



**LEGAL SERVICES CORPORATION  
Office of Program Performance**

**Program Quality Visit**

**Florida Rural Legal Services  
Recipient Number: 610020  
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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 Florida Rural Legal Services (FRLS). The team members were OPP Program Counsel Michael Genz, (team leader); Program Analyst Reginald Haley, and consultants Alex Gulotta and Carolyn Worrell

Program quality visits are designed to ensure that LSC grantees are providing the highest quality legal services to eligible clients. In conducting its assessment, the team carefully reviewed the documents LSC received from the program including its application narrative for 2007, 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 FRLS staff conducted on the Internet. On site, the team visited the Fort Myers, Belle Glade, Lakeland, West Palm Beach and Fort Pierce offices. In addition to speaking to most of the FRLS staff members, the team met with a sample of board members, judges, members of the bar and community organization members.

In performing its evaluation of the grantee's delivery system, OPP relies on the LSC Act and regulations, LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The evaluation is in two parts – one for the basic field unit and one for the migrant unit. Each is organized according to the four LSC performance areas that cover needs assessment and priority setting; engagement with the low income community; legal work management and the legal work produced; and program management including board governance, leadership, strategic planning, resource development and coordination within the delivery system.

### **Program overview**

FRLS covers a 13 county service area in the south-central part of the state that reaches from the Atlantic Ocean to the Gulf of Mexico. The 12,000 square mile service area – more than the size of Massachusetts – is home to both urban and rural regions and to diverse populations. Its largest county – Palm Beach – has a population of more than one million persons; its smallest – Glades has less than 10,000 persons. According to a judge the team spoke to, Palm Beach County is the only county in the country that has a city or town on the top-ten average income list and one on the bottom ten average income list.

According to the 2000 census, the service area's population is 2,801,738, 11% of whom are living in poverty. The poverty population of 313,329 is 59% white, 27% black, 1% Asian and 12% of other or mixed ethnicity. Of the overall poverty population, 24% is of Hispanic/Latino heritage. It is also diverse linguistically; the primary language of a significant portion of the population is either Spanish or Creole. Its major industries have

been tourism, farming, and – at least until the recent end of the housing boom – construction.

FRLS, founded in 1966, serves the area from six offices – Fort Myers, Belle Glade, Punta Gorda, West Palm Beach, Fort Pierce and Lakeland. Its staff of 70 includes 25 attorneys. The program provides representation and other services in a full range of cases including housing, consumer, income maintenance, employment, education and family law.

### **Summary of Findings**

The basic functioning of FRLS is sound. It performs a conscientious assessment of the service area's needs and sets the program's priorities based on that assessment every three years. Between assessments, it keeps attentive to emerging needs of its client community. The program's ability to adjust to new needs has been amply demonstrated in the last few years by its significant response to the foreclosure crisis. FRLS is an effective presence in the community and is known by and accessed by client community members throughout the service area. Its diverse staff appears to be effective in reaching its diverse clientele. While this report concludes that there is room for improvement in its intake system, the procedures in place effectively identify cases within its priorities.

Each office is headed by a managing attorney who is an experienced lawyer and who has the respect of the office's staff. The program's new attorneys receive training and oversight that they praise. Systems and procedures for legal work supervision are generally in place to assure uniformly competent casework. While the quantity of work produced is low in comparison to national standards, the program has recently handled several cases with high impact, such as those in the subsidized housing and foreclosure areas, as well as many cases that brought about significant benefits for the clients they represent. While the enlistment of pro bono assistance is a continuing challenge, especially in some parts of the service area and in this difficult economy, the program is hard at work on it.

The program's governance and leadership is conscientious. The board plays an active and appropriate role in overseeing the program. The executive director, together with the deputy director, is engaged in managing the program. They are very involved in staff evaluations; they seek and maintain grants; they oversee compliance with grant terms. They visit offices regularly and generally oversee the work of the offices. The management team, including the fiscal officer and the administrator preside over a program whose finances and human resources are conscientiously managed to address the program's priorities. Their information systems office has produced a competent technology infrastructure that assists the program in its service mission. While the program is not without problems, the leadership team has demonstrated a capacity to effectively address program weaknesses.

The challenge leadership faces is to take advantage of the opportunity to address the program's weaknesses and build a program even better able to work for and with the client community. At least for the moment, the program's traditional challenge to attract

and keep high quality young attorneys appears to be reversing as the program finds itself with a core of top-notch young legal aid lawyers who indicate that they are happy with the opportunity they have been presented with and plan to stay. The program's bold step of investing heavily in foreclosure prevention holds the promise of not only effectively assisting clients faced with foreclosure but also presenting the program with a potentially transformative model of collaboration between offices like a large public interest law firm. The opportunity to do significant legal work together with the ability to use a much-improved technology capacity are among the means to help retain the committed young attorneys the program has attracted.

The leadership team has chosen an ideal time to address strategic planning. While leadership is generally proud of its offices, it is interested in reversing the silo effect of offices that do not collaborate as much as they could and that do things differently for reasons other than the unique needs of the areas they serve. Likewise, it would be helpful for leadership to more fully listen to the input of its managing attorneys and other staff members about program direction issues. Strategic planning, by its nature, offers all a role at the table. The collaborative model that FRLS's foreclosure effort has produced is being considered by advocates with other specialties. And while intake and case acceptance is competently done at FRLS, the examples of many programs across the country suggest models that can increase the program's ability to provide advice and brief service expeditiously to clients while freeing resources to do more extended representation. The executive director's objective of using strategic planning to bring the program closer together by defining a vision for the next several years and exploring greater collaboration supports his stated goal of making FRLS a premier legal services program.

The program's Migrant Unit is at a threshold in a different respect. As with the basic field unit, the Migrant Unit benefits from several young and highly talented staff members who are very committed to the community. While they are inexperienced, they are doing a wide variety of significant work. The question the program is facing is whether the current crew of eager and well-motivated migrant attorneys is the start of the revitalization of the unit or the next in the succession of attorneys that stay for two to three years and leave. One way to influence a favorable answer would be for the unit to find a full-time manager who has experience with migrant work and can effectively mentor the new attorneys and direct the unit. It needs to be acknowledged that finding such an individual is a herculean feat that the program has tried hard to accomplish in the recent past – so far without success. With recent layoffs in the legal aid community nationwide, there is reason to hope that the result might be different this time.

## **FINDINGS AND RECOMMENDATIONS**

### **Basic Field Unit**

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

##### **Periodic comprehensive assessment and ongoing consideration of legal needs**

##### **Finding 1. The FRLS needs assessment was underway at the time of the visit.**

FRLS conducts comprehensive legal needs assessments every three years. The needs assessment surveys used in 2003 and 2006 were developed by consultants. The surveys were mailed to the client community (with postage free return envelopes) and to stakeholders (e.g., members of the bar, the bench, and community service organizations). FRLS incorporates community meetings and interviews in the needs assessment process to obtain more comprehensive input throughout the service area. Surveys are provided in Spanish and English.

The 2009 needs assessment began in September and was underway at the time of the program quality visit. FRLS engaged Andrea Zigman (consultant to MIE) to refine and simplify the survey. The 2009 survey is distributed electronically (using blast emails with live links to the survey instrument) and by mail through the U.S. Postal Service. FRLS estimates that 200 judges and 400 hundred attorneys will receive the survey by email, in addition to the surveys being mailed to the client community. The needs assessment includes interviews with directors of public service agencies and community meetings. The 2009 needs assessment process also incorporates community meetings. Surveys are provided in Spanish and English, but Creole is not used because of the relatively low number of persons living in Florida who read Creole. Members of the client population who speak Creole will be interviewed in person. FRLS is also considering the use of focus groups.

The needs assessment process also takes into consideration input from staff and the board, census studies, county employment data, unemployment compensation data, low wage worker compensation data, Social Security Agency data, and welfare data. FRLS expects early results from the survey in late October or early November 2009. Staff and management will review the results and commence priority setting.

The board annually reviews and discusses the priorities recommendations. The review is informed by a discussion of legal needs. Input is obtained from FRLS leadership, the program's branch offices and community service organizations.

## ***Recommendation***

**I.1.1.<sup>1</sup>** LSC recommends that focus groups be incorporated in the needs assessment process to obtain perspectives that may not be readily gleaned from community meetings, individual interviews and survey responses.

### **Finding 2. Since its 2006 needs assessment, FRLS has effectively responded to emerging needs.**

Two examples of emerging needs are the foreclosure crisis and legal issues coming out of recent hurricanes. FRLS detected early signs of the foreclosure crises affecting the low-income community. In 2007, the program added foreclosure defense and bankruptcies to its priorities. They hired a new staff member to lead the effort and allocated staff members from each of the major offices to work on these cases. FRLS brought in experts to fortify staff knowledge of foreclosure prevention advocacy. In 2009 they secured additional funding for this work.

The program was able to mobilize quickly after the hurricanes that hit Fort Myers in 2005 and 2007. One example of their work in response to a natural disaster concerned a mobile home park being condemned after flooding in Bonita Springs. The problem was that the mobile homes could not be moved which meant the low income families who owned them would lose everything. FRLS provided outreach to the site that resulted in FRLS representing a number of clients in the case. As a result, they were able to prevent 24 families from losing their homes.

## **Evaluation and Adjustment**

### **Finding 3. While FRLS collects outcome and satisfaction measures, they are not formally used to measure the effectiveness of its priority efforts.**

FRLS has several tools for an effective evaluation process. In response to LSC's RFP, the program has identified the types of cases and other activities that it intends to pursue with respect to each of its priorities, and the outcomes that they expect to accomplish for each of them. It has information on output from the CSR data that it collects. In addition, it has a standardized method for measuring case outcomes through its case closing form and it collects client satisfaction survey results from extended representation cases.<sup>2</sup> While FRLS reviews this data and discusses it at management meetings, it does

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<sup>1</sup> 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.

<sup>2</sup> An additional source of evaluation data is external evaluations. FRLS has undergone comprehensive evaluations from both Florida Bar Foundation (FBF) and LSC. As noted in Finding 18 the program's record in resolving issues addressed in these reports is very good.

not formally evaluate the data in combination to determine the extent to which it is achieving the goals and objectives that it set out.

### ***Recommendation***

**I. 3.1. FRLS is urged to use the tools it has developed to undertake a formal evaluation of the extent to which it is successful in addressing its priorities and goals.**

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

### **Dignity and Sensitivity**

**Finding 4. FRLS clients are treated with dignity and respect. FRLS offices are appropriately placed in the service area and are dignified. The large size of the service area nonetheless presents challenges for clients.**

Clients are treated with dignity and respect. The FRLS staff we spoke with evinced interest in and concern for their clients. The clients the team spoke to indicated that they are being treated respectfully, were consulted before action was taken on their behalf, and received high quality service. These conclusions are supported by the community organization representatives the team spoke to. As discussed in more detail in Finding 7, the program is equipped with a diverse and multi-lingual staff that is able to appropriately serve those who do not fluently speak English.

The program's six offices are in geographically appropriate locations. They are located in population centers, often near low income population areas and are distributed reasonably across the service area. The offices are dignified; the waiting rooms have appropriate community legal education materials for clients to read and appropriate notices, including the program's mission statement and complaint procedures. We note, however, that the signage outside of three offices – Ft. Myers, West Palm Beach and Lakeland is not adequate to notify clients of the office's presence.

While the offices are in appropriate locations, the large size of the service area makes it a challenge for clients in some locations to get to the offices. Some staff members expressed concern about having clients come forty or more miles on several occasions during the process of their representation. Interest in outreach efforts was expressed by some. One attorney indicated that she tries to meet clients at intermediate locations. As discussed further in Finding 6 on the case acceptance process, anything that the program can do to make sure that trips to the office are at a minimum would help alleviate long trips for cash-strapped clients.

## ***Recommendation***

**II.4.1. LSC recommends that FRLS improve the visibility of signage on three offices – Fort Myers, West Palm Beach and Lakeland - to more adequately notify clients of the office's presence.**

## **Intake**

**Finding 5. Intake is conducted in each office. Many of the procedures are the same across the offices; a few are different. There are no written intake procedures.**

Intake is conducted in each office throughout the day. Data is entered directly into the case management system. The applicant uses a toll free number to call the receptionist. After determining that the application has an appropriate type of case, the applicant is put in touch with the screener. Either the screener calls the applicant back (64% of the time according to CMS records) or the applicant comes in to meet the screener. In most instances, the applicant and the screener are in contact within a few days. Because of the use of toll-free numbers, the fact that most initial contacts with the program are now by phone, and because of the program's advanced telephone system, the program now has the opportunity to consider distributing screening calls among the offices.

Once it is determined that the case is appropriate and the applicant is eligible, the procedures in the offices vary, as will be discussed in more detail in Finding 6. Generally, the applicant has met an advocate and a determination on full representation has been made within two weeks or so of the initial contact with the program. Emergencies are handled much more expeditiously.

The general rule is that, barring an emergency, there is no advice and brief service provided to the applicant until he or she meets with an attorney or other advocate – usually within a week of the contact with the screener. One exception, where expedited advice and brief service is provided, is with respect to landlord/tenant and public benefits matters. In several offices, intake screeners/paralegals provide advice and brief service to landlord/tenant or public benefits clients at the time of the screening interview. In these instances, either the advice is reviewed by the end of the day or the screener checks with the managing attorney before rendering the advice. Another exception is that, in Belle Glade, where applicants are screened in person, the paralegal or managing attorney will see the applicant appropriate to the cases they handle and offer advice and brief service at the time of the initial visit if they are available.

There are no written intake procedures. Team members were not pointed to a manual describing the conflict-checking procedure and when a situation constitutes a conflict. Similarly, there is no specification of what constitutes an emergency. The intake screeners the team met have significant experience in their roles and are knowledgeable; they regularly contact the managing attorney when they have questions. Nonetheless, it would be very helpful to have the added safeguard of procedures and standards.

## ***Recommendations***

**II.5.1. It is recommended that intake procedures be in writing and uniform across the program.**

**II.5.2. In view of the fact that the service area is very large, it is recommended that the offices make efforts to expand the situations in which intake screening, and where possible, substantive interviews can be conducted by phone.**

**II.5.3. The team suggests that FRLS review the possibility of utilizing its phone system to allow for intake screening calls to be distributed among offices.**

**Finding 6. Each office handles case acceptance differently. The process is not informed by case handling guidelines that specify, by office, the cases that will be routinely taken.**

Once the applicant has been screened and eligibility and the general appropriateness of the case has been decided, the next step is to determine whether the case will be accepted for full representation. The offices follow different paths to making that decision. In Belle Glade and Fort Pierce, the screener sets an appointment for the applicant to see an attorney or paralegal. In Fort Pierce, once the advocate meets the applicant, the case is brought to the weekly case review meeting where the decision as to how to handle it is made. In that office, all cases are brought to the case acceptance meeting, regardless of whether it is a candidate for full representation or it is clear that only limited representation will be afforded. In Belle Glade, the managing attorney makes the decision as to whether the case will be afforded full representation. In West Palm Beach, and, as of recently, in Fort Myers the case goes from the screener to the managing attorney. The managing attorney assigns the case to an attorney who handles it as appropriate. Once the attorney has seen the client, there may be a consultation with the managing attorney as to the representation to be afforded, but the decision is not made in the case review meeting. In Lakeland, the case goes to the case review meeting for a group decision on whether it will be handled *before* an attorney or paralegal interviews the applicant.

In most offices, the usual procedure is that the client comes to the office to meet with the advocate. However, in Belle Glade, clients can be interviewed over the phone if they wish. And in Lakeland, attorneys usually meet with clients initially by phone. Documents are faxed to the attorney either before or after the call. In several counties, attorneys can get court documents from the court's website.

There are very good reasons, based on different funding for the different offices and based on the presence or absence of other legal aid programs in the area, for the different offices to have different cases that they will accept for full representation. But it is not clear to the team why there are so many distinct ways for the decision to be made as to whether a case will receive full representation. If the managing attorney in West Palm

Beach and Belle Glade can make these decisions based on what the office's case handling guidelines are, why can't this be done in the other offices?

Office case acceptance guidelines would have several advantages. They should underscore those practices that minimize the time from initial contact with the receptionist to assignment. There would be greater certainty that like cases are handled in like ways within offices and, where appropriate, between offices. Finally, the presence of case handling guidelines would make it possible for the program to consider the extent to which call screening and initial advice and brief service could be handled through a telephone intake system.

### *Recommendation*

**II.6.1 It is recommended that the program adopt case acceptance guidelines, with office variations as appropriate, that dictate – in the majority of cases – whether a case type will be considered for full representation.**

### **Engagement with and access by the low income population**

#### **Finding 7. FRLS has a diverse staff that is equipped with relevant language skills**

The program's diverse staff and management structure is welcoming to the diverse client community. All staff receive training on diversity. Diversity is a value that appears to be embraced by the staff as a whole.

Together with its diversity, FRLS staff members have substantial language capacity; Spanish and Creole speakers are located in each of the four large offices. Interpreters and translators are found from among the staff. If necessary, translators will be hired through Language Line or another source. In addition to providing interpretation during meetings, some offices translate letters for clients who need that; others find alternate ways to convey the necessary information.

While interpreters are provided by courts and agencies, the program sometimes sends its own bilingual staff member to listen in. In one recent case, FRLS won an unemployment hearing when the advocate was able to point out that the interpreter's translation was flawed and made a difference to the interpretation of the evidence.

#### **Finding 8. FRLS is widely known in and utilized by the client community.**

FRLS staff are involved with many community organizations. They participate on community service provider boards and are consistently at service agencies where they engage the client community, e.g., conducting outreach, attending meetings of community organizations, and conducting community legal education events. The many organizations it works with on a regular basis include United Way, West Central Florida Area on Aging; Community Land Trust of Palm Beach County; Safe Space – a domestic

violence shelter; Catholic Charities of Desoto County; and New Hope Elder Care Services. FRLS staff also attend quarterly community service project director meetings. Community service providers throughout the service area attend these meetings to discuss issues facing the low-income community. These meetings are opportunities for FRLS staff to alert other providers to legal issues and serve as vehicles for getting referrals.

Based on telephone interviews with FRLS clients and community organization personnel, the program appears to have the trust and confidence of the target population and community organizations within the service area. We were told of the program's extensive outreach activities, and of their work with community groups and professionals who are in daily touch with the client community.

That the program's client population ethnicity profile closely resembles its case distribution by ethnicity suggests that the program is well-positioned to reach diverse segments of its client population. The clients and community representatives that we spoke to also affirmed that the program is successful in reaching diverse segments of the client population.

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

#### **Legal Work Representation**

##### ***Support for and Oversight of Legal Work***

**Finding 9. FRLS's legal work is organized and overseen at each office. Each advocate has one or two areas of expertise. The program's staff has sufficient experience for the work they are undertaking.**

FRLS's legal work is overseen at the office level. Managing attorneys are in charge of the cases that are brought and pursued. The program handles consumer, housing, public benefits and foreclosure work throughout. Generally, extended representation in SSI cases is provided only where there is supplemental funding for it. Family law, in addition to that done through the program's PAI effort, is done in those places where there is not a separate bar supported legal aid program that handles those cases and where the program receives funding for family law representation, as in Punta Gorda and Fort Pierce. Each advocate has one or more areas of expertise or quasi-specialty areas.

FRLS has a number of experienced staff members. All of its managing attorneys have more than five years of legal experience. Most of the program's priority areas are traditional legal services topics that the experienced staff members know well. Because the program moved into foreclosure prevention, it took steps, discussed more fully in Finding 14, to train and mentor attorneys in this area. Each of the offices has an

appropriate mix of experienced and newer attorneys. The oversight discussed in Findings 10 and 11 help insure that each advocate is doing quality work.

**Finding 10. The program’s new attorneys are generally receiving good oversight and support. FRLS does not have a protocol that describes the steps to be taken to assist and oversee new attorneys.**

New attorneys are greeted in their first few days with a standardized set of procedures. They are taken to lunch; an email introduces them to the staff and bids that they be made welcome. There are forms to fill out and policy manuals to read. The director of technology trains them on the computer system.

New attorneys sit in on other advocates’ work. They also sit with a screener in order to get a sense of the problems and requests for service that the program sees. After a period of time, the managing attorney assigns them a few cases and tries to “ease them in gradually” into the work of the office. Twice a year the program does an extensive orientation for all new staff. It is usually held in Lakeland on a Thursday and Friday. It includes various substantive training, in depth training in the technology used by the program, a presentation by the administrative staff, and other appropriate information.

The new attorneys the team spoke to report good support and access generally. They noted that the training they received was useful. Most attended basic legal assistance training, trial practice training or both in their first six months. Several noted that they had also attended training sessions in their area of specialty.

While training and other attention is provided to new attorneys, there is no protocol specifying the case oversight that new attorneys should have or the experiences they should have in their first year of practice. Several attorneys indicated that the oversight their managing attorney gave them was thorough; all their written work was reviewed and their cases were tracked. But other attorneys reported somewhat less oversight. Their exposure to different types of work varied. Some reported that they had had limited exposure to contested motions or to trial practice experience. One noted that mentoring was available to the new attorney but the new attorney had to request it from the managing attorney. The problem with that, he indicated is that new attorneys are sometimes reluctant to indicate what they don’t know. There are models for new attorney protocols available on [www.lri.lsc.gov](http://www.lri.lsc.gov)

***Recommendation***

**III.10.1. It is recommended that FRLS consider adopting protocols for the oversight of new attorneys.**

**Finding 11. While FRLS does not have written supervision and case handling standards, there is a significant amount of oversight for legal work. The program's use of calendaring and tickling is inconsistent.**

Many mechanisms are in place throughout the program to oversee legal work. Opening and closing memos are required for cases requiring extended representation, and managing attorneys are required to review these before cases are opened and closed. Managing attorneys are also charged with assigning cases giving due consideration for the reasonableness of caseloads and the background of attorneys to handle the cases. Advocates are required to fill out a litigation approval form for federal court litigation or for other casework that will require a substantial amount of time or expense. Soon, managing attorneys will also be responsible for holding case review meetings with each advocate at least once every four months. While there is a requirement that court arguments be mooted by the Director of Advocacy, it does not appear that this requirement is enforced.

The managing attorneys the team spoke to indicate that they review all cases before opening and before closing. They cited the weekly case review meetings as oversight tools. Most indicated that they either have periodic case review meetings with individual advocates or track cases through the LegalServer. They are available to advocates in the office who want to discuss cases or otherwise have questions. One indicated that her review of CMS files is designed primarily to check to make sure there are not any "bottom drawer" or "behind the stove" cases that are not being actively pursued. Several managing attorneys indicated that they review all pleadings – other than those that are routine in nature – before they are filed in court. Another noted, more generally, the responsibility to supervise attorneys and track what they are doing. They all noted yearly evaluations as supervision tools. A few managing attorneys indicated that they feel a conflict between their case loads and their need to assist other staff. Managing attorneys did not indicate that their own legal work is monitored other than by the yearly evaluation process.

The attorneys and other advocates the team spoke to affirmed that their managing attorneys were diligent in the oversight they provide. Opening and closing memos and the other tools described above are used consistently. Managers were also praised by the attorneys for their accessibility. Most attorneys made a point of saying that their managing attorneys are very helpful. FRLS leadership is also involved in legal work oversight. The executive director and the deputy director visit the program's offices regularly. Their meetings with managing attorneys provide a window into the oversight of legal work. They are actively involved in the evaluation of attorneys.

As described above, the legal work oversight the program provides is extensive. It would be helpful for the supervision standards and the case handling standards that the program espouses to be memorialized in one document that is accessible to all. Supervisory standards include those described above – supervisory review of opening and closing memoranda, mooted oral arguments, review of pleadings, review of complex cases and periodic case review processes. Case handling standards include standards on

communication of clients, file maintenance, investigation, discovery, motions practice and appeals. Examples of appropriate supervision and case handling standards can be found in [www.lri.lsc.gov](http://www.lri.lsc.gov). Both the LSC Performance Criteria and the ABA Standards for the Provision of Civil Legal Aid have helpful guidance for the content of these standards.

One area where there is an absence of uniform systems is with respect to calendaring and tickling. Some offices use Outlook, some use LegalServer. Nor is it clear that everyone in each office follows the system prescribed in the office. Several attorneys told team members that they keep their own calendars exclusively. In some offices, there is not a uniform system of keeping calendars or tickles.

### ***Recommendations***

**III.11.1. It is recommended that FRLS consider adopting legal work supervision and case handling standards.**

**III.11.2. FRLS should establish and enforce the use of a uniform calendaring system.**

**Finding 12. The program assesses training needs for attorneys and attempts to meet individual needs. Training is encouraged and is generally available to all who want it.**

The deputy director, in consultation with the executive director, coordinates the program's training efforts and endeavors to address the training needs. Some training, such as the BLAST and NITA-type training discussed in Finding 10 is provided to all new attorneys. The most typical situation is where staff members ask to go to a particular training session. Decisions are made based on the relevance of the training to the staff person's work, the training's cost and other training the staff member has been afforded. The effort is made to distribute training opportunities throughout the program. In some instances, the deputy director finds relevant training events and recommends them to specific advocates who have not asked for it.

In some instances, the need for training is distributed among so many people that it makes sense to bring trainers in to do training at the program. FRLS brought several experts in to do training on foreclosure work when the program was adopting it as a priority. Trainers were also brought in to help with training on disaster relief work when the hurricanes struck.

The attorneys the team spoke to were generally satisfied with the training opportunities they have been afforded. Many pointed out that formal training that the program provides is supplemented by training available through Florida's "umbrella" groups that function like task forces. One attorney concluded that the program is very good at approving training requests. Another noted that, while she has not been able to go to all

the training she requested, she is satisfied with the training opportunities she has had and understands that resources are limited and that they need to be parceled out evenly. We encountered no complaints about access to training.

**Finding 13. FRLS's technology supports its legal work. The technology is starting to be effectively used to promote interaction among offices.**

FRLS has adequate technological capacity for legal work. It has a sophisticated telephone system that meets its needs and can be used to adapt to meet the needs of a centralized or distributed intake and advice and brief services system. Its case management system, LegalServer, was praised by most of the people the team spoke to. It is clear that sufficient training was provided and that the technology staff provides the necessary technical assistance to use it effectively. The case managing system is being effectively used by at least a few managing attorneys to review the progress that staff under their supervision are making with their cases. A few attorneys indicate that they keep all the case information in it. All FRLS advocates have desktop computers that meet LSC grant assurance requirements. This enables them to access Lexis Nexis that is available to all staff members. Several staff members indicate that they use it frequently.

Technology can potentially contribute to the more thorough integration of the program by facilitating communications across offices. Several staff members indicated that, while they are very familiar with staff members in their office and with what they are working on, they are much less aware of staff members and their activities in other offices. One described the relationship between offices as "silos." The program is using technology to help break down this separation in several ways. The housing/foreclosure, seniors and family work groups communicate with each other by listservs and email. Staff members also participate in Florida's many umbrella groups. The program's new intranet also has the potential of being a tool for bringing staff members from different offices closer together.

The video-conferencing equipment that the program recently acquired provides the opportunity to have multi-office video-conferencing meetings. The foreclosure group is using this tool to have biweekly meetings discussing cases and issues. Other groups are interested in following foreclosure's model. The executive director said, "videoconferencing is helping to make us feel more like a big law firm." The team was told of staff's hopes that bankruptcy work and senior work adopt this model. The equipment is now up in four of the six offices.

One way that technology has not yet been fully utilized is with respect to a pleadings bank. While pleadings are stored on the "I" drive, more attention should be paid to this potential resource. It needs to be organized, reviewed, kept up to date and publicized.

## *Recommendation*

**III. 13.1 FRLS is encouraged to continue its use of technology to bring its attorneys together in collaborative groups. It is recommended that the program achieve its goal of extending video-conferencing capabilities to all offices, that it promote its use by workgroups, and that it encourage the development of a robust brief bank.**

## *Quality and Quantity of Legal Work*

**Finding 14. FRLS has recently taken several steps to be more involved in significant case work. Its case numbers per 10,000 poor persons is very low.**

FRLS has the elements in place for high quality legal work – experienced legal work managers; well-motivated staff; and careful legal work supervision and support mechanisms. The team’s review of writing samples, interviews with attorneys and discussions with judges supports the conclusion that the program consistently produces competent to high-quality legal work. Past evaluations have expressed concerns about the lack of emphasis on work that has an impact beyond the individual client, with the exception of some housing advocacy. That concern is being addressed.

A little more than three years ago, FRLS took steps to deal with foreclosure case work that they understood was expanding rapidly and would continue to do so. FRLS’s approach to meeting this significant challenge influenced the program’s perception of itself going forward – from a program that did not generate significant and impact-producing legal work to one that had the capacity to do so. The first major step to develop the capacity in foreclosure cases was to hire a litigation director to lead the effort. A consumer law expert, she was comfortable with the Truth in Lending Act, bankruptcy law and other relevant protections.

The program put significant resources into the foreclosure effort. Elder grant funds, where unrestricted, were used to handle foreclosure cases. National experts, among them Elizabeth Renuart of National Consumer Law Center and April Charney of Jacksonville Area Legal Aid were brought in to help train FRLS staff and potential pro bono volunteers. At least one attorney in each office was assigned to handle foreclosure cases. They were successful in obtaining a foreclosure prevention grant from the Florida Attorney General’s Office and the Florida Bar Foundation.

One of the side effects of the effort was that it changed the pattern of each office operating semi-autonomously. Because there were no other experts, the advocacy director needed to work with those handling foreclosure cases throughout the program. The acquisition of teleconference equipment, as discussed in Finding 13 above, provided the foreclosure advocates with an opportunity to have biweekly meetings to review issues and provide hands on training. Those attending the biweekly meetings say that they are very effective vehicles for reviewing cases and formulating issues. The arrival of a cadre

of young committed attorneys infused foreclosure and other program work with new energy and enthusiasm. Plans to duplicate the foreclosure model in other areas of law are afoot.

The program is having some early successes with foreclosure work. They protected the rights of a foreclosure defendant who had been represented by a private attorney whose representation had a deleterious effect on her case. They gained a settlement reforming the mortgage to a lower fixed rate that the client can pay. They have had cases where the foreclosure was thrown out when it was shown that the plaintiff was not the mortgage holder. Several other cases, including some against Countrywide Financial and other mortgagees are in process. An FRLS attorney participated in a county commission that ultimately led to a court rule requiring mediation in foreclosure cases. The program is working with judges to educate the bench on the complex laws underlying these cases. In courts where these matters are treated as summary proceedings, they are filing memoranda to give a basis of appeal. By providing training to private attorneys who agree to participate in FRLS's foreclosure clinics, they are also playing a role in educating a nascent foreclosure defense bar.

The program is doing other important work as well. When the West Palm Beach school district bought a public housing project to tear it down and put a new school there, HUD didn't require the school district to pay the 600 tenants for relocation. FRLS represented the tenants in negotiations that resulted in a \$350,000 settlement for tenants' relocation with each tenant also receiving Section 8 vouchers. A writ of mandamus required a court clerk to accept a fee waiver petition for an indigent client. The program helped 40 poor Hispanic families who lived in a mobile home park that was closing down get relocation benefits and put off the closing date until the end of the school year. As described in the Migrant Unit section of this report, the Migrant Unit is bringing several important cases, many involving multiple clients. The team was provided with a 40 page document the program provides to the board describing over 100 compelling cases that are in process or recently concluded.

While the potential impact of FRLS's cases is increasing, FRLS's case closing numbers remain very low (38% of the national median). Several factors help to explain this. Its non-LSC funding (41.7%) is approximately 70% of the national median for non-LSC funding which could result in a corresponding reduction in its case work compared to the national median. FRLS has had high turnover; they are putting resources into training and overseeing their new attorneys. It is possible that improvements in the program's intake system that are beginning to be contemplated could lead to more efficient handling of cases that won't receive full representation.

### **Private Attorney Involvement**

**Finding 15. FRLS actively utilizes its pro bono volunteers. While much of the program's pro bono effort uses a traditional model, its pro bono foreclosure clinics have generated interest in pro bono work throughout the area.**

FRLS utilizes a traditional pro bono model run by pro bono coordinators in each of the offices. Cases are assigned, either directly from intake or from the case review meetings, to the coordinator. The coordinator either refers the case to one of the three bar association programs that place the cases or directly to volunteer attorneys she has contact with. The executive director is actively involved in making sure that pro bono cases are placed; he directly oversees the pro bono work that is generated. The coordinators report to him on the number of placements that are made every week.

In St. Lucie County (Ft. Pierce), Lee County (Fort Myers), and Palm Beach County (West Palm Beach), cases are referred directly to the bar associations. The arrangements are different in each place. The program has a contract with West Palm Beach Legal Aid to do the pro bono placement and follow up. Legal Aid places them if they can, follows up and reports back to FRLS. In Fort Pierce, the cases the program refers go to one of the four the bar association coordinators – each of which has a subject matter area for placement. These placements are supplemented by several other activities including foreclosure clinics, Ask-A-Lawyer events, “Bridges to Youth” clinics and senior directive clinics.

In Lee County, once eligibility is established and it is determined the case should be referred, it is sent to the Lee County Bar Association to be placed with a pro bono attorney. Divorces and guardianships are automatically referred after screening. Once cases are assigned, the coordinator follows up with the attorney directly. When the case is completed, she receives a final status report from the attorney and a request for reimbursement of any costs. She sends a satisfaction survey to both the attorney and the client.

In Lakeland, there is no bar involvement; the office places the cases directly with volunteer attorneys. A new coordinator was just hired for Lakeland at the time of the visit.

FRLS engages in a range of recruitment activities from letters to attorneys and presentations at local bar association meetings to free training in exchange for the commitment to take a case. The coordinators regularly attend bar meetings. Incentives for taking cases include free malpractice insurance and the payment of some case-related costs.

The foreclosure training CLE’s have been particularly popular as incentives for taking cases or participating in foreclosure clinics that the program runs frequently. The foreclosure clinics start with a lecture. Those who are eligible have an individual consultation with a pro bono attorney who will either provide advice and brief service or take the case. In Fort Myers there have been three clinics a month for several months; clinics are regularly scheduled in the other locations also. Two coordinators mentioned that the foreclosure clinics have been a shot in the arm to pro bono efforts.

When cases are placed, letters are sent to attorneys inviting them to call the program if they need help. In some instances, co-counseling is arranged between a pro bono attorney and a staff member. The cases are appropriately kept open and monitored until completed by the PAI attorney. Either the program or the bar association follows up with the attorney as the case progresses and close it administratively when it is completed.

Volunteers are recognized and rewarded in several ways including in ceremonies and in newspapers. At least one coordinator writes thank you notes to pro bono attorneys at the termination of each case and asks clients to also write the attorney a note of thanks.

While the pro bono program doesn't generate high numbers, the program appears to be working diligently to promote PAI activities. They report that the economy has led to a diminution of volunteers. Another factor that has the tendency to reduce pro bono efforts in Florida is the ability of attorneys to opt out of their non-mandatory pro bono obligation by a financial contribution to a legal aid program. While FRLS has considered the use of contract attorneys to handle cases on a reduced fee basis as a supplement to the program's efforts in remote location, no decision has been made on this option.

### ***Recommendation***

**III.15.1. In view of access challenges for rural areas that are some distance from FRLS offices, it is recommended that FRLS closely examine the feasibility and potential effectiveness of contracts to private attorneys to expand coverage in these areas on a reduced fee basis.**

### **Other Services and Activities**

**Finding 16. FRLS is engaged in significant community education activities. It also pursues working with others to address problems of the client community.**

FRLS staff members are actively involved in community education activities. They are frequent speakers on housing, consumer and public benefits issues and on issues of interest to seniors and domestic abuse victims. Often these presentations are done in conjunction with partner organizations. Depending on the groups they are speaking to, these presentations may be in Spanish or Creole. In the last few years, they have done a significant number of CLE presentations on bankruptcy, foreclosure and consumer debt.

FRLS brochures include ones on Social Security disability and on domestic violence topics. They are available in English and Spanish. Its brochures are supplemented by its website that has many materials including information in three languages. Its "Know Your Rights as a Tenant" contains extensive materials. As discussed in Finding 8 above, it appears that these activities, along with the program's outreach efforts have been successful in reaching the client community.

In addition to case work and community education activities, FRLS engages in activities intended to have a beneficial effect on the legal problems and economic opportunities of its client community. Major coordinated activities in the last 24 months include many strategies employed to address the foreclosure crisis such as work with the judiciary and work leading to a court mediation project in one county; helping displaced people in the face of the hurricane; assuring appropriate rights for tenants at a trailer park that was closing down; and coordination with a new law school that is coming into the area. Some of these activities came to involve litigation and are discussed in Finding 14.

Other examples of note include the program's work with the Community Land Trust and its ongoing relationship with the West Palm Beach Housing Authority. The managing attorney of the West Palm Beach office is a founding member of CLT and remains actively involved in its work. CLT is a countywide housing non-profit organization that provides permanently affordable housing opportunities for low-income residents of Palm Beach County by acquiring land and making it available in perpetuity for affordable housing.

Over the years, the West Palm Beach Housing Authority, a frequent adverse party, has developed a mutually supportive working relation with FRLS. FRLS comes to the housing authority's orientation sessions for new tenants and presents an extensive orientation on tenants' rights and responsibilities in public housing. The FRLS representative makes it clear that tenants have legal recourse if the housing authority is unjustly treating them and that they should come to FRLS for representation in these instances. But it is also made clear that there is some conduct for which there is no recourse and will result in eviction and the loss of subsidized housing. Both the housing authority and FRLS believe that these sessions give tenants important information they need to know and lead to fewer problems than would otherwise occur.

#### **PERFORMANCE AREA FOUR - EFFECTIVENESS OF GOVERNANCE, LEADERSHIP AND ADMINISTRATION**

##### **Board Governance**

##### **Finding 17. FRLS's board is representative of the community and actively involved in the organization.**

The board represents the diversity of the community. Its nine minority members include six African Americans, two Hispanics and one Native American. It is geographically diverse also with members coming from all corners of the service area. Client members are involved on all committees and stay in contact with the program's offices. Board members are consistent in their praise of the program's long-tenured chair who recently stepped down. Her replacement seems equally dedicated to the program and its mission.

The board is actively and appropriately involved in the program. The board members the team talked to appear to maintain an appropriate oversight role in that they set policy and

oversee program activities, but are not involved in direct management. The board was actively involved in the formation of the partner program that was completed two years ago. The board is participating in the program's strategic planning effort that began in the spring. Their audit committee carefully reviews the program's finances.

The board evaluates the executive director yearly. The staff and board are surveyed as part of that process. While the board does not do a formal evaluation of the program, at least one board member expressed interest in finding out how that could be done.

The board has been afforded several training opportunities in the last 24 months. There is a board retreat every year – the next retreat was scheduled for this October. There is no formal schedule of trainings for board members; however, presentations are provided when questions are raised by the board.

Starting a few meetings ago, the board now receives redacted reports on the program's case work at every meeting. These reports are very popular with the board members who say that it gives them a new appreciation of the good work that the program does.

The board is currently asking the staff to produce a document explaining the program's history and mission so that the community can have a better understanding of what the program does and the impact it has had. According to the executive director, the board perceives that the program struggles in obscurity and would like to do something that would cause the community to be as proud of the program as the board is. One board member explains that the program needs to promote itself better so that more people will be motivated to help with their time and their money.

### **Leadership and Management**

**Finding 18. The leadership team consists of the executive director, the deputy director, the administrator and the comptroller. The managing attorneys make limited contributions to the running of the program but have significant autonomy in the running of their offices.**

The leadership team consists of the director, deputy, comptroller and human resources administrator. The executive director is the face of the program both internally and to the outside. He is assisted by the deputy; together they are responsible for overseeing the program's legal work, including the operation of the offices, and the program's resource development effort. The fiscal officer has the responsibility for budget formation and execution, fund control and accounting. The administrator is responsible for human resources and procurement. She oversees procurement; lease negotiations; contract negotiations for health, disability, and life insurance; personnel policies and their application, and the management of personnel records.

The next tier of management is the managing attorneys. Both the director and the deputy affirm that the managing attorneys have enormous responsibility for how the offices run

and how clients are served. According to the deputy, the managing attorney is the “life blood of the office, cheerleader, traffic cop.” The extent of autonomy that managers have is seen in the extent to which the offices operate differently, including how intake is handled and the extent of legal work supervision.

The points of interaction between program leadership and managing attorneys are the quarterly management attorney meetings, periodic visits to the offices and evaluations the top managers do of staff members including the managing attorneys. The quarterly managing attorney meetings involve program updates and budget, technology and contract discussions. According to those who characterized them to team members, they consist of information and opinions primarily flowing from leadership to the management group. We were told that managers seldom bring up issues unless they are very general and generally don’t disagree with the executive director’s position once it is clear the direction he is going.

As described to the group, it appears that there is a divide between overall program management and the offices. The program’s leadership does not include its managing attorneys. The leadership does not often seek the input of its front line managers on questions of program direction. Potential problems with this structure are that neither has the benefit of contributions from the other and less program wide uniformity and consistency in legal work practices are employed – perhaps to the detriment of client services.

The team believes that it would be helpful for each level to play more of a role in the other level. The upcoming strategic planning effort may help with this in that it will involve managing attorneys in the process and that it will look at intake – an area where practices differ significantly among the offices.

Paradoxically missing from these two tiers is the director of litigation. It is clear that she has had a significant effect on creating the program’s foreclosure effort. That achievement has in turn served to bring offices together with respect to this work, and to demonstrate the possibility of doing strategic work across offices. Nonetheless, it is the team’s impression that her status is not on a par with either the leadership team or the managing attorneys – even though she serves as the interim managing attorney of the Migrant Unit.

Also missing from the leadership and management structure is the director of technology. The central role of technology in legal services in general, the strength of this program’s technological infrastructure and the pivotal choices facing this program in particular suggest that this highly regarded director could contribute to the program’s use of technology to enhance its functioning in many areas.

### ***Recommendation***

**IV.18.1. FRLS Leadership is encouraged to review the ways in which leadership relates to managing attorneys to determine whether any changes would be helpful,**

**and to examine the respective places of the advocacy director and the technology director in the program's management structure.**

**Finding 19. The FRLS leadership is visible and generally respected. The leadership team has been effective in addressing several issues the program has had. There are a few vexing challenges on leadership's plate.**

The executive director is a visible presence in the program and is generally respected. His practice of regularly getting to the branch offices has a salutary effect. He is perceived by some as being open to suggestions and input. Some say that he is taking the program in a good direction, others indicate that the program's direction swings from one priority to another without a clear sense of mission or definition. Some describe him as a manager rather than a leader. One attorney who made such an observation noted that a strategic planning process is a good start in the assertion of leadership.

Whatever the perception of leadership's effectiveness, it is clear that the program has effectively dealt with several former issues and problems, including those raised by past FBF and LSC evaluations. Aided by FBF leadership in funding salary increases and perhaps by economic factors, FRLS is attracting and retaining high quality staff. As described in Finding 14, FRLS is increasing its profile of significant cases and is more responsive than it has been to emerging issues. The program's technology has significantly improved in the last several years. Staff evaluations are now done routinely.

There are, of course, more challenges to meet. First, while the Migrant Unit is benefiting from the combination of young and energetic attorneys and expert paralegals, getting a top-tier manager for the unit to lead it and mentor its young staff is a top priority to be addressed. Second, the fact that offices operate differently with respect to legal work oversight and intake suggests areas for improvement. As suggested in Finding 18, the respective roles of program management and office management can each be improved with more coordination and interaction. While the amount of interaction and sharing among offices is being improved, most staff perceive that the offices are still essentially separate.

One way that leadership is contemplating addressing the differences in practice among the offices is through the strategic planning process that the program is now undertaking. The executive director notes that while there is a mission statement posted in the lobby, it doesn't relate to most people who didn't take part in creating it. His vision for the program as he expressed it to the team is for the program to keep moving and growing, to keep the focus on clients and to become the best legal services program in the region or country by doing work that has a major favorable impact on the client community.

While there are challenges in managing the legal work management, overseeing the rest of the management function appears to be in hand. The deputy director oversees the program's systems to ensure compliance with funder requirements. The success of this

effort is demonstrated by recent funder evaluations. Its disaster response plan has been implemented and proved successful. As described in more detail in the sections below, its financial and personnel administration systems are in hand and it makes effective use of technology.

### ***Financial Administration***

#### **Finding 20. Appropriate procedures, policies and staffing appear to be in place for effective financial oversight.**

The fiscal staff is sufficient in number, experienced, and credentialed. The comptroller has considerable tenure in the position; the results of past audits and outside reports speak to her abilities. The program has detailed written policies and procedures describing its fiscal procedures. Its accounting manual was updated last year and is in accordance with the LSC Accounting Guide.

Budget planning at FRLS is designed to implement its plans for the upcoming year. The process begins with the executive director, fiscal officer, administrator, and deputy director who meet to discuss budget requirements and to formulate the FRLS annual operating budget. Input is provided by the technology department. The board receives the preliminary budget six months in advance of the fiscal year, at which time the board discusses program priorities, requirements, revenue streams, staffing, and commitments. The board makes recommendations as necessary on the budget and authorizes the final budget. While FRLS priorities guide the budget process, the program does not yet engage in multiyear budgeting.

The FRLS budget process helps to assure program solvency. This is due in large part to structured budget and accounting practices. Executive management decides on personnel and non-personnel cost based on program priorities, operational goals, and program requirements. The fiscal staff conducts monthly reviews of planned and actual expenses. Monthly financial reports are provided to the executive team and to the board. Additionally, quarterly financial status reviews are held with executive management. The accounting system produces financial reports by funding source, and by detailed expense categories.

The audit firm and the audit committee of the board provide training to the full board on interpreting financial reports and financial oversight. The current audit firm has been used for eight years; however, the program auditor is changed every three years.

The board meets with the program's auditor two or three times each year and the board requires that recommendations in the auditor's report be incorporated by the program. Most recently the auditor recommended a best practice for closing entries and that additional security be added to the accounting system through the use of passwords. Each of these recommendations is being incorporated.

The program's budgeting process is built on accounting software that is more than 30 years old. While old, it complies with LSC requirements and generally accepted accounting practices and can generate all required accounting reports. Nonetheless, it puts the program at risk of having a system that may crash irreparably or may become too obsolete for the data to transfer into another system.

### ***Recommendations***

**IV.20.1 LSC encourages FRLS to consider multi-year budgeting to coincide with the timeline of the program's forthcoming strategic plan.**

**IV.20.2. LSC encourages FRLS to consider transitioning to a more current accounting application.**

### **Human Resources**

**Finding 21. FRLS's human resources efforts include clear personnel policies and regular evaluations. Its hiring and retention efforts have been successful in the last few years. Salary increases have only been for attorneys.**

The program's administrator is in charge of the program's human resources effort. She has significant experience and expertise in human resources management. She is in charge of the drafting and modification of personnel policies, benefits implementation and the maintenance of personnel records. She deals with personnel problems and issues when they arise and is the primary staff member responsible for the human resources function. There was some lack of clarity among staff as to her supervisory responsibilities regarding office managers and support staff. The administrator is considered to be the work group leader for the support staff, but the office's managing attorney supervises the office managers who supervise the support staff in each office.

The program's personnel policies are available to staff on the program's new intranet. The staff the team spoke to did not raise complaints about personnel policies or their implementation. Many FRLS personnel records are currently maintained as paper files. FRLS is considering a move to digital files and has the technology necessary to digitize current and future personnel records.

*Evaluation.* All staff members are evaluated annually; new staff members are first evaluated after six months. Evaluations are based on job descriptions and standards. As required by the union contract, two supervisors are involved in each evaluation. The evaluation form was updated two years ago. The evaluation process starts with the staff member's self evaluation. In the case of advocates, the process involves the review of case files.

No specific complaints about the process were voiced. A few said it was useful; other comments included that it was disorganized and that it was "not progressive." Staff

members receive a standard \$1,000 salary increase each year if they receive satisfactory performance evaluations.

*Hiring and Retention.* FRLS's hiring and retention strategies for attorneys have been particularly successful in the last few years. Turnover among attorneys is being dealt with through competitive salaries and benefits. In order that prospective applicants will be prepared, the program conscientiously encourages applicants to examine the lifestyle of rural Florida before committing to an FRLS position.

Management is encouraged by the qualifications of recent hires and what they bring to FRLS. The program has been able to attract high-quality staff, including several employees with experience at agencies that traditionally pay more. Several current new employees that the team spoke to expressed satisfaction with the work, salary and benefits. Two young staff attorneys indicated that their respective situations and the work they were doing were sufficiently rewarding that they were planning on remaining at the program until retirement age.

Unfortunately, the increase in pay and benefits for attorneys that was dictated in part by the FBF has adversely affected the morale of non-attorney staff who have not received a salary increase other than the yearly step increase of \$1,000 during the period. The administrator notes that this issue has not been adequately addressed by management, and will be a focus of the upcoming retreat.

***Recommendations:***

**IV.21.1. It is suggested that FRLS review its human resource staffing needs.**

**IV.21.2. LSC encourages FRLS to begin digitizing the paper records and transition to automated forms that will increase efficiency.**

**IV.21.3. The team recommends that the supervisory lines of authority pertaining to office managers and support staff members be clarified.**

## *Technology*

### **Finding 22. The program's technology effort is well-staffed. The program engages in thoughtful planning and maintains an effective structure.**

The program's technology and the ways in which it is put to use have been mentioned in several places in this report. The case management system is meeting the needs of attorneys and of supervisors. The phone system connects all offices, allows for remote access to incoming calls, transfers voice messages to email and has the capacity for expanded functions that may be desired in the future. The Internet connectivity that all staff members have allows access to on-line legal research and to the listservs and other groups that enable staff members to discuss cases across offices and across Florida. Its new video conferencing capacity was characterized by the executive director as allowing the program to feel more like one big law firm.

The technology infrastructure is run by the information systems director with the assistance of the technology specialist. Both are certified Microsoft network engineers; they are experienced with mail exchange, website design, and firewalls, and are programmers. With the remote access and diagnostic systems they have in place, they are able to diagnose, test and correct many problems throughout the program from the Lakeland office.

FRLS engages in deliberate, thoughtful planning such as network and equipment upgrades, security, systems support, and backup systems. A committee comprised of FRLS staff, executive management, and the technology department deliberates and determines technology upgrades based on priorities, requirements, solid research, goals, and anticipated benefits.

## **Resource Development**

### **Finding 23. FRLS's resource development efforts are effective for its lean staffing. The program is strategic in its resource development efforts.**

The program's major funding sources are the Legal Services Corporation, Florida Bar Foundation, Area Agency on Aging grants, and county and bar association sources. The program administers 18 grants from 14 funding sources. FRLS's current operating budget is a little more than \$6,000,000 of which almost \$4,000,000 comes from LSC. While LSC's contribution may seem high relative to other funding sources, FBF's funds for the region are shared with other legal aid programs in the region including the three county legal aid programs.

Due to financial constraints, FRLS's deputy director and executive director are responsible for its resource development work. Under the circumstances, the program does well in getting and maintaining grants and non-financial resources. They make a point of only accepting grants that fully cover programmatic and administrative costs and

that are sufficiently within the program's mission that staff and that could be maintained when funding ended.

There are no detailed plans for resource development in the next 24 months. They see the potential for further efforts when the general economic situation improves. For example, the board's nascent public relations campaign might lay the groundwork for fund raising opportunities.

### **Participation in the Integrated Delivery System**

#### **Finding 24. FRLS contributes significantly to the statewide and regional delivery systems.**

Florida has a strong and well-coordinated legal services delivery system led by the FBF. FRLS contributes significantly to the system both at the state and regional level. Staff members are frequent trainers and active participants in statewide training and in the state's umbrella groups, including housing, disaster, consumer, family and health. Each group has a listserv and meets in person once a year for a day-long meeting with a training component. FRLS staff members take leadership roles in the umbrella groups.

FRLS's executive director is the president of the Florida Project Director's Association – the group that includes a patchwork of 28 legal aid providers throughout the state. The FBF official that the team spoke to praised the executive director's efforts with the project director's association and the program's efforts statewide.

FRLS shoulders the responsibility to be the leader in the collaboration among the legal aid programs in FRLS's region. FRLS is the major program; the other three serve one geographical area each. FRLS is responsible for collaborating on everything that is done in the region. This includes reaching an agreement on the use of grants from FBF such as training grants and legal services grants. Recently FRLS agreed to split a foreclosure grant with West Palm Beach Legal Aid (WPBLA) where WPBLA got 40% of the region's funding and FRLS got the rest. While the executive director was criticized within FRLS for this, he explains that it is the large program's responsibility to share the available FBF funding with its regional partners.

In 2005 FRLS's board formed a non-LSC funded organization, the Florida Equal Justice Center, (FEJC) with an office in Fort Myers and one in Lake Worth. FEJC handles immigration work in FRLS's area that FRLS cannot do due to LSC restrictions.

## FINDINGS AND RECOMMENDATIONS

### Migrant Unit

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

##### **Periodic comprehensive assessment and ongoing consideration of legal needs**

##### **Finding M-1: The Migrant Unit regularly assesses the legal needs of migrant farmworkers in Florida.**

The Migrant Unit conducts a formal needs assessment of migrant farmworkers in Florida in conjunction with the assessment performed by the basic field. The last formal assessment was performed in 2006. Currently, a new needs assessment is in process. The process will include a specialized survey to approximately 75 service providers with significant contact with the Florida migrant farmworker community. Due to the unique nature of the provision of legal services to farmworkers, the Migrant Unit supplements these provider surveys with a number of one-on-one interviews with individual farmworkers. They anticipate performing approximately 50 of such interviews as part of the 2009 needs assessment process.

In addition to the formal needs assessment, the Migrant Unit relies on information obtained and issues mentioned during outreach visits to labor camps, regular communications with clients and discussions with community groups. Recently, the Migrant Unit held a staff-directed retreat to expand the substantive knowledge of new staff and to begin the development of a prospective work plan based on the results of the needs assessment.

The Migrant Unit focuses on traditional farmworker claims under the Fair Labor Standards Act (FLSA) and the Agricultural Worker Protection Act (AWPA). They handle some individual claims but attempt to focus resources on larger cases involving multiple workers. More recently, they have taken on cases involving Title VII discrimination and others involving human trafficking. The Migrant Unit also handles access to governmental benefits cases (e.g. unemployment insurance benefits, food stamp benefits, etc.) for eligible farmworkers. The demographics of the population served have changed in recent years with a larger percentage of Creole-speaking, Haitian workers seeking assistance.

##### ***Recommendation***

**M-I.1.1. The current needs assessment should explore the changing demographics of the clients being served by the program, and the substantive areas in which**

**services are provided, to determine if services are being focused on the most critical unmet legal needs of the Florida farmworker community.**

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

**Dignity and sensitivity**

***Intake, access and utilization by the low-income population***

**Finding M-2. Much of the Migrant Unit's intake occurs during staff visits to outreach offices in Immokalee and Belle Glade and to labor camps when migrant farmworkers are in Florida.**

A significant amount of intake is performed through outreach to satellite sites in Immokalee and Belle Glade. A Spanish-speaking staff member visits Immokalee every Monday, a Creole-speaking staff member visits Immokalee every Wednesday and a Creole-speaking staff member visits Belle Glade every Friday to perform intake. These outreach sites are busy with walk-in clients. In addition to intake, the FRLS staff members provide some limited services during these visits. Unfortunately, a laptop or other computer and Internet access is not available in Immokalee, leading to some inefficiency.

Outreach visits to farm labor camps happen pursuant to the H2A clearance orders which describe when workers are scheduled to arrive at each camp and by a list of registered migrant housing obtained from the county health department. Some of the current labor camp outreach occurs during regular business hours which may undermine its effectiveness. Typically, most farmworker programs perform outreach in the evenings and on weekends to increase the likelihood of finding workers away from the fields.

The Migrant Unit also has a separate toll-free number through which intake calls are received. The migrant toll-free line is answered during regular business hours, Monday through Friday, and is afforded priority by the reception staff. If the automated system answers, callers that select Creole are automatically routed to the extension of a Creole speaking staff member. The automated attendant offers choices for Spanish and Creole speaking clients however, however staff noted that LEP clients are less likely to navigate and use such systems regularly.

**Recommendations:**

**M-II.2.1 It is recommended that the division explore the outreach schedule and the timing of outreach visits to ensure effectiveness.**

**M-II.2.2. Explore the possibility of using telephone “hunt groups” to forward the migrant toll-free number to other migrant advocates when the receptionist is unavailable.**

**M-II.2.3. To the extent resources allow, it is recommended that the division purchase laptops and cellular internet access to increase the efficiency of outreach workers when they are in Immokalee and at labor camps.**

**Finding M-3: The Migrant Unit staff members treat clients with dignity and respect.**

Most Migrant Unit staff members are bi-lingual in Spanish and English or Creole and English. There is a clear commitment to cultural and language competency. Some of the senior staff members have first-hand experience working in the fields. The combined years of experience of the non-attorney staff of the Migrant Unit staff is notable.

#### *Office location and access*

**Finding M-4. The Migrant Unit’s location in Fort Myers has benefits for, and presents challenges to, the provision of high quality legal services to the migrant farmworker population.**

The Migrant Unit was relocated to Fort Myers from Immokalee in August of 2003. At the time, this move was a point of serious contention between program management and the migrant staff. The benefits from this move include increased access to program management and increased supervision and support to the Migrant Unit from the Litigation Director and Deputy Director. Fort Myers, however, is somewhat remote from the centers of farmworker activity. The program has addressed this challenge via regular outreach to Immokalee and Belle Glade in addition to the traditional outreach to labor camps. Going forward, the program should continue to assess the opportunities to increase access to services in areas where farmworkers live and congregate.

#### **Engagement with the low-income population**

**Finding M-5. The Migrant Unit works closely with the client population and regularly communicates with other community groups that work with farmworkers in Florida.**

In addition to regular visits to labor camps during the season, staff members also conduct outreach to locations where farmworkers frequently congregate, such as migrant health fairs and church bazaars. The Migrant Unit participates in task forces and coalitions that advocate together on behalf of the interests of migrant farmworkers

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

**Legal representation**

***Legal Work Management and Support for Legal Work***

**Finding M-6. The Migrant Unit has limited protocols and policies in place to properly manage the program's legal work. The division is without the support of a full-time experienced migrant law manager. Substantial training is made available to the attorneys.**

The program's case management protocols that apply to the basic field legal work also apply to the Migrant Unit. Opening and closing memos are required. There will soon be periodic case review meetings required for all case handlers. The weaknesses are the same also – a uniform tickler system is not in place. There is not a formal set of new lawyer protocols that requires training and oversight and exposure to a range of experiences or case handling standards.

The Migrant Unit has been functioning without a dedicated managing attorney for nearly three years. Although the litigation director has served in this capacity, she does not have any farmworker law experience and has significant other responsibilities for the conduct of the program's litigation, including primary responsibility for the Basic Field Division's notable foreclosure prevention initiative. The litigation director participates in case acceptance meetings and provides informal supervision on a case-by-case basis. Staff members also receive annual performance evaluations.

The staff attorneys are excited, engaged and capable, but all have two years or less experience in farmworker law. Although the attorneys work well together and provide support to each other, there is a general feeling in the unit that they are "lost at sea." They are in need of leadership knowledgeable in migrant program operations, specialized substantive guidance and technical litigation support. Substantial support for legal work is being provided externally by Greg Schell (FLS) and Mary Lee Hall (North Carolina) on an as available basis.

As with the Basic Field Division, substantial training is provided to advocates in both substantive law and skills development. Advocates of the division report attending the Basic Lawyers Skills Training (BLST), the National Employment Lawyers Association (NELA) Deposition Training and the Florida Bar Foundation (FBF) Administrative Advocacy Training.

### *Recommendations*

**M-III.6.1. Adopt and implement new attorney protocols and case handling standards in conjunction with the Basic Field Division.**

**M-III.6.2. Engage in a revived national search for an experienced farmworker attorney to lead the Migrant Unit.**

### *Quality and Quantity of Legal Work*

**Finding M-7: The Migrant Unit engages in quality advocacy on behalf of its clients.**

Much of the division's advocacy is on behalf of workers asserting claims under the FLSA and the AWP. Most of the cases involve multiple plaintiffs seeking combined relief. The division is co-counseling two Title VII cases with advocates in South Carolina for Florida-based workers that were discriminated against in South Carolina. The program also is working on a human trafficking case on behalf of H2A workers whose passports were seized by a labor contractor. As a result of this later case, the program is assisting the workers with immigration issues related to the human trafficking claims.

The Migrant Unit also handles access to benefits cases (e.g. unemployment insurance benefits, food stamp benefits, etc.) for farmworker clients. All farmworker attorney caseloads contain some of these cases.

### **Private attorney involvement**

**Finding M-8: Despite having no PAI requirement, the Migrant Unit seeks private attorney involvement in its work.**

The Migrant Unit has successfully referred cases to a private law firms and has been successful in securing private attorneys to co-counsel cases.

### **PERFORMANCE AREA FOUR - EFFECTIVENESS OF GOVERNANCE, LEADERSHIP AND ADMINISTRATION**

*(Note – except for the section below, the discussion of program governance and management is the same for the migrant division as it is for the basic field program.*

### **Participation in an integrated legal services delivery system**

**Finding M-9: The Migrant Unit works cooperatively with other migrant farmworker programs in the state and elsewhere.**

The division staff members work with other farmworker programs particularly in the southeast and are currently co-counseling cases with attorneys in South Carolina. As noted above, they also rely on technical support from Greg Schell of Florida Legal Services and Mary Lee Hall of Legal Aid of North Carolina.