OILS board of directors should guide program staff in the development of a leadership succession plan that encompasses all aspects of leadership including board, executive and middle managers. Leadership succession planning should include detailed strategies for professional and leadership capacity development for existing and future staff at all levels.

Criteria 2, 3. Leadership; Overall management and administration.

industry litigation and administrative law proceedings, and Indian Law and Gaming litigation and administrative proceedings.

¹⁰ GAAP or “Generally accepted accounting principles,” refer to the standard framework of guidelines for financial accounting used in any given jurisdiction; generally known as accounting standards or standard accounting practice. These include the standards, conventions, and rules that accountants follow in recording and summarizing and in the preparation of financial statements.

¹¹ GAAS or “Generally Accepted Auditing Standards,” are sets of standards against which the quality of audits are performed and may be judged. Several organizations have developed such sets of principles, which vary by territory.

Finding 16. The leadership of *OILS* promotes excellence in the achievement of the program's mission and priorities.

The executive director of *OILS* has acquired stature in the community of Indian law practitioners in Oklahoma and nationally, and is widely regarded as an expert attorney and advocate for Native American clients on issues of Indian law; and as head of *OILS*. Representatives of agencies that fund the program, tribal authorities, judges, bar associations and law schools extol her commitment to the delivery of legal services to low-income Native Americans. The executive director is recognized as an expert in Indian probate, land and natural resources legal issues; and, is often a presenter for CLE's at various conferences and other training events. She has been with *OILS* since 1989, serving as executive director since 2001. In her capacity as executive director, she is ultimately responsible for all aspects of management of the organization. This includes support to the board of directors; administrative and financial management of the organization; supervision of the Ada office staff; public relations; community engagement and, grants management –i.e. grant writing, progress and compliance reporting to funders, financial/budget management. The board of directors and staff were unanimously complimentary of the way that the executive director leads the organization. *OILS* has not developed a formal leadership succession plan.

Finding 17. Considering the size of the organization, *OILS* operates efficiently with a small and proficient team of managers.

OILS management appears to administer the program in an efficient manner. Appropriate policies and procedures for operations are adopted and followed. The management team includes the director of litigation, the office manager and bookkeeper, along with the executive director. They work collaboratively from the Oklahoma City office; and, they are effective in providing guidance to staff. Their spheres of responsibility are clearly defined. There is sufficient cross-training to ensure coverage.

The director of litigation is responsible for supervision of the advocates and the intake staff, although the executive director conducts the performance evaluations of all staff. His duties and responsibilities are discussed more fully, in Finding 10, above. The office manager has been with the program since 1987 when she joined *OILS* as an administrative assistant. She has acquired experience on the job and has done considerable independent study on uses of various new technologies. She prepares statistical report uploads for funders, maintains the records, assists the auditor by producing the compliance information for the audit, takes care of procurement and maintenance of office supplies and equipment, and undertakes some technology troubleshooting. As part of improving internal controls, she is responsible for limited aspects of financial management, such as making bank deposits, preparing receipts for client trust funds, scanning checks and receipts into digital files, and emailing scanned documents to the bookkeeper.

OILS has adopted a policy and schedule for document destruction; and currently, the office manager is scanning all documents to facilitate access to information, including all of the client wills which are migrated into Pika. The office manager also played a major role in the

acquisition and implementation of the new case management system, and is scrutinizing input more closely.

OILS has not adopted a disaster recovery or continuity of operations plan. In the past, the office manager has kept digital back-ups that retain only two days of data. With the introduction of cloud-based storage, *OILS* intends to develop an appropriate plan. Currently, in the event of a natural disaster the office manager, executive director and director of litigation would take a copy of the digital data home. A new personnel manual has been developed and awaits approval by the board of directors. It contains a conflict of interest policy.

In February 2012, the LSC Office of Inspector General (OIG) conducted a *Fraud Vulnerability Assessment (FVA)* and a *Fraud Awareness Briefing (FAB)*, that included a *Quality Control Review of the 2010 Audit of Oklahoma Indian Legal Services, Inc.*¹² The OIG reported that *OILS* has satisfactorily addressed all recommendations to correct identified issues. In January 2013, LSC's Office of Compliance and Enforcement (OCE) visited *OILS* to conduct a Case Service Report/Case Management System Review (CSR/CMS). *OILS* has responded to all outstanding Required Corrective Actions.

Finding 18. *OILS* has made a concerted effort to update its technology to increase its ability to serve clients.

OILS is moving forward with an aggressive Technology Plan to enhance its existing technology. These efforts have been primarily led by the office manager although she is not professionally trained in information technology. She has developed a significant awareness of developments in law office technology. *OILS* also retains an outside technology consultant who comes in to address problems intermittently. The program's purchase in 2013 of Pika, a cloud-based CMS, was met with appreciation and enthusiasm. At the time of the PQV, *OILS* was in the process of obtaining bids for the purchase of new computers for the advocates with funds secured from an unexpected *cy pres* award. *OILS* possesses appropriate equipment to support its work, including video and still cameras, monitors, portable printers, and sound recording equipment. During outreach, the staff rely upon their "office in a cooler" to transport laptops and printers for wills clinics.

OILS' website, www.oilsonline.org, provides helpful information for clients and the general public on specialized legal issues affecting Native Americans, and invites volunteers to work with the program. The content on the *OILS* website pertains exclusively to Indian law issues. Staff is aware of the limitations of technology use among segments of the client population, and makes efforts to accommodate those limitations. *OILS'* website links to the statewide website, www.OkLaw.org, and is identified as a participating partner in on www.probono.net.ok.

RECOMMENDATIONS:

¹² QCR 11-16.

IV.3.17.1. OILS board should adopt a conflict of interest policy that is applicable to members of the board of directors, along with the staff. The policy should require annual disclosure of conflicts.

IV.3.17.2.* OILS should adopt a disaster recovery or continuity of operations plan for the organization as soon as possible.

IV.3.18.1. OILS should provide opportunities for the office manager to attend technology training, such as the TIG conference.

Criterion 4. Financial administration.

Finding 19: OILS has an experienced financial team that manages the financial resources of the firm effectively.¹³

For the size of the organization, *OILS* maintains appropriate staffing to administer the financial resources of the organization. An experienced bookkeeper has maintained the financial books and accounts for more than 13 years. She has attended several financial management trainings provided by consultants familiar with LSC regulations and accounting guidelines. Among her responsibilities are: the client trust funds; check writing; payroll, including year-end reports and 1099's; general ledger; monthly financial statements of income and expenses for management; and, complete financial statements (balance and income) on a quarterly basis. However, there is no fourth quarter statement available until the auditor adjustments are recorded. She also does not generate the first quarter financial statement until the prior years' adjustments have been made. Financial statements are prepared for the full board on a quarterly basis. She also prepares the financial records, property and inventory for the annual audit. The bookkeeper provides financial data for inclusion in grant proposals and reports, keeps track of the accruals on fee for services contracts, and completes yearly insurance reports for worker's compensation and unemployment. The executive director reviews the documentations, approves purchase requisitions, and approves client trust expenditures; and one of the staff attorneys completes the bank reconciliations.

OILS' annual operating budget is prepared solely for the upcoming year. To develop the budget, they project revenue from grant awards that have already come in. Expense projections are based on the amount of revenue available for the current year. The executive director, and sometimes the director of litigation, are involved in the budget development process and review once it is developed. The budget is reviewed by the Audit & Finance Committee and then presented to the full board for approval at an upcoming board meeting. *OILS* tries to keep some flexibility in the budget for "other expenses." No specific amount is held in reserve.

OILS uses financial management software, *Sage 50* to prepare financial reports for the board and management; and, updates the program annually once the audit is finished. *OILS* has

¹³ This visit was conducted by the Office of Program Performance for the purposes set forth in the Introduction. OPP findings and recommendations under this criterion are limited to staffing, organization, and general functions. Assessment of fiscal operations is conducted by other offices at LSC.

received unqualified audits in recent years. She uses AMS-1099 for payroll. They use the LSC Accounting Guide which was adopted by the board after the 2010 amendments.

RECOMMENDATIONS:

IV.4.19.1 OILS' bookkeeper should prepare monthly financial statements for the audit/finance committee of the board.

IV.4.19.2. OILS should consider including two year budget projections beyond the upcoming fiscal year. While speculative, it will give leadership an idea of which grants are expiring, and help plan for resource development.

Criteria 5, 6. Human resources administration; Internal Communication.

Finding 20: OILS effectively manages its personnel and demonstrates its value for the staff by providing reasonable benefits and maintaining personnel records appropriately.

The executive director oversees the hiring of employees. She approves leave and handles Unemployment Insurance claims and workers' compensation. She evaluates performance of all the employees. She also approves training. During the evaluation process, employees are asked what training they'd like to attend. Fewer training resources have been identified for the non-attorney staff, although staff is confident that support for their participation is made available. The PQV team observed that office morale was quite high despite economic challenges confronting the program. Staff members are willing to jump in to help one another and are motivated to do their best work.

The office manager at OILS is the benefits and insurance plans coordinator. She reviews and compares the plans annually for competitiveness and oversees the updating of everyone's designated beneficiaries. OILS participates in the state health insurance plan as a result of being a recipient of the state's revolving fund, which is awarded to support civil legal aid. OILS provides an extensive package of benefits, including: medical, dental and vision insurance; short & long term disability; and life insurance. OILS no longer sponsors a 403(b) plan; rather, it now has a 401(k) plan through the American Bar Association. Each year the office manager is required to attend the Employee Group Insurance Exchange Training Conference where all participants in the state health plan are required to review the current guidelines governing the program. Approval of the updated personnel manual was on the agenda for the April 2014 board meeting, along with a salary scale adjustment. The salaries were increased by \$1500 per year for attorneys and \$1000 per year for other staff when the board approved the 2014 budget. The PQV team noted that several staff members did not have current job descriptions reflecting their specific duties and responsibilities.

Finding 21: OILS effectively addresses the need for regular internal communication.

OILS operates from its main office in Oklahoma City where the majority of its staff is housed, along with a satellite office in Ada where two staff members are located. Several practices have been adopted to keep all staff informed about program developments. These include: 1) regular weekly staff meetings to which all staff are expected to attend either in person

or by telephone; 2) email; 3) visits by the executive director and/or director of litigation to the satellite office regularly; and, the *OILS* website, which contains a current calendar of events. Staff was enthusiastic about the weekly meetings which afford them an opportunity to keep abreast of new developments and to be involved in major decisions.

RECOMMENDATIONS:

IV.5.20.1. OILS should audit and update its job descriptions to accurately reflect the current duties and responsibilities of staff.

Criterion 7. General resource development and maintenance.

Finding 21: *OILS* has successfully engaged in resource development activities that generate revenue for the program to deliver legal services to a special population.

OILS makes maximum use of its current resources. In interviews a number of respondents commented that they didn't know how the staff accomplished as much as it did with such scarce resources and that they knew "staff was spread thin." *OILS* recognizes the need for additional resources. In 2012, *OILS* received total funding in the amount of \$1,131,223, which was \$97,977 less than 2011 revenue. Also in 2012, non-LSC funding in the amount of \$316,462 represented 27.9% of total funding. For 2013, *OILS*' LSC grant was decreased to \$756,200 (-2.5%) as a result of "the sequester" and census adjustment.

Resource development is currently the responsibility of the executive director. She has sought funding opportunities through grant writing activities. This has resulted in the program securing funding from a variety of sources apart from LSC, including the Oklahoma Bar Foundation, Internal Revenue Service, the U.S. Department of Justice, Bureau of Justice Assistance (BJA),¹⁴ and various tribal authorities. *OILS* was previously awarded a VAWA¹⁵ grant for several years. There is a consultant working with *OILS* to identify resources for the tax project because the LITC grant is a matching grant. There are no formal fundraising campaigns sponsored by *OILS*; but, periodically they receive an unanticipated gift from one of the tribes. No one currently on staff at *OILS* or on the board of directors has fundraising experience. Opportunities for future fundraising were discussed in conjunction with strategic planning. The program received a *cy pres* award in 2013.

RECOMMENDATIONS:

IV.7.21.1. * OILS should make resource development a high priority by adopting a resource development plan. It should consider applying for a new VAWA grant; and, to the greatest extent possible, should also make increased efforts to obtain additional resources from the tribes.

¹⁴ *OILS* is a sub-recipient of a grant to the Native American Rights Fund (NARF) to provide civil and criminal legal representation in tribal court. The award originated through coordinated efforts by National Association of Indian Legal Services (NAILS), NARF and BJA.

¹⁵ Violence Against Women Act

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

Finding 22: *OILS* is a key partner in the delivery of civil legal services throughout Oklahoma providing specialized legal services to Native Americans.

As previously described in Findings 14 and 15, above, many of the *OILS* staff serve on the boards and committees of community service organizations and the state, local and tribal bar associations. Within the legal community, the *OILS* attorneys are recognized experts in Indian law who are frequently called upon to provide continuing legal education, along with the community legal education provided to agencies, tribal organizations and client-eligible groups. They are the only Indian law experts with resources solely dedicated to representing low-income Native Americans. And, their tax relief work benefits Native Americans and the general low-income population of the state. Federal agencies have relied upon *OILS* as a qualified and reliable referral to assist clients with issues related to IIMA, wills, probate and, most recently, the *Cobell* settlement. The program has served as a training ground for young lawyers and law students to develop knowledge in the hands-on practice of Indian law. While the program appears to have infrequent contact with the basic field program on a formal basis, staff reported that there have been instances of collaboration by the attorneys on a few cases; the office manager has previously had meetings with *LASO*'s IT staff about the KEMPS CMS; and, their director of litigation talked with them about the website. The office manager has also worked with *LASO* staff on the revolving fund (state funding).

RECOMMENDATIONS:

IV.9.22.1. OILS should cultivate a stronger relationship with the other LSC grantee in Oklahoma, and together, the programs should establish a regular meeting schedule to collaborate on issues of mutual interest, including emerging legal issues, funding opportunities and state appropriations.