



**LEGAL SERVICES CORPORATION
Office of Program Performance**

Program Quality Visit

Final Report

**Blue Ridge Legal Services
Recipient Number 447081
Visit: July 13-16, 2010**

Team Leader:

Michael Genz, Program Counsel, LSC

Team Members:

**Willie Abrams, Program Counsel, LSC
Carolyn Worrell, LSC Consultant**

Blue Ridge Legal Services PQV

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INTRODUCTION

Background on the visit

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit to Blue Ridge Legal Services (BRLS) July 13th through 16th, 2010. The team members were OPP program counsel Michael Genz (team leader) and Willie Abrams; and consultant Carolyn Worrell.

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 received from the program including its application narrative for 2010, 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 BRLS staff conducted on the Internet. On site, the team visited the program's four offices. In addition to speaking to most of the BRLS staff members, the team met with several 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. The evaluation is organized according to the four LSC performance areas that cover needs assessment and priority setting; engagement with 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

The BRLS service area is primarily rural. It is comprised of sixteen counties and ten small cities stretching down the Valley of Virginia and the Allegheny Mountains from the West Virginia panhandle in the northeast some 200 miles to the southern boundary of Franklin County which is near the North Carolina border. The largest city is Roanoke, with a population of approximately 90,000, located in the southernmost part. The area is agriculturally oriented with small industries as well.

According to the 2000 Census, the service area's poverty population is 78,578, of whom 75% are white, 17% black and 5% Hispanic/Latino. There has been a dramatic increase in the number of low-income Hispanics in Harrisonburg and Rockingham County, where the program's main office is located, and where some of the highest incidence of poverty is found in the service area.

BRLS's four offices -- Winchester, Harrisonburg, Lexington and Roanoke -- are strategically located along its long and narrow service area. Its staff of 26 (including 14 attorneys) provides a full range of legal services in 3 of its 4 offices. In the Roanoke office, it collaborates with the Legal Aid Society of Roanoke Valley (LASRV) in providing a full range of services. In that office, BRLS serves as the intake portal for both

programs, operates the pro bono program and does some extended representation. Most cases requiring extended representation are transferred to LASRV, which provides the needed legal assistance through its staff attorneys and clinics.

Summary of Findings

One of the most remarkable things about BRLS is the extent to which it is a part of the community it serves. The program's executive director and several of its staff members are native sons and daughters who are committed to the area. All program staff are actively engaged with the social services community, the bench and bar. These engagements lead to collaborations, funding opportunities and support for the program. They ultimately lead to effective utilization of the program by the community.

BRLS's leadership and management are impressive. The executive director and the administrator perform the bulk of the leadership and management functions for the geographically far flung program. The executive director's task list includes program planning; legal work supervision in the Harrisonburg office; supervision of the managing attorneys; liaison activity with state and regional legal and social services organizations; board relations; resource development; and active state justice participation. While the director claims lack of interest in planning, he appears to the team to be involved in an almost continuous planning and evaluation loop. Recent planning yielded stimulus funding for two full-time positions. He is also in charge of the program's technology. One board member wondered out loud when he found time to sleep. The administrator is responsible for financial administration, including the management of the program's 40 grants; as well as the program's human relations functions. She also assists with resource development efforts and other management and administrative tasks. Staff universally praise them for the work that they do. Program staff are clearly moved by the executive director's commitment to the work, grateful for his support and attention and thankful for the atmosphere that he and the administrator have helped to create.

The executive director's theory of leadership and management is to hire staff members who are committed to this work, give them what they need to do their jobs and do whatever can be done to support them in following their passion. The program's attorneys are given abundant access to training, listservs, back-up center resources and on-line legal tools. The staff appears to be taking advantage of the opportunities the program presents them. They are doing very good work. Even the less-experienced staff members are developing impressive expertise. Case numbers are high and they are handling significant cases and producing good results. The client satisfaction surveys indicate high satisfaction for the advice and brief services, extended representation and pro bono work that is generated.

Not content to rest on their understanding that the program is well run, the board is conscientious and supportive. Several indicated their concern for the economy and what it is doing to the client community and expressed their interest in getting more resources for the needed work. Several of them do pro bono work; others contribute financially to the program.

This report recommends areas for improvement. The intake system has its strengths; once applicants get into the system, they get to talk to an attorney, and get a decision on extended representation relatively expeditiously. But it appears to the team that in at least two offices -- Harrisonburg and Roanoke -- callers often have extremely difficult times getting through. It may be that creative thinking and telephone technology upgrades can combine to create a better system.

The program is generally good at reaching difficult to reach populations such as remote clients and those who have disabilities. But the absence of Spanish speaking staff members limits the service it can provide to the Spanish speaking client population.

The program's case handling generally tracks its priorities. However, BRLS staff attorneys handle a high number of uncontested divorces – a case type not in the program's first tier priorities. If these cases could be handled pro se or by PAI attorneys, the staff would be free to handle more of its priority cases.

While legal work oversight is generally very good, the program could benefit from explicit legal work standards and supervisory standards. Support and supervision for new attorneys is an area to look into. The director, managers and other senior attorneys are always available to new attorneys who ask for help, but this depends on the new attorney knowing to ask or feeling comfortable asking. The absence of a protocol for the oversight and support of new attorneys has led to problems in a few instances.

Given the program's small size and the way in which it has developed, a great deal depends on the executive director. While the executive director has no plans to leave his current position, several persons we spoke to indicated that the program needs to think about developing new leadership. It is therefore incumbent on the program to attempt to do what it can to develop new leadership.

FINDINGS AND RECOMMENDATIONS

PERFORMANCE AREA ONE -- EFFECTIVENESS IN IDENTIFYING THE MOST PRESSING CIVIL LEGAL NEEDS OF LOW INCOME PEOPLE IN THE SERVICE AREA AND TARGETING RESOURCES TO ADDRESS THOSE NEEDS

Periodic comprehensive assessment and ongoing consideration of legal needs

Finding 1. Building on the 2006 Legal Services Corporation of Virginia (LSCV) needs assessment, in 2008 BRLS utilized additional surveys and other data to assess service area needs and establish priorities.

In its 2008 needs assessment BRLS utilized the data generated from LSCV's 2005-2006 telephone survey of clients in BRLS's service area, which included Spanish and Korean speakers who were interviewed in their native language. BRLS modified the 2005 LSCV and used it for an internet survey of judges, attorneys, social services providers and community groups. Once the surveys were completed, the program held three all-day meetings -- attended by staff members and a few board members -- to review the data from the client surveys, the stakeholder surveys and other available data. The resulting priorities were reviewed and modified by the board.

Finding 2. BRLS has implemented its priorities with clear case acceptance guidelines that are used in the intake process. However, the program continues to do some work not in accordance with the guidelines.

The program's priorities, goals, strategies and desired outcomes are clear and responsive to the needs information the program generated. The program has carefully constructed a set of case acceptance guidelines that comport with the priorities. The first tier cases will generally receive full representation. The service to be provided in second tier cases varies from advice and brief service to referral to a pro bono panel or other service as described in the guidelines. These guidelines are faithfully followed except in one area. While uncontested divorces are not identified as "Tier 1" cases a significant number of uncontested divorces are handled by the Roanoke and Lexington staff attorneys.

The program is working on ways to make staff work conform to its guidelines while still attempting to address a need for this type of representation. The new statewide legal aid effort to produce document assembly forms for pro se divorce petitioners will be tested in the Harrisonburg area. It might, in time, give pro se parties a feasible way to get an uncontested divorce.

Recommendations

I.2.1.¹ It is recommended that the program limit its use of staff attorneys to its Tier 1 priorities and move to other options for uncontested divorces such as PAI and pro se approaches.

Addressing Emerging Needs

Finding 3. BRLS is effectively addressing emerging needs.

BRLS has many sources of information about emerging needs including the review of its intakes, its work with local social services organizations and its connection with state and national organizations. It has identified needs relating to the economic downturn and is

¹ Recommendations are numbered as follows: the Roman Numeral references the Performance Area followed by the finding number and lastly by the recommendation number for the finding.

working on them by putting more resources onto these types of cases. Another topic it identified and is working on is public school fees that are particularly onerous for low-income people

BRLS is addressing the needs occasioned by the economic downturn by getting involved in foreclosure and consumer issues and expanding the amount of work it does in the areas such as unemployment compensation and public benefits. It has brought several cases against pay day loan lenders and has had significant success with it. Because of so many more people needing consumer case work, the program is concentrating on these to the exclusion of "Tier 2" priorities.

Evaluation and Adjustment

Finding 4. BRLS engages in effective evaluation.

BRLS is very serious about evaluation and adjustment. It has an elaborate listing of desired outcomes for each of its priority areas. It measures the outcomes it gets at the time each case is closed by listing the financial gain or other positive outcome the client received such as preventing eviction or protection from domestic violence. Its long list of favorable outcomes allows it to see what it is accomplishing with respect to each type of desired outcome. This information helps it to gauge the value of the outcomes achieved for clients in comparison to the effort expended. These findings can be used to make modifications in cases handled. Because leadership looks at outcomes for each office and each case handler as well as program-wide outcomes, this data encourages case handlers to try to be as productive as possible.

BRLS also evaluates client satisfaction results from client surveys for advice and brief service, full service and PAI cases by office and advocate. This allows the program to see how its services are perceived by its clients. Negative feedback from client surveys about individual advocates and offices is used as a strong teaching tool. Advocates are very interested in improving any negative ratings that they receive.

PERFORMANCE AREA TWO – EFFECTIVENESS IN ENGAGING AND SERVING THE LOW-INCOME POPULATION THROUGHOUT THE SERVICE AREA

Dignity and Sensitivity

Finding 5. Program staff acknowledge the dignity of clients and are sensitive to their needs.

Being focused on the interests and needs of the client community is a value that the executive director emphasizes. Based on the persons we spoke to (staff, community organization personnel and others) and other evidence we reviewed, it appears that program staff are respectful of their clients' dignity and effectively communicate that respect to clients. As noted in Finding 4 above, clients are surveyed about their perceptions of the service they receive and the results are uniformly high. Program policy

requires that clients be advised of developments on their cases periodically and that they be consulted about issues where their input is required.

Office locations and office hours are convenient to clients. The office locations are well distributed throughout the service area such that no client is more than 40 miles from an office. They are in areas that are relatively highly populated and near court facilities. Each is handicap accessible. The public areas are attractive and professional. Waiting rooms have appropriate announcements and pamphlets. Offices are open during regular working hours; great efforts are made to accommodate clients outside of office hours where necessary.

Intake and Case Acceptance Procedures

Finding 6. Intake is run locally in each office. Once the service application is taken, applicants get screened and get the opportunity to speak to an attorney relatively quickly. In a few offices, getting into the intake queue can be difficult.

Intake is done locally in each office for the area that the office serves. Most applicants call the program to begin the process. There is a statewide 800 number that will route calls to the appropriate office. Local numbers are also available. In any case, all numbers are toll free. Those who walk in are seen by a screener when the screener is available. The program has publicized intake sufficiently by different methods. They describe appropriate methods to reach distant and mobility challenged applicants.

The intake staff the team met are committed to their work and to client service. They report having access to significant training and indicate that they are well supported by their managing attorneys.

Intake is done for 15 to 20 hours each week in each office. Generally, the receptionist takes the initial call and screens out those who the program is clearly not able to help. Then the receptionist refers the case to the intake paralegal who does initial screening, gets facts, and sets an in person or telephone appointment with the attorney who will review the case. The intake paralegal has at her disposal a calendar of attorneys' available intake appointments and sets them in as appropriate.

In some instances, applicants are given questionnaires to fill out before an appointment is made with an attorney. In Harrisonburg, questionnaires are filled out over the phone with the applicant. In Winchester and Roanoke, written questionnaires are used for divorces and bankruptcies. Applicants who have difficulty filling out the questionnaires are offered assistance with it. The program asserts that getting this information before appointments with attorneys allows a streamlining of the process.

Intake stops in a given week when the appointment slots are filled up for the week. The team was told that this was a frequent occurrence in Harrisonburg, where intake slots are typically filled up by Wednesday. Notwithstanding the lack of slots, cases that are deemed to be emergencies are handled expeditiously.

There are variations in procedures by office. In Winchester, the intake paralegal does the screening as well as the interviewing. In Winchester, the paralegal gives clients advice on some types of cases. In Harrisonburg, the receptionist gets the phone numbers of eligible applicants and the paralegal calls them back. In Roanoke, the receptionist puts the applicant on hold; the paralegal handles the calls in order, except in the case of emergencies.

In order for an applicant to start the telephone intake process, he or she has to reach a receptionist or intake paralegal during the office's intake hours. This appears to be a problem in Harrisonburg and Roanoke where the high volume of calls regularly jams up the phone lines. A professional in the Harrisonburg area that the team spoke to indicated that she often can't get in on these lines during intake hours. In Roanoke, where there are only three lines coming in for intake; exceptions are sometimes made for those who call in at other times and indicate that they could not get through during the appointed hours.

The program is on the verge of starting Internet intake. They are looking forward to this as a way to serve more people and hope that it might take some strain off of its telephone intake structure.

In Harrisonburg and Lexington, the decision as to whether to take a case is made at each office's weekly case review meetings. In Winchester, cases are initially assigned at the time of application but are reviewed, and may be reassigned at the weekly case acceptance meeting. In Roanoke, most of the full representation that is done is by the partner organization for which Blue Ridge Legal Services does the intake. The managing attorney, who is the office's only case handler makes the decisions about the cases she will handle.

While there has not been a formal review of intake, staff have discussed intake options and some changes have been made. As noted in Finding 3, due to the high volume occasioned by the current economic crisis, full representation is generally limited to the highest priority cases.

Staff appear to be committed to the decentralized model. They believe that it is better for each office to do its own intake. At least a few people the team spoke to feel strongly that it is inappropriate for advice to be given by paralegals, even when overseen by attorneys.

In two important respects, the intake system appears to work well. First, once an applicant reaches a receptionist, the next steps -- interview by the intake paralegal and interview by the attorney -- happen relatively quickly. This is both client friendly and efficient. Second, the program's relatively high overall and extended case numbers, discussed in more detail in Finding 12 below, shows that the intake system is not a barrier to the program's assistance to a significant numbers of clients.

The problem the team perceives with the current situation is the difficulty callers have getting in to the phone systems in Harrisonburg and Roanoke. Many people who call just

get a busy signal, and do not have the opportunity to leave a message, and are not given guidance as to how to get through the next time.

Part of the reason for the problem is that the program, despite its diligence in maximizing resources, simply has too few resources to meet the legal needs of all the applicants. A decision the executive director made a few years ago to cap the intakes in Harrisonburg so that attorneys do not get more cases than they can handle has been successful in improving the working conditions of BRLS staff. It is reasonable to assume that it has helped reduce turnover and improve productivity. The team would not recommend that staff should be forced to do more cases than that they can effectively handle. The issue is simply whether there is a way to improve initial access so that applicants are not in effect denied services because of their limited access to a telephone, bad luck in the times they called or lack of persistence.

Recommendations

II.6.1. BRLS should formally evaluate its intake system in order to determine how best to improve initial access to the program. BRLS should consider options including increasing the hours when intake is open, increasing the number of phone lines, providing an option for callers to leave call back numbers and coordinating intake such that staff in all of the offices may assist at peak times to alleviate bottle necks, particularly in Harrisonburg and Roanoke.

II.6.2. It is recommended that BRLS review the procedure of requiring questionnaires to be filled out to determine its effect on the process.

II.6.3 When feasible, the program's telephone system should be evaluated with an eye to addressing improvements that could be made to the intake system.

Engagement with and Access by the Low Income Population

Finding 7. BRLS is widely known in the community due to its extensive outreach activities and its significant work with the social services communities. It makes efforts to reach special populations; its ability to reach the Spanish speaking population is limited by its lack of Spanish speaking staff members.

As discussed in Finding 15 below, BRLS engages in extensive community legal education activities and is significantly involved with social services organizations. BRLS's high case numbers suggest that the community generally utilizes the program.

BRLS staff members are extensively involved with partner organizations including serving on organization's boards and playing other roles. The team talked to 20 human services organization staff members. Many noted that they regularly refer cases to BRLS, that the cases are handled and that the referred persons have been satisfied with the results. We were told that BRLS makes special efforts go out to homebound and other mobility restricted clients and applicants.

BRLS's effort to reach the Spanish speaking community is limited by the fact that they do not currently have a Spanish speaking staff member. While 5% of the service area's population is Hispanic, only 1.9% of clients served in 2009 are Hispanic. Recently BRLS had two Spanish speaking attorneys; unfortunately both resigned for reasons unrelated to the work.

The program makes efforts to fill the language gap. They get interns that speak Spanish whenever possible. Domestic violence cases in Harrisonburg are handled with the assistance of a bilingual social worker who works for a local domestic violence shelter; in Roanoke they get assistance from bilingual staff at the Legal Aid Society of Roanoke Valley. BRLS pamphlets are in Spanish; there is Spanish content on the program web site. Language Line is used for anyone who needs it, including those who speak other languages.

Recommendation

II.7.1 BRLS should continue to use every effort to serve its Spanish-speaking population including, when possible, having a Spanish speaking staff member.

PERFORMANCE AREA THREE – EFFECTIVENESS OF LEGAL REPRESENTATION AND OTHER PROGRAM ACTIVITIES INTENDED TO BENEFIT THE LOW-INCOME POPULATION IN THE SERVICE AREA

Legal Work Representation

Finding 8. The experience and expertise of advocate staff is very good; the tenure of attorney staff has gone up significantly in the last several years.

BRLS's legal work is supervised by the managing attorneys of each office. In Harrisonburg, the executive director shares the oversight role with the supervising attorney. The managing attorneys and the supervising attorney are very experienced; each has more than 12 years of experience; they average almost 25 years experience each. As discussed in Finding 20, the program has taken several steps, including increasing salaries, to retain its attorneys. Of the program's fourteen attorneys, only five have less than four years of experience and only two have been practicing for less than two years. While the attorneys, except for those with specific subject matter grants, are generalists, they develop areas of expertise based on their interests and the needs of the client community. As noted in Finding 12, the team was impressed with the expertise shown by the attorneys -- including the five relatively junior attorneys.

While generally very competent and well respected, several attorneys are not licensed to practice in federal district and federal circuit courts. Federal court licensure may be relevant to several of the program's priorities.

Recommendation

III.8.1. It is suggested that BRLS encourage at least one staff attorney in each office to become licensed in the federal district and circuit courts and that it afford attorneys federal court trial training opportunities.

Finding 9. BRLS has legal work handling standards and legal work oversight standards in place. With a few exceptions, these practices are followed.

BRLS has a set of written standards of practice that describe file organization and maintenance, case opening and closing memoranda, and the program's peer review system. However, the program's written case handling standards do not include explicit guidance on topics included in the ABA Standard 7 such as litigation strategy, motions practice and discovery.

Most of the BRLS standards are followed. Team members were told that closing memoranda are done and reviewed by the managing attorney as called for in the policy. Closing letters are sent in most instances. However, case opening memoranda are not regularly done. Files are maintained as described in the standards. Tickle systems are maintained in each office.

BRLS's peer review system substitutes for the more common one-on-one case review meetings conducted by managing attorneys. Peer reviews are conducted quarterly, and mostly in accordance with the written standards. The system is a major component of the program's overall approach to legal work supervision and quality assurance. It applies to all advocates regardless of experience; it applies to managing attorneys as well as staff attorneys. While the standard calls for each case to be reviewed, the team was told that it was up to the reviewer to determine whether to review all open cases, a random sample of cases, or only the most challenging ones.

The peer review process is taken very seriously. It provides a time for each case handler to review the selected files and make sure that they are in order and that appropriate case actions are being followed. Most of the advocates the team spoke to praised the system as helpful to them in pursuing their cases. We were assured that where problems are discovered, they are listed in the report of the peer review that goes to the executive director and the managing attorney. Several attorneys noted that peer review is a way for staff members from different offices to get to know each other more than they otherwise would.

III.9.1 The program is encouraged to consider adopting case handling standards covering a broader range of topics than are currently addressed such as those addressed in section 7 of the ABA Standards for the Provision of Civil Legal Aid.

Finding 10. For the most part, new attorneys are appropriately trained and supported. However, more oversight that is not dependent on new attorneys asking for help is needed.

BRLS has not adopted a policy for the oversight of new attorneys that specifies what oversight they are to receive. The oversight afforded new attorneys is generally good, but it differs somewhat by office. In the branch offices that have, or recently have had, new attorneys, we were told that very close oversight is afforded. In both Winchester and Lexington daily oversight and consultation with new attorneys being brought to hearings and then being accompanied to court was described.

In Harrisonburg, the parties we spoke to described a system that is mostly dependent on new attorneys seeking help. It is clear that when help is asked for it is given, but oversight and review are not necessarily imposed. For example, while the practice is for new attorneys to be accompanied to court by a supervisor or experienced attorney, it has not always happened. Also, the program concedes that a volunteer law graduate who was working in the Harrisonburg office was not sufficiently closely supervised. Finally, an experienced attorney in another office expressed concern about the extent of the supervision of new attorneys in Harrisonburg.

Weekly case review meetings are used as a tool for assisting new attorneys in all the offices with new attorneys. The new attorneys in Harrisonburg referred to them as hands on training. Peer review meetings were also described as particularly helpful for new attorneys. Caseloads of new attorneys are controlled in all the offices. In Harrisonburg, the number of intakes that an attorney receives is based on the attorney's experience. New attorneys are not to receive more than six intakes in a week. It should be noted, however, that this mechanism doesn't necessarily work with respect to attorneys who exclusively handle special cases.

Recommendation

III.10.1. BRLS management is encouraged to review its policies and procedures with respect to the oversight of and support for new attorneys. The supervision policies of Georgia Legal Services and of Legal Services of Greater Miami, posted on www.lri.lsc.gov provide good models for consideration.

Finding 11. BRLS encourages formal training; other abundant support mechanisms are in place.

It is clear that access to training is a program priority. Everybody we talked to said that they got the training they needed and that their expressed interest in training was almost always followed up on. All go to the statewide conference; everyone is encouraged to attend relevant CLE sessions. Staff members are frequently sent to conferences out of state. Out of state trainings staff recently attended include conferences on consumer, domestic violence, trial procedures, nursing home law and elder law, and fundraising (which included the board chair).

Other support is at hand also. Staff members are active participants on the state's listservs. They describe them as extremely helpful. The executive director is always available for consultation when needed; it is clear that staff are not hesitant to consult

with him and other experts in the program. BRLS's legal research and knowledge management tools include access to Lexis, including at home; law libraries in each office; and access to Virginia's legal aid advocate website that has a form bank. BRLS advocates also take advantage of Virginia's excellent statewide support organization, the Virginia Poverty Law Center (VPLC).

Finding 12. The program generates a high number of cases and an even higher number of extended cases. The legal work it produces is of high quality.

The program's CSR's are higher than the national median for LSC funded programs per 10,000 poor persons, and even higher with respect to extended cases per 10,000 poor persons. In 2009, BRLS generated 339 cases per 10,000 poverty population – somewhat higher than the national median of 265. One hundred and two extended cases were completed per 10,000 poor persons, compared to the national median of 57.

Based on the team's review of writing samples, discussions with staff advocates and discussions with judges and attorneys, the team concluded that the program does very good legal work. The writing samples were of good quality; some were excellent. In our conversations about particular cases we were impressed with the conscientiousness, thoughtfulness, and creativity shown by the attorneys. The lawyer board members who regularly see BRLS attorneys in court praised their work. One said, "To a man and woman, they provide excellent representation." Judges were similarly laudatory. One said that he couldn't be happier with "legal aid."

BRLS is doing a considerable volume of creative and important work. They are challenging mortgage foreclosures under a variety of circumstances. They have had success in reversing numerous nursing home discharges. Specific cases of note include:

- They have had success reversing payday loan obligations. BRLS consolidated 13 different claims and received thousands of dollars in damages in general district court; some of these cases were subsequently settled; others are pending. Another BRLS payday loan case is currently pending before the Virginia Supreme Court; the decision is expected to control all pre-2009 payday loan cases in the state.
- A favorable bankruptcy court case holding that a debtor did not have to claim a homestead exemption to avoid a lien in bankruptcy when the mortgage was "under water" is pending before the Fourth Circuit. The National Association of Consumer Bankruptcy Attorneys has agreed to file an amicus.
- A BRLS pro bono case before the Virginia Supreme Court has the potential of providing a stricter standard for granting adoption when its effect would be to terminate the parental rights of a natural parent.
- An action they brought against Harrisonburg Public Schools led to a change in fee policies that wiped out some fees and allowed for a waiver for others in the case of indigence.

Private attorney involvement

Finding 13. BRLS's pro bono effort meets expectations for a rural pro bono project. It includes a couple of less common approaches --bar association "team" placement of cases out of the Harrisonburg office and a pro bono hotline in Roanoke.

BRLS's PAI effort is exclusively pro bono. It is organized through each office. The Lexington office, with the leadership of a board member, is just getting started. Oversight of PAI is the responsibility of the executive director and each office's managing attorney. Much of the work done is uncontested divorces with some wills, powers of attorney and bankruptcies. Other recent pro bono work includes co-counseling with and mentoring of BRLS attorneys. The adoption case mentioned in Finding 12, transactional work for a shelter and a case involving a mortgage rescue scam were the results of collaboration with private attorneys.

Coordinators facilitate the program in each office. They get the cases from the case review meetings, or directly from the managing attorney in the case of Winchester and Roanoke, and make the needed contacts to place it with a volunteer.

Case placements out of the Harrisonburg office work a little differently. In Harrisonburg, the coordinator gets the PAI cases from weekly case acceptance meetings and present them to one of several private attorney team leaders. Teams are groups of private attorney volunteers who have agreed to take cases. There are four teams in the Harrisonburg- Rockingham bar, two in Staunton, one in Waynesboro. Every two weeks the team leader calls members of his or her team to place cases. An LSC team member who witnessed part of the process was most impressed by the energy and enthusiasm evinced by the team leader.

Once cases are placed, coordinators contact clients, give each the name of the attorney who will be representing them and ask them to contact the attorney to schedule an appointment. The coordinator then tracks the case, first – within a month after placement – to get confirmation that an action or appearance has been filed, and then bi-monthly during its pendency.

The program has several tools for recruitment. Inducements, in addition to the standard recruitment efforts, include malpractice insurance, funds for expenses and tax credits. Pro bono attorneys are entitled to a tax credit for 40% of their donated time. For \$21,000 of donated services, attorneys receive \$8,500 in tax credits. It plans to expand its recognition activities.

In Roanoke, in addition to the pro bono referral project, the office coordinates the long-running pro bono hotline. Pro bono hotlines were originally set up state-wide. Only the Richmond and Roanoke hotlines survive. In Roanoke, volunteers, primarily from the large Roanoke firms, come to the office Thursday afternoons. They are given brief summaries of screened cases and call them one after another. They typically provide advice to ten to twenty clients in domestic and other common cases. The Roanoke

managing attorney oversees the process and is there to provide assistance if any is needed. A training session is held every year for the hotline volunteers.

Other Services and Activities

Finding 14. BRLS is active in community legal education and pro se services.

In the last two years, the program has made 40 presentations attended by approximately 750 people. These presentations included overall discussions of legal rights' and BRLS's work; subject matter presentations such as debtor rights, predatory lending, youth and the law, landlord tenant, end of life planning, other elder law, domestic violence and other family law. Most of the presentations were to client groups; some were to professionals at their request. Many organizations we spoke with said that BRLS attorneys give training presentations to their staff members. This training is in demand by these organizations.

The program's primary vehicle for pro se assistance is the advice and brief services that it provides to clients that it can't fully represent. Other pro se work the program does involves the preparation of materials for use statewide. The "don't contact" letter that BRLS created to send to debt collectors is one of the most popular downloads on the statewide website. BRLS is working with a statewide team to create an A2J/HotDocs no fault divorce package that will be tested in Harrisonburg/Rockingham County.

Finding 15. BRLS is closely networked with the bench, bar and community organizations throughout the service area.

BRLS is very active with community organizations in the service area. Areas of particular concentration include homeless prevention; domestic violence, disability and senior law issues. They are also active in groups of non-profits such as human services councils and United Ways. They use many students and interns to augment the work that they do. The LSC team spoke to almost 20 representatives of social services and community organizations; each confirmed BRLS's active participation with them and praised their work.

Some of the organizations fund BRLS; others are working with BRLS on proposals and grants. In view of the lack of Spanish speaking staff at BRLS, the team was particularly interested in the reaction of organizations with the immigrant population as a focus. The two groups we spoke to indicated that BRLS is involved with the population and creative in using resources to provide services to that community. Each is providing assistance to BRLS in serving this population.

BRLS staff members are active in bar activities. Most of the attorneys we spoke to attend bar meetings; many are active. A few are current or past bar presidents; at least one serves as a substitute judge. The program works closely with a mediation group. One BRLS board member concluded that that the bar is very supportive of BRLS and that BRLS staff attorneys are viewed as part of the legal community and not as "something

apart." The director is playing an active role in the Virginia Supreme Court's pro bono initiative; he is seeking for the effort to include a focus on rural pro bono. The senior attorney is at work on Project 2025, which will provide training for attorneys on elder law issues in exchange for a pro bono commitment.

PERFORMANCE AREA FOUR – EFFECTIVENESS OF GOVERNANCE, LEADERSHIP AND ADMINISTRATION

Board Governance

Finding 16. The BRLS board is committed to the program and conscientious in fulfilling its policy development and oversight functions..

The board consists of 18 members; there are currently two client vacancies that the program is in the process of filling. It meets at least quarterly. The meetings rotate among the four BRLS offices. This allows each office a chance to present important cases each year.

Attendance by conference call is an option that allows the board members who are remote from the meeting site to attend the meeting. While this allows maximum attendance, one effect that more than one member noted, is that board members do not get know each other as well as they otherwise might.

The board is engaged in appropriate policy setting and oversight roles. They have reviewed salary scales, personnel policies, budgets and office relocation decisions. For example, they recently set up a conflict of interest policy and established a policy on staff members dating clients -- responding to an issue that had faced another Virginia legal aid program. According to board members the team spoke to, both were carefully considered and crafted. The board gets regular reports on the work of the program and discusses priority modifications to deal with changes in demand. They are provided with extensive information for their review one to two weeks before the meeting date. The board evaluated the executive director in December 2009. The last evaluation involved a survey of board members, staff and collaborating organizations.

While there is a finance committee, it doesn't regularly meet. Financial review is done at each meeting by the board sitting as a committee of the whole. Budget planning begins for the board in February, with a final budget adopted at the end of the year. The board gets detailed information on expenses at each meeting. The auditor meets with the board at least once a year. The president of the board and other board members indicated that the board is particularly diligent in reviewing financial information.

Board members do not get regular training. The executive director used to do a formal orientation for each new board member, but that doesn't regularly happen now. The executive director is constructing a body of resources for board members that will be placed on a password protected section of the BRLS web site.

It appears that training on the role of the board would be helpful, particularly for client board members. There is some question about the extent of their involvement at meetings. One client board member did not know what organization had appointed her and indicated that there are times when she cannot fully participate in discussions because she doesn't fully understand what is going on. She expressed interest in training.

While the board is not currently involved in resource development, they are moving in that direction. The board president and the administrator recently went to an ABA fundraising session in New York. The president has indicated that the board will consider several approaches. Several of the members the team spoke to believe that it is an appropriate role for the board and is particularly needed now.

The board's commitment to the mission of the program is also shown in the work that they do as individuals. Several members regularly handle cases pro bono for BRLS; others periodically take other pro bono cases. At least one member makes regular financial contributions. The president and another board member have served as mentors for new attorneys.

Recommendations

IV.16.1. It is suggested that BRLS consider expanding its orientation and training for board members. The executive director is encouraged to consider ways that client board members can become more involved in the workings of the board.

IV.16.2 The board is encouraged to review the new "Accounting Guide for LSC Recipients" to see if any changes in the board's oversight are warranted.

IV.16.3 In view of the preponderance of telephonic participation in board meetings, it is suggested that the board consider a yearly meeting to which all members are encouraged to attend in person that would give board members the opportunity to do planning and to get to know each other better.

Leadership

Finding 17. BRLS's long-term executive director leads the staff by example. They strongly support his leadership and appreciate what he has done for the program. He is well known and admired in the legal and non-profit communities.

The leadership of the executive director was uniformly praised by those the team talked with. He is admired for the depth of his commitment to high quality service for the client community; his responsiveness to staff members; his accessibility to advocates for case consultation; his extensive networking with bench, bar and social services networks; and for his stewardship – along with that of the administrator – of the program. These sentiments were expressed by nearly everyone we spoke to.

It is clear that the executive director leads by example. He models commitment to the client community and to the program's mission by the extremely long hours he works, by the evident enthusiasm that he brings to his work and by his interest in working with partner organizations and the larger community to address client interests. He also continues to handle cases.

Staff members we spoke to noted that he was accessible for legal consultations or for other assistance. His friendly and helpful demeanor would lead someone who didn't know better to think that he had nothing else to do but to consult with those who seek his help. One explanation for the esteem in which he is held by staff members is his expressed interest in not dictating what staff members will do but in supporting what they want to do and giving them the tools to be successful.

His stewardship of the program includes extensive travel to meetings and networking with other organizations throughout the service area. He is the face of the program to the outside community. He is well-known and highly praised by community partners.

The executive director's unique combination of skills, abilities and commitments necessarily raises the question of who might follow in his footsteps. Because it is a small program, there are limited possibilities for positions that will afford leadership development. The recent and imminent departure of three managing attorneys depletes the pool of experience further. Concern was expressed by several respondents about what the program would do if he were to leave. One board member pointed to this issue and the perceived need to develop new leadership.

Recommendation

IV.17.1. The board and the executive director are urged to take steps to develop future leadership through future hires, the assignment of responsibilities involving leadership roles, and the distribution of training opportunities.

Management

Finding 18. The director and the administrator manage the program with the assistance of the managing attorneys. Under the supervision of the executive director, the administrator oversees the financial health of the program and handles its human resources needs. The executive director doubles as the program's technology manager and plays the leading role in the program's resource development. These functions are being performed very effectively.

The program's management and administrative structure is very lean. The executive director and the administrator are responsible for the administration of the program, including financial oversight, resource development, human resources and technology. As discussed in the findings below, those that we spoke to indicated that those functions are successfully managed.

Program management engages in opportunistic and iterative planning. The strategic planning process that was undertaken in 2008 did not produce a blue print, but much came out of it. The team was impressed with the SWOT analysis (strengths, weaknesses, opportunities and threats) that the program produced; it is clear that many of the issues raised in that process are being addressed. While a strategic plan was not adopted, the program has been responding to client needs by changing priorities and taking on new challenges. While there is not a formal resource development plan, the program has sought and obtained stimulus funds to expand its work. In recognition that significant program resources are being used on no-fault divorce, the program is working with VPLC and other legal aid programs to construct a pro se no fault divorce program to be tested in Harrisonburg-Rockingham County. Management's recent distribution of productivity and client satisfaction data by office and case handler is a not so subtle a plea for each case handler to examine the data and address any deficiencies.

The program does not have a plan for the continuation of operations in the event of a disaster.

Recommendation

IV.18.1. The team recommends that a continuation of operation plan be adopted that addresses continuing to function during a disaster and service provision for those who need it.

Finding 19. The financial oversight of the program is in the hands of the executive director and the administrator. The administrator has significant experience with this role.

The administrator has significant financial oversight experience. She worked as administrator at United Way for five years before coming to BRLS where she has held her current position for nine years.

The board reviews the financial situation of the program quarterly. Board members praise the reports they get. The program has had clean audits for the last several years. The last revision of the accounting guide was approved by the board in September of 2008.

With its priorities guiding its case selection, the program considers its main resource allocation effort to be assuring that funds are distributed evenly by poverty population and funding for individual offices. It does this on a yearly basis. Budget planning is done yearly starting in February of the preceding year.

The administrator is responsible for preparing monthly financial reports after doing the bank statement reconciliation and for the quarterly reports for the board. She tracks expenses from the branch offices. Because of the limited management staff, two nearby board members are check signers. Any check over \$3,000 requires the signature of two people, one of whom must be a board member.

Finding 20. The human resources function is handled smoothly. However, the formal staff evaluation process could be improved.

The administrator coordinates the program's human resources functions. Together with the executive director, she monitors benefits and salaries. Salaries have been adjusted twice in the last 24 months, the program's administrative manual is kept up to date.

The effort to increase the retention of employees appears to be succeeding. The program's efforts to retain and promote quality staff include significant salary increases in the past three years; LSCV's loan forgiveness program, and contributions to retirement funds. The program also nominates – often successfully – staff members for external awards and broadcasts staff successes to the program and the board. Staff are encouraged to attend management and leadership training and to develop skills by running projects. Staff members report being satisfied with their work and with the organization. Staff tenure is increasing.

The formal staff evaluation process does not appear to be as successful as other aspects of the human resources effort. There are complaints that the form is too complex and that the process is not completed timely, or, in some instances, at all. The extent to which it is used as a tool for staff development and a way to identify training needs is not clear. It should be noted that several staff members indicated that the informal feedback that they receive from supervisors and others on an ongoing basis is very helpful.

Recommendation

IV.20.1 BRLS is urged to review its staff evaluation process and its implementation so as to clarify its purposes and to help ensure that they are accomplished.

Finding 21. The program uses the technology that it has effectively. The team received several complaints about the phone system and some about the case management system.

The executive director takes responsibility for the program's technology planning. His emphasis is that technology is integral to the work of the program and that planning for it is not separable from planning for management, administration and legal work. The case management system handles timekeeping; a sophisticated financial package does the accounting. The program is making use of teaming software and plans to develop wikis for sharing of substantive work. As noted above, plans are afoot for a document assembly pro se divorce project (Finding 14) and for internet intake (Finding 6).

The program's overall technology infrastructure appears to be sufficient. Its equipment meets LSC's K form standards. The offices are linked together by DSL lines. The servers are backed up regularly. PC's are replaced every four to five years. A contractor is on call for network issues. Each office has local technical support for hardware issues. The servers do periodic backups. Kemps is remotely hosted and automatically backed up. Staff members have remote access to the program network.

As noted in Finding 6, the phone system is inadequate for the volume of intake that the program has. Partner organization staff members note that they have a very difficult time calling in during intake times. While professionals are told that they can call in from 8:30 to 9:00, a phone line dedicated to non-intake calls would be a better solution. An even better solution would be a fundamental improvement of the phone system program wide. Depending on the program's interest, a phone system could have other features such as the distribution of intake screening calls between offices to provide backup for regional overloads. Several staff members find fault with the case management system. one senior official referred to it as "clunky." It cannot be effectively used to store PDF's and other case documents. As a result, it is not have the definitive record of progress on a case. Attorneys differ in their use of it for case notes.

Recommendation

IV.21.1 BRLS should evaluate its telephone system and its utilization of its case management system and make improvements when possible.

Resource development and maintenance

Finding 22. As thinly staffed as the resource development effort is, it is effective in generating increased support for the program's core work.

With the administrator's help, the executive director is primarily responsible for resource development. The program's work of collaborating broadly with many community organizations has led to its being in a good position to work with other organizations for collaborative grants.

BRLS has a total of 40 grants. While some of them are small, they believe it is important that they have these connections with local governments who are learning of their work and are coming to understand government's role in funding legal services as well as the needs of the client community in their jurisdictions.

BRLS has been successful in getting funding that conforms to its mission. In 2009 it worked to get four "one time only" economic stimulus grants that added a staff attorney position for domestic violence and one for eviction/consumer work —each for 18 months. Other efforts include: a small cy pres award, \$20,000 from the annual attorney campaign, and cash donations. BRLS is collaborating with others in applying for a VAWA grant.

Participation in State and Regional Justice Community

Finding 23. BRLS is an active member of the Virginia state justice community. The program works well with its partner in the Roanoke area.

BRLS is a leader in the state justice community. The executive director of the Legal Services Corporation of Virginia says that BRLS plays a very important role in the community. He also notes that the ED was very helpful in getting a key legislator to

support state funding for legal services. BRLS is actively involved with Project 2025 for addressing access barriers for frail elderly. It is also a contributing participant in the Virginia Supreme Court's new pro bono initiative.

BRLS staff members actively participate in statewide trainings and in the state's listservs. The executive director emphasizes its importance as a way for staff to contribute and to receive guidance in their work. He is an active participant in the listservs.

Relations between BRLS and its partner Legal Aid Society of the Roanoke Valley are very good. LASRV appreciates the intake that BRLS does for LASRV. The LASRV executive director said that BRLS forwards the right cases and develops facts well.