

June 10, 2015

Althea J. Hayward  
Deputy Director  
The Office of Program Performance  
Legal Services Corporation  
3333 K Street NW  
Washington, DC 20007

Re: Program Comments on Draft Report  
Program Quality Visit Nov 3 – 10, 2014  
Recipient #44707

Dear Ms. Hayward,

I hope that this letter finds you well. I am writing to provide comments from Legal Services of Northern Virginia (LSNV) about the Draft Report from the Program Quality Visit that the Office of Program Performance did at LSNV in November of 2014. As a preliminary matter, I just want to express how much we appreciated all of the supportive and constructive feedback that we received from the LSC team during the visit. That same constructive spirit is reflected throughout the draft report. We intend to implement as many of the recommendations as we can; and indeed have already put a number of them into practice in the months since the PQV. We appreciate LSC considering the following specific comments:

1) **Overview of the Program**, p. 1., “LSNV suffered an unexpected loss in funding . . . .”

**LSNV:** Although this sentence is correct about the amount of the cut in funding from Fairfax County, it incorrectly draws a causal link between that cut and funds that were received by the Fairfax Bar Foundation. Nobody from the County has ever told us that there was such a link. Indeed, both LSNV and the bar foundation have received funding from the County for many years. Both organizations receive their funding from an entity called the Consolidated Community Funding Pool (CCFP). The CCFP funds more than 100 human services nonprofits, and each application for funding is evaluated individually.

2) **Overview of the Program**, p. 1. “The program had 53 staff on board as of the PQV, including 16 staff attorneys and a George Mason University Domestic Violence Family Law Fellow . . . .”

**LSNV:** Although accurate about the total number of staff, we actually had 27 case-handling attorneys on staff at the time of the PQV. Also, the fellowship is called the Dunn-Chadwick Domestic Violence Family Law Fellowship. It is not renewable for the fellow, but it is an ongoing program for LSNV.

3) **Report Summary**, p. 2. The 4<sup>th</sup> bullet point and the 7<sup>th</sup> bullet point are redundant.

4) **Finding 1**, p. 3. “The last comprehensive needs assessment was conducted in 2006.”

**LSNV:** This is not accurate. There was a statewide legal needs assessment published in 2006. However, as we told the PQV site visit team, LSNV does a new strategic plan every three years. We adopted a new

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Main Office  
4080 Chain Bridge Road, 1st Floor  
Fairfax, Virginia 22030

703.778.6800 VOICE  
571.386.0632 FAX  
www.lsnv.org

strategic plan in 2008 that was the result of a comprehensive year-long needs assessment that we conducted in 2007. We did another comprehensive, year-long needs assessment in 2011 which was followed by the adoption of a new three-year plan. And finally, as the report correctly notes, we did a third year-long needs assessment in 2014 that culminated with the adoption of a new strategic plan in January of 2015. The report correctly describes the process we used during the 2014 needs assessment, but it omits one key element: We also did a series of five focus groups throughout Northern Virginia during which we received vital feedback from key community partners about the needs of our client base and about how LSNV can most effectively address those needs.

5) **Recommendation 1.1.1.1\***, p.4. “LSNV should continue its efforts to conduct and complete its comprehensive needs assessment followed by a corresponding strategic plan ready for implementation in 2015.”

**LSNV:** In an e-mail dated February 9, 2015, we informed the leader of the PQV team that the LSNV board had formally adopted the new strategic plan at its January 2015 meeting, and we forwarded to her a copy of the plan document in that same e-mail.

6) **Finding 2**, p.4. “A paralegal is assigned to each of the six branch offices and six intake paralegals are assigned to the “war room” . . . .”

**LSNV:** We do not use the phrase “war room.” It is our centralized intake unit.

7) **Finding 2**, p.5. “Telephone intake is available . . . .”

**LSNV:** This paragraph accurately describes the time for telephone intakes, but some clarifications about the system may be useful. We made a strategic decision not to enable callers to leave messages – we previously provided that option – because the call volume at LSNV is so daunting. We would not have sufficient staff to answer new calls if our staff were only responding to messages. (Voice messages can be left at all individual extensions.) Callers do have an option with the queue to remain on hold or to keep their place in the queue and receive a call back from the next available intake paralegal.

8) **Finding 2**, p.5. “Callers are directed to Spanish or English lines . . . .”

**LSNV:** We do have English and Spanish lines, but we also have a line for Korean callers, staffed by an intake paralegal who is fully fluent in Korean. Also, it is now the case that 7 of our intake paralegals are fully fluent in Spanish.

9) **Finding 2**, p.5. Final sentence of the penultimate paragraph: “A call back list is used for family cases.”

**LSNV:** We use a call-back advice line model for certain categories of family law cases that do not involve domestic violence. We use a similar model for certain categories of consumer cases.

10) **Finding 2**, p.5. Final paragraph: “The paralegals work in fairly close proximity to one another without the benefit of headsets or separate cubicles.”

**LSNV:** The intake paralegals do use headsets and they did so at the time of the PQV. We had previously tried to use “white noise machines” in the intake unit, but the paralegals found that they just added to the distraction. We are in the process of ordering partitions to insert between the individual work stations.

11) **Finding 2**, p.6. “. . . the program has not run intake reports for many months. Since the former managing attorney left in August 2014, analysis of the quantity and quality of intake has dropped off significantly.”

**LSNV:** This is a somewhat surprising statement. In the very short time period between the PQV and LSNV’s long-time managing attorney for intake being hired by LSC, LSNV quickly found a highly-qualified replacement and began training her on the use of our complex telephone system. In fact, in the six months between the PQV and the issuance of LSC’s draft report, we have run intake reports a number of times.

12) **Recommendation II.1.2.1**, p. 6. “LSNV should re-examine its voice messages . . .”

**LSNV:** We have done this and the messages include references to VAlegalAid.org, LSNV’s own on-line library of educational materials (at LSNV.org), and other resources. (Please note that the draft report makes reference to “VirginiaLegalAid.org”, which is not the correct address for the Virginia statewide website.)

13) **Recommendation II.1.2.2.**, p. 7. “LSNV should use client satisfaction surveys as a direct means of receiving input from the callers who are the recipients of the telephone intake services.”

**LSNV:** As a matter of practice, we use hard-copy client satisfaction surveys for clients to whom we provide in-person and more extensive representation. In addition, an electronic version of our client satisfaction survey is accessible to all clients on our website. We are exploring the implementation of a new system by which we would send clients an SMS text message with a link to the electronic version of the survey. This would be a more realistic and manageable method of having telephone clients complete the survey.

14) **Recommendation II.1.2.3\***, p.7. “LSNV should address concerns about the working conditions of the centralized intake unit . . .”

**LSNV:** As mentioned above, the intake paralegals did have headsets at the time of the PQV (and still do). In addition, we are in the process of purchasing partitions to insert between the work stations in the central intake unit.

15) **Recommendation II.1.2.4\*** p.7. “LSNV should use the report functions for the telephone system . . .”

**LSNV:** As explained above, we were regularly using the report functions of the telephone system when our previous managing attorney for intake still worked at LSNV, and we have been using them regularly again in recent months – after a to-be-expected period of transition to the new managing attorney. In addition, we have – for many years – used the report utility available in Kemps to assist in analyzing data and adapting services to the needs of eligible clients.

16) **Recommendation II.1.2.5\***, p.7. “LSNV is encouraged to examine the intake systems in the northern and southern parts of the service area . . .”

**LSNV:** As explained above, LSNV adopted a new three-year strategic plan in January of 2015, and we forwarded a copy of that plan to the PQV team leader in February. A key component of the plan is the exploration of various strategies for increasing our current use of the telephone advice-line model of

service, and ultimately implementing an approach which results in more clients receiving advice more quickly.

17) **Finding 3**, p.7. "It appears that staff in the Arlington and Alexandria offices might have additional capacity to expand services beyond the currently prescribed parameters."

**LSNV:** With certain positions being largely funded by local government funding, it is complicated to think in terms of those positions serving clients in other service areas. That said, we currently do make an effort, for example with family law cases, to have attorneys assist with priority cases in other jurisdictions when possible.

18) **Finding 4**, p.7. "A domestic violence staff attorney in Fairfax and the managing attorney for the Arlington office co-chair the task force."

**LSNV:** Although the Fairfax DV attorney is one of the co-chairs, the other co-chair is the Family Law attorney in our Leesburg office. (Both she and the Arlington managing attorney share the first name Meghan/Megan).

19) **Finding 4**, p.8. "The program does not appear to have an ethics policy relating to its use of volunteers for interpreter services. Nor does it require training or certification of volunteer interpreters."

**LSNV:** We have now finalized a written language access policy that specifically addresses these issues, and we provided staff training on the new policy at the Spring all-staff meeting in March. We have for many years provided ethics training and training on best practices in interpretation for our volunteer interpreters at our annual Interpreter Planning Partnership (IPP) Forum each December.

20) **Recommendation II.2.4.1.**, p.8, "LSNV should explore the benefits of allowing staff direct access to Ethnic Bridge . . ."

**LSNV:** Our new language access policy states the specific procedures for staff being able to access Ethnic Bridge. The policy does allow some degree of autonomy for staff, however it also maintains an element of supervisory oversight. Although we appreciate this recommendation from LSC, the reality is that the potential cost of widespread use of Ethnic Bridge is so great that we simply are unable to allow unsupervised access to the service.

21) **Recommendation II.2.4.2\***, p.8, "LSNV should ensure that the volunteer interpreters used are formally evaluated and trained . . ."

**LSNV:** As stated above, these issues are effectively addressed in our new language access policy. In addition, we have for many years provided training to our volunteer interpreters at our annual IPP Forum.

22) **Recommendation II.2.5.1\***, p.9, "LSNV should develop a method for providing better signage . . ."

**LSNV:** We are working on this. As tenants in each of our offices, we are ultimately constrained by what signage our various landlords will allow (particularly with respect to exterior signage), but we will continue to work on this.

23) **Recommendation II.2.5.2.**, p.9, “As part of its strategic planning process, LSNV should examine its office locations and staffing for maximum effectiveness and efficiencies.

**LSNV:** As stated above, we do a new strategic plan every three years. These are some of the central issues that we always look at.

24) **Finding 6**, p.10, “[LSNV’s paralegals] appear to do no substantive legal work and do not provide litigation support for attorneys.”

**LSNV:** We do have one paralegal who does substantive legal work under the Ryan White grant. In addition, since the PQV we have added one new grant-funded paralegal position that provides litigation support. Also, on Fridays (the day on which we do not offer telephone intake), paralegals are encouraged to assist with substantive litigation support. For example, in Fairfax and Prince William – where we do courthouse outreach on Fridays – intake paralegals participate in those sessions and provide litigation support.

25) **Finding 8**, p.11, “Staff are unduly limited in accepting complicated cases or pursuing appeals in Virginia’s appellate courts or in Federal Court.”

**LSNV:** When this finding was discussed at the monthly meeting of the LSNV management team, there was widespread surprise about it. We endeavor to make clear to staff that they are encouraged to work on more complex cases that will have an impact beyond the immediate set of facts. Indeed, one of the main purposes of the practice group structure and the role of the practice group chair is to identify, encourage, and support impact cases. In my nine years at LSNV, I cannot recall a single instance in which an advocate sought the “green light” to pursue a complex case and that permission was not granted. Indeed, we pursue a number of cases that can fairly be characterized as complex. That said, perhaps what these “many attorneys” are expressing frustration about is a feeling that they have to stick to their regularly scheduled weekly intakes, and that these ongoing obligations make it hard or impossible to step back and do broader impact work. The management team agreed that we would re-double our efforts to make sure that all advocates know that not only is complex/impact work a key part of our mission, but that when the appropriate cases are identified, we will work with them to re-balance their workload to make sure that they can put adequate time and resources into the impact work.

26) **Finding 10**, p.12, “The lack of office litigation calendars means that staff don’t know when attorneys are in court and so are unable to coordinate appearances or to provide coverage for each other . . .”

**LSNV:** We appreciate the recommendations regarding the tickler system and the office litigation calendars, and we are in the process of implementing them. That said, it is not accurate to say that – up to this point – we have not coordinated appearances or provided coverage for each other. To the contrary, we are well aware of each other’s court schedules and we regularly coordinate and cover for each other. The calendars and tickler system will provide an extra level of confidence, but this is something that we have long done for each other on a regular basis.

27) **Finding 10**, p.13, Various statements on this page, including the following from the first full paragraph and from the final paragraph: “These concerns included a lack of supervision particularly of new attorneys and concerns about ethical issues. When these concerns are not addressed, it has an adverse effect on staff morale and can add to staff turn-over. When staff are promoted to management

positions, they do not receive training for their new position. . . . Training for new, inexperienced attorneys appears to consist of reviewing written substantive material, receiving Kemps training, and having other attorneys observe them when they first appear in court.”

**LSNV:** As an organization, LSNV takes ethical issues very seriously. Any issues with potential ethical implications that management becomes aware of are thoroughly investigated and addressed. It is not accurate to say that new managers receive no training for their new position. When the appropriate opportunities arise and when we can afford them, we send new managers to trainings put on by outside organizations. This spring, three relatively new managers participated in an intensive management training put on by the Shriver Center. Other managers had previously participated in trainings put on by MIE. Internally, we also provide valuable written resources – such as our very detailed Legal Work Management manual – and trainings, such as a detailed session on how to handle client trust and petty cash accounts. This Finding also understates the training that we provide to new attorneys. The Legal Work Management manual sets forth specific protocols for training new attorneys. In addition, one of the primary specific roles of the Practice Group Chairs is to provide training and ongoing mentoring for the attorneys in the group. New attorneys also receive mentoring and support for the other members of their practice group at the bi-weekly practice group meetings and in the interim between those meetings via regular informal communications with their colleagues. We, of course, also pay for the Continuing Legal Education classes taken by all of our attorneys, including participation in Virginia’s annual Statewide Legal Aid Conference. We regularly identify and encourage staff attorneys to attend trainings sponsored by the local bars, other nonprofit organizations, and the ABA. Our Legal Assistance to Victims grant funding from the Department of Justice enables us to send up to 3 staff attorneys to ABA Commission on Domestic Violence trainings, and we have had staff attend nearly every training offered by them for the past several years. Finally, LSNV staff conduct CLE trainings on many of the substantive areas of law in which we practice (protective orders, housing, consumer, uncontested divorce), and staff (particularly newer members) are always encouraged to attend those trainings.

**28) Recommendations III.1.10.1\* & III.1.10.2\*, Office-wide tickler systems and litigation calendars**

**LSNV:** We are in the process of doing both of these things.

**29) Recommendation III.1.10.3\*, “The program should review the many and various duties of the deputy director and make adjustments that would enhance her capacity to undertake the tasks and responsibilities of a litigation director. . . .”**

**LSNV:** Although we are of the opinion that under the current structure the deputy director has done valuable work in a litigation director capacity, we are – pursuant to this recommendation – going to be taking some of her current management responsibilities off of her plate (e.g., she will no longer be the direct manager of the managing attorneys of the various branch offices) so that she has more time to devote to the litigation director role.

**30) Recommendation III.1.10.4, Providing paralegal support for litigation attorneys.**

**LSNV:** Since the PQV, we received grant funding that enabled us to hire one paralegal who provides litigation support. We would, of course, like to add others but current budgetary constraints make this a complicated issue. As mentioned above, we do encourage intake paralegals to assist with substantive litigation support on Fridays (i.e., the day on which we do not offer telephone intake).

31) **Recommendation III.1.10.5\***, Providing another paralegal who would work on public benefits matters.

**LSNV:** In the months since the PQV, LSNV received grant funding with which we were able to create a new attorney position that is going to focus, in part, on public benefits matters. We realize how beneficial it would be to further increase our public benefits staff. Doing so at the moment would require raising additional revenue or eliminating a current position.

32) **Recommendation III.1.10.6\***, Review the caseloads of each attorney and the individual branch offices . . .

**LSNV:** We do this review of case-loads regularly. We acknowledge that there are case-load disparities between branches, between practice groups (some types of cases are more high-volume and some types take longer than other types), and between managers and non-managers (because of their supervisory duties, managers usually have fewer scheduled intakes). To the extent that these disparities are something that we can realistically do something about, then we try to correct the situation. With respect to the disparity between branches, we do make an effort to even out the workload, but the geographic distance between our branches and the obligations that we have to our local government funders make it difficult to have a fully satisfactory resolution.

33) **Recommendation III.1.10.7**, Recommendation regarding training protocol for new attorneys.

**LSNV:** As described in Paragraph No. 27 above, we do have a written training protocol for new attorneys, and in practice they receive direct training and ongoing mentoring and support from more experienced colleagues. They also participate in in-house, local, and statewide CLEs.

34) **Recommendation III.1.10.8**, Recommendation regarding training for new managers.

**LSNV:** As described above in Paragraph No. 27, we do provide training to new managers as often as we can. Prior to the PQV, at least several new managers had participated in the MIE training. Subsequent to the PQV, we had three new managers go through an intensive training put on by the Shriver Center.

35) **Finding 11**, p. 15&16, PAI

**LSNV:** The position title of the person overseeing LSNV's PAI efforts is the Managing Attorney for Pro Bono. In the paragraph about Direct Representation, it is not accurate that practice group chairs refer cases directly to private attorneys. Referrals go through the Managing Attorney for Pro Bono so that she can keep track of them and keep things on priority. In the paragraph about the Attorney of the Day program, the report states that "the attorney agrees to help three clients on their court day." This is not accurate. The participating attorneys agree to take cases on two calendar dates, AND that they will assist all eligible clients with hearings scheduled on those two dates. The attorney may get no cases on a given date, or they may get up to six. They typically get two or three eligible clients on each of their two dates. In the paragraph about the Corporate Counsel Project, the law firm of Hunton & Williams is misidentified.

36) **Finding 12**, p. 17, PAI

**LSNV:** LSNV's internal pro bono task force meets once every two months – not monthly.

37) **Recommendation III.2.14.1**, Recognition of pro bono attorneys

**LSNV:** Finding 13 lists various ways that we currently thank and recognize pro bono attorneys. Our internal pro bono task force is exploring additional ways that we might recognize the contributions of pro bono attorneys.

38) **Recommendation III.3.15.1**, "The program is encouraged to be more proactive in directing the low income population to self-help resources such as VirginiaLegalAid.org . . ."

**LSNV:** As mentioned in Paragraph No. 12 above, the "waiting" messages for LSNV's phone system include references to VALegalAid.org and other resources. Just as importantly, we refer applicants and clients to our own website ([www.lsnv.org](http://www.lsnv.org)), which includes an impressive library of self-help materials and other resources. (Please note that the draft report makes reference to "VirginiaLegalAid.org", which is not the correct address for the Virginia statewide website.)

39) **Finding 17**, p. 19 & 20, Various statements regarding board composition.

**LSNV:** LSNV has the requisite number of client-eligible board members. It is not accurate to say that the board lacks a member who has a financial background or special expertise in financial accounting. Long-time board member Carolyn Grimes (a past-president and past-treasurer) has an accounting background. It is also not accurate that the board evaluated the executive director for the first time in 2013. The board did an evaluation of the ED in 2011. They did another detailed evaluation in late-2012/early-2013, and they then did another one in the spring of 2014. Prior to the 2011 evaluation, the board's feedback on the ED's job performance had been provided on a more on-going and *ad hoc* basis.

40) **Recommendation IV.1.17.1\***, board development and training

**LSNV:** The board is fully supportive of providing board training and development opportunities. We are exploring various options and hope to soon firm up a specific approach.

41) **Recommendation IV.1.17.2\***, board member with finance background

**LSNV:** As stated above, LSNV has a board member with a finance background. As we consider bringing on new board members, we will certainly consider this as an important criteria.

42) **Recommendation IV.1.17.3\***, evaluations of the executive director

**LSNV:** The board will continue to do formal evaluations as it has done in recent years.

43) **Recommendation IV.1.17.4\***, client-eligible board members

**LSNV:** The board does have the requisite number of client-eligible board members and we will continue to prioritize identifying and appointing appropriate new client-eligible directors as the need arises.

44) **Finding 18**, p.21, "Both the executive director and the deputy director were appointed to serve on the Supreme Court of Virginia's Access to Justice Commission."

**LSNV:** To clarify, Deputy Director Susan Stoney was appointed to serve on the Committee on Access for Self-Represented Litigants of the Supreme Court's Access to Justice Commission. Both Stoney and Executive Director Jim Ferguson have served on the Virginia State Bar's Special Committee on Access to Legal Services. Ferguson served on the committee for the past six years, including serving as the Co-Vice Chair of the Committee for the past two years.

45) **Finding 19**, p.22, "The FY 2015 budget reflected a \$250,000 reduction in funding from the Fairfax County government (the funds were transferred to the Fairfax Bar Association pro bono activities.)"

**LSNV:** As stated in Paragraph No. 1 above, it is true that our funding from Fairfax was cut by that amount, but it is inaccurate to say that that \$250,000 was "transferred to the Fairfax Bar Association."

46) **Finding 20**, p. 22 & 23, Various statements on these pages

**LSNV:** We want to be responsive to this finding, but it is challenging to do so. The finding states some fairly broad conclusions about management "structure" and "practices", but it does not provide specifics – other than "pockets of low staff morale." The managing attorneys of the office supervise the advocacy staff in that office. The office managers are intake paralegals who have additional administrative duties for that branch. The finding states that "branch managers" have not received any additional supervisory training – beyond training on client trust accounts. If this statement is referring to managing attorneys of offices, then – as stated above in Paragraph No. 27 – it is not accurate to say that the managing attorneys of the offices have not received additional supervisory training. We have had managing attorneys participate in trainings by MIE and the Shriver Center, and we continue to look for additional similar opportunities. With respect to the concerns raised about the postings of internal transfer opportunities, it is LSNV's policy and practice to post such openings. I am aware of only a few occasions in the past four or more years when such an opportunity was not posted internally -- those situations each involved other internal candidates being offered the opening because of a variety of factors. Going forward, we will endeavor to do so 100% of the time.

47) **Recommendation IV.3.20.1\***, "LSNV should evaluate the effectiveness of its managing attorneys and supervising attorneys to ensure that each branch office is being managed and supervised properly, and take steps necessary to improve performance. The program should assess whether other management configurations might be more beneficial . . . "

**LSNV:** Like the Finding immediately above, it is challenging to know how to respond to this recommendation. All LSNV employees – including all managing and supervising attorneys – receive detailed annual performance evaluations. The goal with these evaluations is to provide constructive feedback that is designed to improve the employee's performance. To put it another way: We do evaluate the effectiveness of our managing attorneys, and we frequently give guidance designed to enhance their performance. With respect to whether other management configurations might be more beneficial, we would welcome specific suggestions from LSC about new configurations. All that we know from this Finding and Recommendation is that "pockets" of employees raised concerns about specific managers – not about specific configurations or structures.

48) **Recommendation IV.5.20.1**, postings regarding internal vacancies

**LSNV:** As stated above, we do post internal vacancies (with a few exceptions in the past several years).

49) **Finding 22**, p.24, Technology

**LSNV:** We call the body that works on these issues the LSNV Technology Task Force, and it was launched in November of 2012. The grant funding came from the Philip L. Graham Fund, not from Philip Graham himself. Microsoft Office 365 is not – technically speaking – an operation system. Rather, it is a productivity suite. In the past year, a main focus of the technology task force was on the redesign and upgrade of LSNV’s new website, which was launched in the fall of 2014. The new site is responsive and mobile-friendly.

50) **Finding 23**, p.24 & 25, Resource Development

**LSNV:** Just to clarify, the director of development did not launch the program’s new website. Suggestion of a more accurate description: “Since the LSC visit, she created and disseminated an annual report, four issues of LSNV’s new e-newsletter, and other collateral materials for the program. She also helps maintain LSNV’s new website and the program’s growing social media presence.” Also, rather than say that the director of development’s work is “supplemented by the director of grants management and special projects,” it would be more accurate to say that the director of development “works in conjunction with the Director of Grants Management and Special Projects.”

If you have any questions about any of LSNV’s Comments, or if we can provide you with any additional information, please don’t hesitate to let me know.

Again, thank you for all of the constructive feedback and support that the entire LSC team has provided throughout this process.

Very truly yours,

A handwritten signature in black ink that reads "James A. Ferguson". The signature is written in a cursive style with a long horizontal flourish at the end.

James A. Ferguson  
Executive Director