



Legal Services Corporation
Office of Program Performance

FINAL

Program Quality Report
for

Legal Aid Services of Northeastern Minnesota, Inc.

Recipient # 524006

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INTRODUCTION

Background on the Visit.

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit to Legal Aid Services of Northeastern Minnesota, Inc. (LASNEM) between May 7 and May 11, 2012. The team included Program Counsel from the Office of Program Performance, Evora Thomas (team leader) and Nancy Glickman, and, Alan Lieberman and Charles "Chuck" Cook, Temporary Employees.

Program quality visits are designed to ensure that LSC programs are providing the highest quality legal services to eligible clients. The evaluation examines the effectiveness of legal assistance and representation provided to eligible clients, including a program's engagement with the low-income community; and the efficiency of its leadership, management, and administration.

In conducting this evaluation, OPP relied on the LSC Act and Regulations, the LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The evaluation is organized consistent with the four Performance Areas of the LSC Performance Criteria, which cover needs assessment and priority setting; engagement with the low-income community; legal work management and delivery; and program management including board governance, leadership, administration, resource development, and coordination within the delivery system.

The team reviewed documents and information that LSC receives from the program in the routine course of business, such as grant application information, case service reports (CSRs), and other service reports (OSRs). The team also reviewed documents and information the program submitted in advance of the visit, including advocates' writing samples and an on-line survey of LASNEM staff. On site, the team visited the program's three branch offices and also met with the staff from the two satellite offices. The team interviewed attorneys, managers, administrative personnel, the executive team, and support staff. In addition to speaking to most of the LASNEM staff members, the team met with – or interviewed by phone – a sample of board members, judges, and representatives of local agencies and community organizations.

Program Overview

LASNEM was established in 1952 as a nonprofit organization with the single purpose of serving the legal needs of the low-income community. LASNEM is dedicated to the principle that the legal system should be available to all individuals, regardless of ability to pay. The program has three branch offices located in Duluth, Grand Rapids and Virginia, and two satellite offices located in Pine City and Brainerd. The service area is a mix of urban, rural and suburban regions. The largest population center is the Duluth area. The poverty population is spread across an eleven county region that covers 23,217 square miles. Geography creates one of the largest barriers to service. The total population in the region is disproportionately older than many other

parts of the country.¹ The largest diverse population in the service area is the Native American community.

LASNEM uses a combined service delivery model that utilizes staff primarily for direct services and community outreach/education. LASNEM has three specialized programs: a senior law project, a foreclosure prevention program and a Native American outreach program. Staff services are supplemented by pro bono and Judicare services from the private bar. LASNEM coordinates with the Minnesota Legal Services Coalition to provide specialized expertise; two statewide websites that offer support to staff, private bar, and clients; a variety of substantive and skills development trainings; and a wide range of educational material in multiple languages. LASNEM maintains a seasoned attorney staff that averages nearly 16 years of legal experience.

LASNEM has faced declining revenues for the past three years, including losses due to reduced LSC funding, to weak IOLTA revenues and to a large state budget deficit which resulted in smaller appropriations to legal services programs. To put the program in a sustainable financial position, in 2010 LASNEM eliminated nine staff positions, one of which was previously planned through attrition, and transitioned two of their branch offices into outreach offices.

In 2012, LASNEM was awarded a basic field grant from LSC in the amount of \$393,631 for service area MN-1 resulting in a 14.6% reduction. In 2011, LASNEM had received \$461,250 from LSC and non-LSC funding in the amount of \$2,133,165. Between 2010 and 2012, total revenue is projected to have fallen from \$2,615,712 to \$2,297,192.² The implications of this loss are discussed more fully throughout this report.

SUMMARY OF FINDINGS

- LASNEM conducted an assessment of the most compelling legal needs of clients in 2009 with limited input from clients and others; and in December 2010 the LASNEM Board of Directors adopted program-wide priorities. The overriding program goal is to provide at least some level of service to every eligible client regardless of case type. There are distinct practices within each office that determine the level of services made available in connection with case acceptance. The program's work is not guided by explicit goals, objectives, and measurable outcomes.
- The program's intake systems vary among the three offices. LASNEM has not evaluated the accessibility or efficiency of the three intake systems. Client confidentiality during intake interviews is subject to compromise in several offices where the staff is not situated in an office area that is segregated for interviews.
- LASNEM maintains three strategically located branch offices and staff members are well known and highly regarded among client communities, the private bar, the judiciary and

¹ LASNEM reports that 17.59% of the population in the service area is over the age of 65 years, compared to the national average of 13%.

² Based on the 2012 budget approved by the LASNEM board of directors.

service providers throughout their respective communities. There is little ethnic diversity within the service area. LASNEM has access by telephone to services that can provide translators when necessary for those with limited English proficiency, although the program has not adopted an LEP policy.

- The program has a dedicated and competent legal staff, retaining a good mix of new, mid-level and experienced attorneys despite recent reductions in the workforce. Due to these layoffs and other staff changes LASNEM has lost some of its most experienced staff. Remaining staff retain a high level of commitment to the work of the program, yet paralegals are not being fully utilized as provided for in their job descriptions.
- LASNEM has no formal protocol or system for legal work supervision or collaboration; supervision is primarily self-directed. There are few periodic reviews of active cases (with the exception of review meetings in Duluth with the managing attorney once a year), closed case reviews, performance evaluations, or mechanism for review of attorney written products. And, there is no mechanism for advocates to routinely discuss their cases with colleagues outside their individual offices so as to share ideas, identify trends, and/or develop strategies to attack systemic issues.
- LASNEM ranks well above the national median for both overall total and extended closed cases per 10,000 poor people, however, the program's goal to provide individual advice to all eligible applicants negatively impacts its capacity to provide extended advocacy in all priority areas, develop additional special projects, do complex legal work and address systemic issues. Advocate time is spent in lengthy and often repetitious interviews, and attorney time is spent in drafting and/or reviewing closing letters for most advice only cases and for some rejections, along with discussing rejections in group case meetings.
- The program enjoys a solid reputation among the local legal, judicial and social services communities; and staff attorneys practice in a myriad of forums including state court, appellate court, federal court, tribal court, and administrative tribunals, resulting in a favorable impact for both clients and the judicial system. LASNEM has developed and implemented a number of meaningful special projects that are responsive to the compelling needs of the client community. LASNEM does not regularly evaluate the results achieved for clients.
- LASNEM attorneys have established constructive relations with local bar associations and members of the private bar, and where feasible, LASNEM has a system and plan in place that attempts to involve private attorneys in the delivery of legal services to its clients.
- LASNEM provides other services in addition to direct client representation that are designed to help low-income people address their legal needs and problems, and makes limited use of *pro se* materials associated with intake, advice and brief services, but does not conduct *pro se* clinics extensively.

- Although there are a substantial number of vacancies on the Board of Directors, the current members are committed to the program and its mission, exercising fiduciary and oversight responsibilities effectively and efficiently. LASNEM does not appear to provide an orientation for new members. LASNEM's board of directors has not undertaken specific fundraising initiatives, but supports efforts to preserve revenue from the state legislature and state courts for the legal services programs. The board of directors has previously conducted a performance evaluation of the executive director, although it has not been done annually. The most recent evaluation was conducted in 2011.
- Leadership of LASNEM is primarily limited to the executive director, who is an experienced and competent legal services attorney and organization executive. It appears that the program lacks an overall strategic vision and direction. LASNEM devotes appropriate resources to management, considering the size of the program. It appears that middle managers, either individually or as a unit, do not play a major role in program-wide decision making. The program embraces the effective use of technology to support its mission.
- LASNEM's financial team provides solid financial management and regard for the professional and personal well-being of the staff is demonstrated by LASNEM in its human resource management practices.
- Communication within the program is a significant issue. Staff reported this as a significant problem between offices, among the management team, and from the top of the organization on down.
- LASNEM is challenged by reduced revenue from its largest funders and the board of directors has not developed a fundraising strategy for LASNEM or assumed responsibility for fundraising. On the other hand, the program reports that the executive director spends 25 to 33% of his time on resource development and grant management.
- LASNEM plays an essential role within the coordinated, statewide legal services delivery system of Minnesota.

DISCUSSION OF 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.

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

FINDING 1: LASNEM conducted an assessment of the most compelling legal needs of clients in 2009 with limited input from clients and others.

In 2009 LASNEM received a grant to assess the civil legal needs of its client community. The program used a minimal number of approaches including written surveys of client eligible respondents, community organization partners, social service agencies, bench and bar. Surveys

were completed by 50 agency representatives, 20 staff members, five judges, and seven clients. It is not evident that input was solicited from private attorneys, including participants in the Volunteer Attorney Program (VAP). At a minimum, a legal needs assessment should be reasonably calculated to identify new developments and opportunities affecting all segments of the low-income population within the program's service area. The written summary of LASNEM's legal needs assessment acknowledges that not only is the assessment limited because of a lack of regional identification of the respondents, but also that the low client sampling may not be reliable.³ In 2010-11, LASNEM participated with other legal services providers and stakeholders in the statewide study of access barriers to legal services for low income Minnesotans, *Overcoming Access Barriers That Prevent Low Income People from Resolving Civil Legal Problems*, sponsored by the Minnesota Bar Association.⁴

RECOMMENDATIONS:⁵

1.1.1.1.* *LASNEM should plan to conduct a comprehensive legal needs assessment as soon as resources permit.*

Criteria 2 and 3. Setting goals and objectives, developing strategies and allocating resources; Implementation

FINDING 2: LASEM has set broad priority categories for addressing the legal needs of its clients.

Based on the 2009 needs assessment, in December 2010 the LASNEM Board of Directors adopted the following program-wide priorities: (1) promoting safety, stability, and well-being; (2) preservation of shelter and related shelter needs; (3) improving outcomes for children and the elderly; and (4) maintaining, enhancing and protecting income and economic

³ Of note, the Virginia office was contracted by HUD in 2010 to survey impediments to fair housing. The effort involved four focus group meetings surveying over 20 agency representatives and over 30 client eligible residents. This study resulted in a far more comprehensive assessment of that particular issue. This work reflects that LASNEM is capable of identifying needs without any significant added expense for a consultant.

⁴ The Minnesota Client Access, Barriers and Solutions Study ("MN-CABS Study") was a joint project of the Minnesota State Bar Association, the Bremer Foundation, the Minnesota Legal Services Coalition and the Legal Services Advisory Committee. The purpose of the MN-CABS Study was to identify specific groups of legal services-eligible clients around Minnesota, the barriers they face to obtaining legal services, and strategies for overcoming those barriers. The study was compiled by Hannah Liebermann, Project Manager and John Tull, along with Rossana Armson of the Minnesota Center for Survey Research.

⁵ Recommendations in this report will have a Roman Numeral to identify the Performance Area, followed by three numbers identifying, respectively, the Criterion addressed by the recommendation, the number of the finding, and a number designating whether it is the first, second, third, etc., recommendation under that finding. For example, III.2.14.3 designates Performance Area III, Criterion 2, Finding 14, third recommendation under finding 14. There are two tiers (levels) of Recommendations in this report. Recommendations marked with an asterisk are Tier One Recommendations and are intended to have a direct and major impact on program quality and/or program performance. In your next grant renewal application or competitive grant application, your program will be required to report what it has done in response to Tier One Recommendations instead of submitting a full narrative.

security. There were no explicit goals, objectives, strategies or measurable outcomes articulated in connection with the implementation of these priorities. The priorities were adopted against the backdrop of the *2010 Reconfiguration Plan* adopted in May 2010, for the purpose of stabilizing the program's financial position over the next five years; maintaining parity of services throughout the service area; and, putting the program in the strongest position to continue innovation and development.⁶

When reviewing priorities in December 2011, some board members questioned whether priorities should be made more restrictive to ease the burdens on staff in light of the reduced program capacity and the possibility of further contraction with funding cuts expected in 2012 and 2013. It was determined that such decisions were best made at the local office level and the priorities should remain the same, leaving it up to the local offices to address any adjustments or triage made necessary due to a lack of resources within the local office.⁷

The overriding program goal is to provide at least some level of service to every eligible client regardless of case type. Because LASNEM expresses its priorities broadly, they do not come into play except when determining the level of service given to cases that have been accepted. Case acceptance policies have been developed for clients that are given more than counsel and advice.⁸ In general, the program does not set explicit goals or objectives or develop strategies to achieve the assessed client need.⁹ Rather, the offices simply address each individual case as it comes into the office. A goal of providing some level of service to all eligible clients may be too ambitious with the recent drop in funding. A delivery approach strategically focused on providing services in the highest priority areas would likely generate greater benefits to clients and the low income community as a whole.

FINDING 3: The approach to implementation of priorities through extended service varies among the LASNEM offices with no uniform procedures or criteria.

There are distinct practices within each office that determine the level of services made available in connection with case acceptance. Some local offices, for example the Grand Rapids office, have developed written criteria for case acceptance, while others, like the Virginia office rely upon "generally known" ideas to determine which cases the program will accept. In Duluth, case acceptance is determined by the individual decisions of the advocates, but some cases may be discussed in weekly group meetings. The Grand Rapids office holds an office-wide group case acceptance meeting every week. The Virginia office holds group discussions about cases in

⁶ Under the *Reconfiguration Plan*, some office space was eliminated and service areas consolidated. The supervising secretary job category along with a total of eight positions was eliminated. Special provision was made for severance compensation for the affected staff. The salary scale for staff attorneys was adjusted to be consistent with other legal service programs in the state, and the managing attorney salary scale was indexed to the staff attorney scale.

⁷ In at least one office, Grand Rapids, local priorities have been formulated and implemented. Similarly, the Senior Citizen's Law Project has also established case priorities.

⁸ LASNEM *Intake Procedures Manual*, p. 7.

⁹ In the Virginia office pre-eviction "mediation" is a strategy exception.

which case acceptance is unclear and has fashioned a hybrid of the other two office practices. Sometimes the degree of staff expertise is the deciding factor in case acceptance and level of service. While it may be appropriate to consider local factors in the process of determining case acceptance and level of services, program wide written case acceptance policies help ensure that access to services is more equitably distributed throughout a program's offices.

Criterion 4. Evaluation and Adjustment

FINDING 4: LASNEM does not have a policy or procedure for evaluating the effectiveness of its representation and other activities that benefit the low income population.

LASNEM collects CSR data pursuant to the requirements articulated in its LSC grant award. However, outcomes beyond CSR data are not compiled. The board of directors discusses current priorities annually, but does not consider the effectiveness of the ongoing work. Evaluation of the program's delivery strategies is hindered by the fact that the program's work is not guided by explicit goals, objectives, and measurable outcomes. Without such an ongoing process, it is difficult for the program to make meaningful adjustments to its service delivery as circumstances warrant.

RECOMMENDATIONS:

1.2.2.1. LASNEM should undertake a comprehensive strategic planning process that addresses the issues identified in a meaningful comprehensive needs assessment. The plan should include case acceptance procedures, measurable goals and objectives, and the appropriate allocation of resources to meet those goals and objectives. This planning should involve both staff and board leadership, along with the leadership of VAP to achieve the most effective and efficient allocation of resources.

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

Criterion 1. Dignity and sensitivity

Intake--

FINDING 5: The program's intake systems vary among offices. The case acceptance procedures and the follow-up in the offices often create a cumbersome process that may involve a number of steps, including multiple interviews with the client and discussions at lengthy case acceptance meetings considering rejections and simple advice only cases.

The majority of intake in the three LASNEM offices is conducted by telephone, with initial screening and determination of eligibility performed by the office's receptionist. Each office has an 800 number, and walk-ins are also promptly accommodated. Intake is also provided at numerous outreach sites throughout the service area. Intake in each of the three offices is overseen by the respective managing attorney. The program does not have updated

written guidance on intake procedures.¹⁰ Intake personnel in the three offices do not meet regularly to discuss issues or share ideas and strategies. The receptionist determines whether the client may be eligible to receive assistance and enters client information into the program's case management system (PIKA), both as to types of cases to be accepted and the method for determining whether the case will be accepted. Each office refers cases to the Volunteer Attorney Program (*VAP*) for pro bono assistance or to *VAP*'s 'Ask an Attorney' program. In most other respects, the intake systems differ in each of the branch and satellite offices.

In the Duluth office, once the receptionist has determined eligibility, the applicant then speaks with one of the two paralegals, depending on the type of problem (family law or non-family law), either at the time of the initial call or by call-back within the next day or two. The paralegal then consults with the appropriate attorney as to whether the case will be accepted¹¹. Accepted cases are handled by the attorney and the paralegal prepares a closing letter for counsel and advice cases, to be reviewed by an attorney. "Seniors" intakes are referred directly to the "Seniors" attorney who contacts the client and conducts the interview. The Pine City paralegal handles intake for that satellite office and does not participate in the Duluth case acceptance process

In the Virginia office, the client is interviewed by one of the attorneys or paralegals, depending on the type of problem, either at the time of the initial call or by call-back within the next day or two.¹² Most intakes, including those apparently requiring only counsel and advice assistance, are brought to the weekly group acceptance meeting, where cases are reviewed and decisions made as to whether to accept the case. Clients who will not receive further assistance generally receive a closing letter.

The Grand Rapids office handles most of the intake for the Brainerd satellite office. All Grand Rapids intakes, including rejections,¹³ are brought to group case meetings, which are held every Tuesday and Thursday morning and take up to two hours, with Brainerd staff participating by telephone. The group decides which cases the office will take and which attorney will be assigned. The attorney then sets up an "advice appointment" with the client, during that week or the next. Most appointments are in person, entailing the client coming into the office. At that time, the attorney decides whether the office will take the case for extended representation. Standard 'rejection' letters are sent to clients whose application for assistance has been rejected, and closing letters are sent for counsel and advice cases. In general, the Brainerd attorney leaves counsel and advice cases open for two weeks in case something further happens.

These case acceptance meetings consume a large amount of staff time, including reviewing rejections and counsel and advice cases. Such review can be done by an attorney

¹⁰ In 2006, the program developed an Intake Procedures Manual. Apart from revising intake eligibility screening procedures in 2012, the manual has not been revised since the staffing reductions and office closures took place. As a result, shifting responsibilities and procedures are not memorialized.

¹¹ According to the executive director, the paralegals have authority to reject cases that do not have merit or that fall outside of priorities.

¹² It is likely that with the imminent retirement of the Virginia office's managing attorney, family law interviews will be conducted by the paralegal rather than by the new managing attorney.

¹³ The rejected applications are reviewed to determine whether the applicant was eligible for a waiver.

promptly after the initial determination or client interview, so that case acceptance meetings can focus on cases which appear to involve more than advice only and will benefit from the collective determination of the initial plan of action for accepted cases. This would shorten the length of those meetings and make them more substantive and thus more worthwhile for staff.

LASNEM has not evaluated the accessibility or efficiency of its three intake systems. Such an assessment could measure the intake call volumes, wait times, frequency of referrals, the nature of new and ongoing access challenges, and a variety of other issues in order to test assumptions that may control intake decisions. For example, the program reported in its document submissions to LSC for this PQV that, “[A]t all offices, applicants generally know within 2 business days (and often the same day) whether or not their case has been accepted.” However, contrary to this description of the program's intake process, the visit team found that applicants throughout the program learn whether they are eligible to receive legal assistance within two days but do not know what level of services they may receive beyond legal advice until up to a week later.

Notwithstanding the pleasant appearance of LASNEM offices, some waiting areas lack appropriate privacy for applicants for intake screening interviews. Client confidentiality during intake interviews is subject to compromise in several offices where the staff is not situated in an office area that is segregated for interviews.

RECOMMENDATIONS:

II.1.5.1* LASNEM should consider and adopt program-wide best practices for intake in all of its offices. This will require close review and evaluation of the intake system in each office with a view to more promptly providing assistance to clients, streamlining the time and number of contacts for the client in the intake process, and providing advice more expeditiously in advice only cases by maximizing efficiencies. As part of this evaluation, LASNEM should consider implementing a coordinated intake system throughout the program. Staff from the three offices should be involved in the evaluation to further the adoption of best practices program-wide and generally to foster more integration among program staff. LSC's Intake Focus group is available for technical assistance for these and other issues concerning improving intake and delivery, and LASNEM should avail itself of this assistance.

II.1.5.2* LASNEM should determine criteria by which it will reject or refer eligible applicants and promptly reject or refer those cases at the initial eligibility determination. At the initial intake interview, where appropriate, advice should be promptly provided and the case closed.

II.1.5.3* Each office should be examined to determine how best to handle walk-in interviews to assure client privacy and confidentiality of client information.

Criteria 2 and 3. Engagement, access and utilization by the low-income population

Office location, staffing and environment --

FINDING 6: To provide access to legal assistance for clients, LASNEM maintains three strategically located branch offices in downtown Duluth, Grand Rapids and Virginia, along with two satellite offices in Brainerd and Pine City.

The locations selected for the program's branch offices reflect the greatest potential accessibility for the highest concentrations of the low-income populations within the LASNEM service area. LASNEM offices are professional in appearance and provide a comfortable environment for staff. Waiting areas are clean, child friendly, and stocked with a wide selection of educational pamphlets and brochures about legal topics of interest to the client community and other information about relevant community services providers and resources. The LASNEM offices and staff members are well known and highly regarded among client communities, the private bar, the judiciary and service providers throughout their respective communities.

LASNEM offices are appropriately adapted to accommodate physical challenges to access to its premises and services, including ADA compliant entryways and other assistive technology to accommodate special needs.

FINDING 7: LASNEM has a capable, culturally competent staff with varying degrees of experience, although there have been numerous challenges to maintaining a consistent staffing level.

Demographics of the client eligible population reveal that there is little ethnic diversity within the service area. Apart from Native Americans from the Turtle, Leech Lake, White Earth and Fond du Lac and Mille Lacs Bands of Ojibwe/Chippewa, the population is overwhelmingly Caucasian. The Native American population is accommodated by strategic outreach conducted by staff with special expertise in Indian Law. There are small pockets of Hispanic and Ukrainian immigrants that have recently settled in the service area and LASNEM has access by telephone to services that can provide translators when necessary for those with limited English proficiency, although the program has not adopted an LEP policy.

The Brainerd and Pine City Offices were formerly branch offices, each serving significant portions of the LASNEM service area.¹⁴ In 2010, these offices were down-sized to satellite offices. The net effect of this decision was to reduce the number of attorneys in Brainerd from three to one full-time attorney and one paralegal; and in Pine City, from one attorney and a paralegal to one paralegal, complemented by a Duluth office staff attorney who visits once weekly. Although the current staff members in those two satellite offices handle a significant number of cases and are well known and respected in their communities, the restructuring of these two offices has the potential to reduce the capacity of the program to be visible in those

¹⁴ Historically, the Brainerd office covered Aitkin, Cass and Crow Wing Counties; and the Pine City office covered Pine and Kanabec Counties. This responsibility is now shared with and supported by the Grand Rapids and Duluth the branch offices.

local communities over time. Staff members are not available to participate in local activities that promote networking and other collaboration opportunities, which thwarts LASNEM's interest in providing outreach and being fully engaged in the client community.

RECOMMENDATIONS:

II.2.7.1. LASNEM should adopt a written LEP policy consistent with guidance provided by LSC Program Letter 04-2, "Services to Client Eligible Individuals with Limited English Proficiency"

II.2.7.2. LASNEM should continue to ensure that there is adequate capacity in its satellite offices to preserve access to the portions of its service area designated to those offices and maintain meaningful engagement in the client community.

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

Capacity --

FINDING 8: The program has a dedicated and competent legal staff, retaining a good mix of new, mid-level and experienced attorneys despite recent reductions in the workforce.

At the time of the visit, LASNEM had fourteen attorneys¹⁵ on staff, excluding the executive director who does not carry a caseload, and nine paralegals. Their years of experience in their respective professions range between two years and 39 years, and up to 30 years of experience with the program.¹⁶ Between 2009 and 2011, LASNEM experienced a net loss of three attorney positions and four paralegal positions. Due to these layoffs and other staff changes LASNEM has lost some of its most experienced staff. In 2010, the managing attorney for the Grand Rapids office retired after more than thirty years with LASNEM, and the managing attorney for the Virginia office, who also had worked for the program more than 30 years, was scheduled to retire in June 2012.¹⁷ Additionally, at the time of the visit, the program reported numerous short term leaves of absence for medical reasons, resulting in approximately 25% of the staff having been out for some extended period of time in the eight months between November 2011 and June 2012. This has created a significant experience deficit among advocates, particularly in the Grand Rapids office. The program fashioned a variety of staffing

¹⁵ One other staff attorney has been out of the office on extended disability leave, and therefore, not included in the count. Two temporary attorneys are included.

¹⁶ The attorney with only two years of experience is a *Skadden Fellow* selected to work on mobile home park issues and Native American issues in the Grand Rapids office.

¹⁷ The successor to the managing attorney position was announced on the Friday immediately preceding the visit.

solutions to preserve capacity, including the hiring of two temporary attorneys for the Grand Rapids office.¹⁸

LASNEM staff should be commended for maintaining their high level of commitment to the work of the program during the various cuts in financial and human resources during this difficult period. Several expressed this commitment as the over-arching motivation for continuing in the face of these challenges. Consequently, there is a good level of teamwork and consultation among the advocates within each office.

It appears that paralegals are not being fully utilized as provided for in their job descriptions, which include “conduct(ing) initial interviews of applicants; under attorney supervision, provide advice to and negotiation for clients; and representation at administrative hearings.” Most of the paralegals support the staff attorneys by conducting the initial intake interview once the applicant is determined eligible for assistance, setting up case files, scheduling appointments, performing data entry, generating correspondence, and in a few instances, generating routine pleadings and providing legal advice under the attorney’s supervision. Some paralegals expressed an interest in handling cases as the client representative in administrative proceedings,¹⁹ while others were interested in having a more dynamic role in providing advice to eligible clients. Utilizing paralegals in this fashion would maximize the efficiency of the intake system, while also increasing the availability of staff attorneys to handle more complex issues and cases in litigation.

Considering its budget constraints, the program provides adequate supportive technology resources in the areas of legal research capabilities (*Westlaw*) and document assembly (*HotDocs*). Some staff expressed frustration with Westlaw research, because their contract is limited compared to what is available. LASNEM recently updated its case management software, *PIKA*, to the latest version. In some instances, staff is not taking full advantage of these resources.

Systems --

FINDING 9: The systems, approaches and techniques utilized by LASNEM may not be sufficient to ensure that representation is carried out with maximum effectiveness.

LASNEM has no formal mechanism for legal work supervision or collaboration; supervision is primarily self-directed. With one exception, managing attorneys have not been formally trained for legal work supervision. Notwithstanding the high regard with which attorneys are held throughout the community, the professional development of attorneys and paralegals would be enhanced if there was more structure and formality in the formulation, implementation and execution of case strategies.

¹⁸ The retired managing attorney for the Grand Rapids office has been contracted to mentor less experienced staff and to provide management oversight during the scheduled leave of the acting managing attorney. He is doing this remotely from his new residence in California via SKYPE, but, came to Grand Rapids on three occasions, including for interviews during the LSC visit.

¹⁹ At least one paralegal has a small caseload of public housing denial cases.

All managing attorneys report that they “periodically” check case notes in PIKA. Each has an open door policy and is accessible to the staff they supervise. Review of written work is available if one asks for it. There are few periodic reviews of active cases (with the exception of review meetings in Duluth with the managing attorney once a year), closed case reviews, performance evaluations, or mechanism for review of attorney written products. At the time of the visit, open case lists revealed a wide disparity in the number of cases assigned to each casehandler, from a low of three open cases to a high of 157 open cases. Numerous explanations were offered, but failed to support a compelling justification for such differences. Such disparities, along with case management issues, could be addressed through better caseload supervision.

While there is collegiality and interaction on cases among advocates within each office, there is no mechanism for advocates to routinely discuss their cases with colleagues outside their individual offices so as to share ideas, identify trends, and/or develop strategies to attack systemic issues. Nor is there any one person charged with the responsibility for oversight of the legal work.

FINDING 10: LASNEM provides training opportunities to its attorneys and paralegals.

In 2012, LASNEM budgeted \$13,750 for training, specifically referencing conferences. Attorneys attend CLE trainings on substantive legal issues, primarily those sponsored by the Minnesota Legal Services Coalition and Mid-Minnesota Legal Assistance, while a few attorneys have attended national training conferences in prior years.²⁰ Paralegals have received stipends to defray the expense of professional trainings pursued on their own. It does not appear that LASNEM identifies the training needs for individual staff members or conducts a program-wide survey of staff training needs. Substantively, because there is a focus on housing and family law, many LASNEM attorneys know little about income maintenance and consumer law, both of which are program priorities. Apart from the Seniors Project, there are no program-wide specialty units. Cross-training within the program, coupled with outside trainings would be beneficial to staff. Some staff expressed a need for improvement in the orientation of new attorneys and systematic assessment of litigation skills. Managing attorneys could benefit from targeted training focused on legal work management. A process for identification and development of best practices would offer improved efficiency and effectiveness of legal work, but such process is currently non-existent.

Quality and Quantity of Legal Work--

FINDING 11: LASNEM ranks well above the national median for both overall total and extended closed cases per 10,000 poor people, yet the program has not maximized its full potential.

In 2011, LASNEM closed a total of 3,305 cases, or 732 cases per 10,000 poor persons, which is almost triple the national median and average of 263 and 254 respectively. Extended cases (480) represented 14.5% of all cases closed, which is lower than the national median of

²⁰ A limitation on attendance at national training conferences was implemented to reduce expenses.

22.7% and national average of 22.3%. However, the program closed 106 extended cases per 10,000 poor persons, also significantly above the national median of 61 and national average of 57 extended closed cases. The high number of cases closed reflects the comparatively high level of state funding per poor person. It should also be noted that LASNEM's case closures exceed those of other Minnesota programs. Even with the drop in state funding sources, LSC funds constituted 21.6 percent of LASNEM's 2011 revenue, in contrast to the national average of 43.3 percent.

The program's apparent goal to provide individual advice to all eligible applicants negatively impacts its capacity to provide extended advocacy in all priority areas, develop additional special projects, do complex legal work and address systemic issues. Advocate time is spent in lengthy and often repetitious interviews, and attorney time is spent in drafting and/or reviewing closing letters for most advice only cases and for some rejections, along with discussing rejections in group case meetings.

FINDING 12: LASNEM's work achieves favorable results for its clients, given the extent of the representation and the circumstances of the case.

The program enjoys a solid reputation among the local legal, judicial and social services communities, particularly those providing services to domestic violence victims. In Virginia and Duluth, this was also true of the local Housing and Redevelopment Agencies.²¹ The visit team was consistently told about the favorable impact for clients and for the judicial system derived from staff members' participation in pending cases. Some interview comments reflected concern for the diminishing frequency that attorneys are present in court due to the lack of resources.

Advocates practice in a myriad of forums including state court, appellate court, federal court, tribal court, and administrative tribunals. However, the vast majority of the program's work is routine in nature. There are exceptions such as the federal housing case from the Brainerd office regarding Section 8, tribal court appearances from the Grand Rapids and the unemployment case from the Duluth office on appeal in the Minnesota Appellate Court. In 2011, LASNEM closed 87.1% of its extended cases in two priority areas: 253 family cases (52.7%) and 165 housing cases (34.4%).

The writing samples submitted to LSC by staff attorneys reflected acceptable work, but were not always of the caliber expected for the attorney's level of experience. Many of the writing samples would have benefited from an additional level of review before being finalized and issued to intended recipients. Of the 12 attorney submissions, three were advice letters, six were supporting memoranda to state family court matters, and one was a supporting memo for a temporary restraining order in an eviction case. Only two submissions were of significant note: the supporting brief for an unemployment benefits appeal to the Court of Appeals, and a brief in a Social Security appeal before the 8th Circuit Court of Appeals.

LASNEM has developed and implemented a number of meaningful special projects that are responsive to the compelling needs of the client community. The pre-eviction project

²¹ Due to scheduling constraints, other social services groups could not be evaluated in the course of this visit.

operating in the Virginia office provides for all parties an opportunity to meet to attempt to work out a non-judicial solution, prior to instituting a Section 8 court-ordered eviction. The Senior Citizens Law Project²² and the Family Homeless Prevention and Assistance Program (FHPAP) are both housed in the Duluth office²³. The Seniors Project handles standard elder law cases, provides community legal education outreach at senior centers, and produces a monthly “Seniors Legal Line” newspaper column that appears in 62 different newspapers, newsletters and other publications. The FHPAP assists clients to appeal public housing evictions. The family law project in the Virginia office ensures that every eligible family law applicant gets to meet with an attorney regardless if the case is accepted for extended representation. The Native American Outreach Program (NAOP) launched in the Grand Rapids office provides community legal education outreach and tribal court representation.

LASNEM does not regularly evaluate the results achieved for clients.²⁴ The offices receive minimal response to client satisfaction surveys sent to clients, including those who receive only counsel and advice, but the program does pay attention to the feedback they receive. In 2009-10, some analysis of the level of services, branch office performance, cases per casehandler and poverty population distribution was undertaken in connection with development of the *Reconfiguration Plan*. Neither this process nor subsequent reviews, however, have examined the impact of the work performed on behalf of individual clients and/or client community. Apart from quantitative analysis, the qualitative measurement of the outcomes achieved would provide much insight about the effectiveness of the program and to what extent LASNEM is making a meaningful difference in the lives of its constituencies.

RECOMMENDATIONS:

III.1.9.1.* *While current resource limitations may preclude the hiring of a Litigation Director, LASNEM must nonetheless ensure that traditional litigation oversight functions, including program-wide legal work management, coordination and supervision, are incorporated into and govern the legal work of the program. LASNEM’s experienced attorneys should be capable of performing these functions.*

III.1.9.2.* *The program should develop comprehensive legal work supervision standards which include periodic full case reviews, substantive review of closed cases, periodic PIKA review of caseloads to assure a broad range of case types, timely case closures, and review of written products.*

III.1.9.3.* *The program should adopt mechanisms whereby program advocates can share their knowledge and strategies among offices in an effort to enhance, among other things, collaboration, issue spotting, replication of best practices, and developing strategies to deal with systemic issues. In house cross-training and peer case reviews should be considered.*

III.1.10.1 *The program should consider having managing attorneys attend management trainings. For example, MIE “Managers in the Middle-Legal Work Supervision” is designed*

²² The Seniors Project is also active in the Virginia office.

²³ The FHPAP grant also serves other parts of the service area from the Virginia office.

²⁴ Outcomes are tracked and reported on HUD funded cases pursuant to the grant terms.

specifically for work performed by legal services' legal work managers. State support may also be available for this training opportunity.

III.1.11.1. The program should consider methods to provide extended services in more priority areas by defining and streamlining case acceptance policies to include outright rejection of certain case types consistent with program priorities, consideration of assisted pro se and other legal clinics, greater utilization of paralegals in case handling, and training in all priority areas.*

III.1.11.2. LASNEM should implement a system of evaluating outcomes achieved for clients and the effectiveness of its work for clients. This could include convening staff annually to review results achieved for clients over the preceding 12 months and to strategize as to potential changes in the delivery of services to clients that may improve the quality and effectiveness of the representation received by clients. Each office should also consider engaging in strategic planning annually to identify important issues confronting clients in its community that it will seek to address in the coming year and how it proposes to address such issues, should review progress in the identified areas during the year, and should share these discussions, strategies, and developments among the offices.

Criterion 2. Private attorney involvement

FINDING 12: LASNEM attorneys have established constructive relations with local bar associations and members of the private bar, particularly in the Duluth and Virginia offices.

Pro bono efforts in the LASNEM service area are primarily handled by the *Arrowhead Lawyers Care Voluntary Assistance Program (VAP)*, based in Duluth, which serves 10 of the 11 counties served by LASNEM. *VAP* is a separate non-profit organization that receives funding from the state, the local bar associations and LASNEM (with non-LSC funds), with most of its funding coming from the Legal Services Advisory Committee (LSAC), appointed by the Minnesota State Supreme Court. *VAP* has a pool of 400 participating attorneys, about 25% of whom are actively accepting cases. In 2011, they closed over 700 cases. The program anticipates that this year, the number should double due to better case tracking. *VAP* provides pro bono assistance to persons with income under 125% of the federal poverty guidelines. For persons who are between 125% and 200% of poverty, it makes referrals to attorneys for reduced fees. *VAP* also operates a pro bono 'Ask an Attorney' program, where attorneys are scheduled to speak with people at the various courthouses in the service area for up to 15 minutes.

The LASNEM offices refer cases to *VAP* through their regular intake process. Cases referred include conflicts, cases outside the program's areas of expertise, and cases that could benefit from a higher level of assistance. Many rejected applicants and clients that become advice only cases are also referred to *VAP* for further assistance. As a separate agency, *VAP* administers its own quality control systems, and LASNEM is not informed of the outcome of its referrals. Consequently, these cases are not included in CSR's reported to LSC. The former director of *VAP* resigned last year. The new director, an attorney, is very energetic and has close working relationships with many program staff and plans to rejuvenate and expand *VAP*'s

services. As a result, there is an opportunity for significant expansion of pro bono activities in the service area via coordination with *VAP*.

FINDING 13: Where feasible, LASNEM has a system and plan in place that attempts to involve private attorneys in the delivery of legal services to its clients.

LASNEM operates a *Judicare* attorney panel to serve clients in the extremely remote community of International Falls. The program has developed a *Judicare* Attorney Handbook for the panel, along with a case acceptance schedule and other guidance. LASNEM receives status updates and case disposition information for each case that it refers. LASNEM reported 6 cases closed as PAI in 2011 and one case closed in the first quarter of 2012, a decline from previous years. LASNEM budgeted \$24,000 for *VAP* and \$20,000 for the *Judicare* panel in 2011.

Pro bono attorneys do not participate in the provision of limited services such as pro se assistance, clinics or telephone advice.

RECOMMENDATIONS:

III.2.12.1.* LASNEM should significantly strengthen collaboration with VAP to expand its services throughout the service area.

III.2.12.2.* LASNEM should establish mechanisms for VAP to provide feedback on the cases placed with private attorneys and the results achieved in those cases it refers to VAP.

III.2.13.1.* LASNEM should explore ways to seek greater private attorney involvement to address program caseload needs, in areas such as family law as well as other delivery models described in LSC Program Letter 07-2 , “Guidance to LSC Programs for the Development of Enhanced Private Attorney Involvement.”

III.2.13.2.* In reviewing its priorities and case acceptance procedures as described above in Recommendation III.1.13.1., the program should delineate what cases should be referred to Judicare or VAP and set up a mechanism wherein the referral can be made early in the intake process.

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

FINDING 14: LASNEM provides other services in addition to direct client representation that are designed to help low-income people address their legal needs and problems.

Apart from direct legal representation, LASNEM engages in a myriad of other services for clients including community legal education forums in local schools; training of community partners such as domestic violence shelter volunteers; involvement in various bar activities including serving as instructors in CLE training sessions; trainers for social services agencies such as Area Agencies on Aging and transitional housing groups; and participation in

community activities such as agency fairs designed to assist the low income population.²⁵ Most staff attorneys participate in meetings of social service agencies and community organizations. Some participate on state and local bar association committees and on local boards and committees.

In addition to those activities already mentioned, to successfully engage with the community, LASNEM has developed partnerships with a variety of organizations and agencies such as: Churches United in Ministry (CHUM), Mending the Sacred Hoop, the Salvation Army, Advocates Against Domestic Abuse, Arrowhead Economic Opportunity (AEOA), Range Woman's Advocates (RWA), WINDOW, United Way, Family Justice Center, Safe Haven Shelter, Friends Against Abuse, Women's Center of Mid-Minnesota and several county service and housing agencies.

Outreach activities are considered separate and apart from the intake conducted by the program at nine locations throughout the service area. LASNEM tracks all outreach activities in its database. Some of the recent outreach events include landlord/tenant trainings, the NERCC Transitional Fair, presentations at local high schools, veterans *Stand Down*, the Teen Challenge Center, Life House, Homeless Connect and speaking to various senior's groups.

FINDING 15: LASNEM makes limited use of *pro se* materials associated with intake, advice and brief services, but does not conduct pro se clinics extensively.

LASNEM provides *pro se* assistance to clients in a few instances. In Duluth, *pro se* clinics are held at the courthouse.²⁶ Staff attorneys assist clients referred by other partners with preparing *pro se* Orders for Protection and Harassment Restraining Orders. LASNEM maintains a separate program website, www.lasnem.org along with the two statewide websites, www.projusticemn.org, and LawHelpMN.org.

RECOMMENDATIONS:

III.3.15.1.* *The program should consider whether it would be efficacious to conduct pro se clinics in conjunction with community partners (domestic violence/housing groups) and perhaps with the assistance of local private attorneys, e.g., in the areas of family and housing law.*

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

²⁵ The program reports logging over 3,200 miles of travel to conduct 106 outreach events in 2011, estimated to have reached 3,795 individuals.

²⁶ The Grand Rapids office had a *pro se* family clinic about two years ago but did not think it was very effective, so it was discontinued.

Criterion 1. Board governance

FINDING 16: LASNEM's current by-laws articulate a composition for the board of directors that is consistent with LSC Regulations, although there are a substantial number of vacancies. The current members are committed to the program and its mission.

By-laws of the LASNEM board of directors were last amended in May 1986. While the ratios of attorneys, client eligible and other members, are apportioned consistent with LSC Regulations, some of the enumerated appointing authorities are obsolete. Current by-laws do not reflect changes in the Minnesota judicial system, whereby the number of judicial districts has been reduced, eliminating some of those with authority to appoint directors to LASNEM's board. By-laws do not contain term limits or a conflict of interest provision. LASNEM's board has an excessive number of vacancies. There are 15 positions of which only eight are currently filled. Board members and the executive director report difficulty recruiting members. Board meeting times may be an obstacle for attendance.

There is only one client board member. The board has identified two local prospects that may be appointed by the board to fill the attorney vacancies. The board does not appear to have strategies in place to identify client eligible candidates for appointment to the board of directors.

Some members of the board have long-standing experience with the provision of civil legal services and volunteer attorney programs. Members are knowledgeable about the activities of the organization and the overall statewide legal services delivery system.

FINDING 17: Within the limitations of its capacity, the LASNEM board of directors exercises its fiduciary and oversight responsibilities effectively and efficiently.

With some exceptions, the Board holds quarterly meetings and discusses issues presented for review and action. In person participation is inconsistent, although accommodations are available for telephone participation. Staff, other than the executive director and director of administration, rarely provides information to the board at its regular meetings. The board receives reports from the executive director describing program activities and other developments impacting the program, such as updates on LSC activities and funding prospects. Some directors opined that the program does not provide materials to the board sufficiently in advance of board meetings for board members to have an adequate opportunity to review the materials and prepare for the meetings.

LASNEM by-laws do not provide for a robust committee structure of governance, resulting in board activities being performed entirely as a "committee of the whole." According to the by-laws, the executive committee consists of the officers of the board and may include additional members. It is authorized to act during the interim between full board meetings. There are no client eligible members on the executive committee.

The LASNEM board of directors exercises oversight of fiscal and compliance activities of the program. The full board reviews quarterly financial statements and other data prepared by the executive director. However, none of the board members are considered a financial expert for

purposes of fiscal oversight. The board was directly engaged in the final adoption and implementation of a restructuring proposal, the *2010 Reconfiguration Plan*, presented by the executive director.²⁷ The board also receives and implements recommendations resulting from the annual financial audit. At times, the board adopts governance and other policies required for compliance with LSC Regulations, including those pertaining to income, asset and other eligibility requirements.

Notwithstanding the oversight efforts described above, LASNEM's board of directors has not undertaken specific fundraising initiatives, but supports efforts to preserve revenue from the state legislature and state courts for the legal services programs. From time to time, some board members have provided support in local fundraising initiatives such as United Way campaigns.

The board and executive director have open channels of communication. At the time the executive director was appointed to his current position, he and the chairman of the board of directors met regularly in person and/or by email or telephone to discuss his acclimation to the position, current developments within the program and possibilities for future adjustments or projects. The board of directors has previously conducted a performance evaluation of the executive director, although it has not been done annually. The most recent evaluation was conducted in 2011, although the board has not articulated its expectations for the executive director or vision of the organization in specific terms that include future goals and objectives.

LASNEM does not appear to provide an orientation for new members of the board of directors. New members have not received training in understanding financial reports or fiduciary responsibilities, although in earlier years of the program, some training may have been provided during statewide legal services program and staff/board retreats.

RECOMMENDATIONS

IV.1.16.1.* *The board of directors should adopt a clear and strong written policy that requires members to disclose conflicts or potential conflicts of interest, either real or perceived. At a minimum, the policy should adopt rules and procedures for addressing conflicts of interest and provide for an annual conflict of interest questionnaire for board members to complete.*

IV.1.16.2 *LASNEM should consider conducting a comprehensive review and revision of its current by-laws. The establishment of committees, which often lend themselves to phone participation because they are less formal (unlike board meetings), could be helpful for conducting business and increasing participation, especially from representatives outside the Duluth area.*

IV.1.16.3.* *LASNEM must develop a comprehensive plan for the recruitment of attorney and client eligible board members that reflects the geography and diversity of the service area, along with the special needs of the governing body. Among other committees, the board should consider creating a nominating committee. Board members should be recruited to meet*

²⁷ See, Discussion of Finding 1, above.

geographic, professional, and ethnic diversity consistent with identified and emerging program needs and strategies.

IV.1.16.4. To ensure that all appropriate perspectives are included in decision-making, LASNEM should consider appointing a client eligible member of the board to the executive committee. LASNEM should also consider opportunities for client eligible members to become more involved in promoting the program within the client community.*

IV.1.16.5. The LASNEM board should evaluate whether board meeting times are appropriate, especially in consideration of board members traveling from places other than Duluth. Some large rural programs find Saturday meetings useful. The program could consider holding board meetings from time to time in a location other than Duluth. This could also facilitate participation and involvement of program staff members in the outer offices.

IV.1.17.1. LASNEM should consider providing monthly financial reports to the members of the executive committee and program management should provide relevant materials to the board sufficiently ahead of board meetings to allow for meaningful review- e.g. at least seven days prior to meeting.

IV.1.17.2. The LASNEM board should consider having a separate audit committee whose sole purpose is to provide fiduciary oversight of the programs financial administration and integrity. Its charge should include engaging the auditor, reviewing the annual audit, and reviewing the Form 990 and the responses from the annual conflict of interest survey completed by all board members.

IV.1.17.3. To ensure the overall effectiveness of the organization in the delivery of legal services, the board of directors should adopt strategies that promote accountability for program activities, such as written executive director reports, special project reports, outcome reports and other means of learning about programmatic activities. Staff should routinely make presentations to the board on case/office activities to educate the Board on program service delivery.

IV.1.17.4. LASNEM should develop new member orientation materials and processes that covers information on fiduciary responsibility and train members on the technical skills required to perform oversight and evaluation of the programs performance.

IV.1.17.5. The LASNEM board should conduct executive director performance evaluations on a consistent basis. In doing so, the board should provide clearly defined goals and objectives for the organization and for the executive director.*

IV.1.17.6. The board of directors should consider adopting a resource development plan that engages the board and considers local fundraising along with current development strategies.

Criterion 2. Leadership

FINDING 18: Leadership of LASNEM is primarily limited to the executive director, who is an experienced and competent legal services attorney and organization executive.

The executive director has a long history of involvement in legal services delivery within Minnesota and his stature in the state justice community has grown since his appointment to the position of executive director in 2007. He had been an attorney on the LASNEM staff since 1999. He is held in high esteem by the board of directors, is well-liked by staff and is viewed as being very intelligent. Staff characterized his leadership style as “approachable,” “easy to talk to” and “big-hearted.” Some opined that he tries to do too many things, and may be spread too thin.²⁸

The role of the executive director is to design, develop and implement strategic plans for the organization in a cost-effective and time-efficient manner; and, the executive director is also responsible for the day-to-day operation of the organization, including managing committees and staff and developing business plans in collaboration with the board for the future of the organization. Concern has been expressed regarding decision making processes and implementation of decisions reached by the leadership of the program. It does not appear that information is effectively communicated to staff about major issues and decisions while they are being brought to resolution. In some instances, input from affected staff has not been sought, and there is a widespread feeling among staff that they are not sufficiently kept abreast of developments and that there is a lack of transparency in decision-making.

It appears that the program lacks an overall strategic vision and direction.²⁹ Concern has also been expressed about the frequency of the executive director’s absences from the Duluth office and infrequent visits to the outlying offices. The position of executive director is a leadership role for an organization and often fulfills a motivational role in addition to office-based work. Executive directors motivate and mentor board members, volunteers, and staff. The executive director leads the organization and develops its organizational culture. To achieve these objectives, his “presence” is essential. Apart from physical presence, written updates and similar communications such as newsletters, blogs, emails and/or program-wide conference calls, are effective strategies to promote information exchange, along with staff meetings.

RECOMMENDATIONS:

IV.2.18.1. Program leadership should strive to cultivate strategies and techniques designed to inspire creativity, innovation, trust, confidence, integrity and loyalty within the program.

²⁸ The executive director often troubleshoots technology issues related to the telephone system before referring problems to the telephone equipment vendor located in California; and, is the primary fundraiser for the organization.

²⁹ Resources have dramatically declined. The program has not engaged in a comprehensive legal needs assessment of clients and client communities and determined how best to meet those needs in the most efficient, effective, and impactful manner that takes into consideration current and potential resources, including the effective use of *pro bono* and community partners, staff expertise, training needs, appropriate service delivery models and structures, and the effective use of technology.

IV.2.18.2. The executive director should be more engaged with members of his management team and program staff as a whole.*

IV.2.18.3. Given all the expectations of the executive director and the challenges the program faces, the director should consider delegating and sharing some of the tasks he now performs to others in the organization.

Criterion 3. Overall management and administration

FINDING 19: LASNEM devotes appropriate resources to management, considering the size of the program.

Along with the executive director, LASNEM is managed by a team that includes the director of administration & finance, managing attorneys in the branch offices and the manager of the Senior Citizens Project. The director of administration & finance is responsible for the overall integration of administrative functions, particularly management of financial records and human resources. The director of administration & finance has appropriate formal training and experience to perform the duties she is assigned. She and the executive director work collaboratively on a daily basis. Some functions that are undertaken by the executive director could be delegated to other staff or independent contractors, such as technology troubleshooting.

FINDING 20: LASNEM's management structure includes middle managers who are expected to implement program policies and procedures within each of the three branch offices.

Managers meet with the executive director on a periodic basis to discuss issues. In addition to the executive director, the managing attorneys are responsible for managing legal work and providing direct oversight to the attorneys, paralegals and support staff. Their individual approaches and practices to execute this duty vary from office to office and manager to manager. It appears that middle managers, either individually or as a unit, do not play a major role in program-wide decision making. Managing attorneys should serve in an intermediary role that encourages inclusiveness and information-sharing between staff within the branch offices and program leadership.

FINDING 21: In general, policies and procedures guiding internal program practices are not regularly reviewed, updated or distributed to staff.

A review of many of the existing LASNEM policies currently in effect, reveal that they have not been adjusted to reflect changes in the way the program is currently configured to address needed changes in how the organization operates. Similarly, LASNEM has not adopted a succession plan or disaster plan.

Technology--

FINDING 22: The program embraces the effective use of technology to support its mission.

LASNEM operates a network based, thin computing model and has recently installed a highly sophisticated VOIP telephone system that integrates its various offices. LASNEM contracts with an outside vendor to support its technology network. Periodic network crashes and slowdowns (one or two times a month) frustrate the staff.

LASNEM has been working toward improvements in stabilizing the network and increasing network resources. It looks to technology to buoy its program operations. The Minnesota Legal Services Coalition State Support Unit provides robust technology support and is a tremendous asset for the state's legal services providers. LASNEM is in a partnership with State Support to secure funding for a phone application for attorneys and volunteers to develop a smart phone checklist envisioned to be used for settlements, to ensure nothing is overlooked. It is somewhat challenged by the lack of broad band infrastructure which is limited or non-existent in certain remote rural regions in the program's service area, but LASNEM is moving toward a more coordinated intake system. The program has not updated its computer and Internet policies and procedures since 1999.

RECOMMENDATIONS:

IV.3.21.1.*The program should update, implement and communicate office policies and procedures.

IV.3.21.2.*The program should develop both a succession plan and a disaster plan.

IV.3.22.1.The program should continue its efforts to embrace technology to enhance and support its operations. LASNEM should work with its vendor and state support to further stabilize its computer network and enhance network resources. The program should consider the use of social media to build support for the program.

IV.3.22.2. LASNEM should update its computer and Internet usage policies. Among other updating, it should adopt a network security policy for portable computers and security policies for remote access.

Criterion 4. Financial administration

FINDING 23: LASNEM's financial team provides solid financial management.³⁰

Financial management is the responsibility of LASNEM's Director of Administration and CFO, who is experienced and very capable. She is a CPA and holds a Master's degree in Management and is supported by the Program Specialist-Assistant to the CFO, who has primary responsibility for in-house payroll processing and accounts payable. She is also the staff contact for technology issues. The program engages in multi-year (three) budget planning and produces

³⁰ This visit was conducted by the Office of Program Performance for the purposes set forth in the Introduction. OPP findings and recommendations under this criterion are limited to staffing, organization, and general functions. Assessment of fiscal operations is conducted by other offices at LSC.

useful and timely financial reports. It has written policies, control systems and procedures in place. Recently, the program successfully transitioned its accounting software to *Great Plains*. LASNEM's financial team helps support the financial administration of the volunteer lawyer program (*VAP*) in its service area.

Criterion 5. Human resources administration

FINDING 24: Regard for the professional and personal well-being of the staff, is demonstrated by LASNEM in its human resource management practices, but could be strengthened.

LASNEM has a comprehensive and adequate benefits package, including medical, retirement, and leave time that promotes the retention of staff. To insure the greatest likelihood of retaining effective staff, the program made a difficult decision to increase the salaries of some employees at the same time that it decided to lay-off others. This measure was taken in response to the funding reductions experienced in 2009 and subsequently.

The program does not conduct annual evaluations of its entire staff. There were only a few instances where evaluations were conducted. A significant number of staff indicated that the program fails to recognize their accomplishments.

Training for staff and staff development is reactive. Funds are budgeted to meet the CLE requirements of the staff attorneys. While the program's policy is to support training opportunities for all staff, the absence of training plans that support individual professional growth and development goals, consistent with program needs result in staff not taking advantage of training opportunities. Training and other opportunities for professional growth, especially for support staff is generally lacking.

Despite the lack of staff performance evaluations and the development of individual training plans, the program has written personnel policies and procedures which support a human resources administration. The team noted that the Employee Handbook has not been updated since 2004.

RECOMMENDATIONS:

IV.5.24.1. The program should establish a uniform staff evaluation system that supports the professional development for all of its staff. The system should be integrated with training and staff development plans and should recognize the varying needs of staff based on their experience levels and the goals and needs of the program. It should also include setting goals for staff and tracking whether such goals are met. The program should budget an adequate amount to support staff training needs and should work with state support to expand training opportunities for support staff.

IV.5.24.2. The Employee handbook should be reviewed and updated consistent with current best practices, procedures and human resource administration.

Criterion 6. Internal Communication

FINDING 25: Communication within the program is a significant issue. Staff reported this as a significant problem between offices, among the management team, and from the top of the organization on down.

The lack of clear communication practices within the program reinforces the tendency of offices to function as independent “silos,” instead of operating as a cohesive integrated law firm. Interviews reflected that staff is often unaware of management and board activities. Offices are often uninformed about what the other offices are doing. A number of staff had a strong desire to share best practices among the offices to not only improve delivery but assist in cohesion. However, some of these staff did not feel free or encouraged to do so.

RECOMMENDATIONS:

IV.6.25.1. The leadership team should follow through with their recent decision to have regularly scheduled monthly meetings by conference call and at least once each calendar quarter, in person.

IV.6.25.2. The executive director should continually update the staff on program activities as well as visit the branch offices more frequently and generally make himself more visible and available to all staff.

IV.6.25.3. The program should hold periodic advocate meetings, either en mass or by subject area, to discuss cases, strategies, and emerging/systemic issues.

IV.6.25.4. The program should consider regular program wide meetings, perhaps twice a year. These meetings could include presentations from each office about their work and challenges, as well as provide opportunities for training and time for staff to informally spend time together to enhance working relationships.

Criterion 7. General resource development and maintenance

FINDING 26: The program has suffered significant reductions in funding from state and federal sources. As a result, it has dramatically reduced staff size and services to clients.

Funding for LASNEM has declined significantly from its zenith. In particular, 2012 funding from the state of Minnesota, the programs largest funder, has declined 29% from 2010; and, LSC funding for the same period is down 18%. Other funding has also declined. As previously noted, the program underwent a significant restructuring in 2010 in anticipation of the funding reductions, cutting its staff by about 21% and curtailing other expenses. While it has had some success in raising additional new funds, LASNEM is challenged by reduced revenue from its largest funders. The possibility that revenue from IOLTA, state and LSC funding streams will return to previous levels in the immediate future is extremely unlikely. As noted in Finding 19, above, the board of directors has not developed a fundraising strategy for LASNEM or assumed responsibility for fundraising. On the other hand, the program reports that the executive

director spends 25 to 33% of his time on resource development and grant management. The visit team noted that other legal aid programs in the state have resource development staff members who are available to provide support through consultation and training.

RECOMMENDATIONS:

IV.7.26.1* *The program should develop a resource development strategy in cooperation with its staff and its board of directors and with input from VAP and other community partners. Strong consideration should be given to direct donor solicitation in its service area. The advantage of cultivating this resource goes beyond raising more money because it can help build support and important partnerships for the program, including increased volunteer support.*

IV.7.26.2. *The program should consider seeking assistance in developing a resource development plan. As part of a comprehensive strategy, staff should be encouraged and supported in this effort. With appropriate program support, the managing attorneys should be encouraged to engage in more fundraising in their communities.*

Criterion 9. Participation in an integrated legal services delivery system

FINDING 27: LASNEM plays an essential role within the coordinated, statewide legal services delivery system of Minnesota.

LASNEM plays an important role in statewide and regional efforts to provide equal access to a full range of legal services through its collaboration with its six partner legal services providers in the Minnesota Legal Services Coalition (MLSC), particularly with MMLA. The executive director and other Coalition directors in the state form an advisory board for the State Support Unit and LSAC. The Coalition directors meet every six weeks. The program participates in statewide activities, including statewide legal services delivery planning and resource development, provides staff trainers to state support, and is involved in state bar activities. The program participates with other stakeholders in efforts to increase potential sources of funding, volunteers and in-kind resources through legislative advocacy, collaborations with state and local bar associations, private attorneys and community organizations.

Staff members of LASNEM have served on influential committees of the Minnesota State Bar Association where they contribute valuable perspectives and information to deliberations on providing access to the courts and provision of civil legal assistance to low-income clients. Staff members have shared their expertise in various aspects of poverty law by providing training for bar associations, volunteer attorneys, taskforces, agencies and community organizations. LASNEM is an active partner in MLSC. The program is also an active participant in the statewide website initiatives, LawHelpMN.org and ProJusticeMN.org.