



LEGAL SERVICES CORPORATION
Office of Program Performance

Program Quality Report

For

NORTH PENN LEGAL SERVICES

Recipient No. 339070

September 8 – 12, 2008

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INTRODUCTION

The Legal Services Corporation (LSC) Office of Program Performance (OPP) conducted a Program Quality Visit to North Penn Legal Services, Inc. (NPLS) from September 8 - 12, 2008. The on-site visit team included OPP Program Counsel John C. Eidleman (team leader), Cynthia Schneider, OPP Deputy Director, Guy Lescault, Program Counsel and Lillian Moy, Consultant.

OPP seeks to ensure that all recipients of LSC funds are providing high quality, efficient, and effective legal services to eligible clients. The purpose of the September 2008 visit was to assess the overall quality of legal services provided by NPLS to eligible clients, including the program's engagement with and service to the low-income community, the effectiveness of its legal representation and other program activities, and its leadership, management, and administration. In performing its evaluation, OPP relies on the LSC Act and Regulations, the LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid.

Careful consideration was given to NPLS' most recent grant competition and renewal applications, case and matters service reports, and other reports and documentation submitted to LSC in recent years. Factors that were considered during the evaluation visit include staffing, office location, intake system, private attorney involvement, technology, legal work management and supervision, quality and quantity of legal work, leadership, program administration, resource development, coordination within the delivery system, and experience and reputation. The team reviewed numerous documents submitted by NPLS in advance of the visit, including responses to a survey of staff and writing samples submitted by advocates as examples of their best recent work.

NPLS provides legal services through its twelve offices that cover twenty counties in northeastern Pennsylvania.¹ The service area is 13,109 square miles and has a poverty population of 196,892. The team visited seven NPLS' offices and interviewed staff from all twelve offices. Team members interviewed the executive director, the director of information and technology, the manager of information services, the director of advocacy, director of development and communications, the human resources manager, the chief financial officer, managing attorneys, staff attorneys, paralegals, and administrative and support staff. Also interviewed were board members, judges before whom program advocates appear, regional and state justice community partners, members of community organizations, and the director of a county pro bono program. As a result of time constraints, some interviews were conducted by telephone.

¹ The corporate headquarters are in Scranton as is the chief financial officer. The executive director and director of development have their offices in Bethlehem, which also has a service office. The other service offices are in Bloomsburg, Honesdale, Jim Thorpe, Mansfield, Scranton, Stroudsburg, Sunbury, Towanda, Tunkhannock, Wilkes-Barre and Williamsport where the human resources office is located. There are outreach offices in Hazleton and Montrose. The counties served are: Bradford, Carbon, Clinton, Columbia, Lackawanna, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Pike, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, and Wyoming Counties.

OVERVIEW OF PROGRAM AND SERVICE AREA

NPLS is a private nonprofit corporation organized to provide legal services to low-income individuals who meet LSC eligibility guidelines. NPLS was formed on January 1, 2001, as the result of a merger of four predecessor organizations: Legal Services of Northeastern Pennsylvania, Inc., Lehigh Valley Legal Services, Inc., Northern Pennsylvania Legal Services, Inc., and Susquehanna Legal Services. Each of the four predecessor organizations received LSC funding in 2000.

Headquartered in the city of Scranton, NPLS serves LSC service area PA-24, which geographically is the largest LSC service area in the state. According to the 2000 Census, the service area contains a total population of 1,922,915 and a poverty population of 196,892 persons – a little more than 10% of the area’s total population. The service area contains 15.1% of the poverty population for the state of Pennsylvania. This is the third largest poverty population in the state.

In terms of race, the client population is not very diverse. According to the 2000 Census, whites are 86.5% of the service area’s poverty population; African Americans are 5.0%; Hispanics are 9.8%; Native Americans are 0.4%;² Asians are 1.0%; and other groups comprise 5.0%.³ The North Penn service area ranks sixth in diversity compared to the other seven LSC service areas in the state.

NPLS has received LSC funding since 2001. In 2008, NPLS received \$1,741,876 in basic field funding from LSC. Non-LSC funding for 2008 was approximately \$4,300,000.

FINDINGS & 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: In 2007, NPLS conducted a broad-based assessment of the legal needs of the low-income population in its service area. NPLS' current priorities reflect the legal needs of its client community.

² In this report, the Native American category includes the Census category “American Indian and Alaska Native.” The Asian category includes the Census category “Native Hawaiian/Pacific Islanders.”

³ The sum of the percentages for the Census categories exceeds 100% because Census permits double counting Hispanics.

NPLS engaged an expert with a Masters in Sociology who worked with the Department of Sociology of Lehigh University to develop the needs assessment. The assessment was conducted using three different methodologies for four groups of stakeholders to determine the legal needs of the community. Community agency staffs were surveyed using an on-line survey instrument. Past clients and non-client community members were surveyed using a telephone survey conducted by students trained to use the university's research protocols. Six focus groups were held at locations throughout the service area to capture the opinions of persons with access challenges. NPLS also considered the most recent census information for the service area in conducting the assessment.

The survey results indicate that NPLS' program priorities reflect the legal needs of the poor in the service area. The priorities are adjusted regularly as needs of the client population change. The program recently dedicated resources in response to emerging issues such as the foreclosure crisis, the increase in consumer credit card litigation, rising unemployment issues and barriers to employment for clients with criminal records. Members of the staff have called to management's attention aggressive governmental code enforcement precipitating clients' evictions and county real property reassessment that adversely and disproportionately impact the elderly and those on fixed incomes. Priorities were adjusted to address these issues. Interviews with staff, members of the board, and community organizations reflect that NPLS staff coordinates and interacts regularly with clients and organizations to address the emerging legal needs of the client community.

Criteria 2 and 3. Setting goals and objectives, allocating resources, developing strategies, and implementing processes to achieve goals.

Finding 2: NPLS has clearly defined program goals and objectives set out in its competitive grant application to LSC and other contracts to provide services to clients.

NPLS' substantive priority areas are preservation of housing and related housing needs, support for families, maintaining and enhancing income and economic security, and safety and stability. The program's goals for these priorities are reflected in its reports to funders. NPLS has not formally adopted strategies for its delivery approaches that are calculated to achieve these goals.

Finding 3: NPLS does not use these stated goals and objectives as a blueprint to help guide staff in achieving the priorities of the program.

Many of the staff members interviewed are not conversant with the overall objectives of the program in each priority area. They do not see their work as a comprehensive strategic effort to affect the low-income population as a whole, but as attention to individual cases that may at times affect a number of clients.

Finding 4: NPLS has not conducted strategic planning to refine its overall goals and objectives.

The program director and the board chair are dedicated to programmatic strategic planning in the future to solidify NPLS' efforts in providing a coordinated and comprehensive strategy to serve clients.

Recommendation I. 4. 1.⁴

Now that the comprehensive needs assessment is completed, NPLS should take the next step and engage in a strategic planning process. The program may want to review the Community Legal Services' (Arizona) strategic planning process found on the LSC Resource Information (LRI) website at:
http://www.lri.lsc.gov/management/plan_strategic_detail_T127_R13.asp.

Criterion 4. Evaluation and adjustment.

Finding 5: NPLS does not formally evaluate the outcomes of its advocacy and other services to the client community to make adjustments to its priorities and delivery system. However, adjustments are made to its legal work based on identified emerging needs.

While there is no formal process for evaluating outcomes or adjusting priorities between the formal needs assessments, staff is keenly aware of the emerging needs of the community and brings issues to management. Priority areas are expansive enough to allow for case selection adjustments within the substantive priority area as the legal need arises. The board is informed of these new issues and the program adjusts its delivery system accordingly. As set out in finding 1, NPLS recently developed strategies to help clients with real property assessment issues, foreclosure and credit crisis problems and barriers to employment problems.

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

Criterion 1. Dignity and Sensitivity.

Finding 6: NPLS has a staff that is sensitive to the needs of its client population and treats clients with dignity and respect.

Client Relations

⁴ The numbers in a recommendation represent in this order: the LSC Performance Area, the finding number under the Performance Area in this report, and the number of the recommendation under this Performance Area.

Interviews with community agencies, judges and other service providers revealed that NPLS treats clients with dignity and sensitivity. The staff was described as professional, caring, respectful, and culturally sensitive. While there is limited diversity in the service area, NPLS strives to add staff with Spanish speaking ability. Interviews with staff members disclosed a programmatic policy of keeping clients informed of the status of their case and concern for clients' well being. NPLS surveys clients' satisfaction at case closing to monitor their approval of staff's work.

Intake

Finding 7: NPLS' intake system, while not uniform throughout the entire program, provides primarily a telephonic, client-friendly and accessible portal to legal service.

There is a centralized telephone intake system that covers ten of the twenty counties in the service area. Further, the local offices in the other ten counties conduct predominantly telephone intake.⁵ NPLS had planned to create a centralized intake system for the entire program and hire an intake coordinator until it lost significant IOLTA revenue.

There are two centralized telephone intake hubs, one in Scranton and the other in Williamsport.⁶ Currently there are four and 1/3 intake screeners: two Spanish speakers in Scranton, one screener in Wilkes Barre, who speaks Spanish and is transferring to Scranton, one screener in Williamsport and one screener in Sunbury who serves as the 1/3 back-up to the Williamsport office. Bethlehem is not a centralized hub but it does have two Spanish speaking receptionist/intake screeners. Offices that do not have Spanish speakers available use Language Line.

The intake screeners for both telephone and walk-in intake obtain basic demographic and eligibility information from the applicant and a brief description of the legal problem. The intake screeners are non-attorneys and do not provide counsel and advice to callers. Information is entered into Prime⁷ by the intake worker contemporaneously or soon after the intake is completed. The intake is then assigned to an advocate either by a manager or the intake staff based on case type and the advocate's caseload. When the intake worker makes that decision, the manager reviews the assignment and may reassign the case depending on caseloads and type of service needed. The advocate promptly contacts the applicant either the same day for emergencies or within a few days for other cases. Advice is usually given by the advocate during the call back if that is the only service that will be rendered.

⁵ The Towanda office that serves Bradford and Susquehanna Counties will be added to the centralized intake in Scranton in October 2008.

⁶ Scranton covers Lackawanna, Luzerne, and Susquehanna Counties. Williamsport covers Lycoming, Clinton, Columbia, Tioga, Union, Snyder and Northumberland Counties.

⁷ Kemps Prime is an electronic case management system used to track cases for legal services programs and produce reports, keep time records, manage calendaring, keep notes from interviews and produce form letters.

Intake is generally closed during lunch and there are no regularly scheduled evening intake hours.⁸ The needs assessment showed that the clients are overwhelmingly satisfied receiving advice and brief telephone service when appropriate rather than being required to have a face-to-face consultation.

When conducting intake the intake staff use scripts maintained in Prime with typical questions pertaining to substantive legal areas. While these scripts are adequate, some advocates believe that at times helpful information is missed.

It is the program's policy to send clients a written summary of all advice given in limited service cases. It appears that while this is not uniformly done in every office it is done in the great majority of the offices. There are no HotDocs templates for these letters. Client satisfaction questionnaires are sent at the close of each case.

NPLS conducts excellent training on intake. On Wednesday intake is closed at the two centralized intake hubs and the intake staff use Legal Meetings to conduct a conference call with the director of information and technology. During this call the participants go over any questions, problems, changes, new policies or other challenges.

While the program does not have a comprehensive intake manual that combines all of its intake operations policies and procedures in one place, it has placed some protocols on SharePoint.⁹

Recommendation II. 7. 1.

NPLS should set a date by which it intends to achieve a consolidation of a uniform program wide intake system.

Recommendation II. 7. 2.

NPLS may want to consider varying intake hours and test expanding hours into the lunch hour or evening to accommodate the working poor.

⁸ The centralized system in Scranton is open 9:30-11:30 and 1:30-4:30 Monday, Tuesday, Thursday and Friday. Williamsport's centralized intake is open 9:30-11:30 and 1:30-3:30 Monday, Tuesday, Thursday and Friday. In other offices the typical intake and office hours are 9-5 or 8:30-4:30, Monday, Tuesday Thursday and Friday, and closed for one hour for lunch. While there are no regular evening intake hours, staff often return intake calls outside of regular intake hours to accommodate applicants. NPLS also plans to conduct a test run of non-traditional intake hours in the next six months.

⁹ SharePoint is a Microsoft brand for software that enables a website to provide document and information sharing. Workgroups can share documents, calendars, announcements and postings. It is used to build intranet portals and share documents.

Recommendation II. 7. 3.

NPLS should consider using the Wednesday intake meetings as an opportunity to have the program's substantive experts explain what additional or different specific information could be requested of applicants at intake to aid in representation.

Recommendation II. 7. 4.

NPLS should write a comprehensive intake manual that consolidates all of its procedures and place it on SharePoint.¹⁰

Criterion 2. Engagement with the low-income population (client and community relations, work with community groups and organizations.)

Finding 8: NPLS fosters a fundamental philosophy that regular and extensive engagement with the low-income population is an essential part of staff's role.

The program engages in regular community interaction through legal education for clients and organizations and consultation with organizations that serve low income persons. NPLS staff works collaboratively with an array of human services organizations, client-centered groups, and governmental agencies that serve the low-income population.¹¹ Two examples of community legal education include the staff presentations to both staff and clients at New Options-New Choices concerning transition to employment, and presentations to seniors under the grant from the Blue Ribbon Foundation. The range of community education activities encompasses in-person community group presentations, legal education for service providers and outreach to client groups and partner organizations. NPLS has a director of community services in its Bethlehem office whose primary role is to conduct outreach to community groups in Northampton and Lehigh Counties. Most advocates in the program are involved in extensive outreach. Many staff members also serve on the boards of local community agencies.

Interviews with representatives of community organizations and with staff and board members confirm that the program is actively engaged with the low-income population and with organizations and agencies that serve the poor.

¹⁰ Topics covered could include: Operation of the Hotline, Hours of Operation, Emergencies, Access for Disabled/Homebound, Access for Limited English Proficient, and Walk-Ins, Eligibility, New Applications, Case Management Procedures, Telephone Screening in Prime, Denial of Services/Matters Protocols, Case Referral Priorities and Protocols, referrals to PAI, Supplemental Intake Questions by subject area, Quality Control, Supervision, Training, Continuing Legal Education, Staff Evaluation, Client Surveys and Grievance Procedures.

¹¹ These organizations include housing counseling networks, faith-based organizations, client councils, organizations representing the elderly, domestic violence shelters, victims advocate centers, housing authorities, community development organizations, child advocacy groups, consumer and credit counseling groups, food banks, health departments, ex-offender organizations, nursing homes, Catholic Social Services, and the Area Agency on Aging.

Criterion 3. Access and utilization by the low-income population.

Finding 9: The locations of NPLS' offices facilitate reasonable access for members of the client population.

The seven offices visited by the team were easy to find and clearly marked. They were accessible to public transportation or had adequate parking available. They were clean and professional in appearance. There were adequate reception areas with educational materials available and toys for children. Interview rooms provided confidentiality. The offices were accessible to disabled persons. However, in a few of the offices it appeared that access to bathrooms is difficult for persons in a wheelchair.

Some of the offices have only one attorney or paralegal staffing them. On the whole that arrangement is working well. For example the attorney in the Jim Thorpe office is in regular contact with the managers in the Wilkes-Barre office concerning administrative issues. The managers also conduct regular in-person and telephonic review of the attorney's case work. Both the attorney and paralegal in Jim Thorpe participate in substantive taskforces and solicit the help of experts throughout the program on both substantive and procedural issues in conducting their advocacy.

NPLS' LEP policy states that a client's family members should not be used as an interpreter for the client. Language Line is to be used. The client's primary language should be entered in Prime. However, in some circumstances these policies are not followed.

Recommendation II. 9. 1.

The program should review all of the office facilities to ensure that persons with disabilities can easily move around the office and have access to all public parts of the office.

Recommendation II. 9. 2.

NPLS may want to engage in a cost benefit analysis to determine if the small one and two person offices provide sufficient service to clients to justify keeping them open.

Recommendation II. 9. 3.

NPLS should ensure that the LEP policy is followed and that a client's family members are not used as interpreters.

Recommendation II. 9. 4.

Intake workers should be reminded to enter a client's primary language in Prime so that NPLS has accurate data about the LEP clients they serve.

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

Criterion 1. Legal Representation.

Experience and Diversity of Staff

Finding 10: NPLS has a good balance of highly experienced and newer advocates.

NPLS is fortunate to have a large number of highly experienced advocates who are very knowledgeable in their area of practice, remain very enthusiastic about their work and are willing to learn new areas of the law and ways to help clients. The experienced staff is very engaged. They collaborate on emerging advocacy areas such as the crisis in mortgage foreclosure, aggressive credit card debt collection and pressing local issues such as aggressive code enforcements and condemnations and the reassessment of real property in Luzerne County that is disproportionately affecting senior citizens.

The program's executive director has over 20 years of legal experience including private practice, the state government, managing a non-profit and legal services. Its director of advocacy has more than 20 years of experience as an attorney. Managing attorneys experience range from five to 34 years of experience with an average of 24 years of experience. The average number of years of experience of the paralegals is 22 years. The average number of years of experience for staff attorneys is eleven. One has more than 35 years experience, three have more than 20 years experience and seven have five or fewer years of experience. The newer staff is highly dedicated and aggressive in their representation. The team was very impressed with the level of excitement and interest exhibited by virtually all of the staff about their work, their knowledge of the law and their dedication to achieving clients' goals.

Legal Work Management and Supervision

Finding 11: NPLS has effective systems and policies in place for legal work management and supervision.

The legal work management policies are set forth in various memos and directives from management and are generally followed throughout the program. Advocates interviewed were knowledgeable of appropriate file maintenance policies and process for supervision and management of their work even if they couldn't point to specific documents instructing them in these areas. Quarterly or more frequent review of case

work is standard. The program's director of advocacy plans to create a legal work/litigation manual that will be placed on the program's SharePoint site.

The program provides legal representation to clients in an effective and high quality fashion. When team members discussed cases with advocates, advocates thoroughly described the legal issue and strategy they used in pursuing the client's goal. Many were also able to discuss how they will address emerging local and systemic legal issues. Many, but not all, advocates thoughtfully discussed legal strategies designed to achieve the best results for an individual client as well as broader impact for client community. Not all are looking at larger issues.

Most of the advocates are generalist with some greater concentration in certain areas. In all of the offices the attorneys are prepared to take any type of case. The paralegals generally concentrated in only a few substantive areas such as public benefits, disability, elderly, employment or family law. The majority of the complex public benefit work is done by one paralegal.

The program has four substantive law groups (government benefits, consumer, SSI/disability and employment) to help advocates enhance their knowledge and skills in those areas. Some are very active, others less so, depending on the leadership of the group.

The director of advocacy coordinates the program's systemic legal work. He organizes advocacy work among offices, and works with local offices to identify strengths and weaknesses and to develop strategies to improve the offices' delivery of legal services. He reviews the program's entire major advocacy and reviews pleadings in those cases. He meets quarterly with staff in regional case reviews.

There is limited use of experts and discovery in cases. Some advocates had questions about the availability of funds to do so and were unfamiliar with the program's policy on use of litigation funds. The program has no line for litigation in the budget. It does not appear that all appellate oral arguments are mooted prior to the hearing.

The program has appropriate legal research tools available to staff. The advocates make extensive use of on-line research tools including Lexis and a multitude of listservs that are both internal to NPLS and part of the Pennsylvania Legal Aid Network (PLAN). The advocates are very engaged with statewide experts and collaborate extensively with staff from organizations such as Community Justice Project, PA Health Law Project, PA Utility Law Project and Regional Housing Legal Services.

Tickler systems are in use in each office. However, some offices use paper rather than electronic calendars and due to technical issues there is no program-wide calendar system. There is no program policy on caseloads although during the recent evaluation process NPLS management said they had set an expectation of no more than 60 cases for staff attorneys. While active caseloads are reasonable and average about 60-70 cases many of the managers have heavy case loads and some over 100 cases in addition to

their managerial obligations. The managers believe that clients would suffer if they do not keep their large case loads.

The director of advocacy also oversees evaluations along with managing attorneys of staff attorneys and paralegals. Evaluations are to occur annually and do appear to be done every eighteen months. Part of the resolution of each evaluation is to set specific goals for an employee's improvement. Staff members do not have individual work plans.

Recommendation III. 11.1

NPLS should complete its legal work manual before the end of the year and post it on SharePoint.

Recommendation III. 11.2

The quarterly case review should be used to emphasize the need to look for larger issues that affect the client population. A part of every discussion on cases should question if there are systemic issues involved.

Recommendation III. 11.3

LSC encourages NPLS to continue with the staff evaluation process since it appears to work well. The program may want to consider designing individual work plans from the results of the evaluations.

Recommendation III. 11.4

NPLS may want to consider a written policy on case loads.

Recommendation III. 11.5

The managers are one of NPLS' greatest assets. The program should set clear expectations as to the managers' obligations, and responsibilities to supervise, manage and carry a caseload.

Recommendation III. 11.6

NPLS should review the way public benefit cases are distributed and determine if it is devoting sufficient resources to this area.

Recommendation III. 11.7

NPLS should make its policy on use of experts and litigation fund clear and disseminate that policy.

Recommendation III. 11.8

NPLS should consider having a policy that appellate arguments and significant trial level arguments are mooted prior to the hearing.

Quality of Legal Work

Finding 12: The program's advocacy in all substantive areas is very good to excellent.

Interviews with judges before whom NPLS advocates practice, on-site interviews with staff, and a review of the writing samples submitted reflect that the program is doing solid legal work and that advocates are providing competent and professional representation to clients. Judges told the LSC team that NPLS attorneys are doing excellent and exemplary work and that the NPLS attorneys are always timely, well prepared, very professional, have great demeanor and know their cases and present them well.

The writing samples from NPLS exhibited predominantly well-researched and persuasive legal writing involving creative and challenging issues. The samples confirm that program advocates are thoroughly familiar with the fundamentals of motion, trial and appellate practice, as well as advocacy in administrative fora.

Staff Training - Access to Legal Expertise

Finding 13: NPLS staff members are offered the opportunity to attend a variety of regional, state and national trainings. Both substantive and skills trainings are provided.

NPLS has excellent technology training for all of the staff. Recent trainings have addressed the use of Word, SharePoint, HotDocs, Excel, and Outlook. Staff has also received training on compliance issues and intake procedures. NPLS advocates have attended a variety of substantive law and skills trainings, including the annual Pennsylvania Legal Assistance Network training, NPLS' in house annual training, and training conducted by the National Organization of Social Security Claimants' Representatives (NOSSCAR) and the Management Information Exchange (MIE). Newer advocates have attended skills trainings.

Criterion 2. Private Attorney Involvement.

Finding 14. NPLS has a detailed and well conceived written private attorney involvement plan to maximize the available pro bono resources in the service area.

In 2007, LSC identified the need for NPLS to strengthen its private attorney involvement in its legal representation. NPLS has aggressively addressed this issue and the executive director has visited virtually every county to champion the cause of pro

bono. The written PAI plan sets out the current state of pro bono in the service area and has a very ambitious action plan for increasing participation tailored to the different circumstances in each county.

The service area has approximately 2,600 eligible attorneys and about 875 PAI participants. This is a level of participation of approximately 33%, which should be applauded considering that many of the counties are rural and have small bar membership. The PAI models vary from county to county. Pro bono panels are operational in ten counties and are administered on two basic models: one model in which the referrals in seven counties are administered by NPLS staff and a second model in which referrals are administered by another entity (in Scranton by the Lackawanna Pro Bono, Inc. (LPBI) and by the pro bono coordinator for the Wyoming-Sullivan County bar). NPLS contributes \$16,000 to LPBI annually. NPLS also maintains judicare contracts for protection from abuse (PFA) cases in Pike and Tioga Counties where there is no program office. In Lycoming County members commit to take three pro bono cases annually from NPLS while the Carbon County bar association makes a \$3,000 contribution to fulfill its pro bono obligation. In Union and Snyder Counties, volunteers hear custody cases to try to achieve pretrial agreements. While these cases are not countable cases for CSR purposes, they present a creative way to get attorneys involved and expand the resources available to clients.

The board president is committed to expanding pro bono participation by joining the executive director and staff in their outreach efforts to county leaders. The board has a Pro Bono Committee that reviews the PAI plan annually and strives to improve volunteer development. NPLS adopted a pro bono resolution in 2007.

The opportunities provided to PAI volunteers are narrow in scope and limited almost exclusively to direct representation.

Recommendation III. 14.1

LSC encourages NPLS to continue its efforts to expand PAI participation in every part of the services area.

Recommendation III. 14.2

As indicated in the LSC program letter 07-02, *Guidance to LSC Programs for the Development of Enhanced Private Attorney Involvement*, <http://www.lsc.gov/pdfs/ProgramLetter07-2.pdf>, NPLS' enhanced PAI engagement will increasingly be a result of technological support using the web for such things as LIVE HELP, Go to Meetings, and other technology tools to support private attorneys seeking to do pro bono and obtain CLE credits in the process. As PAI increases, NPLS should consider a designated staff person to oversee the PAI program in all 20 counties.

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

Finding 15: NPLS offers other program services such as pro se classes, training and educational materials on behalf of the eligible client community.

NPLS' offices have varied pro se projects including custody clinics and pro se divorce classes. The program has developed extensive pro se packets and a series of videos giving an overview of the custody or divorce process that are shown at the clinic and classes and then followed by one-on-one assistance. The videos are also used to help prepare both pro se and represented clients for SSI hearings. The videos are available in local libraries and for purchase on the NPLS website. HotDocs are used for pro se custody and child support and are being developed for mortgage foreclosure defense. There are plans for the senior center in Towanda to offer a live help kiosk in conjunction with NPLS.

NPLS collaborates with community agencies in distribution of its educational material, including an agency that prints an extensive landlord tenant advice manual. Further, the NPLS website contains many materials for clients, including information on how to obtain its nine videos, when and where Community Legal Education trainings are held, self help materials on custody and landlord tenant, and links to PALawHelp.¹² NPLS has had their client education materials reviewed for readability. However, LSC team members found that parts of the web page were confusing and that the locations of offices were difficult to find.

In association with community organizations, NPLS staff has been conducting free housing seminars in Pike and Monroe counties. As a result of a property reassessment in Luzerne County, NPLS has been conducting seminars and providing training and counsel to eligible aggrieved property owners. NPLS also offers on-line assistance with I-CAN software for Earned Income Tax Credit (EITC).

Attorneys participate in local bar associations. The executive director is Chair of the Legal Services to the Public Committee of the Pennsylvania Bar Association.

Recommendation III. 15.1

NPLS may want to review its website to ensure that it is user-friendly and easy for clients to navigate.

PERFORMANCE AREA FOUR: Effectiveness of governance, leadership and administration.

Criterion 1. Board Governance.

¹² The videos include: Bankruptcy: What it Really Means; Custody and Visitation Video Workshop; Renting an Apartment; The ABC's Landlord-Tenant Law; The District Justice Hearing; Unemployment Compensation; Protection From Abuse Issues; Have You Considered Mediation;? and Preparing for Your Disability Hearing.

Finding 16: While the leadership of the NPLS board is committed to the program's mission, works well with the executive director and is dedicated to moving the program forward, not all board members take responsibility to develop resources and promote awareness of the program.

NPLS has a sixteen person board composed of members who are from various parts of this large service area.

The board meets quarterly, receives financial and other written materials from the executive director in advance of each meeting, and appears to be fulfilling its policy and oversight functions well. The board has a number of functioning committees. The board evaluates the executive director annually, and has adopted policies on conflict of interest and term limits.

Not all board members embrace the concept that it is their responsibility to assist in fundraising and development activities. Some believe that the time they devote to board responsibilities is a sufficient contribution. The executive director, board chair and the development and communications director continue to encourage board members to fulfill their vital roles as advocates for the programs mission and as financial contributors.

NPLS does not have formal orientation and training materials for the board. NPLS currently posts on SharePoint documents that set out a board orientation plan, board members' job description that addresses their responsibilities, a program fact sheet and suggestions on how to improve board support.

Recommendation IV. 16.1

NPLS should continue to encourage board members to make a financial contribution to the program in an amount within their means and consider conducting a fundraising training for board members.

Recommendation IV. 16.2

NPLS should continue to make progress in enhancing and developing the board orientation and training materials, to ensure that members are fully informed of their fiduciary duty as board members.

Recommendation IV. 16.3

The NPLS board should consider asking a pro bono attorney to examine the board in light of Sarbanes Oxley to ensure it is in compliance with its obligations.

Recommendation IV. 16.4

The board should engage in a self evaluation using the LSC performance criteria in Performance Area four, Criterion 1.

Criterion 2. Leadership.

Finding 17: NPLS has an experienced team of upper level leaders who are highly skilled and who work well together. Its executive director has taken action in several areas to improve the delivery system and to bring together the four programs that were merged to form NPLS.

The executive director has twenty years of legal experience including five years as the executive director of NPLS. She has shown forceful leadership in addressing issues of concern for the program such as an underperforming PAI program, a need to expand resources, an inconsistent intake system, and compliance issues raised by LSC's Office of Compliance and Enforcement. The merger of the four former LSC recipients in northeastern Pennsylvania presented a challenge. The four prior directors remained with the new merged program and many board members had strong allegiance to the former programs. Most staff now perceives NPLS as a cohesive unified program and credits the executive director for getting the program to this point.

The executive director is supported by a dedicated and experienced staff. She has selected a talented group of leaders for upper-level management positions, who are well-equipped to move the program forward. The talents of the three former executive directors that remain with the program are put to good use. Each one shows an aptitude for his current assignments and provides leadership in those areas.

Criterion 3. Overall management and administration.

Finding 18: NPLS management and administration is in capable hands and the management team work well together.

The program has an experienced and skillful management team that includes the executive director, chief financial officer, director of information and technology, director of advocacy, director of development and communications, the human resources manager and legal managers. Most were with the four programs prior to the merger and bring significant experience and knowledge of the service area to their positions. The management team meets each Monday morning by conference call to discuss issues facing the program and make decisions on pending issues. Information from those calls is then disseminated to staff in emails or at the Employee Council meetings.¹³ Staff has an opportunity to give input before most programmatic decisions are made.

It is a testimony to the cohesiveness of the senior management team that the program is well managed despite the fact that program leaders are located in different offices. The executive director is in Bethlehem, the chief financial officer is in Scranton, the director of information and technology works out of his home in Bucks County, and the human resources manager is in Williamsport. Through use of technology and sound communication policies and practices the program is well managed.

¹³ See Finding 22 on page 18 for a description of the Employee Council.

Technology

Finding 19: The program's technology is excellent.

Program staff is comfortable with technology and utilize it to help them to perform their job functions with increased efficiency. All staff has reasonably up-to-date computers, on-line research capacity, internal and external email and Internet access.

The program has two staff assigned to technology, the director of information and technology and manager of information services. The director of information and technology has inspired the staff to use the technology and provides regular training for its use. The program makes extensive use of SharePoint for communication, training, posting announcements, and preparing for the LSC visit. Staff uses Go to Meeting and HotDocs to supplement their work. Program management has access to a great deal of management information about staff caseloads and uses Prime to full advantage to oversee the office's legal work. The only weakness in technology is the telephone system, which is not integrated throughout the program.

Recommendation IV. 19.1

The program should look into cost saving telephone systems, such as a voice over internet protocol (VOIP) system.

Criteria 4. Financial Administration.

Finding 20: The program appears to have adequate financial policies, procedures and practices in place.

The chief financial officer (CFO) has been with the program for five years. She is in the Scranton office and is supported by an accountant and accounting assistant. Last fiscal year the program had a clean audit. This year's audit was recently completed. The management team works on the budget along with the board.

Monthly financial statements are prepared for the executive director and the board audit committee, which is very involved in the financial planning process. The audit committee then reports to the full board.

Although the CFO and the executive director are located in different offices they are able to use technology to communicate frequently. The executive director is very open with the staff about budget issues and the Employee Council has an opportunity to express an opinion. NPLS has an internal manual setting out its financial practices.

Criteria 5. Human Resources Administration.

Finding 21: The program maintains effective human resources administration and has capable staff to review and update its fringe benefits.

The human resources manager is very experienced and was employed with one of the prior LSC recipient programs before the merger. She is supported by an assistant who works seven hours a week.

The program provides life insurance, medical coverage, allows staff to put sick time into a sick bank for use by other staff, pays bar dues and provides for parking. NPLS has a small 401 (k) account retirement plan to which the employer makes a 1% contribution. There is no LRAP in the program.

The staff is not very diverse. Out of a total staff of 82 staff, women total 64 and there are only three African Americans and four Hispanics. Hiring is conducted according to a uniform plan to find, talented and diverse staff. The program advertises in appropriate state and national forums such as NLADA and in local Hispanic newspapers in specific areas. The program has created a diversity committee to try and expand staff diversity. NPLS has identified the need to hire a bilingual (Spanish speaking) attorney. The program has a good LEP policy that address all of the issues raised in LSC program letter 04-02 *Services to Client Eligible Individuals with Limited English Proficiency*. https://grants.lsc.gov/Easygrants_Web_LSC/Implementation/Modules/Login/Controls/PDFs/progltrs.htm

Recommendation IV. 21.1

LSC appreciates that NPLS has a diversity committee and encourages the committee to meet. LSC staff and consultants remain available to give guidance in this area.

Criterion 6. Internal Communication.

Finding 22: NPLS has excellent staff–management communications.

NPLS has an Employee Council composed of management and elected staff members that meets monthly to discuss issues facing the program. Any member of staff may join the meeting by telephone and all of the minutes are posted on SharePoint. Each Friday the executive director posts items of interest on the SharePoint blog. The executive director also uses the blog and all-staff emails to seek the staff's opinion on pending decisions. Staff almost universally expressed a belief that they have opportunities to give input on decisions and that their opinions were considered.

Criterion 7. General Resource Development and Maintenance.

Finding 23: NPLS was successful in obtaining additional funding for the program in the past few years. It has an impressive and comprehensive fund development plan for 2008-2009.

NPLS has approximately 19 different funding sources. It obtained a variety of grants consistent with its mission, to fund concrete activities such as providing wills to seniors, representing housing and disability clients, conducting outreach presentations, printing handbooks and producing a DVD. The funds come from organizations as varied as the Blue Ribbon Foundation, State and County government, and Wal-Mart.

The director of development and communications has been with the program for two years and has an impressive plan for this and next year to raise over \$250,000 from a variety of sources, including corporations, an auction, donated arbitration fees, bar contributions, and a myriad of grants.

Criterion 8. Coherent and comprehensive delivery structure.

Finding 24: The program has a reasonable, thoughtful, and effective overall delivery system. Its choices on the allocation of resources to competing activities appear reasonable, balanced, and consistent with its mission.

NPLS serves a large and varied service area with a mixture of rural, urban and small town populations. The program's priority areas adequately address the legal needs of the client-eligible population. Its delivery system, overall, is reasonable, sound and effective. In addition to direct legal services, the program's services encompass community education, pro se activities, collaborative work with local, regional, state and national partners, and private attorney involvement.

The program is commencing a strategic planning process which will enhance its overall understanding of its accomplishments and give it guidance for addressing any necessary changes.

Criterion 9. Participation in an integrated legal services delivery system.

Finding 25: NPLS works actively with its equal justice partners throughout the state to strengthen Pennsylvania's legal services delivery system.

NPLS is an active participant in the regional and statewide justice community and legal services delivery system. The program has provided leadership in the area of document production by coordinating with Community Legal Services (CLS) in Philadelphia in developing HotDocs templates for foreclosure cases and family law documents that may be used statewide. The executive director is an active member of the state project directors group and many of the program advocates serve on statewide taskforces. NPLS has engaged in partnerships with the Community Justice Project (CJP), the PA Health Law Project (PHLP) and the Education Law Center (ELC) to expand service to clients in the service area through outreach, advocacy and training.

LOU CASTRO

From: JOHN EIDLEMAN
Sent: Friday, December 05, 2008 4:01 PM
To: LOU CASTRO
Subject: FW:
Attachments: response to draft rpt 12.3.doc

From: Vicki Coyle [mailto:vcoyle@northpennlegal.org]
Sent: Wednesday, December 03, 2008 2:23 PM
To: JOHN EIDLEMAN
Subject: RE:

Word 07. Now it's in the older version. Try this.

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Legal Advocates For
Low-income Families



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From: JOHN EIDLEMAN [mailto:eidlemaj@lsc.gov]
Sent: Wednesday, December 03, 2008 2:15 PM
To: Vicki Coyle
Subject: RE:
Importance: High

I cannot open this document. What format is it written in?

From: Vicki Coyle [mailto:vcoyle@northpennlegal.org]
Sent: Wednesday, December 03, 2008 1:25 PM
To: JOHN EIDLEMAN
Subject:

12/5/2008

John: Attached is my response which goes in the mail today. Thanks.

Vicki

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*Legal Advocates For
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Cynthia Schneider, Deputy Director
Office of Program Performance
Legal Services Corporation
3333 K Street, NW
3rd Floor
Washington, DC 20007-3522

December 3, 2008

Dear Cynthia:

Thank you for the fair and comprehensive report of your monitoring visit of NPLS. I was very pleased to see that the report matched all the items addressed in the exit conference. While that might seem like an obvious statement, it's not always the case that reports match exit interviews. We appreciate that they did so in this instance.

The only item I would comment on is Performance Area Two, Criterion I, Intake (pp. 5-6), Recommendation II.7.2. When I discussed this comment with managers, the universal reaction was that they felt the OPP Team missed staff flexibility in this area. Staff routinely returns calls before and after standard office hours in order to complete intake. They will periodically stay late to return intake calls, when needed. While I understand that your comments are aimed more at developing a system that is responsive to callers who work different shifts or who are otherwise constrained to call during the day, I did feel it was important to point out NPLS' sensitivity to callers who have trouble reaching the intake staff during regular business hours. Having said that, however, I will say that we are planning a test run of non-traditional intake hours within the next six months.

Once again, let me say that this visit was not as painful as expected, and I do thank you for that! Staff appreciated hearing the team's genuine interest in their work. The experience was helpful in putting us on track by providing me with some good direction to address some strategic issues. Thank you again.

Sincerely,

Victoria A. Coyle, Esq.
Executive Director