



LEGAL SERVICES CORPORATION
Office of Program Performance

Program Quality Visit

LEGAL AID OF WESTERN MICHIGAN
Recipient No. 423141

Program Quality Visit Report
April 11 - 15, 2011

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Legal Aid of Western Michigan Program Quality Visit Report

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INTRODUCTION

Background of the Visit

The Legal Services Corporation (LSC) Office of Program Performance (OPP) conducted a Program Quality Visit to Legal Services of Western Michigan (LAWM) from April 11 - 15, 2011. OPP's team consisted of program analyst Althea Hayward, who was team leader; program counsel Tillie Lacayo; and LSC temporary employees Rhonda Lipkin and César Britos.

OPP seeks to ensure that all recipients of LSC funds are providing high quality, efficient, and effective legal services to eligible clients. The overall purpose of program quality visits is to assess the quality of legal services provided to eligible clients, including a program's engagement with and service to the low-income community; the effectiveness of its legal representation and other program activities; and its leadership, management, and administration. In conducting this evaluation, OPP relies on the LSC Act and regulations, the LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The evaluation is organized to follow the four Performance Areas of the LSC Performance Criteria, which cover needs assessment and priority setting; engagement with the low-income community; legal work management systems and the quality of legal work; and program management including board governance, leadership, strategic planning, resource development, and coordination within the delivery system. In conducting its assessment, the team carefully reviewed the documents LSC received from the program including its grant proposal narrative for 2011, its case service reports (CSRs) and other service reports (OSRs), a survey of LAWM staff conducted on the Internet, and numerous other documents the program submitted in advance of the visit including advocates' writing samples.

On site, the team visited the program's administrative and service offices in Grand Rapids, and branch offices in Big Rapids, Muskegon, Holland, Kalamazoo and St. Joseph. The team interviewed program staff from each of these offices, including the executive director, deputy director, litigation director, fiscal staff, managing attorneys, staff attorneys, pro bono coordinator, paralegals, administrative staff, and support staff. Additionally, team members interviewed board members, community representatives, judges, leaders in the state justice community, and bar representatives. Due to scheduling and time constraints, some of these interviews were conducted by telephone.

OVERVIEW OF PROGRAM AND SERVICE AREA

Legal Aid of Western Michigan (LAWM) is a 501(c)(3) non-profit formed by the merger of three separate programs in 2001. In February of that year Berrien County Legal Services Bureau and the Legal Aid Bureau of Southwestern Michigan merged into Legal Aid of Western Michigan, which then changed its name to Western Michigan Legal Services (WMLS). All three programs had existed in some form or other for many years, the oldest being the program based in Grand Rapids, which had a legal aid society in existence as far back as the early 1920s. Eventually, WMLS changed its name back to Legal Aid of Western Michigan (LAWM), and

currently receives a grant from LSC for the seventeen-county region known as MI-15.¹ This service area encompasses over 10,345 square miles of land in the western quadrant of Michigan which includes a combination of small cities, small towns and rural areas. The largest city in the service area is Grand Rapids.

The program provides services to eligible clients from a network of six regional service offices. At the time of LSC's visit, the program employed thirty-four attorneys, four paralegals, and sixteen administrative and support staff. In 2010 total LSC funding was \$1,925,570, representing approximately 40% of the program's total support.

The program reports that the recession hit Michigan earlier and harder than in most states. Communities in this program's service area are experiencing the severe impact of diminished economic stability. This can be attributed mostly to the closing of automobile parts manufacturing plants and the loss of supportive manufacturing jobs, along with a general decline in the population of the area.² Although Michigan's agriculture and tourism are both major industries, manufacturing has been the largest contributor to the economy, and western Michigan's economy has suffered a great deal as a result. The program noted that all counties have unemployment rates of over 10%. Nearly all counties have poverty rates in excess of 10%.

REPORT SUMMARY

LAWM appears to be a highly functioning, highly motivated legal services program. It has established strong ties with court systems in the service area, the private bar, community organizations, other legal services providers, and statewide advocacy groups. As a result, the program is a highly respected law firm in western Michigan and throughout the state

The program is led by a capable, experienced executive team consisting of the executive director, deputy director, director of litigation, pro bono coordinator, and business manager. Staff indicated a high level of regard and respect for the program's executive director. Other legal services leaders in Michigan commented on the executive director's skill in bringing others together and working together with everyone in and out of the legal services community.

The program is governed by a strong and effective board of directors who meet regularly and appear to be proficient in the execution of their oversight responsibilities. In addition to the time commitment necessary for carrying out governance responsibilities, several of the attorney board members provide assistance to the program as volunteers on the LAWM pro bono panel.

It is commendable that LAWM has been successful in assembling a strong corps of legal and administrative advocates who are well trained, highly skilled and experienced, and committed to the program's overall mission. Advocates provide quality legal representation to clients and demonstrate a genuine commitment to the program's mission and work. The LSC visit team noted the authentic collegiality among staff generally and between offices. Staff has adopted a team

¹ LAWM's service area (MI-15) includes Allegan, Berrien, Cass, Ionia, Kalamazoo, Kent, Lake, Mason, Mecosta, Montcalm, Muskegon, Newaygo, Oceana, Osceola, Ottawa, St. Joseph and Van Buren counties.

² LAWM reported that latest census information shows that Michigan is the only state whose population declined since the 2000 U. S. Census..

approach to their work, and they demonstrated a respect for the contributions of all members of the team.

LAWM's managers have a high degree of confidence in the advocates they supervise, and encourage them to develop further by taking on new challenges. As noted in interviews with judges, attorneys in private practice, board members, and as confirmed by review of program records, LAWM attorneys are not afraid to litigate.

The program has a multi-faceted intake system which provides access to eligible clients throughout the service area. The majority of these services are provided through a contract with the Counsel and Advocacy Law Line (CALL), a program of Lakeshore Legal Aid.³

The program collaborates with other community organizations to ensure the provision of legal services. Several years ago, LAWM was instrumental in the establishment of collaborations with court systems to establish pro se legal help centers at several courthouses in the service area. This work continues to expand.

There are multiple areas where LAWM has excelled that are not enumerated here. There are also areas that need further development and attention by the program. LSC believes that LAWM would benefit greatly from:

- Building the program's systems and capacity as a unified, regional law firm;
- Strengthening the program's internal communications;
- Completing a comprehensive study of the civil legal needs of the clients in the service area that is inclusive of input and comment from clients, staff, the bar, the judiciary and other community stakeholders;
- Conducting a comprehensive strategic planning process that considers the needs of the service area, particularly those of vulnerable client populations; and sets a proactive course for the program's future;
- Reviewing the program's policy on services to clients with limited English proficiency;
- Increasing the program's efforts to hire a more diverse staff;
- Condensing the program's current legal work standards and protocols into a legal work management manual;
- Appointing a managing attorney for the Grand Rapids office so that the litigation director, who currently serves as that office's managing attorney, can give more focused attention to her program-wide leadership and management roles;
- Conducting a review of LAWM's governance documents to ensure that they reflect current and appropriate descriptions of the board's structure and governance practices;
- Developing a leadership succession plan that provides for the continuity of the program's values;
- Developing additional human resource management tools to enhance, promote and measure employee performance.

³ CALL also has an intake contract with three other LSC grantees in Michigan.

Suggestions for improvement and change provided in this report are not indicative of program failure at all, but are provided to assist LAWM in charting a new and innovative course to utilize its tremendous potential in becoming a premier law firm.

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.*

Criterion 1. Periodic comprehensive assessment and ongoing consideration of legal needs.

Finding 1: The program is conducting a comprehensive assessment of the critical legal needs of the low income population in the service area.

LAWM last conducted a formal comprehensive needs appraisal in 2005. The program contracted with Medema & Associates to conduct the assessment and to work with the board in developing a strategic plan. LAWM reported that a new needs appraisal process began in 2009. This process, which is currently being conducted, began with a survey of clients served by CALL which was conducted by Medema & Associates. The team noted that while the survey provided other information about LAWM's services, its primary function was to furnish data regarding the quality and availability of services from CALL. An email survey of local and community organizations was also recently conducted by the program. While LAWM has conducted these surveys, it has not yet directly queried clients and other important stakeholders from the legal community regarding the pressing legal needs in the service area. A comprehensive legal needs assessment should include outreach to vulnerable populations, especially those with limited English proficiency. It will also take into account input from the judiciary, the private bar, board members, staff and other key stakeholders.

Recommendations:

I.1.1.1⁴.*

The program should conduct a formal client needs assessment process in 2011 that includes direct input from its board of directors, staff, and clients, as well as from the judiciary, private bar, community organizations, and other community stakeholders.

I.1.1.2.*

LAWM should ensure that the input of vulnerable populations is sought and received in the client legal needs study; and that needs assessment surveys and materials are provided to the Latino population in Spanish.

⁴ Recommendations in this report will have a Roman Numeral to identify the Performance Area, followed by three numbers identifying, respectively, the Criterion addressed by the recommendation, the number of the finding, and a number designating whether it is the first, second, third, etc., recommendation under that finding. For example, III.2.14.3 designates Performance Area III, Criterion 2, Finding 14, third recommendation under finding 14. There are two levels of recommendations in this report. In your next grant renewal application or competitive grant application, your program will be required to report what it has done in response to Tier One Recommendations instead of submitting a full narrative. Recommendations that are indicated with an asterisk are Tier One recommendation and are intended to have a direct and major impact on program quality and/or program performance.

Criterion 2. Setting goals and objectives, developing strategies and allocating resources.

Criterion 3. Implementation.

Finding 2: LAW M's current priorities are broad in scope.

Based on the needs assessment being conducted by the program, LAW M indicated that completed surveys of local community organizations identified the most pressing legal needs identified as family law, public benefits and housing. LAW M also indicated that issues related to consumer debt; barriers to employment and education are on the increase. The program's current priorities are broad, and include problems related to safety, stability and health; support for families; preserving the home; and maintaining economic stability. The team found that staff and board members were quite conversant with regard to the program's priorities.

Recommendation:

I.2.2.1.*

After LAW M identifies the most pressing client legal needs, the program should develop within each broad problem area a set of priorities with specific goals and objectives to meet the identified needs. These priorities can be the basis for development of case acceptance criteria to guide the program's work.

Finding 3: LAW M is engaged in strategic planning.

Led by its board of directors, LAW M has begun preparation for a new strategic planning process. The program is energized around this initiative. As stated in its 2011 LSC grant narrative, the program sets goals regarding the number and types of services it will provide from year to year as required. The process of purposeful planning by the board and staff is critical for the future of the program. Some programs are using their needs assessment process as a springboard in launching strategic planning.⁵ Approaching strategic planning from this vantage point can help LAW M to design a sustainable service delivery mode that continues to adequately address the needs of the service area. This type of strategic planning will serve as an important guide in building strategic alliances and partnerships; continue expansion of opportunities for pro bono involvement; and, direct the program's development and allocation of critical resources to continue its growth. The time is ripe for strategic planning since LAW M must consider how it will cope with the possibility of a significant loss in LSC funding in 2013 depending on how the 2010 Census information impacts LSC's future funding formulas.

Recommendation:

I.2.3.1.*

The program should continue its engagement in strategic planning. The final strategic plan should take into account the findings of LAW M's civil legal needs assessment.

⁵ "Setting Priorities for Your Program: How To Do It and How To Manage It," Management and Information Exchange, Volume XX111 No.4, Winter 2009.

Criterion 4. Evaluation and adjustment.

Finding 4: LAWM engages in ongoing evaluation of the effectiveness of its advocacy.

Along with information gathered during interaction and partnerships with other community organizations, the program regularly reviews and examines data collected through its case management system to ensure that its service delivery strategies are appropriate. Included with this review is an examination of outcomes data regularly collected and reported by the program. These reports are required by several of the program's funders, and provide important information about the degree to which LAWM is meeting its goals and objectives. The program uses them to make critical service delivery decisions when new issues and trends are identified. For example, the program learned from intake information that there was a growing need to broaden assistance to persons who were receiving social security and other benefits whose bank accounts were being garnished. The program adjusted its strategy for handling these cases to provide extended representation to eligible clients with these issues.

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

Criterion 1. Dignity and sensitivity.

Finding 5: The program's intake system provides appropriate access to client services.

LAWM uses a "multi-faceted" intake system. The program contracts with the Counsel and Advocacy Law Line (CALL) of Lakeshore Legal Aid to provide telephone intake for fourteen of the seventeen counties in its service area. Because of budget constraints, applicants in the counties of Kent, Ionia and Montcalm use the intake system provided through the Grand Rapids office. LAWM also contracts with the Elder Law of Michigan Senior Hotline which provides telephone intake services to seniors throughout the service area. Both CALL and the Senior Hotline screen applicants for eligibility and transfer appropriate cases⁶ electronically to the branch office closest to the location of the applicant. Any emergencies receive priority services from CALL. If applicants from the CALL service area walk in to a LAWM office, they are referred to CALL and if the matter is an emergency, they are assisted immediately by the LAWM office staff. All CALL referrals are received and assigned to advocates by the LAWM office's managing attorney. It is important to note that due to a special grant received by the program, all requests for assistance in social security matters are handled directly by LAWM.

The program, with the assistance of a grant from the Michigan Bar Foundation, retained a consultant in 2009 to assess the effectiveness of services provided by CALL. The consultant surveyed clients from across the service area. Of the 200 persons who responded, 88% were very satisfied with the ease of use of the hotline. The majority, about 90%, was very complimentary about the way in which they were treated by CALL attorneys; and approximately

⁶ With the use of a shared wiki, LAWM identifies for CALL the types of cases it will accept for extended representation. Adjustments can be made effortlessly through the wiki, based on the availability of LAWM staff or other factors impacting LAWM's intake.

85% indicated their satisfaction with their overall experience with CALL. The staff reported that a few clients have complained directly to them about the length of time they waited for assistance on the telephone line, but some clients also indicated that it was time well spent since they were able to speak directly with an attorney, and receive an immediate response or referral with regard to their issue.

In the Grand Rapids office, which provides services in the city of Grand Rapids and the rural counties of Montcalm and Ionia, there is one part-time attorney and one full-time paralegal whose only responsibility is to staff the intake function. The part-time attorney does family law intake and the full-time paralegal covers general intake. Intake on foreclosure cases is conducted each Monday; family law cases are seen each Tuesday; and intake for disability matters is conducted the second and fourth Wednesday of each month. Any emergencies receive priority handling by the intake staff. Intake services are also provided by staff attorneys from the Grand Rapids office who travel twice monthly to Montcalm and Ionia counties for outreach. This outreach service is provided from the offices of the local Departments of Human Services.

The intake staff is supervised by the Grand Rapids managing attorney who also serves as the program's litigation director. The intake attorneys provide advice and brief services to eligible clients, and matters requiring extended representation are referred to the advocacy staff at weekly case review/acceptance meetings. Intake staff, who were interviewed, were experienced, competent, and sensitive to the needs of the client population seeking services from LAWM. The staff members who conduct intake for limited English proficient populations were keenly aware of the special access barriers faced by these vulnerable groups.

Intake is also conducted off site for applicants who are unable to travel to an office or call in for assistance. Staff from each of the program's offices conduct intake regularly at other sites including senior centers, homeless and domestic violence shelters, at municipal centers and at legal assistance centers located in several courthouses in the service area.

The program also operates an Internet Representation Project (IRP). Applicants submit questions anonymously to the program via email, and answers are submitted to the applicants by attorneys anonymously. These applicants are not screened for eligibility, and therefore the case statistics generated by the program for this service are not reported to or included in LSC case service reports.

Because of the varied ways in which intake is conducted by LAWM, the program's offices have the potential for developing intake policies and practices that may cause inequity of access to program services.

Recommendation:

II.1.5.1.*

LAWM should review its intake policies and procedures to ensure that program-wide norms, standards and protocols are established and maintained. This will maximize and protect to the greatest extent possible client access to services.

Finding 6: The program's offices are professional in appearance and reflect respect for the client population.

LAWM staff provide services from a network of offices that are strategically located throughout the service area. Clients who visit these offices are greeted by friendly staff that appear to be sensitive to their plight. With the exception of the Niles office,⁷ the LSC team visited each of the program's offices. LAWM's offices were clearly identifiable from the signage provided, and were handicap accessible. Without exception, each office was clean, professional in appearance, and client friendly. Most office reception areas and waiting rooms were cheerful and welcoming to clients and visitors. Brochures and materials were available to clients and visitors in English and Spanish. The team expressed some concern about waiting areas in the Big Rapids and St. Joseph offices where there is a potential for the lack of privacy if the receptionist/secretary is gathering confidential information on the phone and a client is waiting in the reception area.

Recommendation:

II.1.6.1:

LAWM should ensure that reception/waiting areas in each of its offices provide for client confidentiality at all times.

Criterion 2. Engagement with the low-income population.

Finding 7: LAWM regularly provides community legal education programs in the service area.

In an effort to engage with and educate its client population, each LAWM office provides outreach and community legal education programs in their respective assigned counties. These programs are presented at the request of client groups, churches or community organizations, and are also prepared to educate other human service agencies in the area on a range of topics including domestic violence, housing, foreclosure, re-entry, and employment.

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

Finding 8: LAWM has enacted a written policy to address program services to persons with limited English proficiency.

To its credit, LAWM has enacted a LEP policy which sets out how the program will provide services to persons with limited English proficiency. Notwithstanding the fact that the policy was recently adopted, LAWM took steps long before the policy's adoption to enhance language access for clients in the service area by recruiting bilingual (Spanish-English) staff, and by providing access and training on the use of *Language Line*. The program currently employs six persons (four attorneys, one paralegal and one legal secretary) who are fluent in Spanish. Four of the program's six offices are staffed with bilingual persons. In some circumstances when

⁷ The Niles office is staffed only by LAWM's deputy director, along with the services of a law student volunteer from time to time.

the program staff is not equipped or available to provide translation, the program has hired interpreters for clients in need of assistance.

The program's LEP policy was developed based on LSC's program letter, but does not address all the elements recommended in the program letter. The policy does not contain a provision describing the process for its regular review and update of the plan. Additionally, LAWM's LEP policy does not set out clear strategies for direct outreach to LEP communities in its service area.

Recommendation:

II.3.8.1.

LAWM should review its LEP policy to assure that it addresses all the elements of the LSC Program Letter. It may also benefit the program to assign the regular responsibility for review of this policy to a member of its bilingual staff under the direction of LAWM's director.

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

Criterion 1. Legal representation

Finding 9: LAWM is staffed by a group of highly experienced and highly skilled advocates.

LAWM has assembled a group of committed and highly skilled advocates to represent its clients. The legal staff is a healthy mix of experienced and younger advocates who are primarily generalists but who also have expertise in particular areas of law. Of the thirty-four attorneys employed by the program at the time of the visit, fifteen had more than twenty years of legal experience. Of these, ten attorneys have more than 25 years of practice experience. Nine of the program's attorneys have ten to twenty years of practice experience and the other ten have been practicing from four to ten years.

The program's attorneys are generalists, but each has developed an area of expertise or interest. The program reported that all attorneys are responsible for handling housing cases, despite their other areas of interest. Most recently the program has experienced a trend of increased requests for assistance in the area of consumer cases.

The team interviewed several judges and attorneys in the service area, most of whom noted their respect for the level of case preparation done by LAWM attorneys. LAWM attorneys demonstrated a passion for the work they perform on behalf of clients.

LAWM advocates appear to be creative and demonstrated a high level of expertise. This is evident in the results of the program's Prisoner Re-entry Project and the stories told by clients in the video produced by a staff attorney in the Grand Rapids office in partnership with the program development staff. The video, called "*Making a Difference One Case at a Time*," was also featured on LSC's website.

The advocate writing samples reviewed by the team were varied and covered a wide range of substantive areas, including Medicaid, divorce, custody, landlord/tenant, federally subsidized housing, consumer and the emerging area of re-entry matters. The samples also ranged from pleadings to legal memoranda and appellate briefs. Overall, legal arguments were well presented. However, the team believes that some of the samples demonstrated a need for more editing and supervisory review before being filed.

The program's litigation team is led and managed by persons who have won acclaim for their commitment to providing quality legal services to clients. The litigation coordinator received the Michigan State Bar Assembly "*Unsung Hero Award*" in 2005 for 25 years of service as "a tireless advocate for the poor, and an irreplaceable leader and mentor." The recipient was described as "a determined and effective advocate" who, "is widely regarded by younger attorneys as the single best thing about working at Legal Aid."⁸ In 2009, the Michigan State Bar Assembly awarded its coveted Michael Franck Award to one of the program's managing attorneys in recognition of contributions to the legal profession. Nominated by an attorney from the Friend of the Court, the recipient was described as "the epitome of courteous but effective representation."⁹

Finding 10: Overall, LAWM is a reasonably productive program.

Based on its staffing patterns and the constraints of its funding, the program's case closing statistics are appropriate and demonstrate consistency in performance over a period of years. Of its cases that are LSC-eligible,¹⁰ LAWM closed 4,755 cases in 2010, up slightly from the number of cases closed in 2008 and 2009. The majority of 2010 cases closed (33%) were family cases while housing cases were 30% of the total cases closed; consumer cases were 15%; and income maintenance cases were 13%. A total of 35% of the cases were closed as extended services and limited case services were 65%.

Finding 11: The program's advocates receive appropriate supervision.

The responsibility for oversight of LAWM's legal work is delegated by the executive director to the litigation director who is also managing attorney of the Grand Rapids office. Each office is supervised by an experienced managing attorney who reports to the litigation director. Managing attorneys manage the day to day legal functions of each office, including supervising the intake function of each office. Mandatory weekly case review and acceptance meetings are convened in each office by the managing attorney where cases and intake applications are reviewed, new cases are assigned, and case strategies are developed. Case load volumes varied from office to office, based largely on the types of cases handled by the advocate. In some instances caseloads were noticeably lower than others, especially given the level of legal

⁸ Michigan Bar Journal, September 2005, State Bar of Michigan Award Winners

⁹ The Obiter Dictum Newsletter, Summer-Fall, 2009.

¹⁰ Because LAWM uses non-LSC funds to contract with CALL for intake services, cases closed by CALL are not eligible to be counted for LSC purposes. In 2010, these counsel and advice cases totaled 6,246. Additionally, the statistics generated by the program's Internet Representation Project are also not counted as LSC cases, but are included as other services.

expertise of the particular advocates.

Legal work management and supervisory systems are largely informal throughout the program and vary according to the experience level of the attorney being supervised. Newer attorneys receive closer supervision during the earlier part of their tenure with the program. Staff described methods of supervision which included accompanying attorneys to court during initial court appearances, review of written legal work, co-counseling and periodic review and discussions of the status of open cases. Supervision of more experienced attorneys is usually conducted based on an "open door" agreement between the supervisor and staff.

Generally, attorneys and other advocacy staff appeared to be clear about supervision; were comfortable with the feedback they received from supervisors; and were complimentary about the quality of direction given by supervisors. Supervisors noted that they trust the abilities of the attorneys employed by the program. Although not presented in organized written format, LAWM attorneys appeared to follow the program's legal work policy memoranda and unwritten standards in providing representation to clients.

The program's litigation director is located in the Grand Rapids office and is highly regarded by the staff of all offices. She also serves as managing attorney of the Grand Rapids office, and carries a significant case load. The litigation director has balanced very well her roles as a member of the program's management team, as the senior supervisor for all litigators and as the managing attorney of the Grand Rapids office. She works with a strong cadre of managing attorneys who are responsible for the day to day management of the program's offices. Because of the breadth of these responsibilities, the team expressed some concern that there is limited time available for the litigation director to visit and interact personally with the staff of other offices, and to devote more time to development of program's impact work.

Recommendations:

III.1.11.1*

The program should condense its legal work policy memoranda and unwritten supervisory standards into a written legal work management manual. Several examples and formats are available for review and adaptation at LSC's Legal Resource Initiative (LRI) website at www.lri.lsc.gov.

III.1.11.2*

LAWM should examine the caseloads of advocates regularly to ensure that a reasonable balance exists between the level of legal expertise of the staff and caseload volumes and take steps to ensure that caseloads of senior staff reflect their level of experience and expertise.

III.1.11.3*

The program should consider appointing a managing attorney for the Grand Rapids office so that the litigation director can give more time to focusing on and directing the program's overall legal work. This will also afford other program attorneys opportunities to aspire to positions of leadership.

Finding 12. LAW M has the capacity to produce high quality work that affects a significant segment of the client population.

With the program's success in the areas of prisoner re-entry and mortgage foreclosure work, LAW M has set a course for the program to take on additional complex litigation and impact work. The prisoner re-entry project has actually morphed into a newly funded and separate program located in the same building as the Grand Rapids office.

LAW M staff seemed very aware of some of the structural barriers facing clients, and was eager to tackle them. For example, in St. Joseph, the social security administrative law judges previously used a local hotel in the area to hold hearings. As a cost saving measure the Social Security Administration recently moved its hearing site to Valparaiso, Indiana which is approximately an hour and a half away. This has caused tremendous challenges for clients who have no transportation. Since the area has no public transportation system, clients without the means to travel to Indiana must hire someone to take them to the hearings. Staff expressed a desire to address this challenge in order bring about change that impacts the entire client community.

LAW M has also used systemic advocacy to address issues related to housing. In the Kalamazoo office, for example, as a result of the aggressive advocacy by LAW M staff, ten families were restored to the waiting list for Section 8 housing after it was determined by the Michigan State Housing Development Agency that the local housing office failed to accurately interpret the requirement for receiving vouchers. Attorneys in the Big Rapids office were instrumental in gaining relief for the tenants of a local mobile home park in Mecosta County. A series of lawsuits against the owner drew the attention of the Michigan Department of Environmental Quality, who ultimately became the receiver of the property, improving living conditions considerably and depriving the former owner of any operational control.

The team believes that the quality and the success of this type of advocacy can be attributed to the solid legal skills of the advocates involved along with the effective guidance and mentoring of the program's litigation director. The program is equipped with staff who can take on these types of projects. For example, the team heard repeatedly about the increased demand for legal services in the area of consumer problems (other than foreclosure), particularly regarding collection practices, which could be fertile ground for additional impact work. As the increase in demand for services persists and funding diminishes, there is a continued need for this type of innovative approach to legal advocacy.

Criterion 2. Private attorney involvement.

Finding 13. The program administers a well organized and effective private attorney involvement program.

LAW M's Private Attorney Involvement program is conducted entirely through clinic and direct pro bono representation of clients and the financial contributions of members of the private bar. The program's pro bono coordinator is an experienced attorney who has served in his

position for over 25 years, is well-known by attorneys within LAWM's service area and within the state, and who works well with the private bar. The participation level of private attorneys in LAWM's PAI program appears to be good. Over 25% of the private attorneys in LAWM's service area are enrolled in the program's PAI effort. It is important to note the program extends opportunities for pro bono service to other segments of the legal profession, including law students and court reporters.

LAWM closed 199 PAI cases in 2010. This number is consistent with their PAI case closings in previous years. While the program's PAI closed cases numbers appear minimal given the support and pro bono culture that exists in the Grand Rapids area, a large percentage (89.4%) of the services provided is through extended service representation. There was inconsistent use of client satisfaction surveys to gauge client opinions about services at the close of pro bono cases.

The program contemplates the initiation of a bankruptcy clinic with Cooley Law School. This clinic will partner law students with members of the private bar, and should enable bankruptcy attorneys to handle and close more cases in this area.

As it recruits pro bono attorney volunteers, the program also offers attorneys the option of making a financial pledge or contribution to the LAWM. The program carefully tracks its pro bono fundraising efforts, and reported that financial contributions and donated costs from the private bar to LAWM in 2010 totaled \$281,000. The program continues to develop more creative fundraising initiatives. Some of these include fundraising house parties and the "One Billable Hour" luncheons which have proven to be very successful in yielding additional revenue for the program.

LAWM gives regular recognition to its outstanding pro bono participants. These recognition programs include hosting awards events in Grand Rapids (*the Michael Barnes Pro Bono Award*) and Kalamazoo (*the John Vlachos Pro Bono Award*). These events are supported by private law firms in both cities. LAWM also presents nominees of local pro bono participants to the Michigan State Bar for receipt of the State Bar's *John W. Cummiskey* award. This award is presented by the Michigan State Bar to the outstanding pro bono attorney of the year. Six members of the Grand Rapids legal community have been recipients of the Cummiskey Award. LAWM also publishes its pro bono honor roll in the Grand Rapids Bar Association's on-line e-brief, published bi-weekly.

Recommendations:

III.2.13.1

The program should standardize the use of client satisfaction surveys at the conclusion of pro bono cases to gauge client satisfaction with the representation provided.

III.2.13.2

LAWM is encouraged to develop additional opportunities for pro bono assistance to the program's clients. Use of pro bono volunteers to staff clinics and assist with program intake may inspire volunteers to accept referral of more cases for extended representation.

Criterion 3. Other program services to the eligible client population.

Criterion 4. Other program activities on behalf of the eligible client population.

Finding 14: LAW M engages in a comprehensive community legal education agenda and its staff is engaged in community interaction.

Despite diminishing resources, LAW M continues to engage its staff in various community legal education projects. The team learned that staff from each office provides outreach to the counties assigned to their respective office. It appears that all offices provide basic community legal education speakers at senior centers, at in-service training events for other agencies and faith-based groups.

A large number of LAW M's staff members have established volunteer relationships and are actively engaged individually in numerous community forums. The list of these activities provided by the program demonstrates a commitment to the community and the clients served by the program. Some of these memberships and volunteer opportunities included participation in local bar associations, AIDS prevention street outreach, work with a literacy center, work with domestic violence and sexual assault victims, memberships on boards of directors of community organizations addressing housing and homelessness, education, child abuse, local and international women's issues, along with Big Brothers/Big Sisters and the YMCA. Along with these activities, advocates noted their membership, and in some cases, leadership in local and state bar organizations.

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

Criterion 1. Board governance.

Finding 15: LAW M's board of directors is highly engaged, and provides effective oversight over the affairs of the program.

LAW M is governed by a 21-member board of directors. The president has served in that capacity for the last seven years. The board of directors usually meets every other month, or five times per year, including an annual meeting. The location of meetings is rotated to ensure maximum attendance. Meetings are consistently well-attended, and no board membership vacancies currently exist. Client board members reported a keen interest in the program's operations, and displayed a high level of commitment to the program. Attorney and client board representatives agreed that the client representatives are actively engaged in meeting discussions and provide critical feedback to the board about the needs of the client community. The board minutes are sufficiently detailed to inform the reader of the business that transpired at the meeting. In its regular meetings the board reviews monthly financial and budget reports, reviews and approves management and regulatory compliance reports, reviews and approves program policies, and receives regular updates on the program's litigation efforts.

The board has several committees, the most active of which is the Executive Committee. This committee meets immediately prior to each full board meeting. The board also carries out

its work through other committees including the Audit and Fiscal Committee; Client Grievance Committee; Labor/Management Committee; Personnel Committee; and the Priorities, Services, & Special Events Committee. These committees meet based on the needs and direction of the board.

The board of directors is supportive of the program, and appeared to be quite knowledgeable about the legal work of its advocates. A significant number of LAWM's board members have abiding long-term commitments to the program, which is laudable. Without exception, all board members expressed high regard for the executive director. The board regularly evaluates the executive director

New board members noted that they were given extensive board member orientation by the executive director, and that the process of being elected to the board was thorough. New board members are interviewed and provided comprehensive information about the board membership expectations before their election is confirmed by the board. Additionally, new board members referred to the wealth of board history and information which is supplied during the orientation process.

Recommendation:

IV.1.15.1:

The board may wish to consider rotating its officers periodically to help avert burn-out and ensure an ongoing influx of fresh ideas.

Criterion 2. Leadership.

Finding 16: The program has strong leaders who are highly regarded by the board, the staff and the community.

LAWM is fortunate to have a strong leadership core that includes its board and program staff. There is a shared sense of vision and the program's mission clearly guides the development and implementation of its goals. Board members, staff, clients and community representatives expressed high regard for the program and its leadership. The executive director was described as thoughtful and perceptive. In commenting on the strength of the program's leadership, several community, board, and staff members noted that the program's current stability is due, in large part, to the work of the executive director and the program's management team.

The staff and board also gave outstanding accolades to its management team and the managing attorneys in the branch offices. Client board members were particularly complimentary of the high levels of commitment of staff members, and the teamwork and support that staff model. In commenting on their respect and admiration for supervisors, staff noted that they were mentored informally; that they receive feedback; that their work environment is one that encourages creativity and professional development.

Finding 17: LAWM has no formal leadership development or leadership succession plan.

LAWM is fortunate to have a staff that is gifted and highly skilled. Staff is well regarded and engaged in leadership capacities throughout the community, in the state of Michigan and in the program. And, while the length of tenure and skill of LAWM's staff are commendable components of the program's stability, the possibility of staff burn-out and fatigue must be a concern for management. Creating opportunities for cross training and for management and professional development can be new incentives to provide the infusion of energy and excitement where there may be diminishing interest and vigor. While informal opportunities for leadership are recognized and encouraged, the program has no formal plan for the intentional development of leadership to replenish management and leadership positions. LAWM would do well to perpetuate its rich history and continue the development of future leaders by providing more formal leadership training and mentoring for its staff.

In 1995 the current executive director was recruited from the ranks of the program at a difficult time in the program's history--the sudden demise of the previous director. The challenges were many. Since then the board, executive director and staff have stabilized LAWM, and worked diligently to develop the program's potential. Planning for the careful transition of leadership, whether sudden or intentional, is critical to securing the future of any organization. The team believes that it is critical for LAWM to develop a leadership succession plan so that it can preserve the standards and values that have made the program strong. Moreover, with the establishment of such a plan, LAWM can ensure its ability to be strategic in planning for continuous revitalization of the program as it fulfills its mission in a changing environment. Examples of leadership transition plans can be found at LSC's Legal Resource Information website at www.lri.lsc.gov.

Recommendations:

IV.2.17.1.

LAWM is encouraged to design and implement a formal leadership/mentoring program for its staff, one that promotes and emphasizes professional and leadership development, and preparation for management opportunities at all levels of the program's operations.

IV.2.17.2*

The LAWM board of directors should develop a comprehensive leadership succession plan for the executive director's position.

Criterion 3. Overall management and administration.

Finding 18: The program has a capable management team.

LAWM is managed by a team of persons who are clearly committed to the program's mission and vision. Along with the executive director, the management team includes the deputy director¹¹ who, along with her advocacy duties, is responsible for the design, implementation and maintenance of the program's technology infrastructure, intake system and compliance

¹¹ Prior to the merger, the deputy director was the executive director of Berrien County Legal Services Bureau.

management. The team also includes the litigation director, the pro bono coordinator and the business manager, all of whom are located at the Grand Rapids office. Additionally, the managing attorneys from each of the branch offices are also a part of the team. The team meets quarterly and more or less often as the need may dictate. Managing attorneys hold meetings at their respective branch offices.

Finding 19: LAWM makes effective use of technology to support its delivery system.

The program is equipped with appropriate, up-to-date technology to support its legal work. The design, implementation and maintenance of technology systems are the responsibility of the deputy director. A computer responsible person (CRP) has been identified in each office. This person is the first line of response to answer most routine technology questions or resolve local technology issues. The CRPs are paid an additional stipend for their work in this area. LAWM also contracts with two computer vendors to supply maintenance in the most sophisticated areas of the system's operations.

The program has conducted regular surveys of the technology training needs of the staff. This survey informs the program's annual planning around technology. The program has also purchased training hours from the computer consultant company, CPR located in Grand Rapids. Additionally, the Michigan State Bar Foundation has paid a membership fee for each of its programs for on-line training on standardized applications used in the state, (Basics of Linux, Networking, PIKA, etc.). Other computer training is available at Michigan's Annual Road Show sponsored and coordinated by the Michigan Poverty Law Program (MPLP). While all staff may not always attend, many do, and they are certainly all encouraged to take advantage of this training by management.

LAWM operates its computer system on a *Linux* server using *Windows* operating systems and open source software. Offices have broadband access to the internet which is purchased from several different providers because there is no one single provider with available services throughout the service area. The program uses *PIKA* as its case management system. The Kalamazoo and Muskegon offices are equipped with wireless access. Additionally, the program maintains a wiki on MPLP's server for use by program staff.

Criterion 4. Financial administration.

Finding 20: LAWM employs experienced financial staff who are responsible for managing the program's fiscal operations.

The program's fiscal management functions are delegated to its business manager and a bookkeeper. The business manager, who has been with the program for more than 25 years has significant experience in non-profit management and accounting. The full time bookkeeper, was previously employed by a bank, and has extensive bookkeeping experience in the private sector.

The program maintains an accounting manual to guide its operations. The manual is

comprehensive, and was last reviewed in June, 2010. LAWM uses *Fund EZ* as its accounting software, along with *Microsoft* applications for spreadsheets.

The program produces monthly financial statements which are reviewed by the executive director, and the board reviews the financial position of the program as a part of its regular meeting agenda. LAWM's annual budget process begins with projections by the business manager. The process includes review and approval by the executive director before it is presented to the fiscal and audit committee of LAWM's board of directors. Following review and approval of the budget by the fiscal and audit committee, the budget is presented to the full board for approval. The board's fiscal and audit committee is engaged, and takes an active oversight role in the program's finances including the annual audit process. All program audits have resulted in no material findings.

Criterion 5: Human resources administration.

Finding 21: LAWM's human resources administration functions are shared.

The responsibility for various aspects of the program's human resources administration are shared between the executive director, the business manager and the administrative/human resources assistant. While the executive director maintains responsibility for all hiring and discharges, the administrative/human resources assistant is responsible for coordinating employee recruitment and employee benefits management. The business manager administers the employee salary plan as directed by the executive director, and provides guidance in negotiating changes in and purchasing of any benefit plans from vendors. While records of leave are kept by the human resources assistant, the approval and maintenance of accurate leave records is delegated to the managing attorney in each office.

LAWM has a bargaining unit located in the St. Joseph office consisting of three staff members. Union negotiations are the sole responsibility of the executive director and the board of directors.

The administrative/human resources assistant appears to be well prepared and knowledgeable about her responsibilities. She continues to benefit from regular human resources administration training, and is well-suited for the work assigned.

Finding 22: LAWM's personnel policies regarding job performance appraisals are not followed consistently.

The maintenance of LAWM's personnel policies resides with the executive director and administrative/human resources assistant. The policies are comprehensive, and were last revised in 2008. As outlined in the program's personnel policies, job performance appraisals are to be completed for each employee at the end of the first three months of employment and annually thereafter. These appraisals are to be conducted by the employee's managing attorney with the original forwarded to the executive director. While some staff acknowledged having received

their annual appraisal, several staff, especially support and administrative staff have not been consistently evaluated.

Recommendations:

IV.5.22.1

LAWM should review and revise its current personnel policies to ensure that they are comparable to existing employment laws and practices.

IV.5.22.2*

LAWM should implement a system to ensure that its policies regarding employee appraisals are followed.

Finding 23: LAWM has struggled to expand its recruitment and retention of a diverse workforce.

LAWM, like several other legal employers in the area, has consistently attempted with little success to recruit and retain diverse staff. Strategies for attracting diverse applicants have included placing job announcements in newspapers, electronic media and on several web sites that reach diverse populations as well as the national legal community. The executive director reports that he also regularly attends job fairs sponsored by law schools. In an effort to provide a more attractive attorney recruitment package, LAWM also raised the entry-level salaries of its staff attorneys. While the program is financially unable to offer a loan repayment program, three staff attorneys from LAWM participate in LSC's Loan Repayment Assistance Program.

To its credit, LAWM has recruited and retained a highly skilled and experienced workforce that demonstrates a clear commitment to the clients in the service area. While the diversity of LAWM's staff generally reflected the demographics of the service area in previous years, the program is now challenged to hire and retain a more diverse staff in the future.¹² For example, there has been a substantial increase in the Latino population in the service area. Census demographics reveal that this demographic group is larger in the counties of Oceana (29%), Kent (20%), St. Joseph (19%), Ottawa (18%), and Van Buren (18%).¹³ Additionally, the program reports there are immigrants from Somalia, Bosnia, Burma, Vietnam, and Russia residing in the service area.

If it has not done so, the program will need to explore more innovative recruitment practices in the future in order to increase staff diversity. Building on its current partnerships, the program could expand its outreach to include key immigrant community groups and stakeholders. Exploring this type of agenda would not only provide these communities with exposure to critical legal information, but would enhance the program's visibility in these communities. The establishment of rapport between the communities and the program can provide access to resources that would be critical in recruiting additional diverse staff.

¹² The program employs two staff attorneys and one paralegal who are Latino.

¹³ Source: U.S. Census Bureau, 2005-2009 American Community Survey, Table 17001 Series, Poverty Status in the Last 12 Months by Sex by Age (for each race and ethnicity).

Recommendation:

IV.5.23.1.

The program should seek ways to connect more proactively with leaders and community organizations tied to the diverse population within the service area. These connections would serve to publicize the program's availability to provide services, and would also provide the program an avenue for more community support and intentional recruitment of a diverse workforce.

Criterion 6: Internal communication.

Finding 24: LAW M's internal communication practices are inconsistent.

Overwhelmingly, the program's staff expressed a great level of comfort in seeking the support and assistance of their colleagues in substantive areas of law and other projects across office lines. LAW M sponsors program-wide staff meetings annually. The visit team acknowledged the existence of good staff morale. Despite the fact that program-wide meetings were held annually, staff did not appear to know each other well. Some staff expressed that there were inconsistent levels of communication between the Grand Rapids and branch offices, and that while there was regular interaction with the branch offices, they would benefit from more on-site visits from the executive management of the program. Staff also expressed a need for more structured opportunities to meet with staff from other offices. While staff members were aware of the more high profile successes of the program, such as the prisoner re-entry and mortgage foreclosure initiatives, there did not seem to be regular opportunities to share and celebrate other advocacy successes and innovations.

Recommendation:

IV.6.24.1

LAW M is encouraged to should produce an internal electronic newsletter to keep staff and board members informed about program operations, program challenges, upcoming events, staff and board member achievements, including profiles of individual staff and board members.

Criterion 7. General resource development and maintenance.

Finding 25: LAW M's resource development efforts have expanded its funding base.

LAW M is commended for its creative efforts in increasing funding and developing innovative approaches to program expansion. The program looks for creative ways to do fundraising. For example, it holds "one billable hour luncheons" in the Grand Rapids area to raise funds and the awareness of private attorneys in the area. Two such events had been conducted at the time of our visit which raised donations and pledges of \$19,000 at one luncheon and \$20,000 at the other. The staff has also considered the use of "fundraising home parties" as a way to increase donations to LAW M. The program uses *Giftworks* software to track donor activity and to provide reports.

LAWM has a development director who functions as a part-time pro bono assistant. In terms of program development, she is primarily responsible for LAWM's resource development duties, marketing, and public relations. However, the development director is challenged by competing demands on her time. Along with the program's development work, and her responsibilities in assisting with pro bono, she has primary responsibility for bankruptcy case intake as well as setting up the bankruptcy clinic with Cooley Law School.

Criterion 8. Coherent and comprehensive delivery structure.

(This criterion is covered throughout this report.)

Criterion 9. Participation in integrated legal services delivery system.

Finding 26: LAWM plays a leadership role in Michigan's integrated legal services delivery system.

LAWM plays a leadership role in statewide and regional efforts to provide low-income persons in the state with equal access to a full range of civil legal assistance. Examples include the program's prisoner re-entry partnership and its work on mortgage foreclosure issues. The program's staff participates on various statewide task forces, as well as the statewide technology committee. The staff is also active participants in, and in some cases, hold key leadership positions with state and local bar associations.