

LEGAL SERVICES CORPORATION

Office of Program Performance

Final Report

of the

Program Quality Visit

to

Legal Services Law Line of Vermont, Inc.

Recipient No. 146010

June 18 - 22, 2012

LSC Team Members:

Mary-Christy Fisher, Program Counsel (Team Leader)

John Eidleman, Senior Program Counsel

César Britos, OPP Temporary Employee

Sheila Baynes, LSC Helaine Barnett Fellow

**Program Quality Visit
Legal Services Law Line of Vermont, Inc.**

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INTRODUCTION

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a Program Quality Visit (PQV) to Legal Services Law Line of Vermont, Inc. (Law Line) on June 18-22, 2012. The team members were Christy Fisher, OPP Program Counsel who served as the team leader; John Eidleman, OPP Senior Program Counsel; César Britos, LSC Temporary Employee; and Sheila Baynes, NYU School of Law 2014, LSC's 2012 Helaine Barnett Fellow.

Program Quality Visits are designed to give LSC a fuller understanding of a grantee program's operation, so that it can evaluate whether the grantee is providing the highest quality legal services to eligible clients. In conducting its assessment of Law Line, the PQV team fully reviewed documents LSC received from the program including its most recent LSC grant application, its technology and PAI plans, as well as workforce analysis charts, case reports, and other service reports. The team also reviewed the documents requested from Law Line in advance of its visit; these included documents relating to the program's strategic planning; needs assessment; legal work, including advocates' writing samples; board minutes and by-laws; and other administrative materials, as well as the results of a confidential online staff survey.¹ While on site, the team visited the offices of both Law Line and Vermont Legal Aid and spoke with staff affiliated with both programs. In addition to these interviews, the team met with or interviewed by telephone a number of Law Line's board members, hearing officers and members of the judiciary, and a variety of community service providers.

In performing its evaluation of Law Line's delivery system, OPP relies on the LSC Act and Regulations, LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The evaluation and this report are organized according to the four LSC performance areas that cover: 1) legal needs assessment and priority setting; 2) engagement with the low income community; 3) the quality and management of legal work, including private attorney involvement; and 4) organizational leadership and program management including board governance, administration, resource development, and involvement with the statewide delivery system.

Following the visit, OPP provided the program with a draft of this report. Legal Services Law Line of Vermont responded to the draft report in a letter dated September 25, 2012. The program's comments were considered as this report was finalized, and its letter is attached to the final report.

¹ Law Line does not have a number of the items requested by the team, such as policies and procedures for the case handling and supervision of legal work or for staff training, and its intake manual is the product of Vermont Legal Aid, a non-LSC funded legal services program which conducts intake for both programs.

PROGRAM OVERVIEW AND SERVICE AREA

Legal Services Law Line of Vermont, Inc. is the only LSC-funded organization in the State of Vermont, a 14-county service area that encompasses approximately 9,615 square miles. Law Line, established in 1996, serves low-income residents of the largely rural state from its location in Burlington. The program had eight staff members at the time of the June 2012 PQV; the staff was comprised of the executive director, the director of the Vermont Volunteer Lawyers Project (VVLV), four attorneys (one of whom works part-time), one paralegal, and an office manager. Beginning on December 1, 2011, one of the program's four staff attorneys started working exclusively on disaster-related work stemming from Tropical Storm Irene.

Law Line staff provides legal assistance, primarily counsel and advice, and *pro se*/self-help services to eligible clients in civil matters including public benefits, disability, consumer issues, evictions, foreclosures, mobile homes, family law, and employment. Most of this limited representation is provided by telephone. Law Line also provides extended representation, including appeals, in selected cases. In such instances, the program looks for recurring or systemic problems to identify issues that may require in-depth efforts. Law Line is particularly sensitive to matters where unrepresented individuals encounter restricted access to courts or other decision-making bodies. The program also participates in community outreach and education activities.

Law Line has successfully completed a number of LSC-funded Technology Innovation Grant (TIG) projects which were designed to promote *pro se* assistance and self-help on the part of the client community.

Law Line is part of a statewide legal services delivery system that provides a full range of services to low-income persons in Vermont. Law Line works closely with Vermont Legal Aid (VLA), a non-profit law firm established in 1968 to provide free civil legal services to Vermonters who are low-income, elderly, or disabled. VLA, which currently has staff in five regional offices located throughout the state,² provides information, advice, and representation in the areas of health care, housing, education, family law, benefits, consumer, and elder law. VLA also conducts intake for all Vermont residents through a toll free intake and referral hotline.

Law Line accepts cases referred to it by VLA. Law Line advocates handle some of those applications as direct service cases. Other applications are referred by Law Line to the Vermont Volunteer Lawyers Project, a creation of Vermont Legal Aid and the Vermont Bar Association (VBA) or to the VBA for either *pro bono* or low bono (moderate fee for service) representation. VVLV matches individuals with private attorneys, law school clinics, and other agencies which provide *pro bono* assistance.

² Some individuals with mental disabilities were previously able to secure assistance from VLA advocates located on the grounds of the Vermont State Hospital in Waterbury; this office was damaged by Tropical Storm Irene and the staff of that project is now housed in VLA's Montpelier office.

Together, Law Line and VLA provide low-income Vermonters with a full range of legal services. They collaborated on the development of the Vermont LawHelp website, www.vtlawhelp.org, which provides basic information about Vermont laws; legal forms and other court documents, some of which are interactive; and links to statutes and other legal resources. The two organizations provide services in conjunction with the Vermont Law School; its South Royalton Legal Clinic provides civil legal representation to residents from several central Vermont counties who are unable to afford counsel and need legal assistance with issues ranging from children's rights and family law to immigration and consumer protection.

Law Line is also a significant part of Vermont's larger legal community. Both Law Line and VLA are active members of the Vermont Access to Justice Coalition (VAJC). The coalition is now being led by Robert M. Paolini, the executive director of the Vermont Bar Association. A new member of the coalition is Justice Beth Robinson of the Vermont Supreme Court. The coalition established a two-year Vermont Poverty Law Fellowship in 2008; the third fellowship began this year.

The Vermont Bar Foundation administers the funding for the Fellowship. It also acquires and distributes Interest on Lawyer Trust Accounts (IOLTA) funds to state programs, including Law Line. The Foundation's Revenue Enhancement Committee initiated a successful campaign to encourage state banks to voluntarily pay a higher rate on their IOLTA funds. Law Line's executive director serves on this committee.

According to the 2000 census, Vermont's statewide population totaled 608,827 persons. By the time the 2010 census took place, the state's population had grown to 625,741. (The state is now the second least populated state in the US, rather than the least populated.) During this same time period, Vermont's poverty population also increased. The 2000 census indicated that the region's poverty population totaled 55,506. According to figures compiled by the American Community Survey (ACS),³ Vermont's poverty population totaled 76,362 in 2010.⁴ The highest poverty rates are in Essex (21.4%), Orleans (19.3%), and Caledonia (18.5%) counties.⁵

Although slightly more than 90% of the state's poverty population is comprised of white persons of non-Hispanic origin, the number of people who identify themselves as non-white has been growing, mainly in Chittenden County where Law Line's office is

³ The ACS, a nationwide survey conducted by the U.S. Census Bureau, is designed to secure reliable and timely social, demographic, economic and other data from the American public. It has replaced the Decennial Census as the principal means of collecting data. ACS's annual data stems from rolling surveys of about 3 million household addresses that include both housing units and group living situations. For further information on the ACS, visit www.census.gov/acs/www.

⁴ Bishaw, *Poverty: 2009 and 2010*, American Community Survey, U.S. Census Bureau, October 2011, Table 1.

⁵ U.S. Census Bureau: American Community Survey 5-year Estimates, Table S1701 by County (2006-2010).

situated.⁶ Approximately 5% of the state's households include persons older than the age of five who speak a language other than English at home.⁷

Law Line closed 2,075 cases in calendar year 2011, 76 fewer cases than the total number of cases it closed in 2010. Of the cases closed by the program in 2011, 37.1% were housing, 25.2% were income maintenance, 24.2% were consumer, and 11.3% were family cases. Law Line's actual closed cases per 10,000 poor persons totaled 380, compared with a national median of 263 closed cases per 10,000 poor persons.

Almost all – 94.3% – of Law Line's 2011 cases were limited service cases. The program's actual number of extended service closed cases per 10,000 poor persons was 22, compared with a national median of 61 extended service closed cases per 10,000 poor persons. Law Line actually closed only 6 contested cases per 10,000 poor persons last year; this was substantially lower than the national median of 31 contested cases per 10,000 poor persons.

The program's PAI numbers are relatively low. It closed only 56 PAI cases in 2011. Law Line's actual closed PAI cases per 10,000 poor persons were 10, compared with a national median of 26 closed PAI cases per 10,000 poor persons.

Law Line, designated as the LSC recipient in the state when it was formed in 1996, is heavily reliant on LSC funding. VLA is the primary recipient of non-LSC funds.⁸

Law Line received \$557,738 in basic field funding from LSC in 2011. Law Line also received a \$1,200 sub-grant from Pine Tree Legal Assistance (PTLA), Maine's LSC grantee, for migrant work, LSC funding to complete its Technology Initiative Grant (TIG); and, in late 2011, a one-time grant of \$65,013 in LSC-disaster funding to assist it in providing services to clients impacted by Tropical Storm Irene. In addition, Law Line received \$61,754 in non-LSC revenue, primarily Interest on Lawyer Trust Accounts (IOLTA) monies, for total funding of \$777,023 (including reserves) in 2011.

Due to funding uncertainties in 2011, Law Line reduced one of its full-time staff attorneys to a 60% position. In addition, it assigned another of its full-time attorneys to handle the disaster-related work related to LSC's disaster funding which runs through November 30, 2012.

⁶ Id.

⁷ U.S. Census Bureau: State and County QuickFacts. Data derived from Population Estimates, American Community Survey, Census of Population and Housing, Revised as of June 7, 2012.

⁸ VLA, with a budget of more than \$6 million, receives funding to operate the state's Long-term Care Ombudsman program, the Health Care Ombudsmen hotline, and the Medicare Advocacy program for "dual eligible," as well as several different Protection and Advocacy contracts.

Law Line's LSC basic field grant for 2012 is \$475,975. The program again received LSC monies from Pine Tree Legal Assistance for its migrant work. In addition, it received \$30,000 from the Vermont Bar Foundation and \$5,000 from the Vermont Community Foundation to supplement the cost of its disaster work. The Vermont Bar Foundation also awarded Law Line a special grant of \$30,000 to fund 2012 foreclosure-related efforts. The program anticipates that its total funding for 2012 will total \$658,895.

SUMMARY OF FINDINGS

Law Line is led by a hard-working and experienced executive director who is supported by a small but dedicated board of directors. The program's advocates are committed to their work; they perform their jobs diligently and are interested in expanding their knowledge. Law Line has demonstrated an organizational flexibility, enabling staff to respond to the changing needs of its clients whether they are caused by natural disasters or increased debt collection activity.

The program is sensitive to the fact that its client population is spread across the whole state. Law Line exhibits creativity in meeting clients' needs; it conducts training for lay advocates, works with librarians, interacts with women's advocates and housing organizations, and serves as the site of a Saturday walk-in clinic. Its website, www.lawlinevt.org, includes information about the program as well as links to other service providers and self-help materials; it also contains a link to *Vermont Stories*, a film featuring a number of clients who describe how Law Line and VLA staff successfully assisted them with a variety of legal problems.

Law Line partners with Vermont Legal Aid in an effort to provide seamless access to legal services for all of Vermont's low-income residents. Vermont Legal Aid handles intake for the entire state through its toll-free number. VLA then refers cases to Law Line. Law Line either handles the cases or refers them to VVLP or the Vermont Bar Association's *pro bono*/low bono programs. VLA and Law Line collaborate to maximize their use of technology for the benefit of staff and clients. Recently, VLA installed a new case management system, *Legal Ease*. This system, conceptualized by VLA's executive director and designed by a local practitioner, is also used by Law Line. The programs maintain the Vermont LawHelp website, which features basic legal information on a wide variety of subjects as well as self-help legal forms, some of which are interactive. The site also contains updates on court rulings, agency policies and other legal issues.

Over the past two years, Law Line and Vermont Legal Aid have jointly engaged in strategic planning. They examined the structure of both programs and, with the focused assistance of staff who took part in working group subcommittees, proposed final recommendations. Although many of the recommended changes will not directly affect Law Line staff, they will impact the nature of their work.

Law Line does not have written guidelines for case handling, and conducts no formal status reviews or discussions of strategies of open case files. Files are not reviewed when cases are closed. The staff supervision which does occur is informal; most of it is conducted on an *ad hoc* basis. All-staff meetings are not held regularly, limiting individual staff awareness of the legal work others are performing. The program does appear to conduct evaluations on a regular basis; staff members complete self-evaluations, which they review in-person with the executive director.

The board, although small, is engaged in overseeing Law Line's work. Board members are familiar with the program's mission, its place in the state's legal landscape, and its financial operations. Some of the current client board members have been deeply involved with the program since it was formed.

Law Line is recognized throughout the state as providing valuable services to low-income Vermonters. Much of the recognition is associated with the program's current executive director, who has led the organization since its inception. He is actively involved in all aspects of the program from the supervision of legal work to the administration of its day-to-day activities.

The team conducted a limited review of the program's financial administration. Law Line does not have a designated financial officer; the program's financial affairs are overseen by its executive director, who is assisted by the program's office manager. The program also employs an auditor and, when required, a bookkeeper. The board reviews financial reports at every meeting. Law Line's human resource duties are primarily handled by the officer manager, supervised by the executive director.

Law Line does not engage in fundraising or other resource development campaigns. Instead, Law Line and Vermont Legal Aid made the strategic decision to turn this role over to the Vermont Access to Justice Coalition. Law Line is heavily reliant on LSC funding based on the state's legal services delivery design. The Vermont Bar Foundation administers most of the non-LSC funds received by Law Line. The Foundation's IOLTA Enhancement Project has been successful in encouraging a number of state banks to voluntarily raise their IOLTA rates.

The program enjoys a solid reputation with other legal services providers, community stakeholders, judges, hearing officers, bar officials, and private attorneys. Law Line has been engaged in the state's access to justice efforts, including development of the Vermont Poverty Law Fellowship, work on behalf of self-represented litigants, and efforts to create court-based clinics. The executive director is an active member of New England's regional legal services network.

FINDINGS AND RECOMMENDATIONS

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

Periodic Comprehensive Assessment and Ongoing Consideration of Legal Needs

Finding 1. Law Line was involved in an earlier assessment of the legal needs of Vermont residents; the program is initiating another assessment this year.

Law Line has engaged in an ongoing statewide assessment of Vermont's legal needs. This effort began in 2001 when the Vermont Supreme Court convened a Committee on Equal Access to Legal Services to identify the civil legal needs of low-income residents of Vermont and the barriers that prevent access to the courts and legal services. The group, composed of representatives from legal services programs, the Court, Vermont Law School, the Vermont Low Income Advocacy Council, and members of the private bar, was charged with completing a detailed assessment of the population's legal needs. They based the report on information obtained from low-income Vermont residents through telephone interviews and, with the help of social service agencies, written surveys of members of low-income households that did not own a telephone. They also surveyed members of the judiciary, court personnel, and practicing attorneys on their perceptions of low-income client needs. One important result of this committee's work was the formation of the Vermont Access to Justice Coalition in 2003. Since then the coalition, which meets regularly at the Vermont Supreme Court, has served as a statewide planning agency for legal services and endeavored to improve the delivery of those services by developing funding sources, enhancing *pro se* assistance, and expanding *pro bono* efforts.⁹

In 2012, the VAJC started conducting a county-by-county assessment of unmet legal needs. This process will involve coalition members meeting with local court staff and judges and other legal services providers.

To determine the current legal needs of its client community, Law Line will embark on a "community listening" project later this year. Members of its staff, along with staff from VLA, will go to community action agencies, shelters, and food pantries and meet with local residents and organizational partners. They will either conduct focus groups or in-person surveys and Law Line will likely conduct some telephone surveys.

⁹ Johnson, Hon. Denise R., "What the Access to Justice Coalition is Doing," Vermont Bar Journal (Spring 2011).

Recommendation I.1.1.1^{10*}:

Law Line and VLA should continue to coordinate their “community listening” project with VAJC’s assessment of unmet legal needs, so the information obtained by both efforts offers a thorough picture of the state population’s legal needs.

Recommendation I.1.1.2*:

Law Line should ensure that the ongoing “community listening” project secures information from clients with access issues, including but not limited to those confronting language, medical, or geographic barriers.

Finding 2. Law Line regularly reviews and updates its program priorities.

As set forth in its statement of priorities, Law Line “seeks to empower individuals and families, help them to acquire the knowledge and skills that will enable them to stand up for themselves, and enable them to take power by controlling and managing their civil legal matters.” To achieve this, it attempts to provide some advice or assistance to every client whose case is accepted. The program also remains watchful for recurring client problems, so it can help individuals address such issues through “systemic, long-term efforts.”

The program regularly examines the issues identified by its clients along with other information it receives in the course of its work. The program’s priorities, last revised in December 2011, recognizes five broad categories: housing, consumer, family, welfare/benefits, and general issues, such as helping people to become more skilled and knowledgeable about the nature of their legal problems while also improving their access to courts and other adjudicatory forums. Law Line articulated some specific goals and objectives, such as “improv[ing] housing quality,” and enumerated particular responses, such as providing advice in cases involving mold or lead. In contrast, some of its general goals, such as providing “more peace of mind for people” and “empowerment” are not clear.

Law Line periodically adjusts its work to meet emerging client needs; it expanded the program’s foreclosure and consumer credit-related efforts and pursued disaster-related work after Tropical Storm Irene impacted the state in late August 2011. Law Line

¹⁰ Recommendations in this report will have a Roman Numeral to identify the Performance Area, followed by three numbers identifying, respectively, the Criterion addressed by the recommendation, the number of the finding and a number designating whether it is the first, second, third, etc., recommendation under that finding. For example, III.2.14.3 designates Performance Area III, Criterion 2, Finding 14, third recommendation under finding 14. There are two levels of recommendations in this report: Tier One and Tier Two. Recommendations that are indicated with an asterisk (*) are Tier One recommendations and are intended to have a direct and major impact on program quality and/or program performance. In your next grant renewal application or competitive grant application, your program will be required to report what it has done in response to Tier One Recommendations instead of submitting a full narrative.

is also mindful of the priorities set by Vermont Legal Aid and its projects when making case handling decisions.

Recommendation I.2.2.1*:

In consideration of the legal needs identified in VAJC’s assessment of unmet legal needs and in the listening project, Law Line should establish clear priorities, goals, objectives, and projected outcomes to enable it to best address the legal needs of the low income population in Vermont.

Setting Goals and Objectives, Developing Strategies, and Allocating Resources

Finding 3. Law Line is currently involved in in-depth strategic planning.

Law Line and VLA have been engaged in a comprehensive review of their advocacy and delivery systems. They have been assisted by John Tull, a well-known legal services consultant. He and the directors issued a memorandum of “Observations” in November 2009. The programs then formed a working group comprised of about 13 members. The group divided into sub-committees, dealing with service delivery, governance and supervision, and screening and intake; these sub-committees began meeting in July 2011. The two directors attended all the meetings, and the sub-committee members continued to consult with John Tull throughout the process.

This spring, the programs found areas of agreement and made an effort to address remaining questions. In a May 24, 2012 memo, they articulated the “Final Report on Strategic Planning.” The memo, which states that the programs ruled out a possible merger, enumerates the results they want to achieve: an integrated priority setting process that considers utilizing a broad range of strategies to meet client needs and manages the priorities on an on-going basis; an improved intake system supervised by an experienced attorney and handled by a screening and intake unit; more consistent case acceptance and level of service decisions; improved communication among and between the two programs by making better use of the task forces, and with the community, including a “rebranding” effort so that the public is aware of the role each program plays in the delivery system. VLA will also expand its management staff to include a deputy director and part-time managing attorneys for each office.

The staff members of both programs jointly discussed the recommendations at the annual Staff College meeting held on June 7-8, 2012. Ellen Hemley, Vice President of Training Programs at the Sargent Shriver National Center on Poverty Law (Shriver Center),¹¹ facilitated this session. Both staffs appear to be largely in favor of the changes that will result from the strategic planning process, although a number expressed some uncertainty as to when (or if) such changes will actually be implemented.

¹¹ Ellen Hemley had worked regularly with both Vermont legal services programs in her prior positions as the founding Executive Director of the Center for Legal Aid Education (CLAE) and the director of CLAE’s predecessor, the Legal Services Training Consortium of New England.

On June 12, 2012, Law Line reported on this process to its board. Both programs are now beginning to implement the plan. At the time of the visit, it was unclear whether the working group and its sub-committees will continue to meet or whether the plan's implementation will be handled by a different group of staff members.

Although some of the recommended changes do not directly involve Law Line staff or systems, they will impact the nature of the work the program's advocates perform. For example, VLA intends that its revised screening and intake unit will provide legal advice and information to more individuals when they originally call. Law Line anticipates that as VLA assists more callers at the initial point of contact, fewer applications will be referred to it for advice thus freeing up its advocates to undertake more in-depth advocacy.

Recommendation I.2.3.1*:

Law Line staff should continue to devote time to working with Vermont Legal Aid to implement the strategic plan the two programs have developed.

Recommendation I.2.3.2*:

Law Line should build on the efforts of the last two years and develop a strategic plan that specifically governs its operations in consideration of the changes envisioned to the service delivery system.

Evaluation and Adjustment

Finding 4. Law Line does not engage in regular evaluation of the results of its legal work.

Law Line does not evaluate the results for clients obtained in the cases it handles or, more generally, by the limited services model of service delivery. As its current legal work predominantly consists of limited service cases, there is often no follow up with callers who are given information or advice. Law Line does not conduct satisfaction surveys.

Recommendation I.4.4.1*:

Law Line should regularly survey clients about their satisfaction with case handling and case outcomes. The content of the surveys can vary depending upon the level of service provided, but a representative sample of all clients should be surveyed.

Recommendation I.4.4.2*:

Law Line should assess whether particular service delivery approaches, such as self-representation projects, clinics, and court-based programs, are achieving desired results and increasing access to services.

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

Dignity and Sensitivity

Finding 5. Law Line's hours and office location are designed to provide the broadest possible access to program clients.

Law Line is open from 8:30 AM to 5:00 PM, daily. Advocates frequently modify their hours to meet the needs of specific clients; some participate in evening or weekend clinics. Although very few clients meet with advocates on-site, the program's office is in a one-story building, which is handicapped-accessible and includes ample space for parking. The program is located right along the bus line in a diverse low-income neighborhood. Law Line's physical space is welcoming and well-lit, creating a pleasant space for clients and for staff. The space is used on weekends to conduct a clinic for walk-in clients.

Finding 6. Law Line receives referrals from Vermont Legal Aid, which operates the statewide telephone intake system.

Vermont Legal Aid handles the intake system for the entire state; its toll-free number receives calls for Law Line and VLA as well as calls made to obtain assistance from the VVLP and the Vermont Bar Association's pro bono programs. The system also processes calls for VLA's Health Care Ombudsman (HCO) project, which has its own hotline number; calls to that project can be transferred from VLA's main hotline. VLA receives approximately 20,000 calls annually.

Individuals can contact VLA using its central telephone intake system, or by visiting or calling one of Vermont Legal Aid's local offices. Almost all the intake is by telephone; only 5% are walk-ins and another 2% are electronic inquiries combined with telephone call backs.

At the time of the visit, VLA had a small number of staff conducting intake.¹² At least two staff members usually handle new case screening or other intake-related calls and at least one of the others performs reception and other support staff duties. Lunches are staggered to keep the phone lines fully staffed from 8:30 AM to 4:30 PM Monday through Friday. To ensure continuity of service, the telephone system permits the transfer of calls to other locations in the Vermont Legal Aid program so that the staff handling intake can be assisted by support staff in other VLA offices.

¹² The number of VLA support staff handling intake has been steadily decreasing. The most recently hired support staff member is only conducting reception and other support-related tasks; as a result there are now only three VLA staff members who regularly conduct intake.

All callers to the toll-free number are initially given a number of options; they can self-select and push a number to enter different queues depending on the basis of their call. If individuals have called previously and know the extension of the staffer they are trying to reach, they can enter it and be connected with that person or their voice mailbox. If a person is calling about a new case or problem, they can enter the queue for new callers. Callers contacting VLA regarding a healthcare or health insurance issue are directed to the queue for HCO cases. Individuals who choose may leave a message and have their calls returned. Callers may also remain on the line to speak with a receptionist. VLA's goal is that no one waits in a queue for more than five minutes; after five minutes an alert pops up so that staff handling intake can deal with the call as soon as possible.

Currently, VLA's non-advocate support staffers conduct an initial screening. They enter basic eligibility information and a short description of the applicant's problem into the case management system database. Although there are screening guidelines to help staff make referral decisions, the staff person currently has the discretion as to whether to refer a case to one of VLA's projects or to Law Line for advice or pro bono referral. Callers may also be referred to other local resources.

If a call is to be referred to Law Line, VLA staff informs the applicant that the call will be referred and someone from Law Line will contact them in a certain number of days. The client is also given the telephone number for Law Line so they can call if they do not hear back in the specified time period.

The case management software permits the seamless electronic transfer of cases between Vermont Legal Aid and Law Line. VLA sends applications to Law Line utilizing a "transfer manager," which allows Law Line to retrieve them without having access to VLA's computer system. Law Line's executive director then reviews the applications to determine whether they are appropriate for referral to Law Line; these determinations are largely made on a daily basis. If the executive director finds that the referral does not contain sufficient information, does not fall within Law Line's case acceptance guidelines, is for an ineligible applicant, or involves a conflict, the case can be sent back to Vermont Legal Aid. The executive director may also suggest a referral to another agency. If Law Line accepts the case, the executive director assigns it to an attorney or paralegal. The case immediately appears in the advocate's case list in the case management system. At the same time, the executive director may add notes to the case file. The advocate is then responsible for contacting the applicant and initiating work on the case.

Despite the system's sophistication – it has the capacity to generate reports and contains advanced search mechanisms – the actual referral process between the programs is somewhat inefficient and, for many clients, quite confusing. The team was advised that many applicants are not contacted by Law Line for more than a week after a referral is made and that many applicants telephone VLA to follow up: for some, this is because they initiated contact by calling VLA's toll-free number while, for others, it is due to the

difficulties they encounter getting through on Law Line's main number. While Law Line is not a "hotline," this distinction may not be understood by applicants referred to it by VLA.

There are also instances of delayed communication between the programs. VLA will sometimes make priority decisions about certain types of cases but not inform Law Line; Law Line will then start receiving referrals they are not prepared to handle. Similarly, Law Line does not always immediately notify VLA of changes in its case acceptance guidelines. For example, it did not communicate its decision to handle cases involving custody or visitation issues but not divorces. As a result, many of the family law cases VLA referred to Law Line were rejected. This delay is particularly problematic because, when Law Line rejects a case, the application is then transferred back to VLA and VLA staff is responsible for contacting the person to inform them of Law Line's decision. Even small delays in responding can cause difficulties; VLA staffers will often call and learn that a person's phone has been shut off or, if they send a letter, it will be returned because the person has moved.

The quality of the referrals received by Law Line appears to vary significantly. Some referrals fail to contain sufficient facts for Law Line staffers to make a determination whether or how to handle a case. In other instances, Law Line staff finds that they have been referred cases that involve issues outside of its case acceptance guidelines. There is also concern that the staff conducting intake sometimes fails to recognize the emergency nature of calls, particularly those received late in the work day, and does not provide proper information to such callers.

As part of the strategic planning process, Law Line and Vermont Legal Aid examined intake and screening issues to ascertain what system would work best for Vermont. In the course of this review, the programs contacted other legal services programs to discuss the intake systems they were using. They also placed calls to the intake lines of a number of programs to see how they operated.

VLA's new telephone system, installed in 2011, already permits greater flexibility in the intake process. And, beginning in August 2011, a VLA attorney assumed part-time (25%) responsibility for supervising intake. The intake supervisor can also use the new phone system to better manage intake. It permits her to see who in the main office is available to receive calls and how long various intake calls last. The supervisor can also see how long a caller has been in the queue and how many calls were dropped. The system also allows her to listen in on calls, if appropriate.

VLA is streamlining the management of its intake system; all questions and concerns now go through the intake supervisor, who can go to the project directors or Law Line and sort things out. The intake supervisor also participates in regular meetings of the supervisory staff of both programs. The larger group, which includes Law Line's executive director, discusses substantive issues. The other portion of the meeting involves

VLA's executive director, its project directors, as well as the intake supervisor; they use this time to discuss personnel issues and other program-specific topics. These administrative changes should help the programs refine the intake and referral process.

Currently, the VLA staff conducting intake do not meet regularly to review office procedures, legal developments, or other topics.¹³ Instead, intra-staff communication largely takes place by email which, during the course of a work day, can be distracting. The current highly-experienced staff learned much of what they know "on-the-job;" ongoing staff training appears to either be folded into the advocacy training provided at the Staff College or conducted in-house, such as the training relating to the new case management system. VLA staff indicated that they would benefit from trainings on how to look up a court docket, emerging issues in credit and foreclosure law as well as intake-specific topics such as dealing with irate callers and callers with disabilities, and coping with job-related stress.

Based on the recent strategic planning, VLA intends to significantly change its intake system to improve both effectiveness and efficiency. It will create an intake and screening unit, supervised by an experienced attorney. The supervisory position will become a full-time position in the near future and the intake staff will ultimately consist solely of advocates – attorneys and/or paralegals. It is expected that, in many instances, the intake staff will fully assist applicants the first time they call by providing them with some advice and information. VLA intends to handle other calls more efficiently; for example, individuals who are candidates for bankruptcy assistance will be sent a bankruptcy packet which includes forms the applicant must complete before the case is referred any further.

Recommendation II.1.6.1*:

Law Line should provide VLA intake staff with more specific screening criteria regarding its case acceptance guidelines and it should update these criteria as soon as they change. By accurately communicating its capacity to accept cases, Law Line will reduce inefficiencies and diminish mistaken expectations on the part of applicants.

Recommendation II.1.6.2*:

Law Line should notify applicants when it rejects a case after the application has been referred by VLA.

¹³ Legal services programs with effective intake systems appear to benefit from the staff's ability to periodically close intake and meet as a group. Such meetings not only permit staff to ask questions but also allow everyone to hear the responses at the same time, eliminating repetition and confusion. More established meetings often include advocates so they can describe the follow-up activities related to an accepted application. Such presentations permit intake workers to better understand the reasons for the inquiries they are making while also giving them additional investment in the calls they handle.

Finding 7. Law Line is sensitive to the language and other access needs of its client population.

There is a significant refugee population located in Burlington, including Vietnamese, Bhutanese, Tibetans, Bosnians, Croatians, Sudanese and Somalis; this has resulted in some growth in the numbers of non-English speaking people in the program's service area. The team learned that 10% of Burlington area residents are non-native speakers, and 60 different languages are spoken in Burlington schools. In addition, there are individuals requiring sign language interpreters as well as many whose basic English literacy skills are poor.

Law Line's predominantly female staff is not ethnically diverse. And, according to the Law Line materials, none of the program's staff members speak a language other than English. This lack of ethnic and linguistic diversity reflects both the make-up of the larger Vermont population,¹⁴ and the fact that the number of non-English speaking individuals seeking the program's services is limited. Law Line conducts its operations in ways that are sensitive to client circumstances, including their language access needs.

The program has a thorough limited English proficiency (LEP) plan. Some Law Line advocates utilize Language Line; translators can also be secured from the Vermont Refugee Resettlement Program (VRRP) and the Association of Africans Living in VT (AALV). Law Line also supports Vermont Legal Aid's ongoing efforts to raise the court's awareness of the need for qualified court translators. The director of VLA's Poverty Law Project is currently consulting with the Vermont judicial system to standardize and improve the work of interpreters. Ultimately, the goal is to create a non-profit organization that will ensure the standardization of translation through the testing and certification of interpreters.

Law Line actively attempts to raise the legal community's awareness of the need for ordinary, non-legal language in the court's forms and information pamphlets; this has involved the editing of many of the forms and pamphlets. Law Line staffers have taken courses on the use of plain language.

Law Line encourages the use of its website, which includes sections on the program, its mission, the staff, and VVLP. The site's home page is crowded and is filled with advanced text,¹⁵ making it difficult for clients, particularly those with reading, language, or visual difficulties, to understand the information that is available to them. The items that are listed in its "Legal Services News" section are out-of-date.

¹⁴ U.S. Census Bureau: American Community Survey, 5-year Estimates, Table B16002 by County (2006-2010).

¹⁵ A "readability" assessment of the contents of Law Line's home page, using the Flesch-Kincaid Grade Level measure, indicated that its contents were appropriate for those with a 13.9 grade level.

Law Line attempts to reach out to the greater client community. In addition to trainings and other community outreach efforts, Law Line and VLA maintain Vermont's LawHelp webpage. Program staff periodically participates in cable television shows concerning legal issues.

Recommendation II.1.7.1:

As finances and opportunities allow, Law Line should make a more active effort to diversify its staff and ensure cultural competency.

Recommendation II.1.7.2*:

Law Line should modify its website so that the home page is more "user-friendly," especially for those with literacy issues and visual impairments. The program should also take steps to ensure that it updates the site's "Legal Services News" section.

Engagement with and Access and Utilization by the Low-income Population

Finding 8. Law Line is actively engaged with the client community.

One of the program's goals is for each advocate to devote "a significant amount of time on activities other than direct service." Law Line has cultivated relationships with several community providers, such as Women Helping Battered Women and Women Safe, who address issues of domestic violence. It routinely reaches out to leaders of these organizations, is available to answer their questions, and participates in trainings and clinics in partnership with them. Law Line also conducts on-site presentations for senior housing residents concerning issues such as credit counseling, credit card debt, and other topics. As part of its disaster-related work, outreach has been conducted at the Home Ownership Center, a coalition of organizations that help individuals with housing problems. Additional presentations have been made at the Burlington Resource Center and the Burlington Housing Authority.

Recommendation II.2.8.1:

Law Line should continue to encourage all members of its advocacy staff to engage in community outreach activities, so that the program meets the needs of as many clients as possible.

Finding 9. Law Line takes steps so that members of its client population can easily access and use its services.

Law Line has worked with the Vermont judiciary to create an interactive program called "CourtFormPrep" to help self-represented litigants as well as attorneys fill out family division and small claims court forms.¹⁶ This program utilizes A2J Author to walk

¹⁶ As of July 2010, Vermont adopted a unified trial court system; now all of the state's trial courts (civil, criminal, family, probate, and environmental) are divisions of a single Superior Court. After this system

the user through the forms, using plain English and simple questions to gather the necessary information. It then completes the forms using HotDocs, adds simple directions for filing, and instructs the user to print. When Vermont's judicial system moves to full electronic filing, people using the A2J software will be able to file their documents electronically, as well as access them from any web interface. Links to the program can be found at www.vtlawhelp.org/CourtFormPrep and on the Vermont judicial system's official website.

Many members of Law Line's client community are situated at a distance from its office as well as from the state's courts and other justice centers. Often low-income persons do not possess a computer or a printer. The Supreme Court created a Committee on Self-Represented Litigants that includes members of the judiciary, court clerks, librarians, and a representative of the Vermont Bar Association; Law Line's executive director also serves on the committee. To enable individuals to physically access materials such as online forms, this group is currently developing training for librarians on different topics, such as the court structure, how a lawsuit progresses, the top ten legal problems low-income persons face, and the types of online legal resources that are available. They are also conducting outreach to help librarians facilitate patrons' access to online services using public library computers.

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

Legal Representation

Finding 10. Law Line has the capacity and resources to carry out its mission.

Law Line's legal staff is comprised of the executive director, four staff attorneys, and a paralegal and a PAI director. The executive director has over 30 years' experience in legal services and is active on a local, statewide, and regional level. Law Line's other advocates have varied levels of experience. Two of them - the PAI director and a staff attorney - have worked with legal services programs for more than 25 years; the remaining advocacy staff has an average of 6 years' experience, all of it at Law Line. The attorneys and the paralegal specialize in one or two areas. All of the case handlers interviewed by members of the team demonstrated a commitment to their work.

The program and its work are respected throughout its service area. Given the limited amount of individual representation provided by Law Line advocates, the feedback the team received from the judges, hearing officers, and other personnel was primarily focused on the way the program conducts its operations instead of on the manner in which individual cases were handled.

began operating, a *Pro Se* Litigants Committee was created; almost all parties representing themselves are now required to attend a *Pro Se* Litigant Education Program before they appear in court.

The staff appears to have access to sufficient materials, such as Casemaker (a VBA-sponsored source for primary legal research, which gives registered users access to all referenced cases, codes, statutes, and supplementary materials, including CLE course materials), online statutes and state rules and procedures, and Westlaw, from their desks. They also have library access to federal statutes, federal reporters, and the Code of Federal Regulations along with practice manuals and texts on disability law, housing law, and Veteran's benefits. The program's intranet contains brief banks. VLA's specialized task forces circulate and comment on cases and other legal developments. Law Line staff receives these materials; they also utilize listservs as a means of communication.

Shortly before the team visited, Law Line installed a new case management system, *Legal Ease*, which was conceived of by VLA's executive director. Advocates were trained to use the system and are able to secure additional training, if needed. This new case management software will allow for automatic preparation of individualized correspondence for each client, memorializing the contact. It will also facilitate the sending of packets of information on bankruptcy, housing, etc. to clients.

Finding 11. Law Line lacks basic work systems necessary to ensure its maximum effectiveness.

Law Line does not conduct formal discussions of legal issues. Outside of the statewide task force meetings, its advocates do not have consistent opportunities to review issues as cases unfold. The program lacks a formal mentoring system. Due to the program's small size, it encourages an "open door" policy and, during the course of the team's visit, it appeared that people took advantage of this practice. However, such an informal system does not guarantee that all case-related questions are fully addressed, nor does it ensure that all advocates are aware of information shared in such discussions.

Law Line does not have written legal work or case handling procedures. Individual advocates make decisions about whether a case requires greater assistance, including full representation, as the case progresses. Some of the advocates' decision-making appears governed solely by whether or not a client calls back. A client who does call back is often given advice at critical junctures, additional pro se assistance with pleadings, or other assistance as they pursue cases or respond to court dates. In other instances, clients are referred back to VLA for full representation.

The program's lack of routine discussion and work procedures is coupled with its lack of formal oversight procedures. Law Line does not conduct formal open case file reviews. The case management system does permit the executive director, who supervises all legal work, to engage in the electronic review of files. Client files are rarely reviewed, including at the time of closing.

Staffers annually perform self-evaluations, but there is no system for mid-year checks; such reviews would enable advocates to determine if they remain on track and to revise their goals, if appropriate.

Recommendation III.1.11.1:

As Law Line expands its capacity to handle extended and more complex cases, it should consider holding regular case meetings at which advocates can discuss cases, examine legal issues presented by clients, and review strategies. The meetings could serve as informal training sessions rather than just *pro forma* reviews of cases.

Recommendation III.1.11.2*:

Law Line should develop case handling procedures that would guide advocates in determining the level of service provided.

Recommendation III.1.11.3*:

Law Line should institute a mechanism to provide for the ongoing supervision of legal work. Advocates should participate in regular one-on-one meetings to review open cases; this revised supervisory structure could include a mentoring component. In addition to creating a culture of feedback that is 360 degrees (up/down/lateral), it would allow Law Line to take advantage of the experience of current advocates.

Recommendation III.1.11.4*:

Law Line should make a practice of reviewing all, or a representative sample of, case files at the time of closing.

Finding 12. Law Line staff has sufficient access to training opportunities.

Law Line's executive director is responsible for supervising staff training. Annually, the executive director discusses individual training needs with each staff person. Advocates have access to VBA trainings; some staff members conduct such trainings. Law Line jointly holds a 2-day Staff College event with Vermont Legal Aid each year; in addition to reviewing administrative and programmatic issues, the college provides CLEs for attorneys. All staff members are welcome to attend these training sessions; some private attorneys also attend.

To encourage local training for advocates, the executive director was an active member of the Center for Legal Aid Education (CLAE)¹⁷ and served as a member of its Board of Directors. Law Line is also a member of the Legal Services Training Consortium of New England. Law Line's executive director was part of the team that designed "Supervision Skills for Hotline Providers," a web-based course recently conducted by the Shriver Center.

¹⁷ Effective September 30, 2011, the Sargent Shriver National Center on Poverty Law and CLAE began officially operating as one organization.

Finding 13. Much of the legal work performed by Law Line’s advocates is fairly routine in nature.

Law Line handles most of the cases it accepts as “counsel and advice” (72.2%) or “limited action” (22.1%) cases. Advocates largely communicate with clients by telephone, although some clients do come into the office. The Law Line staff appears to provide quality advice to program clients which can empower individual clients and achieve positive results. Interviews revealed that case handlers are generally knowledgeable about the nature of their clients’ legal problems and the areas of law which address them. Advocates usually do not hear from clients after they provide advice although some cases remain open until particular results are achieved. For example, some clients call back to get additional instructions about what to do when they appear in court and periodically follow up until the case is finally concluded. Others call back to learn what steps to take after securing a judgment to ensure that any court order is enforced.

According to its 2011 closed case statistics, Law Line’s greatest number of limited representation cases involve housing (740) and consumer (487) issues, while the largest number of extended representation cases involve public benefits (65) and housing (29) issues. In 2011, the extended representation provided in both the public benefits and housing cases largely resulted in negotiated settlements without litigation.

Given the program’s focus on providing limited representation, advocates have little need, or opportunity, to develop relationships with clients or engage in creative legal thinking. Some advocates appear to be engaged in case handling that is largely repetitive and not commensurate with their experience. For example, much of Law Line’s current housing work involves providing basic advice in non-payment of rent evictions brought by private landlords in which the clients have limited legal defenses. The nature of the program’s operation also impacts the quality of the advocates’ written work. A review of the writing samples provided to the team in advance of its visit demonstrated a wide disparity in what they deemed to be their “best work.” Interviews with advocates indicated that written materials prepared on behalf of clients are often adaptations of items in the program’s brief bank. Much of the written work associated with the program consists of materials prepared by *pro se* litigants with Law Line’s assistance. Despite the program’s sometimes lengthy involvement in helping individuals prepare court filings it does not appear that such *pro se* submissions are regularly reviewed by Law Line advocates before they are filed with the court.

The program’s advocates expressed interest in taking on more extended representation. Law Line should build on this energy, which seems to have been fostered by the strategic planning process, to examine both the capability of its staff and the issues confronting its client community. There appear to be issues ripe for them to handle. The program could decide to focus on a signature issue, such as the disparate enforcement of the state’s housing code, the delays in the processing of state benefits, or the abusive collection tactics engaged in by debt collectors, and develop a multi-pronged approach –

client education, individual representation, *pro bono* attorney training, and agency dialogue – to achieve lasting results.

Alternatively, Law Line’s statistics indicate that there are large numbers of individuals facing housing issues and the team was advised that there has been a dramatic increase in landlord-tenant *pro se* litigants. As more applicants have their basic housing questions resolved at the initial intake stage, Law Line could undertake the increased extended representation of individual housing clients. It could develop a “lawyer of the day” program for the housing court in Burlington. Law Line advocates, working along with *pro bono* attorneys and paralegal volunteers, could be present at the court to interview potential applicants, advise some how to proceed on a *pro se* basis, and fully represent clients who cannot proceed on their own or whose cases present more difficult issues. Eventually, Law Line could intertwine its efforts with the court-based Self-Help Centers the state hopes to establish.

Recommendation III.1.13.1*:

Law Line should examine its service delivery model as part of its implementation of the strategic plan; in particular, it should consider whether to engage in more full representation cases.

Recommendation III.1.13.2*:

Law Line should develop written policies and procedures regarding Law Line’s review of the written materials prepared by *pro se* clients with Law Line’s assistance.

Finding 14. Within the confines of its current system, Law Line’s advocates have achieved significant results.

Within the framework that Law Line has created, its advocates have achieved solid results for many clients. The program pursued the *Louko* case to the Vermont Supreme Court. *Louko v. McDonald* (2011 VT 33). This precedent-setting decision examined whether lump sum retroactive Social Security disability benefits, paid directly to the children of a recipient, could be used to offset a child support arrearage. The court held that such retroactive monies could offset an arrearage. In reaching its decision, the *Louko* court found that allowing the father’s lump-sum payment to serve as a credit towards his child support arrearages does not modify earlier support judgments; it merely results in a change in the identity of the payor of those benefits.

In collection cases, Law Line provides clients with legal advice and capably advises them regarding the likely progression of their suits. Law Line can advise callers about the various creditors as well as many of the attorneys handling such cases; given the small number of collections attorneys in the state, the program knows which ones will likely voluntarily dismiss a case if they are informed that the debtor is on food stamps or without employment. Law Line also informs clients about the collectors’ need to properly document a debt and advises them to demand such proof. The team was informed that, in

many instances, creditors are not prepared to provide proof of the debt and the suit will likely be dismissed.

Law Line efficiently handles public benefits matters, based on both its awareness of administrative procedures and the state agency's familiarity with the program. Recently, Law Line used its knowledge and worked with other advocates to assist clients who were encountering delays in securing public benefits, particularly food stamps. The delays resulted, in part, from computer problems the Department of Children and Families experienced while transitioning to a statewide computer system. Law Line advocates and VLA attorneys took informal action; they formed a working group that met with representatives from the Department to resolve the issue. This process also allowed Law Line staff to deepen their relationships with agency personnel.

Law Line attorneys have utilized Vermont's rules permitting the "unbundling" of legal services.¹⁸ Bankruptcy Judge Colleen Brown described how Law Line has assumed a role in filing fee waiver hearings. Under the new bankruptcy rules, a client may file *in forma pauperis*. Individuals can initially obtain a filing fee waiver but often the bankruptcy trustee objects and the court will eventually conduct a hearing to determine the filer's ability to pay; the court may revoke the waiver after such a hearing. The judge noticed that *pro bono* attorneys were hesitant to accept bankruptcy referrals because the fee waiver hearings took too much time. Under the unbundled legal services rule, Law Line can now represent these litigants solely for purposes of the fee waiver hearing; the remainder of the case is handled by a *pro bono* attorney.

Law Line's disaster-related funding enabled the program to increase the range of its case work to include matters ranging from landlord-tenant issues to housing repair disputes to a post-disaster scam involving the alleged sale of a condemned mobile home. The cases appear to be addressed in thoughtful and creative ways, using a number of governmental resources and the expertise of private counsel. Private attorneys are helping to update the state's Disaster Relief Manual and are providing assistance in matters involving homeowners and flood insurance issues. After contact was made with the Vermont Disaster Relief Fund, Law Line's advocate began participating in the long term recovery workers' monthly conference calls.

Based on the sub-grant it receives from Pine Tree Legal Assistance, Law Line provides some outreach and education services to the state's migrant population. These clients are now primarily Jamaicans participating in the H-2A temporary agriculture worker program while working in Vermont's apple orchards and vegetable farms. Employers who bring such workers to the United States are required to meet a number of conditions for recruitment, wages, housing, meals and transportation. Law Line staff makes a few outreach trips a season; in addition, the staff participates in regional

¹⁸ V.R.C.P. Rule 79.1. See Ashcroft, Mary C., "Unbundling Legal Services: Delivering What Your Client Wants at a Price She Can Afford," Vermont Bar Journal (Winter 2010); Garrett, Thomas F., "Unbundling Legal Services," Vermont Bar Journal (Winter 2004).

telephone calls with PTLA to coordinate efforts. Much of the work pertains to questions about the H-2A temporary agriculture worker program.

Finding 15. Law Line’s case service reporting is consistent with its limited services delivery model.

In 2011, Law Line closed a total of 2,075 cases, or 380 cases per 10,000 poor persons in its service area, compared to the national median of 263 cases closed per 10,000 poor. Of those closed cases, 37.1% were housing, 25.2% were income maintenance, 24.2% were consumer, and 11.3% were family cases.

Consistent with its service delivery model and partnership with VLA, almost all – 94.3% – of Law Line’s cases were limited service cases. In 2011, Law Line closed 22 extended cases per 10,000 poor persons; this contrasts with the national median of 61 extended cases per 10,000 poor persons. Law Line closed only six contested cases per 10,000 poor persons last year; this was substantially lower than the national median of 31 contested cases per 10,000 poor persons.¹⁹

Private Attorney Involvement (PAI)

Finding 16. The Vermont Volunteer Lawyers’ Project is an active part of the state’s pro bono structure.

The Vermont Volunteer Lawyers’ Project, Law Line’s private attorney involvement (PAI) program, has been in existence since before the program was created. VVLP, which celebrated its 20th anniversary in 2004,²⁰ is supervised by a staffer who has been overseeing the project at Law Line since the program opened. This person is well connected with the state bar’s *Pro Bono* Coordinator and is respected by area judges.

When VLA receives calls which appear appropriate for *pro bono* or low bono (moderate fee for service) representation, the application is referred to Law Line. If the case is not going to be handled by the VVLP, Law Line will refer the case to VBA. In some instances, Law Line staff will provide a quick answer to an immediate question before the VBA referral is made. Callers whose applications are referred to the bar association are sent a letter by Law Line informing them of the referral and advising them that they will be contacted by the VBA. Sometimes the client will contact the VBA before it is aware that the referral has been made.

The program’s PAI system is developed by the director of the Vermont Volunteer Lawyers Project in consultation with Law Line staff, local bar associations, and the *pro*

¹⁹ As noted throughout this report, VLA is the primary provider of extended and contested representation in Vermont.

²⁰ In 2004, the mid-year meeting of the Vermont Bar Association highlighted VVLP and the spring 2004 issue of the Vermont Bar Journal focused on *pro bono* and access to justice issues.

bono coordinator and president of the Vermont Bar Association. The VBA sponsored a widely-attended “Celebrate *Pro Bono*” conference in October 2010 and will hold another such statewide conference later this year.

The VVLP director collaborates with the VBA’s *pro bono* coordinator to develop programs and trainings to attract attorneys to perform critical *pro bono* work. To address the state’s foreclosure issues, they produced a training concerning foreclosure defense; this one-day session was attended by 75 lawyers. The training was also recorded and edited into a five hour video that has been viewed by additional attorneys throughout the state. Many of the lawyers who attended or viewed the training accepted foreclosure cases. Volunteers who attend such trainings receive CLE credit.

VVLP reimburses volunteers for any out-of-pocket expenses (such as long distance telephone calls, copying costs, filing fees, and mileage) they incur as part of the case. Other types of expenses can be reimbursed if pre-approval is obtained from the project. VVLP also provides malpractice insurance coverage for volunteers.

Law Line is working with VBA’s *pro bono* coordinator to create new *pro bono* and low bono opportunities for legal representation of Vermont’s indigent citizens. They are trying to take advantage of Vermont’s “unbundling” rule, noted previously, which allows lawyers to limit representation to a specific part of a case. The Vermont Supreme Court adopted this rule to facilitate *pro bono* representation.

There does not appear to be any regular internal review of *pro bono* cases to ensure how they are proceeding. Law Line does not generate statistical reports for its partners concerning the number of cases they handle or the type of work that they do.

Despite all the program’s efforts, Law Line’s PAI numbers are low. It closed 56 PAI cases in 2011. Law Line closed 10 PAI cases per 10,000 poor persons, compared with a national median of 26 closed PAI cases per 10,000 poor persons.

Recommendation III.2.16.1:

Law Line should promptly notify the Vermont Bar Association when it makes a referral to enable the VBA to respond as soon as possible.

Recommendation III.2.16.2*:

To ensure that private attorneys are contributing as much effort as possible, Law Line should track the results of trainings and referrals and develop mechanisms for sharing that information with the VBA.

Recommendation III.2.16.3*:

Law Line should develop written policies and practices for oversight of *pro bono* case work to ensure cases are handled timely.

Recommendation III.2.16.4:

Law Line should continue pursuing the efforts it is making to encourage government attorneys to participate in some fashion in its *pro bono* efforts.

Other Program Services and Activities for the Eligible Client Population

Finding 17. Law Line actively provides other services to its client population.

Law Line actively works to ensure that Vermont's larger client population receives legal assistance in addition to direct representation. The program was part of a state effort to revise court forms concerning small claims matters, including the answer form and the *in forma pauperis* form; a new *in forma pauperis* form was adopted. Other proposed changes are now being considered by a sub-committee of the civil rules committee, which proposes changes to the Vermont Supreme Court.

Law Line staff collaborates with VLA to plan and hold a lay advocate training almost every year. It has grown into a large, very successful, and highly anticipated event, attracting other service providers, including attorneys and paralegals, and the community at large; over 80 advocates attended the most recent session. The trainings, which cover a range of substantive topics affecting low-income Vermonters, have resulted in important relationships with the lay advocate community; this has improved the program's work and increased its reputation as a resource throughout the state.

Law Line collaborates with lay advocates at organizations that work with low-income populations who encounter barriers to access, including the Vermont Refugee Resettlement Organization, the Association of Africans Living in Vermont, the Vermont Center for the Deaf and Hard of Hearing, and Disability Rights Vermont.

Law Line serves as the site for a weekly walk-in clinic conducted by a Burlington College faculty member. Clients are able to come to the clinic, held at the offices almost every Saturday, and obtain legal advice and assistance from the professor, who is an attorney, and her paralegal students. A Law Line staffer is on-site during these clinics, which are helpful for individuals with work schedules as well as those without access to telephones.

Finding 18. Law Line is a regular participant in activities benefiting eligible clients.

Law Line, as an active member of the Vermont Access to Justice Coalition, helped establish the Vermont Poverty Law Fellowship. The first fellow, whose position ran from 2008-10, concentrated on addressing the foreclosure crisis. The second fellow, serving from 2010-12, initially focused on promoting safe, affordable rental housing in Vermont. After Tropical Storm Irene caused statewide damage in late August 2011, she concentrated on disaster-related work, which she ultimately performed in conjunction with the Law Line attorney funded by LSC's disaster monies. The third fellow, whose

position starts in 2012, will focus on children’s issues. Despite its short history, the fellowship has already attracted numerous highly qualified candidates.

As noted earlier, Law Line takes part in the Committee on Self-Represented Litigants, which is currently working to create client-centered Self Help Centers in Vermont courts. This will build on the program’s earlier creation of interactive family law and eviction forms using A2J Author software.²¹

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

Board Governance

Finding 19. Law Line’s board demonstrates appropriate oversight of the program’s activities.

Law Line has a board of directors that includes five attorneys and three client members. All board positions are currently filled although it is anticipated that there will be some openings shortly. Board members appear committed to the mission of Law Line, and client board members are active participants in the meetings.²² Although the board membership is not racially diverse, it is representative of the low-income populations served by the program. Members serve for three year terms; there are no term limits.

Five out of eight directors on Law Line’s board, including all three client members, are also members of Vermont Legal Aid’s board, which has 15 members. Law Line’s board treasurer is also the vice president and president-elect of VLA’s board. This structure could present a conflict of interest problem for Law Line since the two programs not only share common intake and case management systems, but Law Line is also a tenant of Vermont Legal Aid. Law Line does have a conflict of interest policy which dates from 2004; it provides that “[a] trustee who is uncertain whether a conflict of interest may exist in any matter may request the Board or committee to resolve the question by majority vote.”

New board members attend an orientation meeting with the executive director and receive materials concerning the board. There is also a board book, which sets out the obligations of board members and the board policies. The board does not appear to engage in ongoing training about board governance issues.

²¹ Law Line participated in a review of other state’s practices, including the Court Service Centers in Connecticut: <http://www.jud.ct.gov/csc/default.htm#resources>.

²² The late Edna Fairbanks-Williams was a devoted client board member from the program’s creation until her death in May 2010; Fairbanks-Williams also served on the board of the Legal Services Corporation.

The board meets four times a year; members may participate in meetings by conference call or any means of communication which permit all the participants to hear and identify all persons who are taking part in the meeting. Between scheduled meetings, the board may form an executive committee to address issues that arise.

The executive director reports on Law Line's financial status in writing and in person at every board meeting. The board reviews and adopts a budget in December of every year and, if appropriate, adopts revisions to the budget. The program budgets one year ahead so that the board's review of the annual budget takes into consideration the implications for the following year. Its auditor personally presents the audit to the board every year. The board appears to be appropriately informed about Law Line's activities and is involved in decisions regarding policy, priorities, salary, budget, funding decisions, new grant opportunities, and overall strategic planning.

There is no expectation that board members will contribute financially to Law Line. Many board members do participate in the statewide fundraising for the Poverty Law Fellowship. Board members also promote awareness of the program in meetings with other attorneys and bar leaders, and in their roles on other nonprofit boards.

The board recently evaluated the executive director. All board members completed an evaluation form and the board chair provided a written staff survey to Law Line staff. In addition, the board chair interviewed a number of court staff, judges, bar leaders, and private firm lawyers who are familiar with the program and who participate in volunteer work. The results of these surveys and interviews were discussed with the board at two meetings, and then the board chair reviewed them with the executive director.

Law Line has developed plans for leadership transition and emergency succession. Its leadership transition plan calls for the appointment of an acting executive director and the immediate initiation of a search for a new executive director. The plan aims to have the program name its acting executive director before the executive director's departure so that the incumbent may brief and train the new director. The plan notes that "Law Line's employees, funders, and the community as a whole may need a period of time to disconnect from the current executive director and prepare to accept a new leader." The emergency plan also involves the appointment of an interim director in the event the board determines that the executive director is unable to perform the duties of the position for any reason.

Recommendation IV.1.19.1:

As board positions open, the program should make an effort to diversify the composition of its membership.

Recommendation IV.1.19.2*:

To minimize the risk of conflicts of interest, Law Line should carefully review its governance structure and examine its conflict of interest policy. It should revise the policy to ensure that board members, particularly those that serve on the boards of both legal services agencies, have a clear mandate about how to proceed if a potential conflict should arise between the two agencies.

Recommendation IV.1.19.3*:

As new members, particularly client members, join the board, the program should devise a more formalized ongoing board training process to ensure that everyone is fully knowledgeable about the program’s work and about the legal responsibilities of nonprofit board members.

Recommendation IV.1.19.4:

Law Line should build on its current succession plan to ensure that future transitions will be as smooth as possible

Leadership

Finding 20. Law Line’s leadership has capably governed the program since its inception.

Law Line’s executive director has held this position since the program opened in 1996. He is respected by his staff, as well as by the larger Vermont legal community. Staff described him as “thoughtful,” and fostering a “supportive environment.” Community members see him as “one of the most passionate voices in Vermont for access to justice.” He remains committed to making improvements in the state’s legal system.

The executive director is also a respected member of the greater New England legal services community. He actively participates in the New England Project Directors’ meetings and was deeply involved with Center for Legal Aid Education and its predecessor, the Legal Services Training Consortium of New England; both were efforts by New England legal aid programs to provide training to address their staff members’ professional and leadership development needs. He helped develop a regional training structure, encouraged the innovative use of technology, and designed new programs and resources. More recently, he helped develop an online intake training that was attended by advocates from across the country.

Overall Management and Administration

Finding 21. The program’s overall management is concentrated in one person.

Due to the program’s small size, Law Line does not have a management team. The executive director is solely responsible for administering the program. This

concentration of management responsibilities, combined with the executive director's long tenure at Law Line, has led to the consolidation of institutional knowledge in one person. The agency appears to have benefited, in part due to the executive director's strong professional relationships with the executive director of VLA and other leaders of the state's legal and social service communities. However, given that management change is inevitable, it is important for Law Line's executive director to expand staff members' involvement in the program's functions, both inside and outside the office. It does appear that staff has assumed some responsibility for the agency's role in statewide projects.

Law Line aims to hold all-staff meetings once a month, although they take place less frequently. It is unclear how much input the staff has in decision-making related to the program's daily operations or long-range planning. Law Line staff expressed a desire for more regular communication from leadership.

Although there seems to be a largely positive dynamic, both within the Law Line office and between Law Line and VLA staff and directors, there do appear to be underlying tensions. Within the program, there is some concern that not all advocates contribute to the same degree and that management has not addressed this disparity. Between the programs, some personnel seem unfamiliar with the other program's staff and the legal work in which their counterparts are engaged; the lack of familiarity exists despite the programs' close physical proximity and long history of working together. The different personalities of the two agencies, and the contrasting nature of their work, may contribute to this disconnect. It was addressed, to a degree, by the formation of the working group that strategized on improving the efforts of Law Line and VLA. The Law Line staff who engaged in this process not only enjoyed the opportunity to help shape the programs' policies and procedures but also to work in concert with VLA staff.

The program has a formal plan for its continuity of operations.

Recommendation IV.4.21.1*:

Law Line should create more opportunities for staff to assume leadership roles both within and outside the program. The executive director should share administrative and other tasks as well as responsibility for outside projects; this would allow current staff to develop management skills, while expanding Law Line's engagement with legal and other leaders in Vermont. Such delegation would also benefit the executive director, as it would lessen the demands on his time that he now faces.

Recommendation IV.4.21.2*:

Law Line should hold all-staff meetings on a regular basis; such meetings foster staff development, and make it easier for staff to express concerns and have them addressed.

Recommendation IV.4.21.3:

Now that the larger strategic process is completed, Law Line should use this time to evaluate and invigorate its internal operations and determine if it is making the best use of its personnel, financial, and other resources.

Recommendation IV.4.21.4:

Law Line should promote the continued inter-program communication of its staff with that of Vermont Legal Aid. In addition to encouraging Law Line staff's continued awareness of and involvement in the implementation of the strategic plan, such interaction would also benefit both agencies by increasing their awareness of each other's staff members and their ongoing legal work.

Finding 22. Law Line's technology initiatives have allowed it to expand the reach of its work.

Law Line has effectively utilized technology, to advance the work of the program and to expand its reach to clients throughout the state. It has demonstrated this in its A2J document assembly work and other projects, some of them funded by LSC.

Internally, Law Line is largely dependent on VLA's technology unit. VLA has an experienced, and responsive, IT staff. Individuals from both programs staff a Technology Committee that discusses technology planning as well as a Training Committee that develops technology training.

On June 6, 2012, both programs switched their case management systems from PIKA to *Legal Ease*; a system conceived of by VLA's executive director and designed by a local practitioner. The Law Line staff was sufficiently trained.

Finding 23. Law Line's financial operations appear to be well-managed.²³

Law Line does not have a CFO; the executive director, with some help from the office manager, has responsibility for the program's financial operations. The executive director develops the budget and presents it to the board. He also monitors other sources of possible funding.

The office manager generates the program's financial reports (budget v. actual, profit and loss by class, balance sheet) every month. The executive director then reviews the reports and presents them to the board at its quarterly meetings. The office manager is also responsible for paying bills, keeping track of time, and managing the payroll. She has had training in Quickbooks and in payroll management. Law Line contracts with a bookkeeper for assistance and advice, as needed, and it has a payroll service.

²³ This visit was conducted by the Office of Program Performance (OPP) for the purposes set forth in the Introduction. OPP findings and recommendations under this criterion are limited to staffing, organization, and general administrative functions. Assessment of fiscal operations is conducted by other offices at LSC.

Law Line uses Quickbooks PRO for financial work and bookkeeping and Excel for the budget and reports. PIKA reports could be exported directly to an Excel Worksheet, giving the program reporting flexibility; *Legal Ease* also provides this exporting capability.

The program updated its accounting manual to comply with LSC regulations.

Finding 24. The program does not have a human resources administrator.

Law Line does not have any staff solely responsible for managing human resources. The office manager handles medical benefits and health savings accounts.

Personnel issues are dealt with by the executive director, with assistance from the board. Law Line has a formal Employee Grievance Procedure; grievances are initially reviewed by the executive director and, if necessary, they may be reviewed by the board. The executive director also conducts annual staff evaluations; such evaluations appear to be conducted regularly.

The Vermont Bar Foundation's Loan Repayment Assistance Program (VBF-LRAP) provides \$5,000 annually to each eligible Law Line attorney.

Internal Communications

Finding 25. Law Line primarily relies on informal means of internal communications.

The executive director engages in regular informal communication with individual staff members. Although the program holds all-staff meetings, they do not occur regularly and are more administrative in nature. The Law Line staff is connected to the statewide legal services network and its staff can call legal services staff throughout the state using a four digit extension. In addition, staff makes use of listservs and emails to communicate regarding issues and questions.

Law Line does not publish an annual report or any type of newsletter. VLA publishes a quarterly newsletter for staff, lay advocates, and community organizations, called *Justice Quarterly*; some issues feature reports on Law Line's work.

Recommendation IV.6.25.1:

Law Line should utilize its webpage to announce achievements by its advocates, as a means of encouraging interest in and support for the program.

General Resource Development and Maintenance

Finding 26. Law Line does not have a resource development director.

The program does not have a resource development director; development efforts are primarily handled by the executive director. By agreement, the Vermont Access to Justice Coalition has assumed primary responsibility for fundraising for both Law Line and VLA. Individual board members were involved in VAJC's fundraising campaign to establish the Vermont Poverty Law Fellowship in 2008. Board members are now assisting the Vermont Bar Foundation with its IOLTA Enhancement Project, aimed at encouraging state banks to voluntarily raise their IOLTA rates. This campaign, which also made use of the *Vermont Stories* film, has been quite successful. The Vermont Bar Foundation created an IOLTA Honor Roll; banks included on this list are paying 2% or 1.5% interest on IOLTA accounts. These higher interest rates allowed the Vermont legal services programs to be somewhat more insulated from the financial crisis than programs in other states.²⁴

Recommendation IV.7.26.1:

The program should take steps to create a development plan in consultation with VLA and the Access to Justice Coalition with a goal of helping Law Line enhance its stability and pursue new projects.

Coherent and Comprehensive Delivery Structure; Participation in Integrated Legal Services Delivery System

Finding 27. The program actively participates in statewide legal services efforts.

Law Line and its staff are actively involved on all levels in the efforts of the statewide justice community. They coordinate with Vermont Legal Aid, the Vermont Law School, and other programs to achieve results for individual clients. Law Line collaborates with the Vermont Bar Association to extend the reach of its *pro bono* efforts. As noted previously, they participate in many of the efforts of the Vermont Access to Justice Coalition. They also work with numerous community groups and other entities to conduct outreach, clinics, and trainings.

Law Line is continuing to expand a number of its current projects. It is working with the Supreme Court's Committee on Self-Represented Litigants to train librarians; it is also involved with that committee's efforts to create client-centered Self Help Centers in Vermont's Superior Courts. Both these projects build on the program's continued efforts to utilize technology to enable as many clients as possible to obtain access to courts and other legal entities.

²⁴ Gallagher, James C., "Vermont's Financial Institutions Work to Help Vermont's Disadvantaged," Vermont Bar Foundation, Posted on November 21, 2011.