



**LEGAL SERVICES CORPORATION**

***FINAL PROGRAM QUALITY REPORT***

***FOR***

***OHIO STATE LEGAL SERVICES***

**Recipient No. 436070**

**September 29 – October 3, 2008**

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## INTRODUCTION

The Legal Services Corporation (LSC) Office of Program Performance (OPP) conducted a Program Quality Visit to Ohio State Legal Services (OSLSA) from September 29 – October 3, 2008. OPP's team consisted of a program analyst, two program counsel and an LSC consultant.

Through its program quality visits, LSC seeks to ensure that its grantees are providing the highest quality legal services to eligible clients. In performing an evaluation of a 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. OPP's assessment considered OSLSA's work in the context of the four Performance Areas: needs assessment and priority setting processes; engagement in the low income community, including intake; legal work management and quality of legal work; program management including board governance, leadership, resource development, and coordination within the delivery system.

In preparation for the visit, consideration was given to OSLSA's narrative submitted in response to LSC's 2008 Grants Competition; OSLSA's grant renewal narrative; case service and other service reports; and other reports or documents submitted by OSLSA to LSC over the past year. OSLSA also submitted numerous documents in advance of the visit, including copies of various program policies and procedures; board records; and writing samples submitted by advocates. The team also considered the results of a staff survey conducted through Survey Monkey.

The team members visited OSLSA's Columbus office, and branch offices in Athens, Lancaster, New Philadelphia, Chillicothe, Newark and Portsmouth. The team interviewed program staff from each of OSLSA's offices; including the executive director, deputy director, litigation director, fiscal staff, managing attorneys, staff attorneys, the pro bono coordinator, paralegals, administrative staff, and support staff. Additionally, team members interviewed board members, community representatives, judges, other legal services providers, leaders in the state justice community, bar representatives and a few current or former clients. Due to scheduling and time constraints, some of these interviews were conducted by telephone.

## OVERVIEW OF PROGRAM AND SERVICE AREA

OSLSA<sup>1</sup> serves 30 primarily rural counties in southeastern and central Ohio, twenty-five of which are located in Appalachian Ohio.<sup>2</sup> In recent years, both the State of Ohio and the federal government have attempted to improve the economic situation in Appalachia by encouraging businesses through tax incentives and funding highway projects.<sup>3</sup> Appalachian Ohio shares the culture of the entire Appalachian region, as well as some of its geographical challenges. There is little or no public transportation in the region. The counties in this area are sparsely populated and the population is widely dispersed, and relatively isolated. The 2000 U. S. Census Data records the poverty population in the service area at 186,983. Appalachian Ohio is home to 12 percent of the state's

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<sup>1</sup> OSLSA is the umbrella organization for the state support center and Southeastern Ohio Legal Services (SEOLS) which provides direct client services. Although OSLSA's client services arm is commonly referred to throughout Ohio as SEOLS by clients and other grantors, LSC provides funding to OSLSA. For LSC purposes, and for purposes of this report, all references to OSLSA pertain to the LSC funded portion of the organization that provides direct services. The state support center receives no LSC funding.

<sup>2</sup> Ranked amongst the poorest regions of the state, eastern and southeastern Ohio's 29 counties area referred to as Appalachian Ohio.

<sup>3</sup> Source: "Appalachian Mountains," Ohio History Central, July 1, 2005, <http://www.ohiohistorycentral.org/entry.php?rec=2067>

population but holds less than 2 percent of the state's charitable assets. As a result, Appalachian Ohio has far fewer grant dollars invested in and leveraged for its communities compared to the state as a whole.<sup>4</sup> With these challenges in mind, the program appears to take very seriously its commitment to provide quality legal services to the client eligible population in this service area.

OSLSA provides civil legal services to its 30 county service area from a network of nine service offices strategically located throughout the service area. The program's main office, housing the legal services support center for legal aid programs in Ohio, along with the program's executive and administrative staff, is located in Columbus, Ohio.<sup>5</sup> The OSLSA State Support Center is funded by IOLTA and other resources, and receives no LSC support. It operates as a separate entity under the auspices of OSLSA. The program's service offices are located in Athens, Chillicothe, Lancaster, Marietta, Newark, New Philadelphia, Portsmouth, Steubenville, and Zanesville. The program employs 54 attorneys, 8 paralegals, and 25 administrative and support staff. The program's current staffing composition has increased over the last few years. This is due in large part to a large influx of IOLTA funding received by the program in 2006 and 2007.

## REPORT SUMMARY

OSLSA is a well managed, high quality law firm that values highly its connections and relevance to the communities it serves. The program seeks to be a client-friendly law firm devoted to ensuring that the legal needs of its client population are met to the best of its ability. It has invested time and resources in a comprehensive process to determine the needs of the client community. The program works in collaboration with numerous other service providers to enhance the services provided to the client community.

The program's sound administrative and management practices and the caliber of its legal work reflect a commitment to the provision of quality legal services to eligible clients. OSLSA has been successful in bringing together a group of highly qualified administrative staff and committed advocates who appear to focus intently on the program's mission. The program is led by a strong executive team. The executive director, deputy director and litigation director are highly regarded and well respected by the board and staff, as well as by the broader Ohio equal justice community.

LSC is impressed with the consistent effort on the part of the program to develop and train its advocacy staff and to ensure development of quality leadership. OSLSA has developed an internal training protocol for all new advocates. Participants benefit from a comprehensive training process that is aimed at honing their lawyering skills while integrating them into the community where they are assigned.

The program derives the majority of its funding from non-LSC sources. OSLSA has worked diligently and deliberately to create and maintain a pool of financial assets to support the program's future expansion and development. This type of thoughtful planning assures a strong and productive future for the program.

There are many more areas where OSLSA has excelled that are not enumerated here. LSC believes that this program would benefit greatly from:

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<sup>4</sup> Source: "History, The Foundation for Appalachian Ohio: Growing Home," <http://www.appalachianohio.org/index>

<sup>5</sup> The program's deputy director works from the Chillicothe office.

- The creation and maintenance of an internal electronic news service for staff and board members to share information about staff and program achievements;
- The production of an annual report that can be used as a public relations tool;
- An evaluation of the effectiveness of the program's intake system;
- The allocation of resources so that offices are physically structured so as to ensure client confidentiality;
- The development of a separate manual or separate repository outlining the program's legal work standards;
- Further development and improvement of its PAI program, including integrating pro bono into the program's delivery system, and clarifying a consistent protocol for the referral and oversight of pro bono cases;
- An audit of its governance documents to ensure that updated documents are provided to LSC;
- The recruitment of a chief administrative or operations officer for the program; and,
- Human resources, time and project management training for managing attorneys.

Changes and improvements in these areas will be critical in propelling OSLSA forward in its quest to become a premier law firm.

## FINDINGS AND 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.*

**Finding 1: The program has undertaken a comprehensive assessment of the critical legal needs of the low income population in the service area.**

The last comprehensive legal needs assessment and adoption of priorities was conducted in 1998-99. Since then, the program has conducted biennial re-assessments or "mini-appraisals" in 2001, 2003 and 2005. In 2007, OSLSA initiated a new process for the assessment of the most critical legal needs of clients in order to adopt new priorities. The Institute for Local Government Administration and Rural Development ("ILGARD")<sup>6</sup> at Ohio University helped to design the process and carry out the data gathering and compilation phase of the process.

The needs assessment process, thus far, has involved: distributing surveys to targeted groups, including clients, community service agencies, non-profit organizations, elected officials, judges, legal aid and other attorneys; and gathering empirical data impacting low-income Ohioans. Surveys were distributed in 30 counties through nine program offices and the Ohio State Bar Association Office.

As was the case in the previous legal needs assessment process, the Voinovich School of Leadership and Public Affairs<sup>7</sup> at Ohio University will also be providing the program with technical assistance. They have compiled a series of data analyses about the clients that OSLSA served between August 1, 2006 and July 31, 2007, including: 1) a county administrative data analysis based on the

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<sup>6</sup> The Institute for Local Government Administration and Rural Development at Ohio University provides research, technical assistance and other services to local governments, community leaders and non profit organizations.

<sup>7</sup> The Voinovich School of Leadership and Public Affairs builds on the scholarship of Ohio University engaging students, faculty and professional staff to make a difference in Appalachian Ohio and the state.

numbers of clients served, race/ethnicity, legal problem types, level of services, reported hours by county and problem type within each county; 2) an office demographic report that analyzed race, ethnicity, language spoken at home, disability, rent payments and income, foreclosures, food stamps, poverty, appointed counsel, educational attainment, foster care, elevated lead levels, uninsured and students with disabilities; 3) a county demographic report; and, completed a survey report on the results of the survey process used for identifying the most pressing legal problems and needs of the low-income population in the service area.

The review and analysis of this data was delayed with the onset of the mortgage foreclosure crisis. However, the program anticipates that analysis of the data is expected to be completed by the end of 2008 or early 2009. The next phase of the process will feature a reduced number of previously contemplated focus groups. The goal of these focus groups will be to obtain input from underserved populations from whom OSLSA intends to gain insight about access challenges and solutions. These groups include African-Americans, Latinos and the persons with mental health challenges.

OSLSA will adopt new priorities recommended to the full governing body by the process of staff and board participation in analysis through its Priorities Committee that includes both attorney and client eligible members.

**Finding 2: The program considers and adopts goals, objectives and strategies to achieve desired outcomes based on program priorities.**

As a result of its last legal needs assessment process, OSLSA adopted four program-wide priorities:

- Encourage and Support Strong Stable Families, especially for the benefit of children; Promote and Protect Health and Safety;
- Protect and Enlarge Income and Economic Security;
- Promote Full and Meaningful Access to the Justice System.

In conjunction with setting its priorities, OSLSA adopted several goals and objectives for each priority. Each of the nine service offices was directed to select three goals its staff considered most important for them to pursue as a means of addressing the legal needs of clients in their region of the service area. Cases, matters (other services) and projected outcomes corresponding to the selected goals were made a part of, and ranked as high priorities of each office's work plans during the ensuing two years. Offices were all required to incorporate the access to justice priority in their respective work plans. The program plans to use this same process in completing the current legal needs identification, and adopting its priorities.

**Finding 3: The program assesses and evaluates its progress in achieving goals and objectives related to program priorities.**

Every two years, OSLSA offices develop work plans and perform a rigorous analysis and evaluation of the work accomplished in achieving the goals and objectives of the program's priorities. At bi-monthly meetings of managing attorneys, each managing attorney provides a written progress report on meeting the goals and objectives of their work plan. After the first year of the work plan, a comprehensive written report is provided by each office documenting its progress during the reporting cycle. When projected outcomes are not achieved, they are included in succeeding work plans unless a

justification for eliminating a projected outcome has been articulated and approved by the executive director and the board. This approach demonstrates an impressive level of accountability to address the most critical needs of clients.

In 2007, OSLSA provided services in each of its four priorities. The highest percentages of closed cases were consumer/finance issues (12.2%), family (45.6%) and housing (24.8%). Other service strategies, including program partnerships and collaboration; community outreach; and community legal education, were employed to address goals and objectives related to the priority of promoting full and equal access to the system of justice.

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

**Finding 4: Overall, the program places a high value on its engagement and relationship with the client community.**

The program's service area is comprised primarily of counties in Appalachian Ohio, one of the state's poorest regions. OSLSA indicates that Appalachian Ohio suffers from geographic isolation; lack of adequate transportation and in some cases, lack of adequate highway infrastructure; high rates of unemployment and poverty; and a general distrust for the unknown. To its credit, the program identifies itself as a part of the community it serves. Community representatives noted that the program is responsive to the community and that program services conform to the issues observed and identified by them.

As a condition of employment, OSLSA advocates are required to be actively engaged on an individual basis in the communities they serve. Many advocates serve on their respective county community action agency boards; they are actively involved in local bar associations, some in leadership capacity. There is no program-wide vehicle for sharing this information among the OSLSA staff.

The value of OSLSA's commitment to the client community is demonstrated in the client-centered approach to advocacy, including its outreach efforts in the community. The program conducts outreach to several major segments of the low-income population in its service area. OSLSA staff visit senior centers, attend outreach fairs, make presentation to landlords, and to numerous client based organizations. Based on interviews conducted with members of community and client-based organizations, the program is well known and respected among the low income population and its major segments throughout the service area.

The program seeks to include and prioritize the input of clients in its legal needs assessment activities. The OSLSA Board of Directors is chaired by a client, and the program ensures that client board members have an opportunity to meet separately to discuss board and program issues prior to each board meeting. At each board meeting, client board members are provided an opportunity to provide to the board a report of their meetings, issues of importance to clients in the service area, or any other action items that need to be considered by the full board.

In response to the needs of low income persons in the service area with regard to the lack of available public transportation, advocates from the Chillicothe and New Philadelphia offices provided critical leadership in forming a Transportation Advisory Committee whose membership consisted of

several county commissioners and community organizations in the service area. This committee applied for and was awarded a grant to establish a transportation coordinator position, and was successful in establishing an affordable county-wide public transportation system.

**Recommendation:**<sup>8</sup>

**II.4.1:** *OSLSA should create and/or maintain an electronic newsletter or internal electronic news service that provides a forum for all staff to share regional and office news and developments.*

**Finding 5: The program's intake system provides adequate access to program services.**

Community members, clients and others interviewed noted that they are not aware of any problems in accessing services from the program. They noted that OSLSA demonstrates a commitment to eliminating barriers to client access. The program's commitment is demonstrated in the priority given to intake services provided by staff. In Ohio, applicants can access intake at any of the programs through a statewide single point of entry toll free number that connects the caller to Law Ohio. The technology employed identifies the county where the call originates and routes it to the legal aid office that provides services in that county.

In each office, the legal secretary is responsible for the initial screening and handling of all intake calls. The level of intake traffic varies from office to office. While most of the program's intake is handled by phone, there are some offices that experience a higher volume of walk-in traffic. Many clients have no phone service, and some clients, as a matter of practice, prefer to come to conduct their legal matters in person. In some offices legal secretaries have difficulty balancing their other duties due to the volume of intake. Each office addresses the competing needs of legal secretarial support and intake services differently. Some have instituted a rotating schedule and others indicated that the telephone and walk-in intake applicants require the complete attention of the secretarial staff. The program is considering the hiring of additional secretarial staff to provide more support for intake services and advocacy support.

The program has an extensive manual that guides the intake process. Intake procedures are standardized throughout the program with a few minor exceptions.

OSLSA uses a computerized case management system, *PIKA*, to compile and manage its client and case data. Applicants are screened manually by legal secretaries who apply case type guidelines, financial eligibility criteria, and do conflict checking. Only the records of eligible clients are entered into the case management system. While the program keeps manual records of applications that are declined, the demographic and other important data critical to consider in programmatic and advocacy decisions must be harvested or mined by staff manually.

Persons staffing the intake process are provided numerous training opportunities. These include those sponsored by the program and those sponsored by the Committee on Regional Training (CORT)<sup>9</sup>. OSLSA usually provides training during program-wide meetings on subjects such as

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<sup>8</sup> Recommendations are numbered as follows: The Roman Numeral references the Performance Area followed by the finding number and lastly by the recommendation number that pertains to the finding.

<sup>9</sup> The Committee on Regional Training (CORT) is a collaborative membership organization of legal services programs in Michigan, Ohio and West Virginia that provides ongoing training to legal services staff.

effective communications; teambuilding, along with updates on the use of the *PIKA* case management system, the use of *Hot Docs*, and updates in areas of substantive law.

***Recommendation:***

- II.5.1*** ***OSLSA should perform a comprehensive assessment of the effectiveness of its intake system. The program should consider conducting this assessment using a committee of management and staff members, who conduct intake. Based on the findings of its evaluation, the program should consider:***
- ***The establishment of coordinated intake across office lines through the expanded use of its technology;***
  - ***The designation of a discrete intake team, staffed by persons specifically assigned to manage and maintain the program's intake services under the supervision of a program-wide managing attorney who would be responsible for its oversight;***
  - ***The expanded use of its case management system to provide for real time data entry of all application information; and***
  - ***A review of telephone technologies including open source software that could be helpful in unifying the program's intake and technology systems.***

**Finding 6:** **All the program's offices do not provide the degree of confidentiality commensurate with a law office, and some offices were over-crowded and in disrepair.**

OSLSA provides direct legal services from nine branch offices located strategically throughout the service area. The offices appear to be easily accessible to the public. The offices observe traditional office hours, with some flexibility for clients who need appointments after these hours. The team visited offices in Athens, Lancaster, New Philadelphia, Chillicothe and Portsmouth. While overall these offices provided a professional setting for the practice of law, in the Lancaster office client confidentiality is an issue because of the design of the reception area. In the Chillicothe office, while confidential interviews were being conducted by the team, a staff member continued to walk through the conference area. This area is also used to conduct interviews and meetings with clients.

OSLSA owns office buildings in three of its locations – Steubenville, Newark and Athens. The team was informed that the Athens office was in transition as it awaits the completion of build out of its new office space. There was an increase in the number of staff employed at that office, and because of the transition, there were instances where staff was sharing office space. However, upon arrival at the New Philadelphia office, the visit team was struck by the lack of appropriate space allocated to staff, and by the general condition of the office. The reception area was untidy; office furnishings were worn; and the building and grounds appeared to be poorly maintained.

***Recommendation:***

- II.6.1:*** ***As soon as OSLSA is fiscally able, the program should allocate resources to make the necessary changes to office layouts to ensure client confidentiality in all offices, particularly the Lancaster, Chillicothe and New Philadelphia offices. OSLSA should also allocate resources to ensure that its offices are appropriately furnished and maintained.***

**Finding 7: Although no problems were noted, and staff was conversant on the program's procedures for assisting clients with limited English proficiency, OSLSA had no written LEP Policy.**

Program staff reported that there is a growing population of persons with limited English proficiency in the service area. The area is experiencing some growth in the Latino population in certain parts of the service area. The program relies on Language Line to provide support in assisting clients with limited English proficiency. In some cases, staff indicated that clients tend to bring family members or friends with them to translate. The program employs several persons who are bilingual, including the litigation director. Two attorneys are proficient in sign language. Staff are generally familiar with the program's procedures necessary to accommodate the needs of clients with limited English proficiency; those with minimal levels of literacy; and those with sensory impairments.

***Recommendation:***

***II.7.1: OSLSA should develop a written program-wide policy to address services to persons with limited English proficiency, sensory impairment, and low levels of literacy. LSC Program Letter 04-2 and the LRI should be consulted.***

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

**Finding 8: OSLSA has sufficient protocols and policies in place to efficiently manage and assess the program's legal work.**

At OSLSA, legal work management and supervision are the responsibility of the program's executive director, deputy director, and director of litigation. The executive director, deputy director, and director of litigation visit offices on a regular basis to discuss significant cases with the program's advocates.

The day to day functions of legal work management are delegated to each office's managing attorney. In each office the managing attorney is responsible, along with other managerial tasks, to ensure that cases are assigned to advocates based on a number of variables, including the expertise of the advocate, the complexity of the case, and the advocate's case load. Managing attorneys have substantial caseloads as well and in many cases were on the office's weekly intake schedule. Managing attorneys readily provide guidance and feedback on issues of representation.

In 2006, the program hired its current director of litigation. The program's director of litigation assists the executive director with the overall administration of the program's legal work. Though he has no direct responsibility for supervising individuals, he formulates policies for managing the program's impact work and coordinates its major litigation. Additionally, the director of litigation assembles the program's litigation docket; provides litigation reports for the board; co-counsels with staff attorneys on the program's major litigation; and assists the executive director in supervising the program's federal and appellate practice. The executive director stated that under the leadership of the director of litigation, the program has improved the quality and quantity of its complex litigation.

Evaluation and review of each advocate's case work is a critical part of the supervision performed by managing attorneys. Each advocate is expected to be a generalist and is given the

opportunity to develop expertise in a particular area of law. The program's advocates are organized across office lines into five substantive law teams - housing, consumer, family, administrative and education. Every four months, each managing attorney reviews every opened case assigned to the advocates they supervise. Managing attorneys check the status of cases to ensure that they are progressing appropriately, that the appropriate procedures are being followed and the appropriate pleadings have been filed. Compliance with funding requirements is also reviewed as well as identifying cases ripe for co-counseling opportunities. Following these reviews, the managing attorneys must certify in writing to the executive director that all the cases in the office have been reviewed, and that they are moving forward appropriately.

Every OSLSA employee receives a copy of its program-wide handbook. This handbook, available to staff electronically is the repository for all the program's procedures, some of which include intake policies and procedures; case acceptance policies and procedures; standards for case file maintenance; requirements and instructions for case opening and closing; LSC compliance policies; and the program's client grievance procedures. The handbook is voluminous. Although the handbook includes some legal work standards, it is not comprehensive. Further, the organization of its content impedes retrieval of specific legal work policies.

OSLSA's advocates appear to be motivated, and staff morale is high. Most staff commented on the respect and high regard they held for their managing attorneys and the program's executive management team. They recognized the support and direction received, and also noted the availability of assistance from the managing attorney and staff of the state support center.

***Recommendation:***

***III.8.1. OSLSA should consider developing a separate manual outlining the program's legal work standards of practice or bring all program legal work standards of practice policies into one section of the program's current handbook.***

**Finding 9: The program engages in aggressive and effective advocacy.**

OSLSA provides high quality representation in trial and appellate courts throughout the service area and enjoys a reputation for doing so. Judges throughout the service area spoke highly of the quality of the work performed by OSLSA advocates. They noted that advocates were well prepared and appeared to be very committed to their clients. Several judges cited the work done by OSLSA staff on pro se forms along with the establishment and maintenance of pro bono clinics as valuable work for clients and the court system.

The review of significant cases submitted to LSC by the program revealed the sophistication of OSLSA's legal work, particularly in the area of housing at the trial and appellate levels. The foreclosure cases reflect the high caliber of legal research, analysis and community outreach that form the basis for the program's important work in the area of foreclosure advocacy. The program advocates show creativity in developing legal theories. Other cases reflect careful development of the trial court record and well-thought out arguments on appeal. When appropriate, OSLSA arranges for co-counseling with an experienced private attorney to better represent the client. The program also demonstrates a high level of effective legal work coordination within the program.

OSLSA advocates produce high caliber written work. The writing is proficient and presents arguments that reflect thoughtful and careful analysis. Appeals of adverse decisions are thoughtfully

made. Many newer, as well as more experienced attorneys have handled appeals including oral argument. The nature of the appeals filed demonstrates that the program is advancing strong arguments to achieve as broad an application of law as possible. Program teams and statewide task forces help management coordinate substantive legal work within the program and the state. The program's litigation docket is an impressive collection of advocacy, including many affirmative suits filed with regard to important issues impacting the client community.

The program's foreclosure project is the most ambitious that the team has seen. Working with a variety of partners, including the Ohio Attorney General's Office, the Ohio State Treasurer, and the Ohio State Support Center, the program has built its foreclosure practice. Every office is involved with the deputy director coordinating the program's work on this critical issue. OSLSA recently hired an experienced bankruptcy attorney to develop a bankruptcy strategy to be implemented by staff attorneys in cooperation with private attorneys. This strategy provides eligible clients with representation in bankruptcy court as a remedy or alternative to foreclosure. The program's work on foreclosure issues is also the centerpiece of its current PAI effort. OSLSA has also collaborated with court clerks to create a system throughout the service area for homeowners facing foreclosure to learn about OSLSA and its services. This provides homeowners an opportunity to secure needed legal representation early in the foreclosure process. Staff in the New Philadelphia office negotiated with a local county court clerk to insert OSLSA's name on the summons form used in foreclosure cases. Each service office has set up local foreclosure committees to help coordinate the local response to this critical issue.

As noted previously in this report, each advocate is required to be engaged in some type of community involvement. The staff has embraced this requirement with vigor and success. Several of the program's advocates are also leaders of community organizations. This has resulted in significant benefit to the clients in the service area.

**Finding 10: OSLSA demonstrates a strong commitment to training.**

The program has recruited a number of newer attorneys, who are enrolled in the program's new advocate training program under his guidance. OSLSA has developed a new advocate training program that provides a step by step guide for new attorneys through the first two years of employment with the program. The protocol outlines checklists and benchmarks for the participant, and includes monthly feedback sessions with the trainee and his/her managing attorney. Along with the individual benchmarks required by the protocol, participants also receive basic advocacy skills training, and are also required to be familiar with the office service area and client community.

For experienced advocates, training needs are assessed as a part of their quarterly case reviews and annual performance reviews. The training needs of the staff are always on the agenda of the program's quarterly labor/management committee meetings. There are numerous program training opportunities, substantive law trainings offered by the state support center, and other training events sponsored by CORT. These are open to all interested program advocates. Advanced training for more experienced attorneys is offered twice annually. All training requests require the approval of the executive director on recommendation from the managing attorney.

The program's advocates are often called upon to train others. Advocates have been engaged in providing training in their local service areas to law enforcement officers, mental health workers, community leaders, clients, students and educators. The events focused on senior citizens' issues;

tenant rights; domestic violence laws and enforcement; the duties of public housing authorities under VAWA and other issues related to homelessness, predatory lending, identify theft and housing issues.

**Finding 11: The program's case statistics have remained fairly consistent and reflect the program's commitment to its priorities.**

The program's closed case statistics have either increased or remained fairly consistent over the last four years. In 2007 the program closed a total of 9,037 cases as compared to 9,183 in 2006. Of the total cases closed in 2007, 17.1% were extended service cases and 82.8% were limited service cases. The majority of cases closed during this period (78.3%) received brief services or counsel and advice from the program. Another 12.5% of the cases were closed as a result of settlement with litigation, agency or court decision. In 2007, OSLSA provided services in each of its four priorities. The highest percentages of closed cases were consumer/ finance issues (12.2%), family (45.6%) and housing (24.8%).

**Finding 12: Despite challenges, the program provides several opportunities for the involvement of private attorneys in the delivery of legal services to eligible clients.**

There are very few attorneys in the communities served by OSLSA. This presents a significant challenge for the program. A PAI Focus Group<sup>10</sup> has been formed by the program to deal with this challenge. The PAI Focus Group has also been charged with the responsibility of identifying opportunities for attorneys outside the geographic boundaries of the service area to participate by providing pro bono services in rural counties in Appalachian Ohio.

OSLSA has a new pro bono coordinator<sup>11</sup> who works with each managing attorney to tailor a PAI model that best accommodates the legal needs of clients in that part of the service area and draws on the private attorney resources of the entire service area. OSLSA uses a combination of pro bono panels, reduced fee contracts, legal clinics, legal education workshops and collaborative partnerships with law firms to provide legal services to eligible clients. Reduced-fee and pro bono panels are used by service offices to provide representation to clients in the areas of bankruptcy and family law cases. The pro bono program works differently in each office. There is no standardized protocol for the referral and oversight of PAI cases.

***Recommendations:***

***III.12.1: OSLSA should evaluate how it can fully integrate pro bono into the program's delivery system.***

***III.12.2: OSLSA should clarify and implement a consistent protocol for the referral of pro bono cases, including providing clarification about who is responsible for case referrals and oversight.***

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<sup>10</sup> The program notes that this PAI Focus Group will begin work in 2009 and is composed of one staff attorney from each of the nine service offices,

<sup>11</sup> The pro bono coordinator is a former staff attorney who worked in one of the program's service offices for about three years. She was a member of the consumer law team and is now working on the program's foreclosure project.

**Finding 13: OSLSA values community legal education, client outreach, and pro se as critical components of its service delivery.**

OSLSA values client and community legal education as a priority for the program. The documents provided by the program demonstrate that it is engaged in providing community legal education in a variety of settings, including radio, community legal education forums and seminars. Most offices also provide brochures in their reception areas.

Over the years, OSLSA has worked with courts, local bar associations, and private lawyers to develop pro se materials in packets that will enable persons to represent themselves in several types of cases. Despite the low literacy rates, the program appears to have been successful in expanding access to courts particularly in some domestic and housing actions. The program also works with judges and court personnel to create clinics for pro se litigants to obtain help completing forms for their court cases. The level of the program's involvement with these clinics appears to depend on the commitment of the other collaborators in this effort.

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

**Finding 14: OSLSA's governing body appropriately executes its fiduciary responsibility to the program.**

The board meets regularly, has functioning committees, and shapes the values of the organization and its mission. Board meetings cover appropriate issues of oversight and governance, demonstrated by the submission and approval of executive director, financial and committee reports. Additionally, staff members from various offices make presentations at board meetings. The agenda also includes an opportunity for client members to report on specific activities in which they have been involved. The board's structure includes officers, an executive committee and other standing committees. Ad hoc committees are also appointed from time to time. Committees submit reports to the full board, as appropriate. Meetings are held quarterly, on Saturdays, in Columbus. The program provides a subsidy to client eligible members for transportation and child care expenses. Most committee meetings are conducted by conference call.

Prior to regular board meetings, the executive director and deputy director meets with client board members to familiarize them with agenda issues. This is done in an effort to promote client participation during meetings. Client board members expressed pride and approval with the direction of the program and were complimentary of the leadership of the executive director and board chair.

New board members are given program orientation and training on their role and responsibilities as board members. They have not attended trainings sponsored by national organizations but do participate in program-wide meetings and retreats, and state sponsored trainings. The board of directors conducts a performance evaluation of the executive director annually.

Shortly before this visit, the board of directors of the Legal Aid Society of Columbus (LASC) passed a resolution inviting the board and management of OSLSA to explore how the two programs might combine resources to serve eligible clients in the southeast quadrant of the state. In light of the resignation of LASC's executive director, the resolution also requested that OSLSA's board consider and approve the appointment of its executive director as interim director of LASC. The OSLSA

board, subsequent to LSC's visit, approved the appointment of its executive director to the interim directorship of LASC. Moreover, the board chair appointed a committee to negotiate an agreement with the board of directors of LASC on the programs' consolidation.

***Recommendations:***

***IV.14.1: OSLSA should consider developing a training geared to increasing the capacity of board members to contribute to meetings and act as ambassadors of the program, such as leadership skills training. Its budget should reflect the allocation of funds for this purpose.***

***IV.14.2: OSLSA should formalize the instruments and procedures used for conducting the performance appraisal of the executive director.***

**Finding 15: The program's governing body composition requirements and the composition records submitted to LSC are inconsistent.**

According to reports provided to LSC by OSLSA, the program is governed by a 25-member board, including 13 attorneys, 2 legal services executive directors, and 10 client eligible board representatives. The program's by-laws promulgated in 1994, provides for a governing body composition which includes 12 attorneys appointed by the Ohio State Bar; 9 client eligible members appointed by organizations identified by the board; and, 2 members selected by the executive directors of Ohio's legal aid programs. The board's by-laws were promulgated in November 1994. LSC has no record of amendments reflecting changes since that time. However, board minutes from August 12, 2006 refer to amendments to the by-laws pertaining to the board's annual meeting. Notwithstanding this concern, the team notes that composition of OSLSA's governing body reflects the diversity of its service area, and is geographically representative of the counties served.

***Recommendation:***

***IV.15.1: OSLSA should perform a legal audit of their governance documents, including the by-laws. The program should ensure that a copy of the updated by-laws, policies and procedures are provided to LSC.***

**Finding 16: OSLSA demonstrates a commitment to strong leadership.**

OSLSA is managed and led by an executive director, deputy director, and director of litigation, all of whom are highly qualified, experienced and respected. Interviews with board members, program staff, clients, community agencies, the judiciary, and local and state bar leaders, consistently revealed that the program is led by and committed to strong leadership. Persons spoke very highly of the program's executive director. Staff members, especially, expressed a great deal of confidence and pride in his commitment to legal services. Likewise, those interviewed also expressed a great deal of respect for the leadership and expertise of the deputy director and litigation director.

OSLSA is a participant in the Leadership Ohio Initiative sponsored by its IOLTA funder, the Ohio Legal Assistance Foundation (OLAF). This initiative, led by the managing attorney of the state support center, which is housed at OSLSA, is designed to cultivate lasting leadership skills within the staffs of legal services programs throughout Ohio. OSLSA sponsored the participation of a secretary and a staff attorney in the project. Beginning in 2007, the program has issued annual leadership

awards to outstanding staff members at its spring program-wide meetings. Staff noted that the program encourages the involvement and input of all staff in these activities, and they described opportunities to assume leadership roles within the program and in the community.

**Finding 17: While the program's management structure has been effective in the past, the current breadth of its administrative responsibilities has become overwhelming.**

As noted previously, OSLSA is managed by a team of well respected, highly experienced legal services executives. The board and staff praised the management acumen of the management group. Along with the executive director, deputy director and litigation director, the management structure relies heavily upon the managing attorneys who oversee the administration and legal work of branch offices. These are compassionate, highly experienced, substantive experts with substantial years of experience as legal services attorneys. The management group meets bi-monthly to address strategic issues, recent developments, emerging legal issues and programmatic changes.

OSLSA has been able to control its administrative overhead by allocating many of its specific administrative and management functions to the executive director, the deputy and litigation directors and other members of the management group. For example, the program's executive leadership has direct responsibility for program and resource development, program operations, board management functions, fiscal management oversight, compliance management, technology planning, and human resource management functions. The ability to efficiently perform most of these functions without the assistance of a program administrator or director of operations will be compromised as OSLSA increases its staff size and negotiates reorganization of its service area. Some of the program's managing attorneys already appear to be overloaded by the breadth of responsibilities charged to them.

***Recommendations:***

***IV.17.1: Based on its fiscal ability, OSLSA should consider the recruitment of a chief administrative or operations officer and/or additional management staff to conduct specific law office management functions.***

***IV.17.2: OSLSA should ensure that distinct from legal work management training, its managing attorneys receive training in human resource, time and project management.***

**Finding 18: OSLSA regularly evaluates its performance and the performance of its staff.**

The periodic review of projected outcomes related to program priorities forms the basis of an effective evaluation of the program's performance. Each OSLSA office submits to the executive director and board a comprehensive report of its performance and outcomes related to the office's priorities. Additionally, the management group and board have also undertaken a strategic planning process that also provides an internal assessment of performance. The program also maintains a system of quarterly employee reviews. These are brief meetings between supervisors and staff to assess progress on work plans and projects and to provide feedback on goals and objectives for the staff member's next review period. Each staff member, including the executive director, also receives an annual performance evaluation.

The program is unionized and matters relating to salary levels and other human resource functions are tied directly to the program's collective bargaining agreement and are regularly discussed by the program's Labor-Management Committee.

**Finding 19: The program continues to expand and strengthen its use of technology to carry out its mission.**

OSLSA notes that it is in the process of expanding its use of technology. The program employs a technology specialist who is responsible for the implementation, management and maintenance of technology systems. He receives limited assistance from the administrative secretary in each office who generally acts as the computer responsible person (CRP) for the office. The program offices are connected by broadband through the internet to a virtual private network (VPN). The IT specialist is able to perform some computer maintenance functions by remote access providing greater flexibility in assisting users. As the program's only trained IT employee, the magnitude of the tasks related to management of the program's technology infrastructure has been tremendous.

The program has enacted an extensive technology policy that establishes guidelines to ensure the proper use of its technology resources by employees. The technology policy provides disclosure regarding management's right to monitor employee use of the system; instructions for the use of voice mail and email; employee's use of the internet; a description of the employee's workstation configuration and capability; guidelines for data backup and storage and; instructions about computer file management; and, guidelines for trouble shooting computer problems with the computer responsible person in each office. The program performs nightly backups of its entire system to a USB hard drive. Copies of these backups are kept off-site from the program.

At the request of its board, OSLSA's staff was surveyed on the program's technology needs. Among the recommendations resulting from that survey was the purchase and installation of LCD monitors for all staff and the purchase of *Microsoft Office* software. The program is anticipating the installation of *Microsoft Office* software applications in the very near future. Another recommendation was the establishment of a program-wide technology committee. The technology committee was created in 2007, and is charged with the responsibility of providing the program with advice and feedback on technology issues. More technology training is needed for all staff members in order to bridge the technology divide that currently exists.

Despite these efforts to improve program technology challenges remain. For example, the telephone system varies from office to office, limiting the program's capacity for building a more efficient integrated technology structure. While the program has the capacity to access its case management system from any computer in any location, its telephone system does not have this capacity. Some offices do not have up to date telephone equipment capable of affecting the seamless transfer of calls from one office to another, nor can staff cover calls for another location because of the telephone system's uneven integration capacity.

A *Hot Docs* feature has been designed to be used by employees with the program's case management system, *PIKA*. Despite what some staff have described as a "technology divide," the program's technology committee has the potential to assist management in bridging the divide, and enhancing this program's use of technology. While OSLSA does have the capacity to convert paper documents to portable document format (PDF), the capacity to handle the volume of paper is insufficient. For example, the program's mortgage foreclosure advocacy requires the use of digital

scanners with the capacity to handle large volumes of paper documents that must be placed in PDF. During the team's exit interview, OSLSA's management acknowledged a need to upgrade the current scanners.

***Recommendation:***

***IV.19.1: Based on the program's fiscal capacity, OSLSA should consider the upgrade and stabilization of its technology infrastructure as a priority, including the installation of compatible phone systems, and the purchase of high speed scanners for the offices.***

**Finding 20: OSLSA employs experienced fiscal staff who are responsible for managing the program's fiscal operations.**

The program's fiscal management functions are delegated to its finance manager and two accounting assistants (one FTE and one PTE). The finance manager, who has a degree in business administration/accounting, has been with the program for ten years, and has significant experience in non-profit management and accounting. The full time accounting assistant, who also has a degree in accounting, is new to legal services but worked for more than eleven years with the city's housing authority. The program maintains an accounting manual to guide its operations.

OSLSA's annual budget process begins with projections by the business manager. The process includes review and approval of the executive director before it is presented to the board's finance committee. Following review and approval of the budget by the finance committee, the budget is presented to the board for approval. The board's finance committee is engaged, and takes an active role in the program's annual audit. All program audits have resulted in no material findings.

**Finding 21: The program seeks to expand and strengthen its financial resources.**

OSLSA's executive director shares the responsibility for resource development with the deputy director, litigation director, managing attorneys and pro bono director. The program has been successful in acquiring grants to support general legal services delivery and discrete issues such as mortgage foreclosures, domestic violence and low-income taxpayer filings. The majority of its funding (73%) is received from the Ohio Legal Assistance Foundation (OLAF). Currently, LSC funding represents 20% of the program's total funding. The program also receives VAWA funding and a group of smaller grants from regional and state entities to support its work.

The program's management has worked hard to leverage non-financial resources through the receipt of donations of equipment from the Ohio State Bar Association, Columbus law firms and from Huntington Bank. As a result of recruitment efforts by the program, Ohio State University College of Law places law students with at OSLSA to do summer internships. Additionally the program aggressively seeks to increase opportunities for program volunteers.

The program has been very frugal in its spending. In its projected revenue report to LSC for 2008, the program is projecting a revenue carryover of more than \$8 million in non-LSC funds.<sup>12</sup> In discussing its fund balance, the program advised that its board of directors has recently concluded that

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<sup>12</sup> This infusion of funding can be attributed to increased Ohio IOLTA revenues in 2006 and 2007. According to the audited 2007 financial statements, as of December 31, 2007 OSLSA carried over net assets in excess of \$6 million.

OSLSA should carefully embark on a plan to reduce its carryover. The director acknowledges that this is a challenge when taking into account spending judiciously while preserving under-funded projects and staff positions for the future.

OSLSA remains modest about its accomplishments and does not produce an annual report. The program is doing creative work, and its staff is committed to providing quality legal services to clients in the service area. Many of the program's accomplishments go unnoticed and can be harnessed as items to enhance its public relations efforts with potential funders or with the community it serves.

***Recommendation:***

***IV.21.1: OSLSA should consider the production of an annual report that may be used as a public relations instrument for funders, legal services providers and others.***

**Finding 22: OSLSA is engaged in efforts to improve access to justice by working to expand and improve the Ohio statewide legal services delivery system.**

Historically, OSLSA has been active engaged in the planning effort associated with the establishment and maintenance of a state justice community in Ohio. Its executive director serves as chair of the steering committee that guides this effort. He also served on the Ohio Supreme Court's Task Force on Pro Se and Indigent Litigants, which made recommendations for improvement of the delivery of legal services delivery system to accommodate those persons who are not represented by counsel.

Though not funded by LSC funds, OSLSA also houses the Ohio State Support Center which is a clearinghouse for legal services programs throughout Ohio and a resource for other adjoining states. Among its various functions, the state support center designs and sponsors regional training events; manages the activities of statewide task forces; coordinates several statewide initiatives such as the Leadership Ohio Project; and most recently, is in the forefront of the development of the statewide mortgage foreclosure defense initiative

OSLSA staff was engaged in the statewide strategic planning effort designed by OLAF. Some of the program's staff attorneys were active on committees and task forces and helped to formulate recommendations pertaining to the improvement and integration of statewide advocacy in Ohio. Community representatives and other legal services providers confirmed the involvement of OSLSA in the overall expansion of the statewide legal services delivery system.