



**Legal Services Corporation**

**Performance Criteria**

**April 2006**

**(This version does not include references to the ABA Standards for Providers of  
Civil Legal Services to the Poor)**

## ACKNOWLEDGEMENT

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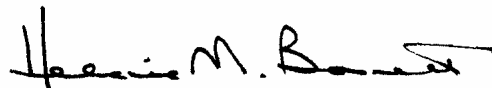
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**LEGAL SERVICES CORPORATION**  
**PERFORMANCE CRITERIA**

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## INTRODUCTION

### 2006 EDITION

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## LEGAL SERVICES CORPORATION PERFORMANCE CRITERIA

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These introductory comments explain the background and purpose of the Performance Criteria that follow. This edition of the Criteria is based on earlier versions first developed for the Legal Services Comparative Demonstration Project during 1993 and Legal Services Corporation peer review evaluations during 1994, and then for LSC program reviews and its competitive grants process from 1995 to the present.

This revision to the Criteria is a key part of the Legal Service Corporation's (LSC) overall quality initiative, a multi-pronged strategy with a goal of ensuring that all Legal Services programs provide high quality legal assistance.<sup>1</sup> The LSC will continue to use the Criteria to guide LSC's assessments of program performance generally and in the competitive grants process. The LSC has statutory responsibility to ensure the provision of economical and effective delivery of legal assistance by Legal Services programs to eligible persons in all parts of the country, including U.S. territories.<sup>2</sup> Consistent with that obligation, the Criteria are designed to guide the examination of Legal Services programs that provide comprehensive legal assistance to low income persons in a geographical service area, including limited and full representation and other forms of legal services. In addition, the Criteria are designed to provide the basis for evaluation of Legal Services programs that, through a state planning process are designated as providers primarily of limited assistance, such as intake or hotline operations in connection with a comprehensive delivery system that provides a full range of services, including full representation. For purposes of LSC's evaluations, Legal Services programs that primarily provide limited representation are subject to the requirements of Performance Areas One, Two and Four, as well as the relevant portions of Area Three.

The LSC intends that the Criteria will continue to be a useful framework for internal program self-evaluations, planning and program development as well as external peer reviews and expert assessments by other funding sources, such as IOLTA programs and government agencies. Use by such other funding sources may require some adaptation to reflect differences in mission, authorization or restrictions.

The twelve years since the adoption of the original Criteria have seen significant change and evolution in Legal Services programs around the country. State planning, mergers, closing or modification of many support centers, rapidly developing technology and applications, and explosion of the Internet all have had major impact. The reduction in federal funding in 1995-1996 and restrictions adopted by the 104<sup>th</sup> Congress changed the face of Legal Services in many parts of the country. Legal Services programs, while still part of the only national civil legal assistance delivery system, in many

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<sup>1</sup> In these Criteria, the capitalized term "Legal Services" will be used to refer to programs funded by the Legal Services Corporation.

<sup>2</sup> Pursuant to the Compact of Free Association, LSC also has the responsibility to ensure the provision of legal services to eligible clients in the Republic of the Marshall Islands, the Republic of Palau, and the Federated States of Micronesia.

states have become one of an expanded number of providers. Many of these other providers do not offer comprehensive services, nor are they subject to Legal Services' restrictions on activities. This new landscape makes efforts at coordination, collaboration, and statewide planning essential. The Criteria now reflect the importance of such coordination and planning, consistent with and subject to potential differences in mission, authority and perspective. The Criteria also recognize that part of the responsibility of the Legal Services grantee or grantees in each state is to function as a part of an integrated delivery system, to the extent possible in coordination with other legal assistance providers. If the Legal Services program primarily provides limited representation, such as intake, advice, referral and brief services, then the program is responsible for ensuring, through the state planning process, that there is a comprehensive and integrated delivery system utilizing LSC as well as non-LSC funded providers.

Since 1993, the low-income population also has undergone many demographic and other changes. These Criteria highlight the importance of Legal Services programs taking full account of the significance of such changes, and the need to be aware of evolving legal needs, demographics and characteristics of the low-income population in programs' service areas.

The creation of larger, more complex programs through the designation of larger service areas made effective program governance and management even more essential, and often more challenging. In addition, the reductions in federal funding in 1995-1996 accelerated efforts to diversify and increase non-LSC funding for Legal Services programs, adding still more management challenges. These Criteria take account of such changes.

As with the 1993 version, these Criteria draw significantly on the American Bar Association Standards for Providers of Civil Legal Services to the Poor. At least three factors distinguish the Criteria from the Standards: (1) the Criteria are designed by the major national funding source for Legal Services programs, and in the first instance are meant to meet the needs of the LSC and its programs; (2) as noted, the Criteria are primarily intended to support program evaluation; and (3) the Criteria reflect congressional directives and restrictions and should be applied consistent with funding source requirements. However, both the Criteria and Standards share many common values and perspectives. References to pertinent sections of the revised ABA Standards will be included when adopted.

These Criteria should be utilized with several perspectives in mind:

- (1) The Criteria are designed to be used in program evaluations, self-assessments and external reviews, by peers or other experts.<sup>3</sup>

Ongoing self-assessment and periodic external evaluation by individuals outside of the program with relevant experience and expertise, "peers" or other experts, are important ways for programs to gain perspectives and ideas that can make them more effective. The Criteria provide a framework for evaluation of Legal Services programs, to improve program performance and accountability. Within this framework, peers and other experts can offer judgments about program effectiveness. The Criteria do not themselves present quantitative standards. The vision behind the original Criteria remains applicable: by providing a single framework for structured evaluations by peers or other experts, the Criteria support a consistent national system for measuring program performance.

To promote utility as a measurement device, in each performance area the Criteria express three levels of increasing detail: (1) the individual *criteria* themselves, which describe in

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<sup>3</sup> As indicated, the LSC will continue to use the Criteria for its assessments of grantees, using LSC staff and outside reviewers with the requisite expertise.

broad terms the desired effectiveness for that area; (2) the *indicators*, a set of specific markers or factors, which are suggestive of whether the criteria are being met; and (3) the *areas of inquiry*, a third level of detail, which provide specific guidance to reviewers in terms of questions to be asked and topics to be examined. Both the indicators and the areas of inquiry are intended to be illustrative of factors to be considered for each criterion. It is not required that all aspects of indicators and areas of inquiry be examined, nor should reviewers be limited to them. At the heart of the idea of review by experienced peers is the conviction that such experts are able to supply additional factors on their own and make appropriate judgments about areas to pursue based on circumstances of the particular program.

- (2) The Criteria are designed to take account of the reality that Legal Services programs do not have sufficient resources to provide comprehensive services that fully meet all of the major civil legal needs of low-income people in an entire service area.

Nationally, funding limitations prevent Legal Services programs from meeting more than a fraction of the need for their services.<sup>4</sup> As a consequence, such programs continually must make difficult choices among very important needs and possible activities, and constantly face tradeoffs in which an increased commitment in one performance area may mean a lessening of emphasis in another. The Criteria are constructed with the awareness that at current resource levels programs may not be able to achieve the maximum theoretically possible in each of the major performance areas. In conducting assessments under the Criteria, reviewers must keep in mind that programs are compelled to balance competing needs: to assist as many as possible; to have maximum effectiveness for those who are clients; to have the broadest beneficial impact on the communities they serve; and to excel in each of the four performance areas.

The combination of limited resources and comprehensive responsibility for an entire service area creates a duty to focus on the most pressing civil legal needs. This concept of focusing on *most pressing civil legal needs* is central to the Criteria as a way of addressing the choice and triage compelled by less than full funding.

- (3) The Criteria focus particularly on results and outcomes.

The Criteria emphasize looking at (a) the outcomes and results of program activity for clients and the low-income population, (b) processes and systems, and (c) other “input” factors such as staff experience, equipment, office space, research capabilities, and many more. While results and outcomes for clients are central, examination of systems, processes, and inputs is also important, since their presence makes it more likely that successful outcomes can be replicated consistently over time.

The Criteria embody and give content to the requirements of effective and economical delivery required by Section 1007(a)(3) of the Legal Services Corporation Act. “Effectiveness” entails looking at the results achieved, while “economical” means trying to achieve a particular result as efficiently as possible.

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<sup>4</sup> The Legal Services Corporation. (2005). *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans*. [www.lsc.gov/JusticeGap.pdf](http://www.lsc.gov/JusticeGap.pdf).

- (4) The Criteria embody a *dynamic* vision of program work, related to the specific needs, resources and situations in each particular community.

Perhaps most importantly, the Criteria are driven by a vision that a highly effective program is, within the limits of its resources, continually engaged in a dynamic process involving planning, delineating objectives, working to achieve those objectives, assessing results, and incorporating the resultant experience and learning into plans for future work. The most effective programs are constantly in processes of motion and change and are innovative and experimental. They continually adjust their approaches and strategies in response to new circumstances and ongoing judgments about which legal needs are most critical, which avenues do and do not work, what resources are available, what to do about changed laws or court precedent, and many other factors. The most effective programs constantly engage in informal assessment, and periodically incorporate more formal evaluative processes. To capture this dynamism in the evaluation framework, the Criteria begin with an examination of the effectiveness of the program's assessments of legal needs, and follow a logical flow: identification of the most pressing problems; setting goals, priorities and objectives; developing delivery and advocacy strategies; targeting resources based upon the most pressing legal needs; implementing the objectives and working toward the desired, expressed outcomes; and then assessing and evaluating the effectiveness of the efforts before making a new determination of need and going through the entire process again.

The Criteria contemplate an assessment process that takes full account of the different situations in each program and community. They make no effort to predetermine which legal needs or types of cases are most important, what kinds or levels of service should be provided, or how specific cases should be pursued. Such categorical and quantitative absolutes are not possible or helpful, given the enormous variety in circumstances from community to community. Similarly, there is no strict checklist of specific processes, systems or factors, the presence or absence of which define whether or not a program is effective. These Criteria, however, collectively reflect LSC's sense of current best practices that promote delivery of high quality legal services.



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**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.<sup>5</sup>**

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The Performance Criteria acknowledge the central importance of strategic planning, and envision a dynamic model in which such planning is followed by and interwoven with implementation and evaluation, constantly adjusting objectives and strategies to better address the most critical civil legal needs of the low-income population. While much of a Legal Services program's work is necessarily reactive, responding both to major issues affecting the low-income population and to the problems faced by individual clients, such reaction should occur within a well thought-out framework, designed to enable the program to be as effective as possible in staying focused upon and addressing the most pressing legal needs of the low-income population it serves.<sup>6</sup>

Performance Area One does not require one particular form or method of assessment, such as written surveys, nor does it require extensive documentation of the planning process. Rather, the program should be able to demonstrate that it has, through whatever approaches it uses, come to a reasoned, thorough assessment of the most pressing legal needs in the communities it serves. Based on this assessment, the program should set out clearly how it is trying to address the identified needs.

**Criteria**

**Criterion 1. Periodic comprehensive assessment and ongoing consideration of legal needs.** The program periodically undertakes comprehensive assessment of the most pressing legal problems and needs, both addressed and unaddressed, of the low-income population in its service area, including all major segments of that population with special and similar legal needs or access challenges. These comprehensive assessments should be made frequently enough, in light of their cost and administrative burden, to be reasonably calculated to identify new developments and opportunities affecting that population. In between these periodic comprehensive assessments, the program is flexible and responsive enough, and has procedures and systems in place, to recognize and adjust to major new needs of its target population that emerge or develop.

**Criterion 2. Setting goals and objectives, developing strategies and allocating resources.** In light of its comprehensive and ongoing assessments of need, and its available resources, the program periodically sets explicit goals and objectives and develops strategies to achieve them. Insofar as possible, these objectives should be expressed in terms of desired outcomes for both individual clients and the low-income population as a whole or any of its major segments, as may be applicable. The program should consider and adopt strategies for its delivery approaches and its representation and advocacy that are calculated to achieve the goals and objectives. Next, the program should express its objectives, to the extent possible, in terms of outcomes that can be measured or assessed, and allocate and target its resources, consistent with these goals, objectives and strategies.

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<sup>5</sup> Public Law 104-134, §§504(a)(9) and 504(c), as incorporated by Public Law 105-119, as well as 45 C.F.R. Part 1620, detail the statutory and regulatory requirements relating to priority setting. Performance Area One expresses themes that go beyond these requirements.

<sup>6</sup> Where the term "legal needs" is used in these Criteria, it refers to *civil* legal needs.

To the extent that pressing legal needs have been identified which the program will not, because of resources or other limitations, be able to address directly, the program should consider what other methods, including innovative or alternative delivery approaches, other legal assistance activity, or collaboration with or referral to other entities, might be employed to provide some measure of assistance to affected individuals or communities.

**Criterion 3. Implementation.** The program pursues these goals, objectives and strategies, working to achieve the desired outcomes through legal representation and assistance, advocacy, and other program work.

**Criterion 4. Evaluation and adjustment.** The program regularly analyzes and evaluates the effectiveness of its delivery strategies and work, in major part by comparing the results actually achieved with the outcomes originally intended, and utilizes this analysis and evaluation to make appropriate changes in its goals, objectives, strategies and legal assistance activity. Such adjustments should be made on a flexible and ongoing basis, not just after the periodic comprehensive assessments.

**Criterion 1. Periodic comprehensive assessment and ongoing consideration of legal needs.** The program periodically undertakes comprehensive assessment of the most pressing legal problems and needs, both addressed and unaddressed, of the low-income population in its service area, including all major segments of that population with special and similar legal needs or access challenges. These comprehensive assessments should be made frequently enough, in light of their cost and administrative burden, to be reasonably calculated to identify new developments and opportunities affecting that population. In between these periodic comprehensive assessments, the program is flexible and responsive enough, and has procedures and systems in place, to recognize and adjust to major new needs of its target population that emerge or develop.

**Indicators**

The program carries out the assessment comprehensively, considering approaches that involve: (1) getting the views of those eligible for service (methods could include questionnaires, surveys, focus groups, dialogue and meetings with clients and community members or other suitable techniques); (2) getting the views of people and agencies that work with or know the problems of low-income people (possible sources include advocacy and social service agencies, community organizations, judges who hear cases involving low-income people, representatives of the organized bar, and Legal Services staff and board members); (3) analyzing available relevant data and other information, including census figures and any legal needs studies for the state or program service area(s); and (4) utilizing available or emerging technology, *e.g.*, GIS mapping, to shed the greatest possible light on the problems of the low-income population.

The program considers all civil legal problems and needs, broadly encompassing any matters susceptible to resolution through legal representation and other program activity, including all primary needs such as decent and affordable shelter, adequate nutrition, access to quality health care, income sufficient for a decent and secure life, physical and environmental safety and security, protection of civil rights and fundamental dignity, education and employment necessary to earn adequate income and function as a member of society, and problems that affect the safety, security and stability of families.

**Areas of Inquiry**

How does the program assess the legal needs and problems of the client community? How does the program determine which of the needs identified merit the program's attention? Did the program determine the views of client-eligible people as to which needs were most pressing and important? Did the program take into account any recent formal social science legal needs study in the area or state? Did the program create opportunities for representatives of the low-income population to express their legal needs orally, in their own words?

Did the program make inquiry into all relevant legal problem areas? Was it reasonably calculated to identify emerging and non-traditional needs?

What population groups, particularly those with a high incidence of poverty, exist in the program's service area? Were available technological aids, such as GIS mapping, utilized? Was relevant data examined? Who received and responded to any needs assessment instrument? Which segments of the client population responded and which did not? In what languages were surveys administered? Were individuals without telephones able to participate? Taken as a whole, did the assessment reasonably examine the special needs of all major poverty population segments?

**Indicators**

The program takes account of any problems or issues that uniquely or disproportionately affect distinct and significant segments of the eligible population, such as children, seniors, indigenous people, farmworkers, ethnic and racial groups, rural and urban dwellers, people with disabilities, immigrants, people recently released from incarceration, and people who are not able to communicate well in English.

As part of the assessment, the program analyzes other providers and resources in the service area that can help meet the identified needs and considers the relative impact on eligible clients of addressing or not addressing the identified needs.

The program has systems and approaches reasonably calculated to identify new pressing issues and legal needs, both of individuals and the target population as a whole, including continuing engagement with and input from the low-income population, regular review of intake and case information, monitoring of local, state, and national legal developments, and other appropriate strategies. Such new legal needs may be either short or long term.

The program demonstrates actual awareness of such new pressing issues and legal needs. The program is able to identify developments, problems and needs in substantive areas not aligned with or expressly covered by any existing specialty units or practice concentrations it may employ.

The program has in fact, when viewed over time, made adjustments in its goals and objectives in response to such emerging issues and needs, including emergency changes where necessary, *e.g.*, to respond to major natural disasters, or changes in law or policy, and also including, where necessary and appropriate, modifications in specialized units and practice concentrations.

**Areas of Inquiry**

Has the program identified events during the past twelve months, or since the last formal assessment, which compel or suggest the need for change in goals or objectives? Has it actually made changes? Has it done so on an emergency basis if necessary?

How do such identified events compare with those identified by others outside the program?

What screening for other types of problems is done at intake? What systematic review of intake and intake data is done to identify repetitive problems?

What specialty units or practice concentrations does the program employ? Does it identify needs and problems, and accept cases, outside of those areas?

**Criterion 2. Setting goals and objectives, developing strategies and allocating resources.** In light of its comprehensive and ongoing assessments of need, and its available resources, the program periodically sets explicit goals and objectives and develops strategies to achieve them. Insofar as possible, these objectives should be expressed in terms of desired outcomes for both individual clients and the low-income population as a whole or any of its major segments, as may be applicable. The program should then consider and adopt strategies for its delivery approaches and its representation and advocacy that are calculated to achieve the goals and objectives. Next, the program should express its objectives, to the extent possible, in terms of outcomes that can be measured or assessed, and allocate and target its resources, consistent with these goals, objectives and strategies. To the extent that pressing legal needs have been identified which the program will not, because of resources or other limitations, be able to address directly through such full representation, the program should consider what other methods, including innovative or alternative delivery approaches, other legal assistance activity, or collaboration with or referral to other entities, might be employed to provide some measure of assistance to affected individuals or communities.

**Indicators**

**Areas of Inquiry**

The program periodically articulates the problems it intends to address and the goals and objectives it seeks to achieve, expressed to the extent possible in terms of specific desired outcomes, and communicates these goals and objectives. Staff are aware of the goals, objectives and desired outcomes.

Has the program set forth specific goals and objectives for its legal work in major substantive areas, or through its projects, specialty units or branch offices? Were the strategies selected after consideration of a full range of available legal representation and advocacy approaches? Are the strategies selected reasonable and promising? Are resources allocated accordingly?

Strategies are developed to achieve the specified objectives. These strategies are reasonably calculated to achieve the specified objectives, and are reevaluated regularly and modified as appropriate.

Are staff aware of the goals, objectives and case acceptance policies?

Resource allocation and staffing responsibilities reflect such objectives.

Are there identified pressing problems that the program goals and objectives do not address? Are there other sources of assistance to help address those problems that are being utilized?

In targeting resources, the program weighs the likely costs to be incurred against the likely benefit for clients and other low-income people.

Do the program's case acceptance policies provide clear guidance regarding the legal work it will undertake and the cases it will accept?

Specialized units and practice concentrations reflect such objectives, including such modifications as may be appropriate from time to time.

Do the case acceptance policies reasonably relate to the objectives it has identified?

The program has explicit, clear and specific case acceptance policies, consistent with these goals and objectives, and staff are aware of them.

Has the program considered alternative delivery approaches? Has it assessed their likely benefit? Were the consideration and assessment thoughtfully and carefully done?

**Indicators**

With respect to pressing legal needs that the program does not have sufficient resources to address through full representation, or which do not require such representation to achieve the outcomes desired, it considers the possibility of alternative approaches such as providing advice only, limited or brief service, group clinics, interactive aids available through the Internet, kiosks or other technologies, other self-help materials, community legal education, training of, collaboration with and referral to other providers, and other available responses. Before employing such alternatives, the program assesses their likely effectiveness for individual clients and the low-income population, and continues to make such assessments on an ongoing basis.

When setting goals and objectives, the program considers the need for legal assistance in all types of civil legal cases and all types of representation identified through its assessment processes that are consistent with funding requirements and restrictions, without regard to whether it has current staff expertise or specialization in the particular area, making its decision on the basis of what areas of work are most important to meet the most pressing legal needs of the eligible client population.

**Areas of Inquiry**

Is the program open to considering representation in all types of civil legal problems consistent with funding requirements and restrictions, or does it rule out certain types of cases or representation, *e.g.*, transactional work, because of a current lack of expertise, specialty units, or capacity on staff?

**Criterion 3. Implementation.** The program implements these goals, objectives and strategies, working to achieve the desired outcomes, through legal representation and assistance, advocacy, and other program work.

**Indicators**

Given the goals, objectives and strategies, effective advocacy approaches are selected, after considering all possible forums, legal approaches and available methods of achieving the desired outcomes, in light of what is appropriate, likely to succeed, and cost-effective.

**Areas of Inquiry**

What are the advocacy and delivery approaches undertaken by the program? What options and approaches have been considered to address the issues that have been targeted or have been presented? Is the scope of options considered comprehensive and thoughtful? Which options and approaches have been adopted? How successful were the chosen strategies?

**Criterion 4. Evaluation and adjustment.** The program regularly analyzes and evaluates the effectiveness of its delivery strategies and work, in major part by comparing the results actually achieved with the outcomes originally intended, and utilizes this analysis and evaluation to make appropriate changes in its goals, objectives, strategies and legal assistance activity. Such adjustments should be made on a flexible and ongoing basis, not just after the periodic comprehensive assessments.

**Indicators**

The program engages in ongoing evaluation, both formal and informal, of the effectiveness of its delivery strategies and work, and makes changes in program goals, objectives, and strategies where indicated by such internal or other external evaluations.

The program regularly collects information and analyzes the effectiveness of its work, especially in achieving the articulated objectives and desired results.

In its analysis and evaluation, the program considers the perspectives of clients and affected members of the low-income population, advocacy and other organizations that serve it, and others in a position to judge the effectiveness of the program's efforts.

The evaluations carefully examine the reasons why particular strategies and approaches did or did not work, and whether alternative or innovative methods hold greater potential for future success.

In considering adjustments, the program examines available information concerning the effectiveness of other legal assistance providers in the service area.

After considering evaluations of its work and all other relevant information, the program in fact makes appropriate adjustments in its goals, objectives, strategies and legal assistance activities.

**Areas of Inquiry**

What processes does the program use to assess the effectiveness and results of its work on an ongoing basis? Do program staff examine the effectiveness of the program's advocacy? Does the program generate regular reports?

Does the program make use of other available information and data concerning the target population and its needs, as well as delivery, representation and advocacy approaches that have worked in similar circumstances? Does the program show evidence of periodically adjusting its approach to pressing client issues and needs after self-assessment and evaluation?

In between periodic formal needs assessments, is the program continually engaged on a number of levels with the population it is serving? Does the program engage members of the client population in discussions of the results of the program's work? Are evaluations documented, inclusive of the views of a wide range of individuals and organizations likely to have helpful perspectives and information, and thoughtful in their analysis? Is there evidence that the program actually made changes in goals, objectives, strategies or work after such evaluations?

What results have been achieved by the program's advocacy? Are results or significant progress reported with regard to each of the substantive objectives identified by the program?

What have been the principal benefits for clients as a result of the program's advocacy?



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

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A program must have effective relations with its clients, on both an individual and service area-wide basis. Performance Area Two sets forth the core values and tenets for creating and maintaining effective relations with clients.

**Criteria**

- Criterion 1. Dignity and sensitivity.** The program conducts its work in a way that affirms and reinforces the dignity of clients, is sensitive to clients' individual circumstances, is responsive to each client's legal problems, and is culturally and linguistically competent.
- Criterion 2. Engagement with the low-income population.** The program is engaged effectively with the population eligible for its services, including major and distinct segments of that population and, where appropriate and feasible, incorporates perspectives from that population and its major segments in its work and operations.
- Criterion 3. Access and utilization by the low-income population.** Consistent with its goals, objectives and strategies, a program should, within the limits of its resources, be accessible to and facilitate effective utilization by the low-income population in its service area, including all major segments of that population, and all categories of people who traditionally have had difficulties in getting access to or utilizing civil legal assistance.

**Criterion 1. Dignity and sensitivity.** The program conducts its work in a way that affirms and reinforces the dignity of clients, is sensitive to clients' individual circumstances, is responsive to each client's legal problems, and is culturally and linguistically competent.

**Indicators**

Consistent with the applicable rules of professional conduct and funding requirements, and within the limits of the legal assistance that the program has agreed to provide a particular client, the program identifies and attempts to achieve each client's objective.

Program operations are carried out in ways that affirm client dignity and are sensitive to client circumstances.

The program has effective methods to assess clients' reactions to its services, and addresses problems identified through such assessments.

Legal Services programs in a state, and to the extent feasible other legal assistance providers in that state, collaborate so that clients do not experience multiple referrals before they reach the provider that will offer the maximum level of service.

Program services, communications and activities are conducted in a culturally and linguistically competent fashion, and reach the significant low-income population segments, given the program's explicit goals and objectives and available resources.

The program places primary importance on establishing a relationship of trust and confidence with each client, ensuring that each client understands the scope of representation, adhering to the client's objectives, and informing and consulting with the client about all significant developments in the matter.

**Areas of Inquiry**

Does the intake policy and procedure reflect a concern for the client's needs? Are office hours convenient, including for those who work, such as being available during lunch or in the evening? How long are clients required to wait for an eligibility determination? For an initial substantive interview? For a determination of case acceptance? Are clients required to return more than once for such determinations? What is done for those for whom access is limited by geography, disability, limited English proficiency, or other factors?

Is telephone intake conducted so as to minimize waiting time and the possibility of lost calls, such as by offering callback or other alternatives? How long are clients kept in queue? Are they offered information during the time in queue?

If representation is limited or denied, how are clients informed? Is there notification of a grievance procedure? Is there referral of clients who are denied service or given limited assistance?

How well does the program keep clients informed of developments in their case? Are clients consulted if a significant change in case strategy is contemplated?

What is the reputation of the program among client and community groups? What do they say about telephone and in-person reception and intake? About the courtesy extended to clients by program staff? How does the program gauge client satisfaction?

**Areas of Inquiry**

From observations of facilities: Are waiting rooms clean and comfortable? Are educational materials available in the waiting rooms? Is privacy provided for interviews, intake (by telephone or in-person), and for client meetings?

Do the Legal Services providers in the state articulate and follow a policy of minimizing the number of times a client is referred from one provider to another? Is this followed by non-LSC funded legal assistance providers as well? Do potential clients experience a seamless and efficient referral from their first point of contact to the eventual provider of service, without unnecessary delay? Does the program facilitate referrals to other non-LSC providers, including Web-based resources?

Does the program provide cultural competency training for staff? Are the staff reasonably diverse? Do they reflect the diversity of the community served? Does the staff demonstrate cultural sensitivity in their work?

**Criterion 2. Engagement with the low-income population.** The program is engaged effectively with the population eligible for its services, including major and distinct segments of that population and, where appropriate and feasible, incorporates perspectives from that population and its major segments in its work and operations.

**Indicators**

Program staff regularly interact with the low-income population as a whole and its major segments.

The program is known to, and has the trust and confidence of, the target population and its major segments. The program staff and governing body continually work to get information, perspectives and advice from appropriate representatives of significant segments of the low-income client population on major program decisions concerning priorities, objectives, plans, and strategies, and where appropriate and effective, involve members of the low-income population in the program's work.

**Areas of Inquiry**

Is the program aware of and does it do outreach to all major segments of the low-income population in its service area?

Do staff members attend meetings or other gatherings in the communities they serve? Is there regular communication and outreach through printed materials, television and radio, and the Internet, including where appropriate in languages other than English? Are there meetings with leaders of major organizations in the communities served, such as groups of tenants and parents, service providers, neighborhood associations, and similar entities? Are staff otherwise engaged with such organizations?

Is there evidence of target population participation at board meetings or other forums?

Is the program well known and respected among the low income population and its major segments throughout the service area? Does the program represent eligible community groups?

**Criterion 3. Access and utilization by the low-income population.** Consistent with its goals, objectives and strategies, a program should, within the limits of its resources, be accessible to and facilitate effective utilization by the low-income population in its service area, including all major segments of that population, and all categories of people who traditionally have had difficulties in getting access to or utilizing civil legal assistance.

**Indicators**

The program regularly gathers and reviews information as to utilization by people who traditionally have access difficulties (seniors, youth, indigenous people, those with physical and mental disabilities, the geographically isolated, homebound, immigrants, people recently released from prison, people who are in institutions or incarcerated, those who are illiterate or marginally literate in any language, those with limited English-speaking ability, migrants, and others), and seeks to address, consistent with funding requirements and restrictions and within the limits of its resources and program priorities, any significant access problems revealed by such analysis. In conducting such analysis, the program utilizes available data sources and technological applications.

Consistent with program strategies and objectives and within the limits of its available resources:

- The program in fact provides services to each of the major low-income racial, ethnic, and limited English proficient populations in its area, and regularly assesses anomalies between caseload and service area demo-graphics that suggest access barriers, and takes steps to address them.
- Program staff evidence knowledge of substantive issues and problems that have unique or disproportionate incidence or effect upon particular segments or categories of the low-income population.

Program offices, office hours, intake and telephone procedures, language capabilities of staff, procedures for communicating with non-English speaking people, and other facilities and procedures are all reasonably calculated to achieve the broadest possible access and utilization by clients, including populations with traditional access difficulties, and make reasonable accommodation for their special needs.

**Areas of Inquiry**

What do community members say about access to and utilization of the program by people who traditionally have had difficulties in getting access to or utilizing civil legal assistance? Are program management and staff aware of the specific factors that affect particular populations' access to and utilization of the program, such as local transportation, particular cultural or linguistic barriers, divisions within the client population that may affect the willingness of one group to utilize the program's office, and other relevant factors? Do management and staff make deliberate and informed decisions regarding outreach to isolated population segments?

Has the program in fact identified isolated population segments and overcome specific barriers to their access to the program? Has the program engaged in periodic assessment of their effectiveness and addressed inadequacies?

Are staff and management able to articulate specific substantive issues that affect particular isolated populations in the program's service area?

Do such staff articulations conform to the issues identified by community members? Has the program considered these specific issues as it has developed its goals, objectives and strategies?

Facilities review – Was there actual observation of methods for providing services to non-English speaking people, the disabled, and other groups that traditionally have access difficulties?

**Areas of Inquiry**

Was there actual observation of telephone and in-person reception and intake systems? Was there review and evaluation of office setting and office hours?

Is the program in fact readily accessible to persons eligible to be clients? Are program offices easy to find and clearly marked? Are they accessible to public transportation? Is there accessible parking? Do office hours make it possible for the working poor to seek services? Are facilities accessible to disabled persons?

Are forms, community education materials, letters to clients and other communications written at a level that marginally literate persons can understand? Do staff have clear protocols of how to work with persons of any language who are illiterate?

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

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Performance Area Three addresses the program's implementation of its goals, objectives and strategies through the delivery of services. These services include direct legal representation, activity by private attorneys, and additional services and efforts to benefit the low-income population.

**Criteria**

**Criterion 1. Legal representation.** The program conducts its direct legal representation, in both full and more limited forms, in an effective and high quality fashion which comports with relevant state requirements, governing professional ethics and practice of law, funding source requirements, relevant portions of the ABA Standards for Providers of Civil Legal Services to the Poor, and these Criteria, and in particular:

- a. The program has in place adequate capacity to carry out its work, insofar as its resources permit.
- b. The program utilizes systems, approaches, and techniques sufficient to ensure that the representation is carried out with maximum effectiveness.
- c. The program's legal representation achieves as much as is reasonably attainable for the client, given the extent of the representation, the client's objectives and the circumstances of the case. Consistent with applicable rules and decisions governing professional responsibility, program goals and objectives, client objectives, and funding requirements, in its representation and work the program maximizes the use of its resources and achieves in its representation and work the greatest possible benefits and systemic solutions for other low-income people who may face similar legal problems, and for the eligible population as a whole.

**Criterion 2. Private attorney involvement.** The program effectively integrates private attorneys in its work in order to supplement the amount and effectiveness of its representation and other services to achieve its goals and objectives.

**Criterion 3. Other program services to the eligible client population.** Consistent with its goals, objectives and strategies, the program provides services in addition to direct client representation that are designed to help low-income people address their legal needs and problems. Such services may include, but are not limited to, community legal education (general legal information not predicated upon a client's particular case or facts), assistance for self-help activities and *pro se* appearances, offering or facilitating participation in alternative dispute resolution, and other available approaches, utilizing the Internet, websites, interactive media and other available technologies as appropriate. The program continually seeks to find innovative ways to deliver services and meet client needs.

**Criterion 4. Other program activities on behalf of the eligible client population.** Consistent with its goals, objectives and strategies, and within the limits of available resources and the terms of its funding, a program engages in other activities on behalf of its eligible client community that have a beneficial effect on systemic legal problems and economic opportunities of the eligible client population. These activities include, but are not limited to, communication and liaison with the judiciary, organized bar, government agencies, academic and research centers, social service agencies, and other information sources, state and national legal advocacy organizations, other organizations working on behalf of low-income people, and other entities whose activities have a significant effect on the eligible client population.



**Criterion 1. Legal representation.** The program conducts its direct legal representation, in both full and more limited forms, in an effective and high quality fashion which comports with relevant state requirements governing professional ethics and practice of law, funding source requirements, relevant portions of the ABA Standards for Providers of Civil Legal Services to the Poor, and these Criteria, and in particular:

**a. The program has in place adequate capacity and resources to carry out its work, insofar as its resources permit.**

Indicators	Areas of Inquiry
Adequate capacity and resources include but are not limited to:	What is the experience level, education, and knowledge of staff?
Diverse casehandlers and support staff who are qualified to do the work assigned, have necessary expertise in the legal areas in which the program works, have the commitment, cultural competency, language capacity, skill and preparation necessary to carry out their responsibilities.	<ul style="list-style-type: none"><li>• experience in legal services?</li><li>• other relevant experience?</li><li>• knowledge of relevant aspects of substantive law and procedure?</li><li>• cultural competency?</li><li>• language capacity?</li></ul>
Access to necessary law library and research capacity, including prior relevant work produced by the program and other similar providers.	Are advocates aware of key issues related to their areas of substantive work? Do they regularly consider the relationship between individual case issues and the broader issues affecting the client community? Does the program have strategies and procedures in place to stay abreast of relevant developments and issues affecting the low-income population? Can staff discuss new legal developments and the relationship of such developments to their cases? Do they stay in touch with resources that are likely to keep them apprised of new developments and methodologies, such as specialized organizations and list serves? Are staff able to identify key client issues outside of their areas of expertise?
Necessary up-to-date equipment and technology to support law office work.	Does the program have a comprehensive knowledge management strategy, so that it collects and retains information and documents from staff and others in a readily accessible fashion? Are the documents and information in fact used?
Adequate access to experts and litigation support systems.	Is there significant state and federal on-line research capacity available to all casehandlers and advocates?
Systems for ongoing evaluation of the effectiveness of legal work, at both program-wide and individual casehandler levels, examining both the results obtained and the efficiency and quality of the methods utilized to produce those results.	
Other relevant representation support systems, including a uniform system for maintaining client files, a system for noting and meeting deadlines in representation, and a system for handling client trust funds separate from provider funds.	
Internal performance standards which express expectations for casehandlers and other staff.	

**Indicators**

Where necessary to meet the identified most pressing needs of the eligible client population, the program takes such steps as are required to develop the capacity to do the type of case or representation. Such steps may be more frequently required to deal with legal problems or types of representation, *e.g.*, transactional work, which are traditionally less common in Legal Services program caseloads. Where necessary, the program supplements its staff capacity with outside expertise.

**Areas of Inquiry**

Do all staff have reasonably up-to-date computers, software, telephone systems and other technology? Are intake, case management, statistics, production of routinized legal work, legal research, document assembly, and inter- and intra-office communications thoroughly integrated with the program's telephone and computer system? Is other appropriate up-to-date technology available and utilized?

Do program advocates appropriately consider and utilize experts in their representation of clients? Does the program have a policy that encourages and pays for the costs of necessary discovery, such as depositions, and do case-handlers routinely use all appropriate methods of discovery?

Are staff members aware of the policy and procedures for approval of such expenditures?

Does the program have systems in place to gauge the efficiency and effectiveness of work by case type and activity, including systems to collect information about and assess the results of its work?

Does the program have systems and written policies regarding case file maintenance standards, multiple tickler systems, case docketing, and a central calendar?

Are the systems utilized by staff? Do they describe them the same way as their supervisors and the written policy?

Does the program conduct periodic review of open cases?

Does the program have written performance standards for staff?

Has the program recently developed new staff capacity in additional areas of law or types of representation, after they have been identified through a periodic or ongoing needs assessment or in response to changes in the law?

- b. The program utilizes systems, approaches, and techniques sufficient to ensure that the representation is carried out with maximum effectiveness.**

Indicators	Areas of Inquiry
<p>The program utilizes:</p> <p>Intake systems and case acceptance procedures that follow program priorities and case acceptance policies and restrictions, clearly describe the appropriate roles for both intake and casehandling staff, and adequately capture all relevant information and encourage exploration of appropriate issues beyond the problem identified by the client.</p> <p>Case assignment procedures that appropriately take account of staff expertise and capacity, staff caseload and other work responsibilities, and other factors affecting the ability of staff to provide representation, and effectively maximize the benefits and minimize the drawbacks of specialization.</p> <p>Effective supervision of legal work, which includes regular and detailed supervisory review of cases.</p> <p>Effective training and personnel development policies and procedures, with sufficient training, either within the program, at the state level, or utilizing outside resources, to ensure that staff receive necessary initial instruction and continue to learn and stay abreast of new legal developments, strategies, and techniques.</p> <p>Effective utilization of available outside resources, expertise and other support.</p> <p>Specific case handler standards that address such issues as file maintenance practices and documentation of case activity.</p>	<p>Is appropriate information gathered at each step of the process to support necessary decisions? Do staff have adequate expertise for the interview for which they are responsible? Are priorities and case acceptance policies followed? Are expectations and roles for staff clearly expressed? Does the program use technology appropriately to support the intake and case acceptance process? Does the program regularly review case acceptance policies and adjust them as necessary and appropriate?</p> <p>Is there an effective program policy regarding appropriate caseloads?</p> <p>How does the program keep track of and manage caseloads?</p> <p>Has the program undertaken a thoughtful analysis of the benefits and drawbacks of specialization, in the context of its funding, staff size, geographical service area, office locations, emergent client need and other relevant factors? Has this analysis guided the program's actual decisions?</p> <p>How are case assignments made? Are the appropriate staff responsible for case assignment?</p> <p>Is there a clear system for the supervision of employees and of legal work? Is it written? Does the program review significant legal work and hold moot courts in significant cases? Are lines of authority and responsibility clear? Do supervisors know what is expected of them? Does the system include regular affirmative supervisory review of cases? Is the system and procedure followed with a frequency for each staff member appropriate to the staffer's level of experience and recent performance? Is the supervisor engaged in oversight of the development of case objectives and strategies? Are the supervisory efforts also reviewed regularly by more senior supervisors?</p>

**Areas of Inquiry**

Does the program have a clear policy with regard to training and staff development? Is it followed? Is there effective training and orientation of new employees? Are there individual professional development plans that are periodically updated? Is there sufficient training for managers, supervisors, casehandlers, and other program staff? Are there regular staff evaluations?

Does program staff make use of available support from state and national advocacy and information organizations? Do they utilize other outside resources when possible? Is there a coordinated and integrated system for sharing in-house expertise? Does the program and its staff systematically contribute to and utilize knowledge management efforts, including electronic and other document and form banks, intellectual work product files, web sites, task force and other in-house list serves, and similar efforts?

Are there written standards for casehandlers?

**Indicators**

**Areas of Inquiry**

Individual staff engage in:

Appropriate problem diagnosis and definition that elicits pertinent facts, identifies the relevant legal issues and apprises the client of likely next steps and developments to be expected.

Development and ongoing refinement of case objectives and strategy, including definition of the lawyer's role and the choice of the most effective forum (court, legislative body, administrative agency, alternative dispute resolution forum, other), with appropriate input from the client at relevant points.

Effective implementation of the case strategy, including appropriate and high quality pursuit of informal, non-adversarial strategies, negotiation and settlement, alternative dispute resolution, preparation of pleadings and motions, conduct of necessary discovery, preparation for and conduct of hearings and trials, pursuit of necessary appeals (within program guidelines), memorialization and enforcement of judgments, and pursuit of representation in non-judicial forums or approaches other than litigation.

Is the casehandler able to demonstrate from discussion of case files that the indicators are satisfied?

Did the advocate develop and take necessary steps to implement a coherent case strategy? Did the advocate appropriately use other available resources in pursuing the case? Did the advocate reassess the strategy appropriately as the case progressed?

Was the client's problem considered in relation to other similar problems, in order to assess whether strategies to achieve broader impact would be more efficient and appropriate?

Was the client informed and consulted in the formulation of the case objectives and major assessments of advantages, disadvantages and risks in various options as the case was pursued?

What is the quality of analysis, and of the strategic options pursued? Were the most appropriate avenues for advocacy and representation pursued? Were the methods selected executed in a high quality and effective way?

**Indicators**

To the extent a program engages in limited representation, as distinguished from full representation, in addition to the foregoing processes and indicators that are applicable, it:

Takes steps to ensure that the client understands and agrees to accept the more limited form of assistance, consistent with the applicable rules of professional conduct and the ABA Standards for Providers of Civil Legal Services to the Poor.

Periodically evaluates the effectiveness of such limited representation for the clients it is intended to benefit, and then makes such adjustments in scope and approach that may be indicated in order to increase effectiveness.

Takes steps to increase the likelihood that, as may be indicated in the circumstances, each particular client understands and is able to benefit from the limited assistance that the program is attempting to give, including appropriate follow-up steps where indicated.

Utilizes available external information, studies and analyses, as well as the program's own experience, in making the determination as to which types of eligible client populations, individual clients and legal problems benefit most, and least, from the various forms of limited representation.

Ensures, if it provides such limited representation as its sole or predominant delivery approach, that it does so as a part of a more comprehensive delivery system in the service area in which other, non-LSC entities provide a full range of services, including full representation.

Utilizes available technology to assist in such service delivery.

**Areas of Inquiry**

In general, has the program given careful thought to the likely effectiveness of limited representation for the particular types of cases and problems? Are its conclusions reasonable, given all of the relevant circumstances?

Does it effectively explain the nature of the limited representation to the client?

Does it evaluate the effectiveness of its limited representation efforts, and make indicated changes?

Does it follow up with clients to make the representations as effective as possible?

Has it thoughtfully considered which types of clients are best able to benefit from limited representation? Are its conclusions reasonable?

Is there evidence that the limited representation fits into a comprehensive system which also provides full representation?

Is there effective use of technology in delivery?

For cases that the program refers to other providers in certain substantive areas, does it have clear referral protocols with the receiving program?

- c. **The program’s legal representation achieves as much as is reasonably attainable for the client, given the extent of the representation, the client’s objectives and the circumstances of the case. Consistent with applicable rules and decisions governing professional responsibility, program goals and objectives, client objectives, and funding requirements, the program maximizes the use of its resources and achieves in its representation and work the greatest possible benefits and systemic solutions for other low-income people who may face similar legal problems, and for the eligible population as a whole.**

**Indicators**

**Areas of Inquiry**

Results achieved are consistent, to the extent reasonably achievable, with the client’s objectives.

Results have achieved as much as reasonably attainable for the client, given the circumstances of the case, and, consistent with applicable rules and decisions governing professional responsibility, also have achieved as much as reasonably possible for other low-income people similarly situated, and for the eligible population as a whole.

The program tracks the benefits it achieves for clients through representation and other activities.

What does the casehandler describe as the results of representation? What is the relationship of the results to the client’s objectives? What was reasonably attainable in the case? What in fact was attained? Was there a benefit to other low-income people with a similar problem, or for the client population as a whole? Did the program and casehandler seek to maximize any such benefits? Is it clear from the casehandlers’ responses to questions about the files that they took reasonable steps on behalf of the client -- affirmative defenses, counterclaims, joinder of other parties, discovery and other opportunities for investigation and development of claims, use of experts, pursuit of motions, trial preparation and conduct, pursuit of appeals -- as appropriate to the particular case?

What information does the program collect and use about the benefits it achieves for clients and the communities in which they live?

**Criterion 2. Private attorney involvement (PAI). The program effectively integrates private attorneys in its work in order to supplement the amount and effectiveness of its representation and other services and achieve its goals and objectives.**

**Indicators**

The program has a private attorney involvement (PAI) system and plan that seeks to fully involve private attorneys in the program’s delivery of legal services to eligible clients, and that includes effective recruitment, training, referral, support, oversight, evaluation and recognition. Where necessary and feasible, the program addresses typical needs of private attorneys handling cases, such as malpractice coverage, costs of experts, depositions and the like (to the extent they would be addressed for program staff handling such cases), form pleadings, practice manuals, costs and other issues.

Subject to availability, the program utilizes private attorneys in a full range of program activities, including direct representation (both full and limited), counsel or support in major and complex litigation, transactional work, community legal education, assistance to *pro se* parties (including clinics), training, representation in non-judicial forums, and other work.

In general, the program is thoughtful and innovative in the ways that it uses the services of available private attorneys.

**Areas of Inquiry**

Does the program have a thoughtful, comprehensive and effective written private attorney involvement plan which seeks to engage private attorneys in a wide range of program activities, consistent with the possibilities and practicalities presented by the private bar in the particular service area? Is it followed?

Have the program’s recruitment efforts been successful? How many private attorneys have signed up to take *pro bono* cases? How many private attorneys took *pro bono* cases within the last twelve months? How many private attorneys have signed up to take Judicare cases? How many private attorneys took Judicare cases within the last twelve months? Are Judicare cases assigned to attorneys directly rather than requiring clients to work from a list?

How do referrals to private attorneys compare with the stated goals and objectives of the program? If they are not consistent, what is the explanation? Who decides which cases are sent to the private bar? What criteria are used?

What do private attorneys say about their work with the program? Does the staff support the PAI component? Does the director?

Are procedures for referral, oversight and follow-up effective and reasonable? Are they written and are they followed? How does the program gauge client satisfaction?

What training is offered to participating attorneys? Are private attorney support needs addressed effectively?

Is there private attorney involvement in the wide range of program activity specified in the Indicators? If not, are there appropriate explanatory factors and justifications? Has the program been thoughtful and innovative in the ways that it utilizes private attorneys?

Is there effective recognition of contributing attorneys?



**Criterion 3. Other program services to the eligible client population. Consistent with its goals, objectives and strategies, the program provides services in addition to direct client representation that are designed to help low-income people address their legal needs and problems. Such services may include, but are not limited to, community legal education (general legal information not predicated upon a client’s particular case or facts), assistance for self-help activities and *pro se* appearances, offering or facilitating participation in alternative dispute resolution, and other available approaches, utilizing the Internet, websites, interactive media and other available technologies as appropriate. The program continually seeks to find innovative ways to deliver services and meet client needs.**

**Indicators**

**Areas of Inquiry**

To the extent that the program engages in community legal education work, it:

Has in place adequate capacity and resources to carry out its work, and stays abreast of, compiles and utilizes relevant material previously produced by others.

Selects a clearly defined audience for the community legal education activity, consistent with program goals and objectives and desired outcomes.

Utilizes the most appropriate methods, given the subject matter, the audience, and available resources. Methods considered should include Web sites, written material, videos, computers, other audiovisual technology, and in-person presentations, including meetings and trainings.

Communicates effectively with its intended audience, in ways that are culturally and linguistically competent and understandable to an audience with low literacy skills.

Conducts periodic evaluations of the effectiveness of its community legal education efforts, measured against objectives, expectations, and realistic possibilities, and compares the costs of the results achieved with the costs of achieving equivalent or better results through other methods.

Attempts to assess results, including efforts to assess actual outcomes for individuals who were the target of the community legal education activity.

Are the objectives of the community legal education effort clear and reasonable? Do they relate appropriately to the program’s goals and objectives? Is the approach designed to educate its target population effectively?

Does the program creatively use written material, videos, computers, and audiovisual and other available technology?

Is the target audience considered in determining the methods used?

Does the program evaluate the effectiveness of its community legal education efforts in light of the costs involved?

Does the program collaborate appropriately with other providers and social service agencies in the writing and distribution of community education and client self-help materials?

**Indicators**

To the extent that the program facilitates self-help or *pro se* efforts, including Internet-based material and interactive technologies, the program:

Has in place adequate capacity and resources to carry out such work, and compiles available relevant information on the strengths and weaknesses of such *pro se*, self-help efforts.

Experiments with and where indicated utilizes a range of self-help assistance strategies, including development of self-help materials and videos, clinics and other group sessions, media, training other agencies, groups and individuals to be presenters, Internet-based materials, kiosks, and other available technologies.

Utilizes past experiences, research and evaluation to design future program strategies.

Targets a clearly defined audience which has the ability to carry out self-help activities in the legal problem areas chosen for concentration.

Effectively informs and assists its intended audience, and then regularly assesses the effectiveness and limitations of such efforts, evaluating whether the potential dangers and weaknesses of *pro se* approaches are outweighed by the benefits, and whether the program and client objectives are being met effectively, consistent with applicable rules and decisions of professional responsibility.

To the extent possible, assesses the benefits achieved by persons assisted by *pro se* efforts in relation to the costs of those efforts and compared to the results achieved by persons assisted by other methods.

The program deliberately seeks to experiment with alternative and innovative means of providing assistance to low-income people in legal matters.

**Areas of Inquiry**

Has the program given consideration to *pro se* alternatives where appropriate?

Are persons who proceed *pro se* successful? How does the program know?

How does the program address the need for individualized help for *pro se* persons? How many are assisted?

Has the program carefully considered the extent to which it will provide follow-up assistance to *pro se* litigants? Has it coordinated its *pro se* efforts with the courts? Is the program aware of the areas in which self-help clients are most likely to fail or drop out? Has it attempted to develop means to address those “failure points”?

Does the program experiment with alternative delivery approaches, or otherwise demonstrate innovation?

**Criterion 4. Other program activities on behalf of the eligible client population. Consistent with its goals, objectives, and strategies and within the limits of available resources and the terms of its funding, a program engages in other activities on behalf of its eligible client community that have a beneficial effect on systemic legal problems and economic opportunities of the eligible client population. These activities may include, but are not limited to, communication and liaison with the judiciary, organized bar, government agencies, academic and research centers, social service agencies, and other information sources, state and national legal advocacy organizations, and other entities working on behalf of or serving low-income people, whose activities have a significant effect on the eligible client population.**

**Indicators**

**Areas of Inquiry**

Consistent with its goals and objectives, as a part of its strategic advocacy, a program maintains effective communication, coordination and a general presence with the indicated institutions and entities and any others that can have a significant effect on its target population, to the end of reducing the effect or extent of problems faced by that population through collaborative work.

To the extent that a program engages in such activities, it should have contacts, credibility, reputation and experience sufficient to allow it to conduct such activities effectively.

Continuously evaluate the effectiveness of such activities, measured against program objectives and what was reasonably attainable, in relation to the costs of such efforts.

Are program staff aware of legislative developments that affect the low-income population in the service area? Have they considered strategies that address problems at policy levels?

Does the program expect and support work to address systemic legal problems and improved economic opportunities benefiting the low-income population? Does it collaborate with the private bar and others to achieve such change? Are program personnel engaged in undertakings such as committees and task forces that relate to program objectives? Do they have sufficient experience, reputation, and credibility to be effective?

Do staff work with government agencies, social service agencies, or research centers concerned with issues affecting the service area? Do they work with the organized bar and judiciary when possible to address legal access or other problems faced by the low-income population?

Does the program have access to and review current literature and research concerning innovations in delivery methods?

Is management aware of innovative possibilities and developments in legal services delivery and receptive to their application in the program?

Does the program train or have regular communication with lay professionals who work with low-income people?

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

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The program should be led and managed effectively with high quality administrative systems, procedures and performance. Good leadership and strong internal operations increase the likelihood of effective services, and decrease the risk that effective program services will be adversely affected by organizational problems.

### **Criteria**

- Criterion 1. Board governance.** The program has effective board oversight and involvement in major policy decisions, including board members who are each committed to the program and its mission, and a board that holds program management accountable for effective performance in the areas delineated by these Criteria. The board also meets its affirmative responsibility to help develop resources for the program, promote awareness of the program, enhance its effectiveness and influence and protect and defend the interests of the organization.
- Criterion 2. Leadership.** The program has effective leadership which establishes and maintains a shared sense of vision and mission, and emphasizes excellence, innovation and achievement of goals and objectives.
- Criterion 3. Overall management and administration.** The program is well managed and administered including: an effective management structure; processes and systems to ensure compliance with all funder requirements and state and federal law; capacity to address problems quickly and effectively; effective utilization of technology; effective administrative procedures; competent personnel; allocation of appropriate resources to management functions; and periodic evaluations of administrative operations.
- Criterion 4. Financial administration.** The program has and follows financial policies, procedures and practices that comport with applicable requirements of the American Institute of Certified Public Accountants, federal, state and local government, and the program's funding sources, and conducts effective budget planning and oversight.
- Criterion 5. Human resources administration.** The program maintains effective human resources administration, including compliance with all applicable laws.
- Criterion 6. Internal communication.** The program maintains effective intra-staff and staff-management communications and relations.
- Criterion 7. General resource development and maintenance.** To the extent possible, and consistent with the program's mission, the program seeks to maintain and expand its base of funding, with the goal of increasing the quality and quantity of the program's services to eligible clients. The program also coordinates with and where possible utilizes outside resources such as academic institutions, social service organizations, foundations, corporations, organized bar associations, members of the private bar, and other institutions and individuals to supplement its efforts. The program works to increase the overall resources devoted to the legal problems of the eligible client population.

- Criterion 8.** **Coherent and comprehensive delivery structure.** Overall, the program management maintains a delivery structure and approach that effectively utilizes and integrates staff, private attorneys, and other components; emphasizes innovation and creativity in delivery; is informed by current information concerning delivery research; is well-suited to meeting the most pressing legal needs of the service area; and, given available resources, constitutes an effective and economical balancing of expenditures on the various functions and activities described in the four Performance Areas.
- Criterion 9.** **Participation in an integrated legal services delivery system.** The program participates in, and seeks to expand and improve, statewide (and regional if relevant) legal assistance delivery systems to achieve equal access to justice and to meet the civil legal needs for low-income persons in the state.

**Criterion 1. Board governance.** The program has effective board oversight and involvement in major policy decisions, including board members who are each committed to the program and its mission, and a board that holds program management accountable for effective performance in the areas delineated by these criteria. The board also meets its affirmative responsibility to help develop resources for the program, promote awareness of the program, enhance its effectiveness and influence and protect and defend the interests of the organization.

**Indicators**

**Areas of Inquiry**

The board is involved in major policy decisions, aware of issues in and performance of the program while leaving day to day management of program operations to program management personnel. The board effectively evaluates the chief executive officer.

How are major policy decisions made? Is the board supportive of the program? Are its individual members? Do board members and officers understand the major issues at stake for the program? Are board members aware of and accurate in their perception of the requirements of the program's funding sources? Is the board aware of any major problems or issues within the program? How does the board exercise its oversight of program operations? Are board decisions appropriately documented in board minutes? Does the board exercise judgment independent of the executive director, where appropriate? How frequently does the board evaluate the executive director? Do board members assist effectively in fundraising and development activity? Is the board membership diverse and representative of the service area?

The board as a whole, and members individually, are committed to the program and its mission, are free from organizational or personal conflicts, attend meetings regularly, and as appropriate assist in fundraising and development activity.

Are client board members actively engaged in board decision making?

As a whole, the board is appropriately diverse and representative of the various geographical areas and low-income populations served by the program.

Does the board have a policy or practice that effectively deals with conflicts of interest or potential conflicts of interest? Is the policy or practice in writing? Are organizational or individual conflicts addressed quickly and effectively?

The board effectively promotes and expands the reach and influence of the program in the communities it serves, and develops additional resources for the program.

Does the board meet its external responsibilities as delineated in this criterion?

The board exercises effective financial oversight.

Are board members given appropriate orientation and continuing training, including training on the role of the board, potential conflicts of interest, and on fiscal, fiduciary and other responsibilities?

Does the board have a policy or practice regarding length of service on the board?

What is the level of attendance at board meetings?

What systems and procedures does the board have to ensure effective financial oversight?

**Criterion 2. Leadership. The program has effective leadership which establishes and maintains a shared sense of vision and mission, and emphasizes excellence, innovation and achievement of goals and objectives.**

**Indicators**

Key program staff, starting with the executive director or chief executive officer, are recognized as the program leaders. They frame a vision and inspire a culture of energy, creativity, innovation, excellence and achievement, built on trust, confidence, integrity and loyalty.

The program provides opportunities for the development of a diverse group of leaders.

The program has a succession plan.

**Areas of Inquiry**

Starting with the chief executive officer, are there recognized, positive and effective leaders in the program?

Is there a shared sense of vision and mission? Is it expressed in written form? Are staff aware of it?

Does the program leadership effectively inspire creativity and innovation, trust, confidence, integrity and loyalty?

Does the program provide opportunities for staff to develop and exercise leadership skills?

Does the program have a clear and reasonable succession plan? Is it written?

**Criterion 3. Overall management and administration.** The program is well managed and administered including: an effective management structure; processes and systems to ensure compliance with all funder requirements and state and federal law; a capacity to address problems quickly and effectively; effective utilization of technology; effective administrative procedures; competent personnel; allocation of appropriate resources to management functions; and periodic evaluations of administrative operations.

Indicators	Areas of Inquiry
The program devotes appropriate resources to management.	Is there evidence of unusual disruption, such as frequent or repeated changes in procedures, key personnel, board, or other basic operations?
The program has a management structure that effectively uses middle managers.	How are decisions made in the program? Are there clear procedures and policies? Is decision-making authority clear when delegated? Is decision-making timely and effective? Do staff members know to whom to go for decisions?
The program has experienced, capable, and diverse management and administrative staff.	Is there evidence of effective periodic evaluation? Are evaluations linked to the program's goals, vision or strategic initiatives?
The program provides effective training, supervision, and evaluation of management and administrative staff.	Is there any evidence of non-compliance with federal, state or funder requirements?
The program undertakes periodic evaluation of management operations.	Are problems addressed promptly? Are there sufficient resources allocated to management and administration? Are they excessive?
The program makes major decisions in a way that incorporates relevant information and input.	Does management provide effective leadership and management training and support to mid-level supervisors and personnel engaged in administration and management?
The program devotes appropriate resources to establish and maintain its technological infrastructure.	Does the program foster an environment that emphasizes continuous learning, constructive evaluation and feedback, improvement and excellence?
The program has developed and regularly updates an emergency plan to enable the program to maintain operations and to minimize disruption in the event of an emergency.	Has the program made considered choices regarding the proportionality of non-advocacy staff as compared to casehandlers, consistent with program resources, number of casehandlers, and type of work?
The program has a plan for providing client services in the event of a disaster or emergency affecting its client community.	Does the program have a policy for the use of its technology? Does the program use technology effectively to enhance the efficiency of program operations and service delivery?



**Areas of Inquiry**

Does the program have a plan in the event of an emergency or disaster

- for preserving files, equipment and computer data bases;
- for communication between staff and management ; and
- for the relocation of the program's work sites?

Does the program attempt to coordinate with state/local emergency preparedness entities?

Does the program have a plan for providing client services in the event of a disaster or emergency affecting the client population?

**Criterion 4. Financial administration. The program has and follows financial policies, procedures and practices that comport with applicable requirements of the American Institute of Certified Public Accountants, federal, state and local government, and the program’s funding sources, and conducts effective budget planning and oversight.**

**Indicators**

**Areas of Inquiry**

The program has sufficient, capable, trained and effective staff dedicated to financial administration.

Do past audits or outside reports and evaluations reflect problems? Have any such problems been addressed? Is there any evidence of failure to comply with applicable funder or governmental requirements?

The program has detailed written policies and procedures describing its financial operations which comply with all applicable requirement. The program follows such policies and procedures.

Is the budget consistent with the program’s mission, goals and objectives? Does the program effectively adhere to its budget?

Annual program audits do not reveal any significant problems or issues; where such items have been identified, the program addresses them effectively and promptly.

Are there systems and procedures in place to ensure periodic and effective financial oversight by management?

The program issues accurate financial statements on a timely basis.

Does the program engage in financial planning beyond the current year?

Does the program use up-to-date technology to enhance efficient financial operations?

**Criterion 5. Human resources administration. The program maintains effective human resources administration, including compliance with all applicable laws.**

Indicators	Areas of Inquiry
The program has sufficient, capable, trained and effective professional staff assigned to human resources administration.	What are the recruitment policies of the program?
The program has a capable, culturally competent and diverse staff.	What are the program’s fringe benefits and retention policies, such as LRAP, retirement plans, health insurance, and other benefits?
The program’s hiring, supervision, promotion, compensation, and termination policies comply with applicable laws, are efficient, and serve the mission, goals, and priorities of the organization.	Does the program regularly review its salary structure and benefits?
The program periodically assesses salaries and employee benefits.	Does the program periodically review its human resources plans and policies?
The program maintains and follows clear, uniform and consistent personnel practices, based upon written policies.	What is the current composition of the staff?  Is the current composition of the program staff diverse in terms of experience, gender, race, and disability status?
The program conducts periodic effective evaluations of all staff, addressing areas where improvement is required and, where appropriate, using such evaluations as part of a comprehensive personnel development strategy.	Does the program conduct annual evaluations of its entire staff? Do such evaluations include setting goals for staff? Is there a system for tracking whether such goals are met?
The program maintains accurate and timely personnel files, and protects the confidentiality of personnel records as required by applicable law and contract.	Does the program evaluate internal and external factors related to turnover and recruitment procedures in recent hirings? Does the program experience a high level of turnover or employee grievances?
In its personnel administration, services, and activities, the program avoids any discrimination, harassment or other improper conduct prohibited by law, and promotes equal employment opportunity.	Does the program provide promotion opportunities?  Is there cultural competency training for all staff? Have they attended?
The program effectively retains quality staff and avoids undesirable rates of turnover.	What is the recent history and current status of staff morale? Relations with management? Relations among attorneys and casehandling units? Relations between categories of staff, such as between attorneys and paralegals, attorneys and secretaries?
Staff relationships are professional, collegial and positive.	Does management create and sustain an environment that values and supports a diverse workforce? What has been the role of

**Indicators**

The program does not have serious intra-staff problems which negatively affect program performance.

To the extent that there are or have been serious morale or other internal personnel problems, the program is addressing or has addressed them effectively, and is taking or has taken appropriate steps to prevent their recurrence.

**Areas of Inquiry**

management in promoting improved relations to aid better service delivery? ...among branch offices or units? ...with central administration? ...between the board and staff?

**Criterion 6. Internal communication. The program maintains effective intra-staff and staff-management communications and relations.**

**Indicators**

The program has systems and procedures for ensuring regular communication among all staff. The program has procedures for obtaining input on significant decisions, and for resolving complaints and problems effectively and timely.

Decisions are quickly and effectively communicated to all those affected by them.

Maximum use of technology is made to facilitate and enhance internal communication.

**Areas of Inquiry**

Is there evidence of regular and consistent efforts to communicate effectively within the program?

Do staff feel there is effective communication? Do there appear to be any problems caused by the absence of effective communication?

Do staff feel that their input is sought on significant decisions?

How does the program use technology to facilitate and enhance communication?

Does the program resolve employee complaints and problems effectively and timely?

**Criterion 7. General resource development and maintenance.** To the extent possible, and consistent with the program’s mission, the program seeks to maintain and expand its base of funding, with the goal of increasing the quality and quantity of the program’s services to eligible clients. The program also coordinates with and where possible utilizes outside resources such as academic institutions, social service organizations, foundations, corporations, organized bar associations, members of the private bar, and other institutions and individuals to supplement its efforts. The program works to increase the overall resources devoted to the legal problems of the eligible client population.

**Indicators**

**Areas of Inquiry**

The program has sufficient, capable, trained and effective staff dedicated to resource development, or uses outside professional development assistance as appropriate.

Has the program made reasonable efforts to expand its funding base? Has it been successful?

The program makes reasonable efforts at and has success in expanding its funding base, has considered and attempted to secure funding from sources successfully accessed by Legal Services programs, stays abreast of and pursues new opportunities, is innovative in trying to develop new sources, and analyzes and evaluates whether the requirements of a prospective funding source are consistent with the program’s mission, goals, priorities, objectives and strategies.

Is the executive director or fundraiser aware of the options that are available and is there a strategy to seek funds? Have creative approaches and opportunities been developed? Are the results reasonable?

The program has attempted to develop and to the extent possible has effective relationships with other major institutional resources in the service area that are involved or might be able to provide some support in the provision of legal assistance to eligible clients, as well as help in expanding program funding.

Is the program coordinating development efforts with other community organizations and agencies serving the low-income population? To the extent it does not, is this deliberate choice based upon careful analysis of the relative value, or lack thereof, of such joint action?

Does the program employ a development professional, or have access to other professional development assistance? How effectively does it staff its development efforts?

**Criterion 8. Coherent and comprehensive delivery structure.** Overall, the program management maintains a delivery structure and approach that effectively utilizes and integrates staff, private attorneys, and other components; emphasizes innovation and creativity in delivery; is informed by current information concerning delivery research; is well-suited to meeting the most pressing legal needs of the service area; and, given available resources, constitutes an effective and economical balancing of expenditures on the various functions and activities described in the four Performance Areas.

**Indicators**

The program has a reasonable, thoughtful and effective overall delivery system, which utilizes and integrates staff, private attorneys, volunteers, branch offices, outreach, and alternative delivery methods, and which strikes an effective balance on key issues such as specialization, experience of staff, use of attorneys and paralegals, and other major design choices.

The program's choices about allocation of resources to competing activities and functions are reasonable and balanced, and consistent with its mission, goals, priorities, objectives and strategies.

**Areas of Inquiry**

Does the program have in place and regularly use systems to gauge the efficiency and effectiveness of its overall delivery system?

Is there evidence of actual assessment of efficiency and effectiveness?

Is there evidence of change as a result of that assessment?

Is there evidence of experimentation and innovation?

**Criterion 9. Participation in an integrated legal services delivery system. The program participates in, and seeks to expand and improve, statewide (and regional if relevant) legal assistance delivery systems to achieve equal access to justice and to meet the civil legal needs for low-income persons in the state.**

**Indicators**

The program participates in statewide (and regional if relevant) efforts to provide low-income persons in the state with equal access to a full range of civil legal assistance services in all forums.

The program participates in local, statewide (and regional if relevant) efforts to maximize the effective use of available human and financial resources and to increase such resources to better address the civil legal needs of the state's low-income populations.

The program coordinates with other providers, the bar, law schools and other relevant entities in seeking to ensure that support is provided to advocates and managers, including training, dissemination and exchange of information, and communication and coordination among practitioners in key areas of law and practice.

The program participates in statewide planning and oversight activities to achieve an integrated statewide delivery system, and coordinates and collaborates with other civil legal aid providers, private attorneys, government and corporate attorneys, the organized bar, courts and court personnel, law schools, and other public and private entities that provide legal and other social services to low-income persons.

**Areas of Inquiry**

Does the program participate in statewide (and regional if relevant) oversight activities to achieve an integrated statewide delivery system?

Is the program engaged in statewide efforts (and regional efforts if relevant) to achieve the availability of a full range of civil legal assistance in all available forums?

Is the program engaged in statewide efforts (and regional efforts if relevant) to eliminate barriers to access and provide meaningful services to low-income persons in the state?

Is the program engaged in statewide efforts (and regional efforts if relevant) to utilize existing financial and human resources effectively and efficiently?

Is the program engaged in statewide efforts (and regional efforts if relevant) to increase potential sources of funding, including financial resources, volunteer and in-kind resources?

Is the program engaged in statewide efforts (and regional efforts if relevant) to provide support to advocates and managers, including training, dissemination and exchange of information, and communication and coordination among practitioners in key areas of law and practice?

As part of its efforts to expand access, provide a full range of services, maximize resources, and ensure support within the state, does the program coordinate and collaborate with other civil legal aid providers, private attorneys, government and corporate attorneys, the organized bar, courts and court personnel, law schools, and other public and private entities that provide legal and social services to low-income persons?