



LEGAL SERVICES CORPORATION

Office of Program Performance

***FINAL
PROGRAM QUALITY REPORT***

FOR

New Mexico Legal Aid
Recipient Number: 732010
August 23-27, 2010

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INTRODUCTION

The Legal Services Corporation's Office of Program Performance (OPP) conducted a program quality visit to New Mexico Legal Aid (NMLA) on August 23-27, 2010. The team members were program counsel Tim Watson as team leader, Janet LaBella, OPP Director, Stephanie Edelstein, Program Counsel, Evora Thomas, Program Counsel, Carolyn Worrell, Consultant, and Ida Abbott, Consultant.

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 received from the program including its renewal narrative for 2009, its case service reports (CSRs), other service reports (OSRs), and documents the program submitted in advance of the visit, including advocates' writing samples. The team also reviewed a survey of NMLA staff conducted on the Internet. On site, the team visited seven of the eleven program offices and interviewed all managers, some by phone. In addition to speaking to most of the NMLA staff members, the team met with – or had phone conversations with – a sample of board members, judges, and representatives of local agencies and community organizations.

In performing its evaluation of the grantee's delivery system, OPP relies on the LSC Act and regulations, LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. Its evaluation is organized according to the four LSC Performance Areas that cover needs assessment and priority setting; engagement in 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

Headquartered in Albuquerque, NMLA provides legal services in 32 of New Mexico's 33 counties.¹ New Mexico is the 5th largest state and one of the most sparsely populated. The service area is 43.4% Hispanic, 43.1% Anglo-American, 10.2% Native American, and 2.4% Black. More than a third of the population speaks a language other than English at home. New Mexico is also one of the "poorest" states – 24.5% of the population is below 125% of the Federal Poverty level. The poverty population is 57% Latino/Hispanic, 24% non-Hispanic white, and 15% Native American. Of the program's 2009 clients, 45% were Hispanic and 25% were Native American.

NMLA is the descendant of several former legal aid providers that engaged in successive mergers and eventually formed the current program.² Its staff of 77, including 39 attorneys and 16 paralegals, occupies offices in Albuquerque, Santa Fe, Taos, Las Vegas, Clovis, Roswell, Gallup, Bernalillo, Socorro, Silver City, and Las Cruces. In

¹ San Juan County, in the northwest corner of the state, is served by DNA.

² In 2000, *Indian Pueblo Legal Services* and *Northern New Mexico Legal Services* merged to form *Community and Indian Legal Services of Northern New Mexico*, which, in turn, merged with *Legal Aid Society of Albuquerque* and *Southern New Mexico Legal Services* in 2003 to form NMLA.

addition to its basic field grant of \$3,152,541, the program receives a Native American grant (\$535,341) to provide legal services to the Pueblo, Navajo, and Mescalero Indians, and a Migrant grant (\$100,554) to assist the farm workers who are primarily Hispanic. LSC funding is approximately 62% of NMLA's projected revenue (\$6,096,673) for 2010.

NMLA's efforts are supplemented by Law Access New Mexico, a state-funded Helpline that generally provides advice and brief service. NMLA receives major financial support from the state via filing fees and direct legislative appropriations. It has worked closely with the New Mexico Supreme Court and Access to Justice Commission on the implementation of a "Ten Step Program" to develop and promote pro bono in each judicial district.

Summary of Findings

NMLA is well informed concerning the legal needs of its client population and on the whole allocates its resources appropriately to do so. Case acceptance standards are somewhat lax in some offices. The dignity of clients is respected. NMLA is actively engaged and visible in most of the sparsely populated service area. It is generally accessible to clients and applicants for service.

Legal representation is generally quite effective, but the systems supporting legal work could benefit from improvement, particularly in the Albuquerque office. While the migrant farmworker unit is in need of substantial reformation, the Native American unit provides effective legal services for New Mexico's varied native peoples. NMLA's statewide PAI plan provides an effective approach for private attorney participation, though some improvements are advisable.

The NMLA board's oversight is effective, but it has some challenges regarding vacancies in client-eligible positions, training, fund-raising, and strategic planning. The program has significant management and communication problems, but appears to have effective financial administration. Resource development efforts have been satisfactory, but recent losses in state funding may require an intensified effort.

Overall, NMLA remains an appropriate structure for providing legal services in New Mexico. Its staff is committed to the mission and provides valuable services to its clients. NMLA is a key participant in the state's delivery system.

PERFORMANCE AREA ONE. Effectiveness in identifying needs and targeting resources to meet those needs.

Criteria 1-2. Client Legal Needs Assessment and Priorities

Finding 1: NMLA is well informed concerning the legal needs of its client population and has established priorities in line with those needs.

NMLA conducted a thorough assessment of client needs in September of 2008. The assessment analyzed the information provided by survey responses from 113 members of

the bench and bar in all 13 judicial districts, 77 agencies, and 410 low-income persons. Spanish versions of the survey were used where appropriate, and it was read aloud for persons who were illiterate. In addition to the survey the program accessed census data as well as its own CMS data concerning case types and client locations. The most critical legal needs identified by the program for all clients were in the areas of domestic relations, housing, health care access, public benefits, employment, consumer issues, and civil rights.

Both board and staff were involved in the establishment of the program's priorities, which are quite broadly stated. The first listed priority is "To secure or preserve the necessities of life." Those that follow are somewhat more specific and fall within the areas identified in the needs assessment:

- housing and utilities
- food and water
- economic security and public benefits
- fair pay and working conditions
- medical care and public medical assistance
- safe, stable families
- consumer issues
- specialized issues -
 - Native American
 - assistance to migrant families
 - land and water issues
 - community economic development
- assistance with new or unforeseen circumstances
- cases to satisfy specific grants or contracts

Criteria 3-4. Implementation, Evaluation, and Adjustment

Finding 2: Although NMLA continually evaluates its effectiveness in meeting client needs and allocates its resources appropriately to do so, it could make more efficient use of its resources.

Case closures appear to reflect NMLA's priorities. Documents and interviews suggest that the program does a good job of making its priorities known to both staff and other providers. Staff members during the visit were readily conversant concerning client needs, program priorities, and local variations in client needs. In several outer offices staff members voiced a perception that the program administration could do a better job of recognizing local needs.

Staff and management appear to be watchful concerning emergent problems or shifts in client needs. Staff noted changes brought about by the ailing U.S. economy, such as increased foreclosures and unemployment claims. The program has made specific adjustments to its case acceptance procedures and training to improve its ability to handle consumer cases. Effectiveness in meeting its priorities is measured by assessing CSR

data and feedback from clients. A client satisfaction questionnaire is mailed with each closed case.

In some offices it was reported that cases which fall within program priorities but do not meet a critical need are sometimes accepted.

Recommendation I-2-1:³ NMLA should establish case acceptance rules that will eliminate the allocation of resources to non-critical matters.⁴

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

Criterion 1. Dignity and Sensitivity

Finding 3: NMLA clients are served with respect and sensitivity.

The NMLA staff is sensitive to the needs of clients and applicants and treats them with dignity and respect. Staff diversity reflects the service area's demographics. As a whole the program has sufficient staff available to meet the needs of non-English speakers. Many members of staff have whole or partial fluency in one or more Native American tongues and Spanish. Offices have a clean, professional appearance. Program staff hold regular office hours and work after hours and on weekends to accommodate challenged clients. A client satisfaction questionnaire is mailed with each closed case, and client satisfaction is described by the program as overwhelmingly favorable.

Criterion 2. Engagement with the Client Community

Finding 4: On the whole, NMLA is actively engaged with the service area's clients and potential clients, but some improvement is possible.

Considering the distances and sparsely populated, harsh terrain that it must cover, NMLA does a good job of engaging with the client community in a variety of settings. Staff interviews and program documents depict both past and ongoing outreach and community education efforts that evince a commitment by the program to be visible to clients and providers. Staff members told the team about their attendance at legal fairs, senior fairs, youth shelters, community agency fairs, veterans centers, Indian reservations, and homeless shelters. Subjects covered include consumer issues, pro se representation, bankruptcy, and social security. Outreach concerning domestic violence has been particularly extensive. Community education events are publicized in advance to facilitate attendance. Staff use the opportunity to learn about the work of other service providers on behalf of the client population and to familiarize those providers with the program's work. One staff member described the work of NMLA at "Legal Aid

³ Recommendations in this report will have three numbers. The first corresponds to the LSC Performance Criteria Area, the second to the finding, and the third to the recommendation. Recommendation I-2-1 is therefore the first Recommendation (in this instance the only one) under Performance Area I, Finding 2.

⁴ See pg. 1 of NMLA's response, attached to this final report, for the program's comment.

Mondays" where NMLA volunteers conduct community education, outreach and intake at a local court. Judges have expressed appreciation for this form of client engagement.

Notwithstanding the forgoing, some persons interviewed – both staff and persons outside the program – suggested that even greater efforts were required to reach remote populations and to better inform distant community agencies of NMLA's availability and services. NMLA management is aware of the need to review its outreach activities.

Recommendation II-4-1: NMLA should evaluate the effectiveness of its outreach activities in reaching remote populations and informing distant community agencies of its availability and services.⁵

Criterion 3. Access and Utilization

Finding 5: While some improvements are recommended, NMLA is generally accessible to clients and applicants for service.

NMLA's approach to intake and client access is generally successful. Office locations are spread throughout the state in a manner to maximize access. In all NMLA offices staff members stagger their lunch breaks to keep the doors open for applicants and clients who can come in at lunch. Advocates noted that in situations where clients cannot reach the office, the advocates go to the clients. Offices are well-signed with the exception of the office in Socorro. Offices are accessible to people with disabilities, with the exception of the Santa Ana office, where a smooth path needs to be laid over the untreated ground leading to the wheelchair access ramp. NMLA management is aware of this accessibility issue and is exploring the possibility of finding a more suitable location.

Some interviews suggested that remote populations – both rural and in small towns – are at a substantial disadvantage and do not have the same level of access to intake or services as those that are closer to program offices. NMLA is cognizant of its challenge to meet the needs of remote clients and to provide relatively equal access. Considering the size of the state, the terrain, and the low population density, and the resources available to the program, the level of access in broad terms is satisfactory.

Intake at NMLA varies from office to office depending on office size and local practices. Initial contact with the program is by telephone in many of the branch offices while in the main office intake is primarily conducted via in-person interviews. Although the Prime CMS can be used for contemporaneous data entry in the intake process, most intake workers use written applications. Despite the forgoing, in several branch offices intake appears to be fairly efficient. Dedicated intake staff conduct the initial eligibility screening, and eligible cases are assigned to staff for investigation prior to weekly case staffings. Weekly staffings are limited to discussion of non-routine cases. Emergencies are dealt with expeditiously.

⁵ See pg. 1 of NMLA's response, attached to this final report, for the program's comment.

In the Albuquerque office intake is an unnecessarily prolonged process in which all intakes, including routine cases, are reviewed in a single meeting attended by all advocates in all units. The program states that its purpose in using this approach is to facilitate inter-unit communication and provide cross-training in areas beyond those that unit staff normally handle. While case acceptance meetings can be used for such purposes, the meetings in Albuquerque last several hours and consume an extraordinary amount of staff time which could be better spent handling cases.

Approximately 5% of NMLA's cases are referrals from Law Access New Mexico, a statewide advice line that provides referrals and some brief services. Referrals of cases that are likely to require extended service are made to NMLA primarily by email according to an agreed protocol. In some instances where only advice or brief service are called for, NMLA refers a case to Law Access. When either organization accepts a referred case, the referring organization is notified of the acceptance. NMLA reports that it has had to increase the number of advice and brief service cases it handles because Law Access is unable to handle the volume.

NMLA employs a "flow chart" to guide case acceptance, but interpretations vary in different offices. Some offices do not believe that they can accept family cases that do not involve domestic violence, while others take routine divorces and child support cases. Community agencies and others noted confusion and a lack of clarity concerning the types of cases that the program handles.

Recommendation II-5-1: If the Santa Ana office remains in its current location, it should be made accessible to people with disabilities.⁶

Recommendation II-5-2: NMLA should evaluate its intake process – particularly the reliance on in-person intake and the use of written applications. The evaluation should include staff input and client input.

Recommendation II-5-3: NMLA should develop specific case acceptance guidelines to more uniformly guide case acceptance throughout the program.

Recommendation II-5-4: Case staffings should be limited to non-routine cases and should be conducted in separate practice units in the Albuquerque office.

PERFORMANCE AREA THREE. Effectiveness of legal representation and other program activities.

Criterion 1. Legal representation

Finding 6: While legal representation is generally quite effective, especially among senior staff, the systems supporting legal work could benefit from improvement, particularly in the Albuquerque office.

⁶ See pg. 1 of NMLA's response, attached to this final report, indicating that the Santa Ana office has moved to "accessible accommodations."

NMLA has a staff of 77, including 39 attorneys and 16 paralegals. The ratio of advocacy staff to total staff is satisfactory. The program closed 4,378 cases in 2009, primarily in the family, housing, income maintenance, and consumer areas. Case closures have held relatively steady over the last three years. The program's number of cases per 10,000 poor is low at 147 compared with the national median of 265. The number of extended cases per 10,000 poor is 38 compared with the national median of 56.

NMLA produces high quality, significant case work that yields considerable benefits for the client community as well as for individual clients. The general reputation in the judicial and legal community is that attorneys are effective advocates, well prepared, knowledgeable of the law, and conduct themselves professionally.

The writing samples depicted good to high quality work in a variety of forums including the New Mexico Supreme Court, Navajo Supreme Court, tribal courts, and various District Courts. A variety of subject areas was noted in the samples, including consumer, housing, water rights, and family cases. NMLA is involved in several foreclosure cases that are hotly litigated. Particularly noteworthy in the casework were a food stamp case in the New Mexico Supreme Court establishing the doctrine of equitable estoppel as a defense to recoupment of overpayment, and a habitability case against a mobile home park. The habitability case demonstrated the program's ability to recognize a pattern of illegal conduct and alert intake staff to be vigilant regarding clients with similar issues or the same adverse party. NMLA has recently added bankruptcy as a legal remedy that it will use on behalf of its clients.

Many NMLA attorneys have an active motions practice, prepare supporting memoranda, and engage in discovery, including depositions. Lawyers have access to internet legal research and forms and briefs on both a shared drive and on the probono.net web site. NMLA does not have program-wide task forces or interest groups typical to many LSC-funded service areas. However, the program reports that advocates participate actively on national substantive law email groups.

Methods of legal work management and supervision vary from office to office. Several branch offices have effective systems of legal work management and supervision, including oversight of intake and case assignment; informal and formal case reviews, review of cases at closing, and evaluations of new employees at 3 and 6 months. Insufficient case supervision and oversight, particularly of new attorneys, was evident in the Albuquerque office in several instances. In that office case review appears to consist primarily of a review at closing. While the practice in several offices is to mentor and closely monitor the work of new legal staff, this was not the case in the Albuquerque office.

Training is generally sufficient. Some staff members have attended national events and the entire staff attends a yearly statewide meeting. New staff members need more training in fundamental substantive issues and practice, which is often provided in-house

in effective programs. Several staff reported that there was inadequate new attorney (or paralegal) orientation and initial training.

A new litigation director who was hired a few days before the on-site visit is expected to fill an important void in coordinating the program's legal work, enhancing training opportunities, and providing hands-on mentoring and review of legal work. She will also retain the responsibility for managing a branch office and coordinating the program's PAI effort.

Recommendation III-6-1: Formal orientation should occur for all new staff covering a review of office/program policies and procedures, regulatory requirements, the case management system, case closing requirements, eligibility requirements, review of substantive law, and trial practice skills.

Recommendation III-6-2: A comprehensive manual should be developed that contains the program's policies and procedures for legal work and legal management. This should be placed on an intranet; it should also be available in hard copy.

Recommendation III-6-3: A copy of the LSC CSR handbook should be made available in electronic and hard copy form for all legal staff. Staff should be made aware of the new L category for extensive services.⁷

Recommendation III-6-4: Training opportunities should be made available to all staff as needed to ensure a high standard of practice; more internal trainings should be offered relying on program expertise. Remote approaches such as Go-to-Meetings or webinars should be considered.

Recommendation III-6-5: NMLA should make certain that the new litigation director is not overextended with too many responsibilities.

Finding 7: The migrant farmworker unit is in need of substantial reformation.

The migrant unit is located in the Las Cruces office. Migrant clients live primarily in the surrounding county and work in the chili, onion, and cabbage fields of southern New Mexico, as well as in the dairy and ranch country to the east. The program reports that there are no migrant camps. Outreach has varied significantly in frequency and scope. It is often conducted jointly with other groups such as the New Mexico Department of Labor, the Colonias Development Counsel, the New Mexico Attorney General's office, Catholic Charities, and the Hispanic Women's Cultural Center. Occasional trips are made to the farmworker center in El Paso.

It was difficult to make a general assessment of the quality of the unit's migrant legal work because of the paucity of cases closed by the unit. Only 3 cases were closed 2009; 8 were closed in 2008. The unit concentrated its efforts in 2009 on a significant workers' issue. Few migrant workers have health insurance and they are explicitly excluded from

⁷ See pg. 2 of NMLA's response, attached to this final report, for the program's comment.

workers' compensation by statute, which gives rise to an equal protection claim under the state's constitutional law. The program's work on this issue was partially successful, but a settlement for their client disposed of the issue. The New Mexico Center on Law and Poverty is continuing to litigate the issue as a class action.

Until recently the migrant unit was comprised of a managing attorney, a staff attorney, and a paralegal. The managing attorney, who departed a few months before the LSC on-site assessment, left no open cases. At the time of the visit the staff attorney's caseload consisted of all non-migrant cases, and the paralegal was handling one migrant case. Although the staff attorney has considerable experience as a lawyer, she has not handled a migrant case. The managing attorney of the Las Cruces office, who will now manage the unit, indicated that the staff attorney will close out her non-migrant cases and will begin to take migrant cases. Both the managing attorney and the staff attorney indicated that few migrant cases come through the regular intake process. It will be necessary for the unit to resume and enhance past outreach efforts to elevate its level of migrant services.

Recommendation III-7-1: The migrant unit should ensure that unit advocates receive training on substantive laws affecting farmworkers. It should consider sending staff to the annual migrant law training event conducted by Texas RioGrande Legal Aid.

Recommendation III-7-2: The migrant unit should develop an annual work plan for service to the farmworkers that includes outreach plans, identification of potential legal issues based on the client population's status as farmworkers, and community education plans on those issues.

Finding 8: The Native American unit provides effective legal services for New Mexico's varied native peoples.

The Native American program (NAP) provides legal assistance to members of the Pueblo, Mescalero, and Navajo Native Americans in New Mexico. The NAP staff members operate from a statewide office in Santa Ana Pueblo; and an additional part time attorney is located in the Gallup Office of NMLA, where the Zuni Pueblo Indians are served.

Members of the NAP staff are culturally competent and linguistically proficient in several dialects of the native tongue of Indians. Advocates provide effective legal services, including representation in tribal, state, and federal courts. While most cases are civil cases, they also assist clients in criminal defense cases where there is an assertion of denial of due process based upon the Indian Civil Rights Act. NAP has acquired special funding from time to time for activities associated with community legal education, outreach, and other support.

Criterion 2. Private attorney involvement

Finding 9: Although some improvement is warranted, NMLA's statewide PAI plan provides an effective approach for private attorney participation.

The NMLA PAI plan was developed in a statewide process that included the State Supreme Court, the Access to Justice Commission, and the pro bono committees of the state's judicial districts. Each district creates its own local plan for PAI. NMLA staff members are involved in their local committees in varying degrees. The plan includes both volunteer and reduced fee participation. The latter is primarily used in rural areas. The Supreme Court actively encourages the bar to engage in pro bono assistance.

The plan is currently under review by the Access to Justice Commission and will likely entail more local management with coordination at the state level. NMLA has a new PAI coordinator who is familiar with the bar, the courts, and other organizations having a stake in the delivery system. Increased participation and varied methods of involvement will be a prime focus of the new coordinator. Government attorney participation will be encouraged. Recruitment varies by jurisdiction; NMLA is responsible for recruitment in some districts, but not in others.

The main participation modes in the NMLA PAI program include direct representation, some co-counseling, and clinics. Volunteer lawyers participate in legal fairs (Lawlapaloozas) and pro se clinics. In the latter they instruct attendees, review documents, and provide assistance with document preparation. Individual offices handle referrals and staffing for clinics and other events. In Albuquerque law students assist with conducting legal fairs, and in some areas paralegal students participate. A successful pro se divorce clinic in Santa Fe was discontinued, although the reasons for the cessation were unclear to the assessment team.

The PAI component closed 61 cases in 2009, 47 of which were family matters. Other cases involved housing, consumer, and income maintenance issues. Cases are referred to PAI after they have been staffed at local offices. A designated person in each office has the responsibility for referrals, follow-up, and closure of cases. Attorneys receive support from NMLA, including malpractice coverage, some sample pleadings, and some forms on ProBono.Net. In some jurisdictions they receive staff and administrative support, including office space, as needed. PAI attorneys receive a letter of appreciation and are asked for feedback on their experiences. Client satisfaction questionnaires are mailed with each case closure, and attorneys are asked to submit documents concerning the disposition of the case.

Recommendation III-9-1: NMLA's PAI program needs consistency, uniformity of process, and supervision and guidance to staff.

Recommendation III-9-2: NMLA should consider reinstating the pro se divorce clinics in Santa Fe.⁸

Recommendation III-9-3: NMLA is encouraged to screen clinic participants for eligibility in order to include clients in the program's CSR's if advice is provided.

⁸ See pg. 3 of NMLA's response, attached to this final report, for the program's comment.

Recommendation III-9-4: NMLA should explore using technology to facilitate pro bono attorney assistance in rural areas.

Recommendation III-9-5: NMLA should continue to work with the judicial committees to find creative models for involving the private bar.

Criteria 3 and 4: Other Services and Activities

Finding 10: NMLA engages in a wide variety of activities and services that confer substantial benefits to the eligible client population.

As indicated under Findings 4 and 9, NMLA is engaged in a range of non-litigation activities that bring significant benefits to the clients they serve. Topics include domestic violence, housing, consumer issues, and public benefits. In addition to providing its clients with community education and pro se clinics and materials, presentations are also made to government agencies and other service agencies. Sign-up sheets and surveys are used to monitor attendance and effectiveness.

NMLA's staff members assist the efforts of various organizations and agencies that impact the delivery of services to the state's poverty population. Staff members are members of their local judicial districts' planning groups. Two staff members are on the Access to Justice Commission, and another is on the Governor's Domestic Violence Leadership Commission. Various staff members throughout the program participate on or advise the boards of local agencies that address issues affecting clients.

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

Criterion 1. Board governance

Finding 11: The NMLA board has carried out its oversight function effectively, but is confronted with some challenges regarding vacancies in client-eligible positions, training, fundraising, and strategic planning.

The 30-member board of directors is composed of a diverse group of attorney and client eligible members who come from all geographic regions of the state. The board meets regularly, and meetings are held in various locations to promote regional inclusiveness. The executive committee is comprised of the president, vice-president, secretary and treasurer, along with other members selected by the president. There are several standing committees.

Client members have become increasingly engaged in the activities of the board of directors. They meet prior to full board meetings to review the agenda, and to discuss issues from the client community that they will present to the full board. They also discuss with the board information they have received from the client community about the program and matters that the program should address. The board has experienced

continuous difficulty in filling client board positions. The executive director and current client-eligible members are searching for eligible candidates.

New members are provided a preliminary orientation to the program, including explanation of their role as members. Members agree that additional, ongoing training concerning the function and responsibility of the board of directors would help them to better fulfill their roles. This has been discussed by the board, and interviews suggest that it is overdue.

The board is sufficiently informed regarding the functioning of the program. It regularly receives a director's report, litigation report, union report, and financial report. Additionally, it often hears presentations from staff on legal issues, grievances from staff and clients, and feedback from client board members on program activities. Also, in the words of one member, community members "aren't shy about contacting board members."

The board appears to do a satisfactory job of providing financial oversight. All members receive monthly financial reports and detailed financial information before each meeting. The board follows budgetary progress and variances during the course of the budget year.

The board of directors evaluated the executive director in 2008 and was in the process of conducting another performance evaluation at the time of the visit. The 2008 review employed a thorough, inclusive procedure.

The board does not engage in active fundraising for the organization. Many of the members contribute to the Access to Justice Fund, created years earlier by the Access to Justice Commission to provide funding for support to legal services providers throughout the state.

Although the subject has been discussed from time to time, the board has not engaged in formal strategic planning in recent years.

Recommendation III-11-1: The board of directors should complete the task of filling all client-eligible positions on the board.

Recommendation III-11-2: The board should engage in training for all members in all aspects of fiduciary and governance responsibility.

Recommendation III-11-3: In concert with the NMLA staff, the board should engage in strategic planning. The process should include discussion of the most appropriate size and composition of the board and resource development strategies.

Criteria 2, 3, 6. Leadership, management, communication⁹

Finding 12: Significant management and communication problems impede NMLA's effectiveness.

The confidential staff survey and individual interviews revealed that staff morale is quite low and acutely so in the main office. The information strongly indicated that the staff, on the whole, feels unappreciated and undervalued. This low morale might be attributable in part to the recent decrease in state funding that has resulted in a program-wide rolling furlough.¹⁰ However, interviews and the survey results suggest that a substantial factor is management confusion at the executive staff level that is apparent to the program workforce and frequently affects program functioning.

Among top management there is little clarity concerning their respective roles, responsibilities, and authority. Interviews depicted conflicts about authority and a critical lack of communication. The management team gave widely divergent accounts of the frequency of management meetings. The authority of the deputy director in particular is unclear and has not been effectively communicated to staff. The role of the administrative assistant-human resources director needs delineation. The executive director needs to be more accessible and visible to staff. The quality, amount, and frequency of communication both from and within the management group must be improved.

Recommendation IV-12-1: Management staff should seek outside training and facilitation on fundamental management issues such as communication, delineation of responsibilities, and team building.

Recommendation IV-12-2: The management team should hold (or resume) regular meetings.

Criterion 4. Financial administration

Finding 13: Appropriate procedures, policies, and staffing appear to be in place for effective financial oversight.

NMLA's chief financial officer (CFO) supervises the accounting unit, which consists of an accountant and an accounts payable clerk. Financial staff are qualified for their positions and have many years of experience. The accounting unit prepares budgets and financial reports for management and the board and its audit/finance committee. It

⁹ The issues described in this finding may be rendered partially moot or irrelevant by changes since the visit. The deputy director has announced her resignation effective at the end of November, 2010, and the executive director has indicated that he will not seek to renew his contract with the board in March, 2011. The findings and recommendations in this report are based on information known to the assessment team at the time of the visit.

¹⁰ Each staff member will be furloughed one day per month through January 2011.

administers payroll and expenses, assists the auditor and implements audit recommendations, reconciles bank statements, and monitors budget variances and spend-down status of grants and contracts. The unit uses Evolution software for payroll and MIP software for accounts payable, general ledger entries, and budget work. The CFO approves the issuance of checks and monitors the use of the program credit card. The accounting unit provides a financial statement for all board members at the midpoint of each month.

Currently, financial planning is done on a yearly basis; the program's opinion is that the current economy is too volatile for multi-year planning to be meaningful. The accounting unit is vigilant about the program's financial operations, particularly regarding the spend-down status of grants and contracts, use of proper funding codes, management expenses, and budget variances. The unit created a customized form in the CMS for timekeeping and leave. It has also developed a cash-flow plan for use in lean months. NMLA's accounting manual is described as compliant with the LSC accounting guide and was revised and approved in May of 2010.

Criterion 5. Human resources administration

Finding 14: Human resources administration at NMLA is sufficient to meet the program's purposes, though some improvement is indicated.

NMLA has a designated human resources director who has been with the program for 36 years, working in various capacities including executive assistant and director of administration. She continues to assist the executive director and performs other administrative work as a member of the management team, but also maintains the personnel records, updates the personnel manual when required, and deals with human resources issues as needed. She has attended training events concerning general human resources responsibility, fringe benefits, and insurance. Her job description is an unapproved draft document, and interviews of management staff suggest that clarity about her role, responsibilities, and authority is needed.

NMLA has a unionized staff. Salaries and benefits are commensurate with those of most other LSC-funded providers. New employees receive evaluations of their work at three months and six months. Beyond these probationary marks, the program does not have a procedure for annual evaluations. A procedure was under consideration by the program at the time of the visit, and a standardized performance evaluation form was being developed.

Recommendation IV-14-1: The role, responsibilities, and authority of the human resources director should be clarified and approved.

Recommendation IV-14-2: NMLA should complete the development of an evaluation procedure.¹¹

¹¹ See pg. 4 of NMLA's response, attached to this final report, for the program's comment.

Criterion 7. General resource development and maintenance

Finding 15: NMLA's resource development efforts have been satisfactory, but recent losses have elevated the need for an intensified development strategy.

LSC funding makes up about 62% of NMLA's budget. The program serves a variety of other funders, the largest being state funding through the Civil Legal Services Commission and funding for domestic violence work through the state's Children, Youth and Families division. NMLA has a Grants and Special Programs Director who administers the program's grant work but is not a resource developer. That function appears to be distributed among staff with primary responsibility resting on the executive director. Resource development has reached a critical stage with the recent \$600,000 reduction in anticipated state funding. Program stability has been dramatically affected by this reduction. As an emergency measure an all-staff rolling furlough was begun.

The program's ability to enhance its funding is somewhat limited by in-place state-level funding mechanisms, such as the Access to Justice Fund and the Civil Legal Services Commission. Nevertheless, the assessment team found that the program could be more aggressive in its search for other funding sources. NMLA may not be sufficiently promoting its work and accomplishments. Although it has both a web site and a Facebook page, it does not publish an annual report.

Recommendation IV-15-1: NMLA management should aggressively pursue funding opportunities consistent with their mission. Board, management, and staff resources should be assessed and focused on this effort. Local offices and special units should be encouraged to identify funding sources suitable to their work. The program's visibility should be improved. Publication of an annual report should be considered.

Criteria 8 and 9. Coherent and comprehensive delivery structure; participation in an integrated delivery system

Finding 16: Despite its current difficult management issues, NMLA provides a variety of valuable services to its clients and is part of an integrated delivery system.

As discussed in Finding 12, NMLA is experiencing some difficult management issues that have some negative effect on program functioning. However, its effective advocates, its varied services, and its well-distributed offices assure that a broad range of the legal needs of its client populations are being met to the extent possible. The program has a committed staff and an appropriate structure for serving the area's client population.

The program is an active and respected participant in an integrated delivery system. Its input is sought by other service providers and government agencies on issues affecting its clients. NMLA coordinates its advocacy and outreach with other groups at the local and state levels. Management and staff members are members of the various boards and groups that direct the overall civil justice effort of New Mexico, including the Access to Justice Commission, and local staff participate in judicial district planning groups and assist local agencies that address issues affecting NMLA's clients.