



LEGAL SERVICES CORPORATION  
Office of Program Performance

***FINAL  
PROGRAM QUALITY REPORT***

***FOR***

***Legal Aid of Nebraska***  
*Recipient Number: 528020*

November 2 - 6, 2009

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## INTRODUCTION

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit to the Legal Aid of Nebraska (LAN) from November 2 - 6, 2009. The team members were Cheryl Nolan, Team Leader/OPP Program Counsel; Evora Thomas, OPP Program Counsel, and consultants Joseph Dailing and Patrick McIntyre.

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 has from the program including its grant application narrative for 2009, 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 an electronic survey of LAN staff. On site, the team visited the Omaha, Lincoln and Grand Island offices. In addition to speaking to most of the LAN staff members, the team conducted telephone interviews or met in person 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 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 AND SERVICE AREA

Legal Aid of Nebraska (LAN) was established in 2000 as a result of the reconfiguration of three legal services programs in the state.<sup>1</sup> LAN provides a full range of legal services to eligible low-income people in all 93 Nebraska counties. LAN provides services statewide from seven offices – the Omaha, the main office, and the Bancroft, Lincoln, Norfolk, Grand Island, North Platte and Scottsbluff branch offices. The program employs 69 attorneys and other staff members working in the program's offices across the state. In 2009, LAN received \$1,545,534 in basic field LSC funding, \$35,323 in LSC Native American funding, and \$45,084 in LSC migrant funding. In 2008 it received approximately \$3,395,471 from non-LSC sources and in 2009 it received approximately \$3,722,707 from non-LSC sources.

The statewide service area covers 77,358 square miles and has a poverty population of 161,269<sup>2</sup>, which is 12% of its overall population. The ethnicity of the service area is approximately 71% white – non-Hispanic, 11% African American, 12%

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<sup>1</sup> LAN was formerly known as Nebraska Legal Services. It changed its name in 2004 because the term Legal Aid was found to be more recognizable and indicative of LAN's work.

<sup>2</sup> These figures are based on the 2000 Census.

Hispanic, 3% Native American, 2% Asian, and 6% other.<sup>3</sup> There is a growing Somali and Sudanese population. The primary language of a significant portion of the limited-English proficient (LEP) population is Spanish.

The program's legal work is centered on four practice areas: consumer, housing, public benefits, and family. LAN has many special projects and a Native American and migrant component that are funded by LSC. The Native American component has a VAWA grant to provide legal services to Native American victims of domestic violence. Under the LSC Native American grant, the unit handles a range of legal problems including family law, Indian Child Welfare (ICWA) issues, tribal housing authority disputes and casino employment matters. It is staffed by a project coordinator and two attorneys. The migrant component is staffed by a full-time Spanish bilingual project coordinator who personally provides outreach across the state and directs applicants to the AccessLine<sup>®</sup> for further assistance. LAN also has a farm/ranch unit that offers a variety of services geared to farmers and ranchers. The farm/ranch project is staffed by a full-time senior paralegal project coordinator, a contract attorney and a full-time administrative assistant. The firm also operates specialized projects dealing with foreclosure, bankruptcy, tax, medical-legal, the homeless, elder law, domestic violence, and the juvenile court. The program has a high-volume intake and brief service unit known as the AccessLine<sup>®</sup>. The AccessLine<sup>®</sup> is enhanced by the ElderAccessLine<sup>®</sup>, and specialized intake systems for Native Americans and Spanish-speakers. LAN operates a separate Rural Response hotline for its farm/ranch clients.

## SUMMARY OF FINDINGS

LAN's delivery structure is marked by a commitment to high quality work and a holistic approach. LAN regards itself as a law firm, a culture that is evidenced among staff, management and the board. The work that the program does is strategically tied to the needs in the community. Overall, the program is highly effective in engaging with the low-income population. Its high quality legal work is conducted in a way so as to achieve the best outcomes for its clients. The program's leadership has maintained a unified vision for the program's work promoting high standards for all of the program's activities. Advocates are provided adequate training from national and local sources in addition to attending training provided by experienced LAN staff. LAN is staffed so as to effectively address the linguistic and cultural characteristics of its clientele. Attorneys and other staff do a great deal of outreach throughout the state. LAN is a leader in collaborating with other legal services programs and the courts in Nebraska.

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<sup>3</sup> Census data for ethnicity exceeds 100 percent due to the methodology for Hispanic responses. Census 2000 allowed respondents to report two or more races and asked separate questions for race and Hispanic origin. "Because Hispanics may be any race, data in this report for Hispanics overlap with data for racial groups." U. S. Census Bureau. (December 2004). *We the People: Hispanics in the United States. Understanding Data On Race and Hispanic Origin from Census 2000.* Retrieved February 2, 2010, from <http://www.census.gov/prod/2004pubs/censr-18.pdf>.

LAN's intake is handled by the AccessLine<sup>®</sup> system, which handles general intake in addition to the specialized ElderAccessLine<sup>®</sup> for seniors, and designated intake and hotlines for Native American, and Spanish callers. The firm's farm/ranch project and its Rural Response hotline are managed and supervised separately from the main AccessLine<sup>®</sup>. Intake staff uses drop down boxes to guide staff on proper case handling and scripted advice. These have been developed in coordination with experienced staff throughout the program. Requests for assistance increased 8% during the first six months in 2009. The intake unit has worked on handling the increased volume by focusing on the amount of time spent on calls and considering other efficiencies in the intake process. LAN's telephone system is networked program-wide and call volume reporting is only used to monitor performance and productivity. LAN is reviewing its intake system as well as reviewing possible technology upgrades to its telephone system focusing on expanding the program's technology and using it to address client service goals. Advocates have appropriate, up-to-date technology to support their legal work, and it is used consistently by staff. LAN is changing its case management system (CMS) to PIKA. It will be developing a new website that will feature an electronic brief bank and will be adding a wiki to use in-house for staff communications and substantive information.

The program is actively involved in promoting private attorney involvement. LAN is engaged and well-respected by the judiciary and its community partners.

The present executive director assumed the position in 2009 and his transition has been well-received by staff, the board and members of the community. The program's board, leadership and management successfully maintain a structure that allows the program to be effective in serving its clients. The board is active and involved in overseeing the work of the program. The program and board are focused on resource development. Its resource development efforts support the program's priorities as determined by its 2007 needs assessment. Further, resources are sought to serve clients in specific areas of need, such as its medical-legal partnership and foreclosure work. The board, executive director and financial administrators effectively oversee program finances. The firm's financial management staff is experienced. The firm's financial administration staff developed innovative tools and comparative documents for financial planning and preparing budgets expeditiously.

Although the LSC team has made several suggestions for improvement, this on-site evaluation, including the extensive document review, revealed no significant negative findings.

## **FINDINGS & RECOMMENDATIONS**

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

**Criteria 1, 2, 3 and 4. Periodic comprehensive assessment and ongoing consideration of legal needs. Setting goals and objectives, developing strategies and allocating resources. Implementation. Evaluation and adjustment.**

**Finding 1: LAN conducted a comprehensive assessment of legal needs within the last several years and considers legal needs on an ongoing basis. The program is responsive to reviewing community needs.**

LAN underwent a three year planning process beginning in 2006. The first phase of the planning process involved a review of LAN's management structure by consultant John Tull. The second phase was a comprehensive needs assessment completed in 2007 and the final phase was a strategic planning process. The legal needs assessment informed the firm of ongoing and new legal problems facing the client community. The needs assessment included input from diverse client constituencies, attorneys, judges, community organizations, agencies and others. It specifically examined the special needs of all major populations and used three methodologies: telephone surveys, written and electronic surveys and focus groups. The focus groups targeted Latino, African American, Native American and Sudanese participants throughout the state and from the areas served by its branch offices.

More recently, LAN found an increased need among the Native American community as a result of the downturn in the economy. Increased legal needs have resulted from higher poverty rates and unemployment. A greater focus on resource development in new areas of funding is a stated goal to meet this need.

**Finding 2: LAN appropriately sets and implements goals and objectives, develops strategies, allocates resources based on its comprehensive and ongoing assessment of legal needs.**

As discussed above, the last phase of the program's three-year planning process involved the development of a strategic plan. The strategic plan incorporated the findings of the legal needs assessment process. It is accompanied by a document outlining goals, desired outcomes and general time frames for completion. Both documents were adopted April 9, 2008. In June 2008, LAN adopted program priorities that articulate goals, objectives and strategies to achieve outcomes that address the most pressing legal needs through legal representation, assistance, advocacy and other program work. LAN routinely evaluates the accomplishment of its goals, objectives and strategies to address program priorities by devoting a portion of the executive director's report to the board of directors to comparisons of case inputs, outputs and outcomes. Board minutes also show progress reporting on activities outlined in the strategic plan goals. It does not appear the firm has a plan for the periodic review of the strategic plan or that the plan has been reviewed since its adoption.

The law firm utilizes systems and approaches reasonably calculated to identify new pressing issues and legal needs both of individuals and target populations. These approaches include the substantive task forces and the extensive outreach work done by

the firm's minority coordinator. Both activities have uncovered issues, such as public benefit denials/terminations and lead poisoning cases, that led to LAN adjusting strategies and resulting in the development of a pro se assistance project, a medical/legal partnership and increasing the level of direct representation in public benefit cases. The firm does not appear to be regularly reviewing intake reject data from AccessLine<sup>®</sup> for emerging areas of need. The firm considers, and where possible and appropriate, utilizes methods, including innovative or alternative approaches to address client needs. These include court-based pro se projects. The client satisfaction survey and client grievance system are universally regarded and utilized by LAN as a useful means of assuring accountability and suggesting areas for change and improvement.

**Recommendation:**

**I.2.1.**<sup>4</sup> LAN should consider reviewing intake reject data on a regular basis as another means to determine emerging needs.

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

**Criterion 1. Dignity and sensitivity.**

**Finding 3: LAN is linguistically and culturally competent, and it treats clients with dignity and respect.**

The firm's mission, which expressly emphasizes client worth and dignity, is infused into the genetic make-up of its staff at all levels. Interviews with staff, board members, community organizations, and judges all confirmed that the program values the dignity of clients and that it is competent to deal with the challenges of a multi-cultural client pool. The service area is home to people from many cultures and a variety of languages. AccessLine<sup>®</sup> reports show Spanish, Arabic, French, Native American, Vietnamese and sign language as some of the languages it has served. Nebraska has become a home for Sudanese refugees<sup>5</sup> and other immigrants from Mexico, Lithuania, Nepal, Japan and Vietnam among other countries.<sup>6</sup> The firm employs intake staff and advocates who are bilingual Spanish and when necessary, uses Language Line and other translators for other languages. In addition, the firm has two staff members who are fluent in Mandarin Chinese. The staff and its leaders are highly sensitive to and responsive concerning linguistic and cultural considerations. LAN's organizational chart effectively demonstrates the value it places on its clients by placing clients at the top of the chart. Interviews with staff consistently evidenced the highest regard staff has for the dignity of their clients.

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<sup>4</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>5</sup> <http://www.hopeforsudan.com/thesudanese.asp>.

<sup>6</sup> <http://www.uwmidlands.org/international-center-of-the-heartland.html> citing *New Legal Permanent Residents in Omaha metro area, 2003-2005*, [www.dhs.gov](http://www.dhs.gov).

## **Criterion 2. Engagement with the low-income population.**

### **Finding 4: LAN is actively engaged and highly visible in the client community.**

While the law firm does not yet have a formally structured and systematized approach to assuring LEP access for languages other than Spanish, there is regular and meaningful engagement with all client communities. LAN staff is aware of and conducts outreach to the major segments of the low-income population in its service area. According to the on-site interviews and board minutes, LAN staff can be found at many service agencies, community centers, civic events, and outreach fairs where they engage with the client community in a variety of ways — taking new cases, representing clients in hearings, serving on community boards, attending meetings of community organizations, and making presentations on various issues. Advocates conduct outreach at several homeless shelters, immigrant centers and senior centers where homeless, mentally ill and other special populations receive other supportive services throughout the state. LAN collaborates with International Center of the Heartland, an organization that supports the needs of immigrants, to provide services to eligible immigrants and refugees. Staff in the North Platte office collaborates with the Lexington Parent-Child Center on matters of domestic violence, sexual assault, and child abuse among other family matters. Some clients of these agencies are Hispanic, Sudanese or Somalian. While agreements have been reached for translation services, in the case of the Somalian and Sudanese clients, staff reported the unique challenges of using community elders for translation.

Many staff reported participating with their communities in other supportive ways such as church involvement. There is regular communication and outreach through printed materials, television and radio. YouTube™ links to current and archived materials are located on the website.

The law firm has thoughtfully and strategically placed offices in appropriate population centers while at the same time using compensated PAI attorneys to ensure substantially equal access to all segments of the client eligible population. LAN has identified isolated population segments and works in serious ways to overcome specific barriers to access experienced by those populations.

### **Recommendation:**

**II.4.1.** In light of the increased presence of immigrant populations and new partnerships with groups, such as International Center of the Heartland and the Parent-Child Center, the law firm should consider whether these developments provide an opportunity to formulate and adopt a more systematic and structured approach to ensuring LEP access for languages other than Spanish. LAN should review LSC's Program Letter on LEP for guidance.

### **Finding 5: The NA unit works closely with the NA community.**

The NA unit serves the legal needs of three reservations and the Ponca Tribe, including tribal courts in Norfolk and Bancroft. The unit provides a variety of legal services including family law, housing, Indian Child Welfare Act (ICWA), among others. The firm is involved with two newly formed coalitions: the ICWA coalition and the Intertribal Domestic Violence Coalition (IDVC). The IDVC works with training law enforcement on issues related to law enforcement, including tribal law enforcement.

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

**Finding 6: LAN's organization and culture of client service ensure a high degree of access to and utilization of program services by the low-income community.**

Intake at LAN is primarily conducted by telephone and is coordinated programwide through the AccessLine<sup>®</sup> which is a high-volume call unit specially designed for rapid eligibility screening, advice, or referral to either another organization or to the appropriate unit for extended work within the program. The AccessLine<sup>®</sup> is a high volume system handling a full range of legal problems. The majority of calls involve family law matters, followed in order of volume by consumer (including bankruptcy), housing, public benefits, employment and other legal issues (juvenile, education, tax). Intake is supported by some use of callbacks as a back up when necessary. In addition, the telephone system allows callers to request an automatic callback. Walk-ins are encouraged to contact the AccessLine<sup>®</sup> directly, unless their legal problem requires immediate attention. LAN allows walk-ins to use a phone in their lobby to contact AccessLine<sup>®</sup>.

Intake staff is located in the Omaha office on the same floor. Staff work in cubicles and measures have been taken to reduce noise levels. There is a break room adjacent to the AccessLine<sup>®</sup> area which is used for staff meetings and training. Calls are toll-free throughout the state. The AccessLine<sup>®</sup> system handles all general telephone intake for all LAN offices statewide. Staff provides an avenue for DV victims advocates' calls to have immediate access to intake staff bypassing the queue. LAN implemented the Spanish, Native American and ElderAccessLine<sup>®</sup> (for applicants 60 years or older) to address the unique intake needs of these special populations. These special intake lines are handled under the overall supervision and management of the general AccessLine<sup>®</sup> system. LAN also implemented a Rural Response hotline for the farm/ranch project, which is operated and managed apart from the AccessLine<sup>®</sup> system.

The AccessLine<sup>®</sup> is staffed by one full-time managing attorney, and 4.6 paralegals, two of which are bilingual Spanish. Part-time staff shifts are overlapped to ensure smooth transition and coverage. The ElderAccessLine<sup>®</sup> is staffed by an experienced attorney (part-time) and a full-time paralegal. The AccessLine<sup>®</sup> managing attorney served as supervising attorney and worked on the AccessLine<sup>®</sup> for over seven years prior to her promotion. The managing attorney oversees all calls for the AccessLine<sup>®</sup>, the Spanish AccessLine<sup>®</sup>, the ElderAccessLine<sup>®</sup>, and the Native American AccessLine<sup>®</sup>. A senior paralegal project coordinator and a contract attorney operate and

manage the Farm/Ranch project and its Rural Response hotline with the support of an administrative assistant.

At the AccessLine<sup>®</sup>, the managing attorney is available to answer staff questions via email, phone, or in person and provides back-up on case review and handling calls when necessary. Staff takes calls through a queue that provides them with basic call information such as the caller's wait time. The queue helps direct specialized callers, such as Spanish-speakers and seniors to designated staff. AccessLine<sup>®</sup> staff review eligibility, enter applicant information into the case management system, and collect facts about the legal problem. They use drop down boxes of scripted questions to ensure quality of service. Before ending the call, paralegals review the case with a staff attorney who ensures all relevant information has been collected and instructs the paralegal on what to tell the caller and how to handle the application. After advice or referral, the staff closes the case or transfers the case for extended service. When cases require extended service, they are transferred via email to the appropriate substantive law unit for a callback. Referrals are provided to callers who cannot be served by LAN. Staff members often provide written materials to callers to support the information provided. The staff has begun using email to deliver written materials. All notes are kept in the case management system (CMS). The program plans to convert its CMS from TIME to PIKA on January 1, 2010.

**Finding 7: LAN is appropriately focused on broadening access to its overall service delivery. Demand for legal services has increased and the wait time for AccessLine<sup>®</sup> is a concern among staff. LAN is aware of the need to improve access to AccessLine<sup>®</sup>.**

Hours of operation allow for a high degree of availability to answer incoming calls. The AccessLine<sup>®</sup> and Spanish AccessLine<sup>®</sup> operate Monday-Thursday 9:00 to 4:00 and Friday from 9:00 to 12:00. The ElderAccessLine<sup>®</sup> operates Monday-Friday, 9:00 to 12:00 and 1:00 to 3:00. The Native American AccessLine<sup>®</sup> operates Monday-Friday 9:00 to 12:00. The Rural Response Hotline operates Monday-Friday 8:00 to 5:00.

Access is regularly assessed by management and staff for ways it can be improved. Past improvements were made by adding staff, including bilingual Spanish-speakers. Interviews with staff and staff surveys showed a concern for the amount of time applicants wait to speak to a staff person on AccessLine<sup>®</sup>. Data on the incoming volume shows that they are answering approximately 50% of all incoming calls. Staff reported an awareness of callers using cell phones and that the longer waits use up limited cell minutes and battery power.

The firm is likewise appropriately focused on providing access for limited English-proficient (LEP) applicants. Reports indicate that the AccessLine<sup>®</sup> continues to serve LEP callers in languages other than English and Spanish. The AccessLine<sup>®</sup> regularly reports LEP access and other relevant data such as call volume, intakes opened and closed and types of matters handled.

Recent reports evidence the increasingly high demand for services at AccessLine<sup>®</sup>. During the first quarter of 2009, the AccessLine<sup>®</sup> handled 3,995 requests for assistance and forwarded 549 for extended service. This is an increase of 858 more calls handled than the first quarter of 2009.

Calls are managed and reported on by telephony software. As noted above, when an AccessLine<sup>®</sup> staff person picks up a call, she can see how long the caller has been waiting. The managing attorney can also see wait times and call volume on a large screen in her office. LAN reports the average wait time for callers is 20 minutes and the average time spent on each call is 20 minutes. During observation of intake during the visit, the wait times were below four minutes.

AccessLine<sup>®</sup> staff regularly focuses on the wait times and how to improve access through staff meetings, trainings and using existing systems and procedures for handling calls. The AccessLine<sup>®</sup> managing attorney focuses on controlling and reducing wait times and other strategies by monitoring time spent on calls, developing questionnaires and drop down boxes, reviewing data from the call management software and providing regular training to AccessLine<sup>®</sup> paralegals and attorneys.

As noted above, the telephone system has the capacity for automatic callbacks at the caller's request. This is a feature some legal services programs use to reduce the caller's time on hold. However, the callback feature in LAN's telephone system may not be functioning properly. A staff person reported that it does not tell callers when they need to leave an area code, thus not allowing the callback function to return the call to the correct number and placing the call in a limbo or looping within the queue. Staff reported they are working with the telephone system vendor to try to repair this fault. In addition to the use of systems and technology, the AccessLine<sup>®</sup> staff is seeking other ways to improve access. The unit is considering a two-tiered approach to reduce wait time by prescreening calls with basic eligibility questions to clear the queue of ineligible callers. The AccessLine<sup>®</sup> is also working on other approaches that can reduce wait times and ease increased demand. These include pro se projects and an increase of direct brief services with attorneys. Staff will evaluate call data in six months to assess the efficacy of these time saving measures.

## **Recommendations:**

**II.7.1.** LAN should continue with its idea to use prescreening to reduce the volume waiting in the queue and long wait times. The intake unit might consider prescreening on an as needed basis during times of higher volume (such as Mondays or when the queue reaches a specified wait time level).

**II.7.2.** The firm should consider staffing alternatives to help with prescreening, such as the use of volunteers, law school interns or AmeriCorps staff. LSC's Intake Focus Group is available for technical assistance on this and other matters related to intake.

**II.7.3.** The firm should consider allowing AccessLine<sup>®</sup> paralegals to provide immediate advice to callers on simple, routine legal issues without interrupting the call to review with an attorney. The intake unit can expand the use of its drop down boxes to provide scripted advice to ensure quality and accuracy. To the extent she is not already doing so, the managing attorney can be assured of the quality of advice given by reviewing each closed advice case at the end of the day. Her full-time availability for questions along with the attorneys provides the requisite supervision of non-attorney staff.

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

**Criterion 1. Legal representation.**

**Finding 8: LAN provides high-quality legal assistance to the client population in its service area.**

The firm's director of litigation and advocacy oversees and promotes quality extended representation, advocacy projects and task forces. Managing attorneys review the work of attorneys in their offices. The task forces meet to discuss new cases, ongoing cases, emerging trends and to share expertise and training. The task forces meet monthly and at the staff retreat. Task force meetings are conducted via telephone and online meeting services using GoToMeeting<sup>®</sup> to allow staff from all offices to participate. The firm assigns experienced advocates to serve as substantive area leaders who work with the director of litigation and advocacy to generate litigation plans and handle complex legal issues. Each of the substantive area leaders has at least 10 years of legal experience in their field. Task force leaders participate on the management council.

Overall, advocates interviewed during the visit were well-trained and keenly aware of substantive and procedural issues relevant to their assigned area of responsibility. The team interviewed many experienced advocates in the program. The firm is staffed by experienced and competent attorneys and paralegals with demonstrated expertise to represent and advocate on behalf of clients in appropriate legal forums across the state. Staff reported several cases involving complex litigation and significant outcomes to clients. An attorney described a juvenile case on appeal to the Nebraska Supreme Court after a 22 day trial and a 3,900 page bill of exceptions. Other staff also reported cases handled at the appellate level. In addition, staff reported social security awards exceeding \$20,000 in awarded benefits.

The migrant unit is staffed by an experienced attorney and an outreach coordinator who is a native Spanish-speaker. The migrant unit participates in the Nebraska Migrant Action Coalition (NEMAC). NEMAC brings together LAN's migrant staff, the Creighton University Center for Multicultural Affairs, NAF: Multicultural Human Services (formerly known as the Nebraska Association of Farmworkers), and the Nebraska Development/Department of Labor. NEMAC's primary goal is to provide outreach and education to migrant farmworker communities. In 2009, NEMAC included

student volunteers and LAN staff for outreach activities and presentations in the western region of the state. NEMAC also works on extended legal representation for farmworkers with cases involving violations of agricultural workers' rights.

The Native American unit is staffed by a project coordinator and two staff attorneys. The NA project coordinator is certified as a lay advocate with the Omaha Tribal Court. Native American project staff travels to reservations to meet with clients, appear in court, and conduct outreach and legal education. Judges, including tribal court judges, reported advocates are well-prepared, knowledgeable and committed to their clients.

The writing samples and interviews revealed that the program's casehandlers as a whole possess both a high degree of knowledge about the clients' legal problems and the requisite practice skills to address them. Program advocates are provided sufficient resources to accomplish the program's mission. Legal research resources include online research tools, listservs, task forces, the program's in-house library and practice publications, and other state and national support centers. Casehandlers make use of assistance of in-house advocates with expertise in a specific area. All casehandlers have desktop computers and access to the Internet. Staff has ample opportunity to earn CLE hours (internal and external) and receive training from a variety of sources including attendance at conferences. LAN does not use a programwide brief and pleading bank, but it uses a shared drive to share sample pleadings. The program plans to include a brief bank in its upgraded website.

Case file maintenance practices appear to vary among offices and among advocates (e.g. there does not appear to be a firm policy about entering all case notes into the CMS). New cases are assigned by the managing attorneys based on caseload and skill levels of the attorneys receiving the cases. Ongoing case review appears to be ad hoc. Some staff reported case reviews quarterly using the CMS. Other staff reported case reviews occurring at the time the case is closed or during an annual review. The firm uses a file review checklist and is in process of developing a case review policy. As previously noted, the task force groups are a vehicle for ongoing discussion of issues and strategies in open cases. Some staff interviews revealed a desire for more formalized professional development. Management staff reported the program is working on a professional development plan.

### **Recommendations:**

**III.8.1.** LAN should continue with its plans to implement a brief and pleadings bank in conjunction with the upgrade of its website, or in the alternative, include a brief and pleadings bank with the implementation of its new CMS PIKA.

**III.8.2.** The firm should ensure the case review policy currently in development provides for periodic and regular case review by a managing attorney.

**III.8.3.** The firm should develop a written programwide policy on file maintenance including entering of all case notes into the CMS.

**III.8.4.** To the extent that the case handler development plan currently underway does not include consideration of indicators in LSC Performance Area 3, Criterion 1 regarding legal work standards, the program is strongly encouraged to adopt comparable standards and include them in the plan.

**Finding 9: LAN's case service reporting demonstrates a highly productive program.**

The firm's case closings are well above national medians. In 2008, LAN closed 527 cases per 10,000 poor persons in its service area. This compares to the national median of cases closed per 10,000 poor of 254. In 2008, LAN closed 1,331 extended service cases (15.9% of the total cases) and 7,056 limited service cases (84.1% of the total cases). This amounts to 80 extended service cases per 10,000 poor and is higher than the national median of 53.

The firm maximizes the use of its resources and achieves in its representation and work the greatest possible benefits to its clients. LAN's commitment to doing this is reflected in the firm's ability to have expanded the amount of representation it provides with essentially the same staff levels and funding resources.

**Criterion 2. Private attorney involvement (PAI).**

**Finding 10: LAN effectively integrates private attorneys into its legal representation and client services.**

The law firm has an excellent compensated PAI program that is operated in coordination with the pro bono program of the state bar association. Volunteer private attorney involvement (PAI) in Nebraska is handled by the Nebraska Bar Association. LAN's refers cases to the Nebraska Bar pro bono panel, in addition to operating a compensated PAI program. LAN's PAI attorneys are compensated at a rate of \$60.00 an hour to handle cases in all of the firm's priority areas. The compensated PAI is designed and operated in a manner that provides substantially equal access to legal representation throughout the state. LAN's 2009 Private Attorney Involvement (PAI) Plan was developed in accord with the findings of the programs needs assessment.

High quality private attorney services are leveraged at a low cost to the firm. PAI activities are coordinated by a part-time attorney who is shared with the AccessLine<sup>®</sup>. The firm closed 125 cases in 2008 and 152 in 2007. Staff reported there are usually around 150 open cases at any given time. Cases are referred to private attorneys when it is more efficient to use them such as when the drive time to the courthouse is more than an hour and a half from the closest LAN office. LAN's compensated PAI program contracts with attorneys and law firms to represent clients in family law cases in 52 counties. LAN actively recruits attorneys who are bilingual or have bilingual staff to represent LEP clients.

**Criteria 3 and 4. Other program services to the eligible client population and other program activities on behalf of the eligible client population.**

**Finding 11: Consistent with its goals, objectives, and strategies, LAN participates in a wide range of services and activities that benefit the client population.**

The firm is a leader in many activities that have a significant impact on the client community. LAN has the contacts, experience, reputation, and credibility sufficient to allow it to effectively engage in activities on behalf of clients. LAN has formalized relationships with community partners to strengthen its outreach efforts to difficult to reach populations (such as the homeless, Hispanics, immigrants, and Native Americans). LAN co-sponsored one of three minority counsel networking events with the Nebraska bar association. The firm also works with the law school clinics and faculty.

The firm seeks opportunities for activities that would benefit the client community, such as its medical-legal partnership and homeless project. The firm contemplates becoming a continuing legal education (CLE) provider as a result of the passing of a CLE mandatory requirement in the state. LAN's minority outreach coordinator is active and involved in community education. The firm's use of PowerPoint presentations by the minority outreach coordinator is an example of more effective and appropriate client legal education and can serve as a model for redesigning written client materials.

LAN has been working with the Nebraska Supreme Court on pro se projects in courthouses across the state and is in the beginning stages of development of meaningful self-help materials. Interviews with judges demonstrate LAN's capacity to engage with the bench and bar and to make progress on pro se initiatives and implement projects effectively.

LAN's website features a live chat option to connect users to the AccessLine<sup>®</sup> and links to the firm's self-help materials. LAN uses brochures developed by the state bar association in client legal education. The format of written client materials does not facilitate ease of understanding and use by clients and others. The migrant unit uses PowerPoint presentations for its outreach, a booklet addressing migrant and seasonal farmworker rights and other materials developed for farmworkers. The booklet was developed in a collaborative effort of LAN and NEMAC and covers the range of legal problems experienced by farmworkers.

**Recommendation:**

**III.11.1.** Written client materials should be reviewed for reading level and ease of use by clients.

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

## **Criterion 1. Board governance.**

### **Finding 12: LAN's board demonstrates effective oversight and is actively engaged in decision making.**

The 20-member board meets quarterly. Meetings are consistently well-attended in person and via telephone as needed for some members. Each year the board visits one of the firm's seven offices. The board's composition is appropriately diverse in proportion to the service area's population. There are no board member or committee descriptions.

The board chair and executive director are in frequent contact with each other; they communicate at least several times each week. The board members are committed to the mission of the law firm, and all describe self-sufficiency for clients as the vision of the firm. As a whole, the board is diverse and representative of the various geographical areas and low-income populations served by the firm. The board demonstrates that it exercises independent judgment. The board of directors is involved in major decisions of the firm.

Client members serve on all committees, chair some committees and hold executive office positions, including secretary and treasurer. Board members attend national conferences such as NLADA and the Equal Justice Conference. Each January, the board of directors conducts an orientation to train members on their fiduciary roles and responsibilities, as well as to acquaint them with the firm's history, and the laws, regulations and policies affecting the organization and operation of LAN. The board has a conflict of interest policy, which they report to have used. An attorney that is also a certified public accountant (CPA) serves as the financial expert on the board.

The board exercises financial oversight of the law firm through:

- quarterly review of financial reports;
- approval of budgets and prospective budget planning;
- review and approval of other management and regulatory reports
- approval of the conflict of interest policy
- evaluation of program services and the executive director and staff reporting to the full board; and,
- interim activities of the finance committee.

There are several committees tasked with specific duties. The present committees are: the executive committee, a joint audit and finance committee, as well as committees on personnel, board development and nominations, planning, programs and priorities, and resource development. The personnel committee is working on the evaluation of the executive director scheduled for completion December 2009.<sup>7</sup>

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<sup>7</sup> Subsequent to the onsite visit, LAN completed the executive director's evaluation in December 2009.

Resource development is a priority for the board. The goal for the annual bar campaign is \$250,000. Other objectives reported by board members include addressing the salary scale, creating a small endowment for law school loan repayment assistance, an endowment to sustain the firm, staff benefits and sound fiscal oversight.

**Recommendations:**

**IV.12.1.** The firm should develop job descriptions for board membership and committees.

**IV.12.2.** LAN should consider retaining the services of an external facilitator to conduct portions of the board orientation.

**IV.12.3.** The board of directors should consider the inclusion of board members that are representative of emerging ethnic communities in Nebraska.

**IV.12.4.** The finance committee should review LAN financial statements on a monthly basis, in addition to its current practice of quarterly reviews.

**Criteria 2 and 3. Leadership. Overall management and administration.**

**Finding 13: LAN has effective leadership, management, and administration.**

The executive director assumed his position in January 2009 after serving as the program's director of litigation. The former executive director had served in that capacity for eight years. The new executive director's legal career is marked by a commitment to legal services. Based on interviews during the visit, the transition of the new executive director has been well-received by staff, board and outside partners. Interviews indicated that he is an effective leader, is adept at surrounding himself with highly effective staff, encourages active participation by board members and staff, and is quick to recognize merit. He has stated that his main focus will be on resource development. This is evidenced in the firm's increase in non-LSC funding during 2009 of approximately \$327,326. All members of the program's management staff appear to take pride in their work and the work of the program.

The firm's leadership uniformly enforces LAN's mission, vision and core values<sup>8</sup> by consistently referencing and citing them in programmatic reports, presentations, public relations communications and more recently the firm's strategic planning plan. The firm's management emphasizes the tenets in its work with staff. The program's grant application narrative reports that the executive director's mantra is: "Take everything to the next level of excellence, double & equitably distribute our resources."

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<sup>8</sup> The firm's vision is: "Promote justice, dignity, hope and self sufficiency through quality civil legal aid for those who have nowhere else to turn." The mission statement is: "Provide quality legal aid and access to the justice system for all persons living in Nebraska who have limited resources." The firm's core values are: "Equal access, client empowerment, high standards, efficient use of resources, collaboration, diversity."

Key staff members, starting with the executive director, are recognized as the firm's leaders. They frame a vision and inspire a culture of energy, creativity, innovation, excellence, and achievement, built on trust, confidence, integrity, and loyalty. The firm provides opportunities for the development of a diverse group of leaders. Nearly all members of the management team have been promoted from within. The firm developed its Succession and Leadership Development Plan and Succession Plan Policy in 2007.

**Finding 14: The firm devotes appropriate resources to the management function.**

LAN has a management structure that effectively uses middle managers. The management team is comprised of the executive director, the deputy director, the director of litigation and advocacy, the chief financial officer and the accountant. The firm devotes appropriate resources to the management function, as evidenced by the recent creation of the deputy director position and promotion of the former director of access and support to the new position in April 2009. The AccessLine<sup>®</sup> supervising attorney was promoted to fill the vacancy as AccessLine<sup>®</sup> managing attorney. In this transition, the firm eliminated the positions of director of access and support and AccessLine<sup>®</sup> supervising attorney. In addition to the management team, the firm has a management council consisting of the management team, office managers, project directors and senior attorneys that meets once or twice yearly. The firm's management fosters an environment that emphasizes continuous learning, constructive evaluation and feedback, improvement and excellence.

**Finding 15: LAN devotes appropriate resources to establish and maintain its technological infrastructure.**

The firm is committed to using technology to its full potential. Staff in rural offices reported no connectivity issues or lack of stability with the CMS or the Internet. Technology training is provided to staff through online resources and one-on-one training. LAN surveyed technology capabilities and training needs of staff within the last six months. Some staff reported difficulties with technology training where managers did not make time available to them to access training and some staff reported a belief that online technology training was to be accessed on personal time.

The Omaha and Norfolk telephone systems were recently upgraded. The AccessLine<sup>®</sup> phone system has automatic call distribution (ACD), queuing and call management software, all of which function well. LAN has allocated sufficient resources to the administration of technology with the staffing of an experienced, full-time technology coordinator. The technology coordinator uses remote access for repairs and other work and issues as they arise. The firm outsources technology support, help desk and other maintenance to eFrame. Although LAN does not have a staff technology committee, technology planning occurs as needed by the technology coordinator and management staff. The firm reviews its technology plan annually and revises as appropriate. LAN plans to upgrade its CMS to PIKA January 1, 2010. Once PIKA is installed, LAN staff will be able to access the CMS from any internet connection allowing for remote access to work offsite.

The firm's management team developed the Technology Disaster Preparedness and Recovery Plan that addresses procedures for a contingency plan in the event of a disruption of computer and network services. The plan was reviewed by the board's executive committee and adopted by the board. A copy of the plan is available to all staff. Some staff interviewed was unaware of the plan.

**Recommendations:**

**IV.15.1.** LAN should ensure that staff are provided time during their work day to access and participate in online training modules. LAN might consider a meeting or group training to instruct staff on how to use the online modules and how to integrate online training in their other work responsibilities. This type of training could reinforce the message that some online technology training during work hours is permitted.

**IV.15.2.** To the extent it has not already done so, the firm should provide regular, periodic training for staff on the disaster plan to ensure staff is aware of and familiar with its contents.

**Criteria 4, 5 and 6. Financial Administration. Human Resources Administration. Internal Communications.**

**Finding 16: The firm has sufficient, capable, trained and effective staff dedicated to financial administration.**

The firm's chief financial officer and accountant are highly experienced. The chief financial officer is a CPA with over 30 years of experience and has worked with LAN since 2002. He supervises the accountant. The accountant has a degree in accounting and eight years of experience. The chief financial officer includes the accountant in management meetings and planning as part of the firm's succession planning. The chief financial officer reports that there has never been an audit finding or required adjustment since he's been with the program. Interviews with the financial administration staff evidence a highly evolved and active relationship between the board finance committee and LAN's financial administration. In addition, the financial administration staff has established systems and procedures which could well benefit the national legal aid community. The firm uses excel spreadsheets and chart matrices for budget planning. One of these charts was developed by comparing the administrative expenditures at LAN to those of six other legal services programs similar to LAN in staff and size. Another planning tool allows LAN to expeditiously prepare a budget for grant proposals based on current program expenditures and experience.

LAN has a diverse staff. Interviews of staff demonstrate that moral is high. The firm has adopted significant strategies to ensure the retention of high quality staff including loan repayment assistance (LRAP), investing in staff retirement plans and contribution matching, and the adoption of a salary plan geared to equalize salaries to the level of the public defenders, among other incentives. To the extent that there are or have

been serious morale or other internal personnel problems, the firm has addressed them effectively, and has taken appropriate steps to prevent their recurrence. LAN provides numerous promotion opportunities among staff. Several staff has been promoted from positions in one office to higher positions in another office after demonstrating strong performance and leadership skills.

There is rich formal and informal communication among and between staff and board members. This is seen in detailed staff reports to the board and clear alignment among staff of the program's mission, vision and values.

**Criterion 7. General resource development and maintenance.**

As previously noted, resource development is a priority of the new executive director. The firm has recently made some changes in this area. The director of resource development position was eliminated. Resource development is now overseen by the executive director, the deputy director and the newly created grants manager position. The firm contracts with a professional resource development and grant writer as needed. The new grants manager has attended training on fundraising and plans to attend the next MIE conference on resource development. The executive director is engaging the board of directors to develop plans for expanding the resources of the firm.

**Criteria 8 and 9. Coherent and comprehensive delivery structure. Participation in integrated legal services delivery system.**

**Finding 17: LAN has a coherent, comprehensive delivery system that effectively coordinates its efforts with those of other providers.**

The firm makes effective, efficient use of staff, funding, private attorneys, and technology to deliver a broad spectrum of services to the client population. It draws on the leadership and experience of its management team, management council and the involvement of its board to establish its presence in the community, enhance client contact, facilitate intake, and bring about changes that are meaningful to the clients. Board members and staff sit on committees of local and national advocacy organizations. The executive director is a leader in the Nebraska Supreme Court's pro se initiative. The program's presence in the courts and other social service and community organizations has earned it an excellent reputation in the service area and has garnered significant benefits for its clients. The executive director and upper management staff are active participants and leaders in statewide organizations that provide, promote, and support civil legal aid.