



LEGAL SERVICES CORPORATION

Office of Program Performance

***PROGRAM QUALITY REPORT***

***FOR***

***Legal Aid Society of Eastern Virginia***

Recipient Number: 447026

September 22 to 26, 2008

***Team Members:***

Janet LaBella, Director

Willie Abrams, Program Counsel

Michael Genz, Program Counsel

Office of Program Performance

**Legal Aid Society of Eastern Virginia**  
Recipient # 447026

**TABLE OF CONTENTS**

**INTRODUCTION**..... 3

**PERFORMANCE AREA ONE. Effectiveness in identifying the most pressing legal needs of low-income people in the service area and targeting resources to address those needs.** ..... 4

**PERFORMANCE AREA TWO. Effectiveness in engaging and serving the low-income population throughout the service area.**..... 6

**A. Dignity and sensitivity.** ..... 6

**B. Engagement with and utilization by the low-income population.** ..... 9

**PERFORMRANCE AREA THREE. Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area.** ..... 10

**A. Representation.**..... 10

**B. Private Attorney Involvement.** ..... 13

**C. Other program services to and activities on behalf of the low income population.**..... 14

**PERFORMANCE AREA FOUR Effectiveness of governance, leadership and administration.** ..... 15

**A. Board governance.** ..... 15

**B. Leadership.** ..... 16

**C. Management and administration.** ..... 16

**D. General resource development and maintenance.**..... 20

**E. Participation in integrated legal services delivery system.**..... 21

## INTRODUCTION

**Background on the visit.** The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit to the Legal Aid Society of Eastern Virginia (LASEV) from September 22<sup>nd</sup> to September 26<sup>th</sup>, 2008. The team members were Michael Genz, OPP Program Counsel and team leader; Janet LaBella, OPP Director; and Willie Abrams, OPP Program Counsel.

Program quality visits are designed to ensure that LSC grantees are providing the highest quality legal services to eligible clients. In conducting its assessment, the team carefully reviewed the documents LSC has from the program including its application narrative for 2009, its case service reports (CSRs) and other service reports (OSRs), the numerous documents the program submitted in advance of the visit including advocates' writing samples and a survey of LASEV staff conducted on the Internet. On site, the team visited each of the program offices. In addition to speaking to most of the LASEV staff members, the team met with a sample of board members, judges, members of the bar and community organization members.

In performing its evaluation of the grantee's delivery system, OPP relies on the LSC Act and regulations, LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. Its evaluation is organized according to the four LSC Performance areas that cover needs assessment and priority setting; engagement of the low income community; legal work management and the legal work produced; and program management including board governance, leadership, strategic planning, resource development and coordination within the delivery system.

**Program overview.** LASEV is located in the Hampton Roads and Eastern Shore regions of Virginia. The area has a large concentration of military persons and houses the largest naval base in the world. It encompasses more than 2,000 square miles (making it larger than Delaware) with a population of over one and a half million people. According to the 2000 Census, its poverty population is 157,552.

The program operates from five locations – Norfolk, Virginia Beach, Hampton, Williamsburg and, Belle Haven, which is located on Virginia's Eastern Shore. Its administrative, intake and senior units are located in Norfolk. It is the only major legal services provider in the area. At the time of the visit, the program had a staff of 53, 31 of whom are case handlers.

LASEV was formed in June, 2004 as a new program created from the non-LSC funded and LSC funded programs that had been serving the Hampton Roads and Eastern Shore region since 2001. In 2001, Legal Services of Eastern Virginia (LSEVA), the LSC-funded program, and Eastern Virginia Legal Aid Society (EVLAS), the non-LSC funded program, were established to provide legal services to the area that had been served by former LSC recipients, Peninsula Legal Aid Center and Tidewater Legal Aid Society, which ceased to exist at that time. Difficulties resulting from the reconfiguration of the

service area and the formation of two new programs, one LSC funded and one not funded by LSC, led to the creation of one consolidated program to serve the entire area.

**Summary of Findings.** The program is currently functioning at a high level. It has made incredible progress since its formation in 2004 following a fractious period of twinned programs<sup>1</sup> and merger. It has eliminated the deficit that characterized one of the prior programs; it has also gotten back to court, and back into the community. Its community outreach efforts are impressive and innovative. The executive director is respected and admired by the staff, and by others that we spoke to.

LASEV's progress in the last four years notwithstanding, the program is not without its challenges. While its centralized intake system is innovative and well-designed, there are several problems with it that need to be worked on including the overload on the phone system and on intake staff. The program lacks uniform case handling criteria and it lacks sufficient capacity to serve limited English proficiency (LEP) clients. The executive director shoulders the director of advocacy role himself. Its private attorney involvement (PAI) work is very limited and its resource development could be expanded. Turnover of staff has been an issue.

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

**Finding 1. LASEV has made a conscientious effort to conduct periodic needs assessments and to respond to their findings. It has not undertaken a formal evaluation of the effectiveness of its delivery strategies.**

LASEV has conducted two needs assessment efforts in the last four years. The first one was begun in 2005 and completed in 2006. The second one was begun in February of 2008. Written forms and telephone surveys were used for the client eligible population, the bar and partner organizations. The results of the 2008 work have mirrored those of the 2005 and 2006 needs assessment except for the identification of housing as a greater need in 2008.

As a result, the program is making housing more of a priority. They have initiated efforts with respect to homelessness and subsidized housing. While an effort to meet with public housing tenants groups has not yet been successful, they are working hard on homelessness issues and have formed a task force to address foreclosures and housing scams. They considered community economic development work, but have not found a way to fund or implement it. The program is considering the possibility of seeking funding to pursue this work.

---

<sup>1</sup> Twinned programs are those that have the same service area with one program utilizing LSC funding and the other program utilizing other funding. As happened in this service area from 2001 to 2004, the non-LSC funded program was able to perform restricted work.

As another result of its ongoing assessment of needs, the program identified health costs as an area for exploration. As discussed in Finding 6 below, it is currently working with local hospitals and with pharmacy companies to offer relief to applicants and clients who need it. It is also offering to survey applicants about the public benefits that they receive. The survey identifies clients who are eligible for Medicaid.

As noted above, LASEV has made several adjustments to its workload based on the needs assessment processes and ongoing information on changing needs. Due in part to the fact that there have been two needs assessments in the last four years, the program has not engaged in a formal evaluation and adjustment process that compares the results of its work with the outcomes intended.

## **Recommendation**

**I.1.1.**<sup>2</sup> It is recommended that the program evaluate the effectiveness of its delivery strategies by comparing the results achieved with the outcomes intended and that it make any adjustments indicated by that evaluation.

## **Finding 2. While LASEV has identified goals and objectives, there are no clear written case acceptance criteria that are followed.**

There are no clear written case acceptance criteria that are followed. They do have basic criteria that governs acceptance for major practice areas – it is close to what they do – but not totally. It does not distinguish between cases that will be handled as advice and brief service and those that will receive full representation. There is no current updated version of the case acceptance criteria that the offices have and that is generally followed.

The executive director relies on the managing attorneys to prioritize work of greatest need in the community. In addition, the offices may accept cases that are not otherwise within the program’s case acceptance guidelines but that “serve the ends of justice” – that is that the office believes are important and will have favorable impacts on the client community.

The program is in the process of reviewing its case acceptance criteria as a part of the strategic planning process.

## **Recommendations:**

**I.2.1.** The program needs to review its case acceptance criteria as part of the strategic planning process.

---

<sup>2</sup> Recommendations are numbered as follows: the Roman Numeral references the Performance Area followed by the finding number and lastly by the recommendation number that pertains to the finding.

**I.2.2.** Case acceptance criteria need to be clarified so that the program can focus on the most pressing legal needs. The criteria should identify particular types of cases that will only receive counsel and advice. The program may include a provision that will allow it to accept cases that serve the ends of justice.

**I.2.3.** LASEV should publicize the case acceptance criteria to the community and social services agencies to guide their intake process.

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

**A. Dignity and sensitivity.**

**Finding 3. The program's interactions with its clients affirm their dignity.**

The program's interactions with its clients show its respect for them. Clients who have received full representation are surveyed concerning how they were treated. The survey results indicate that clients overwhelmingly report that they were consulted, kept informed of developments and treated with respect. The judges, bar members and attorneys the team spoke to affirm this conclusion. Staff members report that they are reinforced in respect for clients by the executive director's example.

Other activities that the program engages in, discussed more fully in other parts of this report, show the program's affirmation of its clients. As noted above, they have surveyed clients and applicants about their legal needs on two occasions in the last three years. These indications and less formal information have led to alterations in the work that they do. As described in finding 6 below, the program works to provide clients with services that address needs in addition to legal needs that they have.

The accessibility of the program is also a sign of its respect. LASEV has offices in appropriate locations. It is to be commended for having a staffed office in the Eastern Shore. With the exception of the Hampton office that will be moved in the near future, they are suitable facilities. The offices are handicap accessible. The waiting rooms are clean and professional looking. The only significant negative with respect to honoring the dignity and sensitivity of clients is not intentional – the delay that many applicants face in the intake process is a barrier to applicants' access to the program and it is often a significant problem. A further discussion of this problem and recommendations to address it is covered in finding 5 below.

**Recommendation:**

**II.3.1.** The program should expedite its plans to find a new facility in Hampton.

**Finding 4. LASEV has a diverse staff; it needs to expand its capacity to represent persons with limited English proficiency.**

In relation to its population, LASEV has a generally diverse staff with respect to gender and race at all levels. While the program has an LEP plan, it acknowledges that it has not reached out to the LEP community as much as it should have. The largest need for language assistance is with Spanish. While the Hispanic population is not too large – representing 4% of the poverty population in the service area – there is a need for Spanish translation that the program is unable to adequately address. The one staff person who is fluent in Spanish assists with intake on an as needed basis. Another intake paralegal has limited Spanish speaking ability but is not fully conversant in Spanish. The program also periodically gets translation help from a local Hispanic organization. While they have used LanguageLine for other languages, they do not currently have a contract. The executive director is hoping to find university resources to augment the program's Spanish and other language resources.

**Recommendation:**

**II.4.1.** LASEV needs to ensure that it has the capacity to appropriately serve LEP clients.

**Finding 5. LASEV's intake structure is well staffed and well organized. However, it faces two problems – the overload on its phone system that is a barrier to clients getting served and the stress on its staff due to competing demands.**

LASEV has a centralized telephone intake system (CTI), housed in the Norfolk office, that handles much of the intake program-wide. It is staffed by seven eligibility paralegals, two staff attorneys, an office manager and the managing attorney. The intake telephone number is advertised throughout the service area. When applicants call regional offices, they are referred to the CTI. Applicants who walk into the Norfolk office are seen by the CTI staff. The intake hours are from 9:00 to 4:30 five days a week. There are no late hours.

Some intakes begin in other ways. Outreach efforts, such as those to homeless shelters, can lead to the initiation of a case. Also the program gets referrals from several community organizations, particularly domestic violence shelters that fax initial intake information to the program. These referrals go to the CTI for further development. The field offices handle applicants who walk in. Cases with court dates or other need for quick action are referred to the local offices for handling. Field offices also do intakes for applicants who call them and say that they have been trying to call the CTI but cannot get through. The senior law office handles its own intake.

The eligibility paralegal determines whether the applicant is eligible and whether the case is the type of case that the program generally handles. If it is, the eligibility paralegal records extensive information on the case. The CTI managing attorney reviews it and makes the determination as to whether it will go to a program attorney in one of the offices for extended representation or whether the applicant will be afforded advice and brief service.

Until recently, the managing attorney's practice was to give selected advice and brief service cases back to the eligibility paralegals who researched the matter if necessary, provided the advice to the client and wrote up the advice that was then reviewed by the CTI managing attorney. In preparation for this, eligibility paralegals were given extensive substantive training in topics they might confront in intake. If the managing attorney determined that the advice was not complete or fully accurate, or if more information needed to be obtained, she instructed the eligibility paralegal to call back the client with additional questions or different advice.

This practice was recently changed, in part because of the complaint of some eligibility paralegals who were not comfortable with the role of giving advice before it was reviewed and then going back to the applicant – perhaps multiple times. Now, cases that are to be advice and brief service are given to the CTI attorneys, including the managing attorney, to provide the advice by calling the client back. If the attorney is unable to reach the client by phone on several attempts, the attorney sends a letter based on the eligibility paralegal's notes. This is done to provide information that may prove helpful and to get credit for the effort that the program expended. Detailed letters are frequently sent to clients confirming the advice given. Often these letters are several pages in length, contain legal terminology and recite extensive legal information. Some attorneys estimate that letter writing, for these clients they have not spoken to and for those that they did speak to, consumes more than half of their time.

Cases that are to be considered for full representation are transferred daily to the appropriate office where the case will be handled. Regional office attorneys report that the referrals that they receive are very good and that the information is well developed.

In addition to handling intake calls, eligibility paralegals also engage in special projects. These projects, which are typically intake related, include referrals for free consumer counseling, screening for hospital debt forgiveness, referrals to pharmaceutical companies' free drug programs, the Second Saturday program that affords private attorney advice and brief services to women with domestic cases, and the identification project that helps those without ID's get them. These projects are helpful to those who receive their services and provide eligibility paralegals breaks from handling intake calls.

While special projects are popular with eligibility paralegals, the total amount of work that they are called to do is a source of stress for most of them. Their intake notes are required to be extensive and they are expected to handle a certain number of completed intakes a day.

The telephone system that is the backbone of the intake system is a particular problem for many applicants. If an applicant's call has not been picked up, it is sent back to the receptionist in three minute intervals for as long as the applicant chooses to stay on the line. The receptionist gives applicants the choice to call the local office if they wish. Since the program does not have software installed that tracks calls, they do not have a measure of dropped calls and of the lengths of time applicants were on hold. Staff throughout the program voice concern that applicants are faced with unreasonably long



waits to reach the CTI. The local offices report that they get many calls from applicants who indicate that they could not get through to the CTI unit.

**Recommendations:**

**II.5.1.** The program needs to analyze the totality of the CTI. They need to assess the time in queue, the number of dropped calls, the frequency of busy signals and other factors that bear on the accessibility of the unit. They need to improve initial access. The emphasis on daily goals for eligibility paralegals should also be evaluated.

**II.5.2.** The team praises the program's decision that legal advice, with the exception of advice in very clear topics, be given by the attorneys in the intake unit. This practice should be continued.

**II.5.3.** LASEV needs to consider whether the special projects and applicant surveys can be better targeted so that more time is directed to processing intake calls, thus reducing the time that applicants wait and increasing the number of cases received.

**II.5.4.** The level of detail that eligibility paralegals obtain should be evaluated in order to determine whether it can be lessened and still obtain sufficient information to process the application and either refer the case to the field office or to the CTI attorneys.

**II.5.5.** LASEV should consider staggering the work hours of the eligibility paralegals to offer longer hours for access and provide greater coverage during peak hours.

**II.5.6.** The program should not send out advice letters to clients who did not return calls. Rather they should send the applicant a letter asking that the client call back and complete the interview with the CTI attorney.

**II.5.7.** The letters that contain confirming advice given should be streamlined and reviewed for lay literacy levels appropriate for the client population.

**B. Engagement with and utilization by the low-income population.**

**Finding 6. The program is significantly engaged with and utilized by its community. It does not yet have CLE pamphlets or a web site.**

The program engages in many outreach and community legal education activities. Particular focuses of these activities are the homeless population, senior citizens and victims of domestic violence. It participates in the twice yearly Homeless Connect activities that take place in two locations in the service area. LASEV attorneys join social service workers, food volunteers, dentists, hair stylists and others at these events. LASEV does monthly outreach to the Union Mission Homeless Shelter in Hampton and periodically visits a shelter in Virginia Beach. In the last year, the Senior Law Center has put on approximately 40 presentations in various locations including senior centers, senior housing facilities and assisted care units. Each of the offices has an ongoing

relationship with the homeless shelters in its service area and is in regular contact with them. The offices take referrals from the shelters. The program is planning on expanding its outreach efforts to churches and to public and subsidized housing sites.

One of the more unusual ways in which the program reaches out to its community is through its special projects. The community relations liaison and several eligibility paralegals work on projects designed to help applicants and clients with the necessities of everyday life that are often related to the problems they contacted the program about. The community resource liaison offers a survey that will identify eligibility for public benefits. She is also contacted by advocates who have clients who need food, shelter or some other necessity that impacts on their legal case. The advocates the team spoke to who had utilized her help report that she does a remarkable job in finding the needed “bridge” assistance.

The special projects coordinated by the eligibility paralegals include a cooperative project with local hospitals to forgive hospital debts of low income former patients; a discount drugs project; a project for the waiver of credit counseling fees; the identification project that assists individuals in getting IDs needed for work; and Second Saturday, a project staffed by a large law firm that assists women with domestic matters. Eligibility paralegals and other staff members report that these projects have been useful to many applicants and clients. While these projects are not classic outreach efforts in that they do not touch persons who have not contacted them first, they demonstrate the program’s commitment to all the problems low income persons face.

Given its other proactive engagement with the community, it is surprising that the program does not have a set of community education pamphlets on substantive areas of the law, does not have a web site, and does not appear to refer applicants and other interested parties to the statewide web site. Many pamphlets have already been created by other Virginia legal aid offices and can be modified for use by LASEV. These pamphlets, with LASEV addresses, can be placed in social services offices and other places where low-income people frequent. Customized pamphlets can be used in the intake advice and brief service process in lieu of lengthy substantive law explanations contained in the letters that are currently sent out. The team was advised that brochures are planned and that a LASEV web site will be launched shortly.

**Recommendation:**

**II.6.1.** The program is urged to complete its web site and to develop and distribute client education pamphlets. It is also encouraged to consider ways in which it can utilize the statewide website as a supplemental tool for those who have access to it.

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

**A. Representation.**

**Finding 7. While the program does not have written legal work management and supervision guidelines, the managing attorneys in the offices employ appropriate oversight procedures. They are particularly diligent with respect to the mentoring and supervision of the program's new attorneys.**

LASEV does not have written legal work management and supervision guidelines and standards. The absence of written uniform standards is not the product of neglect, but is rather the conscious decision of the executive director who believes that individual managers should be free to decide what oversight their staff attorneys need to accomplish the goals of the office. The absence of a policy means that periodic case reviews and yearly evaluations are not routinely performed. While the team is sympathetic with the executive director's concern that there not be over-stringent procedures, baseline policies are helpful to help assure compliance with necessary standards.

While the approaches that managing attorneys utilize vary, they all appear to employ reasonable methods and practices to assure effective case handling and appropriate case assignments based on experience and expertise. Attorneys in all offices indicate that their managing attorneys are accessible. The use of tickler systems, case load oversight and file review before closing are utilized in all offices.

Legal work mentoring and supervision is particularly intense with respect to new advocates. New advocates shadow managing attorneys and experienced advocates; their written work is reviewed; they are accompanied to first hearings and court appearances; they have access to computer assisted research and a variety of practice manuals; they attend relevant trainings; and they are afforded frequent opportunities to discuss their cases with the managing attorney and, in the larger offices, with their colleagues at case review meetings or during intra-office meetings over lunch. The program arranges for new lawyers to receive trial skills training.

**Recommendations:**

**III.7.1.** LASEV should adopt written standards for case handling and supervision. They can be sufficiently broad so that the ways in which some steps are taken can vary among offices due to the experience of the staff and their case loads.

**III.7.2.** The program should assure that periodic case reviews are done for all case handlers including managing attorneys.

**Finding 8. The program's advocate staff are well supported with training and research tools. The technology, when working properly, enhances the program's research capacity.**

All the advocates the program spoke to indicate that they have access to abundant training. Several indicated that LASEV is open to any training request. Offices do periodic training. The program negotiated reduced fees for CLE training with the bar. task forces that have training components. The statewide legal services conference is open to all. The program utilizes private attorneys to give training to staff on a pro bono basis. Attorneys and managers regularly go to national events such as NLADA, Equal

Justice, the MIE Managers Conference and others. Attorneys working on foreclosure were recently sent to an NCLC training and to an AARP training.

Advocates make significant use of the state's task forces and listservs for case support. They have Lexis/Nexis available to them; while it is not uniformly used, several attorneys are heavy users and strong proponents of the tool. Attorneys also have access to the state court's docket. Some attorneys make more extensive use of the case management system for keeping case notes than do others. As noted above, a program web site is in development. The statewide web site advocate component was not mentioned by the staff; it does not appear to be used as a resource within the program.

As discussed in finding 15 below, the program's ongoing problems with technology have deleterious effects on the production of legal work. The unreliability of the program's technology was mentioned in most staff interviews. LASEV leadership is well aware of the issue and is working to resolve it.

**Finding 9. The program generates high case numbers. The quality of the legal work is sufficient; the program is getting more involved in significant litigation.**

In 2004, when LASEV came into existence from the merger of an LSC and a non-LSC program, several sources relate that relatively little legal work was being done. The new executive director's first dictate was to get the program's attorneys back to court. That effort has been successful. The 5,947 cases that the program closed in 2007 represent 377 cases per 10,000 poverty population and 82 extended cases per 10,000 poverty population. These are significantly higher than the national medians of 253 cases and 56 extended cases per 10,000 poverty population. The program's percentage of family and consumer law cases is higher than the national average; its housing and income maintenance percentages are lower.

While the program leadership is primarily interested in quality representation, case numbers are tracked by office and by case handler. The executive director says that he is interested in promoting healthy competition between office managing attorneys. The administrator submits a monthly listing of case statistics that tracks cases opened, closed and carried over by office. The printout also tracks the number of extended cases by CSR closing code type and shows opened and closed cases by case handler.

Considering the relatively low experience levels of the program's attorneys – only five out of 19 have been with the program for more than two years – the complexity of the work that they are doing is on par with their experience levels. The writing samples that the team reviewed are not complex. This is explained in part by the relative inexperience of its advocates, by local practice that de-emphasizes memorandum writing and by the fact that advocates were not instructed to submit their most complex work. Discussions with the attorneys revealed knowledgeable and skilled attorneys commensurate with their years of experience. According to the judges that the team spoke to, LASEV's attorneys are very well prepared and serve their clients' interests well. The judges particularly commented on the domestic violence and other family work the program engages in.

The program is getting involved in significant case work. An appeal from the Chesapeake District Court established that the bond requirement for an appeal of a subsidized housing tenant's eviction order should not be the full rental value when that was not the amount that the tenant was paying. The program has been successful in resolving, on a case by case basis, the requirement that a divorcing spouse, who herself is eligible for *In Forma Pauperis* filing, has to pay for a guardian ad litem to represent the incarcerated spouse. The program is now seeking to make it the rule that a spouse who is filing *In Forma Pauperis* for a divorce not be required to pay for a guardian ad litem for the incarcerated spouse. LASEV is looking into the Norfolk Police Department's practice of arresting homeless persons for loitering and dropping the charge if the individual agrees to move out of the jurisdiction. The program is currently representing a mother whose child was removed from her care because she is homeless. LASEV's active use of affirmative suits in cases involving the condition of the tenancy and active defenses in subsidized housing cases has significantly changed landlords' practices and heightened judges' understanding of these issues. Extensive heir property work on the Eastern Shore is helping to preserve long held family lands. The program is starting to take foreclosure and rescue scam cases.

Along with his other roles, the executive director performs some of the functions of a director of advocacy. He encourages developing impact cases; he meets with attorneys periodically and discusses their work. But he is not able to pay the sort of attention to case work development that a full-time director of advocacy could. He cannot gauge the need for training nor develop it; he cannot play a role in task forces and special projects like the foreclosure group, he cannot play a supportive role in cases that need intensive direction and support.

Despite the program's interest in pursuing significant cases with potential impact, few of the attorneys are licensed to practice in federal court. The program's position is that, in most instances, federal court is not a forum choice that a prudent litigator would make. The team believes that for the exceptional case and for bankruptcy and social security matters it would be useful to encourage its attorneys to be barred in Federal Court so that they would have that option when the situation arises.

**Recommendation:**

**III.9.1.** In order to continue to expand the quality and sophistication of its advocacy, it is recommended that the program consider hiring a director of advocacy.

**B. Private Attorney Involvement.**

**Finding 10. LASEV's private attorney involvement program is concentrated on the handling of uncontested divorces through the Judicare model.**

LASEV's PAI effort is narrowly focused on the handling of uncontested divorces by Judicare attorneys who are paid \$200 a case. The CTI unit, among others, refers cases that are determined to be uncontested and that otherwise qualify to the PAI coordinator

who is housed in the Hampton office. She places cases with one of the 20 attorneys on her list. The attorneys are paid at the time of completion of the cases.

The PAI program is loosely structured. The coordinator is assisted, part time, by the office assistant. She is supervised by the executive director and by the Hampton managing attorney. There is no routine oversight of the cases after they are placed. If a client complains or if the case is not completed within 10 months of initiation, the coordinator calls the attorney. There are no active recruitment or awards activities.

While almost all of the program's PAI efforts are centered on uncontested divorces, there are a few exceptions. One Judicare attorney takes special education cases that are within the program's priorities. As noted in the discussion of staff training above, the program makes periodic use of private attorneys as pro bono trainers for LASEV staff.

While the program's use of PAI performs a valuable service for those who need divorces, it is very limited in scope and uncontested divorces could be the subject of pro se assistance. In a service area that is home to 2640 attorneys in several urban areas, it is the team's belief that additional pro bono efforts would produce more fruitful results for clients.

**Recommendation:**

**III.10.1.** The program should consider enhancing the pro bono component of its PAI plan to include the direct representation of clients in a variety of case types. The effort would need to include the recruitment and training of volunteers and the recognition of their work. LASEV should also consider using attorneys to provide pro se assistance in clinics or other settings.

**C. Other program services to and activities on behalf of the low income population.**

**Finding 11. LASEV engages in community education and special projects designed to benefit the client community.**

LASEV engages in extensive community education activities. The program estimated that they made at least 100 presentations in 2007. The program's particular activities for the homeless population, senior citizens and victims of domestic violence are described in Finding 6 as are its coordination efforts with other organizations dedicated to these populations.

The program has not chosen to engage in pro se activities. The most common pro se activity that many programs address – uncontested divorces – is handled by LASEV as Judicare cases. If the program chooses to consider the team's recommendation to pursue other uses for its PAI funds, an option to consider for uncontested divorces would be some form of assisted pro se.

As described in Finding 6, the program engages in a remarkable series of special projects to provide assistance to applicants and clients. Some of these – such as the effort to dismiss hospital bills and to get prescription medicines and credit counseling services for free – involve collaborative efforts with other organizations.

## **PERFORMANCE AREA FOUR Effectiveness of governance, leadership and administration.**

### **A. Board governance.**

#### **Finding 12. The LASEV board is appropriately engaged in the program’s work and appears to exercise appropriate oversight of the program’s activities.**

The LASEV board has 20 members.<sup>3</sup> The board membership is diverse in terms of gender, ethnicity and geography. Its members are appointed by area bar associations and community organizations. Both law schools are represented on the board as are disability, civil rights and senior organizations. Client members appear to be actively involved in the work of the board; they have served on board leadership committees.

While the board has committees, they have not met in the last year. The board members that the team spoke to about committees indicated that the committees meet on an as-needed basis. LASEV has term limits for board members.

The board meets quarterly. There has been a quorum for all but one meeting of the board in the past two years. Members report that the level of attendance is good. Members may participate by telephone. At each board meeting, the executive director reports on the program’s fiscal condition and other facets of program operations, which are designed to inform the board of the program’s activities. These reports and board discussions are outlined in board minutes. In the last year, the board has been particularly involved in reviewing new office locations and in LASEV’s 40<sup>th</sup> Anniversary Campaign.

The board generally appears to play an appropriate oversight role. The board members and officers interviewed demonstrate an understanding of the major issues that flowed from the merger and 2004 consolidation. Because of the difficult experiences associated with the transitions that occurred between 2001 and 2004, board members expressed keen awareness of issues such as fiscal control, staff morale and leadership. When asked about PAI, and the Hampton office’s physical plant, all of the board members the team interviewed were aware of these challenges and expressed a commitment to addressing them. The board is not actively involved in the program’s strategic planning efforts. The executive director indicates that he is responsible for not bringing the strategic planning efforts to the board’s attention and will do so soon.

#### **Recommendation:**

---

<sup>3</sup> There is currently one vacancy on the board.

**IV.12.1.** The board needs to be involved in the program’s strategic planning. It is recommended that they also consider playing an ongoing role in the program’s fundraising efforts.

**B. Leadership.**

**Finding 13. The executive director leads the program in focusing on the needs of the client community.**

LASEV’s leadership is strong. The program was established in 2004 through the merger of two programs that had severe problems. It is a credit to the current executive director, who took over shortly after the creation of the new program, that the wounds from the prior era are not in evidence and that the organization acts as one unified entity with a clear mission and vision. During the executive director’s tenure, the program has experienced an extraordinary turn-around to become an effective and cohesive organization.

The executive director’s mission and vision are clearly communicated to the program. His mission is to be of service to the client community. His initial vision included getting to court more, becoming more involved in domestic violence work, and making representation of homeless persons a commitment. All three of these areas are being addressed with significant work. Staff members have universal respect for the executive director – he is seen as a role model of excellence and of commitment to and respect for clients. Staff members feel free to call him when they have problems and are generally satisfied with his responses. His leadership is personal; he takes a great deal of responsibility on himself.

Opportunities are available within LASEV for leadership development. LASEV took part in a Legal Services Corporation of Virginia project – with three participants each year – that was designed to foster leadership skills. Eligibility paralegals and other staff members are encouraged to work on special projects that accomplish good things for the program while helping develop leadership skills. Backup managing attorneys are designated for each of the large offices.

**C. Management and administration.**

**Finding 14. The management team consists of the executive director, the deputy director and the administrator. The team is responsible for the administrative management of the program.**

The management team covers financial management, human resources, technology oversight and disaster planning. It includes the executive director, the deputy director and the administrator; it does not include the program’s managing attorneys and does not encompass oversight of the program’s legal work.



The executive director takes sole responsibility for the overall management of the legal work of the program. While he delegates significant responsibility to the managing attorneys to make decisions about what each office will do and how it will run, he visits each office frequently and meets with attorneys to discuss their work. As discussed below, he is the one who decides merit raises for each staff member.

The deputy director is in charge of financial management; the administrator oversees human resources. Financial management and human resources, the subjects of findings 16 and 17 respectively, appear to the team to be working well. There are severe problems with the reliability of the program's technology infrastructure, the subject of finding 15.

A second area that the deputy director oversees is disaster planning. While there has been considerable effort devoted to disaster planning, a written plan is not yet in place. There is a telephone tree; mirrored servers are planned for Norfolk and Williamsburg. It appears that the deputy director is so cognizant of the complexities of the varying possible disasters and of the different persons and offices that may be affected by various disasters that his understanding of the possibilities is impeding his ability to start a plan that can be refined and developed further as circumstances warrant.

#### **Recommendation:**

**IV.14.1** The executive director should consider a way to delegate some of the responsibilities that he has. His leadership style is very personal; he takes on a great deal responsibility for things from the overall direction and leadership of the program to oversight of legal work management, to responsibilities of overseeing the day to day functioning of the technology infrastructure, to being the chief manager. While he is a gifted leader, there is only so much that he can effectively handle. As suggested above, one approach would be to delegate the hands-on work of the oversight of the legal work to a director of advocacy.

**IV.14.2.** The program needs to draft a disaster plan, make assignments based on the plan, and take steps to implement the aspects of the plan that need to be in place before a disaster strikes. Once a basic plan that addresses roles and responsibilities, documents technology usage approaches, and that provides for bill paying and for serving clients is drafted, it can be refined and elaborated on as appropriate.

#### **Finding 15. The problems with LASEV's technology infrastructure have a deleterious effect on staff members' ability to get their work done, on program morale, and on the services that applicants receive from the CTI unit.**

The reliability of the technology infrastructure has been a significant problem for the program for more than a year. LASEV outsources the maintenance of the infrastructure. They have recently changed companies; they were dissatisfied with their old provider and believe that they were cheated by it. There appear to be problems with the new provider also. Due at least in part to a virus that inexplicably crossed the protective screen designed to keep it out, there have been periods when the computer network was not

available. Because the program's computers do not have software loaded on them, advocates can not use their computers at all – not even for drafting – during these periods. Several offices report periodic problems with the phones and with voice messages.

Some aspects of the program's infrastructure are not adequate even when working. As described in finding 5, the phone system that the CTI unit relies on does not have adequate capacity to handle a high volume of calls and to track what is happening to those calls.

In light of what he recognizes is a significant problem for the program, the executive director is assuming more of a role in addressing this area that was formerly the responsibility of the deputy director. The executive director has asked that technology complaints come directly to him and is taking direct responsibility for dealing with them.

**Recommendation:**

**IV.15.1.** Because technology problems negatively affect almost all staff members – phone and computer outages interrupt work significantly – it is incumbent upon the program to resolve them quickly. The team recommends that a consultant be brought in to assess the current status of the network and that the program get assistance in considering changes to make the telephone intake system able to more effectively handle and track its calls.

**Finding 16. The team did not detect problems with the program's financial administration structure.**

The team's review of the program's financial structure was limited. We sought to ascertain that there is a written financial policy manual and sought indications that it is followed. We inquired about software used to support the function. We sought to ascertain whether there were material audit findings and whether the board has encountered problems in the course of their budgetary oversight process. In all these matters we received the appropriate assurances.

The deputy director is responsible for the financial administration of the program. He has extensive experience in program budget management. He has drafted a written financial policy manual to conform to LSC's requirements. The involved staff members say that they are aware of its requirements and follow it closely. The check authorizing and writing procedure involves several people and many checks and balances. The program has recently changed its software to QuickBooks Nonprofit. The deputy director reports that it is a considerable improvement.

As noted above, the board is particularly attuned to its budget oversight responsibilities because of problems the predecessor organization had with budgetary matters. The board approves the program's budget before the beginning of each fiscal year and reviews the

program's expense report at every meeting. It receives the quarterly expense report and the executive director explains variances from the budget for each quarter.

No material audit findings have been noted. The team was informed that the same auditor has been used by the program and a predecessor organization for several years. Board members are satisfied with the reports they receive. They are particularly grateful that there have been no deficits in the last several years.

**Recommendation:**

**IV.16.1.** Because changing auditors periodically is considered a prudent practice to avoid the risk factor associated with over-familiarity between client and external auditor, it is recommended that the program consider retaining a new Independent Public Auditor.

**Finding 17. The program's management of its human resources appears strong except with respect to its evaluation and merit raise procedures. With one exception, the program's morale generally appears to be high. The high turnover that the program has experienced does not appear to be related to personnel issues other than the history of relatively low salaries.**

The administrator is responsible for management of the program's human resources. She appears to have the appropriate expertise for her human resource role. She is turned to as a problem solver by the executive director and by staff members throughout the offices when they encounter problems. The program has a personnel manual that the administrator updates as necessary. The team did not hear complaints about the program's personnel policies.

The program's staff appears to be qualified for the work that they do and dedicated to the program's mission. The program appears to have an appropriately diverse staff. The team was not made aware of any discrimination or recent improper conduct complaints. Staff morale is generally good. As noted in finding 5, some issues remain with the CTI unit.

The program's turnover is high. Except with respect to the CTI unit where workload and other issues appear to be present, as discussed in finding 5, the high turnover is probably attributable to factors other than working conditions. Because of LASEV's location, it has the opportunity to hire staff members who are in the area because their spouses are stationed there. While this proximity brings a wealth of highly qualified individuals, it also creates turnover situations when the family member is reassigned. While legal aid salaries are always low, until recently the program's salaries were particularly low. A step recently taken by LSCV has had a dramatic effect on the overall compensation that employees receive. The starting attorney salary was raised to \$48,000. The salaries of existing attorneys were raised by \$8,000; those of non-attorneys were raised by \$4,000. The raise of non-attorney salaries was on the initiative of the executive director who believed that non-attorney staff should receive a larger raise than that called for by LSCV. It is hoped that the increase in compensation and the new loan repayment

program that LSCV offers all attorneys with educational debt will be helpful in addressing the problem in the future.

While the program's procedures call for staff to be evaluated every year, this does not happen routinely. The executive director makes merit increase decisions based on his understanding of staff members' contributions to the organization. He uses merit raise amounts to keep valued employees and the absence of a merit raise as a way to encourage significant improvement or a swift exit from the program.

**Recommendations:**

**IV.17.1.** It is recommended that the program review its evaluation and merit raise procedures in order to develop a procedure that is more transparent and less subject to challenge.

**Finding 18. The management team effectively communicates with its staff.**

The administration utilizes semi-annual staff meetings and periodic managers' meetings as communication tools. Managing attorneys have quarterly meetings. Office meetings serve as communications vehicles as well as case discussions. Email is also utilized as appropriate. A staff party is held yearly as is a picnic at a local minor league ball park. The executive director's periodic visits to the offices serve to augment communication. Staff members generally stated that they knew what they wanted to know. A few said that if they ever felt that they did not know what they wanted to know they would call the administrator or the executive director.

**D. General resource development and maintenance.**

**Finding 19. While the program has not traditionally had success with fund raising other than from LSC and LSCV, its recent efforts are encouraging. The program is focusing its resource development effort to accomplish its legal work goals.**

The program is heavily dependant on LSC, state and IOLTA funding; for 2009, it projects receiving less than \$100,000 in other funds. A resource developer that the program hired did not work out. Last year for the first time the program conducted a successful bar campaign as part of their 40<sup>th</sup> anniversary event.

This year, there is a two pronged approach. Fund raising efforts will focus on large firms; it has not been decided whether there will also be a general mailing. The second prong involves targeting its fund raising efforts to charitable organizations and private individuals on issues of particular interest to the organizations and individuals that the program has a track record on. Brochures will be assembled describing the program's work on topics such as housing, homelessness and domestic violence.

LASEV is also interested in getting help for its domestic work and, as noted above, expanding into community economic development work. At time of the LSC visit,

LASEV was awaiting a decision on a VAWA grant. This grant would provide funding for three new attorneys and for each of the domestic violence shelters. If LASEV is not successful in getting this grant, it plans to seek funding from a private source. As program resources become more stable, the program might reconsider hiring or contracting with a professional resource developer.

**E. Participation in integrated legal services delivery system.**

**Finding 20. LASEV is an active member of its active state justice community.**

Virginia has an active equal justice community; LASEV plays a significant role in it. Several staff members, including the executive director and the deputy director, do presentations at the statewide training sessions. Its lawyers are actively involved in the state-wide task forces and their listservs.

As described in finding 6 above, the program is actively involved locally in domestic violence, health, senior and homelessness efforts with several partners. The executive director plays an active role in working with the service area's domestic and homelessness advocacy organizations. The community organization members the team spoke to know the executive director and is impressed with his commitment to the low-income population.

As noted above, LASEV has partnered with several social services agencies to receive intakes from them. The partner agency completes an intake form and faxes or emails it to the program. The program does a conflict check and calls the applicant right back. Several social services programs – particularly domestic violence programs -- use the process now; its use is expanding. It appears to have proved to be a successful way to work with other programs and identify key issues.