



**LEGAL SERVICES CORPORATION
Office of Program Performance**

**FINAL
PROGRAM QUALITY REPORT**

FOR

SOUTHWESTERN PENNSYLVANIA LEGAL SERVICES, INC.

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**PROGRAM QUALITY VISIT REPORT FOR
SOUTHERN PENNSYLVANIA LEGAL SERVICES
March 22-26, 2010**

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INTRODUCTION

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit to Southwestern Pennsylvania Legal Services (SPLAS) from March 22 to March 26, 2010. The team members were OPP program counsels John Eidleman, (team leader), Chuck Greenfield and Mytrang Nguyen.

Program quality visits are designed to ensure that LSC grantees provide the highest quality legal services to eligible clients. In conducting its assessment, the team carefully reviewed the documents LSC received from the program, including its LSC grant application for 2010, its case service reports (CSRs), other service reports (OSRs), the numerous documents the program submitted in advance of the visit along with advocates' writing samples, and the results of a survey of SPLAS staff conducted by LSC.

On site, the team visited the program's four offices. In addition to speaking to substantially all of SPLAS staff members the team met with or had telephone conversations with a number of SPLAS board members, judges, representatives of local government agencies, and community organization members.

In performing its evaluation of the grantee's delivery system, OPP relies on the LSC Act and regulations, LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. This evaluation is organized according to the four LSC Performance Areas that cover: (1) needs assessment, priority setting, and strategic planning; (2) engagement of the low income community; (3) legal work management and the legal work produced; and (4) program management including board governance, leadership, resource development, and coordination within the delivery system.

OVERVIEW OF SERVICE AREA AND PROGRAM

SPLAS serves four counties in southwestern Pennsylvania with four offices.¹ The main office, which also houses the administrative staff, is in Washington in Washington County. SPLAS began in 1974 under the direction of Robert M. Brenner who continues as the executive director.

SPLAS is a member of the Southwestern Pennsylvania Legal Services Consortium, an association of three regional programs in the southwestern part of the state: Neighborhood Legal Services Association, (NLS), Laurel Legal Services (LLS) and SPLAS. The Consortium was created as the result of a decision to develop closer relationships among the three programs, at a time when LSC was engaged in reconfiguration of the state's service areas. The intent was to illustrate that the three legal services programs can work closely together and provide the benefits of consolidation, while remaining independent non-profit corporations.

¹ The offices are Washington (Washington County), Uniontown (Fayette County), Waynesburg (Greene County), and Somerset (Somerset County).

SPLAS is a non-profit civil legal services program that has a service area of 3,298 square miles. According to the U.S. Census Bureau (2000), there are 459,383 individuals living in the service area with 60,931 (13.26% of the entire population) living below the poverty level. There is little diversity in the service area. The poverty population for the area is 92.18% White, 5.27% African American and .49% Hispanic. The client population served in 2009 by SPLAS was 91.6% White, 5.7% African American and .3% Hispanic.

SPLAS provides services through a staff of 25 that includes 14 attorneys and seven paralegals, in four offices. The Washington office has 13 employees including the executive director, a comptroller, an accountant, a managing attorney, an intake officer, a secretary/receptionist, a paralegal and six attorneys. The Uniontown office has a managing attorney, two staff attorneys and three paralegals. The Waynesburg office has a managing attorney, a staff attorney and a secretary. The Somerset office has a managing attorney, a paralegal and a secretary.

In 2009, SPLAS received an LSC Basic Field Grant for \$590,703. In addition in 2009, SPLAS received funding totaling \$1,546,558 from other sources.

SPLAS' case closing patterns are similar for the last three years with a steady increase over that period. In 2007, SPLAS reported 3,546 closed cases. Of these cases, were 54.5% limited service and 45.5% were extended. Of the cases closed in 2007, 44.9% were family law cases, 41.9% were housing, 4.3% were consumer, and 5.1% were income maintenance cases. In 2008, SPLAS reported 3,778 closed cases. Of these cases, 56.7% were limited service and 43.3% were extended. Of the cases closed in 2008, 40.9% were family law cases, 45.7% were housing 4.8% were consumer cases and 4.9% were income maintenance cases. In 2009, SPLAS reported 3,790 closed cases. Of these cases, 56 % were limited service and 44% were extended. Of the cases closed in 2009, 47.5% were family law cases, 34% were housing, 8% were consumer cases and 2% were income maintenance cases.

SPLAS views itself as a law firm that ensures that no individual or family in its community is deprived access to professional legal assistance solely because of an inability to pay.

SUMMARY OF FINDINGS

Southwestern Pennsylvania Legal Services is comprised of very experienced advocates and staff that are dedicated to their clients, their work and access to justice for the low-income population of the service area. The experienced staff, along with former and current SPLAS board leaders have deep roots in the community making the program part of the fabric of that community, which enhances the staffs' abilities as advocates and the program's credibility as a trusted resource. This is particularly important in rural programs like SPLAS where long term relationships are critical and greatly appreciated by the judiciary, members of the bar, service providers and the clients. The judges remarked on the advocates' high level of professionalism, their preparation and quality of the advocates' work in the representation of clients.

The number of cases the program closes per 10,000 poor persons is more than double the national median and the number of cases closed on extended service is double the national average.

The program provides holistic representation for its clients, going beyond individual representation on singular issues presented by the clients. It is the policy of the program to have each advocate conduct a comprehensive evaluation of the needs of each client. This process is initiated by using the Comprehensive Assessment Action Project interview forms to ensure that no potential legal issue is missed in assessing the client's legal needs. Advocates strive to provide creative and comprehensive legal services that obtain the best possible outcomes for clients using a full range of tools and resources available to them for the benefit of the clients. The advocates focus on identifying the entire needs of the client and providing the services they can on all the legal needs. The program strives to find another resource, such as the lawyer referral service or another service agency, for the client on the needs that it cannot handle.

The program continues to expand its representation into emerging areas of legal need and develop new programs. In recent years, the program has obtained funding to commence or continue representation in the areas of mortgage foreclosure prevention, fair housing, housing counseling, homelessness prevention, domestic violence and the Earned Income Tax Credit. SPLAS initiated the West Penn Rural Fair Housing Education and Outreach Initiative, Mortgage Foreclosure Diversion Project, I-CAN E-File Tax Project, and Foreclosure Mitigation Counseling program. In addition SPLAS has been successful in obtaining new and diversified grants to address these emerging needs. Among the grants are HUD funds for housing counseling, fair housing, reverse mortgage counseling, foreclosure representation, Children and Youth Service (CYS) grants, Homeless Prevention Rapid Re-housing (HPRP), and local funding from the Washington County and Fayette County Bar Associations.

SPLAS conducted its last comprehensive needs assessment along with its Consortium partners in 2006 and it is currently preparing to engage in a needs assessment process in 2010-2011. SPLAS adopts priorities that are Consortium-wide as well as priorities that are unique to its service area. SPLAS annually reviews, and its board adopts, the priorities. It adjusts priorities between formal needs assessments after considering outcomes assembled from its case management system, results of client satisfaction questionnaires, discussions from Consortium partners and client input from the Consortium's Regional Client Council, which is comprised of all of the Consortium's client board members.

With an emphasis on providing real help and support for each client, SPLAS is effective in serving the client community with dignity and sensitivity using a telephone intake system, operating offices that are, on the whole, convenient and accessible, and by engaging closely with the community stakeholders that serve the client community.

SPLAS is actively engaged with the low-income population through its numerous partnerships with organizations and agencies that serve the client population. The client eligible board members are actively involved in consortium training events, which is an additional way that the program engages with the client community.

The program does not have written legal work management policies. Managing attorneys try to meet weekly with staff attorneys and paralegals handling cases to discuss selected cases. The staff attorneys have considerable autonomy in choosing cases that are within program priorities. The managing attorneys all have “open door” policies as a part of the supervision system. The program no longer conducts formal, written performance evaluations of the staff but has staff complete a self-assessment form.

The program’s private attorney involvement (PAI) program substantially consists of subgrants with county bar associations to provide compensated representation to clients in conflict cases.

The SPLAS board of directors serves as effective ambassadors in the larger community and as leaders of the program with effective practices and systems that allow them to fulfill their governance responsibilities. New board members receive orientation from the executive director about the operation of the board and their duties. The Consortium Client Council is an effective way in which client eligible members of the board receive information about strategies to address legal needs and provides a forum for client input to the three Consortium partners.

The executive director has been with the program for 37 years and is supported by the board and staff. As the program expanded, changed to meet the needs of clients, and increased the complexity of their services, he assumed and retained significant control of management and administrative responsibilities. The program has been very successful in resource development over the last several years, which has enabled SPLAS to be involved in providing representation in new and emerging legal areas.

FINDINGS, RECOMMENDATIONS AND ITEMS FOR ACTION

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

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

Finding 1: SPLAS conducted a periodic comprehensive assessment in 2001-2002 and again in 2006-2007 and is in the process of preparing to conduct an assessment in 2010.

In 2006, the Consortium carried out a formal inclusive review of priorities to update the 2003 comprehensive legal needs assessment that covered the 14-county service area. The Consortium hired *The Resource for Great Programs, Inc.* (The Resource), which had assisted in the 2003 process. The Resource designed and executed a course of action that engaged stakeholders in a review of the legal needs of eligible low-income people in the service area. The Resource also assisted the Consortium in collecting and analyzing the results of the assessment and facilitated conversations among the leadership and stakeholder groups of the Consortium to develop strategic initiatives. This included a review of program priorities to adjust for new needs that the assessment revealed.

The Consortium carried out a mail survey to 2,000 low-income people across the three service areas. Survey questionnaires were sent to 1,000 former legal aid clients and 1,000 members of the general low-income population. The Consortium conducted a series of meetings across the service area on the current program priorities of Consortium partners. The meetings were attended by key leaders who shared their perspectives on the legal needs of their clients and offered their reactions to solutions being developed by the Consortium. The assessment did not use an on line survey to reach stakeholders that could not attend the meetings. The boards of the programs were not surveyed. They were provided the results of the assessment and participated in the priority setting process.

An analysis of service area demographic data was conducted using the 2000 census data. The assessment analyzed other available survey data such as the 1992-96 national legal needs of the poor study by the American Bar Association, a 1990 Pennsylvania statewide legal needs study as applied to specific demographics of the Consortium service area, and the LSC "*Documenting the Justice Gap*" (2005) as well as the program's internal intake and case information.

While the needs assessment covered the entire Consortium area, the results were analyzed for each program's service area. As a result, in addition to a series of Consortium-wide priorities, each program has priorities tailored to the needs of the low-income population in its area, allowing each program to place greater emphasis on certain types of cases. A final report describing this effort and summarizing its results was issued in 2007.

The Consortium is preparing to conduct a new comprehensive assessment for 2010-2011 using the successful techniques from the prior needs assessments.

Recommendation I.1.1²

SPLAS should diligently proceed with its 2010-2011 needs assessment. It may want to consider sending an electronic survey to key leaders to supplement the focus group meetings and ascertain the opinion of those stakeholders that could not attend an in-person meeting. Other legal services programs have used this methodology successfully. For example Central Jersey Legal Services, Colorado Legal Services, Rhode Island Legal Services and The Legal Aid Society of San Diego have used electronic surveys. A tool for creating an electronic survey can be found at <http://survey.lsntap.org/>.

Recommendation I.1.2

The program should engage with the board of directors in the needs assessment process at an earlier stage and have them participate in the survey.

² Recommendations in this report will have three numbers and will immediately follow findings. The Roman numeral references the Performance Area, the second number corresponds to the finding, and the third number is that of the recommendation.

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

Finding 2: SPLAS annually sets goals and objectives and develops strategies to achieve them based on available resources, and regularly assesses its delivery strategies and work.

SPLAS annually reviews and adopts program priorities. In determining its 2009 priorities, along with Consortium members, SPLAS reviewed the priorities established for the Consortium and each individual member as a result of the 2006 needs assessment. The Resource facilitated the participation of the Consortium’s managing attorneys, law group chairs, staff and executive directors in a review of the identified needs and discussion of other observed needs. A draft set of priorities were adopted and then approved by each program’s board of directors. The priorities are set out in the form of goals, strategies and desired outcomes. The programs have adopted four Consortium-wide priorities and each partner program has individualized priorities that are local and speak to the needs of the low-income population of the programs’ service area.

A few of SPLAS’ unique priorities, as articulated in its grant proposal, include, securing and maintaining government benefits for all eligible persons, preventing family violence, keeping individuals and families in their homes and generating new resources. As a way of addressing those priorities SPLAS created many projects, such as providing housing counseling under a contract with HUD, providing legal services in indigent divorce cases, and conducting a comprehensive assessment of applicants to determine economic benefits available under its Comprehensive Assessment Action Program. (CAAP). As part of its pursuit of funding to address a particular legal need of the client population, SPLAS specifically articulates its goals and objectives expressed as specific desired outcomes.

Recommendation I.2.1

SPLAS is encouraged to continue its efforts to address the issues that were identified during and since the last statewide needs assessment — foreclosure, fair housing and unemployment related problems — and to allocate program resources to those issues to the extent possible.

Criterion 4. Evaluation and adjustment.

Finding 3: SPLAS and the other Consortium partners engage in a formal evaluation of the outcomes of its advocacy and other services to the client community to make adjustments to its priorities and delivery system.

The Consortium partners both individually and in consort with each other engage in internal evaluation of the effectiveness of its delivery strategies and representation. Each program reviews client outcomes entered into the Kemps PRIME case management system (CMS) to analyze success in reaching desired outcomes. The Consortium partners meet regularly to discuss the findings and make suggestions for improving performance approaches. Client Satisfaction Statements are distributed to clients and the results are used to evaluate program performance. Client input is also derived from the Consortium’s Regional Client

Council. The Regional Client Council provided its opinion on services as an additional source of information to consider in evaluating delivery strategies.

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

Criterion 1. Dignity and sensitivity.

Finding 4: SPLAS is sensitive to the access challenges facing the client community.

While there is limited diversity in the service area, SPLAS has policies in place to address the needs of clients with limited English proficiency. Law Line is used for the infrequent calls when English is not the caller's first language. Intake staff members understand the LEP policy and know how to use Law Line if necessary. The expansion of intake hours into the evenings beginning in 2009 to include Monday to Thursday from 5-8 PM demonstrates SPLAS' sensitivity to the clients' needs and offers a valuable and timely service to clients. Interviews with staff members disclosed a programmatic policy of keeping clients informed of the status of their case and concern for clients' well being. SPLAS surveys clients' satisfaction at case closing to monitor their approval of staff's work. The interviews with community agencies, judges and other service providers revealed that SPLAS treats clients with dignity and sensitivity. The staff was described as professional, caring, respectful, and culturally sensitive.

Intake

Finding 5: SPLAS' uses a proficient telephone intake system as its primary client access point.

Applicants may access SPLAS by calling the program's centralized toll free number during intake hours to speak with the intake worker, walking into one of its four offices, leaving a message requesting a return call on the program's answering machine, sending an email, or receiving a referral from one of the program's partner client service agencies or the court.³ The large majority of applicants call the toll free telephone number where they speak with the intake worker located in the Washington office. The intake worker performs the initial screening process by conducting an interview to complete an intake form, screens for conflicts and makes an eligibility determination. The staff members, engaged in intake, prefer filling out hard copy intake forms to putting the caller's information contemporaneously into the Case Management System (CMS). The information from the paper intake form is later transferred to the CMS.

There are two intake workers in the Washington office staffing the intake system during office hours, from 9-5 Monday-Friday. One additional staff provides supports during peak call periods. Intake staff members are often on one of the five intake lines when an applicant calls and therefore the caller leaves a message. The intake staff can usually call the applicant back within thirty minutes to conduct the intake interview. The program does not have

³ In addition, the Consortium maintains a toll-free line in all 14 counties that directs the calls to the appropriate Consortium intake system.

comprehensive statistics for the number of applicants that cannot be reached on the initial call-back. Intake workers receive 25-30 calls a day in the Washington County office.

The intake staff members in the Washington office have more than ten years experience and considerable responsibility in the operation of the telephone intake system. The intake staff members determine if the applicant will be referred to another organization for help, provided brief non-legal telephone advice, transferred to the brief services Helpline staff for immediate telephone brief service, or scheduled for an appointment. The Washington County office's managing attorney reviews these decisions.

The Helpline is usually in operation during regular intake hours. A very experienced attorney operates the Helpline and provides brief service or advice. He also conducts all of the basic intake tasks to screen for eligibility and conflicts in addition to providing the advice and brief service during the program's evening intake hours. SPLAS is one of only a few programs in Pennsylvania that does not close the office for lunch.

SPLAS relies on the efficiency of the intake staff and the voice mail system to avoid having the applicant experience long wait times in a queue. The intake worker reports that virtually all applicant calls either left on the voice mail after hours or during the regular intake hours are returned during the same business day that the call is received. She also reports few occasions when she does not reach the applicant with a call-back.

A benefit to the SPLAS intake system is that the applicant that qualifies for the Helpline will speak with an experienced attorney and receive immediate assistance at the point of contact, which may be at the time of the initial call or within 24 hours.

If an applicant needs an in-person appointment with an attorney at any of the SPLAS offices, the intake staff checks the calendar for the appropriate office and schedules the appointment. SPLAS is upgrading the telephone system in the Washington and Fayette offices, installing T-1 lines, which will allow it to transfer calls to its Consortium partners, and it is considering purchasing equipment to determine wait times, drop calls, or automated call-backs.

Intake in the three other offices is performed by a receptionist or paralegal and supervised by the managing attorney of the office. While much of the telephone intake in these offices is handled by the Washington County telephone intake system, there are a considerable number of in-person intake interviews conducted at the offices. In addition, some callers are interviewed by the staff in the other offices starting with the receptionist and then are called back by an attorney similar to Washington County.

Generally a walk-in applicant to any of the offices will be seen shortly after they arrive if circumstances allow. It is a program policy not to send walk-in applicants away. It appears that no one person is responsible to review the intake system program-wide to ensure that all applicants are treated equally.

Recommendation II.5.1

SPLAS should continue to closely monitor the intake system. It appears to work well in part because of the significant efficiency and very hard work of the intake staff. A change in staff could throw into question the sustainability of the current system. SPLAS should have contingency plans for a viable intake system if staffing changes or there is an upswing in applications for service. This evaluation can include reviewing the number of call-backs where the applicant cannot be reached, the number of callers that cannot get into the intake system and hang up, and the time between the initial call and when a determination is made on how to proceed with the application.

Recommendation II.5.2

Now that SPLAS is improving its telephone system it should consider one that will allow callers to leave a telephone number that will be automatically dialed when the next intake staff member is free to speak with the applicant. In addition, SPLAS is encouraged to obtain software for its telephone system that would allow the program to determine the number of calls, wait times, drop calls, average interview time, and other information, that can assist a program in evaluating its intake system.

Recommendation II.5.3

SPLAS should consider the efficiencies that would be achieved if the intake staff contemporaneously enters intake information into the CMS.

Recommendation II.5.4

SPLAS should consider assigning one of the managing attorneys to review intake program-wide to ensure equality of treatment of applicants.

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

Finding 6: SPLAS is involved with organizations providing services to the low-income community in its service area.

Part of SPLAS' strength is that the staff works collaboratively and as a component of an array of human services organizations, client-centered groups, and governmental agencies that serve the low-income population.⁴ That involvement includes attending meetings, conducting outreach, intake, and educational programs and clinics, and accepting referrals of eligible clients. Most advocates in the program are involved in outreach. Staff members also serve on the boards of local community agencies or coalitions.

⁴ These organizations include housing counseling networks, Department of Housing and Urban Development, Catholic Charities, Community Action Agencies, client councils, disability organizations, domestic violence organizations and shelters, crime victims centers, Children and Youth organizations, housing authorities, child advocacy groups, consumer and credit counseling groups.

Interviews with representatives of community organizations and with staff and board members confirm that the program is engaged with the low-income population and with organizations and agencies that serve the poor. More fundamental, and perhaps as a result of being a rural program with offices centrally located in or near town centers, the SPLAS staff simply see their clients, the staff at other agencies, judges, opposing counsel and themselves as part of the community.

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

Finding 7: SPLAS' services are conveniently located and accessible to the client community, and offices are professional.

Members of the assessment team visited all of the SPLAS offices and they were easy to find and clearly marked. Each office is located close to the courthouse and other government agencies, service providers and the town center. The offices had adequate parking available near the offices. They were clean and professional in appearance. There were adequate reception areas with adequate seating, educational materials available, and informational brochures. Three of the offices were accessible to disabled persons. The Greene County advocates interview clients that have mobility problems at the courthouse when necessary. The advocates in the Washington office are on the second floor and since there is no elevator in the building, they conduct interviews on the first floor for clients that cannot use the stairs. Interview rooms provide confidentiality.

Two of the offices have only one full-time attorney and paralegal staffing them. At times advocates in a smaller office will have fewer opportunities to share ideas and information about legal strategy and ongoing developments in the program's legal work. Creating this communication opportunity becomes critically important when moving into new areas of practice, such as foreclosure or fair housing, and becomes an opportunity for SPLAS' experienced advocates to share valuable insights. The program began using video conferencing⁵ last year that enables the staff in those offices to have more frequent communication and participation in "staff meetings" with less travel time and expense. The video conferencing, and other technology including telephone and email, enable the advocates to keep current on legal issues and program policies enhancing the quality of client service.

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

Criterion 1. Legal representation.

Experience of Staff

Finding 8: SPLAS has very highly experienced advocates.

SPLAS is fortunate to have a number of highly experienced advocates who are very knowledgeable in their area of practice, remain very enthusiastic about their work and are willing

⁵ The program is using Mackintosh computers with the iChat feature.

to learn new areas of the law and ways to help clients. The advocacy staff is engaged in emerging legal issues and projects such as addressing the crisis in mortgage foreclosure, discrimination in housing, homelessness and housing counseling issues. All attorneys in the program are generalists, but also have areas of focus.

The program's executive director has over 35 years of legal experience. The four managing attorneys have 31, 25, 24 and 14 years experience. The average number of years of experience of the paralegals is over 10 years. The average number of years of experience for staff attorneys is more than six. The newer staff is highly dedicated in their representation. The team was very impressed with the level of excitement and interest exhibited by virtually all of the staff about their work, their knowledge of the law and their dedication to achieving clients' goals.

Legal Work Management and Supervision

Finding 9: While SPLAS has no written policies in place for legal work management and supervision, managing attorneys provide supervision and review of the program's legal work.

The legal work management policies are oral and communicated to new staff as part of orientation. The managing attorneys in the offices disseminate any changes in the policy or the changes are announced at a staff meeting.

Managing attorneys try and meet weekly with staff attorneys and paralegals handling cases to discuss selected cases or files selected by the managing attorney for review. The managing attorney in Washington County reviews the other managing attorneys' case files annually.

The staff attorneys have significant autonomy. There is no case review meeting to determine assignments. The attorneys make the determination of which cases they accept for limited or extended representation within the program's priorities. The managing attorneys all have "open door" policies and the attorneys are comfortable going to supervisors when they believe it is necessary.

When cases are closed, the managing attorneys review closed cases using a closing checklist to ensure the quality of the case handling and compliance with LSC and other funding requirements. When there has been no activity for the past 90 days, the attorneys receive a print out of open cases from the CMS on the first Monday of each month for their review to ensure that case activities are timely. The goal is to review cases and resolve by the end of the week. Similar updated case lists of inactive cases are sent to the managing attorneys on the second Monday of the month and to the executive director on the third Monday.

Advocates interviewed were knowledgeable of appropriate file maintenance policies and process for supervision and management of their work even if they could not point to specific documents instructing them in these areas.

Most of the advocates are generalists with some greater concentration in certain areas. In all of the offices the attorneys are prepared to take any type of case. The paralegals generally concentrated in fewer substantive legal areas although they may cut across a number of areas such as PFAs, housing counseling, reverse mortgage counseling, and fair housing. Paralegals are also involved in the intake systems in each office and at times they are involved in interviewing clients, conducting intake, preparing pleadings and negotiating with opposing counsel.

The advocates use the Comprehensive Assessment/Action Project (CAAP) interview form to identify each possible legal issue the applicants and clients may face and as the template for conducting a thorough housing interview. The management reviews these forms to help determine possible systemic issues to address.

The executive director serves as the litigation director and coordinates the program's systemic legal work. He organizes advocacy work among offices and works with local offices to identify strengths and weaknesses and to develop strategies to improve the offices' delivery of legal services.

The program has appropriate legal research tools available to staff. The advocates make extensive use of on-line research tools including a multitude of listservs that are both internal to SPLAS, part of the Consortium network, and part of the Pennsylvania Legal Aid Network (PLAN). The advocates are engaged with statewide experts and collaborate with staff from organizations such as Community Justice Project, PA Health Law Project, PA Utility Law Project and Regional Housing Legal Services.

Tickler systems are in use in each office. There is no program policy on caseloads. Caseloads vary and the managing attorneys have some of the largest open caseloads.⁶ We were told that is due to how some of the paralegal or student cases are attributed to attorneys. However, it may also be due to the fact that while there is rigorous review of dormant cases by the managers of the other advocates, that policy may not be strictly enforced with managers.

Recommendation III.9.1

SPLAS should put the legal work supervision policies in writing and complete a legal work manual before the end of the year.

Recommendation III.9.2

SPLAS should ensure that managers meet on a predetermined periodic basis with advocates to review all open cases. The "open door" or "bottom up" supervision system often allows problem situations to slip through the cracks.

⁶ One manager had over 150 open cases.

Recommendation III.9.3

SPLAS management should review the number of cases open of the managing attorneys. SPLAS may want to consider a written policy on caseloads.

Quality of Legal Work

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

Interviews with judges before whom SPLAS advocates practice, on-site interviews with staff, and a review of the writing samples submitted reflect that the program is doing solid legal work and that advocates are providing competent and professional representation to clients. Judges told the LSC team that SPLAS attorneys are doing excellent and exemplary work and that the SPLAS attorneys are always timely, generally well prepared, and very professional, have appropriate demeanor and know their cases and present them well.

The writing samples from SPLAS exhibited predominantly well-researched and persuasive legal writing involving creative and challenging issues.

Quantity of Legal Work

Finding 11: The program closes a comparatively high number of cases and a significant number of those closed case are with extended service.

The program is very productive and the number of cases closed per 10,000 poor persons is more than double the national median for closed cases/10,000 poor persons. In 2009 the national median for closed cases/10,000 poor persons was 265 and the actual closed cases/10,000 poor persons for SPLAS was 632. The program's percentage of cases closed, as extended service is much higher than the national average. In 2009 the national average for case closed on extended service was 21.1% of all closed cases. SPLAS closed 44.2% of its cases as extended service. The cases handled by the program are not routine and very often raise challenging and distinctive legal issues.

Staff Training - Access to Legal Expertise.

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

The staff takes advantage of the abundant training opportunities that are available. SPLAS advocates have attended a variety of substantive law and skills trainings, including the annual Pennsylvania Legal Assistance Network training and Consortium training. The Consortium holds trainings twice a year. Pennsylvania has a mandatory continuing legal education requirement of twelve hours per year. Staff has also attended trainings in connection with various grants and sponsored by HUD, NeighborWorks, Pennsylvania Legal Assistance Network (PLAN), Department of Justice and free training sponsored by the Pennsylvania Bar

Institute. Training topics have included domestic violence, reverse mortgage counseling, housing counseling, foreclosure mitigation, credit issues, bankruptcies, and Medicare Part D.

The SPLAS Advocates also engage with experts at the other Consortium partner programs to share expertise and knowledge across programs. However, we were told that due to the complexity of the mortgage foreclosure area additional training on that subject might be needed. SPLAS is also moving into a new contract to do housing discrimination and staff will be required to learn this area of the law.

Recommendation III.12.1

SPLAS management should review the level of experience of the staff doing housing discrimination cases and ensure that adequate training and support is available to them.

Criterion 2. Private attorney involvement.

Finding 13: SPLAS' Private attorney involvement consists of compensated representation in conflict cases.

The opportunities provided to PAI volunteers are narrow in scope and limited exclusively to direct representation. SPLAS has subgrant agreements with the county bar associations in each of the four counties in the service areas. For a modest fee of \$35 an hour⁷ private attorneys will represent residents when there is a conflict for SPLAS. Each bar association has established a liaison that is responsible to receive cases from SPLAS and make a referral to a private attorney. A monitoring attorney, employed by the bar association, is responsible for ensuring the quality of the representation. He also approves payment to the participants in the program. The participating attorneys agree to take one uncompensated conflict a year if they have been assigned a compensated case.

The service area has approximately 465 eligible attorneys and about 57 PAI participants. This is a level of participation of approximately 12%. SPLAS struggles to add participants to the PAI program and rarely refers cases to pro bono attorneys outside the conflict area. The program concentrates its recruitment efforts on newly admitted attorneys, solicitations to bar associations and personal contact to attorneys. The SPLAS Board has not adopted a pro bono resolution.

In 2009, SPLAS closed 116 PAI cases. Ninety-three (80%) were closed after extended service.⁸ The number of PAI cases closed is considerably lower than the national average. Conflict representation is practically critical in family matters where over 90% of PAI cases are concentrated.

LSC recognizes the challenge of building a viable pro bono program in rural areas. However, some programs have been more successful than others in doing so. One example is the Blue Ridge Legal Services in Virginia.

⁷ This amount remains the same as was originally paid when the PAI program was created in 1982.

⁸ In 2008 139 cases were closed and in 2007 the number was 183. In 2006 SPLAS closed 102 PAI cases.

Recommendation III.13.1

LSC encourages SPLAS to make efforts to expand PAI participation in every part of the service area and to consider making PAI opportunities available to attorneys outside the conflict area.

Recommendation III.13.2

For additional information on a variety of PAI approaches, SPLAS should review the LSC program letter 07-02, *Guidance to LSC Programs for the Development of Enhanced Private Attorney Involvement*, <http://www.lsc.gov/pdfs/ProgramLetter07-2.pdf>.

Recommendation III.13.3

SPLAS should consider contacting the Blue Ridge Legal Services (John Whitfield, Executive Director) a rural area program, which has instilled an ethos of pro bono in their local bar. <http://www.brls.org/RTF1.cfm?pagename=Pro%20Bono%20Programs>

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

Finding 14: SPLAS engages in a number of innovative activities on behalf of the eligible client community that have beneficial effect for clients.

The program continues to employ the Comprehensive Assessment/Action Program it pioneered. This consists of an inclusive interview of clients that thoroughly delves into the client's situation and seeks to determine all potential benefits for which the client may qualify to aid them in moving toward self-sufficiency. SPLAS developed PA I-CAN! E-File, that increased the receipt of Earned Income Tax Credit (EITC) benefits by low-income workers in the service area and now is expanded statewide. This has been a substantial benefit to the client community. It generates the third highest return of tax revenue for clients in the nation. SPLAS is a certified housing counseling legal services program and has a comprehensive rental/homeowner retention plan for the targeted low-income community. It engages in reverse mortgage counseling and in the foreclosure diversion programs in Washington, Fayette, Greene and Somerset Counties that it was instrumental in establishing.

The program engages in many community education presentations. In 2009, the program staff engaged in more than 100 community outreach education activities encompassing substantive areas of law including fair housing, economic development, domestic violence, employment law and mortgage foreclosure prevention. SPLAS worked in conjunction with many of its community organization partners including the Community Action Agency, domestic violence shelters/providers and the courts.

SPLAS does not engage in any pro se activities other than providing one-on-one advice to shepherd an individual through the court system in a specific case.

Many of the staff attorneys are active in the county bar associations and some have been president of the county bar. The program worked with the President Judge in Washington and Fayette Counties to set up the mortgage foreclosure diversion programs. A similar program will also be enacted in Greene and Summerset Counties.

The website, while containing some general statements of the law, does not provide much information to assist clients pro se or provide legal forms for completion by client. It doesn't indicate what type of cases the program handles. There is no information about the mortgage foreclosure project or any of the SPLAS initiatives other than the PA I-CAN! E-File program.

Recommendation III.14.1

SPLAS should revise its website to clearly state what types of cases the program handles. This would be helpful not only to potential clients, but to community groups, organizations and governmental agencies as well.

Recommendation III.14.2

SPLAS should consider enhancing its website with a link to PALawHELP.org where applicants can obtain information and legal forms on proceeding pro se in substantive priority areas where the program does not have the resources to provide direct representation.

Recommendation III.14.3

SPLAS should consider the value to the client community in creating pro se classes where eligible persons could be taught by staff or pro bono attorneys to represent themselves in types of cases where the demand clearly overwhelms the program's resources. Other programs in Pennsylvania have successful pro se classes for custody and divorce.

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

Criterion 1. Board governance.

Finding 15: The SPLAS board of directors demonstrates a commitment to the program and its mission, is appropriately involved in major policy decisions, and is asserting effective oversight.

SPLAS has a 12 person board composed of members who are from the four counties comprising the service area. There are nine men and four women. Three of the female board members are client members. All of the male board members are attorneys and one female is an attorney.

The board meets quarterly, usually receives financial and other written materials from the executive director in advance of each meeting, and appears to be fulfilling its policy and oversight functions. At times materials are not received until the day of the board meeting.

Board minutes from the past year reviewed by the team and interviews with board members indicate that the majority of members attend meetings and that these members appear to have reviewed issues and to be making informed decisions. Board members are involved in major policy decisions. The board has a number of functioning committees. The board last evaluated the executive director in February 2010.

New board members receive training from the executive director that includes discussion of their leadership obligations, fiduciary duties and their role in board oversight and assessment of the programs delivery of services to clients. They are told of their obligation to evaluate the executive director and support resource development. In addition, they receive a general overview of the structure and basic function of the board. The board members receive copies of the program Articles and By-laws, the needs assessment and current priorities, a copy of the most recent program audit, the current budget, a list of SPLAS' staff and personnel policies, a comprehensive summary of the program history and a description of characteristics of the service area. Client board members receive additional training at quarterly Consortium's Client Council meetings.

In 2008 when management faced a considerable challenge involving program finances, the SPLAS board promptly held an emergency telephonic meeting, approved hiring an experienced forensic accounting firm to thoroughly investigate the matter, and monitored subsequent events up to the time of our visit.

SPLAS' attorney board members are very supportive in resource development and play a crucial role in obtaining grants from the United Way, and Washington and Fayette Counties Bar Associations. Client board members promote the program's PA I-CAN! E-File and Fair Housing Initiative programs in the community.

Board leadership spoke with pride about their affiliation with SPLAS and the executive director. Recognizing how the program and community has evolved since SPLAS' earliest days, key board members have begun to think about their role as stewards of the organization, allowing for reflection and long term planning to ensure SPLAS has the strength, capacity and leadership to continue providing vital services in the community. While the written "succession plan" developed by the program, and submitted in connection with this visit, captures valuable policies in the event of an executive director transition, the board should be encouraged to continue thinking strategically about future leadership, long term planning, and capacity building.

Recommendation IV.15.1

As board vacancies occur, SPLAS should seek to develop a more diverse board, including appropriate representation of minorities and women attorneys.

Recommendation IV. 15.2

SPLAS should strive to distribute board materials with adequate time for board members to review the materials prior to the meeting.

Recommendation IV.15.3

The board should complete its work on a succession plan.

Criterion 2. Leadership.

Finding 16: SPLAS' leadership is centered in the program's executive director.

The executive director has 37 years of legal experience, including thirty-six years as the executive director of SPLAS. He shows forceful leadership in addressing issues of concern to the program such as increasing funding sources and ensuring high quality legal representation. He is recognized by the staff and the community as the voice of the program. In the branch offices each of the managing attorneys are well-known and respected in that community and recognized as the principal guide for the office. The grant application submitted to LSC for grant year 2010 lists seven major obligations that fall on the executive director with little or no support from the rest of the staff.⁹ Under his leadership, the program has entered into a number of new and pioneering projects, sought and obtained new grants and engaged in creative litigation for clients. There is little delegation of workload and the executive director is leading these efforts rather than giving responsibility to others and conducting oversight of the quotidian work himself.

It does not appear that program staff in consultation with the executive director and the board helps formulate the vision and mission but that the vision and mission is what the executive director articulates.

The executive director is supported by the managing attorney in the Washington County office, who in addition to supervising the six attorneys and two intake workers in the office, carries his own caseload and helps write and monitor grant proposals and projects. He has been with SPLAS since 1979.

Recommendation IV.16.1

The program may want to provide additional managerial support for the executive director and build additional organizational capacity for the future.

⁹ "The Executive Director ... is responsible for ensuring maintenance of 1) high quality legal services, 2) effective legal work management, 3) financial management, 4) compliance with and funding source directives, 5) coordination with Consortium and state legal services partners, 6) ongoing strategic planning, and 7) resource development. The Executive Director is assisted by the Managing Attorney and selective Senior Attorneys in areas 1, 2), 4), 6) and 7) and by the Accountant and Bookkeeper in area 3)."

Criterion 3. Overall management and administration.

Finding 17: SPLAS management is concentrated in the executive director.

The executive director manages the oversight of all program activities and functions. The managing attorneys in Washington, Somerset, Fayette and Greene Counties manage the county offices and supervise the legal work of the staff in those offices. The executive director makes major decisions with little input from the staff. He consults with the board and obtains its approval prior to implementation of any new major policy. Decisions are made timely and the lines of authority are clear to the entire staff. It does not appear that managing attorneys attend management training.

SPLAS has a written disaster recovery plan that addresses communication to staff in an emergency, protection of staff, office property, case files and technology, alternate sites for meeting and the continuity of operation for SPLAS.

Recommendation IV.17.1

The program should explore ways to make the best use of the executive director while building the capacity of the organization through expanded leadership responsibilities for staff. SPLAS should consider providing additional opportunities for staff to be involved in program policy decisions. The program should also consider inviting staff to make presentations on cases, issues and projects at board meetings.

Technology

Finding 18: The program's technology is excellent.

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

There have been significant advances made by the program in technology. This includes the video–teleconferencing using iChat to conduct staff meetings and other conferences. The program purchased the video conferencing Apple computers and software in May 2009 for about \$7,000. All four offices are connected and it runs on an Internet connection using a DSL on three sites and a T1 line at Washington office. This is very economical and much less expensive than the systems used for video conferencing in many programs. The program also has a new server arrangement with an outside vendor and plans for a new telephone system in the Washington County office. It also implemented an online case management system.

SPLAS submitted a technology plan for 2010 that addresses the components of *Technologies that Should Be In Place a Legal Aid Office Today*. However, the technology plan is a recitation of what currently exists and not a plan for the future setting out the next steps in the plan, the benchmarks established, who has responsible for implementing each part of the

plan, the time period by which the components of the plan will be achieved and the cost for each implementation.

Criterion 4. Financial administration.

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

The controller has over 30 years of experience. He has been with the program for two years and is supported in his duties by the accountant who has been with the program since June 2009. Both are in the Washington County office.

The executive director and the controller prepare the draft budget and present it for adoption by the board in June of each year. The Executive Director meets semi-monthly with the controller to track revenues and expenditures. Monthly financial reports showing actual and projected expenses and income, as well as variances, are prepared and provided to the board at each board meeting.

In 2008, the program terminated its fiscal officer because of inappropriate actions. The program dealt expeditiously with the issue, brought in financial experts and corrected the systems in the office to ensure there would be no repetition of the problem. LSC's Office of Compliance and Enforcement (OCE) and Office of Inspector General (OIG) worked with SPLAS and reviewed the new systems instituted by the program. OCE is scheduled to conduct a visit to SPLAS in September 2010.

Recommendation IV.19.1

The monthly financial reports showing actual and projected expenses and income, as well as variances, should be provided to the finance committee monthly.

Criterion 5. Human resources administration.

Finding 20: The executive director administers all human resources activities.

The executive director is responsible for human resources. He has attended trainings provided by NLADA and MIE to gain his expertise in this area. The accountant keeps the personnel files in a locked file cabinet. Starting salaries are comparable to one of other Consortium partners. There is an opportunity for staff to receive up to a 7½% merit salary increase. The executive director determines the amount of the salary increase based on his review of the employee and input from the managers. The program does not have a loan repayment assistance plan. SPLAS has a 403(b) plan employer payment of 3%, with an additional employer match of 8.5%, for a total of 11.5% employer contribution.

SPLAS, after speaking with an attorney that advises one of the other Consortium partners on labor issues, ceased conducting formal employee performance evaluations. Employees complete a Professional Development Assessment and Plan, which is a self-assessment tool.

Some employees report that they do not receive feedback from supervisors once they submit the Professional Development Assessment and Plan. Managers give staff members some oral feedback on their performance during file reviews and in-person meetings. When problems arise, a written report is given to the staff member who has an opportunity to respond in writing and enter into an improvement plan.

The program has a good Limited English Proficiency (LEP) policy that address all of the issues raised in LSC program letter 04-02 *Services to Client Eligible Individuals with Limited English Proficiency*.

Recommendation IV.20.1

The program should reinstate written employee evaluations.

Recommendation IV.20.2

The program should find support for the executive director in fulfilling the human resources functions.

Criterion 6. Internal communication.

Finding 21: SPLAS uses a range of technologies to improve its internal communication.

SPLAS management uses e-mail and videoconferencing to communicate with staff throughout the program. These program-wide meetings are conducted monthly or semi-monthly as needed. In addition, SPLAS holds a program-wide meeting with everyone in attendance semi-annually. The managers meet monthly. The executive director or the Washington County managing attorney attempts to visit the branch offices regularly either quarterly or annually. SPLAS uses videoconferencing capability to conduct its manager and other meetings. There are regular meetings of the various members of the different grant projects.

Criterion 7. General resource development and maintenance.

Finding 22: SPLAS is very successful in obtaining additional funding for the program.

SPLAS has an impressive record in obtaining additional resources over the last few years. SPLAS has more than 25 different funding sources. In addition to its LSC basic field and TIG grants and a number of state grants, it receives other federal, county and bar association grants. It obtained a variety of grants consistent with its mission to fund concrete activities such as providing housing counseling, ensure fair housing, provide services to the homeless, prevent foreclosure, address discrimination and conduct outreach to specific client populations. The program does not have their own fundraising campaign nor does it appear to receive funding from foundations (other than the Washington County Bar Foundation) or private corporations.

The program does not have a development director. The executive director determined after the 2000 census when the service area lost population and therefore LSC funds diminished

that he would make a concerted effort to increase funding. He engaged in research and communicated with other organizations to help develop a plan to increase funding. The executive director does all of the development work with some help from other staff who supply statistics or other information for grant proposals. There is no written resource development plan. The program does not publish an annual report.

While diversifying its funding, the program has faced a challenge transitioning from one area of practice to another as resources are shifted. When the program obtains a new grant, often the resources that supported prior work no longer exists. The program's emphasis on different grants and individual cases without the ability to continue on the prior legal work puts stress on the staff, the client community, and other provider organizations. The community that is accustomed to services in one substantive area is unsettled if services are no longer provided in that area unless they understand the reason for this change. When SPLAS ceased most representation in custody cases without sufficiently explaining to its constituents its rationale and failed to develop alternative avenues of representation for that substantive area, the clients and provider organizations were confused and disappointed with no resources in place to take custody cases.

Recommendation IV. 22.1

The program should consider training another staff person as a support to the executive director in resource development. This may ensure that there is a capacity to continue resource development if the executive director cannot devote sufficient time to development because of other duties.

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

Finding 23. SPLAS is an active participant in an integrated legal services delivery system.

SPLAS, as a member of the Southwestern Pennsylvania Legal Services Consortium, has a close working relationship with its partner programs. SPLAS functions as an integral part of the Consortium, coordinating activities on a regional scale to maximize its services to clients in common endeavors while acting autonomously on issues unique to its client population. It effectively conducts comprehensive needs assessments that used numerous techniques to determine the regional and legal needs of the low-income community.

SPLAS contributes to expanding high quality legal services throughout the state through its participation in the Consortium and statewide collaborations on issues of resource development, training, technology, and delivery systems. The Consortium members seek to improve services to the low-income population in southwestern Pennsylvania by working as partners on issues of intake, substantive legal issues, technology, and revenue enhancement. The SPLAS executive director is an active partner with the other executive directors on all of these issues. Staff is active in many of the Consortium law groups.

SPLAS participates in the projects initiated by its Consortium partners such as the “Older & Wiser” Project providing seminars on issues crucial to the elderly as well as leading creative initiatives that Consortium partners join such as I-CAN! E-File, the Mortgage Foreclosure Prevention Project, and the Fair Housing Initiative, among other projects.