

SUPERVISION AND ATTORNEY EVALUATION GUIDELINES

**FOR FLORIDA REGION VI
LEGAL SERVICES PROGRAMS**

**LEGAL AID SERVICE OF BROWARD COUNTY, INC.
COAST TO COAST LEGAL AID OF SOUTH FLORIDA, INC.
LEGAL AID SERVICE OF COLLIER COUNTY, INC.**

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PREFACE/ACKNOWLEDGEMENTS

The creation of the *Supervision and Attorney Evaluation Guidelines for Florida Region VI Legal Services Programs* was motivated by the September 2007 report prepared for the Florida Bar Foundation entitled *The Quest for the Best: Attorney Recruitment and Retention Challenges for Florida Civil Legal Aid*. The report noted poor management, poor supervision, and lack of professional support as three of the top five reasons attorneys left legal services practice in Florida. In the five years studied in the report, the average annual turnover rate for Florida legal services attorneys was 20%, that is one out of every five attorneys left the practice each year. The turnover was especially startling for new attorneys and attorneys with only a few years of experience. Several of the report's recommendations were incorporated in these guidelines including the recognition that supervisors need more time to supervise effectively, that standards and guidelines for supervisors should be established; and that professional skill and leadership development among less experienced attorneys is critical.

A number of sources were consulted in the creation of the guidelines. The Supervision Guidelines section was borrowed almost completely from those implemented at Legal Services of Greater Miami, Inc. Those guidelines were tailored and revised to fit our experience in Region VI. In addition to the Carmody report, ideas were taken from the April 2006 *Legal Services Corporation Performance Criteria* and the American Bar Association *Standards for the Provision of Civil Legal Aid*, also published in 2006. Discussions at several meetings attended by myself along with other Florida legal services attorneys with varying levels of experience were also helpful. These meetings included those of the Supervision subcommittee of the IOTA liaison committee of the Florida Project Directors Association, of which I was a member and which convened on November 30, 2007 in Orlando. Also helpful was a discussion by legal services attorneys on March 27, 2008 at the Florida Bar Foundation's Orlando office on its new Leadership Development Initiative. Positive elements of our previous Region VI evaluation procedures were also incorporated as well as my experience in evaluating participants at the Florida Basic Lawyers Skills Training, at which I have served as both trainer and trainee.

Finally, these guidelines were vetted and improved by several committees of the Region VI programs, including the Advocacy/Client Experience Committee formed as a result of our 2007 Strategic Planning Process, the Legal Aid Service of Broward County, Inc. management committee, and the Region VI Program Improvement Special Workgroup formed at the direction of the Florida Bar Foundation to implement improvements in the areas of recruitment, training and professional development, supervision, and advocacy support systems.

One final word of thanks to our Program Administrator Robert Grogan, who provided detailed comments, edits, and critique of the Attorney Evaluation Guidelines for Supervising Attorneys and who offered his unique perspective as a former managing attorney in large firms in Chicago, New York, and Miami.

C. Shawn Boehringer, Region VI Director of Advocacy

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SUPERVISION GUIDELINES

A. Introduction

Supervision of program staff is essential to achieve two objectives: (1) the delivery of high quality legal services to clients and the client community and (2) the development of skilled, professional, zealous, energetic, and aggressive advocates. A deliberate allocation of time and responsibility by both supervisors and those being supervised should be made to achieve this delivery and development model. What is expected of both the supervisor and those who are supervised should be explicit. Compatibility between supervisor and supervisee is an essential aspect of a successful working relationship. Where incompatibility arises, the matter should be brought to the attention of the Executive Director.

Under the guidance of the supervisor, the new attorney will develop the planning, organization, analysis, and strategies required to achieve the two objectives of high quality legal services delivery and professional staff growth. The purpose of these *Supervision Guidelines* is to identify standards and expectations for supervision of attorneys in various positions and with various levels of experience. The categories used in these guidelines may not fit every attorney nor be appropriate for every attorney who fits, technically, within a category. Consequently, some deviation from these guidelines may be appropriate and should be considered in connection with the policies on case assignment and evaluations.

B. Supervisors

Responsibility for direct supervision of individual attorneys may be delegated to attorneys with two or more years of experience. Supervisors should be successful attorneys, committed to the mission of legal services, who have demonstrated the ability to identify legal issues and who possess the substantive knowledge and procedural skills to plan and implement effective strategies. Supervisors should possess the ability to provide constructive criticism and feedback to subordinates.

No attorney should directly supervise more than two case handlers with less than one year of experience unless the supervisor has a reduced caseload. Annual evaluations are appropriate times to determine whether the *Supervision Guidelines* are being followed and to make any necessary changes. However, informal efforts should also be made throughout the year to assess adherence to the *Supervision Guidelines*.

The supervisor will not always be present or available, and sometimes emergencies arise in their absence or unavailability. Every supervisor must have a designated back-up to assist with emergencies during the supervisor's absence or unavailability. This back-up system will ensure that the supervisee attorney will know to whom to go when emergency matters arise when the supervisor is not available.

C. New Attorneys - Thirty Day Training and Orientation Period

This section applies to newly hired attorneys. New attorneys who have been hired after serving an internship within the same unit to which they are assigned or who have prior experience working as an attorney in a non-legal services setting may not require the intensive training outlined below.

The first thirty days of employment for all new attorneys is a training and orientation period during which time the new attorney is responsible for learning program policies and procedures, substantive law, and client representation skills. The supervisor and Region VI Director of Advocacy are responsible for notifying the new attorney about appropriate training opportunities. Assignment of cases should be strictly limited during the thirty day training period.

1. Program Policies and Procedures

During the training and orientation period, the new attorney shall be responsible for becoming familiar with program policies and procedures. The new attorney shall be provided with a copy of the program's employee manual. Upon receipt of the program's employee manual, the attorney must review it, and sign an acknowledgment that he/she has read the manual and agrees to abide by its terms. A copy of the acknowledgment shall be placed in the attorney's personnel file.

New attorneys shall also learn program policies and procedures during consultations with supervisors, while conducting supervised client interviews, and by participating in unit meetings. New attorneys must learn program priorities, client eligibility standards, time record maintenance, LSC requirements, contract obligations for special projects to which the attorney may be assigned, and client sensitivity during the training and orientation period.

2. Substantive Law

During the training and orientation period, the new attorney is responsible for becoming familiar with the basic law and procedures addressed by his or her unit, and poverty law in general. New attorneys should strive to obtain some knowledge of all substantive areas of poverty law, not just those areas which are germane to their particular unit practice. The

supervisor will direct the new case handler to appropriate introductory legal materials. Examples of introductory legal materials include, but are not necessarily limited to, statutes, regulations, rules of procedure, treatises, Florida Law Weekly editions, *Clearinghouse Review* articles, national support center materials, and documents, such as outlines, pleadings, motions, briefs, letters, and *pro se* and other client education materials, developed by unit staff. These materials shall be reviewed during the training and orientation period.

3. Client Representation Skills

a. Client Counseling

During the training and orientation period, the new attorney should observe at least five client interviews conducted by other more senior staff members. The purpose of observing client interviews is to develop client counseling techniques, and to learn substantive law and program intake policies and procedures. The observations should be followed by an informal discussion of the facts obtained, the legal issues identified, and any other matters germane to an effective and holistic approach to address the client's legal problems and needs.

During the training and orientation period, the new attorney should conduct at least three initial client interviews under the observation of a supervisor. The supervisor should then informally critique the interview with emphasis on fact-gathering techniques, spotting of legal issues, application of program policies, ethical considerations, demeanor and sensitivity to the client and his or her problem. The supervisor should stress areas where the new attorney performed well. After the observation period is satisfactorily concluded, the new attorney may conduct client interviews alone.

b. Advocacy Skills

During the training and orientation period, the new attorney must observe at least one hearing in the forum most applicable to the unit's practice area. The new attorney should also observe depositions, negotiations, mediation, meetings with opposing counsel, community meetings, and client training as often as practicable. The supervisor and supervisee should schedule such observations and collaborate on scheduling. Such observations may be scheduled outside of the unit.

D. New Attorneys - The First Year

During the first year of employment, the new attorney shall (1) become knowledgeable about the law and procedures addressed in his or her unit; (2) develop the skills necessary to competently represent clients; (3) become knowledgeable about the client community and begin to develop formal relationships with client and community organizations; and (4) become knowledgeable about program policies and procedures. During the first year, the supervisor shall closely monitor the new attorneys in these areas and provide opportunities and support for the development of these skills.

1. Monitoring Case Assignment and Work Load

The supervisor shall be responsible for closely monitoring the first year attorney's case assignments. Case assignment shall be made with the following factors in mind: (1) experience of the case handler; (2) complexity of the case; (3) other responsibilities; (4) support and supervision available to the cases handler; and (5) the needs of the client community. During the first year, cases shall be assigned to provide the new attorney with an opportunity to expand professional skills and provide high quality representation. As the new attorney continues to acquire skills and knowledge of the substantive law, the cases assigned should reflect this progress.

The new attorney shall prepare and maintain a case status report of all active cases which is updated and reviewed with the supervisor on at least a bi-weekly basis. The new attorney should submit the case status report to the supervisor, and the unit head if the unit head is not the direct supervisor, so the supervisor and the unit head are apprised of the status of all cases assigned to the attorney.

A recommended method of promoting development of new attorneys is through co-counseling assignments with supervisors and peers. Co-counseling involves the ongoing active participation of both attorneys to develop and execute a discovery plan, timetable, and case strategy, to conduct research and investigation, to draft pleadings and motions, to coordinate client contact, to engage in negotiation, and to share courtroom assignments as appropriate.

2. Case Review

The supervisor and new attorney must meet regularly to review and discuss the new

attorney's cases. The new attorney must review the cases prior to the meeting and be prepared to identify the legal problem and to discuss the facts, strategy, procedural issues, research done, progress made, client goals, and recommended course of action. This information should also be recorded in the case status report and placed in the client file. The new attorney should submit the case status report to the supervisor at the time of the meeting.

A supervisor must play an active role in the new attorney's cases. The supervisor must be prepared to help the new attorney develop the skills to define the legal problem, and to develop strategies and a course of action in every case for which the new attorney is responsible. The supervisor should be familiar with the case file, and be able to exercise independent judgment in evaluating each case. Merely listening to reports on cases is not a sufficient basis for competent supervision of a beginning attorney. The supervisor must review the actual case files under review. The supervisor's input should be recorded on the "Supervisor's Case Review Notes", (which follows on Page 13) and should be kept in the client file and a separate file for future reference.

During the first three months of employment, the supervisor and the new attorney must meet at least biweekly to formally discuss all cases assigned to the attorney. At the end of three months of employment, the supervisor and new attorney should discuss whether it is appropriate to meet on a more or less frequent basis, but should continue to meet at least one time per month, and make a recommendation to the Executive Director or the unit head if that person is not the direct supervisor.

Close supervision as described above typically should continue at least through the first six months of employment. During the six month evaluation, the supervisor and the attorney, should discuss the level and type of supervision that will be appropriate during the next six months.

3. Supervision of Courtroom and Administrative Advocacy

The new attorney should observe at least one administrative or judicial hearing, trial or motion before appearing alone. The supervisor should schedule this observation, and provide the schedule to the attorney and the unit head if the unit head is not the immediate supervisor. After the observation, the new attorney and the attorney providing representation should discuss what

was observed. The new attorney should also discuss the observation with the supervisor with the goal of developing advocacy skills.

The supervisor must attend at least the first hearing that the new attorney conducts alone. The supervisor must critique the new attorney's performance at the conclusion of the hearing.

During the first year, the new attorney should participate as co-counsel in at least two administrative proceedings or courtroom proceedings with the supervisor or another experienced case handler. The supervisor must critique the performance of the new attorney at the proceeding attended..

The new attorney shall review his/her case preparation with the supervisor at least two days prior to the new attorney conducting an administrative hearing or courtroom proceeding alone. Any written materials to be submitted shall be provided by the new attorney to the supervisor at least five days prior to the deadline for submission. The supervisor should schedule a moot court for the new attorney where appropriate.

E. New Attorneys With Prior Legal Aid/Legal Services Experience

This section applies to attorneys who are new to Region VI legal services programs but who have two or more years experience working as an attorney in another legal services program.

The first thirty days of employment for all attorneys will consist of training and orientation. The first thirty days of employment for all attorneys is a training and orientation period during which time the attorney is responsible for learning policies and procedures of the Region VI program employing the attorney as well as substantive law and client representation skills. The supervisor and/or Region VI Director of Advocacy shall notify the attorney about appropriate training opportunities. There should be close supervision as described in Section C above. After one month, the supervisor and attorney shall make a recommendation to the unit head if he/she is not the direct supervisor and the Executive Director, regarding the level and type of continued supervision that is appropriate. It is understood that attorneys hired with experience will have a variety of skill levels and may not require the entire training outlined in this section.

1. Program Policies and Procedures

The attorney described in this section and supervisor must follow the procedures established for new attorneys set forth in section C. 1, above.

2. Substantive Law

The attorney and supervisor must follow procedures established in Section C. 2, above.

3. Client Representation Skills

a. Client Counseling

The attorney must observe several client interviews conducted by other attorneys. Thereafter, the attorney must conduct at least three initial client interviews under the observation of a supervisor who must assess and critique the interviews. If the supervisor determines that the interviews were satisfactory, the experienced attorney may independently interview clients.

b. Advocacy Skills

If the attorney has not had courtroom or administrative hearing experience, there must be courtroom or administrative hearing supervision as described in Section D 3, above. If the attorney has had courtroom or administrative hearing experience, the supervisor must review the attorney's

preparation and must observe the attorney's first motion hearing and first administrative hearing or trial. The supervisor must also review any written materials to be submitted. The supervisor may schedule a moot court if appropriate to the case.

F. Attorneys With More Than One Year Experience In a Region VI Program

Region VI programs must ensure that their attorneys provide high quality legal representation, regardless of the attorney's experience level. Therefore, supervision of all attorneys is needed. Supervision will be provided as necessary to experienced attorneys to ensure that they effectively use their skills and expertise to assist clients, and continue to develop their legal skills and knowledge to enable them to engage in complex legal, policy, and community work, all of which shall be expected of attorneys with experience.

Each experienced attorney will be assigned a specific supervisor. However, because an experienced attorney may have multiple and varied assignments (e.g. individual case load, mentoring of junior staff, project coordination, community work, etc.) oversight may be provided by individuals other than the immediate supervisor.

The specific strategies used to supervise experienced attorneys are dependent on the individual attorneys's assignments, professional goals, strengths, and challenges. However, at a minimum, the following strategies must be utilized in the supervision of all experienced attorneys.

1. Monitoring Case Assignment and Work Load

The unit head shall assign cases to the attorney. The experienced attorney should consult with the supervisor and/or unit head on a regular basis to ensure that the attorney has a caseload that will allow for both high quality service to clients and continued professional development.

Factors to consider in assigning cases include: (i) the availability of time for the attorney to provide competent representation; (ii) the attorney's level of experience, training and expertise; (iii) the status and complexity of the attorney's pending cases; (iv) non-representational legal work and other responsibilities of the attorney; (v) support available to the attorney; and (6) other relevant factors such as office location, travel time, congested court dockets, etc.

2. Case Review

a. Periodic Case Status Report

The attorney shall compile a status report for any open cases and provide to the supervisor upon request. After reviewing the case status report, the supervisor should meet with the attorney as may be appropriate to discuss concerns about the quality of legal services provided in a case, case

strategies, upcoming hearings or negotiations, or other issues related to the quality of legal services provided and the attorney's professional development.

b. Open Case File Review

Case file review will be part of the Region VI Attorney Evaluation process and may be done at times other than the evaluation when requested or needed. It is recommended that for attorneys with between one to three years of experience that supervisors review all open files once every four months, and for attorneys with more than three years of experience that a representative sample of open files be reviewed every once every six months. The supervisor should pick the files to be reviewed. However, the attorney may request that files of his or her choosing may also be reviewed in addition to those selected by the supervisor. The supervisor must complete a Supervisor Case Review Note for each file reviewed and place it in the client file. It is recommended that the supervisor retain a copy for future reference.

Open case file review should include:

- i. An in-depth review of complex legal matters to assure that the attorney has identified all major issues and considered appropriate remedies. Strategies should be re-evaluated to take account of new developments that may arise in the case.
- ii. Routine cases should be assessed to ensure that representation is provided in a competent and timely fashion with adequate client contact. Unacceptable patterns of practice should be identified and corrected.

c. Closed Case File Review

The supervisor must review all case files prior to the case being closed in the case management data base. The supervisor must assess whether the goals of representation have been achieved, and if not, why; whether there was a final communication with the client; and whether the Region VI program case closing protocol has been followed.

3. Other Supervision Strategies/Guidelines

- a. Daily interaction between the attorney and the supervisor concerning pending cases and other legal work.
- b. Assignment to work as lead counsel on a case with junior staff that the attorney will mentor.
- c. Assignment to work on a complex case with the supervisor.
- d. Prior to filing an appeal, federal lawsuit or complex or potentially controversial litigation, the attorney must present the proposed litigation to the Region VI Director of Advocacy, and the attorney's Executive Director and unit head.
- e. Prior review and approval by the supervisor and Region VI Director of Advocacy of all appellate briefs and complex/non-routine legal memos of law filed with the court.
- f. Moot court prior to all appellant arguments and complex motion hearings.
- g. Presentation at a staff attorney or unit meeting to discuss the status of a case or other legal work.
- h. Attendance by the supervisor at proceedings, such as hearings or trials, meetings or other settings where the supervisor has an opportunity to observe and provide feedback on the attorney's performance.

SUPERVISOR'S CASE REVIEW NOTES

CLIENT'S NAME: _____ STAFF: _____

FILE NUMBER:

PROBLEM CODE/LEGAL PROBLEM:

INTAKE DATE:

CASE STATUS:

NEXT STEPS:

DEADLINE:

COMMENTS:

SUPERVISOR: _____ **DATE:** _____

Attorney Evaluation Guidelines for Supervising Attorneys

I. Courtroom Observation

Exercise: Supervising Attorney (“S.A.”) will attend court with staff member (“S.M.”) to be evaluated. The court appearance will preferably be an evidentiary hearing, trial, appellate or trial-level legal argument on, for example, a motion to dismiss or motion for summary judgment, or an administrative hearing if the staff member’s case load is primarily administrative.¹ The observation need not be lengthy but sufficient enough to assess the courtroom performance of the S.M. The following outline is intended to provide guidance to the S.A. with the evaluation of the S.M.’s performance. Depending on what is observed, many of the questions posed in the outline will not be applicable:

1. Assess the performance of the S.M.

A. If an observation of an evidentiary hearing, trial, or administrative hearing:

- i. Briefly identify the nature of the hearing and the legal issues involved.
- ii. Was an opening statement given by the S.M.? Was it well-organized and understandable? Did it tell the factual story of the case as opposed to presenting legal argument?
- iii. Were the S.M.’s witnesses adequately prepared? Were direct examination questions written out? Did the questioning illicit the information needed to prove elements of the claim or defense? Were the form of the questions proper? Were the questions open-ended and non-leading? Were points raised by the opposing party on cross-examination adequately addressed on redirect?
- iv. Did the S.M. properly handle exhibits? Were exhibits prepared (and pre-marked if permitted by the Court) with copies for the Court and opposing counsel? Did the S.M. have all necessary exhibits entered into evidence?
- v. Was cross-examination performed effectively? Were the forms of the questions proper, that is, were they leading in nature? Was the cross-examination concise and tailored to illicit specific facts to undermine the witness’ direct testimony? Was a

¹Attendance at a deposition taken by the S.M. or a mediation or arbitration proceeding would also be appropriate.

deposition conducted of the opposing witness prior to the hearing? If so, was the deposition used for impeachment? Was the impeachment properly done? Was the deposition properly annotated?

vi. Were proper objections raised to the opposing party's evidence proffers? Where objections to the S.M.'s questions were raised, did the S.M. effectively address the objection?

vii. Was a closing argument done? Was it well-organized and understandable? Did the closing properly recite the legal issues to be decided by the fact-finder and apply the facts in evidence to the legal issues to argue for an outcome favorable to the client?

viii. If a jury trial, were charging instructions prepared, well-researched and well-written?

B. If the observation is of a non-evidentiary hearing or appellate argument:

i. Briefly describe the nature of the case and the legal issues involved.

ii. Was the S.M. prepared for the argument? Did the S.M. have strong command of the facts of the case and the case law supporting the S.M.'s position?

iii. Did the S.M. effectively respond to questions raised by the Court?

iv. Did the S.M. effectively rebut and address arguments of the opposing counsel?

C. General

i. Was the S.M.'s attire professional and appropriate for Court?

ii. Did the S.M. exhibit a professional demeanor and interact appropriately and deferentially to the judge or appellate panel?

iii. Did the S.M. arrange for a court reporter if one was needed?

II. In-House Observation

Exercise: Supervising Attorney will observe the staff member conduct an interview. The interview will preferably be an intake interview. However, some staff attorneys may not conduct initial client interviews, in which case the observation will be of an interview with an existing client. The staff member should be given little notice that the observation will occur in order for the observation to reflect a typical routine office situation.

1. Was the client greeted in a professional manner? If within the S.M.'s control, were appropriate accommodations made for clients with disabilities or other special needs? If a scheduled appointment, was the client seen at or near the time of the scheduled appointment and not subjected to a long wait?
2. Has the S.M. complied with all ethical obligations regarding confidentiality? Has the attorney-client privilege been preserved?
3. If the client was not fluent in English, what did the S.M. do to ensure proper communication with the client? Was language line or an in-house interpreter used to communicate with the client rather than a friend or family member?
4. If the interview was conducted in the S.M.'s office, did the office have a professional appearance? Was the client exposed to paperwork or files of other clients?
5. What was the purpose of the attorney-client meeting? If an initial interview, did the S.M. illicit facts sufficient to appropriately analyze the case so that a proper case acceptance decision could be made? Were important documents reviewed and copied? Was sufficient information and documentation obtained to refer the case to Broward or Collier Lawyers Care if the firm's decision is to refer the case to BLC or CLC?
6. Did the S.M. engage in "active listening" and permit the client to explain his or her case in a non-judgmental way? Was the S.M. empathetic to the Client's situation?
7. Did the S.M. review the legal check-up form with the client in an effort to take a holistic approach to the client's legal problems? Were any additional issues, legal, financial, or otherwise, spotted? Were appropriate referrals made to other legal aid units or other agencies?
8. Did the S.M. ensure that all necessary intake documents were completed and included in the file?

9. Did the S.M. provide the client with a clear understanding of the intake and case acceptance procedures? Were the client's questions answered appropriately? Was the correct legal advice given? Were questions answered and advice given in a manner which the client could understand? Was the client given applicable written information, literature, or brochures concerning his or her case.
10. Was the client given realistic expectations regarding the acceptance of their case and the merits of the case?
11. Any other comments.

III. File Review

Exercise: Supervising Attorney will randomly select 10 client files of the S.M. to review. The files selected should either be files that are currently open or that have been closed within the last six months. At least 3 of the 10 files should be cases where the S.M. is litigating the case in court or in front of an administrative body. Some notice should be given to the S.M. that files will be reviewed and what the review will consist of. The 10 files can be picked at random using the Case Management system and can be provided to the S.M. the day before the evaluation is to occur. Supervisors should assess the following:

1. Is the file organized? Is there a pleading/motion file or part of the file that contains only pleadings and motions. Are these documents organized chronologically?
2. Are other documents, such as intake forms, correspondence, legal research, and client documents organized appropriately?
3. If an attorney had to "inherit" the file on an emergency basis, would he or she easily be able to ascertain the status of the case and what had to be done next?
4. Are the requirements of funders met? For example, a Ryan White file must include proof of HIV' status. Is there documentation in the file to fulfill all contractual obligations with funders?
5. The S.A. should review a pleading or written motion from one of the litigation files to assess the quality of the S.M.'s written work. Is the pleading or motion well-researched, written and organized? Does it cite applicable and current case law where appropriate? Are attachments and exhibits appropriately used to support factual information supplied in the pleading or motion?
6. Are there any loose papers in the file?

7. Does the file reflect that a strategy for the case has been mapped out? Is there a discovery plan, if discovery is needed? Has the S.M. followed the plan?
8. Does the file reflect that research has been conducted on legal issues? Was the research sufficient to answer the legal question posed? Is it evident that the S.M. is able to use Lexis and the hard copy library at their legal aid office to meet his or her research needs?
9. Is any client communication documented by a memorandum or confirming letter and included in the file?
10. Are the cases undertaken by the S.M. appropriate for the S.M.'s level of experience? If the S.M. is an experienced attorney, do the cases reflect a level of sophistication and complexity commensurate with the attorney's experience level? If the S.M. is an attorney with little experience, are the cases too complicated for his or her experience level? If a new or inexperienced attorney is working on a complicated matter, is the case being co-counseled, or does the attorney have sufficient supervision to adequately handle the matter?
11. What are the S.M.'s stated professional goals in the coming year regarding casework? Can those goals be met?

IV. Community Education and Outreach Activities

Exercise: The S.A. should request from the S.M. a list of community education and outreach activities conducted by the S.M. over the last twelve months or since the last evaluation, if applicable. The S.M. should also provide to the S.A. for review any written materials distributed to the public during community education and outreach activities conducted by the S.M.

1. Has the S.M. participated in community education/outreach activities since his or her last evaluation? If so, what were they and when and where did they occur?
2. What written information did the S.M. share with the community? If such information was shared, was the information current, accurate, and relevant to the topic discussed?
3. In what community education/outreach activities should the S.M. participate in the future? Are the S.M.'s current community education and outreach efforts satisfactory? What improvements can be made, if any?

V. Training Activities

Exercise: The S.A. should request a list from the S.M. of all training attended over the last 12 months or since his or her last evaluation.

1. Has the S.M. fulfilled his or her obligations regarding state bar CLE requirements? The S.M. should produce a copy of a recent CLE status report from the Florida Bar Association.
2. Has the S.M. attended training recommended by supervisory staff?
3. Has the training attended been relevant to the S.M.'s practice area? Have the S.M. describe an instance where he or she applied information obtained at a training to his or her practice.
4. Does the training attended correspond to the S.M.'s level of experience and expertise? Is the training too basic for the S.M.'s level of experience?
5. What training has the S.M. identified as needed within the next 12 months?
6. What training would the S.A. recommend the S.M. attend in the next 12 months?
7. Has the S.M. attended a national training or conference? If so when was the last one attended? Are there upcoming national training or conference opportunities to which the program should consider sending the S.M.

VI. Impact Activities

1. Describe any "impact" activities in which the S.M. is involved. This may include class or multi-party litigation and legislative or administrative advocacy at the federal, state, or local level, as permitted by applicable legal services regulations. Describe any other advocacy undertaken by the S.M. which is meant to address wide-spread systemic issues affecting low-income individuals.
2. Set forth goals for the coming year for the S.M.'s engagement in impact activities.

VII. Statewide Participation and Professional Activities

1. Does the S.M. participate in statewide umbrella groups and listserves? If so, which ones? Should the S.M. become more involved in statewide activities?
2. The S.M. should provide information to the S.A. as to his or her memberships in, or affiliations with, other groups and organizations, including local bar associations and state bar sections.

3. Identify any additional groups and organizations which would be professionally beneficial for the S.M. to join.

VIII. Case Statistics

Exercise: The S.A. should obtain from the case management/timekeeping program statistics on numbers of files opened and closed over the last 12 months as well as a list of currently opened cases. The following questions should be addressed in the evaluation:

1. Is the current caseload manageable for the S.M. considering the types of cases being handled. If the caseload is too burdensome, identify the reasons why and propose a strategy to reduce the S.M.'s caseload. If the caseload should be greater, propose a strategy for increasing the caseload and identify the reasons for the case load being less than the level it should be.
2. Is there sufficient "velocity" in the opening and closing of cases? That is, are cases timely closed upon their completion, or do cases which should have been closed remain open? On the other hand, does the case load remain at a constant target level, with new cases replacing those which have been recently closed?
3. Are the number of monthly and yearly case closings commensurate with what should be expected based on the type of case handled by the S.M. and the S.M.'s experience level? If the closings are too many or too few, propose a strategy for "leveling" the number of case closings and explain why the closings exceed or do not meet expectations.

IX. General Evaluation

Based on the S.A.'s evaluation in the above areas, and their day-to-day interaction with the S.M., the S.A. should address the following:

1. Does the S.M. interact well with support staff, colleagues, and the S.A.?
2. Does the S.M. have a positive attitude toward his or her work and the mission of the region's legal aid programs?
3. Is the S.M. willing to accept challenging assignments which may involve subject matter previously unfamiliar to the S.M.?
4. Does the S.M. discuss problem cases or difficult legal issues with other staff or experienced private attorneys? Does the S.M. discuss issues arising in cases at staff meetings?

5. Does the S.M. work well independently?
6. Does the S.M. attend staff and unit meetings?
7. Does the S.M. follow agency policies and procedures regarding punctuality, work requirements including timekeeping, and leave time.
8. Does the S.M. manage his or her work load effectively and adequately prioritize his or her work?
9. Evaluate the calendaring system used by the S.M. Does it ensure that deadlines and court dates are not missed?
10. Evaluate the S.M.'s performance during stressful situations.

X. Recommendations

1. List all areas where performance improvement is needed:
2. Does the S.A. recommend the S.M. receive an annual salary increase? Explain.
3. Does the S.A. recommend the S.M. receive an additional merit-based salary increase in addition to the annual salary increase if such an increase is available?
4. Does the S.A. recommend the S.M. for promotion in title and job/supervisory responsibilities if that opportunity arises?

**EVALUATION/PROFESSIONAL DEVELOPMENT PLAN
TO BE USED WITH ATTORNEY EVALUATION GUIDELINES
FOR SUPERVISING ATTORNEYS**

I. Courtroom Performance Assessment:

Date of Court Appearance/Evaluation: _____

Case Style/File No.: _____

Nature of Hearing:

Comments and Suggestions for Improvement (Attach Additional Sheets if Needed):

II. In-House Observation of Client Interview:

Activity Observed: _____

Date of Observation: _____

Comments and Suggestions for Improvement: (Attach Additional Sheets if Needed):

List information provided to public at the events listed and whether any information was prepared by S.M. Comment on quality of information provided:

Set Community Ed./Outreach goals and objectives for the next 12 months:

V. Training Activities

Have Florida Bar CLE requirements been satisfied? _____

List all training/CLE which S.M. has attended in last 12 months or since last evaluation. Have the S.M. cite new skills and experienced gained in last 12 months.

Comment on appropriateness of training for subject matter and level of experience and how training was applied to everyday practice:

Collaborate with the S.M. on identifying training needs and develop a training plan for the next 12 months.

VI. Impact Activities

Discuss impact activities undertaken in the last 12 months:

Discuss goals for engagement in impact activities in the next 12 months:

VII. Statewide Participation and Professional Activities

Describe the S.M.'s involvement in statewide umbrella groups and list serves:

Should the S.M. have a greater involvement in statewide umbrella groups and list serves? If so, how?

List any other professional associations, groups, and community organizations in which the S.M. is involved, including but not necessary limited to, local bar associations and state bar sections:

With the goal of enhancing the professional development of the S.M., recommend other associations, groups, and community organizations to which the S.M. should become involved:

VIII. Case Statistics

Provide the number of cases opened _____ and closed _____ in the last year:

Provide the number of cases currently open: _____

Comment on appropriateness of current case load:

Set goals for next year for number of cases opened _____ and closed _____.

IX. General Evaluation

Provide Any Additional Comments (Attach Additional Sheets if Needed):

X. Recommendations

Assess strengths and weaknesses of S.M. and areas where performance improvement is needed:

By signing below, I acknowledge that I have received and read the foregoing Evaluation and Professional Development Plan. I have made additional comments to this Evaluation and Professional Development Plan which are set forth below.

STAFF MEMBER SIGNATURE

DATE

The following are two of my most important accomplishments in the past 12 months:

The following are two of my biggest disappointments in the past 12 months:

Additional Staff Member Comments:
