



LEGAL SERVICES CORPORATION

Office of Program Performance

PROGRAM QUALITY REPORT

FOR

Central Jersey Legal Services, Inc.

Recipient Number: 331110

April 12 – 16, 2010

Team Members:

Monica Holman Evans, Program Counsel (Team Leader)

John Idleman, Program Counsel

Hadassa Santini, Consultant

Carolyn Worrell, Consultant

Central Jersey Legal Services
Recipient # 331110

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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 Central Jersey Legal Services (CJLS) from April 12 – 16, 2010. The team members were Monica Holman Evans, OPP Program Counsel/team leader; John Eidleman, OPP Program Counsel; Hadassa Santini, Consultant; and Carolyn Worrell, Consultant.

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 renewal 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 CJLS staff conducted on the Internet. On site, the team visited the program's four offices. In addition to speaking to most of the CJLS staff members, the team interviewed a sample of board members, judges and community organization members.

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

Program Overview.

CJLS was formed in 2003 as the result of the merger of Legal Aid Society of Mercer County, Middlesex County Legal Services and Union County Legal Services. CJLS is a nonprofit law firm that provides a full range of legal services to Middlesex, Mercer and Union Counties. Priority areas include support for families, preservation of the home and maintenance of economic stability. The service area is growing and contains a large immigrant community. One quarter of the service area is foreign born and 35% of residents speak a language other than English. The poverty population is concentrated in the area's urban centers with approximately 7.9% of the service area's population living below the federal poverty level. The service area contains 19% of the state's total population and 18% of the state's poverty population.

CJLS provides civil legal services from four offices strategically located throughout the service area. The program's main location in New Brunswick, NJ is home to a branch office along with the program's administrative staff. The program's other branch offices are located in Perth Amboy, Trenton and Elizabeth. The program employs

76 staff and is a unionized program. In 2010, the CJLS budget consisted of \$1,256,783 in LSC funding and \$6,305,283 in non-LSC funding.

Summary of Findings.

CJLS is a well-managed, high-quality legal services program that provides legal advice, brief services and extended representation to eligible clients within its service area. The program has strong leadership and an executive director who is well-respected within the staff and throughout the service area. The advocates produce quality written legal work and are skillful in court. The majority of the program's work is in the areas of housing, income maintenance, family and consumer.

CJLS receives support from Legal Services of New Jersey (LSNJ), which coordinates the statewide legal services system. LSNJ provides training, legal and administrative coordination, technical assistance, technology hardware and software, and other support. LSNJ also provides direct representation to clients in matters of statewide significance such as consumer protection, health care access and workers rights. LSNJ administers the statewide legal hotline and maintains a public self-help legal website. Through the hotline, LSNJ provides brief service, advice and referrals to other legal services programs. The LSNJ hotline can be reached through a statewide toll-free number.

A major challenge facing CJLS is a dramatic decrease in funding at a time when communities are seeing an increased demand for legal services. In FY 2008, CJLS received \$3.126 million in general IOLTA funding and \$489,000 in special grant IOLTA funding. In FY 2010, general IOLTA funding will be \$213,000 and special grant IOLTA funding will be \$132,000. As a result, CJLS has lost nine staff people to attrition and an additional 10 due to layoffs. The program may face additional layoffs in the summer of 2010 based on additional proposed budget cuts by the State.

CJLS has an engaged board of directors. Board members receive an orientation and regular training. The board has a board manual and adopted a whistle-blower policy in 2009. The board also has a conflict of interest policy in place. Even though all of the attorney positions are filled, the board has seven vacant positions¹. Recruiting client-eligible board members has been a challenge for the program. There are currently only two client-eligible members serving on the CJLS board.

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

Finding 1. CJLS conducted a legal needs assessment with advocacy and social service agencies in April and May 2008.

¹ One of the board member vacancies is for an at-large community member.

CJLS engaged in its last legal needs assessment in 2008. CJLS used an electronic survey to solicit the input of social service agencies and community organizations. Staff members provided input through substantive unit meetings and staff meetings. Statewide legal services providers provided input through task force meetings. Additionally, the board was involved in the process by discussing the results and implications of the various findings.

Finding 2. CJLS uses the statewide legal needs assessment conducted by LSNJ to supplement its local assessment.

LSNJ published its most recent legal needs study in 2009. The 2009 New Jersey Legal Needs Study builds on previous studies and examines the legal problems of low-income people living in the state. CJLS uses the data and conclusions from the statewide survey to get additional insight into geographic and regional trends.

Finding 3. CJLS has a process to identify new pressing legal issues between comprehensive assessments and evaluates the effectiveness of its delivery strategies.

CJLS is conscientious in its efforts to review available data to determine new legal issues and shifting priorities in the service area. CJLS looks for trends in population demographics and reviews information regarding relevant characteristics of the service area. In addition to examining annual data from the US Census – American Community Survey, the program continuously solicits information from substantive unit meetings and statewide task force meetings. Staff members are actively engaged in the process and believe they are able to provide input. CJLS also administers a yearly client satisfaction survey to gain information.

CJLS monitors the effectiveness and results of its work on an ongoing basis. The program managers use reports from its case management system and engage in individual case reviews.

Finding 4. The CJLS board engages in an annual review of its priorities.

The board, using input from program staff, reviews existing priorities and available data to determine necessary adjustments to the program's priorities. The review consists of examining data related to significant increases in client problems, changes in the population and trends related to characteristics in the service area. The most recent review of priorities occurred in December 2009.

Finding 5. CJLS drafted a new strategic plan in 2009.

In 2009, CJLS drafted a new strategic plan that builds on the 2003 strategic plan and identifies approaches to deal with challenges the program is facing. The plan includes short-term objectives and long-term objectives for the program. The short-term objectives largely focus on strategies to address reduced program funding. The program has had to scale back services and lay off staff. The long-term goals and objectives will

seek to enhance the quality of work, increase access to services, and strengthen collaborations and community partnerships. The role of the board is clearly articulated throughout the strategic plan.

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

Criterion One. Dignity and sensitivity.

Finding 6. The program's interactions with its clients ensure dignity and sensitivity.

CJLS interacts with its clients in a manner that demonstrates respectful and courteous treatment by staff. The program responds to the needs of clients and is culturally sensitive to intake preferences of different client groups. CJLS provides services to clients in his or her preferred language and has receptionists who are multi-lingual.

CJLS seeks to maximize access to its services for the low-income community by locating offices near public transportation and in densely populated client areas. Even though all offices are handicapped-accessible, the Trenton and Elizabeth offices present challenges to those in wheelchairs. It would be difficult for someone in a wheelchair to access the Elizabeth office without advance notification to office staff. The Trenton office has an accessible buzzer at the rear to alert staff without advance notification. However, the Trenton office does not have parking that is easily accessible. Each office has areas to ensure private client interviews.

Finding 7. The program's intake structure is adequately staffed and responsive to the needs of the client community.

CJLS conducts intake daily from 9:00 am – 5:00 pm. The majority of CJLS' intake is provided by phone. Applicants access the program by phone or walk into a local office. The New Brunswick office conducts telephone intake for both that office and the Perth Amboy office. The Trenton and Elizabeth offices each conduct walk-in and telephone intake. In Elizabeth most applicants walk into the office for intake. Only emergency walk-in applicants will receive an interview with an advocate the day they walk-in. All others will be scheduled for an appointment at a later date. The program visits applicants who are homebound or unable to make it into the office and require in-person service. Applicants are screened for eligibility when they first access the program. After initial screening, an applicant speaks with an intake worker within 24 hours. Eligible clients receive immediate advice or are given an appointment for an interview. Procedures are in place to handle emergency situations. Anyone who is rejected for service during the screening or intake process is given a referral to another resource.

LSNJ operates a toll-free, multi-lingual statewide legal hotline that supplements intake at the local level. Even though the hotline maintains the case acceptance policies

of the local offices, there are challenges regarding adequate screening by LSNJ. Applicants referred by LSNJ are consistently re-screened by CJLS. Additionally, the current case management system does not allow LSNJ to electronically transfer files and case notes to CJLS.

Recommendations:

II.7.1². CJLS should review the accessibility of the Elizabeth office. Proper signs should be in place to alert visitors to handicapped-accessible entrances. As necessary, a visitor should be able to call or buzz the office from the outside if assistance is needed to enter the premises.

II.7.2. CJLS should review its intake system for a finite period of time to determine how many clients are lost by using an appointment system. The program should determine how many clients are lost because they do not show up for appointments that are set when they first call or walk into an office.

Criterion Two. Engagement with and utilization by the low-income population.

Finding 8. CJLS is engaged with the low-income population by providing adequate outreach and working with appropriate community organizations.

CJLS is actively engaged with the client community. The program conducts outreach efforts and distributes brochures and flyers to the low-income population. The program works with local governments and community organizations to provide training, education and presentations. CJLS also receives referrals from and makes referrals to appropriate agencies. Client groups and organizations make requests of CJLS to talk with the client community and provide information. Most CJLS advocates articulated some involvement with the client community or community organizations.

Criterion Three. Access and utilization by the low income population.

Finding 9. CJLS has the capacity to appropriately serve clients in the service area including those with limited-English proficiency (LEP).

The CJLS service area has a large immigrant population and many non-native speakers of English. Community members noted that CJLS is accessible to clients within the region and provides appropriate language access services. The program adopted its current language access policy September 2007. The policy mirrors the program's commitment to deliver high-quality legal services to its clients regardless of language, cultural background or national origin. Several CJLS staff members speak Spanish, the language spoken by the majority of non-English speakers in the service area.

² Recommendations are numbered as follows: the Roman numeral references the Performance Area followed by the finding number and lastly by the recommendation number that pertains to the finding.

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

Criterion One. Legal Representation.

Finding 10. CJLS produces high quality legal work and has sufficient capacity to effectively represent clients.

In addition to the executive director, CJLS has an assistant director, two deputy directors, a director of litigation and a managing attorney³. The program represents clients with an additional corps of two supervising attorneys, 15 senior attorneys 12 staff attorneys and 16 paralegals. CJLS advocates reported 7,242 closed cases in 2009, primarily in the subject areas of housing (34.7%), income maintenance (25.7%), family (18.2%), and consumer (17.6%). The program closed 613 cases per 10,000 poor persons, far above the national median of 265 for that period. CJLS closed 1,355 extended cases and 115 extended cases per 10,000 poor persons. This too exceeded the national median of extended cases closed per 10,000 poor persons of 57.

Currently, the program has a good mix of young and seasoned attorneys. The number of younger attorneys is declining as the program is forced to make layoffs due to budget cuts. The union's retention by seniority policy results in the loss of newer staff when reductions in force occur. Several attorneys have many years of experience. Writing samples and interviews revealed that the program has a solid core of institutional knowledge, procedural skill, and litigation experience. Writing samples were cogent and provided a good presentation of complex matters. The program makes good use of pre-hearing briefs to educate judges. However, some of the writing samples provided to the visit team contained typographical and grammar errors.

CJLS launched a number of special projects to address emerging legal needs. These initiatives include the Family Representation Project, Domestic Violence Project, Health Care Access Project, Anti-Predatory Lending Project, Education Representation Project, and the Worker's Legal Rights Project. Again, budget cuts are threatening the continuing presence of these projects with the program's work.

Finding 11. CJLS has performance standards that articulate case planning standards but the procedures have not been institutionalized for case handling and file maintenance.

CJLS has written performance standards that include case planning and file maintenance standards. The standards require the offices to have a process for case planning and file maintenance, but the practices are not uniform. Even though the lack of case handling practices has not affected the quality of legal work, uniform practices would help the program to establish a legacy of best practices.

³ The current management structure is a result of the 2003 merger and retains managers/directors that existed prior to the merger.

Recommendation:

III.11.1. Case handling procedures should be in writing and consistently followed by staff at each branch office.

Finding 12. Supervision of legal work is not consistent.

There is no written supervision system. The system is largely advocate-initiated with a reliance on case discussions at the unit meetings. New attorneys receive closer supervision which includes observations of interviews, review of written work, and observations of court or administrative hearings. As a result of a lack of written legal work supervision policy, attorney legal work is not consistently reviewed by supervisors. Depending on the unit and level of experience, reviews may occur. Legal work review appears to be based on unit expectations and not based upon program policy. Lack of supervisory review, may be a reason for the errors found in the writing samples. Case reviews occur sporadically and are often a result of the ratio between supervisors and the corresponding attorneys. The visit team also found a lack of closed case reviews. Even though attorney supervision is inconsistent, CJLS has a good structure and policy for supervising paralegals that is followed consistently throughout the program.

Recommendation:

III.12.1 CJLS should develop and engage in a regular process to supervise attorneys and review cases when they are closed.

Finding 13. Given limited resources, CJLS achieves good results for service area clients.

CJLS has a good reputation for obtaining effective decisions for clients in extended cases. This was noted by judges and other persons outside of the program. Judges and other equal justice stakeholders were uniformly complimentary of the program's effectiveness and commitment. CJLS does not, however, capture the financial benefits achieved for clients. If the program is able to quantify the monetary benefit to New Jersey, it may be an incentive for the state to provide additional resources. Financial benefits for clients can help the entire economy of the service area.

Recommendation:

III.13.1. In order to provide an incentive for funding, CJLS should capture the monetary value of results and benefits received for clients.

Finding 14. CJLS has strong training and support mechanisms.

LSNJ provides comprehensive support systems for CJLS. Advocates have access to regular training events that can be attended in person or viewed remotely. Attendance

at training events is encouraged by management and training requests are routinely approved. Advocates uniformly cited program support systems as one of the program's strengths. To ask questions and conduct research, advocates routinely use brief and pleading banks, statewide listservs organized by substantive legal areas, Lexis and WestLaw, and national support centers such as the National Consumer Law Center.

Criterion Two. Private Attorney Involvement.

Finding 15. CJLS does not have integrated private attorney involvement (PAI) across its service area.

CJLS has a 2009 Private Attorney Work Plan that outlines the PAI process for the program. The program employs a Volunteer Attorney Program coordinator who works with Middlesex County and a Volunteer Attorney Program staff attorney who coordinates the private attorney work in Mercer and Union counties. The attorney program coordinator had been in this position less than two weeks at the time of our visit.

Each CJLS county has retained individual aspects of its pro bono program from before the merger. One county issues a subgrant to its local bar association to do referrals, one county relies on corporate attorneys, and one county utilizes a more traditional pro bono model. In addition to the lack of integration, CJLS has not fully explored ways to fully utilize private attorneys other than providing direct representation for clients in limited legal areas.

As indicated in the program's PAI work plan, attorneys in each of the three counties are solicited using a variety of methods. These include presentations at swearing-in-ceremonies for new attorneys, announcements in bar association newsletters, direct mailings and personal contact. All participating attorneys fill out a registration form that lists his or her substantive specialty interest and which confirms the attorney's commitment to take at least one referred case a year.

The program appears to appropriately track cases and to provide support to the pro bono attorneys. It also provides acknowledgement of their service that includes nominations for statewide awards and presentations at local bar association meetings. Attorneys providing at least 24 hours of pro bono service through the CJLS PAI project in a 12 month period are provided with a certificate of recognition by the Supreme Court, and attorneys providing 25 hours are exempted from municipal court public defender assignments.

Training provided by the State Support Center (LSNJ) and CJLS staff is available to private attorneys at minimal or no cost. The regional coordinator is attempting to enhance the procedures for notifying volunteers of training opportunities.

The program closed 74 cases through its private bar component in 2009. The majority of the closed PAI cases are in family (55.4%) and consumer/finance (18.9%). Extended service cases accounted for 85.1% of the total closed.

As part of a national initiative led by LSC, in September 2007 the CJLS board passed a resolution to emphasize the importance of PAI activities in assisting clients who cannot be served by staff attorneys due to limited resources.

Recommendations:

III.15.1. CJLS should fully integrate its PAI program across all counties and standardize procedures.

III.15.2. CJLS should explore ways to fully utilize private attorneys in activities other than direct representation of individual clients.

Criteria Three and Four. Other Program Services and Activities on Behalf of Clients.

Finding 16. CJLS conducts a large variety of successful outreach, community education, and other activities on behalf of its clients.

CJLS provides pamphlets and brochures on topics most relevant to the poverty population. The program has also developed several specialized projects that target problems experienced by the client community. CJLS worked with the Elizabeth Coalition to House the Homeless to bring the Code Blue program to Union county. Code Blue protects the health of the homeless by providing shelter to them when weather conditions are dangerous. CJLS meets with county officials to discuss issues that have been identified through the program. The Fresh Opportunities Program is a partnership with the Mercer Alliance to End Homelessness. The program helps to remove barriers to shelter and employment, and connects clients to support services.

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

Criterion One. Board Governance.

Finding 17. The program's governing body fulfills its oversight responsibilities.

The CJLS board has 15 attorney positions, eight client positions and one at-large community position. All of the attorney positions are filled. Six of the vacancies are for client-eligible board members and one vacancy for the at-large member. The board meets four times each year. The director of litigation provides a report at each board meeting that profiles cases of particular interest. The board's structure includes officers, and five standing committees. The five standing committees are executive, finance, grievance, nominating and personnel. The executive committee is the most active committee and meets with the executive director on issues that arise between meetings. Other committees meet as needed. In 2009, the board adopted a conflict of interest policy and a whistle-blower protection policy. Board terms are three years for attorney

and client-eligible members and two years for the at-large member. The board has not adopted term limits.

Budget oversight is a shared responsibility between the program and the board. The board reviews and approves the annual budget and the finance committee manages the yearly audit process. Financial reports are provided to the committee before each board meeting. The board also oversees negotiations with the employees' union on annual salary increases, pension contributions and changes to the salary scale. While the board gets quarterly financial reports, no reports are prepared for board review on a monthly basis.

New board members receive program orientation and training and are given a board manual. CJLS provides additional training for board members as requested or needed. The most recent full board training was July 2008. The personnel committee of the board is responsible for conducting an evaluation of the executive director. The board has not recently conducted a performance evaluation of the executive director.

Recommendations:

IV.17.1. CJLS should use its contacts with community organizations to recruit new client board members. The program should make an effort to include representation that reflects the demographics of the service area.

IV.17.2. The board should consider setting term limits.

IV.17.3. The board's finance committee should consider conducting monthly reviews of financial variance reports.

IV.17.4. The board should conduct regular performance evaluations of the executive director.

Criterion Two. Leadership.

Finding 18. CJLS enjoys strong, respected leadership.

The leadership of CJLS includes an executive director and an assistant director. Management responsibilities are shared with two deputy directors, a director of litigation, and a managing attorney who are highly qualified, experienced and respected. Interviews with program staff, community members and the judiciary indicated that the program has strong leadership. The executive director is well regarded and is credited with maintaining good morale during difficult financial times.

Finding 19. Opportunities are available for leadership development and mentoring, but CJLS does not have a succession plan.

CJLS has provided opportunities for mentoring and professional development. Before staffing cuts, the program frequently removed advocates from their primary responsibilities to give them opportunities to gain other skills and provide input into other areas of the program. Many CJLS advocates are recognized experts in the state and provide training for other programs. Even though advocates are exposed to leadership opportunities, CJLS has not adopted a formal leadership succession plan.

Recommendation:

IV.19.1. CJLS should consider the development of a succession plan to ensure continuity of operations.

Criterion Three. Overall management and administration.

Finding 20. CJLS has good management and administration.

CJLS is governed by administrative procedures that incorporate a program manual, an administrative procedures manual and a collective bargaining agreement. The program's intranet contains policies related to training, program orientation, the case management system, legal work priorities and overall administration. The program has a draft emergency preparedness plan that has not yet been adopted by the board.

The assistant director, deputy directors and managing attorney are responsible for day-to-day management of the advocates with support from the director of litigation. All members of the management team report to the executive director. Significant responsibility is delegated to the local offices regarding management and office operations.

Finding 21. The technology needs of the program are administered by LSNJ.

LSNJ provides all programs in the statewide legal services network with computer hardware and software, network capabilities, website and telephone systems. LSNJ is responsible for technology planning, systems maintenance and technical support. The programs in the statewide system are connected through a single phone system and share a statewide intranet. LSNJ has implemented plans to move from Kemps Clients for Windows to Legal Files. This change will assist in the electronic storage of documents and the sharing of client information between programs. Each CJLS office has a designated person to address technology matters.

Finding 22. CJLS evaluated its technology capacity using the LSC technology baseline document as a guide.

CJLS evaluated its technology capacity using the technology baseline document prepared by LSC. All of the program's technology systems meet or exceed the baseline requirements in each category.

Criterion Four. Financial administration.

Finding 23. CJLS appears to have experienced financial staff responsible for managing the program's fiscal operations.

The team's review of the program's financial administration was limited. The program employs a finance manager, a grants administrator, a financial administrator and a bookkeeper. The program engages in financial planning and prepares financial statements for the board. Even though the entire accounting manual has not been recently updated, specific policies within the manual are updated as needed. There is no evidence that CJLS has failed to comply with funder requirements and regulations. Additionally, the program's most recent financial audit does not identify any issues.

Criterion Five. Human resources administration.

Finding 24. CJLS maintains effective human resources administration.

The program's human resources function is managed by the program manager. The finance manager has some responsibility for tracking benefits. The program has good benefits along with an employer contribution pension plan. Unfortunately the program has been unable to contribute to the pension plan for two years due to the funding crisis. In the past, employer contributions have been between 1.5% and 10%.

Even though the program had to layoff ten staff people right before our program visit, morale in the program was surprisingly good. The program does not have high staff turnover which is one of the reasons the program had to make so many staff cuts. Several staff members have been with the program over 20 years. These staff members have worked in different positions and received promotions over the years.

CJLS has an employee evaluation process that is applicable to casehandlers, intake workers, receptionists and secretaries. Performance evaluations are not done consistently and not done timely in each program office.

Recommendation:

IV.24.1. Consistent with its policy, CJLS should ensure that staff evaluations are regularly conducted for all employees.

Criterion Six. Internal communication.

Finding 25. The management team effectively communicates with staff.

Regular program communication among staff takes place through email. CJLS maintains an intranet that has regularly updated policies and procedures. Program advocates regularly use email to ask questions and share information. Even though CJLS does not have program staff meetings, there are quarterly substantive unit meetings that

include unit representatives from each office. The executive director and the director of litigation attend the staff meetings of each office.

Criterion Seven. General resource development and maintenance.

Finding 26. LSNJ oversees the statewide Campaign for Justice.

CJLS has not adopted a formal resource development plan. Since LSNJ administers the statewide Campaign for Justice, CJLS primarily seeks smaller and local grant opportunities to avoid a competition for funds. Due to the budget crisis, the program is engaged in strategic planning and other efforts to expand funding opportunities. Any private contributions from attorneys are distributed across all of the New Jersey programs based on poverty population. While the board is supportive of resource development, it is not actively engaged in resource development efforts. CJLS produced an annual report detailing its accomplishments for fiscal year 2009.

Recommendation:

IV.26.1 CJLS should further engage its board of directors in resource development efforts. Board members could be more involved in identifying funding sources and should consider making personal contributions to show support of fundraising efforts. Board training on fundraising may be helpful with this endeavor.

Criteria Eight and Nine. Coherent and comprehensive delivery structure/Participation in an integrated legal services delivery system.

Finding 27. CJLS is engaged in comprehensive and integrated service delivery.

Statewide coordination efforts of LSNJ ensure that all of the legal services programs are actively involved in an integrated service delivery system. CJLS serves on LSNJ committees to help refine statewide systems. Program advocates serve on LSNJ task forces and working groups. CJLS collaborates with court personnel, government agencies, service providers, nonprofit organizations and bar associations to expand access and provide better services to clients.