



LEGAL SERVICES CORPORATION

Office of Program Performance

FINAL PROGRAM QUALITY REPORT

FOR

Indiana Legal Services, Inc.

Recipient Number: 515030

August 24 - 28, 2009

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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 Indiana Legal Services Inc. (ILS) from August 24 – August 28, 2009. The team members were Monica Holman Evans, OPP Program Counsel/Team Leader; Willie Abrams, OPP Program Counsel; Joseph Dailing, Consultant; Althea J. Hayward, OPP Program Analyst; Cheryl Nolan, OPP Program Counsel; and Joel Rose, College of Law Practice Management Fellow.

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 2010 grant competition narrative, 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 ILS staff conducted on the Internet. On site, the team visited five of the program's offices. In addition to speaking to ILS staff members, the team talked to a sample of board members, judges, and community organization members.

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

Program overview

ILS was established in 1966 and provides a full range of legal services to eligible low-income people, persons who are 60 years or older and victims of domestic violence in all 92 Indiana counties. The statewide service area covers 36,420 square miles and has a poverty population of 559,484. The ethnicity of the service area is approximately 84.5% Caucasian, 9% African American, 5.2% Hispanic and 1.3% Asian. During recent years, the number of Hispanics has increased by 31%, African-Americans by 7% and Caucasians by 4%¹. The northwest quadrant of the state has an increasing Hispanic population. The seasonally adjusted unemployment rate in Indiana was 9.9% in August 2009².

ILS provides civil legal services from eight branch offices strategically located across the state. The program's administration office is located in Indianapolis. The branch offices are located in Bloomington, Evansville, Fort Wayne, Gary-Merrillville,

¹ ILS 2010 Proposal Narrative

²Bureau of Labor Statistics

Indianapolis, Lafayette, New Albany and South Bend. The program employs 51 attorneys and other staff members working in the program's offices across the state.

ILS has many special projects including a migrant component funded by LSC. Migrant farmworkers are served statewide regarding their immigration and employment law problems. The program provides outreach to approximately 60 migrant camps across the state and often collaborates with other states such as Texas and Illinois. The Migrant Farmworker Law Center has one full-time employee (the director) and employs student interns during the summer months. The director and all interns working with the Migrant Law Center speak Spanish.

Summary of Findings

Family, housing, consumer and income maintenance represent approximately 80% of the program's work. ILS provides specialized services through the Senior Law Project, Immigrants' & Language Rights Center, Consumer Law Center, Housing Law Center, Migrant Farmworker Law Center, Low-Income Taxpayer Clinic and the Indiana Foreclosure Legal Assistance Project. While other legal services programs within the state work to meet the civil legal needs of the poor, ILS is the largest provider of these services. ILS supports the work of other agencies such as legal aid societies and pro bono programs.

Intake is not coordinated program-wide. Each office has the ability to tailor its intake functions to meet its needs. The intake policies and procedures that do exist are inconsistently applied. The program's telephone technology has limited functionality and does not support a greater volume of phone intake. An assigned attorney-of-the-day (AOD) provides advice and may accept urgent matters for extended representation. Non-urgent matters are reviewed daily by the AOD and weekly through group case meetings or by the managing attorney. (Group case meetings are not held in every office.) Eligibility and case acceptance decisions are not made timely. ILS conducts centralized statewide intake for LEP and immigration applicants through the Immigrants' & Language Rights Center.

Indiana's PAI activities are integrated with the state's pro bono system that was adopted by the Indiana Supreme Court. The Indiana Rules of Professional Conduct created a 21 member Indiana Pro Bono Commission (IPBC) to supervise the district pro bono committees and ensure that the district programs are active and effective. ILS collaborates with the 14 judicial districts to increase services to clients. Each judicial district has a pro bono committee composed of a presiding judge, representatives of bar associations and legal assistance providers, and representatives of the community-at-large. Every year the committees submit pro bono plans and funding requests to the IPBC. The committees employ a plan administrator to provide coordination and support for the pro bono committee. All IOLTA funding is transmitted to the Indiana Bar Foundation which in turn distributes the funds to the 14 districts. ILS works with the state system and integrates its PAI program with that of the state. Because each district operates independently with its own methodology, interaction with ILS varies greatly.

Some ILS branch offices are required to work with up to three different judicial districts within its service area. Even though the IPBC has oversight authority over the pro bono districts, there appears to be little accountability. There have been no efforts to assess the effectiveness of the current system in the state.

ILS has a long history of producing high quality legal work. The written legal work management standards set broad parameters but allow flexibility. The writing samples provided to the team confirm advocacy skills and the complexity of cases. The ILS attorneys are well-respected in their areas of expertise and many serve as adjunct professors at law schools.

ILS has engaged and active board members. Board members articulate a cohesive vision for the program and are committed to the work of the program. Board members receive an orientation and serve on various board committees. Generally, the board is appropriately exercising its fiduciary responsibilities. However, some board members are less involved and knowledgeable about the operations of the program. The board could also be more engaged in fundraising and resource development efforts.

The executive director is well-regarded in the Indiana legal community. He has created a working environment at ILS that makes it conducive for attorneys to recommend pilot practices and innovative client services. While the executive director is very involved and has a significant presence in the southern part of the state, visibility in the northern part of the state could be improved.

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

Finding 1: In conjunction with state partners, ILS conducted a comprehensive statewide legal needs assessment and published the results in 2009.

ILS partnered with the Indiana Bar Foundation and the Pro Bono Committee of the Indiana State Bar Association to embark upon a two-year legal needs assessment in the state. The report, “Unequal Access to Justice: A Comprehensive Study of the Civil Legal Needs of the Poor in Indiana 2008,” was published in the summer of 2009. The legal needs study consisted of four phases. Phase I included a telephone survey of approximately 1,200 low-income individuals. Phase II consisted of questionnaires to private and pro bono attorneys, judges, clerks of the court, pro bono plan administrators, service providers, ILS staff and board members, social service agencies, and others. Phase III consisted of focus groups and priority-setting meetings with stakeholders around the state. Producing the final report was Phase IV. The legal needs study indicated that the greatest legal needs of the poor are in the areas of consumer finance, family law, housing, public entitlements and health. The final report indicated that further study is needed to reliably estimate the problems of the migrant farmworker and limited-English proficient (LEP) communities.

As a result of the legal needs study, it was recommended that Indiana undertake a strategic planning process to develop a statewide plan of action to better meet the needs of the poor. In connection with the strategic planning process, it was recommended that a statewide Access to Justice Commission be created.

A four person work group consisting of an ILS board member, an ILS staff person, a judge and the executive director of the Pro Bono Commission has been established to follow up on recommendations contained in the 2009 legal needs study. The next assessment is planned for 2012.

Recommendation:

I.1.1³. As the work group follows up with recommendations contained in the 2009 report, they should ensure the needs of the limited English proficiency community are fully assessed and addressed.

Finding 2: ILS has a system to identify new pressing legal issues between comprehensive assessments.

ILS staff communicated a process that allows them to share trends that develop within the service area. The program has roundtable discussion groups, staff and manager meetings, emails and listservs. Staff members are actively involved in community organizations and groups. They are encouraged to provide outreach and look for emerging needs. The program's outreach and community education assist in efforts to identify trends and respond accordingly.

Finding 3: The ILS board engages in an annual review of its priorities.

The board, along with input from the executive director and key managers, reviews existing priorities and available data to determine necessary adjustments. The review consists of examining data related to significant increases in client problems, changes in the population and changes regarding the number of individuals living below the federal poverty level. The program considers the availability of services provided by other organizations in determining and reviewing its priorities. After the information is analyzed, the priorities committee makes a recommendation to the board. The most recent priorities statement was adopted in December 2008.

Finding 4: ILS engages in "implicit" strategic planning.

ILS uses its mission statement to guide activities that will respond to changes in the client community. ILS has made efforts to shift its focus to be responsive to emerging trends and crisis situations. The program has concrete examples of its efforts to respond to shifts in the Indiana environment. Examples include the development and

³ 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.

implementation of the Indiana Foreclosure Legal Assistance Project and the Immigrants' & Language Rights Center.

Recommendation:

I.4.1. ILS should consider developing a formal strategic plan. A formal plan will ensure a process that identifies action steps and measures to focus the program's work while responding to an ever-changing legal services community.

Finding 5: ILS has a system to analyze and evaluate the effectiveness of its delivery strategies.

ILS monitors the effectiveness and results of its work on an ongoing basis. The program uses reports from its case management system and engages in individual case reviews. The formal case review system requires all closed extended representation cases to be reviewed by a supervisor. Using the case management system, the program tracks whether client goals were met in extended service cases. ILS randomly uses client surveys to gauge satisfaction with intake and limited services. The program also monitors the impact of its services through its engagement with client and community groups.

Migrant Component

Finding 6: The legal needs study was not representative of the needs of the migrant farmworker community.

The legal needs assessment did attempt to get information from the farmworker community. However, the sample of those surveyed that represented the farmworker community was very small. Due to the small sample, the rates of legal problems in the sample were not considered to be a reliable estimate of problems among farmworkers in the state.

Recommendation:

I.6.1. The working group identified to follow up on recommendations contained in the legal needs study should develop a mechanism to visit migrant camps and identify the needs of the farmworker community in Indiana.

Finding 7: The Migrant Farmworker Law Center (MFLC) makes efforts to evaluate the effectiveness of its work.

The MFLC interns meet with migrants in order to get feedback regarding outreach and service delivery to the farmworker community. As a result of this feedback, the MFLC made adjustment to its practices. Informational brochures were redesigned to be more user-friendly and a second portable GPS navigation system was purchased to assist staff in identifying migrant camps.

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

Criterion One. Dignity and sensitivity.

Finding 8: ILS demonstrates sensitivity with regard to the dignity of clients and is striving to be responsive to the cultural and linguistic differences that are emerging in the service area.

All ILS offices have access to Language Line and Relay Indiana in order to provide access to non-English speakers and the hearing impaired. ILS also received a grant to create the Immigrants' and Language Rights Center (ILRC) to meet the needs of the LEP community and provide centralized intake. The ILRC is responsible for 1) providing direct legal services to clients on issues unique to immigrants or language minorities; 2) conducting statewide outreach to LEP communities; 3) performing centralized case intake for ILS offices statewide of LEP clients; and 4) providing interpretation and translation services for LEP clients when needed by other ILS offices and special projects.

All staff received cultural competency training in 2008. Additionally the ILS board mandated a two-year diversity and cultural competency assessment of ILS service delivery and policies. A board/staff diversity committee was appointed. The committee selected a representative from each ILS branch office, center and project to receive special diversity training and become the diversity coordinator for the local workplace. A diversity training plan was also adopted to guide the committee's work.

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

Finding 9: ILS is effectively involved in the client community and provides extensive client education materials.

ILS conducts extensive outreach and community legal education in the client community. Staff members are encouraged to make presentations, conduct outreach and work with community organizations. Staff members also conduct intake at many community facilities around the state. Outreach is performed at nursing homes, domestic violence shelters, schools, public housing projects, libraries and community centers. The program has developed legal education DVDs on housing and family law. Outreach materials are provided in English and Spanish covering specific substantive law topics.

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

Finding 10: ILS efforts do not maximize access to services through intake.

ILS offices vary significantly in their approaches to intake in recognition of the need for flexibility and differences throughout the state. Volume for walk-ins and telephone applicants varies among offices. Depending on the office, intake may be

conducted by paralegals, volunteers, receptionists or attorneys. One office is contracting with former employees to provide intake and data entry functions. There is no consistency with intake hours, days or locations. Some offices limit intake for certain case types to designated days. In addition, intake hours are not featured prominently on the program's website. To determine intake hours, applicants must first select the Find Legal Help tab, then select the appropriate county or city and then search through a list of providers to find the link to the ILS specific information.

While the need for some differences with intake practices may be warranted, the extent of variation in hours and requirements leads to potential confusion in the client and justice communities and uneven access to services. The potential for confusion is demonstrated by the fact that some ILS staff members have had to develop intake charts to track intake within a given office.

Recommendations:

II.10.1. ILS should review its intake hours for consistency to ensure applicants have sufficient notice of times and locations to access program services regardless of where they are located in the service area.

II.10.2. ILS should post intake information clearly and prominently on its website to assist applicants in contacting the program.

Finding 11: Intake policies and procedures are being inconsistently applied across branch offices and are not coordinated program-wide.

Receptionists are generally the first point of contact for applicants, whether they are accessing the program by telephone or walk-in. The receptionists screen only for county of residence and legal problem and then direct callers to an intake paralegal. The intake paralegal may enter the data in the Legal Files case management system immediately or may collect the data on a three-page intake form and enter the information at a later time. Most frequently intake is handled by callbacks. In some cases, the intake interview may not occur until many days after the initial application either due to an inability to reach the applicant by return calls or due to the limited availability of appointments for intake. At the time of the visit, the South Bend office was setting appointments for intake three weeks later and there was a backlog of wild card requests. The South Bend office uses a system where applicants can opt out of the interview appointment schedule in favor of securing a "wild card" slot. Wild cards are also created for applicants with urgent matters such as a hearing date, a summons from court, an eviction notice, or where the matter involves children in immediate danger. Intake workers interview applicants on the wild card list between 9 a.m. and 3 p.m. throughout the day and when a scheduled appointment is unavailable or does not show.

While the program reported that an experienced intake paralegal can complete data entry of new applications within seven minutes, several intake staff stated that entering data into Legal Files is time consuming and can typically take up to 15 minutes.

Another challenge for staff has been the slow or intermittent Citrix connection to Legal Files. In order to work around delays and system failures with Legal Files, intake staff follows multiple and duplicative processes to complete an application, many of which are manual. Branch offices have created forms to record information and manage conflict checking systems that work outside of Legal Files. Intake applications have checklists attached to them that may be different with each office. As a result of the time required to enter records into the case management system, intake staff is not always entering data into Legal Files at the time of the initial intake. Once the data is entered into Legal Files, the intake paralegal prints out the record, and staples it to the manual intake form and checklist. If the matter is urgent, the paralegal delivers it to the attorney-of-the-day or managing attorney for review, otherwise applications are generally reviewed at the weekly group case acceptance meeting. The additional steps taken during intake extend the process causing delays with eligibility determinations and case acceptance decisions.

Recommendations:

II.11.1. ILS should review the intake practices in each of its offices with a view toward maximizing efficiency and avoiding delays for applicants. As part of this review of intake, the program should consider moving toward a coordinated program-wide intake system to increase efficiency and improve access⁴. It might consider starting in phases by office or legal problem. LSC's Intake Focus Group is available to assist ILS in this work with technical assistance. ILS may be able to streamline its intake function by adopting best practices used by the centralized intake function of the Immigrants' & Language Rights Center.

II.11.2. ILS should review the capacity of the Legal Files case management system and Citrix server to consider upgrades to improve efficiency and avoid delays in data entry. Training should be provided to intake staff as necessary.

II.11.3. ILS should establish an electronic mechanism for attorneys to review new applications. This can be accomplished through the use of codes in the case management system and via email messages.

Finding 12: The ILS Immigrants' and Language Rights Center (ILRC) conducts intake in a manner that minimizes waiting time and maximizes limited resources by avoiding callbacks.

ILS launched its ILRC call center in February 2009 to address the special intake needs of immigrant and LEP applicants. The ILRC is managed by an experienced center director located in the South Bend office. Applicants can reach the ILRC through a toll-free or local number. The ILRC accepts calls on Tuesday and Thursday from 8:30 a.m. to 4:30 p.m. and uses bilingual law students to handle screening and data entry. Instead of scheduling appointments using a callback system, calls are screened and handled as they arrive. Staff reported receiving approximately eight to ten calls per day, although

⁴ LSC's Program Letter 2002-4 may be used as a resource for implementing a coordinated telephone intake system.

volume varies. The ILRC law students are supervised by an experienced bilingual staff attorney who reviews intakes each day and forwards new applications to the appropriate office. The ILRC has a manual containing procedures and scripts to use in handling calls.

Finding 13: Timekeeping records are not kept contemporaneously throughout the program.

Interviews with staff indicated that some program staff are not consistently keeping contemporaneous timekeeping records. Even though staff members sign “timekeeping acknowledgement” forms, the visit team found instances where time was entered into Legal Files by at least one staff member in advance of work on a case. Even though timekeeping is maintained, staff indicated that it is not always completed contemporaneously. Staff members indicated that technology issues causing the unavailability of Legal Files contribute to the problem.

Recommendation:

II.13.1. ILS should immediately provide training to staff regarding timekeeping requirements. ILS should also determine if problems with Legal Files are contributing to the problem and address them.

Finding 14: Telephone technology has limited functionality that does not support a greater volume of intake.

Based upon interviews with staff, the program’s telephone technology does not support a greater volume of intake. Phone systems in each office are not networked to support transferring calls between offices. The current system does not have queue and automatic call distribution functions. The offices are not linked on a wide area network and some offices do not have adequate incoming phone lines dedicated to intake calls. Additionally, intake documents are not sent between offices electronically. The program’s technology plan will attempt to resolve some of these issues.

Recommendation:

II.14.1. ILS should make sure all decisions regarding telephone technology are strategic and cost-effective. As ILS looks to upgrade its phone system, it should consider whether a wide area network would enable improvements to intake. The program’s assessment should include a determination whether ILS should prioritize the purchase of technology to support improving access to services and streamlining the intake system.

Finding 15: ILS offices are accessible to the client community.

The ILS offices are accessible, clean and on transportation routes. Reception areas are inviting and contain information materials and brochures in English and

Spanish. The offices are handicapped-accessible. In instances where clients live in remote areas or are unable to access an ILS office, the program has established many satellite locations in the client community.

Migrant Component

Finding 16: The Migrant Farmworker Center (MFLC) conducts outreach and intake at migrant camps.

The Migrant Farmworker unit regularly identifies populations of migrant farmworkers and visits camps to conduct outreach and intake. In addition to asking questions in the community, the unit learns about the location of farmworkers through community and health organizations. Intake is conducted using paper applications. Interviews are conducted in English, Spanish or by using Language Line. In situations where an eligible applicant has no other means of representation, the unit tries to take all cases. Counsel, advice or limited service cases may be given to the MFLC director after the intake interview. Applicants learn about case acceptance for extended representation within a week of intake.

Recommendation:

II.16.1. The MFLC should consider acquiring Internet access for their laptops and entering information directly into Legal Files to increase efficiency.

Finding 17: MFLC provides adequate outreach and informational materials to the migrant farmworker community.

With the assistance of summer interns, MFLC conducts extensive outreach in the migrant community and at migrant camps. Generally outreach is conducted in at least three migrant camps, three evenings per week. All of the program's brochures are available in Spanish. MFLC has also developed a document entitled *The Rights of Migrant Farmworkers* to answer questions and provide information to the migrant farmworker community. MFLC has also developed a tracking sheet to assist farmworkers with documenting hours worked.

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

Criterion One. Legal Representation.

Finding 18: ILS has a long history of producing high quality legal work.

ILS has a cadre of experienced attorneys with expertise in various areas of law. Attorneys are well-respected and many serve as adjunct professors at law schools. ILS attorneys have successfully challenged plaintiffs in consumer law cases and replicate successful legal defense strategies throughout the program. The program also uses

substantive area roundtables to develop and share expertise. The roundtable chairs and project directors often coordinate strategies to be applied to individual cases. The provided writing samples confirm advocacy skills and complexity of cases. ILS attorneys have taken steps to preserve housing, promote fairness in judicial proceedings and help clients maintain economic stability. ILS also incorporates the following into its work:

- Senior Law Project – specializes in elder law issues with support from Area Agencies on Aging;
- Consumer Law Center – provides legal counsel to clients on consumer law matters;
- Housing Law Center – focuses on problems like foreclosures, predatory lending and quality of housing matters;
- Low-Income Taxpayer Clinic – represents low-income persons before the Internal Revenue Service
- Ex-Offender Program – addresses the problems of ex-offenders to reestablish them into the community;
- Community Economic Development Project – works to assist community/economic development for low-income people through collaborations; and
- Homeless Legal Project – provides counsel to persons in shelters on issues relating to debt and public benefits.

Finding 19: Formal supervision across branch offices is inconsistent, but methods provide adequate oversight and the informal exchange of information.

ILS legal work is governed by the Legal Work Management Manual which sets out practice standards, systems and protocols. The written legal work management standards set broad parameters and allow flexibility. While formal supervision across the branch offices is inconsistent, the offices engage in fruitful information exchanges and discussions of case strategies. Supervisors also use case review to assess the work of casehandlers. Supervisors provide guidance regarding appropriate steps in cases targeted for periodic case review.

Criterion Two. Private Attorney Involvement (PAI).

Finding 20: ILS integrates its activities with the state's pro bono system created by the Indiana rules of Professional Conduct.

Indiana has a unique pro bono structure. The Indiana Supreme Court adopted a Rule creating a 21 member pro bono commission - the Indiana Pro Bono Commission (IPBC). Each of the 14 judicial districts in the state has a pro bono committee that is charged with submitting an annual pro bono plan and funding request to the IPBC. All interest from IOLTA is distributed to support the 14 pro bono plans. ILS and the pro bono committees have developed a collaborative partnership for service delivery. ILS is required to defer to the state system and fully integrate its PAI program with that of

Indiana. A single ILS office may have to coordinate with three judicial districts and their pro bono plans. Three districts have offices co-located with ILS offices. Generally cases referred by ILS are within ILS priorities and eligibility guidelines. Judicial districts are responsible for recruiting pro bono attorneys.

Finding 21: While not the responsibility of ILS, there is inconsistent accountability regarding coordination within the current pro bono structure in Indiana.

While the Indiana Pro Bono Commission has the responsibility to supervise the pro bono committees of the 14 judicial districts and annually review and approve each district's pro bono delivery plan, the districts are independent and have the ability to develop their own pro bono methodologies to respond to local needs. Therefore, PAI efforts vary greatly as does the level of interaction and coordination with ILS. There is no current system to evaluate the pro bono structure and coordination is inconsistent and sometimes inadequate.

Recommendation:

III.21.1. ILS should approach the IPBC to support the implementation of a process to encourage increased coordination to promote the best outcomes for clients. ILS should encourage the IPBC to contact the ABA Center for Pro Bono for assistance. Through the Peer Consulting Project, the ABA Center for Pro Bono makes available the expertise of experienced volunteer consultants. Center staff and these volunteers provide telephone and on-site consulting to pro bono programs, state planning groups, in-house corporate legal departments, government attorney offices, judges, minority bar associations and law schools regarding pro bono initiatives. A central part of the Project's focus is linking pro bono programs with new partners that can provide additional resources for expanding pro bono efforts.

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

Finding 22: ILS engages in extensive outreach, community education, and other activities on behalf of its clients.

ILS has developed several specialized projects that target problems experienced by the client community. These projects could represent a significant pay-off in the program's long-running investment of time and energy with other service agencies that have an interest in the plight of the poverty population. For instance, ILS participated in the creation of the Indiana Justice Center (IJC). The IJC fosters a holistic approach to solving client problems with members of the judicial system. ILS is housed with 21 social service providers to serve the low-income community.

Migrant Component

Finding 23: The Migrant Farmworker Law Center (MFLC) has engaged in complex litigation and appropriately collaborates with other entities to represent clients.

MFLC works with other farmworker programs to identify patterns in the migrant community that may be resolved systemically. MFLC efforts have effectively deterred some employers from future unfair treatment of migrant farmworkers. The director recently co-counseled with an attorney at Texas RioGrande Legal Aid, Inc. in representing seven migrant farmworkers and their family members asserting violations of the Agricultural Worker Protection Act (AWPA).

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

Criterion One. Board Governance.

Finding 24: The program's governing body fulfills its oversight responsibilities.

The ILS board is actively engaged in and committed to effective program oversight. Board members view oversight as a mandate and responsibility. Board members played integral roles with the recent legal needs study, the program's diversity and cultural competency initiative, the program's LEP initiative and enhancing pro bono involvement in Indiana. The board's work reflects its commitment to ensuring high quality legal services to low-income individuals in the state. The board does not have term limits.

The board finance and audit committee is the most active board committee. The committee chair and treasurer has been on the board since 2001. He was largely responsible for managing the process of reconciling the books after the merger in 2001. The committee develops an annual budget that is adopted in December before the budget year begins. Financial statements and budget projections are reviewed at each board meeting. The treasurer meets with the financial staff prior to every board meeting to get financial updates. The finance and audit committee is responsible for board training dealing with financial statements. The committee also oversees implementation of audit recommendations.

New board members receive program orientation and training and are given a board package that contains information regarding responsibilities and policies. The 2009 program budget includes \$20,000 for board training. A majority of board members attends board meetings and is engaged in discussions. The board of directors has not conducted a formal performance evaluation of the executive director since 2004/05.

Client board representatives take leadership roles and their participation is highly regarded. Client members currently serve as the board's first-vice president and secretary. A client board member was recently nominated to serve on NLADA's Civil Policy Group. ILS values the involvement of client representatives and provides them adequate training to contribute fully.

The board composition demonstrates a commitment to the diversity of the service area. There are currently 25 women and 26 men serving on the board. Membership includes 32 Caucasians, 17 African-Americans and two Hispanics. The by-laws provide six board appointments to achieve diversity. Currently all three non-attorney, non-client board appointees are African American.

Recommendations:

IV.24.1. The board should consider setting term limits.

IV.24.2. The board should conduct regular performance evaluations of the executive director.

Criterion Two. Leadership.

Finding 25: ILS employs an astute chief executive officer who shares a sense of vision regarding the legal services community.

The executive director has 42 years of experience as a legal services executive director and is recognized for his leadership of ILS. He is well-liked and respected in the program and the legal services community. He is dedicated to the program's mission and vision. Staff members are loyal to him and appreciate his many years of contributions to the program. The team was informed that the executive director recognizes emerging trends and is open to innovative program approaches to address them.

ILS enjoys effective and dedicated leadership. It adopted a leadership transition plan in 2007. However the plan does not provide comprehensive steps for addressing leadership transition. Good management principles dictate that a program should have a comprehensive leadership transition plan to prepare for planned or unplanned changes in leadership.

Recommendation:

IV.25.1. ILS should develop a comprehensive leadership transition plan that addresses the roles of the board, executive director and executive staff in pre- and post-transition activities.

Migrant Component

Finding 26: The director of the Migrant Law Center provides good leadership over the program's work with the migrant farmworker community.

The director of the Migrant Law Center has been with ILS about three years. She provides good leadership and oversight of the program's migrant work. She is visible in the community and works with other entities to provide the best outcomes for migrant farmworkers. The director was recently recognized by the Indiana Lawyer for

distinguished service and received the Public Interest Recognition Award from the Indianapolis Chapter of Equal Justice Works.

Criterion Three. Overall management and administration.

Finding 27: ILS has good written management and administration policies.

Managing attorneys have management and supervisory responsibility for their offices. To guide them in their work, ILS has a Legal Work Management Manual that covers intake, case handling, case supervision and minimum practice standards. The intake section was written to allow flexibility and does not establish a comprehensive policy that specifically guides the branch offices. The program also has an office procedure manual and a personnel manual. ILS has implemented a Legal Services Roundtable around substantive areas to provide an opportunity for staff to meet to discuss issues and share ideas. All casehandlers are asked join at least two roundtable sections. Non-casehandler staff members are encouraged to belong to one roundtable section.

Finding 28: ILS is taking steps to review and assess its technology capacity to ensure proper resources are available to carry out its work.

ILS has allocated sufficient resources to technology and is working on ways to address the utilization of technology throughout the program. Currently, however, technology is not being used to its full potential. Staff members are not fully using the private side of the website to post internal documents and there is no program-wide policy for electronic calendaring.

Recommendation:

IV.28.1. ILS should continue to assess its technology capacity and develop a policy for electronic calendaring program-wide.

Finding 29: ILS surveyed staff technology needs.

ILS surveyed technology capacities of staff to determine what training is needed in the program. Staff indicated the need for more Legal Files and general technology training. The program is planning to conduct Legal Files training at the Access to Justice Conference in December.

Recommendations:

IV.29.1. ILS should continue to offer periodic technology training to follow orientation and new user training.

IV.29.2. The technology director should consider training more point people in each branch office to help with simple technology issues.

Finding 30: ILS is addressing its utilization of technology throughout the program.

ILS has dedicated technology staff and a technology committee. However, the technology committee has not established a regular meeting schedule and has only met once. The IT director also uses interns from the local university technology department to assist with the workload. The technology staff periodically visits branch offices and uses remote access to address issues that arise. The program's 2010 technology plan outlines planned upgrades.

Recommendations:

IV.30.1. The ILS technology committee should meet more frequently to reexamine its composition and include users with different aptitudes for technology.

IV.30.2. Before ILS purchases any technological systems, the program should revisit the technology plan to make sure decisions are made strategically and will provide the desired outcome of producing more efficient systems.

Finding 31: Legal Files is not being used effectively in the program.

Legal Files is not being consistently used by staff in the way it was intended. Due to system outages and malfunctions, staff members have created parallel manual systems to take applications and conduct conflict checks. Therefore, information is not being entered in "real" time and the case management system is not necessary the official record. Because data from the Kemps case managing system that was used by some offices prior to the merger in 2001 has not been integrated into Legal Files, intake workers check both systems for conflicts to ascertain potential conflicts that may manifest from the pre-2001 era. Deficiencies with Legal Files interfere with staff members entering time contemporaneously.

Recommendation:

IV.31.1. ILS should review the use and effectiveness of Legal Files as a case management system and examine whether program practices maximize the capabilities of the system to ensure the most efficient intake and case management systems.

Criterion Four. Financial administration.

Finding 32: The program appears to have sufficient and capable staff that manage and maintain fiscal operations.

The program's accounting staff consists of 2.6 full-time equivalent employees with oversight responsibilities assigned to the director of administration. The staff also includes a controller and an assistant controller/benefits manager. The executive director, director of administration and controller conduct a monthly review and analysis of financial statements before they are presented to the board. The program maintains an

accounting manual that details financial operations. The manual was last updated in 2006 and is currently under review. The program's most recent audit does not identify any findings/issues.

Criterion Five. Human resources administration.

Finding 33: ILS maintains effective human resources administration.

The program's human resources function is a shared responsibility of the administration staff. There is ½ full-time equivalent staff person responsible for administering and overseeing the program's benefits. Personnel records are maintained in the administrative office with copies in the appropriate branch offices. The board has a compensation and benefits committee that revised the program's salary administration plan and developed entry level guidelines. The board/staff diversity committee is reviewing job descriptions for possible revision.

Staff members work together and support each other. In many instances, more experienced attorneys work with newer attorneys to mentor them. Morale within the program is reasonably good and staff turnover is relatively low. However, some staff expressed concerns regarding differing practices being used in different branch offices. Branch offices are allowed to implement different delivery system practices to address staffing differences and local community needs. Morale is affected by inconsistent policies across branch offices and lack of uniformity with branch office practices. Staff members are dedicated but want an opportunity to share opinions and suggestions about the program.

Training opportunities for advocates are widely available throughout the program. There are some concerns about the availability of training for administrative staff and management training for mid-level supervisors. Staff members have access to continuing legal education and attend local and regional training events. While the program does provide orientation to new staff members, it may not happen timely or consistently depending upon the branch office.

Recommendations:

IV.33.1. ILS should solicit input from staff and conduct its own staff survey in an attempt to improve morale and address employee concerns.

IV.33.2. ILS administration should verify that orientation of new staff is conducted timely at the branch offices.

IV.33.3. ILS should assess training needs for all staff categories in the program to ensure training needs are being met.

Criterion Six. Internal communication.

Finding 34: ILS has mechanisms in place to effectively communicate with staff.

Regular communication among staff takes place through email, group case acceptance meetings (not all offices), staff meetings, management meetings and roundtable discussions. Even though staff meetings and management meetings do not happen regularly, they occur as needed. The executive director uses email communication effectively and visits branch offices. However, some branch offices feel somewhat isolated from the rest of the program.

Criterion Seven. General resource development and maintenance.

Finding 35: ILS seeks to maintain and expand its base of funding.

ILS has a full-time resource development director and two part-time work-study students involved with its resource development and public relations activities. The current resource development plan has goals and objectives through 2007. ILS is in the process of updating its resource development plan.

The program has had a lot of success with its fundraising efforts. The program maintains a 9,000+ member donor data base through its eTapestry fundraising software. The program also conducts a direct mail solicitation semi-annually. The program has received funding through the Homelessness Prevention and Rapid Re-Housing Program (HPRP), the Indiana Housing and Community Development Authority, and the Institute for Foreclosure Legal Assistance. The program also works with community organizations and agencies and has received several cy pres awards.

The ILS board is not as visible with resource development efforts as they could be. Direct involvement by the program's board will help ILS with donations from private attorneys and community representatives.

Recommendation:

IV.35.1. The entire board should be more engaged in resource development efforts. They should be visible in the community and present at local and state bar meetings. Board training on fundraising would assist this endeavor.

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

Finding 36: ILS is engaged in a comprehensive and integrated service delivery system.

ILS collaborates with other agencies that provide assistance to the low-income population in Indiana. Specifically, the program partnered with the Indiana Bar Foundation and the Pro Bono Committee of the Indiana State Bar Association to conduct the recent legal needs study. ILS also works with the Indiana Bar Foundation and

Indiana Supreme Court to host the biannual Indiana Access to Justice Conference. The branch offices coordinate with the pro bono plan administrators in each of the 14 judicial districts. Staff attorneys serve as adjunct professors at law schools and are instructors with the Indiana Continuing Legal Education Forum. The program works with law schools, state agencies, local organizations and townships to provide integrated service delivery throughout Indiana.