



LEGAL SERVICES CORPORATION
Office of Program Performance

FINAL
PROGRAM QUALITY REPORT

FOR

MERRIMACK VALLEY LEGAL SERVICES, INC.
Recipient No. 122090

MARCH 23 – 27, 2009

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Program Quality Report for
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INTRODUCTION

The Legal Services Corporation (LSC) Office of Program Performance (OPP) conducted a Program Quality Visit to Merrimack Valley Legal Services, Inc. (MVLS) from March 23 - 27, 2009. The on-site visit team included OPP Program Counsels John C. Eidleman (team leader), Monica Holman Evans, and Willie Abrams.

OPP seeks to ensure that all recipients of LSC funds are providing high quality, efficient, and effective legal services to eligible clients. The purpose of the March 2009 visit was to assess the overall quality of legal services provided by MVLS to eligible clients, including the program's engagement with and service to the low-income community, the effectiveness of its legal representation and other program activities, and its leadership, management, and administration. In performing its evaluation, OPP relies on the LSC Act and Regulations, the LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid.

Careful consideration was given to MVLS' most recent grant competition and renewal applications, case and matters service reports, and other reports and documentation submitted to LSC in recent years. Factors that were considered during the evaluation visit included staffing, office location, intake system, private attorney involvement, technology, legal work management and supervision, quality and quantity of legal work, leadership, program administration, resource development, coordination within the delivery system, and experience and reputation. The team reviewed numerous documents submitted by MVLS in advance of the visit, including responses to a survey of staff and writing samples submitted by advocates as examples of their best recent work.

MVLS provides legal services through its office in Lowell and serves the counties of Essex and Middlesex in Massachusetts. The service area is 495 square miles and has a poverty population of 90,025. The team visited the program office in Lowell as well as the office of its partner, Neighborhood Legal Services (NLS), in Lawrence. Team members interviewed sixteen of the seventeen MVLS staff, including the executive director, the associate director, the comptroller, the office manager, staff attorneys, paralegals, and administrative and support staff.¹ Also interviewed were board members, judges before whom program advocates appear, regional and state justice community partners, members of community organizations, the executive directors of the two non-LSC partner programs, NLS and The Children's Law Center of Massachusetts (CLCM). As a result of time constraints, some interviews were conducted by telephone.

¹ One staff attorney was on maternity leave and was not interviewed.

OVERVIEW OF PROGRAM AND SERVICE AREA

MVLS is a private nonprofit corporation established in 1974 to provide legal services to low-income individuals who meet LSC eligibility guidelines. MVLS initially served northern Middlesex and Essex Counties, including Lowell and Lawrence. NLS was formed in 1968 and served southern Essex County with its office in Lynn. In 1995, NLS ceased to be an LSC recipient and the two programs entered into a regional agreement. CLCM was founded in 1977 to provide advocacy for low-income children. Currently, CLCM focuses on children in eastern Massachusetts, with some state-wide services.

As a result of state planning in Massachusetts, commencing with an Access to Justice Conference in March 2003, a State Planning Board was created. The State Planning Board recommended that, beginning in January of 2005, the state should have four service areas in Massachusetts. In addition, there was a call for better coordination and greater efficiency among all legal services providers in the state, with emphasis on a regional perspective in priority setting and leadership. The new structure of the civil legal services delivery system created four regional delivery systems by separating LSC grantees from Massachusetts Legal Assistance Corporation (MLAC) grantees in each region based on primary funding source. It then called upon the resulting set of grantees to work together in the four regional delivery systems. A Northeast service area was created that included Essex and Northern Middlesex Counties. This area had traditionally been served by MVLS and NLS.

MVLS began to partner with NLS and CLCM and changed the delivery system in the region. MVLS became a “center of excellence” for family law and received state-funding for the region to represent victims of domestic violence. NLS was designated as the “center of excellence” for public benefits law. Both programs continued to represent clients in housing cases and other substantive legal areas.

In addition, the MVLS and NLS boards were modified so the same board members serve on each board. CLCM appoints one of the directors to the board. The three programs in the region developed a common mission and strategic plan, an integrated, single point-of-entry intake system, and a unified plan for legal work in the region. Collectively, the three programs are known as the Legal Aid Alliance of Northeast Massachusetts.

As part of the plan, MVLS kept its primary office in Lowell, and closed its office in Lawrence while NLS expanded its Lawrence office, keeping its primary office in Lynn.

According to the 2000 Census, the service area contains a total population of 706,651 and a poverty population of 90,025 persons – a little less than 13% of the area’s total population.

In terms of race, the client population is diverse. According to the 2000 Census, whites are 44% of the service area's poverty population; African Americans are 3.9%; Hispanics are 24%; Native Americans are 0.45%;² Asians are 2.4%; and other groups comprise 14%.³

MVLS has received LSC funding since 1975. In 2008, MVLS received \$804,133 in basic field funding from LSC. Non-LSC funding for 2008 was approximately \$678,000.

SUMMARY OF FINDINGS

MVLS is a well-managed, high quality legal services program that works collaboratively with its non-LSC partners to provide a full range of representation to the low-income population in Northeast Massachusetts. In 2008, MVLS, along with NLS and CLCM, conducted an extensive legal needs assessment of the low-income population in its service area. The results of the survey verified that MVLS' priorities addressed the most critical needs of the community. Those results were used as an important element in the comprehensive strategic planning process of the three partners.

Also in 2008, a Strategic Planning Committee composed of staff and board members of the three programs conducted a systematic strategic planning process that resulted in a three year strategic plan (2009-2011). The Strategic Plan will guide the three programs in the collaborative work for clients in the service area. The programs are now implementing the Strategic Plan.

MVLS participates in a coordinated centralized telephone intake system that is operated out of the NLS office and provides the majority of the program's applicant's access to its services. MVLS also provides access with its extensive engagement with the client community and outreach to underserved populations.

MVLS provides high quality representation with a staff that has a good balance of very experienced and less experienced but effectively supervised advocates. The managers make good use of technology to provide supervision and the advocates use it as an important tool in the representation of clients. MVLS needs to undertake a significant effort to revive its challenged PAI program. There is limited participation by members of the private bar and therefore few cases closed under the PAI program.

MVLS has a very active, knowledgeable and committed board whose members also serve on the NLS board and are dedicated to the success of the program's mission. Members contributed significant time and effort to the strategic planning process and are

² In this report, the Native American category includes the Census category "American Indian and Alaska Native." The Asian category includes the Census category "Native Hawaiian/Pacific Islanders."

³ The sum of the percentages for the Census categories exceeds 100% because Census permits double counting Hispanics.

committed to the collaborative effort of the three programs in providing high quality legal services.

MVLS has an effective overall delivery system and continues as an active participant in the integrated legal services delivery system in Massachusetts. Staff members play important leadership roles in the legal services community. They participate in the many substantive law groups and efforts to provide coordinated high quality representation to clients.

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.

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

Finding 1: In 2008, MVLS conducted a broad-based assessment of the legal needs of the low-income population in its service area.

The Legal Aid Alliance of Northeast Massachusetts engaged the Center for Family, Work and Community at the University of Massachusetts Lowell to develop a needs assessment. The assessment was conducted using one methodology for three groups of stakeholders to determine the legal needs of the community. Community agency staffs, including organizations serving the low-income community and legal services providers, their staff and board, were surveyed using a survey instrument that was delivered over the phone, by mail or in person. Client surveys were mailed or dropped off at agencies that agreed to administer the survey. No focus groups were held and there was no indication that the most recent census information for the service area was considered in the assessment.

The survey results indicate that MVLS' program priorities reflect the legal needs of the poor in the service area. While the agency members and clients differed slightly as to the most important legal needs, both domestic violence/family and economic issues (debt, credit problems) were the top two legal issues with housing a close third. The priorities are adjusted as needs of the client population change. MVLS recently dedicated resources in response to emerging issues, including cases dealing with the recent foreclosure crisis in the service area and the increase in consumer credit card litigation against clients who are unable to pay those debts. Interviews with staff, members of the board, and community organizations reflect that MVLS staff coordinates and interacts regularly with clients and organizations to address the emerging legal needs of the client community.

Recommendation I. 1. 1.⁴

When MVLS conducts any future needs assessment, it should consider using multiple methodologies, in addition to surveys to obtain a more comprehensive picture of clients' legal needs.

Criteria 2 and 3. Setting goals and objectives, allocating resources, developing strategies, and implementing processes to achieve goals.

Finding 2: As a result of a comprehensive strategic planning process, MVLS is currently engaged with the other members of the Legal Aid Alliance of Northeast Massachusetts to refine the program goals and objectives of the Alliance members.

In 2008, the Alliance members established a Strategic Planning Committee composed of staff and board members of the three programs and with the help of a consultant engaged in a thorough strategic planning process. This process resulted in a three year strategic plan (2009-2011) that addresses the fundamental reasons for the regional delivery system, the strengths of the system and the opportunities to improve services to the low-income population in the service area. The plan sets out the specific goals and objectives for each priority adopted by Alliance members. It also addresses the goals and objectives for coordinating legal work as well as management of the partner programs. Currently, the partners continue to develop strategies for reaching their goals and objectives.

Recommendation I. 2. 2.

Now that the comprehensive needs assessment is completed and the Alliance is engaged in completing the strategic plan, MVLS should take the next step and ensure that the strategies for reaching the goals and objectives are established and implemented.

Criterion 4. Evaluation and adjustment.

Finding 3: MVLS does not formally evaluate the outcomes of its advocacy and other services to the client community to make adjustments to its priorities. However, adjustments are made to its legal work based on identified emerging needs.

While there is no formal process for evaluating outcomes or adjusting priorities between the formal needs assessments, staff is keenly aware of the emerging needs of the community and brings emerging issues to the attention of management. Priority areas are expansive enough to allow for adjustment to case selection within the substantive priority

⁴ The numbers in a recommendation represent in this order: the LSC Performance Area, the finding number under the Performance Area in this report, and the number of the recommendation under this Performance Area.

area as the legal need arises. The board is informed of these new issues and the program adjusts its delivery system accordingly. As set out in finding 1, MVLS recently expanded its consumer work and its advocacy in the foreclosure area.

Recommendation I. 3. 2.

As the Alliance moves forward on establishing its strategies under the strategic plan, MVLS should establish a formal process to evaluate outcomes of its legal work and adjust priorities in its coordinated efforts with its partners.

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

Criterion 1. Dignity and Sensitivity.

Finding 4: MVLS has a staff that is sensitive to the needs of its client population and treats clients with dignity and respect.

Client Relations

Interviews with community agencies, judges and other service providers revealed that MVLS treats clients with dignity and sensitivity. The staff was described as professional, caring, respectful, and culturally sensitive. MVLS strives to add staff with Spanish and Khmer speaking ability. Interviews with staff members disclosed a programmatic policy of keeping clients informed of the status of their case and concern for clients' well being. MVLS does not, other than under its elderly grant, survey clients' satisfaction at case closing to monitor their approval of staff's work.

Intake

Finding 5: MVLS participates in a coordinated regional telephone intake system hosted by NLS.

There is a coordinated centralized telephone intake system for the service area that is open five days a week between 9 am and 5 pm and is supervised by an experienced attorney at NLS. While the overwhelming numbers of applicants for services come through the telephone intake system, MVLS also conducts outreach that generates about five percent of its intake while another five percent are walk-ins to its office in Lowell.

Calls to the centralized telephone intake system are routed automatically to an available receptionist at NLS or MVLS to determine eligibility, gather demographic information, identify any conflicts and obtain a brief description of the legal problem. Appropriate applicants are then seamlessly transferred using the Voice Over Internet Protocol (VOIP) telephone system to an intake worker at NLS. Khmer speaking applicants are sent to one of the Khmer speaking intake workers. Spanish speaking applicants are sent to one of the Spanish speaking intake workers while Language Line is

used for other non-English speakers. Intake workers conduct methodical interviews using questionnaires to clarify substantive legal issues. The intake workers use Legal File case management system (CMS) to create a file which can be transferred electronically to an advocate at NLS or MVLS for representation, depending on case type. When the electronic file is received at MVLS, the associate director reviews the domestic cases and makes assignments to advocates. Another MVLS advocate assigns housing cases and the office manager assigns the remaining cases. Applicants that walk into the Lowell office are usually seen by an intake worker and have an interview at that initial visit.

The intake system is efficient, user friendly and disfavors call-backs. Applicants speak with and are prescreened by a receptionist at the initial contact with NLS or MVLS. Those applicants with issues that are outside of the priorities of the programs are given information or a referral at that time. Qualified applicants move through intake expeditiously and have their cases at MVLS assigned to an advocate between one and three days after the first contact. The intake staff is supervised by a knowledgeable attorney at NLS who uses Legal Files to insure the same quality of services in all three offices.⁵ There is a comprehensive electronic Intake Unit Manual in use that details how the intake system works, and is updated on a regular basis.

Unfortunately, as a result of a significant state-wide decrease in MLAC funds, NLS recently terminated four of the nine employees participating in intake as receptionists or intake workers. While on-site, we learned from the intake supervisor that intake was being adjusted to attempt to deal with the loss in staff. A queue system was installed the week of our on-site visit. Previously, if no receptionist was available, the applicant left a call-back number. The loss of staff made the call-back system difficult to continue as the calls overwhelmed the intake staff. Now while callers wait in the queue, they hear a message about finding information on the state website. The message does not explain what types of cases are appropriate and which cases, such as criminal, will not be handled. The intake supervisor plans to monitor the telephone intake closely and to continue to make adjustments as needed. There is a strong desire to provide as much information as possible to an applicant at the first point of contact. This includes advice or information to applicants with non-priority cases. This particular aspect of the system may be difficult to maintain with fewer intake staff. MVLS also plans to monitor the telephone intake and contribute input to NLS' intake supervisor about any proposed changes implemented by NLS.

Recommendation II. 5. 1.

MVLS should continue to monitor the changes in the intake system and work with NLS to adjust and improve the system.

⁵ NLS has two offices, Lynn and Lawrence. The MVLS receptionist in Lowell participates in the telephone intake system. The CLCM conducts its own intake and does not participate in the telephone intake system.

Recommendation II. 5. 2.

MVLS should consider discussing with NLS the possibility of providing recorded messages for applicants waiting in the queue that explain that certain type of cases will not be handled by NLS or MVLS and that gives the name and telephone number/website of an organization where the applicant can seek appropriate help.

Criterion 2. Engagement with the low-income population (client and community relations, work with community groups and organizations.)

Finding 6: MVLS staff is regularly engaged with the low-income population in myriad ways.

MVLS is represented on statewide task forces that concentrate on the substantive legal issues within its priorities. Staff attends community meetings and conducts trainings for the staff of community organizations and for low-income persons. The program engages in regular community interaction through legal education for clients and organizations and consultation with organizations that serve low-income persons. MVLS staff works collaboratively with an array of human services organizations, client-centered groups, and governmental agencies that serve the low-income population. These include domestic violence organizations, homelessness prevention advocates, advocates for seniors, organizations dealing with the foreclosure crisis, and the Cambodian community health care providers among others. The executive director serves on the Non-profit Alliance of Greater Lowell, a coalition of approximately fifty community-based organizations that meets regularly to network and improve services to its client community. The program is working closely with the YWCA of Greater Lawrence in applying for a grant to provide legal services to Hispanic victims of domestic violence in that city, which has the highest Hispanic population in New England and is the poorest city in Massachusetts.

MVLS is well known and respected in the community. Interviews with representatives of community organizations and with staff and board members confirm that the program is actively engaged with the low-income population and with organizations and agencies that serve the poor. While we heard very positive feedback about MVLS and its staff engagement with the community, a few representatives of organizations stated that they had referred potential clients to MVLS who later informed them that they had been rejected as clients and did not understand why. The organizations' representatives did not follow up with MVLS about the rejection and admitted that there probably was justification for the rejection. However, at least one of the referring organizations believed there was a proper referral and was unclear about why the applicant couldn't be helped.

Recommendation II. 6. 1.

MVLS should consider strengthening its relationship with the community organizations it works with by clarifying what types of legal issues are appropriate referrals and clarifying the usual reasons why applicants cannot be represented.

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

Finding 7: The locations of MVLS' office facilitate reasonable access for members of the client population.

The office in Lowell is centrally located close to the courts and other government agencies, easy to find and clearly marked. The office is accessible to public transportation and there was also sufficient parking in the next block. The office was clean and professional in appearance. There was an adequate reception area with educational materials available and toys for children. Interview rooms provided confidentiality. The office was accessible to disabled persons. However, the street door is heavy and difficult to open in inclement weather, potentially presenting a challenge to persons in a wheelchair. We were told that there are leaks in the roof of the building, affecting MVLS' office space.

MVLS adopted its current LEP Policy in July 2008. The policy mirrors LSC Program Letter 04-02 and indicates a commitment to delivering high-quality legal services to its clients regardless of language, cultural background, or national origin.⁶ The LEP policy has been distributed to staff but there has not been any training on the policy for some time.

Recommendation II. 7. 1.

The program should review the condition of the street door to ensure that persons with disabilities can easily get into the building.

Recommendation II. 7. 2.

MVLS should negotiate with the building owner to fix the leaking roof.

Recommendation II. 7. 3.

MVLS should ensure that the LEP policy is followed and conduct training for all staff.

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

⁶ LSC program letter 04-02 *Services to Client Eligible Individuals with Limited English Proficiency.*

Criterion 1. Legal Representation.

Experience and Diversity of Staff

Finding 8: MVLS has an effective combination of very experienced and newer advocates.

MVLS' advocacy staff consists of two advocates with 35 or more years of experience, two with more than 20 years of experience, four with experience ranging from two to eight years, and two with one year of experience. The experienced advocates are very knowledgeable in their area of practice, remain very enthusiastic about their work and mentor the less experienced advocates. There is an atmosphere of excitement and energy in the office about the legal work and helping clients. The total staff is small. There is an impressive presence of camaraderie and unity of purpose in how the program approaches its legal work for clients.

The program's executive director has almost 40 years of legal experience, including as a staff attorney in field programs and back up centers, as teacher and executive director at MVLS and another legal services program. He has been in his present position for ten years. The associate director has almost 24 years experience as a staff attorney and manager in legal services programs. The newer staff members are highly dedicated and aggressive in their representation. The team was very impressed with the level of excitement and interest exhibited by virtually all of the staff members about their work, their knowledge of the law and their dedication to achieving clients' goals.

Legal Work Management and Supervision

Finding 9: MVLS has effective systems and policies in place for legal work management and supervision.

Currently, the program has very limited written legal work and case handler standards. Nevertheless, the program in fact follows practices that assure that cases and matters are handled effectively. The associate director is committed to developing appropriate written standards in conjunction with NLS under the ongoing strategic planning process. The legal work management policies are set forth in memos and directives from management, as well as policy and practice instilled in new advocates and are generally followed throughout the program. Advocates interviewed were knowledgeable of appropriate file maintenance policies and of the process for supervision and management of their work.

The advocates diligently use a tickler and calendar system. Written retainer agreements, which require that the client must keep the advocate informed about any changes in the client's address or telephone number, are used for each client. Advocates confirm the representation and any advice given during an interview in an opening letter. The program's policy require that when a case is initially assigned, an advocate complete

an opening memorandum, which includes specific information such as relevant facts, applicable law, client objectives, the theory of the case, planned strategy, and planned action. The state's Rules of Professional Conduct, which require attorneys to keep the client informed about and direct the course of their case, are constantly reiterated. Advocates send a closing letter to each client when the client's case is closed. Advocates are required to complete and initial a compliance checklist for every case file closed. The associate director closely monitors the closure of case files. There are policies for case file coverage for vacation and other case handler absences. Case files are maintained to facilitate understanding of the case by others in the program. Compliance with program priorities and other regulatory requirements is constantly reinforced.

Quarterly or more frequent review of case work is standard except for experienced advocates. The specialty law groups, housing and family, hold case review meetings regularly. The family group appears to meet more frequently than the housing group. At the family law unit's biweekly meetings, advocates discuss and strategize about particular cases. If an advocate needs assistance with a case before the next scheduled case review, she is encouraged to go to the associate director or to an advocate with greater experience. The office has a collegial atmosphere, and all advocates are willing to help others.

The associate director and other experienced advocates usually review the written work (e.g., briefs, significant memoranda and pleadings) of new and inexperienced advocates. Advocates discuss their hearings and trials, although they do not hold moot court in the formal sense.

The associate director is responsible for overall supervision of the attorney staff and for their evaluation. None of the legal staff has been evaluated, but the associate director has developed an evaluation instrument and intends to complete evaluations this year. Her guiding philosophy is that the outcome of an evaluation should not come as a surprise to the supervisee and that the content of the evaluation should be explicit.

The evaluation instrument contains a self-appraisal of the advocate's accomplishments, skills and areas for improvement. After the self evaluation is completed, the supervisor will hold a follow-up meeting to review files. The supervisor will also observe the advocate in court and then complete a written evaluation. The evaluation process will not only consider the advocate's legal work but also the advocate's relationship with clients, professionalism, leadership and relationship with the community.

MVLS uses Legal Files case management system (CMS). All advocates are required to use Legal Files exclusively for case handling. The CMS allows the program to create electronic case files, generate documents, and keep time. The electronic case files can be viewed remotely by other program staff. The supervisors use Legal Files to review the information in a file and supervise the advocate's work without meeting face to face and reviewing a hard copy file. If some issue is observed or a question arises from the electronic review, the supervisor meets with the advocate.

The program provides legal representation to clients in an effective and first-rate fashion. When team members discussed cases with advocates, advocates thoroughly described the legal issue and strategy they used in pursuing the client's goal. Many were also able to discuss how they will address emerging local and systemic legal issues. Many advocates thoughtfully discussed legal strategies designed to achieve the best results for an individual client as well as broader impact for the client community.

There is limited use of experts and discovery in cases. Current program work rarely requires depositions, expert witnesses, trial aids, interpreters and translators, but litigation funds are available if they are needed.

The program has appropriate legal research tools available to staff. The advocates make extensive use of on-line research tools including Westlaw, a variety of practice manuals, and hard copies of state statutes and court rules and listservs that are part of the well integrated network of legal advocates in Massachusetts. The program has Massachusetts trial court opinions available to it through the Social Law Library's online and CD subscription services. The advocates engage with experts at NLS on issues as well as seek information from statewide experts.

There is no program policy on caseloads. The attorneys had an average active caseload of 22 cases. The two paralegals had an average of three active cases.

Recommendation III. 9.1.

MVLS should complete its legal work manual before the end of the year.

Recommendation III. 9.2.

LSC encourages MVLS to continue developing and implementing the staff evaluation process since it appears to be well thought out. The program may want to consider designing individual work plans from the results of the evaluations.

Recommendation III. 9.3.

MVLS may want to consider a written policy on caseloads.

Recommendation III. 9.4.

MVLS should consider having a policy that appellate arguments and significant trial level arguments are mooted prior to the hearing.

Recommendation III. 9.5.

MVLS should ensure that appropriate discovery tools and experts are used when needed to fully represent clients.

Quality of Legal Work

Finding 10: The program's advocacy in all substantive areas is very good to excellent.

Interviews with judges before whom MVLS advocates practice, on-site interviews with staff, and a review of the writing samples submitted reflect that the program is doing solid legal work and that advocates are providing competent and professional representation to clients. Judges told the LSC team that MVLS attorneys are doing very good work and that the attorneys are well prepared, are very professional, have good demeanor, know their cases and present them well. One judge noted the advocacy of MVLS attorneys in housing cases and that the attorneys' good work for clients put them among the best advocates appearing in housing court.

The writing samples from MVLS exhibited predominantly well-researched and persuasive legal writing, involving creative and challenging issues. The samples confirm that program advocates are thoroughly familiar with the fundamentals of motions, trial and administrative forum practice.

Quantity of Legal Work

Finding 11: The program's productivity is adequate in light of the coordination between the programs in the service area.

Evaluating the volume of case work completed by MVLS is a challenge as a result of the relationship with NLS and CLCM, in which the three programs work in close collaboration to provide a full range of services to the low-income population in the service area.

Under the Regional Delivery Plan between MVLS and its partners NLS and CLCM, the majority of public benefits cases in the service area are handled by NLS and education cases are handled by CLCM while MVLS handles most but not all family cases. Accordingly, in 2008, MVLS reported closing 41 cases in the area of income maintenance, 10 cases in the area of health, no cases in the area of employment, and 3 cases in the area of education.

In contrast, nearly half (48.4%) of MVLS' closed cases for 2008 were in the family law area. Family law cases comprised 275 of the 568 total closed cases. 177 (31.2%) cases were closed in the housing area, and 56 (10%) cases were closed in the area of consumer law.

In 2007 MVLS closed 756 cases. This amounts to 84 closed cases per 10,000 poverty population. Of the 756 cases closed in 2007, 355 (46.1% of the program's total CSR) involved extended service. In 2008 MVLS closed 568 cases. This amounts to 63 closed cases per 10,000 poverty population. Of the 568 cases closed in 2008, 254 (44.7%

of the program's total CSR) involved extended service. This amounts to 28 extended service cases per 10,000 poverty population. In 2008 the executive director was out of the office for six weeks because of illness and a paralegal passed away. The associate director took over a number of the management duties while the director was out, limiting her case handling. These two factors affected the number of clients that could be represented. While the percentage of extended service cases, (44.7%), is very good compared to the national average of extended service cases, (19.9% inn 2007), total number of case closed remain low and has continued to fall since the regional planning established the relationship between the three partners in 2005.

MVLS explains that, in collaboration with its regional partners, it provides a full range of legal services throughout the service area. This fact becomes clear when the 2008 closed case statistics for MVLS and NLS are combined. When viewed from this perspective, the CSR for the region (or service area) becomes 3,314 closed cases, which amounts to 368 cases per 10,000 poverty population. The total number of extended service cases (by adding NLS' closing codes FGHI and K) becomes 752, which amounts to 84 extended service cases per 10,000 poverty population.

Recommendation III. 11.1.

MVLS should continue to review its closed case statistics and its relationship with its partners to determine if it is working up to its capacity and if it should receive more referrals from the intake system and engage in a greater breath of case types.

Staff Training - Access to Legal Expertise

Finding 12: MVLS staff members are offered the opportunity to attend a variety of regional, state and national trainings. Both substantive and skills trainings are provided.

MVLS believes strongly in ensuring that its advocates have adequate training. New staff attorneys are required to attend the three-day legal services New England-wide "Basic Lawyering Skills" training, as well as trainings in the substantive areas of practice. Training opportunities are readily available to advocates. Supervisors encourage advocates to attend training and at times require them to attend certain substantive trainings. The evaluation process that is now being instituted will require that each advocate develop a plan for improvement that includes training. New employees receive an orientation to the program. The associate director has developed a formal training plan for the newest attorney. The advocates take advantage of the many training opportunities that exist in Massachusetts. These include trainings from the Massachusetts Continuing Legal Education, Inc. (MCLE), training from support organizations such as, Massachusetts Law Reform Institute (MLRI) and the National Consumer Law Center (NCLC).

Criterion 2. Private Attorney Involvement.

Finding 13. MVLS needs to undertake a significant effort to revive its challenged PAI program.

MVLS implements its PAI obligation through an in-house pro bono program that is readily acknowledged as a major challenge for the program. This deficiency in PAI has existed prior to 2007. In 2007, the MLAC conducted an on-site evaluation and recommended that MVLS undertake activities to improve PAI. In December 2007, the MVLS board of directors adopted a resolution in support of enhanced private attorney involvement with LSC-funded programs. However, the challenge to the program's PAI endeavors continues. There is limited participation by members of the private bar. Of approximately 2,388 eligible private attorneys in the service area, only 155 (6.5%) agreed to participate during calendar year 2007. Of the 155 attorneys agreeing to participate, only 15 (9.7%) actually accepted a referral. As a consequence, MVLS only closed 26 PAI cases in 2007. This represents 3.4% of the 782 total closed cases MVLS reported to LSC that year. Seventeen of the 26 cases involved extended service.

In calendar year 2008, MVLS closed only 18 PAI cases. This represents 3.2% of the 568 total closed cases MVLS reported to LSC in 2008. Seventeen of the 18 cases involved extended service.

The PAI coordinator retired in February 2008. The program initially contemplated hiring a full-time PAI coordinator but encountered unforeseen fiscal constraints. As a result, the program decided to assign a current staff member the responsibility for PAI on a half time basis, supported by the office manager and the executive director. MVLS applied for and received a \$14,000 PAI waiver from LSC for 2008.

At present, the program is making a conscientious attempt to enhance its PAI efforts. The program has established good oversight of its current efforts, relying appropriately on the CMS and tickler systems. A private attorney, who has recently moved to the area, will volunteer at MVLS.

Recommendation III. 13.1.

LSC encourages MVLS to continue its efforts to expand PAI participation in every part of the service area.

Recommendation III. 13.2.

MVLS should consider aggressively pursuing a large firm to provide an associate to work out of the program's office on a rotating basis.

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

Finding 14: MVLS offers limited other program services such as pro se classes, training and educational materials on behalf of the eligible client community.

The main focus of MVLS' work is directed at individual representation in the core poverty law areas of family law, consumer law, and housing, while its partners focus mostly on public benefits, and the rights of children and education.

MVLS supplements its direct client representation with community outreach, preventive legal education activities, and other activities that may have a beneficial effect on systemic legal problems of and economic opportunities for the low-income population.

MVLS does some pro se work and is an active participant in a court-based pro se Domestic Violence Clinic in the District Court in Lowell. A paralegal serves as a domestic violence advocate, helping the victim fill out the court forms for a protective order and appearing with, but not as an advocate for, the pro se litigant as she presents the completed petition to the court. While the program will also instruct individual clients how to proceed pro se, there is no other opportunity for multiple clients to receive instruction on representing themselves in any proceedings.

MVLS engages in community legal education, including presentations by advocates to community groups with which the program is involved, such as domestic violence clinics and shelters. These groups include Take Back the Night (a domestic violence group), and the Domestic Violence Roundtable (a gathering of DV advocates and law enforcement representatives). In addition, there are presentations to social service agencies, the Cambodian community through its Cambodian Outreach Project (COP), the CARE Project (Collaborative for Abuse Prevention in Racial and Ethnic Communities), UTECH (a youth group that does anti-gang work), and to community health centers and elder outreach workers.

Recommendation III. 14.1.

MVLS may want to consider if more eligible persons can be helped through the use of pro se classes to instruct clients how to represent themselves in family or housing cases.

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

Criterion 1. Board Governance.

Finding 15: The leadership of the MVLS board is committed to ensuring that the program fulfills its mission, works well with the executive director and is dedicated to increasing the program's viability.

MVLS has a twenty-one person board composed of members who are from various parts of the service area and also serve on the NLS' board. In 2005, as part of regional planning, a new joint board for both programs was constituted with ten members from the MVLS board, ten members from NLS board and one from the CLCM board. At the time of our visit the board had three client-eligible vacancies and was challenged to find new client-eligible members.

The board meets quarterly, now receives financial and other written materials from the executive director in advance of each meeting, and appears to be fulfilling its policy and oversight functions well. The board has an Executive Committee consisting of the officers and an Audit Committee, which fulfills its obligation to oversee the audit. The board has not evaluated the executive director in a number of years and at the time of our visit was in the process of doing so. It has adopted policies on conflict of interest and term limits.

It appears that in the past not all board members embraced the concept that it is their responsibility to assist in fundraising and development activities. Due to the significant financial challenge facing all three programs, the members are now dedicated to support fundraising, and actively contribute financially to the programs.

MVLS does not have formal orientation and training materials for the board. The director meets with new members to explain the members' duties and provides an orientation to the program. The three programs planned to develop a training program to offer board members. These plans were delayed when MLAC contracted with the Center for Legal Aid Education to produce board training materials that could be used by all legal services programs. MVLS has an outline for board orientation that could be enhanced and used for training new members.

Several board members were involved in the reconfiguration in 2005, supervised the drafting of the common by-laws and conducted due diligence. Five board members were on a committee that engaged in the extensive strategic planning process in 2008.

Recommendation IV. 15.1.

MVLS should encourage board members to make a financial contribution to the program in an amount within their means and consider conducting a fundraising training for board members.

Recommendation IV. 15.2.

MVLS should develop board orientation and training materials to ensure that members are fully informed of their fiduciary duty as board members.

Recommendation IV. 15.3.

The MVLS board should consider asking a pro bono attorney to examine the board in light of Sarbanes-Oxley to ensure that it is in compliance with its obligations.

Recommendation IV. 15.4.

The board should engage in a self evaluation using the LSC Performance Criteria in Performance Area four, Criterion 1.

Recommendation IV. 15.5.

MVLS should consider reaching out to churches and other faith based organizations in the community to determine if they could be a source of new client-eligible board members. MVLS should determine if adding representatives from those organizations would require a change in its by-laws.

Criterion 2. Leadership.

Finding 16: MVLS has an experienced team of upper level leaders who are highly skilled and who work well together.

The executive director has more than thirty-five years of legal experience including ten years as the executive director of MVLS. He has shown leadership in addressing the strategic planning process and in dealing with the partner programs.

The executive director is supported by a dedicated and experienced staff. The associate director directs the legal work of the program. When the executive director was on medical leave for six weeks in 2008 the associate director supervised the program with skill and little or no disruption in client services. This period was challenging for the program and the rest of the management team stepped up to help out.

Criterion 3. Overall management and administration.

Finding 17: MVLS management and administration is in capable hands and the management team works well together.

The program has an experienced management team that includes the executive director, associate director, fiscal officer and the office manager. They have all been with the program for many years and have significant experience and knowledge of the service area. The management team meets when necessary to discuss issues facing the program and make decisions on pending issues. Each team member has responsibility for certain areas and the authority to fulfill her responsibility in those areas. The executive director leads the program on external issues. The associate director is responsible for advocacy, intake and the supervision in those areas. The director and associate director work

together on all labor relations matters with the union's co-presidents or the union designees. Staff has an opportunity to give input before most programmatic decisions are made. As a result of the use of technology and sound communication policies and practices, the program is well managed.

Technology

Finding 18: The program's technology is very good.

The program was the pilot for the introduction of Legal Files, the case management system (CMS) that is now used by all but one legal services provider in Massachusetts. MVLS receives a significant amount of its technology from MLAC, including the sophisticated Voice Over Internet Protocol (VOIP) telephone system and the CMS. All client information is maintained in Legal Files. Management makes extensive use of the CMS for supervision of the advocates' work by reviewing case notes and other documents between formal case reviews. Legal Files is also used as a calendar and tickler system, for timekeeping and to track funding.

Program staff members are comfortable with technology and utilize it to help them to perform their job functions with increased efficiency. All staff has reasonably up-to-date computers, on-line research capacity, internal and external email and Internet access.

MVLS outsources some of the technology needs such as hardware installation, maintenance and the website. The website is being updated and improved by adding a donation button, better access for clients and a place for attorneys to register as volunteers.

The office manager is a member of the regional and statewide technology committees and she manages technology for the northeast region.

Criteria 4. Financial Administration.

Finding 19: The program appears to have adequate financial policies, procedures and practices in place.

The fiscal officer has been with the program for thirty-four years. She carries all of the accounting responsibility for the program, which includes all fiscal activities in the areas of bookkeeping, maintaining proper internal controls and accounting procedures, dealing with funders and auditors, and preparing financial statements for the director, board and funders. Last fiscal year, the program had a clean audit. The management team works on the budget along with the board.

Monthly financial statements and fund reports are prepared for the executive director and the board audit committee, which is very involved in the financial planning process. The audit committee then reports to the full board. MVLS has an internal manual setting out its financial practices.

The LSC Office of Compliance and Enforcement conducted a Case Service Report/Case Management System (CSR/CMS) visit in October 2008 and conducted a limited review of MVLS' fiscal records and the 2007 Audited Financial Statement. The report recommended updating the Internal Accounting Manual and changing procedures for the reconciliation of bank statements. The program informed OCE that it had made the necessary changes.

Criteria 5. Human Resources Administration.

Finding 20: The program maintains effective human resources administration and has capable staff to review and update its fringe benefits.

There is no one person devoted to oversee human resources. The obligation is shared by the management and is equivalent to .5 FTE. The three programs are considering sharing one human resources officer. The fiscal officer is responsible for maintaining the personnel records. The Collective Bargaining Agreement contains the MVLS personnel policies and benefits, which include life, health and dental insurance, a 401 (k) with a 3% employer match and a cafeteria plan that allow employees to elect to set aside pretax salary in either a Medical Flexible Spending Account or a Dependent Care Spending Account. The last salary analysis and equalization occurred in 2007. MVLS does not conduct annual evaluations of all staff but is in the process of evaluating staff in 2009.

Criterion 6. Internal communication.

Finding 21: MVLS has good staff–management communications.

MVLS management communicates with staff by e-mail or face-to-face meetings. The program attempts to have bimonthly staff meetings. The domestic and housing advocates meet on a regular basis to discuss the substantive issues in their cases. The office is small and therefore many ad hoc or informal meetings between peers or management and staff take place. It appears that most of the staff members eat lunch together in the office and use the time as an opportunity to discuss many topics. This adds to the collegiality in the office. Morale is high and there is a strong sense of unity. Staff members almost universally expressed a belief that they have opportunities to give input on decisions and that their opinions were considered.

Criterion 7. General resource development and maintenance.

Finding 22: MVLS does not have a comprehensive resource development plan.

MVLS has six funding sources, including LSC. There is no resource development staff. The executive director and associate director have attended fundraising training and are responsible for resource development. MVLS and NLS are contemplating hiring a resource development professional. During the week of March 9th the two programs conducted a successful fundraising event with an Irish theme.

Along with NLS and CLCM, MVLS is analyzing what type of development professional would best suit regional needs. By fall 2009, the programs would like to have a development consultant to create a formal strategic plan for resource development and to begin soliciting additional resources for the region.

Criterion 8. Coherent and comprehensive delivery structure.

Finding 23: The program has a reasonable, thoughtful, and effective overall delivery system. Its choices on the allocation of resources to competing activities appear reasonable, balanced, and consistent with its mission.

MVLS serves a varied service area with a mixture of urban, suburban and small town populations. The program's priority areas, in conjunction with the priorities of its partner programs, adequately address the legal needs of the client-eligible population. Its delivery system, overall, is reasonable, sound and effective. In addition to direct legal services, the program's services encompass community education, collaborative work with local, regional, state and national partners, and some private attorney involvement. MVLS' strategic planning with NLS and CLSM was a thoughtful process that resulted in a reasonable design to provide comprehensive, economical, effective and efficient coordinated legal services using expertise and resources to the fullest advantage of the low-income community in northeastern Massachusetts.

Criterion 9. Participation in an integrated legal services delivery system.

Finding 24: MVLS works actively with its equal justice partners throughout the state to strengthen Massachusetts' legal services delivery system.

MVLS is an active participant in the regional and statewide justice community and legal services delivery system. The executive director is active with the Massachusetts Project Directors group, which supports an integrated statewide delivery system, including a statewide support system of specialty backup programs. MVLS staff works closely with Massachusetts Law Reform Institute on issues of statewide significance such as the courts, domestic violence, and housing issues. The court work has focused on improvement of court forms and procedures. Staff members also serve on the statewide elder-law coalition and are involved in state wide efforts to aid low-income renters when their landlord is facing mortgage foreclosure which results in their eviction.

The associate director is a member of the Advocacy Coordination Committee. This group identifies legal issues that would benefit from coordinated advocacy and coordinates those advocacy efforts statewide.