



LEGAL SERVICES CORPORATION

Office of Program Performance

Final Report

of the

Program Quality Visit

to

Northeast New Jersey Legal Services Corporation

Recipient No. 331050

January 28 – February 1, 2013

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**Program Quality Visit
Northeast New Jersey Legal Services Corporation**

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INTRODUCTION

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a Program Quality Visit (PQV) to Northeast New Jersey Legal Services Corporation (NNJLS) on January 28 – February 1, 2013. The team included Mary-Christy Fisher, OPP Program Counsel who served as the team leader, as well as Andrew Scherer, Carolyn Worrell, and John E. Johnson, Jr., LSC Temporary Employees.

Program Quality Visits are designed to give LSC a fuller understanding of a grantee program's operation, so it can evaluate whether the grantee is providing the highest quality legal services to eligible clients. In conducting its assessment of NNJLS, the PQV team reviewed documents LSC received from the program including its most recent LSC grant application, its technology and PAI plans, as well as workforce analysis data, case service reports, and other service reports. The team also reviewed the materials requested from NNJLS in advance of its visit, including documents relating to the program's needs assessment, intake system, legal work management, advocates' writing samples, board minutes and by-laws, and other administrative materials, as well as the results of a confidential online staff survey. While on site, the team visited NNJLS' three offices and spoke with all of the program's staff. In addition, the team met with or interviewed by telephone a number of NNJLS' board members, several members of the judiciary, and a variety of community service providers.

In evaluating NNJLS' delivery system, OPP relied 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 sent a draft version of this report to the program. Northeast New Jersey Legal Services Corporation responded to the draft report in a letter dated May 2, 2013. The program's letter is attached to this final report.

PROGRAM AND SERVICE AREA OVERVIEW

Northeast New Jersey Legal Services Corporation is one of six LSC-funded legal services organizations in the State of New Jersey. NNJLS was formally established on January 1, 2003, when Hudson County Legal Services and Bergen County Legal Services, merged.¹ The service

¹At the time of the merger, Northeast New Jersey Legal Services also filed an application with LSC to provide services to the residents of Passaic County. Passaic County Legal Aid Society, the legal services agency previously serving that county, filed a competing application which was not granted. The new program acquired the Passaic County service area and a large portion of the former staff of Passaic County Legal Aid Society was hired by NNJLS.

area, which also includes Passaic County, is a mix of rural and urban areas encompassing approximately 281 square miles in the northeastern corner of the state. Hudson and Bergen counties, which form a border with New York primarily along the Hudson River, are both largely urban. Hudson County, where the program's main office is located, is one of the state's most populated counties. Bergen County, home to 905,116 residents, is New Jersey's most populous county. Its population, which increased 2.4% between the 2000 and 2010 U.S. Census, accounts for slightly more than 10% of the state's entire population. Passaic County experienced a population growth of 2.5% from 2000 to 2010; it has slightly more than 500,000 residents.² Passaic County's northwest region is part of the New Jersey Highlands, an area governed by New Jersey's Highlands Water Protection and Planning Act, which was passed in 2004 in order to preserve water resources and open space.³

According to the American Community Survey (ACS), the 2011 poverty population in New Jersey was 897,376 and 241,272 in NNJLS' service area.⁴ Although New Jersey's poverty rate (10.4%) is among the lowest in the country, two of the three counties with the state's highest poverty rates, Passaic (16.4%) and Hudson (16.2%), are located in NNJLS' service area.⁵ In Passaic County, Passaic (60.1%) and Paterson (53.4%) were among the nine New Jersey municipalities where at least half of the residents lived in households with incomes below 200% of the Federal Poverty Limit (FPL) in 2010.⁶

The service area is ethnically diverse with demographic differences among the three counties. According to the 2010 ACS, Hudson County's population was slightly more than half (54.05%) White, 13.23% was African American, and 13.39% was Asian; 42.23% of the county's entire population was of Hispanic or Latino heritage. In contrast, Bergen County's racial makeup was predominantly White (71.89%), with Asians comprising the second largest ethnic group (14.51%); only 17.2% of Bergen's total population was Hispanic or Latino. The county also has a large Indian American population and a moderately-sized Muslim population. Passaic County's 2010 population was 62.65% White, 12.83% African American, 5.01% Asian, and 15.11% from other races; slightly more than a third (37.04%) of the county's total population was Hispanic or Latino. The majority of residents in Paterson and Passaic are Hispanic.⁷ NNJLS' materials indicate that increasing numbers of its client population speak Korean, Hindi/Bengali, or Arabic as a first language.

² Sen-Yu Wan, "Population Keeps growing in the Most Densely Populated State," NJ Labor Market Views, NJ Department of Labor and Workforce Development (March 15, 2011).

³ The Highlands Water Protection and Planning Act, N.J.S.A. §§13:20-1 et seq. (August 10, 2004).

⁴ Poverty Status in the Past Twelve Months, 2011 American Community Survey, 1-Year Estimates, Table S1701, U.S. Census Bureau.

⁵ Bishaw, *Poverty: 2010 and 2011*, American Community Survey Briefs, U.S. Census Bureau, September 2012, Table 1.

⁶ *Poverty Benchmarks 2012: Assessing New Jersey's Progress in Combating Poverty*, Poverty Research Institute, Legal Services of New Jersey (May 2012) at 45-46.

⁷ Sharon R. Ennis, Merarys Rios-Vargas, and Nora G. Albert, *The Hispanic Population: 2010*, fn 18, 2010 U.S. Census Briefs (May 2011).

Northeast New Jersey Legal Services has experienced a fair amount of programmatic change in the ten years since it was established. Due to substantial increases in its non-LSC funding from 2003 - 2007, NNJLS was initially able to expand the size of its staff and broaden the types of work in which it was engaged. More recently, it had to dramatically cut its staff and curtail its services. In several instances there is only one practitioner from a practice area unit in an office. NNJLS eliminated its paralegal positions; the paralegals who remain no longer engage in client advocacy.

In January 2013, NNJLS had 47 staff members, comprised of its executive director, an assistant executive director, a deputy director, an assistant deputy director, and a litigation director, 21 attorneys (all but one of whom work full-time), a program manager, an office manager, a grants manager, a controller, and 17 support staff.

NNJLS provides legal assistance to eligible clients in civil matters including housing, family, public benefits, consumer, health, immigration, tax, and senior issues. NNJLS offers a solid mix of extended representation, including appeals, as well as counsel and advice, and sponsors clinics to provide *pro se*/self-help services. The program also participates in community outreach and educational activities.

In 2012, the program closed 5,821 cases. More than one quarter (28.7%) of these cases were income maintenance, 25.4% were housing, 17% were consumer, and 16.3% were family cases. This represented a change from 2011, when almost one-fourth (24.4%) of NNJLS' 7,141 closed cases were family cases.

In 2012, NNJLS closed 303 cases per 10,000 poor persons, compared with a national median of 246. One-fourth (25.1%) of NNJLS' closed cases in 2012 were extended service cases or 76 closed cases per 10,000 poor persons, compared with a national median of 57. NNJLS closed 53 contested cases per 10,000 poor persons in 2012; this was substantially higher than the national median of 28.

The program closed 816 PAI cases in 2012; these cases equaled 11% of all the cases NNJLS closed that year. Of these PAI cases, 83.6% involved the provision of limited services. NNJLS closed 42 PAI cases per 10,000 poor persons, compared with a national median of 22.

In 2012, NNJLS' revenue totaled \$7,365,961, a drop of more than \$1.2 million from 2011. Its 2012 LSC grant was \$1,673,267. The program's remaining revenue, consisting of federal, state, and local grants, state funding, and IOLTA monies, as well as foundation monies and corporate or individual contributions, totaled \$5,693,888. This amount included \$2,500 in attorneys' fees, as well as \$159,462 in *cy pres* funds.

The program took a number of steps to address its decreased funding. In addition to significantly reducing its staff during 2010 and 2011, staff furloughs were instituted, salaries were frozen, and benefits were cut. Management staff members, who receive a salary increment, had their salaries reduced. NNJLS also cut back on costs by leasing part of the property it owns in Jersey City to a non-profit agency and renegotiating its Paterson and Hackensack office leases.

NNJLS is part of a statewide legal services delivery system that provides a full range of services to low-income persons throughout New Jersey. NNJLS works closely with the five other LSC-funded programs, as well as with Legal Services of New Jersey (LSNJ). Through its oversight of technology, training, task forces, and financial support, LSNJ coordinates many elements of the statewide legal assistance delivery system.

The PQV to NNJLS, originally scheduled for the week of October 28, 2012, was postponed until late January 2013 due to Hurricane Sandy. The storm had a devastating impact throughout New Jersey.⁸ There was severe flooding throughout NNJLS' service area and many essential services were disrupted. NNJLS itself was officially closed for three days. On November 1, 2012, the program was only able to reopen its Paterson office; the Hackensack office reopened on November 5, 2012 and the Jersey City office reopened the following day. Subsequently, NNJLS has been addressing the storm-related legal problems of its current and emerging clients.

SUMMARY OF FINDINGS

NNJLS is led by an experienced executive director who has proved capable of making the tough decisions required to maintain the quality services provided by the program. He oversees and is supported by a dedicated management team.

The program has highly competent, experienced, dedicated, and compassionate staff who, notwithstanding all the circumstances NNJLS has confronted, continues to provide high quality legal services. Despite significant retrenchment, NNJLS has made a conscious effort to maintain extended representation levels and, under the guidance of its litigation director, has engaged in all levels of litigation, including appeals to the state supreme court.

NNJLS' staff, particularly its middle management and attorneys, is diverse. The program has also made efforts to recruit a diverse set of attorneys to serve as volunteers.

NNJLS has strived to make its intake system more efficient, however, in practice, some applicants wait a substantial amount of time before they are fully screened or talk to an advocate.

The program has written guidelines relating to intake processes, case acceptance, and case handling. Despite these guidelines, no formal status reviews occur while cases are open and files are not reviewed when cases are closed. The supervision of staff legal work which does occur is infrequent and, largely, self-initiated. Program-wide unit meetings occur periodically. Many members of the legal staff participate in statewide task forces.

⁸ On October 30, 2012, President Obama approved a Major Disaster Declaration (FEMA-4086-DR-NJ) for selected counties in the State of New Jersey for Hurricane Sandy. This declaration was later extended, on November 6, 2012, to include all 21 counties in New Jersey. The disaster assistance can include grants for temporary housing and home repairs, low-cost loans to cover uninsured property losses, and other programs to help individuals and business owners recover from the effects of the disaster.

The program has begun to conduct performance evaluations on a regular basis. Staff members first complete self-evaluations, which they submit to their supervisors as part of the process. Evaluations of support staff occur on an annual basis; attorney evaluations are more sporadic and, in some cases, take much longer to complete.

In response to staff reductions, NNJLS expanded the types of matters it addresses through *pro se* clinics. All clinics are conducted in both English and Spanish and most are conducted by *pro bono* attorneys. It also conducts community education events.

NNJLS' board is engaged and dedicated to the program; many members were affiliated with NNJLS' three predecessor programs and have served on the NNJLS board since the program's inception. Many of the board members interviewed by the team appear committed to initiating and participating in new efforts, such as the recent needs assessment and the ongoing strategic planning.

NNJLS maintained its management infrastructure despite its steep decline in resources and its loss of more than half of its staff. Some of its managers fill more than one role, and all attorney managers other than the executive director carry their own caseload.

NNJLS does not engage in fundraising or other resource development campaigns. Instead, Legal Services of New Jersey runs an annual statewide "Campaign for Justice." By agreement, all participating entities receive a share of the campaign's proceeds that reflects the portion of the state's poverty population that they serve. LSNJ also receives and distributes all of the IOLTA and other funding the state disburses for legal services.

The program enjoys strong relationships with local community groups, nonprofit organizations, government agencies, judges, and bar associations.

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.

Legal Needs Assessments

Finding 1. NNJLS recently conducted an extensive assessment of the legal needs of the residents of its service area.

NNJLS has taken several steps to examine client needs. In 2010, it began a thorough internal review of program priorities. Substantive practice units held program-wide meetings and reviewed demographic data, legal needs studies, and LSNJ reports. The following year, NNJLS formed a Priority Review Committee, composed of board members, managers, staff

attorneys, and support staff. The committee first reviewed data pertaining to the low-income population within NNJLS' service area, including LSNJ's *The Civil Justice Gap: The Shortfall in Essential Legal Aid* (April 2011) and *Unequal Access to Justice – Many Legal Needs, Too Little Assistance* (2009) as well as demographic information compiled by the U.S. Census Bureau in its 2010 census. NNJLS conducted a comprehensive Client Needs Survey using *SurveyMonkey*. The program mailed bilingual surveys directly to former clients and asked local agencies to distribute these surveys to their clients. NNJLS also conducted point-in-time client surveys at six sites. Finally, it surveyed key personnel at social service agencies, as well as over 300 judges, attorneys, and court personnel.

NNJLS completed its needs assessment in spring 2012. The committee analyzed the survey results, a June 2011 New Jersey Judiciary Court Management Report regarding the types and number of cases filed within the three counties NNJLS serves, demographic information, and survey data used by other organizations such as LSNJ. Ultimately, it drafted a report for the NNJLS board as well as new Priority Guidelines, which the board adopted.

Legal Services of New Jersey regularly conducts statewide legal needs studies which are available to the New Jersey programs. Its most recent report, *New Jersey's Civil Legal Assistance Gap: Necessary Steps to Provide Legal Representation and Secure Equal Justice for People with Limited Means*, was issued in June 2012.

Recommendation I.1.1.1⁹:

NNJLS should continue updating its needs assessment, and should consider ways (e.g., focus groups and/or in-person interviews) to expand how it obtains information from clients, other providers, and members of the legal community. It should ensure that it secures information from persons with access issues, including but not limited to those confronting language, health, or geographic barriers.

Setting Goals and Objectives, Developing Strategies, and Allocating Resources

Finding 2. NNJLS regularly reviews and updates its program priorities.

NNJLS annually reviews and updates its priorities to meet its clients' most pressing legal needs. For example, foreclosure filings dramatically increased when the moratorium on new filings issued by the New Jersey Supreme Court in 2010 was lifted in mid-2011. In response, NNJLS gave priority to foreclosure and bankruptcy cases in order to help clients save their

⁹ 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.

homes. NNJLS staff performed extensive outreach to educate the courts and the client community about the program's ability to handle such issues.

The program identified immigration as another high-priority issue. Northeast New Jersey is home to large concentrations of foreign-born residents and many applicants for legal services confront immigration problems. NNJLS found that many of the people it previously referred to the private bar for assistance with immigration matters were unable to afford private counsel and sought assistance from non-lawyers who often demanded large payments but provided no or inadequate assistance. NNJLS created a full-time immigration staff attorney position in 2009 to help such individuals retain their legal resident status and, in many cases, begin the path to citizenship. The program has continued to focus on these issues although, due to staff cutbacks, the attorney handling such matters now does so only on a part-time basis.

NNJLS also responded to the incidence of domestic violence in immigrant communities by conducting outreach and community education about legal rights to those communities.

More recently, NNJLS adjusted its services in response to an increase in public benefits issues. Amendments to New Jersey's unemployment insurance statute generated increased numbers of denials of benefits and appeals. New Jersey also began strictly enforcing the five-year lifetime limit on public assistance cash benefits, as well as a one-year limit on temporary rental assistance. NNJLS' benefits unit created a food stamp clinic in late 2012 to assist clients whose food stamp issues - eligibility, benefit amounts, overpayments, and non-cooperation - could be addressed through advice or staff communication with the state agency.

NNJLS is likely to further adjust its work to meet the emerging client needs that have arisen subsequent to Hurricane Sandy.¹⁰

Finding 3. NNJLS has begun to engage in strategic planning.

NNJLS has initiated a strategic planning process. It formed a committee consisting of board, management, staff attorneys, and support staffers. At the time of the PQV, the committee had only met once.

Recommendation I.2.3.1*:

As NNJLS embarks on its strategic planning effort, it should use the process as a vehicle to address the recommendations contained in this report. In particular, the program should fully review all of its systems - intake, case handling, and development - as well as its unit structure, to ensure that it is making the best use of staff and other resources.

¹⁰ The Disaster Relief Appropriations Act of 2013, Public Law 113-2, signed into law by President Obama on January 29, 2013, includes \$1 million for the Legal Services Corporation to provide assistance to low-income people in areas significantly affected by Hurricane Sandy. NNJLS is one of the LSC-funded programs serving clients impacted by the storm that is eligible for such funding.

Evaluation and Adjustment

Finding 4. NNJLS engages in regular evaluations of its legal work.

NNJLS regularly conducts surveys of both applicants and clients. It recently began distributing satisfaction surveys to applicants in order to evaluate the program's screening process, and will use the survey results to improve the intake process.

The program surveys 100 clients who received extended representation each quarter to evaluate the results obtained for clients. It receives back approximately one third of these surveys. The results are tabulated and reviewed on a periodic basis. Although the results generally reflect satisfaction with NNJLS's work, any issues of concern noted in the surveys are discussed with the staff attorney, and shared with the executive director and director of litigation if a survey raises issues of serious concern. NNJLS also surveys 100 clients who received advice each quarter for which the response rate is only 10%.

Recommendation I.4.4.1:

NNJLS should continue to regularly survey clients about their satisfaction with case handling and case outcomes.

Recommendation I.4.4.2:

NNJLS should continue to survey persons participating in its clinics as well as those individuals receiving other forms of advice or outreach in order to assess whether its various service delivery approaches are providing adequate access to services and achieving desired results.

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

Dignity and Sensitivity

Finding 5. NNJLS' hours and office locations provide ample access to program clients.

NNJLS' offices are welcoming and provide appropriate space for clients and staff. They are strategically located to serve the client population. All three offices are in major towns, which are also the county seats. They are located close to municipal offices and the courthouses. The offices are easily reached, as they are right along bus lines and are also near public parking. All of the offices, which are open Monday through Friday, 8:30 a.m. to 5:00 p.m., are accessible to clients with physical limitations. The staff makes some effort to meet applicants in their homes or at sites in the community.

The location of the offices in more densely populated areas has resulted in the occurrence of some safety issues. NNJLS has taken steps to provide for client and employee safety; however, several staff expressed concerns about office security.

Recommendation II.1.5.1:

The program should regularly review security in all three offices.

Finding 6. NNJLS' intake process can be lengthy; it relies on a centralized intake staff supplemented by local office receptionists and on in-person interviews for cases identified for extended representation.

Beginning in mid-2010, NNJLS thoroughly reviewed, and then restructured, its intake procedures. Previously, the program conducted in-person intake screenings in all of its offices with three intake staff and a receptionist assigned to each office. In restructuring its system, NNJLS reduced its intake staff and relocated all intake screening staff to the Passaic County office, except for keeping a receptionist in each office. The receptionists, who initiate the intake process, are an integral part of the intake process.¹¹

Although the intake screening staff is centralized in the Passaic County office, each office maintains its own telephone number. The recorded telephone messages offer an option of proceeding in English or Spanish. The receptionists in all three offices initiate the intake process by conducting a pre-screening on the telephone or in person, to ensure that an applicant's problem falls within NNJLS' priorities, there is no conflict, and the person is likely to be eligible for assistance. They do not enter information into the case management system at this time. Some applicants are referred to LSNJ's hotline or other local resources. Next, the intake unit conducts a full eligibility determination. Finally, attorneys – "unit intake officers" – from the applicable substantive law unit finish the intake interview, review materials, and discuss next steps with the applicant. It is in the attorney's individual discretion whether to provide any further assistance and, if so, what level of service the applicant will receive.

The intake process varies, depending on whether an applicant will likely require advice or extended representation, if the applicant walks in or calls, where the application is initiated, and what substantive law units are handling intake that day.

Walk-in applicants in Paterson meet with an intake worker. Walk-ins to the Jersey City and Hackensack offices are brought to a screening room and connected to the centralized intake unit using NNJLS' VOIP system. For cases likely to receive extended representation, walk-in applicants then see the unit attorney, if one is available that day. If it is not an intake day for the applicable unit, such walk-in applicants are usually asked to return to complete the application process. Conceivably, due to the program's reduction in staff, that could be as long as six days later. However, the entire screening, or at least the eligibility portion, may be conducted on the day a person first comes to the office. And, emergency matters are handled promptly, as each

¹¹ The program is considering making further changes in the system, so that secretaries provide more telephone and other assistance to the receptionists. Secretaries could handle calls to staff from existing clients, the courts, or agency personnel, etc. while receptionists could concentrate on intake, particularly involving walk-in applicants. NNJLS is working with LSNJ to achieve this change.

unit assigns an attorney to cover “emergency only intake” on a daily basis. The program also accommodates individuals who are disabled or without a telephone. The program reports that many clients are aware of the program’s unit intake schedule, although it is not posted on the website.

Slightly more than one-third of NNJLS’ intakes are walk-ins. Many of these applicants come to the offices well before the program formally opens at 8:30 a.m. Some remain at NNJLS for a significant part of the day. Attorneys often return from court or hearings to find applicants waiting to complete the final portion of the intake process.

Applicants who initially contact NNJLS by telephone are also pre-screened by the receptionists. Callers whose problems require extended representation are asked to come in to their local office for an in-person interview on the next scheduled intake day for the appropriate unit. On that day they talk, in person or by telephone, with a member of the intake staff regarding their basic eligibility and then meet with the relevant unit attorneys. They are asked to bring pertinent legal documents – eviction notices, court orders, etc. – and other supporting materials with them.

Advice matters, such as security deposit matters, debt collections, and benefit overpayments, are handled by telephone. Applicants, whether they initially call or come in, are asked to be available to speak with an intake worker during a period of time in the afternoon when the intake workers are likely to be less busy. Walk-ins are given a “telephone intake notice” detailing the process. The appointment is entered into the intake unit’s appointment calendar; an assigned intake worker is responsible for completing all telephone intake screening calls scheduled for each day. Once the eligibility portion of the screening is completed, a telephone appointment is scheduled with a unit attorney who provides the relevant advice. It is generally not followed up with a letter, although some applicants may be sent pamphlets. In some instances, the intake staff or the unit attorney will find that the advice matter requires extended representation.

Intake staff received comprehensive trainings designed to increase their efficiency and productivity. Program management believes that the centralized unit produces fewer intake errors, especially in the area of applicant eligibility, and it completes intake screenings more quickly. This focus on quick turnaround has created a stressful work environment, which appears to have been exacerbated by the functionality problems of the Legal Server case management system. At the time of the PQV, it was slower than the program’s previous system, and, according to intake staff, was far more difficult to use. It is likely that, with time, these issues will be resolved.

NNJLS uses a Microsoft Outlook calendaring system to schedule interviews for both intake screening and telephone advice calls. This provides staff with instant access to the status of any intake or telephone advice case. However, some staff does not yet fully utilize this system.

The program obtained Call Manager software in the fall of 2010 and secured an updated version in early 2011. The software allows managers to view call wait times and staff productivity in real time and from any office location. Weekly reports are generated for review by the supervisor of the intake unit and other members of management.

The members of the staff conducting intake do not meet regularly to review office procedures, discuss best practices and legal developments, or address intake-specific concerns, such as dealing with irate callers and callers with disabilities or coping with job-related stress. Although it appears that the unit's supervisor is readily available to the staff, many questions are answered individually.¹²

The intake unit's supervisor, in conjunction with the staff attorney who is assigned the application, reviews intakes for specific errors or omissions. However, there is no system for review of the quality of the intakes by the substantive law managers either at the time of case acceptance, at any other time in the course of representation, or at case closing. As noted, the program surveys applicants as well as clients.

Legal Services of New Jersey operates a statewide toll-free telephone hotline which provides legal advice, information, and referral over the telephone to low-income New Jersey residents who need help in civil legal matters. LSNJ's hotline staff refers some callers to NNJLS. LSNJ also receives some online applications which are referred to NNJLS.

Recommendation II.1.6.1*:

The program should review and evaluate all facets of the intake system to promote its efficiency. More aspects of the intake process should be directed to the telephone, including those applications identified as requiring extended service. NNJLS should also consider having the intake screeners, commencing with those who previously served as paralegals, provide simple, routine advice reviewed daily by an attorney.

Recommendation II.1.6.2:

NNJLS should provide receptionists with more back-up support - assistance with copying, transmittal of documents, etc. - to allow their portion of the program's intake system to run smoothly.

Recommendation II.1.6.3*:

As resources permit, NNJLS should establish a central telephone system with automatic call distribution so that calls can be directed seamlessly to the intake unit or to the local offices or the substantive law units, as appropriate. This would permit the local office receptionists to conduct pre-screens and seamlessly transfer callers to the intake unit.

¹² Many programs with effective intake systems seem to benefit from having the intake staff periodically close intake and meet as a group. Such meetings allow staff questions to be answered when everyone is present, eliminating repetition and confusion. Some programs invite advocates to attend 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.

Recommendation II.1.6.4*:

The program should continue to work with LSNJ’s technology staff to address the functionality issues that Legal Server poses.

Recommendation II.1.6.5:

NNJLS should ensure that all staff consistently utilizes the Microsoft Outlook Calendars so that the program enjoys the benefits the system is designed to offer.

Recommendation II.1.6.6*:

NNJLS intake staff should regularly meet in person, and the receptionists who assist the intake screening staff should participate by conference call, to address intake concerns, including equipment issues; share thoughts about how to improve the system; and review items such as changes in program priorities.

Recommendation II.1.6.7:

NNJLS should continue to regularly survey applicants in order to improve the intake process.

Finding 7. NNJLS is sensitive to the language access needs of its client population.

NNJLS conducts its operations in ways that are sensitive to client circumstances, including their language access needs. More than 47% of the clients served by NNJLS in 2011 were Hispanic. Almost half of the program’s 47 staff members are bilingual, primarily in Spanish; other staff members are fluent in Urdu, Hindi, and Hebrew.

The program’s telephone message is in English and Spanish and its waiting rooms are filled with program brochures and notices in both languages. Some materials are available in Korean. The LSNJ website, to which clients are also referred, contains materials in both English and Spanish, as well as some documents in Portuguese, French, Korean, Vietnamese, Haitian Creole, and Arabic.

The program has a Limited English Proficiency (LEP) policy, which was last updated in 2009. The policy requires that NNJLS’ case files indicate a client’s primary language and note which language the client prefers for written materials such as correspondence. NNJLS’ policy also provides for a variety of language services, including “assignment of bilingual advocates to LEP clients; interpreting by staff, contracted professional telephone based interpreters; volunteer community based interpreters; and translation agencies.”

NNJLS makes use of LanguageLine and other interpretation programs, however, some staff reported that the use of outside interpreting was discouraged because of its cost. NNJLS advocates first ask program staffers for assistance with interpretation and translations. If staff is not available, or if the language is not one spoken by any staff, the program utilizes LanguageLine.

Some staff reported that non-English speaking clients are routinely asked to have people who accompany them to the office, including their children, interpret for them. NNJLS' policy does not permit the use of children as interpreters, although it does allow clients to bring other adults to interpret as long as certain criteria are followed. Not all of the staff was aware of the required protocol. Even though NNJLS' policy allows some discretion, the better practice is to use staff and/or trained interpreters.

In 2010, NNJLS developed a Cultural Competency Policy. The policy combines NNJLS' LEP policy with a training component to ensure staff sensitivity to clients' special needs. To date, NNJLS has not provided cultural competency training for its staff.

Recommendation II.1.7.1*:

NNJLS should provide all staff with training on the program's LEP policy, to ensure that everyone is aware of the policy's provisions and restrictions and that the use of LanguageLine and other interpretation systems are used when needed.

Recommendation II.1.7.2:

As finances and opportunities allow, NNJLS should expand its efforts to translate more of its written materials into other languages commonly used in the service area.

Recommendation II.1.7.3:

NNJLS should provide cultural competency training for its staff.

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

Finding 8. NNJLS is committed to its involvement with its client community.

Beginning in March 2011, NNJLS specifically assigned one of its most senior staff members to coordinate its community outreach efforts, as well as its Private Attorney Involvement (PAI) program. NNJLS conducts speaking engagements and community education seminars, distributes brochures, and attends community meetings. It has targeted outreach for some groups, such as the Korean community in Bergen County. Each month, it conducts on-site office hours at the Franciscan Community Development Center in Fairview. While there, program attorneys informally screen potential applicants; eligible persons are contacted by members of the intake unit. Jersey City staff has discussed making a series of staff presentations at the local library and provided the librarian with program brochures for distribution to potential clients.

Recommendation II.2.8.1:

As time and resources permit, NNJLS should consider involving members of the support staff in community education and outreach activities.

Finding 9. NNJLS’ client population would benefit if the program makes information about the services it provides more accessible on the Internet.

The program seeks to inform its client population through outreach, publications, the media, and its involvement with community groups. NNJLS does not have its own independent website nor does it have a Facebook page. The program does have a webpage on the LSNJ website, www.lsnj.org. NNJLS’ webpage contains very little information, some of its content is outdated, and much of the information that is posted is likely to be difficult for clients to understand.¹³

The webpage has a link to www.lsnjlaw.org, which includes client materials such as legal forms, brochures, manuals, and articles, but the presence of such materials is not clearly indicated. Even direct users of the LSNJ website would not necessarily find such self-help materials, if they are not familiar with the link’s location and contents.

Recommendation II.2.9.1*:

NNJLS should develop its current webpage so that it contains more pertinent information regarding the program, including its eligibility criteria, intake process, priorities, and *pro bono* program. And it should ensure that its contents are more easily understood.

Recommendation II.2.9.2*:

The NNJLS webpage should contain a clear and obvious link to the self-help materials that are available on the LSNJ site.

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. NNJLS’ advocates possess the experience and resources needed to perform their work.

At the time of the PQV, NNJLS’ 25 attorneys had significant legal experience, some of it gained in private practice. All but five of the attorneys have been members of the bar for more than 10 years. Fifteen attorneys have over 20 years’ experience; half of this group has over 30 years’ experience. NNJLS’ support staff is also highly experienced. Ten of its current support staff members have been with this or other legal services programs for more than 30 years.

The program effectively utilizes in-house volunteer attorneys. A number of them work close to full-time; one attorney has been coming in once a week for ten years. The program

¹³ The Flesch-Kincaid Grade Level measure of the “readability” of NNJLS’ home page indicates that the reader needs a grade level of 18.4 years to understand its contents.

created a written protocol signed by the volunteers that requires, among other things, that a volunteer give sufficient notice before separating from the program.

Advocates have access to the equipment and support systems needed to carry out their legal work. Such support includes: substantive experts within the program and at LSNJ, statewide listservs, meetings of the program-wide substantive units, statewide substantive task force meetings conducted at LSNJ, national support centers as well as WestLaw and Lexis. Advocates have access to a shared drive which contains NNJLS' materials, and they also use LSNJ's pleadings and brief bank. Some advocates reported watching webinars on selected topics. PAI attorneys have access to the same materials.

Finding 11. NNJLS' basic legal work systems should be adjusted to ensure their maximum effectiveness.

NNJLS conducts most of its legal work through its substantive program-wide units in the areas of housing, family, benefits, and consumer law. The units meet every two or three months, to discuss cases, statutory changes, and legal developments. NNJLS' tax and immigration work is conducted by attorneys who serve the entire three-county service area. There are also Title III attorneys in each office who provide general services to clients over 60 years of age. These attorneys are invited to meet with other units.

Even though NNJLS' written case handling standards call for supervision mechanisms,¹⁴ and a number of people are designated as legal work supervisors, there is little formal oversight of much of the program's legal work. The team acknowledges that many of the advocates have substantial legal experience. Senior staffers are reported to have open doors and are available to answer questions, but review and guidance is largely initiated by individual advocates. The exceptions are the supervision given to inexperienced attorneys, such as the *pro bono* fellow, and the thorough review of briefs and other written legal work, which is effectively conducted by NNJLS' litigation director. The program also has detailed case acceptance guidelines, which it updates annually. However, it conducts no case acceptance meetings and performs no regular open case reviews or required case status reports. Although attorneys appear to utilize a "closing checklist," there is no supervisory review of files at case closing. Staff reported that the staff cutbacks caused increases in managers' caseloads, restricting their ability to perform regular supervision. The newly installed case management system does permit the electronic review of files. Pleadings and other case materials are not yet included in these files.

Outcomes are monitored on a monthly basis using reports prepared by program-wide supervisors. The reports, which are discussed at the monthly management meetings, allow supervisors to assess an advocate's balance between extended and advice cases. The program tries to ensure that everyone has a mix of cases, and that experienced attorneys continue to handle routine cases. All advocates submit quarterly reports describing significant cases and

¹⁴ NNJLS' Case Management Handbook is currently being revised; the program anticipates that this revision will be completed by mid-2013.

accomplishments, as well as outreach activities. The objective of these reports is to gather information; they are not used and do not serve as an adequate supervision tool.

Advocates are not assigned cases based on their level of experience. Rather, they make individual decisions about which cases to accept and how to handle them. Caseloads appear to vary greatly. Some attorneys reported as few as 35 open cases; others had in excess of 100 open cases. Annual caseloads were reported to be as high as 400 cases.

Currently, there is no adequate or uniform tickler system. Staff maintains calendars in multiple ways and using different mechanisms.

Recommendation III.1.11.1*:

NNJLS should analyze its supervisory structure to determine how best to enhance the supervision provided to advocates.

Recommendation III.1.11.2*:

NNJLS should complete its revision of its case management procedures in order to guide advocates in making case acceptance and case handling decisions.

Recommendation III.1.11.3*:

Supervisors should use Legal Server to assess case acceptance decisions and review open case files. At a minimum, they should use this tool to ensure that cases are handled appropriately and expeditiously. Equitable distribution of cases should also be considered in the review.

Recommendation III.1.11.4*:

NNJLS should make a practice of reviewing all, or a representative sample of, case files at the time of closing, including those closed as advice cases at the discretion of the intake attorney.

Recommendation III.1.11.5*:

NNJLS should implement a program-wide tickler system in conjunction with Legal Server. Malpractice insurance policies usually require that the insured have an adequate tickler system in order for the policy to cover errors and omissions.

Finding 12. NNJLS staff has sufficient access to training opportunities.

NNJLS has a detailed training protocol for new and first year attorneys. Beyond this protocol, it does not appear that the program utilizes professional development plans or other assessments to determine the need for ongoing substantive and skills training. Instead, staff attorneys consider the available external resources to determine their own training needs.¹⁵ Consequently, an advocate's participation in substantive training is *ad hoc*, and primarily effectuated through staff requests.

¹⁵ New Jersey has a continuing legal education (CLE) requirement; NNJLS attorneys must attend 24 hours of training every two years. This training includes a required ethics component.

LSNJ supplies training and other services, and advocates have access to a variety of professional development opportunities throughout the year. NNJLS also conducts volunteer training for its *pro bono* volunteers. Several NNJLS attorneys serve as trainers for the New Jersey Institute for Continuing Legal Education (ICLE). However, because of reduced funding, training opportunities outside of those sponsored by LSNJ, the Practicing Law Institute, or free Community Legal Education (CLE) courses provided by the Hudson County Bar Association are severely limited. Some of the attorneys attend national training events by paying their own way, or have received funding for training from donors to the program. One of the local bar foundations assisted the program by providing funding to cover the cost of out-of-state training.

NNJLS' support staff has received training in Microsoft Word, Excel and Mail Merge. Not all of the secretarial staff has legal secretarial skills. The support staff does not have any kind of manual outlining policies and procedures relating to their work.

Finding 13. NNJLS' advocates are actively engaged in high quality legal work.

Despite the program's challenges, its attorneys remain dedicated, compassionate, and competent advocates, who provide their clients with a full range of high quality case representation, from advice and brief service to aggressive full representation.

In the last three years, the program has pursued more than 20 appeals in federal and state courts and administrative forums. NNJLS has been largely successful in these appeals, many of which not only benefited the individual client being represented but established precedents that impacted its entire client base. For example, NNJLS secured an Appellate Division decision enumerating the factors a housing authority must consider when it seeks to evict a tenant based on the criminal activity of a relative.¹⁶ This decision led the Jersey City Housing Authority to revise its eviction policy. NNJLS challenged the state's disqualification of individuals from receiving unemployment insurance benefits and appealed the termination of medical insurance for thousands of residents under New Jersey's FamilyCare program.¹⁷ Although the state Supreme Court denied certification in this matter, the appeal evidenced NNJLS' willingness and ability to pursue cases to the highest level.

NNJLS' attorneys are equipped to tackle difficult matters. In a custody case where one parent lived abroad, they obtained experts on international child custody law. Advocates achieved another favorable appellate court decision, holding that a wife's rights under the state's Prevention of Domestic Violence Act superseded a husband's religious beliefs.¹⁸ In a deportation case stemming from a 30-year old misdemeanor shoplifting conviction, NNJLS succeeded in getting the hearing transferred to New Jersey and secured a decision permitting the client to remain in the United States.

¹⁶ *Jersey City Housing Auth. v. Ford*, 210 W.L. 5395806 (App. Div. 2010).

¹⁷ *S.J. v. Div. of Medical Assistance*, 426 N. J. Super. 366 (App. Div. 2012).

¹⁸ *S.D. v. M.J.R.*, 415 N. J. Super. 417 (App. Div. 2010).

The writing samples submitted to the team were uniformly of high quality. They were well written, thorough, with points well-argued, and persuasive. The more extensive briefs demonstrated a sophisticated command of both applicable statutes and case law. This appears to result, in no small part, from the review the litigation director gives materials before they are filed with the court.

In spite of the competence of its advocates, NNJLS does not engage in community work or permissible legislative work to advance client interests. In addition, some program staff members have an unnecessarily restrictive understanding of the LSC regulations.

Judges, members of the private bar, and community providers that were interviewed by the team spoke highly of the NNJLS legal staff and their work. The judges found the attorneys to be well-versed in the law, possessing solid trial skills, and submitting well-reasoned and coherent briefs. They stand out favorably in relation to other attorneys, whether they are small practitioners or members of the best big firms. Other local advocates described both the attorneys and other staff to be highly competent and well respected throughout the community.

Recommendation III.1.13.1:

NNJLS should explore opportunities to engage in community work and permissible legislative work on the local level (or possibly on the state level in conjunction with LSNJ) when that work would protect and advance clients' legal interests and address broad systemic issues. The program should also ensure that all advocates know what work is permissible.

Finding 14. NNJLS is a productive program.

NNJLS closed a total of 5,821 cases in 2012, or 303 cases per 10,000 poor persons, compared with a national median of 246 closed cases per 10,000 poor persons. Of its closed cases, 28.7% were income maintenance, 25.4% were housing, 17% were consumer, and 16.4% were family cases. These percentages reflect a solid distribution across its substantive priorities.

NNJLS maintained a vigorous effort to provide extended representation to eligible clients. One quarter (25.1%) of the cases it closed in 2012 was extended service. That year, NNJLS' extended and contested closed cases per 10,000 poor persons were also above the national median. It closed 76 extended cases per 10,000 poor persons; this contrasted with the national median for 2012 of 57. NNJLS closed 53 contested cases per 10,000 poor persons last year; this was substantially higher than the 2012 national median of 28 contested cases.

Private Attorney Involvement (PAI)

Finding 15. NNJLS has an active PAI program.

NNJLS' PAI program is administered by its assistant executive director, deputy director, and PAI coordinator. The coordinator is a former paralegal located in the Paterson office. Each of these staff members has responsibility for the PAI recruitment and case placement in their

geographic area. The coordinator is responsible for administering all of the clinics that the program runs.

This threesome holds monthly meetings to discuss current and pending cases, LSC reporting requirements, and NNJLS policies and procedures. These meetings give them an opportunity to discuss *pro bono* attorney recruitment and retention, as well as to review problems or challenges that impact the *pro bono* attorneys' ability to offer quality legal assistance to their clients. They are working with LSNJ to ensure that Legal Server addresses NNJLS' PAI needs.

NNJLS' written PAI work plan, last revised in 2012, contains an outline of the program's staffing and a description of its recruitment mechanisms, and it enumerates the program's short and long-term goals. NNJLS intends to utilize a variety of delivery models to increase the services available to eligible clients. In addition, its LEP policy requires that the program consider bilingual capability when recruiting private attorneys.

PAI attorneys currently provide assistance to clients through legal representation, co-counseling and, in the Bergen office, intake advice. Private attorneys staff all the clinics NNJLS holds to help clients obtain divorces, expungements of criminal records, security deposit returns, and naturalization and bankruptcy protection. Clinic participants are identified at the time of intake and are referred to the PAI coordinator, who schedules the clinics with the PAI volunteers, then follows-up with letters and telephone calls to the clients. The hands-on involvement of NNJLS staff allows them to shift clients to various sites throughout the tri-county area, depending on the topic and availability.

Program staff reviews all PAI cases at the time of closing to determine that closures are timely. Clients are notified by letter that their case has been completed; NNJLS includes a questionnaire to gauge client satisfaction with the services they received. *Pro bono* attorneys are also sent a Volunteer Evaluation Survey to assess their experience. The results of both these surveys are examined by NNJLS' PAI staff.

NNJLS' efforts to invigorate its PAI program have proved successful. The number of PAI attorneys agreeing to participate has continued to increase, and the program increased its referrals from 702 cases in 2011 to 826 cases in 2012.

NNJLS' PAI numbers compare favorably with those of other legal services programs. NNJLS closed a total of 816 PAI cases in 2012, or 42 cases per 10,000 poor persons, compared with a national median of 22. It closed seven extended service PAI cases per 10,000 poor persons compared with a national median of eight, and three contested PAI cases per 10,000 poor persons compared with a national median of three.

New Jersey is undertaking a number of statewide efforts to enhance private attorney involvement. In October 2012, LSNJ launched its *pro bono* website located at www.probononj.org. The New Jersey State Bar Association convened a *Pro Bono* Task Force during 2011-12 and published its findings, *Closing the Justice Gap*, in May 2012. In late 2012,

Chief Justice Stuart Rabner formed a committee to consider requiring prospective attorneys to complete *pro bono* work before being admitted to the state bar.

The program, which enjoys good relationships with the three local county bar associations, pays for attorneys' annual association dues. NNJLS' litigation director is in line to be the president of the Hudson County Bar Association. However, very few members of the program's legal staff are involved in the activities of these groups.

Recommendation III.2.15.1*:

NNJLS should continue to expand its efforts to involve private attorneys in its work, such as recruiting more of them to provide telephone advice to eligible applicants.

Recommendation III.2.15.2*:

NNJLS should make an effort to involve corporate attorneys in some of its clinics or direct representation in 2013.

Recommendation III.2.15.3*:

NNJLS should encourage staff attorneys to be more involved with the local county bar associations, to further increase private attorney recruitment.

Other Program Services and Activities for the Eligible Client Population

Finding 16. NNJLS regularly provides other services and participates in activities benefiting eligible clients.

NNJLS seeks to ensure that its local client population benefits from other services in addition to the direct representation it provides. It sponsors speaking engagements and community education forums throughout the year; some of these take place at senior centers. Staff makes weekly visits to a local homeless shelter, and provides advice to residents as well as walk-ins. NNJLS' tax attorney provides outreach to the ESL community, as well as presentations to other non-profits regarding tax credits and other topics. A Hudson County attorney is involved in a judicial committee that recommended the establishment and hiring of an ombudsperson in each county who will assist *pro se* litigants with divorces, child support and post-divorce judgment issues. Several attorneys work with local groups established to support victims of domestic violence.

The assistant executive director chairs the Bergen County disability services advisory board. The assistant deputy director regularly attends monthly social service meetings conducted by the Paterson Alliance, a group of more than 80 non-profits. Other attorneys participate in similar boards, are in regular contact with the directors of social service and other agencies, or attend quarterly Title III meetings.

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

Board GovernanceError! Bookmark not defined.

Finding 17. NNJLS' board demonstrates appropriate program oversight.

The NNJLS Board of Directors is deeply committed to the program and engaged in its role. Board members who were interviewed by the evaluation team were, for the most part, well-informed about the work of the program, its finances, and its challenges. The 20-member board, operating under the by-laws drafted in 2003, holds regular meetings, which rotate among the three counties served by the program. This sometimes makes it difficult for client members from the other counties to attend, but members may participate by telephone and board and staff members try to help out by providing rides. Board minutes indicate that at least half of the board is generally in attendance. One-third of the entire board, either present or by proxy, constitutes a quorum for the purpose of conducting the program's business.

Board members serve for terms of three years. There are no term limits for board membership or for officers. NNJLS has had the same leadership since the program was created in 2003, and a large number of the board's members have been involved with the program for a substantial amount of time. The members who were interviewed reported that they are comfortable with this arrangement, as they work well together. None of the attorney members of the board are corporate counsel.

The board's only standing committee is its finance and audit committee. This committee regularly meets a week or so in advance of board meetings to go over finances with the executive director and the controller before the information is presented to the full board. The committee members who were interviewed reported that they diligently review the financial information presented to them.

The NNJLS board has no executive committee; the board chair and executive director often meet between board meetings. The board creates *ad hoc* committees periodically. A recent *ad hoc* committee worked with staff on reviewing legal needs and revising program priorities. At least three *ad hoc* committees are operating currently - one to evaluate the executive director for the first time, one to establish performance criteria for the program, and a third to oversee NNJLS' strategic planning. The latter two committees are comprised of both board members and staff members. *Ad hoc* committees are also formed, as needed, to address client grievances.

A significant portion of each board meeting is devoted to staff presentations about the work of the program, including litigation highlights, reports from each office, and spotlights on a particular issue or practice area. The board members interviewed stated that they enjoy the presentations and appreciate being kept abreast of the program's work.

The board is deeply concerned about NNJLS' finances. It was involved in the program's decision-making about retrenchment when NNJLS' funding plummeted. Board members do not make individual contributions or contributions from their law firms to NNJLS. Board members reported they would be willing to make contributions but had not been asked. The board also does not engage in fundraising or promotional efforts on behalf of the program, although it has recently discussed doing so. As detailed in the Resource Development section, below, much of NNJLS' fundraising is coordinated by LSNJ through its annual "Campaign for Justice."

About one year ago, the board members took part in nonprofit board management training; several members reported about its positive impact.

The board started the process of evaluating the executive director in 2012. Program staff has been surveyed, and some staff was interviewed. When the PQV took place, the board was waiting to receive the executive director's self-evaluation.

NNJLS developed a succession plan for its executive director which calls for the appointment of an acting executive director and the formation of a transition team to advise the acting executive director and assist with transition and management issues, including the search for a new executive director. Both the board and staff are attentive to the fact that some of the program's long term leadership is approaching an age at which they may consider retiring.

Recommendation IV.1.17.1*:

The board should review and, where appropriate, update the program's by-laws. This should include a consideration of whether to institute term limits for board members and for officers. Some rotation of membership contributes to the long-term health of an organization by infusing it with new energy and ideas. While the board might conclude that its current approach to board and board officer tenure is optimal, this seems to be an appropriate time for it to at least consider alternatives.¹⁹

Recommendation IV.1.17.2:

The board should encourage more members to attend meetings, whether in-person or by telephone.

Recommendation IV.1.17.3*:

The board should create a fundraising or development committee to explore the possible avenues for additional board efforts to increase program finances. For example, it might consider engaging in a three-county effort to expand individual contributions from the bar to LSNJ's campaign, or underwriting a specific program need (interpreters, student stipends, trainings, transportation costs for client board members, etc.) to enhance the program's work. The board might also explore contacting corporate counsel of major corporations based or operating in the catchment area, such as the companies that have been locating along the Jersey City waterfront,

¹⁹ BoardSource, www.boardsource.org, and other nonprofit organizations have very useful materials.

for funding and other support (such as board membership, *pro bono* help, technical support, or clerical support).

Recommendation IV.1.17.4:

As long-time board members step down, the program should actively recruit new members, including corporate counsel.

Recommendation IV.1.17.5:

NNJLS should devise a formalized ongoing board training process to ensure that new members, particularly client members, are fully knowledgeable about the program's work and about the legal responsibilities of nonprofit board members. As part of this training, the controller should periodically provide trainings to current board members and orient any new members on the program's finances and budget-related documents.

Leadership

Finding 18. NNJLS' leadership has skillfully governed the program during a difficult period.

The executive director has led NNJLS since 2007, after serving as its first deputy director from 2003 - 07. Prior to that, he served as the executive director of a county program that is now part of Legal Services of Northwest Jersey, another LSC-funded program. During the more than five years he has administered NNJLS, the executive director has been required to confront an extremely difficult financial situation given the program's precipitous decline in revenues. Assisted by his top managers, he has made and executed a series of tough decisions to preserve the agency and the essential services it provides.

NNJLS has a top leadership group with a substantial amount of experience in legal services. The program's executive director, director of litigation, and the program-wide consumer unit director, each have more than 30 years' experience in legal services. Other managing attorneys have been in legal services for at least 15 years.

Overall Management and Administration

Finding 19. The program's overall management structure appears cumbersome.

NNJLS' management team includes its executive director, assistant executive director, deputy director, and assistant deputy director, as well as the director of litigation and two program-wide unit supervisors. This group, along with NNJLS' program manager, office manager, grants manager, controller, and bookkeeper, meets on a monthly basis. Although the program reduced the size of its management staff over the past three years, it maintained its basic administrative infrastructure despite the program's steep decline in resources and its loss of more than half of the staff through attrition and layoffs. It achieved this by changing the job duties of some of its managers as some fill more than one role. All attorney managers other than the

executive director carry their own caseloads; some of them have caseloads that are quite substantial.

NNJLS' overall organizational chart, the lines of reporting, and supervisory responsibilities for the program's managers are not clear. Although the program retains supervisors for some substantive law units, it is unclear what responsibilities they carry. Some staff reported not being certain who their supervisors were or stated that their nominal supervisor did not actively supervise their work. Others stated that they had several supervisors.

Program staff recognizes the substantial difficulties management has faced in recent years. Although management appears to have provided all staff members with opportunities for input, some staff reported feeling as if they are not given sufficient information or are not consulted prior to the announcement and implementation of important program decisions, such as the restructuring of the intake system.²⁰ Others noted that their opinions were solicited but then were not taken into consideration.

Some staff noted that they are not accorded or spoken to with sufficient respect and they can feel demeaned by the way their supervisors treat them. A number of staff stated that they feel management does not show sufficient appreciation for their work efforts. The focus of these concerns was generally about the tone of the exchanges, and not the substance.

Some staff members indicated that they feel more connected to their individual offices instead of part of one organization. NNJLS held a one-day retreat for all staff in 2009; it included panel presentations and staff discussions on a wide variety of topics. The retreat appeared to help staff gain a better understanding of the work being performed throughout the program, the problems faced by NNJLS' clients, and the challenges the program confronted.

The program has an Emergency Action Plan, which was last revised on May 30, 2011. It appears to be an adaptation of another program's plan. Although it seems sufficient to address a number of emergencies, it was not designed to address some of the issues, such as difficulties with communication and transportation, which program staff confronted after Hurricane Sandy.

Recommendation IV.3.19.1*:

The program should examine its management structure, clarify lines of supervision, and determine whether it should be simplified.

Recommendation IV.3.19.2:

NNJLS should reassess the role of its unit supervisors. Although their numbers have been reduced and some are now working in different units, they could assume responsibility for particular duties, such as conducting oversight of the handling of advice calls by intake staff or private attorneys or preliminary reviews of cases that are to be closed.

²⁰ As noted in Finding 22, NNJLS is a unionized program. As a result, some of the program's communications from management are necessarily limited to discussions with union leadership.

Recommendation IV.3.19.3*:

As resources permit, NNJLS should hold a retreat or other all-staff event to foster staff development and further a sense of community. This would be particularly appropriate as the program commences its strategic planning process.

Recommendation IV.3.19.4*:

Management needs to maintain lines of communication so that staff is consulted to the extent appropriate about the larger decisions that the program still needs to make.

Recommendation IV.3.19.5*:

NNJLS should pay attention to the tone as well as the substance of office communication, in order to maintain an effective and collegial workplace.

Recommendation IV.3.19.6*:

In light of Hurricane Sandy's impact on staff as well as the program's entire service area, NNJLS' Emergency Action Plan should be reviewed and, where appropriate, revised.

Finding 20. NNJLS' technology systems are administered by LSNJ.

LSNJ, which has an experienced and responsive IT staff, provides NNJLS with computer hardware and software, network capabilities, and website and telephone systems, and is responsible for technology planning, systems maintenance, and technical support. Technology planning is discussed at Policy Council meetings attended by senior staff from all legal services programs in the state and at other meetings in which members of the NNJLS staff participate. Some NNJLS staffers serve as agency point people for technology issues.

NNJLS, and all the other LSC-funded programs in New Jersey, are connected through a single phone system and share a statewide intranet. NNJLS' telephone intake system allows the program to closely track calls, hold times, and disposition of intake. However, periodically the technology fails and the phones go down.

In 2012, LSNJ executed its statewide plan to convert from Kemps Clients for Windows to Legal Server's case management system. This change was designed to assist in the electronic storage of documents and the sharing of client information between programs. NNJLS underwent the conversion in mid-October 2012, shortly before Hurricane Sandy. LSNJ provided NNJLS' staff with Legal Server training when the system was first installed and NNJLS conducted on-site Legal Server training in each of its offices, which all staff were required to attend.

Although the new system had been operational for more than three months at the time of the PQV, the visit team heard many complaints regarding Legal Server's efficiency. Some of the issues appeared to be based on lack of familiarity with the system, as NNJLS' staff appears to be at various comfort levels with Legal Server and many have not yet fully explored what it can offer. However, the team also heard repeated concerns about the system's lack of speed, the

difficulties encountered in inputting information, the problems with moving from screens, its lack of spell check, etc. Several staff mentioned that periodically the system fails and the server goes down.

Recommendation IV.6.20.1*:

NNJLS should continue to provide training and make efforts to determine how all staff can most effectively use Legal Server in order to advance the work of the program.

Finding 21. NNJLS' financial operations appear to be well-managed.²¹

The program's controller is a Certified Public Accountant with substantial nonprofit experience. The controller prepares an annual budget that allocates resources to meet articulated program priorities and operational goals. The budget is amended twice per year, depending on revenue shortfalls or gains. The program does not budget beyond one year.

The controller is assisted by a bookkeeper, whose duties and responsibilities include accounts receivable, accounts payable, banking, deposits, check-writing, monthly financial reports, payroll, client trust account, and benefits administration. The bookkeeper receives regular training. The controller reviews all invoices and approves all check requests; he also monitors the payroll and accounts payable. Financial reports are prepared monthly for management review.

The controller was given training in LSC policies and regulations shortly after his hiring in 2010. NNJLS has an accounting manual that was updated in April 2012, and developed in accordance with the LSC Accounting Guide. Annual program audits do not reveal any significant problems or issues.

NNJLS' controller does not meet with the financial staff from any of the other LSC-funded legal services programs in New Jersey. If he needs assistance or advice, he usually consults with NNJLS' executive director.

Recommendation IV.4.21.1:

The program should consider instituting multi-year budgeting.

Recommendation IV.4.21.2:

NNJLS should encourage its controller to meet periodically with the fiscal officers of the other New Jersey legal services programs to share ideas and discuss the challenges they face in accomplishing their duties.

²¹ 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.

Finding 22. NNJLS does not have a designated human resources administrator.

NNJLS does not have a designated human resource administrator. This work is divided among a number of program staff, including the executive director, controller, program manager, and bookkeeper. The program manager, who also deals with intake, technology, supplies, and assisting the executive director, is responsible for maintaining all personnel records and record-keeping (e.g., leaves, etc.); support staff discipline, including fact-finding and the implementation and follow-up on any personal improvement plans; recruitment; and retention. All personnel records are kept separately and confidential and are updated in a timely and regular manner.

All non-managerial staffers are members of one of two staff unions. Salaries are negotiated as part of the Collective Bargaining Agreements (CBAs) with the unions. Although both these agreements expired more than three years ago, NNJLS continues to honor the terms of the expired union contracts, which govern pay, employee grievances, and working conditions.

NNJLS staff has not received raises for over three years. During this time period, management absorbed a voluntary reduction in pay. Staff was required to take two weeks of unpaid furlough time in 2011. NNJLS' pension contribution was drastically reduced and the program significantly reduced employees' health insurance benefits. Furloughs were avoided in 2012 and, although salary freezes and other changes remained in place, the program restored some of its contribution to staff pensions.

NNJLS recently conducted performance evaluations for most staff following several years of failing to do so. Support staff is evaluated on an annual basis; attorney staff is evaluated less regularly. There is a self-evaluation component to the performance evaluations. Although staff does appear to appreciate the evaluations, some expressed concerns about how the process was conducted. Staff does not have an opportunity to review the report in draft form; instead, they are presented with their final evaluation and they then have an opportunity to comment on the evaluation's contents. Most attorney staff indicated that the evaluations took several months or, in some instances, over a year to complete because more than one supervisor was involved. In some instances, by the time the evaluation was completed, the information in it had become outdated.

Recommendation IV.5.22.1*:

The program should ensure that performance evaluations occur regularly and are completed in a timely fashion.

Internal Communications

Finding 23. NNJLS primarily relies on informal means of internal communications.

Office-wide meetings to discuss operational issues take place only occasionally and all-staff meetings occur infrequently. The executive director, who is based in Jersey City,

periodically travels to the Paterson and Hackensack offices to meet with staff. The entire staff gathers twice a year for a picnic and holiday party.

NNJLS largely communicates information and updates via emails. Staff successes are occasionally recognized in this manner. The program also produces an annual summary, *Equal Justice Stories*, detailing its past year's accomplishments.

NNJLS staff is connected to the statewide legal services network and they can call other legal services staff throughout the state using a four digit extension. The staff also makes use of listservs and emails to communicate regarding issues and questions. The program does not appear to regularly use its video conferencing capabilities.

Recommendation IV.6.23.1:

The management team should look for ways to expand their interaction with program staff, and foster relationship-building throughout the organization. Brown bag lunches, video-conferenced meetings, and other opportunities for collaboration should all be considered.

Recommendation IV.6.23.2:

The program should communicate more regularly with all staff about program decisions and case results, as well as staff accomplishments and personal news.

General Resource Development and Maintenance

Finding 24. NNJLS does not have a resource development director.

The program actively pursues funding each year from a variety of new sources. However, NNJLS does not have a resource development director or a development strategy. Most of its development efforts, administered by the program's grants manager, are focused on securing or renewing grants. The assistant executive director has started meeting with other agencies to collaborate on grant opportunities.

NNJLS does not engage in independent fundraising from the legal community. Instead, by informal agreement with LSNJ, NNJLS is part of the statewide "Campaign for Justice" that LSNJ administers annually. The funds LSNJ raises are distributed based on the poverty population in a program's service area. Individual board members may contribute to LSNJ's campaign, but they are not affirmatively encouraged to do so. Personal contributions NNJLS receives from members of the bar are subtracted from the campaign monies it is awarded by LSNJ.

The program has secured funding from some of its local bar foundations for scholarships to trainings and to cover other costs. To date, NNJLS has not aggressively pursued funding from state or national foundations or corporations.

NNJLS currently plans to create an annual report. Twice yearly, it publishes a newsletter to publicize its accomplishments, and raise community awareness and support.

Recommendation IV.7.24.1:

NNJLS should publish an annual report, and it should distribute the report and its newsletter to area agencies and bar associations

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

Finding 25. The program is active in statewide legal services efforts.

NNJLS is part of an integrated statewide legal services delivery system that includes five other regional LSC-funded programs and Legal Services of New Jersey. NNJLS staff collaborates with the staff of these other legal services programs on substantive legal issues. Several NNJLS attorneys serve as trainers for other advocates. NNJLS enjoys strong relationships with community groups, government agencies, nonprofit organizations, and bar associations; these relationships have allowed it to expand access and provide better services to clients.