



Office of Program Performance

**FINAL
PROGRAM QUALITY REPORT**

For

**VOLUNTEER LAWYERS PROJECT OF THE
BOSTON BAR ASSOCIATION**

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Team Members:

John Eidleman, Senior Program Counsel (Team Leader)

Reginald Haley, Program Analyst

Mytrang Nguyen, Program Counsel

Carolyn Worrell, OPP Temporary Employee

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INTRODUCTION

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit to Volunteer Lawyers Project of the Boston Bar Association (VLP) from April 9-13, 2012. The team members were team leader John Eidleman (Senior Program Counsel), Mytrang Nguyen (Program Counsel), Reginald Haley (Program Analyst) and Carolyn Worrell (OPP Temporary Employee.)

Program quality visits are designed to ensure that LSC grantees provide the highest quality legal services to eligible clients. In conducting its assessment, the team carefully reviewed the documents LSC received from the program, including its LSC competitive grant application for 2011 and renewal application for 2012 funding, 2011 case service reports (CSRs), 2011 other service reports (OSRs), the numerous documents the program submitted in advance of the visit including advocates' writing samples, and staff responses to an anonymous Internet survey conducted by LSC in advance of the visit.

On-site, the team visited the VLP office and offices of its two subgrantees, Legal Advocacy and Resource Center (LARC) and MetroWest Legal Services (MWLS), a non-LSC staff program. In addition to interviewing all but one of the staff members at VLP (one was on maternity leave) and LARC, the team met with the management at MWLS and Greater Boston Legal Services (GBLS) and had in person or telephone conversations with a number of VLP board members, judges, representatives of the Massachusetts Legal Assistance Corporation (MLAC), the Boston Bar Association (BBA), the Community Legal Services and Counseling Center (CLSACC) and representatives of community organizations.

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

PROGRAM OVERVIEW

VLP was established in 1977 by the Boston Bar Association (BBA) to provide legal representation in civil matters to the indigent in its service area through the pro bono services of private attorneys. In 1996, VLP became the LSC grantee for Greater Boston when GBLS gave up its federal funding because of the federal restrictions on non-LSC funds. VLP has a subgrant with LARC, which operates a telephone intake, advice, brief service and referral system to screen and refer clients for VLP, GBLS, MWLS and CLSACC. VLP's work by pro bono attorneys is augmented by its legal staff, which takes a limited number of cases.

VLP has one office in Boston that serves the entire service area, which includes all of Suffolk County and certain towns in Middlesex, Norfolk, and Plymouth Counties.¹ In the state justice community, this service area is referred to as the “Eastern Region.” By agreement under a Memorandum of Understanding (MOU), originally developed in 1996 and renewed every two years, five civil legal aid providers define how they will coordinate services to low-income people in the region and conduct fundraising. Under the agreement, VLP is the only LSC grantee in the region and GBLS is the only grantee funded by the Massachusetts Legal Assistance Corporation (MLAC), the state IOLTA foundation. Both VLP and GBLS provide subgrants to the other regional partners in order to provide a full range of services to eligible client communities. VLP provides a subgrant to LARC and MWLS, and GBLS also provides a subgrant to MWLS and to CLSACC and contracts with LARC for intake services.

LARC was created in response to a 1977 study of the delivery of legal services in Massachusetts, which recommended the establishment of a "legal services hotline." Established in 1983, LARC provides legal advice and referral to many thousands of callers throughout Massachusetts on a wide range of matters and provides intake services for its four partners in the Eastern Region. VLP’s subgrant of \$430,399 accounts for slightly more than half of LARC’s total funding.²

MetroWest Legal Services is located in Framingham.³ MWLS provides free, civil legal assistance to low-income people in 36 municipalities in South and Central Middlesex and South Norfolk Counties. Priority cases include domestic violence, housing, benefits, education and elder law. To augment the work done by staff, MWLS operates a volunteer attorney program in cooperation with local bar associations with a subgrant from VLP.

In addition to the legal service providers that VLP partners with, there are approximately 95 organizations providing legal services in the area and many of them have some pro bono component. It appears that VLP has at least knowledge of their work and attempts to coordinate where possible, rather than compete with these organizations.

¹ These towns are: Acton town, Ashland town, Arlington town, Bedford town, Bellingham town, Belmont town, Braintree town, Brookline town, Cambridge city, Canton town, Carlisle town, Concord town, Cohasset town, Dedham town, Dover town, Everett city, Foxborough town, Framingham town, Franklin town, Hingham town, Holbrook town, Holliston town, Hopkinton town, Hudson town, Hull town, Lexington town, Lincoln town, Malden city, Marlborough city, Maynard town, Medfield town, Medford city, Medway town, Melrose city, Millis town, Milton town, Natick town, Needham town, Newton city, Norfolk town, Norwell town, Norwood town, Plainville town, Quincy city, Randolph town, Scituate town, Sharon town, Sherborn town, Somerville city, Stoneham town, Stow town, Sudbury town, Suffolk County, Wakefield town, Walpole town, Waltham city, Watertown town, Wayland town, Wellesley town, Weston town, Westwood town, Weymouth town, Winchester town, Woburn city, Wrentham town.

² In addition to the VLP subgrant for \$430,399, LARC receives funding from the Boston Bar Foundation (\$169,583), Administration on Aging \$100,000, Greater Boston Legal Services (\$37,000), the Massachusetts Bar Foundation (\$27,500), the Mifflin Foundation (\$25,000), a grandparents grant (\$20,000) and private contribution (\$9,000).

³ MWLS was created in 1976 as South Middlesex Legal Services (SMLS).

VLP's delivery system consists of providing limited service and referral through a subgrant with LARC, as well as limited service and full representation through pro bono attorneys. The program provides a limited amount of direct service through its staff. A subgrant with MWLS provides pro bono assistance to clients in parts of Middlesex and Norfolk Counties. VLP has a total staff of 17 employees, including 10 attorneys and 3 paralegals. Only two attorneys, (one is the manager of the Senior Partners for Justice Program) in addition to the executive director, are full time employees.⁴

The program's LSC basic field grant for 2012 is \$1,918,041. The non-LSC revenue total for 2011 was approximately \$444,116, which included roughly \$340,000 in carryover funds.

In 2011, most of the program's 8,244 total closed LSC eligible cases were in the housing 2,652 (32.1%) and family law 1,551 (18.8%) areas. VLP closed a total of 1,338 income maintenance cases (16.2%) and 1,101 consumer/finance cases (13.3%) in 2011.

THE SERVICE AREA

The program has a densely populated service area that includes 939 square miles. There are 326,421 persons living at 125% of poverty in the service area according to the 2010 American Community Survey.

The Greater Boston metropolitan area has the sixth largest economy in the United States and is a crucible for dynamic economic business transformation but has made little progress in diminishing poverty. Major industries include high tech manufacturing, technical and business services hardware and software companies, insurance, biotechnology, financial services, universities, medical care and services, printing and publishing and clean-tech energy innovation.⁵ Boston and its metropolitan area are ranked as the fourth-largest cybercity in the United States. The region has a highly educated workforce.

In 2011, The Boston Foundation published, *The Measure of Poverty: A Boston Indicators Project Special Report* and in 2012 it published *City of Ideas: Reinventing Boston's Innovation*. These reports describe the economic climate in Boston, including the challenges still facing those who have not benefitted from Boston's burgeoning economy. Boston has among the highest housing prices in the nation and the third highest rental costs. Despite moderating home prices, housing affordability has declined in Boston and the region, with the greatest change a sharp increase in rental costs.

⁴ The chief counsel is 90% FTE and there are two attorneys at 60%, two at 80% one at 90% and another at 85% FTE.

⁵ Health care delivery and post-secondary education are its largest employers and account for more than 38% of regional employment in those industries. The city's financial activities cluster employs more than half of the region's finance, insurance and real estate workforce. Professional and business services are the city's second-largest industry.

The Measure of Poverty report concluded that between 1990 and 2010, Boston's economy continued its shift from a manufacturing to a knowledge base. The city's population increased by about 43,000 even as its child population declined by 6,000. Over that period, Boston's Latino population increased by 46,000, its Asian population by 25,000 and African Americans by 1,200 as whites declined by 48,000. However, despite these great demographic shifts, Boston's landscape of poverty remained relatively unchanged. In 1990, Boston's poverty rate was 18.7%. In 2000, 19.5% of Bostonians lived at or below poverty. Averaged across 2005–2009, according to American Community Survey estimates, 19% of Bostonians were living at or below poverty. By comparison, 10% of Massachusetts residents were living in poverty.

Between 1990 and 2010, Boston underwent great economic and demographic transformation, but its official poverty profile remained nearly constant. Boston's recent economic dynamism reflects an increase in wealthy, well-educated residents rather than a decline in poverty, with widening inequality and stark racial/ethnic disparities. Because the Federal Poverty Standard has not kept pace with Boston's high cost of living, the "officially" poor are poorer today than they were 20 years ago.⁶

SUMMARY OF FINDINGS

VLP is a dynamic legal services program that provides most of its services to clients through innovative, high quality pro bono programs and a subgrant agreement with a freestanding telephone intake, advice and referral program. VLP engages in excellent coordination with four other legal services providers to create an integrated delivery system in the Eastern Region of Massachusetts. VLP is the major pro bono provider in the region, while Greater Boston Legal Services provides most of the direct extended representation and the Legal Advocacy and Resource Center provides intake, advice, brief service and referral for the programs. These programs have entered into a Memorandum of Understanding that governs the provision of services and resource development among other issues.

VLP last conducted an assessment of the legal needs of the client community in 1999. Because of the legal services regional configuration in Massachusetts, the program largely relies on the 2003 Massachusetts Legal Needs Survey released by the Massachusetts Legal Assistance Corporation as the definitive assessment of client needs. Neither MLAC nor VLP has plans to engage in another legal needs survey in the near future.

The VLP board engages in an annual review of the program's priorities that are grounded in the recommendations of VLP management. Management analyzes the data from LARC and its other regional partners, as well as, the types of cases the partners

⁶ Charlotte B. Kahn & Jessica K. Martin, *The Measure of Poverty: A Boston Indicators Project Special Report*. The Boston Foundation (2011), <http://www.tbf.org/utilitynavigation/multimedialibrary/reportsdetail>; Charlotte B. Kahn et.al., *City of Ideas: Reinventing Boston's Innovation Economy: The Boston Indicators Report*, The Boston Foundation (2012), <http://www.tbf.org/utilitynavigation/multimedialibrary/reportsdetail>.

cannot take and new and emerging issues to determine the type of cases and matters to recommend as priorities.

VLP is very aware of emerging issues because of its unique position with the courts, the Boston Bar Association (BBA) and other legal service providers. VLP is dynamic in its capacity to create new pro bono projects in response to the courts and the BBA committees. This response has resulted in a number of Lawyer for the Day programs, including fair debt collection, family, guardianship and housing, the trust and estates hotline, the sealing of Criminal Offender Record Information (CORI) representation, a bankruptcy assistance project, the Guardianship Report Monitoring Project and, for veterans, the Yellow Ribbon Program, Veterans Stand Down and the LARC dedicated veteran's telephone line.

VLP has not engaged in strategic planning in many years. The board has established a strategic planning committee and the board chair and executive director are committed to engaging in a strategic planning process in the near-term.

VLP does not yet participate in a rigorous evaluation or measurement of its work, though staff indicated an interest in moving to more electronic and online based systems to produce "solid data" to measure this work, particularly in terms of capturing outcomes for clients. The staff Program and Policy Committee is a good start on that effort since it reviews VLP's various projects and assesses how to improve them. While VPL does provide oversight, there is no methodology in place to assess the results achieved for the clients by giving advice at the Lawyer for the Day projects.

VLP has a subgrant agreement with LARC to conduct its telephone intake. VLP also conducts intake at its court-based projects, as well during outreach and at time receives referrals directly from other stakeholder organizations.

LARC is a well-designed telephone intake, advice and referral system that has well trained, experienced and knowledgeable staff that provides quality advice and referral to the applicants that can access the system. Unfortunately, the wait times in the queue are too long, undermining the quality of the service and experience for the caller. LARC's telephone system is to be upgraded in the near future, which may improve the wait time. Both the telephone system and the case management system are in need of upgrading.

LARC has an excellent structure for keeping up with the changing case types referred to partner programs and makes good use of the Internet and written materials to supplement the advice given to callers.

VLP receives a significant number of intakes from its court-based Lawyer for the Day projects. VLP staff conducts eligibility screening at the court and qualify applicants to receive advice or additional help from an attorney when they appear at the court hearing.

With a full-time AmeriCorps member who is shared with the websites project, funded through Massachusetts Law Reform Institute (MLRI) and paid for with contributions from each direct legal aid provider in the state, VLP has focused on strengthening the language access capacity of their organization and that of the legal aid community, state administrative agencies and the courts in the state through the Language Access Coalition.

VLP has an appropriate mix of experienced and fairly new attorneys. Staff is diverse in its racial, language, and cultural makeup. The dedicated staff provides the pro bono attorneys with extensive support, mentoring, training and backup. Staff attorneys will take cases back when the private attorney cannot continue their representation.

The attorneys are enthusiastic about their work and are dedicated to ensuring that the clients receive high quality representation. VLP appears to approach their clients' legal issues in a holistic way and assess whether the problem stated leads to additional needs, which they will try to address. The written legal work samples the team reviewed were of uneven quality. VLP closes a comparatively high number of cases but is below the national median of closed extended cases per 10,000 poor people.

In 2011, VLP closed 8,244 cases and 1,094 of that total were PAI cases. 6,601 of the total were cases closed by LARC as advised under the subgrant agreement. The balance of 549 cases was closed by VLP staff. LARC closed approximately 13,000 cases in 2011.

VLP has excellent written performance standards for casework and case supervision that are followed by staff. The comprehensive Guide for VLP Case Handlers contains the information the advocates need to know about good case management. It includes policy on case opening, file maintenance, case review, supervision, tickler system, memo writing and case closure. The level of effective supervision of both new and more experienced advocates is commendable. Managers meet with staff to go over new intake cases and to review on-going open cases on a regular basis.

VLP provides very good training for its staff and encourages them to attend the numerous trainings available to them. VLP's training and support mechanisms sustain the legal work of the program and are the foundation to provide support for the panel attorneys. The experienced VLP attorneys continue to develop their skills and expertise by attending trainings.

VLP has an excellent Private Attorney Involvement (PAI) program. VLP provides numerous opportunities for its volunteers to participate in PAI activities. These include direct representation providing advice, brief service or extended service; limited representation at the court-based Lawyer for the Day programs, guardianship clinics, the Guardianship Report Monitoring Project, the Senior Partners for Justice program, participation in LARC's referral of probate cases; mentoring of less experienced attorneys and Limited Assistance Representation.

VLP provides extensive training for participating volunteer attorneys. VLP provides individual mentoring to its pro bono attorneys in the substantive legal areas in which they will provide service to ensure they have the tools necessary to handle the cases they are referred. All attorneys participating in the Housing Court Lawyer for the Day program are required to attend a training session conducted by VLP staff.

An exceptional strength of the VLP training and quality control is the multifaceted and tailored mentoring program for participating pro bono attorneys. VLP staff members serve as mentors to panel members handling referred cases and staff attorneys of other legal services providers. Members of the private bar act as consultants or mentors for cases outside the VLP staff expertise. VLP does not appear to have a system in place to evaluate the quality of the results received for clients as a result of the work performed by the pro bono attorneys.

VLP conducts extensive pro se activities throughout the court-based projects. Litigants that appear and receive advice at the Lawyer for the Day programs are provided with advice and instruction to enable them to understand the nature of their case and to represent themselves at a hearing.

On the whole the board is engaged in the work of the program. The VLP 21 member board includes members who are committed to its mission and to pro bono service. The board has an active committee structure and sets the policies for the program. While the board reviews the number, kinds of cases closed and the priorities on a regular basis, there are no performance metrics that they look at to evaluate outcomes, the program's effectiveness or the value of its work to the clients served. The board members interviewed are devoted to the program and there have been recent efforts to bring in new board leadership with diverse backgrounds and experiences.

The executive director provides strong focused leadership to VLP. Her steady leadership, clear vision for the program, and years of management experience sets the right tone for VLP as it moves forward.

The program is well-managed and appears to have adequate financial policies, procedures and practices in place. The program does not have a Human Resources Director. The executive director, the CFO and chief legal counsel are involved in human resources administration. VLP's Emergency and Disaster Recovery Plan Outline needs to be reviewed and updated.

VLP's technology is mostly adequate, though not highly innovative, could benefit from basic upgrades in software and equipment and is sustained by staff with support of an outside contractor. The program uses Lotus software for its case management system as do the other partners in the Eastern Region.

VLP has not emphasized obtaining additional funding for the program from the private bar, but has recently focused some efforts on private foundations and corporate donors. The MOU with its partners in the Eastern Region prohibits fundraising that

would directly conflict with the efforts of GBLS, particularly with the larger Boston law firms. This prohibition significantly limits VLP's ability to diversify its funding base and draw from the relationships it has with firms through their pro bono efforts. In this regard, the Eastern Region MOU has been limiting to both VLP and LARC. In connection with its strategic planning process, VLP should focus on modifying the MOU to allow for more flexibility in diversifying its funding and resource development efforts.

VLP is engaged in comprehensive and integrated service delivery both in the Eastern Region and on a statewide basis.

FINDINGS AND RECOMMENDATIONS

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

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

Finding 1. VLP completed its last comprehensive legal needs assessment in 1999 and has subsequently relied on the needs assessment conducted by MLAC.

VLP last conducted an assessment of the legal needs of the client community in 1999. Because of the legal services regional configuration in Massachusetts, the program largely relies on the 2003 Massachusetts Legal Needs Survey released by MLAC.⁷ VLP and the other regional partners continue to rely upon the Massachusetts Legal Needs Survey as a definitive study of needs of the low-income community in the state and the VLP service area. To determine the most pressing legal needs of the eligible client population, as part of establishing its priorities, VLP further analyzes the data and statistics received from LARC about the types of matters for which applicants were actually seeking assistance.

VLP, as the pro bono component in the region, additionally analyzes the data in light of what other services are available and if the private bar is likely, based on VLP's experience and previous surveys, to handle the problems identified.

VLP has no plans to engage in another survey of its own in the near future. A comprehensive needs assessment can be very resource intensive and expensive. The relationship of the five providers in the Eastern Region argues for a collaborative needs assessment to be conducted with the participation of all regional partners and MLAC; however, MLAC has no plans for conducting a legal needs study in the near future.

⁷ There are four regions in Massachusetts – Eastern Region, Northeast Region, Southeast Region, West Region.

Recommendation I.1.1.1:⁸ VLP should encourage the regional partners to conduct a needs assessment in conjunction with MLAC. If this is not done, VLP should consider conducting its own needs assessment in the near future.

Criteria 2 and 3. Setting goals and objectives, developing strategies, allocating resources and their implementation.

Finding 2. The VLP board engages in an annual review of the program’s priorities that are grounded in the recommendations of VLP management.

The priorities are grounded in VLP’s operating principles that seek to supplement and complement the services provided by other legal services providers in its service area and not to duplicate those services. Therefore, VLP’s priorities are predicated on the overall delivery system in the service area. As part of the annual review of priorities, the board considers the recommendations of the program management including the executive director, chief counsel, chief financial officer, and senior staff attorneys who analyze the data from LARC and its other partners to determine the type of cases and matters to recommend as priorities. Also considered are new and emerging issues in the courts, the types of cases its partners are not taking and the cases volunteer attorneys are willing and capable of handling.

Criterion 4. Evaluation and adjustment.

Finding 3. VLP is aware of and adjusts its work accordingly to address emerging needs, particularly where the legal need emerges from an area of existing expertise or from strong support from the private bar or courts.

VLP relies on input from LARC, the demand applicants and litigants make for legal services, the court and its partners to identify emerging legal needs. VLP also responds to requests from the court to establish programs that address the most pressing legal issues that are presented to the courts by pro se litigants, who are usually eligible for legal services.

VLP partnered with the Boston Municipal Court, the Litigation Section of the Boston Bar Association (BBA), and the National Consumer Law Center (NCLC) to address the lack of representation for pro se debtors in debt collection matters. VLP has

⁸ 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, and 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.

also partnered with the Bankruptcy Section of the BBA and the NCLC to launch a Bankruptcy Assistance Project to provide pro bono representation for low-income debtors facing bankruptcy.

The sealing of Criminal Offender Record Information (CORI) cases, foreclosure and other home ownership issues, increase in clients seeking unemployment benefits, employment discrimination, veteran's work, and grandparents raising their grandchildren have been identified as emerging needs that VLP seeks to address through its various projects described throughout this report.

When the catastrophic earthquake occurred in Haiti in 2010, VLP re-focused its guardianship work on the large Haitian-American community in greater Boston to assist families in need of emergency guardianship to support children and other family members affected by the earthquake.

Finding 4. VLP is interested in engaging in a strategic planning process.

With a newer executive director, leadership changes in the regional delivery system, and ongoing challenges in funding throughout the state and country, VLP is planning to engage in strategic planning in the near future. Over the past year, VLP has engaged in a resource development planning process with a consultant from the American Bar Association. The board has established a strategic planning committee and the executive director and board chair are committed to engaging in a strategic planning process in the near-term. During the visit, several VLP board and staff articulated an interest in identifying additional ways to directly access and increase services to clients. Given VLP's fast expanding volunteer base, particularly with recent law graduates, the program faces a strategic question on how to expand client services and organizational resources to meet volunteer demand.

Over the past five years, the BBA has engaged in a strategic planning process that takes into account the significant shifts and market adjustments with private attorneys and law firms and the overall direction of their plan appears to align well with VLP's more recent recruitment efforts. These efforts have included, for example, expanding pro bono opportunities for corporate in-house legal departments and large firms, engaging newer attorneys and engaging specialty bar associations.

Recommendation I.4.4.1*: The program should engage in a strategic planning process that complements and aligns with its development efforts and plan.

Finding 5. VLP does not have a methodology in place for measuring the outcomes of its work.

VLP does not yet engage in rigorous evaluation or measurement of its work, though staff indicated an interest in moving to an upgraded case management system and more electronic and online based systems to produce "solid data" to measure its work, particularly in terms of capturing outcomes for clients. The staff Program and Policy

Committee is a good start on that effort since it currently reviews VLP's projects and assesses how to improve them. This effort does not yet evaluate the outcomes of the representation provided to clients by the volunteer attorneys assigned cases or the court-based Lawyer for the Day pro bono programs. While there are reports provided by LARC on closed case statistics (Case Service Reports), it does not appear there is an effort to evaluate or measure the outcomes and the value of services provided to clients that receive advice and brief service from LARC. However, VLP conducts client satisfaction surveys for cases assigned to the volunteer attorneys. While the responses showed a high level of satisfaction, the response rate was only 9%. LARC also sends satisfaction survey to every tenth caller to the hotline.

Recommendation I.4.5.1: VLP should engage in a rigorous study to determine the most feasible method to measure the results achieved for clients of its work and to implement the methodology it develops.

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

Criterion 1. Dignity and sensitivity.

Finding 6. VLP treats clients with dignity and sensitivity.

The team had the opportunity to attend several Lawyer for the Day programs during the week of our visit. At each of the court programs we observed VLP employees staff the pro se desk in the hall of the courthouse and deal directly with litigants seeking help. Applicants for service were treated with patience, dignity and sensitivity. We observed that on the private housing court day, while the scene might be thought to be chaotic, more than 150 applicants were processed and provided counsel within a three hour period in an effectively orchestrated system.

The team uniformly heard from judges that the pro bono attorneys participating in the VLP programs that appear before them treated clients with dignity and respect.

While VLP does not have a large number of clients come to the office, it is well maintained, has a very professional atmosphere and a pleasant surrounding for both the staff and clients. The waiting area has informational materials and brochures for clients and toys for clients' children. The office is for the most part, easily accessible to handicapped and clients with mobility issues.

Finding 7. VLP has a multifaceted intake system; the primary source of access is telephone intake conducted by LARC. LARC's telephone intake system is challenged by volume and callers experience lengthy delays; other inefficiencies occur in the transfer of cases to VLP.

VLP has a subgrant agreement with LARC to conduct its telephone intake. VLP also conducts intake at its court-based projects, as well as during outreach and at times receives referrals directly from other stakeholder organizations.⁹

LARC Intake

The largest source of referrals to VLP for extended representation enter through the LARC portal. The LARC system is an integral part of the regional delivery system. It provides intake and referral services for VLP, GBLS, MetroWest Legal Services and Community Legal Services and Counseling Center. At the time of our visit, LARC had ten staff comprised of the executive director, managing attorney, five staff attorneys, two paralegals and the program administrator.¹⁰ All of the staff except the program administrator conduct intake, give advice and make referrals.

The callers to LARC receive very good service once they get into the system. However, the wait times of from one to two hours is unacceptable. LARC's telephone advice, brief service and referral system has many of the attributes set out in the LSC *Basic Elements of Effective Centralized Telephone Intake and Delivery Systems*, http://legalhotlines.org/standards/lsc_basic.htm and the American Bar Association *Standards for the operation of a Telephone Hotline Providing Legal Advice and Information*, <http://www.americanbar.org/content/dam/aba/migrated/legalservices/downloads/delivery/hotlinestandards.authcheckdam.pdf>.

The training and supervision of the LARC staff is very good. New staff shadow experienced intake experts to observe how to conduct intake, followed by being monitored as they do intake. They also receive substantive training on legal issues that are typically subjects of applicants' calls and training on using the program's technology, information resources, research tools and case management system. Only after this training are they allowed to conduct intake. During all intake hours, a supervisor is in the intake room to answer questions, deal with challenging calls and to verify advice when needed. Opportunities for ongoing training and CLE are available and used by staff. All calls are dealt with the day of the call and supervisors review closed cases to ensure quality. If there is a question at the time of review about the advice given, the applicant is called back to clarify the information provided. At the time of the visit, LARC had three Spanish speaking staff (including the executive director) and one attorney who speaks Haitian Creole.

LARC's partner programs provide ongoing information on their current case acceptance policies and changing case types to ensure timely and appropriate referrals. This information is captured by LARC in its monthly "Intake Update" list and combined with ongoing communication provides an excellent arrangement for ensuring relevant

⁹ In 2011, VLP received 2,050 referrals. 711 were from LARC, 670 from court projects, 135 from GBLS, 14 from Shelter Legal Services, 2 from social services agencies, 2 from judges, 1 from court staff, 1 from legal services programs and 514 from unidentified sources.

¹⁰ Layoffs of two staff were pending at the time of the visit.

referrals. LARC also developed a “Quickcheck” list for GBLS and VLP that gives a detailed compilation of the types of cases each program is currently taking.

Intake staff makes frequent use of the Internet to the benefit of callers. Staff researches MassLegalHelp <http://www.masslegalhelp.org/> and other Internet sites to inform and to advise callers. Staff quickly look up relevant information to pass on to applicants they are advising and often refer the applicant there for more information or self help materials. Callers who need additional information are sent written materials immediately following the call. LARC has developed a collection of more than 300 “client information sheets” to assist applicants. If the caller has access to a computer and the Internet, intake staff refers the applicant to appropriate websites and walks them through the information or forms on the site.

LARC’s telephone system allows the supervisor to know how long each caller is on hold and the length of time an advocate spends to conduct and intake interview. It does not allow for callers to leave a telephone number and receive an automated call back. While the telephone system registers the number of drop offs, it does not register how long the caller was on hold prior to hanging up. We were told that callers sometimes must wait from one to two hours in the queue prior to speaking with intake staff.

When an applicant calls LARC the staff conducts an eligibility assessment and then reviews the “Quickcheck” list, and then completes the intake. If the legal matter is one that a partner will take the intake staff then conducts an interview to gather sufficient facts to refer the case. Some advice may be given at this time. The case is then transferred electronically to a partner program. LARC uses Lotus Notes as its database and case management system as does VLP. The electronic transfer of cases to VLP from LARC appears to be a seamless process. If the legal matter is outside a partner’s priorities or if it is not taking those cases at that time (this is determined by reviewing the case acceptance criteria “Quickchecks”, for the four regional partners), the intake staff will conduct a thorough intake interview and give detailed advice that is structured to help the caller to proceed pro se. The intake specialist will also look at the monthly Intake Update of cases to determine if one of the other provider programs might provide service to the caller.¹¹ The caller will be advised of potential resources and provided a program’s number to call. The “Quickcheck” list and monthly Intake Updates are in the LARC database and accessible on each computer during intake. If the case is in VLP’s

¹¹ In order to remain vital, current and make accurate referrals of callers to the many providers in Massachusetts, LARC publishes a monthly “Intake Update” newsletter for its staff that lists the current intake information for major and specialized legal services programs throughout the state. The Update indicates if a provider is taking cases in a new substantive area, suspending taking cases in an area for a period of time or modifying case acceptance in any way. The “Intake Update” for April, reviewed by the team, listed more than 60 organizations providing legal services and the substantive law units or branch offices of the larger providers. The Update lists the location, hours of operation and telephone number of the organization, the language capabilities of the staff by job classification and precise information as to subcategories with general substantive areas (e.g. SSI at the Administrative Law Judge level only) or additional qualifying factors such as age, income level, domestic violence in family cases, debt level in consumer collections or bankruptcy cases or geographic service area. A printed version of the Intake Update consists of more than 40 pages of detailed information.

priorities but it is one that the program is temporally not taking or requires only advice, LARC staff will give advice and close the case.

There is some duplication of efforts when cases are sent to VLP. Intake eligibility and fact interviews are repeated by VLP to ensure the best and most accurate presentation of the case is made to the participating pro bono attorney.

LARC also conducts intake for the GBLS walk-in applicants. When an applicant arrives at GBLS, they are escorted to a room and provided a telephone to call LARC to engage in the intake process. At the conclusion of the intake, the applicant is given advice or referred to GBLS or the most appropriate legal services provider.¹² It appears that similar duplication of intake may occur when cases are referred to GBLS. In an attempt to mitigate this duplication, GBLS and VLP are designing procedures that would require LARC to provide only a minimum of information for some referrals that clearly fall into the programs' priorities.¹³

LARC has several specialized lines or queues. One is a telephone line dedicated to active duty military and their families as well as veterans of the Iraq and Afghanistan conflicts. LARC also has a separate dedicated line for applicants 60 and over to provide legal information, advice and referral. There is also a CORI advice hotline for those seeking to seal criminal records as well as a dedicated line for bankruptcy calls and a line for SSI/SSDI callers. And any caller into the main hotline who selects "Spanish", will be placed in a separate queue to wait for availability of the Spanish-speaking staff. LARC has an on-line intake system providing applicants the opportunity to apply for help 24 hours a day. LARC staff and volunteers perform call-backs to online applicants and other applicants from the specialized lines.

LARC sends client satisfaction questionnaires to 10% of the callers served and notes a 22% return rate for 2011. While the overall return of the questionnaires indicate that callers are very satisfied we note that in the Massachusetts Access to Justice Commission Special Planning Committee's September 12, 2011 Second Interim Report, on page 12 finds "little by the way of reliable evaluation to satisfy us (and the programs) as to the effectiveness of the advice given by the hotline programs." While this observation does not distinguish between the telephone intake programs in Massachusetts, LARC faces an inherent challenge in assessing the outcomes of its advice.

In 2011, LARC closed more than 13,000 limited service cases and 6,601 of those were limited service cases under the VLP subgrant. LARC is to handle 1,100 cases under

¹² The team was informed that there are approximately 95 legal services providers in the service area. In addition to the general practice programs some concentrate on specific subject matters such as disability, AIDS, children, education issues, environment and others specific client populations, such as women Hispanics, Gay and Lesbian and seniors.

¹³ The team reviewed questionnaires used for GBLS in the areas of shelter and welfare and for VLP in the areas of family and guardianship of minors.

its agreement with GBLS. The remaining cases are attributed to the program's other funding sources.¹⁴

It appears that LARC staff does not receive any feedback concerning the applicants referred to VLP or GBLS if a case is accepted, the outcome of referrals or statistics on number of cases accepted or rejected. LARC management does receive a list of cases VLP placed to ensure they are not counted as advice cases in LARC's records. Some staff at LARC has never met the VLP staff.

In the course of our interviews, we realized that LARC was not in contact with other well known telephone intake systems that could discuss the issues they were facing such as the Coordinated Advice and Referral Program for Legal Services (CARPLS), <http://www.carpls.org/home.aspx>, in Illinois; Northwestern Legal services in Pennsylvania, <http://www.nwls.org/telephoneadvice.htm>; the Coordinated Legal Education, Advice and Referral that is part of the Northwest Justice Project in Washington state, <http://nwjustice.org/clear-volunteer-attorneys>, or the LSC intake focus group.

Court Based Intake

Another important part of the intake system is the court-based Lawyer for the Day projects. VLP conducts a significant intake function during its various court-based projects. The Suffolk County Probate and Family Court (dealing with family law and guardianship matters), the Lawyer for the Day at the Boston Housing Court (providing help to tenants in private and public housing and to landlords), Fair Debt Collection Lawyer for the Day in the Boston Municipal Court and the Guardianship Clinics in Suffolk, Middlesex and Norfolk Counties provide litigants access to advice and, in some cases, representation.

The Housing Court project provides advice or limited representation in eviction proceedings or conditions cases. Pro bono attorneys or staff provides eligible litigants facing debt collection actions in the Boston Municipal Court help filing answers and presenting defenses. In each of these court-based projects, VLP staff members conduct eligibility screening, fact gathering and help the attorney prepare to support the litigants. Intake forms are completed and files opened for advice, or limited service. In most situations, the cases are completed the same day. On a few occasions, the litigant may have to return and receive further help if the case is held over. A few cases require extended service and may be opened at VLP as an in-house case or assigned to a pro bono attorney. The courts often refer litigants to VLP on the days they are conducting the court-based programs.

¹⁴ The categories of cases closed under the VLP subgrant include the following: 737 consumer/finance, 521 employment, 1,109 family, 107 health, 2,421 housing, and 1,153 income maintenance.

Referrals from Partner Agencies or During Outreach

In 2011, VLP received 669 referrals from other sources such as GBLs, the courts and other organizations. When an applicant is referred from an organization other than LARC (the court, the clerk's office or partner organization), the Chief Counsel usually does a preliminary screening of eligibility including financial, case type, geographic area and if it appears the applicant is eligible the case is assigned to one of the attorneys for a full intake screening. Those cases are then reviewed and a determination made on accepting or rejecting the case. The only variation is bankruptcy referrals where the applicant is sent a form to fill out listing the applicant's debts and assets.

Recommendations:

Recommendation II.1.7.1*: VLP, in conjunction with LARC, should ensure that LARC upgrades its telephone system so that it will allow for automated call back.

Recommendation II.1.7.2*: VLP, in conjunction with LARC, should examine the intake system to determine the cause for the long wait times and find solutions to shorten wait time for callers.

Recommendation II.1.7.3*: VLP, in conjunction with LARC, should devise a method to better assess the results of the advice it gives. Perhaps it could engage a student intern to call clients several months after the advice was provided to find out whether the advice was followed, if not, why not, and the objective outcome in the case (whether eviction was avoided, delayed or carried out; whether debt collector calls were stopped, lessened or continued; whether a security deposit was collected in whole or in part or not at all; and etc.)

Recommendation II.1.7.4*: VLP should engage with LARC to assist it in improving its intake and should contact the LSC intake focus group for guidance.

Recommendation II.1.7.5: VLP should consider a methodology to give LARC staff feedback about the results of referrals made from LARC.

Recommendation II.1.7.6*: VLP and LARC should work together to eliminate as much duplication of effort on cases that are referred from LARC as is possible while still ensuring an appropriate referral to a volunteer attorney.

Criterion 2. Engagement with the low-income population.

Finding 8. VLP is involved with the low-income community and the organizations in its service area providing services to that community.

VLP is engaged with the client community in several areas and is seeking to strengthen further its involvement with the client community. Staff members make

educational presentations to clients and stakeholder organizations and work with providers on specific projects.

In 2011, VLP staff conducted several community education presentations to the client community including training for grandparents on the legal implications of raising their grandchildren, tenants on landlord tenant issues, parents of disabled children concerning guardianship, and training for medical and social services staff on issues of guardianship of adults.

VLP worked with Shelter Legal Services, an organization for the homeless, on Yellow Ribbon Program events and “stand downs” to provide pro bono volunteers to educate veterans concerning their legal rights and benefits to which they are entitled. VLP produced PowerPoint presentations on key topics that recur at the events, such as family law, wage issues, temporary guardianship, wills and estate planning.

Volunteer panel attorneys are engaged in the community outreach and training including work with Shelter Services.

Recommendation II.2.8.1: VLP should continue to use volunteer panel attorneys to make presentations in the client community to leverage greater resources and expand VLP’s community outreach.

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

Finding 9. VLP is committed to ensuring language access in its pro bono representation and is strengthening its internal language access capacity as well as the capacity of the overall delivery system in the state.

VLP has long been committed to addressing language barriers within the diverse client population in the Eastern Region. The program affords all of their pro bono attorneys paid interpreter services for any referred cases where this service is needed. Annually, this amounts to approximately \$35,000, a meaningful commitment of resources on the part of the program.

The program has a Language Access and Interpreter Policy describing procedures for communicating with non-English speaking people and makes reasonable accommodations for their special needs. VLP has an attorney and two paralegals on staff who are bilingual in Spanish and English, an attorney that speaks Chinese, and an attorney proficient in Japanese.

With a full-time AmeriCorps member who is shared with the websites project, funded through Massachusetts Law Reform Institute and paid for with contributions from each direct legal aid provider in the state, VLP has been focused on strengthening the language access capacity of their organization and in the statewide legal aid community through the Language Access Coalition. Prior to this initiative the regional partners made their

own arrangement for interpreter services with varying degrees of efficacy. The AmeriCorps member works with all of the regional partners and has substantially streamlined the process for obtaining interpreter services. According to one justice community leader, the effort on the part of VLP improves access throughout the region through a more efficient process in terms of cost and administration.

Over the course of a year, VLP has developed a cost effective pool of trained interpreters, has researched and posted language access resources on the statewide website, and has revised and updated its language access protocol. VLP staff members are currently focused on strategies to raise language access issues with the state Access to Justice Commission and state courts. As of the writing of this report, the AmeriCorps member was developing a funding proposal to the State Justice Institute to pilot a “model language access courthouse” and on the final day of the onsite visit, VLP staff confirmed that they would be hosting a language access conference in June 2012 that will be held with the coalition partners at the offices of the Boston Foundation.

VLP has a comprehensive protocol for identifying the language needs of walk-in applicants or those referred by LARC and providing for an interpreter during the interviews with staff or a pro bono attorney, if placed for additional representation. VLP is in the process of revising their LEP plan and has sought the assistance of LSC staff and other programs to provide resources in this process. Since the OPP visit in April VLP has completed its LEP plan and sent a copy to LSC. VLP conducts regular training for its staff or volunteers on the LEP policy and procedures.

Based on conversations with the executive director, the program is committed to maintaining, expanding and improving its capacity to serve people with limited English proficiency.

Recommendation II.3.9.1: VLP should identify or develop training resources on working with interpreters and non-English speaking clients for its volunteers and staff.

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

Criterion 1. Legal representation.

Finding 10. Overall VLP provides good representation to clients with a good mix of very experienced and less experienced legal staff.

VLP has an appropriate mix of experienced and fairly new attorneys. Staff is diverse in its racial, language, and cultural makeup. The dedicated staff provides the pro bono attorneys with extensive support, mentoring, training and backup. Staff attorneys will take cases back when the private attorney cannot continue their representation.

VLP's chief counsel has more than 30 year's legal experience. The program has three attorneys with more than 20 years' experience and five with fewer than five years' experience and one with 18 years' experience. The staff attorneys' case loads are very low, often only a few cases, as most of their responsibility is to support the program's pro bono efforts. Staff attorneys concentrate in specific substantive areas to enhance their expertise and ability to support the private attorney participants. Staff cases include cases where the pro bono attorney could not continue for some reason, where clients, because of their circumstances (e.g. mental health), would present an extreme challenge for the pro bono attorneys or cases that present staff an opportunity to improve their skills.

The attorneys are enthusiastic about their work and are dedicated to ensuring that the clients receive high quality representation. VLP appears to approach their clients' legal issues in a holistic way and assess whether the problem stated leads to additional needs which they will try to address. For example, a person seeking a guardianship of a minor may also be entitled to a number of benefits such as food stamps and VLP staff will advise them of such. The team's conversations with the attorneys about their cases indicated that they are knowledgeable of the areas of practice, show sound case planning and use the available research tools and expertise of other attorneys from partner programs (including GBLS and National Consumer Law Center) and members of the private bar to extend the quality of representation they provide. The written legal work samples we reviewed were of uneven quality. Overall the documents reviewed, which include motions, memorandum, an amicus brief, and letter briefs, were logical and persuasive. They were thoughtful and used a range of legal doctrines and statutes including due process, de facto parentage, the American with Disabilities Act and the Fair Housing Act to achieve the clients' goals. However, several contained a number of typographical errors and inappropriate word usage detracting from the overall quality.

Recommendation III.1.10.1: VLP should establish a policy that all written work submitted to a court or is of equal importance is reviewed by another experienced staff member to avoid typographical and other errors.

Finding 11. The program closes a comparatively high number of cases but is below the national median of closed extended and contested cases per 10,000 poor people.

VLP generates a relatively high number of cases. For 2011, VLP closed a total of 8,244 cases of which 7,416 were limited service and 828 were extended services (10% extended). Of those closed cases, 6,601 were closed as limited services under the LARC subgrant and 1,094 were PAI cases. Housing cases made up the greatest percentage of closed cases (32.2 %); other practice areas included family cases (18.8%), income maintenance cases (16.2%) and consumer/finance cases (13.4%). VLP closed 374 cases per 10,000 poor persons compared to the national median of 263 and the national average of 254. For extended cases per 10,000 poor people, VLP closed 38 cases compared to the national median of 61 and the average of 57. For actual contested closed cases per 10,000 poor people, VLP closed 20 cases. The national median was 31 and the national average 32. The emphasis on limited services is probably due to the heavy reliance on LARC for telephone advice services, on volunteer attorneys to supplement the hotline and the fact

that the primary function of the staff attorneys is to provide support for the volunteer attorneys.

Finding 12. The program has admirable written performance standards for casework and case supervision that are followed by staff.

VLP has a comprehensive Guide for VLP Case Handlers that contains the information the advocates need to know about good case management. It includes policies on case opening, file maintenance, case review, supervision, tickler system, memo writing and case closure. Virtually all advocates interviewed stated that there was a written legal work and procedure manual and that they followed the policies contained therein. VLP plans to consolidate all of the materials in the Guide for VLP Case Handlers on the wiki in an updated electronic format as well as making paper copies available to staff. A performance standards manual that comprises written guidelines for legal work supervision is an important way to convey to all advocates what is expected of them in handling cases. It also can provide supervisors with the instructions they need to adequately perform their supervision. The standards for legal supervision provide a good foundation for supervision that should inform program advocates of best practices and supervisors of the supervision standards expected in the program.

The level of effective supervision of both new and more experienced advocates is first-rate. The LSC team found that managers meet with staff to go over new intake cases and to review on-going open cases on a regular basis. The meetings usually take place weekly for less experienced advocates and paralegals or every other week for more seasoned attorneys. If a case is handled in-house, an opening memo is completed. Cases referred to a pro bono attorney have a referral memo completed in Lotus Notes as part of the referral package.

Recommendation III.1.12.1*: VLP should complete its transition to an electronic copy of the Guide for VLP Case Handlers on the wiki.

Finding 13. VLP has many training opportunities for its staff training and support mechanisms for its volunteer attorneys.

VLP's training and support mechanisms sustain the legal work of the program and are the foundation to provide support for the panel attorneys. The experienced VLP attorneys continue to develop their skills and expertise by attending trainings. VLP makes extensive use of the training opportunities available from Massachusetts Continuing Legal Education (MCLE). Staff is encouraged to attend trainings and frequently attend the courses in the legal areas relevant to their practice. These include fair debt collection, family law, custody, SNAP, immigration, benefits, guardianship, housing and unemployment among others. Staff also attends training provided by the Boston Bar Association, Massachusetts Law Reform Institute and the National Consumer Law Center. Professors from area law schools also provide training to staff, as do experts from partner programs such as Greater Boston Legal Services. In-house case reviews are also used as a training forum.

New advocates receive an orientation to the program and have a development plan established to guide them in their training and growth. The less experienced attorneys are assigned to and mentored by an experienced staff attorney. At times, experienced private practitioners mentor them if staff lacks expertise in a particular area. There are opportunities at times to attend national conferences. It does not appear that the development plan for new employees is formal or in writing at this time.

Because the program places a high value on developing their newer staff, it could be particularly valuable for the program to engage in a process to formalize and articulate their development “trajectory” for newer advocates. This will add transparency and accountability to VLP’s new staff development process and could also be used to help the program in identifying the best opportunities for its volunteers, many of whom are newer attorneys seeking experience and professional development in addition to opportunities to help clients.

Recommendation III.1.13.1*: VLP should formalize a written development plan for all new advocates and follow the plan in order to develop the advocates’ skills.

Criterion 2. Private attorney involvement.

Finding 14. VLP operates a comprehensive pro bono program and provides a number of opportunities for private attorneys to participate in pro bono activities.

VLP provides numerous opportunities for its volunteers to participate in Private Attorney Involvement (PAI) activities. These include direct representation providing advice, brief service or extended service; limited representation at the court-based lawyer for the day program, guardianship clinics, the Guardianship Report Monitoring Project, the Senior Partners for Justice program, participation in LARC’s referral of probate cases; mentoring of less experienced attorneys and limited assistance representation.

There are 22,000 attorneys eligible to participate in the Volunteer Lawyers Project’s PAI program in the service area. The program reports that 1,234 agreed to participate and 657 are active participants. The 2011 grant activity report indicated that 415 attorneys accepted cases.

Cases received from LARC that are referred by VLP to pro bono attorneys are screened thoroughly for eligibility and a comprehensive summary of the facts is developed. A VLP staff member meticulously screens the cases acquired at the court-based projects for eligibility and appropriateness prior to the PAI attorney’s involvement.

VLP refers a variety of case types to panel attorneys, including: bankruptcies; evictions; divorces; employment discrimination; debt collection matters; foreclosure and home ownership matters; guardianships; child support petitions; unemployment compensation appeals; wills and probate issues; transfer requests in public housing; and other miscellaneous matters. A VLP specialist in the substantive legal area of the case

conducts a comprehensive analysis to determine if it is appropriate for referral to a PAI attorney. The case is placed based on the complexity of the matter and the level of experience of the participating attorney. VLP staff will remain engaged during the life of the case to serve as a mentor.

PAI attorneys provide advice on employment and probate matters. A panel of attorneys is available to take cases directly from LARC in complex employment or probate matters that are beyond LARC's expertise. The client is referred to a participating private attorney's office during specified hours within a week of the call.

LARC has dedicated a line for SSI/SSDI, bankruptcy calls, as well as one for military personnel and veterans and their families. VLP's panel attorneys obtained court orders in more than 100 bankruptcy cases and obtained more than 100 administrative agency decisions in unemployment compensation cases.

Court-Based Programs

PAI attorneys participate in a number of the Lawyer for the Day projects. At the Boston Housing Court Project the volunteer attorneys staff the advice tables for both tenants and landlords at court each week on Thursday "eviction mornings." Pro bono attorneys participate in the eviction proceedings held every Wednesday for public housing residents. In addition, volunteers also represent clients through the mediation process that is part of the eviction process on those days. At times, the attorneys agree to accept cases requiring trials that arise out of the eviction proceedings. In most situations the attorneys enter an appearance under the Limited Assistance Representation (LAR) rules allowing an appearance for one discrete task.

At the Guardianship Clinics in Suffolk, Middlesex and Norfolk Counties, volunteer attorneys help low-income petitioners for guardianship complete and file the guardianship petitions, and help low-income guardians complete their care plans and annual reports.

As stated on the VLP website in the Courtroom Lawyer for the Day in Suffolk Probate & Family Court, the volunteers provide a range of services to clients in family law and guardianship matters from simple advice to help with pro se pleadings, to representation in a contested court hearing as well as assist pro se clients to fill out and file petitions for guardianship, primarily to minors.

Each week, pro bono volunteers provide advice to low-income debtors in the Boston Municipal Court Fair Debt Collection Lawyer for the Day program.

Each month, the VLP staff and pro bono panel members attend a presentation for all pro se creditors seeking Chapter 7 bankruptcies at the Bankruptcy Court and income eligible clients are assigned a pro bono attorney. Members of large firms agree to provide representation to low-income debtors in Chapter 7 proceedings in a project established by VLP and the Bankruptcy Section of the BBA.

Senior Partners for Justice

An important part of VLP's delivery structure is the Senior Partners for Justice. This project commenced in 2002 by a retired Justice of the Massachusetts Probate and Family Court to provide pro bono representation to pro se litigants in family cases. Initially the volunteers were retired attorneys or those close to retirement. The program has expanded to include attorneys of all age groups and experience levels.

The types of legal matters handled have also expanded beyond family law and include limited assistance representation (LAR) in the Fair Debt Collection Courtroom Lawyer for the Day program in the Boston Municipal Court, a Guardianship Clinics in Suffolk, Middlesex and Norfolk Counties, Suffolk Probate and Family Court Limited Assistance Representation Courtroom Lawyer for the Day Project and the Guardianship Report Monitoring Project where volunteers serve as Judicial Designees to assist in the review of the Care Plans and Reports for incapacitated adults that must be filed in all guardianship cases. There are currently 300 participants in the Senior Partners for Justice Program.

Quality Control/Training/Support

One of the strengths of the VLP program is the extensive training it provides for participating attorneys along with individual mentoring from VLP staff and other pro bono panel members. A review of VLP's website shows multiple trainings available to its PAI attorneys including family, bankruptcy, consumer, housing, guardianship and orientation for new participating attorneys. The trainings strive to "prepare attorneys to handle cases outside their usual areas of practice and ensures that attorneys have the tools necessary to handle the cases referred to them." All attorneys participating in the Housing Court Lawyer for the Day program are required to attend a training session conducted by VLP staff. In its comment to the Draft Program Quality Report, VLP clarified that all attorneys who provide Limited Assistance Representation (LAR) must complete an on-line audio and written training or attend a live seminar to be LAR certified.

A significant asset of the VLP training and quality control is the multifaceted mentoring program for participating pro bono attorneys. VLP staff serves as mentors to panel members handling referred cases and staff attorneys of other legal services providers and members of the private bar act as consultants or mentors for cases outside the VLP staff expertise. Approximately, 80 attorneys participate as mentors. VLP provides for newer attorneys to shadow experienced attorneys. There is also group mentoring where two experienced practitioners provide a brief presentation to five to eight new attorneys followed by a discussion about issues on individual cases. Brown bag lunches provide an opportunity for attorneys in the family and consumer/bankruptcy arenas to obtain guidance from each other. The firm of Ropes and Gray provides two in-house mentors for VLP cases its attorneys take. Participants in the court-based projects have on-site mentoring at the court. VLP provides Grand Rounds where bi-monthly a mentor attorney meets with a group of protégés and gives a tour and explanation of the

working and key personnel at the courthouse in the Suffolk Probate and Family Court.

VLP's case management system is the foundation for tracking status of the PAI cases. In conjunction with the tickler system VLP can assess the position of each referred case. All clients are informed in writing at the time of referral who is assigned their case and how to contact the attorney. They are also told to contact VLP if they have any complaints. The tickler system sends periodic emails to attorneys inquiring about case progress. The Chief Counsel reviews each pro bono case every 6-12 months to ensure that progress is being made. VLP staff attorneys review case updates and screen for issues that might need attention. Panel members submit case closure forms to VLP for review. However, VLP does not review pleadings or other significant case documents; a review of a self-executed form from the volunteer attorney does not allow for a contemporaneous evaluation of the quality of the work performed by the pro bono attorneys. In addition, VLP does not appear to have a system in place to evaluate the quality of the results received for clients as a result of the work performed by the pro bono attorneys.

An automatic email tickler goes out to the pro bono attorney approximately three weeks after the case has been assigned asking if any action was filed and for details on the case activities. Periodically, emails are sent asking for case updates and a copy of the email is sent to the staff person involved in that substantive area. A staff member places the information returned from the attorney into the database. If there is a problem, VLP staff contacts the attorney and suggests what needs to be done on the case. All contacts between the staff and the pro bono attorney are memorialized in the electronic case file database. VLP uses an electronic calendar for scheduling both staff and pro bono participants in the various Lawyer for the Day programs. Volunteers can also sign up to participate in the programs using the calendar system.¹⁵

VLP sends a client satisfaction survey in English or Spanish to each client at the time the case is closed and a returned copy is placed in the client's file. The response rate is typically between 10%-20% and most responses report satisfaction with the representation.

Recruitment

VLP has an array of recruitment efforts. The efforts includes sending mailings to all new admittees to the Massachusetts bar within its service area, sending letters encouraging pro bono participation from the Chief Justice of the Supreme Judicial Court and the President of the BBA, visiting large firms and corporate counsel offices, and appearing at various bar association sections and at Massachusetts Continuing Legal Education training events. VLP's recruitment endeavors are supplemented by having two staff members serve on the Standing Committee on Pro Bono Legal Services of the Supreme Judicial Court. The Standing Committee promotes volunteer legal work in

¹⁵ VLP uses VolunteerHub for its calendar and scheduling of volunteers. <http://www.volunteerhub.com>

Massachusetts to help low-income people obtain legal assistance under its Rule 6.1.

VLP also strives to recruit unemployed and underemployed attorneys to volunteer. Its provision of malpractice coverage, excellent training, mentoring and exposure to networking and case handling are powerful tools to build a practice for the future. The Massachusetts Continuing Legal Education, Inc. offers programs that concentrate on legal service practice and provides a low tuition for pro bono attorneys.

Retention

VLP has a number of vehicles to recognize its volunteers, including an annual reception at the Supreme Judicial Court attended by leaders of the Judiciary, Bar and other notable guests to recognize the accomplishments of its pro bono attorneys. In addition, the BBA publishes a newsletter recognizing the contributions of its volunteers.

Productivity

VLP PAI attorneys close a high number of extended service cases. VLP closed 1,094 PAI cases in 2011 of which 703 were extended service cases (64.3%) and 391 limited service cases (35.7%). Most cases were in the family area, which included 289 cases (26.4% of the PAI cases). Second was the consumer/finance area where 246 cases were closed (22.5%). Next were Juvenile, 206 closed cases at 18.8% and Housing, 139 closed cases or (12.7%) VLP closed 50 PAI cases per 10,000 poor people in 2011. The national median is 32 cases per 10,000. The actual number of extended PAI closed cases per 10,000 poor persons in 2011 for VLP was 16 while the national medium was 3.

MetroWest Legal Services

Under the subgrant agreement with VLP, MetroWest (MWLS) is to provide pro bono representation in portions of Middlesex and Norfolk Counties. The program has 200 attorneys on their pro bono panel. Intake is originated with referrals from LARC and direct calls from applicants and online intake at MWLS. MWLS and VLP occasionally refer cases to each other. MWLS also staffs an Attorney for the Day project at one of the courts every Thursday morning for the protective order session. The volunteer attorneys are assisted by a bilingual case worker from one of the shelters funded by VAWA. This project serves about 200 abuse victims a year.

According to MWLS staff, it closed over 130 cases last year.¹⁶ These were nearly all extended representation cases. MWLS attempts to have quarterly meetings with VLP as well as regional meetings including GBLS, CLSC, and LARC.

¹⁶ Subgrant agreements reviewed by the team noted that the program closed between 93-133 cases over the last two years.

Results for clients of the Lawyer for the Day programs

VLP has not conducted an analysis of the results achieved for clients by these programs. It is difficult to measure the benefits to clients since the contact with the clients is limited and once the proceedings are over that day the client may not be seen again. There is anecdotal evidence based on conversations with advocates and judges that clients are pleased with the help they receive and the court appreciates the benefit to the court. Several studies have been conducted by D. James Greiner, a Harvard law professor, and others analyzing the benefit of counsel in housing cases in Housing Court and District Court in Massachusetts. One study indicates that tenants in the Northeast Housing Court that received help from a Lawyer for the Day program kept possession and had financial benefits similar to tenants that had counsel.¹⁷ However, it is unknown if the programs operated by VLP show similar benefits to clients.

Recommendations:

Recommendation III.2.14.1*: VLP should analyze its current case assignment methodology and determine if the volunteers could increase the number of extended services cases and contested cases they close. While the number of closed extended and contested cases per 10,000 poor people is higher than the national statistics, as a pro bono program where staff are support for the volunteers, VLP should encourage more extended services from its volunteers.

Recommendation III.2.14.2: VLP should consider how best to measure the results received by clients from the Lawyer for the Day programs and conduct a study of their efficacy.

Recommendation III.2.14.3*: VLP should develop a methodology to evaluate the quality of the legal work provided by the volunteer attorneys and the value of the results achieved for clients by the volunteers.

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

Finding 15. VLP conducts extensive pro se activities throughout the court-based projects.

The Lawyer for the Day Project at the Boston Housing Court provides volunteer attorneys to advise litigants how to present their cases in the courtroom and proceed pro se. It is the goal of this program to provide sufficient advice that allows a public housing or private housing tenant or eligible landlord to present a rational and coherent explanation of their position to the court. The LAR/Attorney for the Day Family Law Limited Assistance Representation project at the Suffolk County Probate and Family

¹⁷ Boston Bar Association Task Force on the Civil Right to Counsel, The Importance of Representation in Eviction Cases and Homelessness Prevention: A Report to the Boston Bar Association Civil Right to Counsel Housing Pilots (2012).

Court and the Guardianship Assistance Clinic in the Suffolk County Probate and Family Court provide similar pro se assistance.

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

Criterion 1. Board governance.

Finding 16. On the whole the board is actively engaged in the work of the program and dedicated to its the mission.

The VLP 21 member board includes members who are committed to its mission and to pro bono service. A core of approximately fourteen members faithfully attends the meetings. Attendance usually ranges between 12 and 18 members. The board is diverse and has 13 women and 8 men. There are six client board members. Thirteen members are Caucasian, five African American, two Asian and one Hispanic. Recently, the VLP board and executive director have worked to increase the diversity of the board's membership.

The by-laws call for quarterly meetings but the board meets about six times a year or more frequently, if needed. A review of the minutes show an active, knowledgeable and engaged board concerned about the programs wellbeing. Usually, only a few VLP staff attend the meetings. It does not appear that the board has many opportunities to hear directly from staff about the impact of their work. The board received a presentation on the language access initiative, the Senior Partners for Justice and other topics from time to time.

There is no formal board training for new board members or a board manual. When new members come on the board they receive orientation to the program and board minutes to review. Some have had the opportunity to attend the National Legal Aid and Defender Association conference.

The board currently has eight committees: the executive committee, nominating, development, finance, personnel/grievance, recruitment, by-laws and strategic planning & implementation. The executive committee consists of the secretary, treasurer, vice chair and chair, each of whom serves three years terms in the course of moving up and into the chair position. Traditionally the immediate-past chair serves as the chair of the nominating committee.

The board sets the policies for the program. While the board reviews the number, kinds of cases closed and the priorities on a regular basis, there are no performance metrics that they look at to evaluate the program's effectiveness, or the value of its work to the clients served.

The board members interviewed are devoted to the program. The attorney members have been or are active in pro bono work. They are committed to the concept

of pro bono and have initiated creative pro bono projects themselves, are active in pro bono efforts in their firms and businesses, serve on bar association pro bono committees and other organizations that focus on pro bono. Board members agree that they receive board materials sufficiently in advance of meetings so they can prepare.

Board members report that the client and attorney board members treat each other with respect and work well together. Attorney members acknowledge the important contributions client members bring to the board including outreach to the client communities.

The board chair is very committed to the program. He sees his major role as enhancing financial resources and finishing the strategic plan and the succession plan.

The board annually evaluates the executive director.

Recommendations:

Recommendation IV.1.16.1*: VLP should establish a formal training for new board members and a routine update on board responsibilities for all board members.

Recommendation IV.1.16.2*: VLP should develop a board manual.

Recommendation IV.1.16.3: VLP should consider increasing the frequency of the staff presentations about their legal work, and that of the pro bono attorneys, at board meetings.

Recommendation IV.1.16.4: VLP staff should consider attending board meetings to have a greater appreciation of the board's commitment to the program.

Criterion 2. Leadership.

Finding 17. The executive director provides strong focused leadership to VLP.

VLP's leadership is centered in the program's executive director. Her steady leadership, clear vision for the program, and years of management experience sets the right tone for VLP as it moves forward.

She has 26 years experience in the legal profession and has been director for over two years. She has a varied legal background in city and state government. She served as *Attorney/Policy Analyst* to the Mayor of the city of Boston and *Deputy Legal Counsel* to the Governor of Massachusetts as well as chair of the Massachusetts Parole Board for seven years. She has good management skills and is respected by staff, board and the legal services community.

She brought to VLP over 20 years of management experience, which she has applied to the operation of the organization. She and the staff mutually require high

quality work from the organization. When she was hired she took time to meet with each staff and board member to establish a personal relationship and to set the tone for the future. She also took the time to know and understand the legal services community.

Staff expressed the belief that the director clearly communicates the high standards of professionalism and quality of legal service expected from them. There is a spirit of teamwork in the office.

The director understands the need for the program to expand its resources and engage in fundraising and development. Other areas of focus include strategic planning, expanding and improving language access for clients, and assessing the quality of the programs work and its accomplishments.

The director established the Program and Policy Committee, which includes the experienced attorney staff. It meets every three weeks to evaluate existing programs. Topics considered include staffing, tracking of panel cases, orientation for newer staff attorneys, and quality control for panel attorneys. This committee has provided senior staff with an opportunity to provide their knowledge and expertise in assessing work and improving the delivery system.

Board members found that the executive director is candid at assessing program performance.

Criterion 3. Overall management and administration.

Finding 18: VLP's management team includes legal work managers and other key personnel.

The VLP management team consists of the executive director, the chief counsel, the manager of the Senior Partners for Justice Program and the chief financial officer.

The three supervising attorneys now play a greater role under the current executive director in the administration of the program than in the past. As noted above, the director created a Program and Policy Committee to analyze the program's work and how and why it functions in a certain manor and challenge the program how it could work more effectively and efficiently. The senior staff creates a list of issues that need to be addressed to enhance service or efficiency. The possible remedies and changes are addressed during committee meetings. Each senior attorney is responsible for coordination of one of the court projects and providing advice on the operation of the court based programs they supervise. Senior attorneys are leaders in the guardianship and trusts/estates program and the design of interpreter protocols. All the supervising attorneys also take leadership roles in additional special projects at VLP.

VLP has an Emergency and Disaster Recovery Plan Outline. Review of the outline shows that while it touches on a number of important issues that should be in a Business Continuity Plan (BCP), it lacks critical detail essential to an effective plan.

While the outline appropriately states that the safety of VLP staff, clients, and volunteers is the priority consideration, there is no evacuation plan for the premises showing how those persons will be protected. There is a detailed description of certain staff actions prior to the emergency (staff are to take their calendars and list of cases and client information, and computers are to be turned off) but the plan does not address critical issues such as how to protect the VLP's technology or client files. In addition, the outline lacks a means to protect important VLP documents such as insurance policies, lease agreements or how to make payroll. It does not appear that the outline has been tested by VLP or that it is reviewed and updated on a regular basis.

Recommendation IV.3.18.1: VLP should review its Emergency and Disaster Recovery Plan Outline and address a number of critical issues to ensure it is a viable plan that fulfills the program's goal of ensuring the safety of its constituents. The American Bar Association *ABA Lawyers Guide to Disaster Planning* provides a helpful tool for reviewing and drafting a Business Continuity Plan http://www.americanbar.org/content/dam/aba/events/disaster/surviving_a_disaster_a_lawyers_guide_to_disaster_planning.authcheckdam.pdf

Criterion 4. Financial administration.

Finding 19. The program appears to have adequate financial policies, procedures and practices in place.¹⁸

The team's review of the program's financial administration was limited. In addition to reviewing financial information submitted prior to the visit and budget information on file at LSC, the team, while on-site, interviewed the chief financial officer (CFO) and other staff that are involved with fiscal support duties.

The fiscal office is staffed by one person, the CFO who is not an accountant but has a master's degree in business administration with concentration in non-profit management.¹⁹ The CFO is responsible for and manages the budget and accounting process, serves as the staff liaison to the board finance committee, and manages some aspects of human resource administration, (e.g., administration of the pension plan and health plan), and information technology (e.g., management and training on the case management system). The CFO also provides financial management support for LARC, which includes: administering personnel benefits, check writing, monitoring the budget, and preparing monthly expense reports.

Conversations with the CFO and VLP staff indicate that at least two VLP staff are involved in all cash receipts, payroll, cash disbursement, and purchasing transactions and that staff responsible for incurring an expense or receiving cash is not responsible for

¹⁸ 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 functions. Assessment of fiscal operations is conducted by other offices at LSC.

¹⁹ Since the OPP visit the CFO has received her CPA license.

processing the item in the accounting system, making bank deposits, or disbursing checks. Internal controls are reviewed by the IPA.

The CFO receives support through a contractual agreement for accounting support. The cost for the contractual arrangement is a fraction of what would be required to have an accountant on staff. Services are provided on a regular monthly schedule and on an as needed basis and have proven effective. The accountant on contract reviews bank reconciliations, payroll entries, participates in audit preparations, and reviews general journal entries.

VLP goals and objectives drive the budget planning process. Although VLP does not engage in multiyear budget planning, the CFO develops two-year projections on expenses and revenue requirements. The board is involved throughout the budget planning and fiscal oversight process and approves the final operating budget. Budget planning begins with the executive director, the CFO, the board chair, vice chair, and treasurer who meet to discuss budget requirements and formulate the annual operating budget.

VLP has written fiscal policies and procedures. The accounting manual was updated March 2012. It includes board approved policies on: salary advances, procurement, bank reconciliations, client trust funds, and cash disbursements. VLP utilizes Quick Books Pro, which has the capacity to integrate accounting and budgeting and has proven adequate for a nonprofit with few revenue streams. VLP carryover funds, approximately \$560,000, are not invested. Carryover funds are maintained in a savings account that pays interest of approximately one-half percent.

Recommendations:

Recommendation IV.4.19.1: VLP should consider a more versatile accounting system that tracks grant activities, revenue sources, and grant requirements with full integration of budgeting, accounting, and grants management as VLP begins to broaden its revenue sources. This upgrade promotes efficiency and effectiveness in overall financial management and fiscal oversight.

Recommendation IV.4.19.2: VLP should consider researching secure investment options for carryover funds and develop a board approved policy on investments.

Criterion 5. Human resources administration.

Finding 20. The program's human resources administration is handled by the executive director and CFO.

The executive director, CFO and chief legal counsel are involved in human resources administration. Personnel records are secured in the office of the executive director.

VLP offers a generous benefits package including nine-week sabbaticals after seven consecutive years of employment and a Loan Repayment Assistance Program (up to a total of \$12,000 during their time with the program). The CFO is involved in the initial negotiation for staff benefits. VLP and LARC staff participates in a group benefits package. This year the program increased staff contributions to reduce the total cost of benefits.

The policies for recruiting staff are maintained in the personnel policy manual, which along with other policy documents is maintained on the VLP WIKI. A number (majority) of the VLP staff are not full time employees. New employees are eligible for benefits when they are hired.

VLP staff evaluations by the executive director are intended to occur annually or more frequently for probationary staff. Some staff evaluations have not occurred since 2009, but are expected to resume beginning in 2012. The executive director was evaluated by the board after her first year in the position.

Staff morale is very good and there is a sense of camaraderie in the program. Newer staff is anxious about the impact of possible budget cuts on the stability of their positions.

Criterion 6. Internal communication.

Finding 21. VLP uses several methodologies to promote its internal communication.

VLP maintains effective intra-staff and staff-management communications and relations. VLP's systems and procedures for ensuring regular communication among all staff members primarily occur through in-person meetings with managers and directly between the director and staff. VLP is a small office and there is ongoing informal communication between staff members. In addition, there are a number of structured meetings. VLP conducts weekly case review meetings where attorneys, paralegals and the executive discuss new and ongoing cases. The family, consumer and housing practice groups meet on a regular schedule to deal with substantive issues. Staff meetings occur every three weeks. The senior management team meets weekly with the executive director. The CFO meets frequently with the support staff. Email supplements in-person meetings. The executive director and the chief counsel travel to the subgrantees and communicate regularly by telephone and email.

Technology

Finding 22. VLP's technology is mostly adequate and sustained by staff with support of an outside contractor.

For the most part, the program's use of technology is adequate, though not highly innovative. The VLP website is well designed and provides necessary information to both the local client and pro bono communities. Massachusetts' statewide website,

MassLegalHelp, contains many helpful client education resources, including automated forms. <http://www.masslegalhelp.org/>

VLP employs an Information Technology (IT) consultant on a contractual basis who maintains the servers, conducts the daily and weekly data backups, recommends technology upgrades, and resolves hardware and software issues that cannot be addressed by VLP staff. The consultant is the technology director for the Massachusetts Law Reform Institute, which is housed in the same building as VLP. The contractual arrangement is substantially less than the cost of having a full-time technologist on staff. An additional advantage is that VLP's IT consultant has experience with other legal services programs in the region and draws on that experience to employ regional technology strategies.

VLP uses *Lotus Notes* for the case management system (CMS). It permits seamless transfer of cases between all five regional partners thereby streamlining the intake process. The CMS is the product of regional cooperation. The MOU agreement provides that the providers in the Eastern Region will "permit and help the others to use any technological tools they develop, such as case management systems or document assembly programs." To date the regional partners have not adopted a more sophisticated case management system.

In addition to saving a great deal of money and time, VLP has benefited from a large group of other users who can share experiences and provide backup support. However, *Lotus Notes* is considered an inferior CMS by a number of staff interviewed at both VLP and LARC. It appears that to make it responsive to the programs' needs and functions a number of "workarounds" are needed. Although there are many advantages with the CMS, the cost of maintaining it and the risk of it rapidly becoming obsolete may outweigh the benefit of keeping it.

VLP is currently considering an upgrade to its Microsoft applications from 2003 to 2010. The advantages of upgrading are to ensure compatibility with other systems and applications, the capacity to do more with computer hardware, and to improve system security. Additionally, delaying the upgrade makes the transition more challenging for staff - the end user.

VLP uses a sophisticated tickler system that tracks and monitors the status of pro bono cases. "Case updates" is used to send emails to panel members and to staff to ensure all parties concerned are current and that the pro bono cases are on track. Emails go out about three weeks after the case has been assigned. The pro bono attorneys appreciate the value of the tickler.

Recently, VLP acquired a laptop, wireless Internet capacity, and a portable printer for the court projects. The program also has a new email messaging service to remain in contact with the full pro bono panel. VLP in collaboration with LARC, developed a limited online intake application and a special phone line for veterans and active service members; developed an online registration application for Senior Partner for Justice

luncheon seminars; and developed “YouTube” training modules on: bankruptcy, guardianship, debt collection, housing, benefits, and limited representation through the “lawyer-for-a-day” court projects. It now uses “VolunteerHub” online registration for the family law courthouse project. The program has a laptop that is designated for use at the Lawyer for the Day programs. However, it does appear that the laptop is fully used for intake and that intake documents are often filled out on paper form and the information later entered into the CMS.

VLP was awarded a Technology Initiative Grant (TIG) to develop a statewide website (in collaboration with law schools, bar associations and the judiciary) for pro bono attorneys to access trainings, practice materials, mentors, and law student assistance to support their pro bono work.

Data backups occur daily; the entire network is backed-up weekly. Backup tapes are stored offsite. VLP uses a wiki for sharing information office-wide. Materials on the wiki include, but are not limited to: office policies, guidance, and manuals, health plan information, and training materials.

Recommendations:

Recommendation IV.6.22.1: VLP should examine the reasons why the laptop is not used to its fullest potential and should consider purchasing a portable printer for intakes at the Lawyer for a Day court projects

Recommendation IV.6.22.2: VLP should consider upgrading the Microsoft Office Suite from 2003 to 2010.

Recommendation IV.6.22.3: VLP should consider a more sophisticated CMS during the upcoming MOU negotiations with GBLS and the other Eastern Region providers.

Criterion 7. General resource development and maintenance.

Finding 23. VLP has not emphasized obtaining additional funding for the program.

VLP entered into a Memorandum of Understanding with its partners in the Eastern Region that prohibits fundraising that would conflict with the efforts of GBLS, which significantly limits VLP’s ability to conduct fundraising. The Eastern Region MOU has also had an adverse effect on resource development for LARC. However, the partner programs sometimes collaborate on resource development opportunities. As an example, GBLS helped LARC with the Agency on Aging grant.

VLP seeks and receives foundation grants in addition to IOLTA funding from the Massachusetts Bar Foundation. The executive director has attended the MIE fundraising conference and hired a consultant to work with the board on a development plan. VLP is contemplating seeking funds from corporations rather than law firms. The board realizes the importance of fundraising, is supportive of increased efforts and has established a

development committee. There is no requirement that the board members contribute financially to VLP. The board chair believes that fundraising is the board's primary priority.

As made clear in the 2012 The Boston Foundation publication, *City of Ideas: Reinventing Boston's Innovation*, the Boston area has abundant major business and the economy is much more resilient than in other parts of the country. There may be opportunities to approach those businesses as potential contributors and not conflict with the resource development of partner organizations.

It will be important for VLP to consider resource development as an integral part of the strategic planning process it is pursuing. VLP should develop a plan for future service delivery that would be supported by enhanced resource development.

Recommendations:

Recommendation IV.7.23.1*: VLP should consider renegotiating the current fund raising prohibition during the upcoming MOU negotiations.

Recommendation IV.7.23.2: VLP should consider approaching the leading businesses in its area as potential resource development partners.

Criteria 8 and 9. Coherent and comprehensive delivery structure/Participation in an integrated legal services delivery system.

Finding 24. VLP is engaged in a comprehensive and integrated service delivery.

VLP is an integral part of the Massachusetts Eastern Region delivery system. VLP is the principal pro bono program in the region and chief trainer for pro bono attorneys. The program works closely with LARC, GBLs, MetroWest and Community Legal Services and Counseling Center in an integrated delivery system. The five programs have signed a memorandum of understanding committing to coordinate with each other and to provide efficient and effective high quality legal services to clients in the service area. VLP provides services in the substantive legal areas that the other providers do not provide legal services such as uncontested divorces, divorces for custodial parents, adoption and some housing areas such as evictions and home ownership for low-income landlords, foreclosures and utilities. VLP works closely with the Boston Bar Association (BBA) on a number of the VLP projects, such as the Lawyer for the Day in housing court, were started in conjunction with BBA committees.

The executive director is active in the BBA Delivery of Legal Services Committee, Massachusetts Project Directors, and its committee on intake, the Eastern Region Project Directors, and the New England Project Directors. VLP's chief counsel is co-chair of the BBA's Delivery of Legal Services Committee.

VLP is also an important part of the Massachusetts state wide legal services delivery system. In 2002, the state legal services community and stakeholders undertook a critical look at the delivery system. The Massachusetts State Planning Board for Civil Legal Services was established and as a result, programs examined the delivery system. One of the recommendations was that LSC and MLAC accept the designation of four regional programs to be funded by LSC in partnership with parallel MLAC-funded programs to insure full service operations statewide. VLP and its partners make up the Eastern Region. The other regions include the Southeast, Northeast and West. As a result of this structuring, the regions and programs are encouraged to coordinate on statewide issues and to provide a coherent delivery system for the state. VLP works with the LSC and non-LSC programs in the other three regions on issues such as intake, diversity, technology and substantive legal issues. There are many support services in Massachusetts for the regional systems that benefit the programs and their clients. VLP actively takes advantage of those support services.