



LEGAL SERVICES CORPORATION  
OFFICE OF PROGRAM PERFORMANCE  
**FINAL REPORT**

***PROGRAM QUALITY VISIT***

***For***

***Georgia Legal Services Program  
Recipient No. 611020***

***July 28 through August 8, 2008***

***LSC Review Team***

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## **INTRODUCTION**

From July 28 through August 8, 2008, Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a Program Quality Visit to Georgia Legal Services Program (GLSP). OPP's team consisted of four program counsel and two consultants.

Through its Program Quality Visits, OPP seeks to ensure that LSC grantees are providing the highest quality legal services to eligible clients. 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. Careful consideration was given to: GLSP's narrative submitted in the last competition cycle; grant renewal narratives; case and other services reports; and other reports or documents submitted by GLSP to LSC over the past year; numerous documents submitted by GLSP in advance of the visit, including writing samples submitted by advocates; and a survey of staff conducted through Survey Monkey. OPP's assessment considered GLSP's work in the context of the four Performance Areas: needs assessment and priority setting processes; engagement of the low income community, including intake; legal work management and quality of legal work; program management including board governance, leadership, resource development, and coordination within the delivery system.

Team members visited GLSP's Atlanta office, including the regional Piedmont office and farmworker office housed in Atlanta, and regional offices in Augusta, Macon, Dalton, Gainesville, Columbus, Savannah, Waycross, Valdosta and Albany. The team interviewed program staff from all of GLSP's offices; including the executive director, associate director, fiscal managers, managing attorneys, staff attorneys, the pro bono director and coordinators, paralegals, administrative staff, and support staff. In addition, team members interviewed board members, community representatives, judges, leaders in the state justice community, bar representatives and a few current or former clients. Due to scheduling and time constraints, some of these interviews were conducted by telephone.

## **OVERVIEW OF PROGRAM AND SERVICE AREA**

GLSP serves 154 of Georgia's 159 counties from ten regional and two satellite offices. They cover a geographical spread of close to 60,000 square miles. The City of Atlanta and five core metro Atlanta counties are served by the Atlanta Legal Aid Society. Seventy-two per cent of Georgia's poverty population resides within GLSP's service area. Much of the territory is rural and 36 of the rural counties in the southern portion of the state have persistent poverty coupled with the presence of five or fewer lawyers, making pro bono assistance more challenging. Despite diversification of its funding base and reduction of its reliance on LSC funding to 48% of total revenue, GLSP has lost ground to inflation. At its peak in 1981, GLSP employed 115 attorneys in 21 offices compared to 75 attorneys in 12 offices in 2008. These staff reductions have resulted in a decrease in the number of clients served and in increased demands on staff. Regional offices cover vast areas that require staff to perform outreach activities in outlying counties and travel on a regular basis to 15 or more county courthouses. While technology makes service delivery over such distances more efficient it does not come

without costs. It is against this backdrop that GLSP has maintained the provision of high quality legal services to a low-income population that exceeds 750,000.<sup>1</sup>

This report is divided into two sections; the first pertains to the Basic Field Division and the second discusses the Farmworker Division.

## **FINDINGS AND RECOMMENDATIONS**

### **Basic Field Division**

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

**Finding 1:** With GLSP's support, the Supreme Court of Georgia's Civil Justice Committee recently completed a statewide legal needs assessment conducted by Kennesaw State University.

One of the first tasks of the Supreme Court of Georgia's Civil Justice Committee was to contract with Kennesaw University to conduct a statewide assessment of civil legal needs. The survey has been completed and a preliminary draft consisting mainly of compilations of the data collected has been completed. The survey consisted of telephone interviews, focus groups and/or web surveys of randomly selected financially eligible Georgians, social service and governmental agencies, court personnel, legal service providers and some hard to reach populations. The report is expected to be released in the fall of 2008.

#### **Recommendation:**

**I.1.1<sup>2</sup>.** GLSP should work to ensure that the Civil Justice Committee's report is refined so that it clearly identifies the most pressing legal needs of the eligible population.

**Finding 2:** GLSP's regional offices annually conduct an assessment of the legal needs of the eligible population in the region served by the office.

It has long been GLSP's practice for each regional office to annually perform a needs assessment of the region served by the office. Each office designs the survey which typically consists of telephone calls to agencies, community groups and partners that serve or interact with the client base and of contacts with some former clients, community representatives and attendees at senior centers. Written surveys are discouraged by central management and are rarely used. Office case statistics and demographic data are usually reviewed. The depth and breadth of the regional assessments vary considerably from office to office.

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<sup>1</sup> 2000 census figure for persons at or below the poverty line in the GLSP service area is 743,598. GLSP eligibility guidelines include persons up to 125% of the poverty line.

<sup>2</sup> Recommendations are numbered as follows: The Roman Numeral references the Performance Area followed by the finding number and lastly by the recommendation number that pertains to the finding.

**Finding 3: Offices determine strategic goals for the ensuing year and develop case acceptance criteria to govern their work.**

As part of the annual process, each regional office determines strategic goals for the ensuing year. Traditionally, two community problems are identified and a plan developed to focus office resources on and impact the problems identified. Each office also develops case acceptance criteria that govern the work to be done. The case acceptance criteria vary greatly from office to office in terms of specificity and emphasis. Some are very broad and include items such as “education” or “TPO’s” while others provide more direction in case acceptance for extended representation.

Annually, GLSP submits program wide priorities to the board for approval. These are generally very broad areas supported by a descriptive narrative. Priorities approved in January 2008 include: supporting families; preserving the home; maintaining economic stability; achieving safety, stability and health and serving populations with special vulnerabilities. These priorities provide broad parameters under which the office case acceptance criteria fall.

**Recommendations:**

**I.3.1.** GLSP should provide more direction to the individual offices in the needs assessment and case acceptance criteria process to ensure that the criteria developed are sufficiently specific to easily guide the intake and case acceptance process.

**I.3.2.** Substantive area specialists along with action teams or practice area task forces should identify state wide issues of significance that are included in each office’s case acceptance criteria.

**I.3.3.** Core case acceptance guidelines should be developed on a program-wide basis to ensure that a basic range of case types are handled by every office in a similar manner.

**I.3.4.** Each office’s case acceptance criteria should be publicized to the region’s client community and to agencies that partner with the program to help direct the intake process and reduce the number of cases referred to the office that are not within the case acceptance criteria.

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

**A. Dignity and sensitivity**

**1. Intake and access and utilization by the low-income population**

**Finding 4: Regional offices have wide latitude on how to perform intake.**

Each regional office determines its intake process. While there is much variety, in most offices receptionists field calls, perform a minimal pre-screen and place callers on a call back list for an intake paralegal or attorney to call back. Almost all civil case types, in some offices including torts, are put on the call back list, although some offices screen out more case types at the initial call. Attorneys or paralegals then conduct substantive interviews, either by telephone or as in-person office appointments. In addition, appointments are generally made at circuit riding sites for non-emergency intakes from outlying counties. In some offices, applicants fill out written forms which are reviewed by staff and then entered into the case management system.

GLSP uses LegalServer as their case management system. Many staff noted that the intake functions are slow and cumbersome. Consequently, many staff fill out a paper application form first to avoid delays in the interview with the applicant.

GLSP recently installed a sophisticated Voice Over Internet Protocol (VOIP) telephone system that unites the offices and permits call routing and call transfers program wide. Some offices felt that the new system has limited the number of incoming telephone lines. Basic training was provided in advance of the implementation of the system and the central office has instituted a system of addressing “quirks” in implementation.

The hours each regional office is open to accept initial contacts for assistance are set by the office. Some offices have very restricted hours; such as two hours a day or three hours one or two days a week. Other offices are open to accept applications all or most of the work week. Some offices discourage walk-ins, and one posts a sign on the door stating that it does not see applicants on a walk-in basis, unless they have court papers.

GLSP has been successful in hiring several Spanish-English bilingual staff, some of whom are employed as receptionists or intake paralegals. LanguageLine is used when bilingual staff in the language spoken by the applicant or client is not available. However, despite the presence of bilingual staff in the office and throughout the program as a whole, frequently Spanish speaking applicants are interviewed through LanguageLine. This is both expensive and often more cumbersome for the applicant.

Each office convenes a weekly case acceptance meeting (CAM) during which all available legal staff discuss applications received for assistance and make decisions regarding case acceptance, level of service and case assignment. The satellite offices hold CAMs with the applicable regional office. The Waycross/Brunswick offices have begun to use web cameras for CAMs. Frequently regional office CAMs consume in excess of three hours; typically fewer than 25% of cases discussed are accepted for extended representation and many cases are accepted for additional investigation and reviewed again at a subsequent CAM. In addition to the weekly scheduled CAM, in many offices meetings are called to discuss emergency cases as they arise. These emergency CAMs can disrupt on-going legal work. There is some sense among some advocates that too much time, particularly advocate time, is spent “saying no,” deciding

that clients will only receive information and referral or counsel and advice rather than extended representation. Moreover, much time is spent reviewing routine cases in many offices or cases about which the case acceptance decision is clear. Many offices send advice letters, some of which exceed four or five pages and contain an abundance of general legal information. Most offices develop their own form letters, many of which are not added to the program's electronic form library. Applicants not accepted for representation are often referred to the GLSP website. It appeared to the team that much of the content would not be easily understandable by lay applicants.

Regional offices generally have a circuit riding schedule in outlying counties at sites located in senior centers, libraries, community action agencies or other service providers. Many appointments are made several weeks prior to the scheduled date and no reminder is typically sent to the applicant. Many staff reported that pre-set appointments with applicants typically result in as many as 40% "no-shows".

### **Recommendations:**

**II.4.1.** GLSP should set minimum standards for initial access to intake and increase access significantly for applicants. Consistent standards should be set for walk-in applicants as well (e.g.; emergencies, long distance traveled, lack of telephone, disability, etc.).

**II.4.2.** LSC recommends that GLSP convene a program wide working group to analyze intake as it is done now and how it could be done better. The group should strategize concerning potential ways to streamline the process from initial call to the decision regarding extended representation. Minimum staffing necessary to process intake effectively in each office should be addressed.

**II.4.3.** GLSP should analyze how more decisions can be made earlier in the intake process. Having clearer case acceptance criteria in each office is essential for more efficient decision making. Having the receptionist make more referrals in applications that the program clearly will not accept would reduce the number of call backs the intake paralegal or attorney make. Similarly, having the intake paralegal make more referrals and perhaps provide simple supervised advice in case types identified as those in which only simple advice will be provided would streamline the intake process and focus the attorneys on those applications more likely to result in cases accepted for representation. Attorneys could provide advice and counsel during the initial substantive interview if the case is unlikely to be accepted for extended representation.

**II.4.4.** As a part of this process of reviewing the entire intake process, LSC recommends that GLSP also review advice letters and create more templates that can be used program wide. Letters should be scrutinized to ensure that they are understandable by lay persons.

**II.4.5.** GLSP should consider whether pro bono attorneys could assist with performing substantive interviews and providing advice for cases unlikely to result in extended representation. Applications appropriate for this service could be identified by case type

in the office's case acceptance criteria and set aside for a PAI panel to call back at designated times.

**II.4.6.** GLSP should strategize about the most effective way in which to conduct circuit riding. Perhaps an advocate or PAI attorney could perform call back interviews prior to scheduling appointments at circuit riding sites and limit appointments to those cases the program is likely to accept or that require extended client contact or review of documents. LSC recommends that reminder calls or notices be sent to the applicants to reduce the number of "no shows".

**II.4.7.** GLSP should consider creating a group of bilingual staff who would be available to perform intake interviews for Spanish speaking applicants program wide. This could be accomplished by routing phone calls directly to identified staff or by having the bilingual staff members call back the applicants from a program wide call back list.

**II.4.8.** GLSP should consider using the new phone system to further enhance, streamline and centralize some intake functions or at peak hours.

**II.4.9.** LSC recommends that GLSP analyze how to make CAMS more targeted and strategic. Possibly CAMS could be limited to those cases that are particularly worthy of discussion due to their complexity or novel issues. Routine cases should not be brought to CAMS nor should cases that clearly won't be accepted. LSC recommends that emergency CAMS be limited to those situations that require immediate strategic planning or would demand substantial office resources.

**II.4.10.** GLSP should review and update the website to ensure that the materials for clients are easily understood by lay persons.

**Finding 5: GLSP has a central administration office in Atlanta and ten regional offices strategically located throughout the state from which it provides legal services to 154 counties.**

GLSP operates a central office in Atlanta that houses the central management and administrative staff, the Farmworker Division and the Piedmont regional office. The Atlanta office is owned and occupied by the State Bar of Georgia. GLSP's location in the State Bar Building has raised its visibility with the Bar and fostered cooperative ventures including training, pro bono projects and staff participation in bar activities. The Bar makes its conference center and other meeting rooms available to GLSP. While all of the offices visited by the team are professional in appearance, the recently purchased office in Macon stands out as a model professional working environment.

In addition to the ten regional offices, the program also provides services from two satellite offices in Athens and Brunswick. Staff regularly conducts outreach, intake and community education events at designated outreach sites at community or senior centers, social service agencies or other public buildings. The regional and satellite offices appear to be well located in the communities served. Each regional office covers

a significant amount of geography often in excess of 15 counties. Much of the territory is rural, particularly in the southern and western parts of the state. Maintaining adequate presence and coverage is a constant challenge as is staffing the offices in the more rural areas. The opening of the Athens satellite office in the last year demonstrates a commitment to serving a community with a high concentration of poverty that had been underserved.

**Recommendation:**

**II.5.1:** LSC recommends that GLSP review its case closing data compared to the local demographic and poverty data to determine if it is effectively reaching all portions of its extensive service area, particularly the more remote rural areas that are not located close to a regional or satellite office.

**2. Client relations**

**Finding 6: GLSP staff treat clients and members of the low-income community with dignity and respect and in turn are respected by the community.**

During the visit, team members interviewed several current and former clients, community representatives and client board members. All persons interviewed uniformly reported that they and other clients are treated with respect and sensitivity. Sensitivity to clients and their legal problems and other challenges was also demonstrated by staff in their interviews with the team. Several staff members in the Savannah office participated in simulated homelessness or poverty experience trainings that focused on communication with the homeless community.

**B. Engagement with the low-income population**

**Finding 7: GLSP works closely with domestic violence shelters, senior centers and kinship care groups in the counties it serves.**

GLSP works closely with many social service organizations that serve victims of domestic violence, seniors and kinship care relatives. GLSP's new initiative for outreach to health clinics and emergency rooms to reach victims of domestic violence who do not access shelters expands the reach of program services to this vulnerable population. Many offices provide ombudsman services to nursing home, assisted living and personal care home residents. This relationship with the ombudsman has proven effective in receiving targeted referrals for legal assistance concerning this population. Some offices have strong connections with client-based community groups outside the areas of domestic violence, kinship care and senior citizens; however, this seems to be less of a priority in other geographic areas. For example, the Savannah office assisted with the incorporation of several non-profit groups, including a fair housing council that works closely with the office now. Community economic development (CED) specialists effectively serve a broad range of community organizations across the state; however their work is not often integrated with the work of regional offices.

Some offices have made effective outreach to the growing Latino population a priority, which in some regions of the state comprises up to 30% of the population. GLSP has made hiring bilingual staff a priority and offers most program brochures and informational material in Spanish.

**Recommendations:**

**II.7.1.** Every GLSP office should work toward developing ties with broad client-based community groups.

**II.7.2.** Local office work should be coordinated with the work of the CED specialists.

**II.7.3.** The organizations served by the CED specialists and regional offices should be actively involved in the program-wide priority setting process.

**Performance Area Three. *Effectiveness of legal representation and other program activities intended to benefit the low income population in its service area.***

**A. Legal representation**

**1. Legal work management**

**Finding 8: GLSP has sufficient protocols and policies in place to effectively manage the program's legal work.**

The legal work in each regional office is directed by the managing attorney, often assisted by supervising attorneys and/or senior staff attorneys, depending on the size and experience level of the office staff. GLSP employs a graduated approach to supervision, with extensive oversight for new legal staff, which is moderated as the staff gains experience and expertise.

Over the years GLSP has adopted a variety of protocols and standards that govern the program's legal work. These include Legal Work Minimum Standards, Minimum Standards of Supervision, and New Lawyer Development Standards. Regular formal and informal file reviews occur. Important pleadings, memoranda and other written work is regularly reviewed by one or more senior/supervisory staff. Extensive opening and closing memos and closing check lists are required. GLSP has a policy of annual performance evaluations that, with some exceptions, is followed.

Advocates enter case notes into the case management system and are required to scan important case related documents into the case file prior to case closing. Many offices use the copier/fax machine for scanning which often creates competition for use of the machine and staff report that sometimes they wait in line to copy or scan documents. Some advocates scan documents as they are generated or received, while

others wait until the case is ready to be closed. This practice seems to cause a delay in closing cases. Hard copy duplicate files that contain the entire case record are also kept.

GLSP maintains a Georgia Advocates Website that contains a reservoir of resources for advocates in the program's core practice areas. Many advocates stated that while the website is a valuable resource it is underused. The pleadings and brief bank is not updated on a regular basis and not used extensively by many advocates. Several offices maintain their own form and brief banks within the office electronic files. These local resources are often preferred by regional office advocates.

Advocates usually focus their work on specific counties, although some have practice area preferences and some work primarily for specific grants such as domestic violence or elder law. Several experienced attorneys are designated "specialists" in core practice areas such as domestic violence, housing, public benefits and community economic development. The use of specialists helps ensure that GLSP is effectively addressing key, cutting edge issues on a statewide basis. The specialists are integrally involved with the regional offices' work, including preparation of briefs and mooting of arguments. Specialists are a valuable and valued resource, actively used and appreciated by advocate staff, but at times are reactive to staff needs and questions and do not appear to direct program wide advocacy to ensure that a full range of services are provided in each office.

In addition to the specialist attorneys, GLSP employs a director of litigation who oversees advocacy program wide. She reviews briefs and other significant memoranda and is involved in decisions regarding significant case strategy, appeals and affirmative litigation. Advocate staff universally speak highly of the director of litigation and seek her expertise and advice on a regular basis.

In the last year, GLSP created action teams to work with offices in implementing their strategic goals and addressing important program wide issues, including kinship care, domestic violence, housing and education. Action teams set their own agenda; some meet monthly by telephone or have web ex trainings. The teams meet in person at least annually at the statewide training, Legal Services University (LSU). Some staff also participate in practice area task forces with Atlanta Legal Aid Society (ALAS) staff.

### **Recommendations:**

**III.8.1.** LSC recommends that GLSP assess its case retention policies now that it is moving to establish electronic files. GLSP should review the "scanning" requirement, particularly the requirement that signed pleadings and other documents in word files be scanned prior to case closing. GLSP should examine what it wants to accomplish by the scanning requirement and the extent to which those objectives are met by scanning prior to closing, when duplicate hard copy files exist. GLSP should re-assess the impact of the scanning requirement on staff time and on program efficiency and consider the need to acquire additional equipment to accommodate usage.

**III.8.2.** GLSP should make an effort to ensure that the Georgia Advocates Website is updated on regular basis and used more frequently by staff.

**III.8.3.** Program specialists and the litigation director should be used to direct program wide advocacy to ensure that a full range of services is provided in each office, to the extent that resources permit.

## **2. Quality and quantity of legal work**

**Finding 9: GLSP's legal work is frequently focused on practice areas for which it receives specialized funding.**

Approximately 30% of GLSP's legal work is related to domestic violence, more than 20% pertains to public benefits including health (Medicaid), more than 10% is related to "senior documents" (wills, power of attorneys, advance directives) and less than 15% is in housing work. Close to 30% of clients represented by GLSP are aged 60 or over. These areas of concentration reflect funding sources directed to domestic violence and senior representation.

There is some concern among many advocates that the program spends too much time processing domestic violence protective orders. The team noted however, that the program is committed to addressing significant issues that affect victims of domestic violence as is demonstrated by its work on drafting the judge's bench book for domestic violence cases, on combating "mutual protective orders" and including prohibitions of weapon possession in protective orders. Moreover, GLSP's work emphasizes the client's economic security as well as safety by performing a benefits analysis in all cases and aggressively pursuing economic remedies on behalf of victims.

Much of the work preparing "senior documents" is routine and could be performed by private attorneys. Several staff pointed out that the documents are so simple that it takes less time to draft the documents than to locate a private attorney and refer the case. Some staff indicated that many wills are prepared mainly to promote a greater "comfort level" for the client. Other offices stressed that the wills are prepared only in situations where they are necessary to preserve home ownership and avoid complicated heir property issues. Many offices are scaling back senior document work in light of limitations placed on its emphasis by the Area Agencies on Aging that fund the elder grants.

With very few exceptions, the program does not "do" bankruptcies and does little home mortgage foreclosure prevention. Many staff noted that they do not have the expertise in this area and have not received training. Others speculated that foreclosures were not a problem in their region. Others stated that since Georgia did not have judicial foreclosure, remedies were limited and thus legal representation would not be beneficial. The Legal Services University (LSU) curriculum in May 2008 offered basic bankruptcy and foreclosure classes. Many staff stated that they did not attend those classes because they do not do that work.

**Recommendations:**

**III.9.1.** GLSP should make an effort to expand its in-house capacity to include bankruptcies where appropriate and should develop expertise in that important consumer remedy. GLSP should ensure that bankruptcy trainings are offered at LSU and encourage staff from each office to attend.

**III.9.2.** As resources are available, GLSP should consider adding specialists in other substantive areas such as consumer law and bankruptcy to increase the program's expertise in those areas.

**Finding 10: GLSP has an impressive training program for advocates.**

Extensive training is provided for new lawyers both in substantive law and skills trainings. All advocates are encouraged to attend the annual multi-day LSU trainings offered in conjunction with Atlanta Legal Aid Society (ALAS). Some staff attend national trainings such as those sponsored by NOSSCR and MIE. Numerous in-house trainings and bar sponsored continuing legal education (CLE) trainings are available to staff. GLSP is accredited as a CLE provider by the Georgia Commission on Continuing Lawyer Competency. GLSP's attorneys are often trainers at state and national events sponsored by the state bar, the National Legal Aid and Defender Association (NLADA), the American Bar Association (ABA) and a variety of national advocacy groups particularly dealing with senior issues. Specialist attorneys oversee training opportunities in their assigned areas and supervising and managing attorneys review staff training needs and training opportunities.

**Finding 11: GLSP engages in aggressive and effective advocacy.**

GLSP advocates engage in aggressive and effective advocacy evidenced by its involvement in numerous appeals, including as amicus, and in other sophisticated legal work. Advocates at all levels participate in addressing issues of significance that affect the program's clientele. The program regularly conducts discovery, including depositions, and engages in an active motions practice. Advocates expressed a sense that litigation funds would be made available when appropriate. Writing samples evidenced high quality legal work in a variety of forums.

GLSP pro-actively seeks opportunities to use program resources to effect significant change. For example, GLSP marshaled a program wide response to Medicaid budget cuts and resulting terminations of Medicaid assistance. This statewide effort, coordinated with ALAS, culminated in the development of qualified income trusts for hundreds of persons permitting them to stay in nursing homes. Propelled by its specialists, GLSP has embarked on a coordinated response to plummeting participation numbers of eligible children enrollment in Medicaid and PeachCare. The program has an active civil rights practice through which it has successfully advocated that administrative hearing notices be issued in Spanish. This advocacy has resulted in the Department of

Labor issuing notices concerning unemployment benefits in Spanish and English, making interpreters available for hearings and providing telephone information in Spanish.

Another example of creative and effective representation grew from the program's representation of former mobile home park residents who were displaced due to the park closing. The former residents formed a non-profit organization, the People of Hope, Inc. that sought and received an award of \$464,000.00 in affordable housing funds from the Federal Home Loan Bank of Atlanta to develop a permanently affordable, resident controlled manufactured housing park. GLSP obtained a grant from a NLADA and National Consumer Law Center (NCLC) partnership that sponsors a fellow who directs the manufactured housing law project. The project serves the 59 counties located in the five southern GLSP regions. The fellow provides representation to some clients and support to advocates in the other offices handling cases pertaining to manufactured home purchases, financing, installation and warranties.

Judges reported to the team that GLSP attorneys come to court prepared, exercise good judgment, and represent their clients well. Most of the judges interviewed by the team were involved in domestic violence cases, reflecting that concentration in GLSP's practice. Some noted that they saw very few appeals from magistrate court to superior court in landlord tenant cases.

**Finding 12: GLSP closes far fewer cases per 10,000 poverty population than the national median.**

In 2007 GLSP closed 8,033 LSC reportable cases, a slight increase from 8,107 in 2006 but a decline from 10,335 in 2005. For 2007, this constitutes 114 cases closed per 10,000 poverty population in GLSP's service area. This is less than 50% of the national median of cases closed per 10,000 poverty population (253). The low number of cases closed is not explained by a heavy reliance on LSC funding in contrast to the national average. Forty-eight per cent (48%) of GLSP's total revenue comes from LSC, which is consistent with the national average. Nor is the low number of cases closed explained by a high ratio and number of cases closed with extended representation, as the number of cases GLSP closed with extended representation per 10,000 poverty population in 2007 (42) also falls short of the national median (56). However, GLSP does appear to be involved in a greater number of appeals and other significant and complex work which may partly explain the low case closing data<sup>3</sup>.

**Recommendation:**

**III.12.1.** LSC recommends that GLSP analyze its case closing data and delivery structure to determine causes for the relatively low numbers. This analysis should include a review of intake, case acceptance practices, legal work management policies and other practices that could be streamlined to increase efficiency. LSC is not suggesting that GLSP should increase limited representation at the expense of extended representation.

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<sup>3</sup> A high proportion of GLSP's cases closed with extended representation were wills or other "senior documents".

Rather the assessment should focus on ways in which staff and program efficiencies can be improved.

### **3. Private attorney involvement**

#### **Finding 13: GLSP's Pro Bono Project is supported by the Georgia Bar Foundation and the State Bar of Georgia.**

The Georgia Bar Foundation and the State Bar of Georgia provide financial and other support for the Pro Bono Project. In addition to his responsibilities overseeing the regional offices' private attorney involvement (PAI) activities, the pro bono director is involved with several committees of the State Bar.

The needs assessment conducted by the Civil Justice Committee surveyed the private bar's involvement with pro bono activities. It conducted two surveys; one for attorneys who participate in pro bono activities and one for those who have not engaged in pro bono work. Preliminary findings indicate that private attorneys who do not participate in pro bono activities report that the primary obstacles to participation are lack of time and lack of competence in the areas of assumed need. The pro bono subcommittee of the Civil Justice Commission is waiting for finalization of the needs assessment and attorney survey report to assist its development of a statewide PAI plan. The training needs of the private bar will be assessed as part of the development of a PAI plan.

#### **Finding 14: Despite having a well organized PAI effort, private attorney participation is relatively low.**

GLSP employs a pro bono project director who provides recruitment and technical assistance to regional PAI coordinators. The pro bono director visits the regional offices on a quarterly basis to confer with coordinators. He ensures that new coordinators are well trained and is available to provide support and advice. In 2008, GLSP installed web cameras (webcam) in each regional office to connect the coordinators to the pro bono project director and each other. Now, the coordinators can meet with the assistance of the webcam and avoid the time and expense of travel.

The regional offices develop local PAI plans annually as part of the needs assessment and budget and priority setting process. The PAI plans encompass both pro bono and Judicare (reduced fee) participation by private attorneys. The vast majority of pro bono participation is in direct client representation in family, consumer and housing cases. Some offices conduct clinics on wills, advance directives and consumer issues. Local bar associations are often not integrally involved in the annual PAI plan process. Regional office plans are sent to the central office for inclusion in the final draft of GLSP's PAI plan, which is posted on the GLSP website and state bar website for comments. Local coordinators are notified of the posting so they can distribute the plan to local bar members or organizations. Developing local PAI committees is part of the

pro bono project's work plan for 2008, although little progress had been made at the time of LSC's visit.

The Judicare rate is \$50 per hour, up to a maximum of ten hours, without regard to case type. The managing attorneys have the authority to waive the ten hour limit with approval from the pro bono director. In some offices, the prevailing participation by private attorneys is through Judicare. For example, in Augusta, only one attorney accepted a pro bono case in 2007.

Participation of private attorneys is low compared to the number of attorneys agreeing to participate in 2007. Of the 8,379 active attorneys in GLSP 154 county area, 1,197 attorneys agreed to participate, but only 443 attorneys accepted referrals (337 pro bono and 106 Judicare). Regional PAI coordinators often wear several "hats" that tends to impede recruitment of private attorneys and creative development of a PAI plan. The demands of intake and other responsibilities compete for the coordinators' time and energy.

The case acceptance meeting process is often cumbersome and time consuming for PAI case selection. Often the coordinator waits for cases that are not assigned to staff attorneys. Offices tend to assign routine cases such as wills and other "senior documents" or domestic violence temporary protective order cases to staff attorneys rather than to PAI attorneys. Placement of cases in rural areas is made more difficult by the low numbers of attorneys practicing in those areas.

The GLSP web site for advocates is made available to PAI participants. Private attorney volunteers are invited to attend GLSP's in-house training events, including the annual LSU training. The pro bono director attends CLE programs and local bar association meetings and staffs a booth at the State Bar annual meeting. The pro bono project relies on a variety of websites to enhance recruitment. Private attorney volunteers are invited to attend GLSP in-house trainings including the LSU annual training. Support for participating attorneys is provided and recognition given.

GLSP attorneys are encouraged to become involved in local organized bar activities and many, including the executive director, have assumed leadership positions in the local and state bars. The Savannah office publishes a quarterly newsletter with the pro bono committee of Savannah Bar Association that features news about pro bono projects, GLSP and bar news and includes a pro bono volunteer pledge form for attorneys to sign up for cases, clinics, or community education events. It also publicizes awards and lists contributors to the GLSP bar campaign. The Savannah office also involves private attorneys in a hospice project to assist hospice residents with wills, advance directives and other end of life needs. GLSP also organizes PAI involvement in response to natural disasters.

## **Recommendations:**

**III.14.1.** Cases appropriate for referral to PAI attorneys should be identified in the office needs assessment process and be capable of easy identification for referral following the intake process.

**III.14.2.** The central PAI office should be more integrally involved in the development of each regional office's PAI plan and recruitment strategies.

**III.14.3.** GLSP should analyze its recruitment techniques with a view toward identifying new strategies for recruitment and new projects that would appeal to private attorneys. GLSP should consider creating local pro bono advisory boards consisting of key stakeholders charged with the challenge of promoting PAI to increase pro bono services and serving as a think-tank to create new volunteer opportunities in an effort to increase services.

**III.14.4.** GLSP should implement a targeted recruitment effort to locate attorneys in larger counties to agree to take cases or participate in other pro bono activities in those counties where there are no or few attorneys. Volunteer attorneys could conduct some client interviews at the local offices using the webcams.

**III.14.5.** GLSP should consider whether assisted pro se advocacy in particular practice areas is a useful delivery model to involve private attorneys.

### **B. Other program services to the eligible client population and other program activities on behalf of the eligible client population.**

#### **Finding 15: GLSP provides a variety of other services that benefit the eligible population.**

GLSP operates a housing "hotline" that fields housing questions from both landlords and tenants primarily by call back on Mondays, Tuesdays and Thursdays from 8:00-4:00. Only general information is provided. No advice or limited services are provided. Callers who have issues that fall within the program's case acceptance criteria are referred to the local offices, but the calls are not directly transferred.

GLSP financially supports and benefits from an active Georgia Clients Council (GCC). A client representative from each of the office regions, except Macon, serves on the council. The CED specialist provides technical assistance to the GCC. The council publishes a quarterly newsletter and has recently created a website, [www.gaclientscouncil.org](http://www.gaclientscouncil.org). The GCC also sponsors an annual conference where substantive law training sessions are presented.

The program's regional offices engage in numerous community education activities, often linked to specific grants for services to the elderly or victims of domestic violence. Many offices train and certify legal advocates that assist victims of violence in

filing petitions and obtaining initial, ex parte relief. A Savannah office staff member writes an Elder Rights Project Question and Answer column in the local paper. The office also appears on public access TV monthly to answer questions from the public about senior issues.

The CED specialists provide significant direct and indirect support, mentoring and training to low-income client organizations that engage in community education or other activities that benefit the low-income population. The Savannah office actively participates in local mayor's initiative, "step up from poverty", designed to identify and remove barriers to escaping poverty. Action teams are composed of community leaders, service agency personnel, the housing authority, Chamber of Commerce and government representatives. Several staff members serve on the transportation, health and housing teams.

Some offices participate in the State Health Insurance Program/Georgia Cares (SHIP) project that engages volunteers to assist applicants fill out Medicare Part D applications and select appropriate plans. These volunteers, who number more than 100, have received training certifications.

#### **Recommendations:**

**III.15.1.** To the extent that the telephone system permits, callers to the housing hotline with housing issues that fall within the program's case acceptance criteria for extended representation should be directly transferred to the appropriate field office, rather than given the telephone number to call. Conversely, callers to local offices with housing questions that would not be handled by the office should be transferred directly to the housing hotline for information.

**III.15.2.** LSC recommends that the GCC newsletter and website be used to announce outreach activities that benefit the client community such as the legal clinic calendar, community education sessions/workshops, and public service events designed to help the low-income population.

#### **Performance Area Four. *Effectiveness of governance, leadership and administration.***

##### **A. Board governance**

**Finding 17: The GLSP board appears to be engaged in the program's work and to exercise appropriate oversight of the program's activities.**

The GLSP board appears to take an active role in program support and oversight and is well aware of fiscal challenges and fundraising necessities. The board has active committees, including a Quality of Life Committee that reviewed salaries, benefits, and flexible working hours with a view toward analyzing recruitment and retention of quality advocacy staff. Routine items on the board meeting agendas have been streamlined to make time for substantive discussion of key issues. Materials provided to the board in

advance of meetings are comprehensive and well organized. Reports from the executive director and director of finance are received at each meeting. The litigation director, specialist attorneys and the pro bono director frequently attend meetings and update the board on their activities. From time to time, other program attorneys and managers report to the board as does the Georgia Clients Council.

The board evaluates the executive director on a regular basis and recently completed an evaluation. The evaluation process consisted of obtaining input from managing and specialist attorneys as well as some community leaders and members of the bar.

Eleven of the 32 board members are client members. Client members are active participants at board meetings and serve on important board committees, including audit-finance, pro bono and fundraising. The vice president and secretary of the board are client members and, as board officers, serve on the executive committee, as does a third client member.

The current board president and other board members have attended NLADA and the Equal Justice Conference with the executive director to enhance board member training.

## **B. Management and leadership**

**Finding 17: The executive management team is exceptionally strong and invested in providing the highest quality service to clients.**

GLSP is fortunate to have a strong leadership team consisting of the executive director, associate director, director of litigation, fiscal managers and other management staff. The management team works together as a cohesive unit.

The program has a rich tradition of developing leadership in regional offices and provides an extraordinary amount of autonomy to the regional offices. This autonomy, however, has led many local offices to think of themselves as individual law firms and not part of a large state-wide law firm. This is reflected in the tendency for individual offices to maintain their own brief and form banks. It is also manifested in a variance in the level of services provided to populations in the various regional service areas. Local offices have different staffing patterns that often resulted from local decisions on how to react to funding shortages.

It appeared to the team that training of new managing attorneys was not consistent in the regional offices. Many new management staff noted that more focused in-house training on management techniques and program policies would have been particularly helpful as they embarked on management tasks.

In the last few years, GLSP has emphasized acquiring technology to improve the efficiency of its work. The program has a solid technology infrastructure with a wide

area network. Recently, it has implemented a new case management system, LegalServer, and a new voice over Internet protocol (VOIP) telephone system and has moved to Windows XP. Back ups are stored off site and a disaster plan exists to recover data that might be lost. Yet, in some offices, there are substantial delays logging onto the Internet (for example, 15 minutes to boot up Outlook). Many staff notes that the exchange server goes down frequently and LegalServer has a slow web interface. Some computer equipment is outdated and negatively affects staff productivity. For example, many staff still use old monitors with small screens that do not accommodate the entire LegalServer screen. The program does not provide cell phones; staff use personal cell phones. Personal cell phone calls may be blocked by the receiver and some staff are reluctant to provide clients and others their personal cell phone numbers.

The recent technology advances have enhanced program cohesiveness and efficiency. However, these tools have not been utilized to their maximum capacity. The new phones provide the opportunity for more inter-office collaboration but more training is needed for staff to ensure that their full capacity is realized.

GLSP successfully piloted a project in one office through which it provided laptops with scanning and printers to be used in outreach and other remote activities. Staff who participated in the pilot project are enthusiastic about the efficiencies gained by their use. For example an attorney noted that she is able to modify consent agreements or child support work sheets at the court house, without having to return to the office.

#### **Recommendations:**

**IV.17.1:** While local offices should be actively involved in determining the region's focus, more direction from the central administration would help unify advocacy, focus on state wide issues, and ensure a full range and greater equality of services in each region.

**IV.17.2:** LSC recommends that GLSP ensure that in-house training is provided to new managing attorneys to help ease the transition to management responsibilities and train new managing attorneys on program policies and management techniques.

**IV.17.3:** GLSP should ensure that its technology plan is current and updated so that basic technology (computers, monitors, etc.) is reasonably up to date.

**IV.17.4:** GLSP should provide laptops with scanning and printing capabilities to all offices as resources permit to enhance circuit riding and other remote activities.

**IV.17.5:** GLSP should consider providing at least some cell phones to each office to use for contacting clients from remote locations and to maintain communication with the office.

**IV.17.6.** It is important for GLSP to provide continuing and follow up training on LegalServer and the new phone system to ensure that staff use the technology to full capacity to benefit clients.

### **C. Financial**

**Finding 18: GLSP appears to have sound fiscal practices and is led by experienced staff.**

Key GLSP fiscal staff have nearly 100 years of experience with the program. Critical financial systems seem to be based on appropriate internal controls. It appears that appropriate financial information is provided to the board and to the management team. GLSP is working on increasing unrestricted net assets to help insure program stability.

**Finding 19: GLSP's decentralized budget development process which provides for regional office input tends to emphasize individual office resources at the expense of a program wide approach.**

The budget development process is decentralized and relies on local office input. However, the process seems somewhat cumbersome and time-consuming and at times emphasizes individual office resources at expense of program wide approach. Annually, the central office provides revenue projections to each regional office for the next year, including local offices contracts and grants and a pro rata allocation of general funds. N When resources permit, the central office has awarded small financial "achievement awards" to offices based on a competitive evaluation of office performance. The office manager prepares a budget for review by the managing attorney. Offices have some latitude regarding conference spending, trainings, computer and other equipment purchases and staff configuration, depending on the extent of fixed costs and the projected revenue. The attorney/support staff ratio is largely determined by the regional offices as part of the budget process, resulting in disparities in the balance between advocate and support staff in the regional offices. The office's draft budget is sent to central administration for review and comments. Some offices reported that the budgeting process often requires several reviews by the central office.

Throughout the year, regional office managing attorneys have the opportunity to review expense reports for accuracy of allocations, providing an extra layer of scrutiny beyond that provided by management staff at the central office. Office managers review monthly budget reports for their offices and make report to managing attorneys.

### **Recommendations:**

**IV.19.1.** LSC recommends that GLSP consider simplifying and streamlining the budget development process and have more central office involvement in key budget formulation decisions at the outset of the annual budget process.

**IV.19.2.** GLSP should ensure that the program budget supports basic office needs and personnel equitably throughout the program.

**IV.19.3.** GLSP should consider the potential negative effects that interoffice competition for funding and disparities resulting from local budgeting decisions may have on the efforts to make GLSP function as a unified organization.

#### **D. Human resources**

**Finding 20: GLSP devotes appropriate resources to personnel matters and development.**

The associate director is primarily responsible for personnel matters. Employees are unionized; therefore the union contract structures employee relations. The program has emphasized improving attorney recruitment and retention and engaged a team from Booze Allen and BellSouth on a pro bono basis to perform an attorney retention study.

The study concluded that staff attorneys wanted to be treated more like members of the private bar. In response, GLSP permits more flexible hours and work from home, but has not yet moved to accepting telecommuting. The attorney salary scale was modified from a 20 year scale to a 10 year scale to encourage staff to do more. The study showed that advocates desire more secretarial support to improve efficiency in work. Consistent with this finding, several advocate staff noted to the team that they spend too much time on secretarial work, including copying and scanning documents as well as typing and document production. GLSP created a senior secretary position to encourage skill building and enhance support for the advocate staff; however, only one position was filled at the time of the team's visit. The starting salary for new attorneys was increased to \$40,000. The program has a loan repayment assistance project (LRAP) and a very generous benefit package including health insurance that requires no employee premium payment for staff and dependents. GLSP participates in organized attorney recruitment activities at law schools and is in a "constant hunt" for bilingual staff.

In addition to managing attorneys and supervising attorneys, senior staff attorneys are part of the management team and have supervisory responsibilities. Promotions to the senior attorney positions are recommended by local offices or by the central administration to recognize achievements and to support special projects. Salary incentives for supervising and managing attorneys were increased to \$2500 and \$4000, respectively. Senior staff attorneys receive an incentive of \$2,500. A high proportion of attorney staff are in management; in some offices more than half of attorneys are senior staff attorneys, supervising attorneys and managing attorney. Office managers are also part of the management team.

GLSP has an extraordinary number of employees with 30+ years of service to the program. Some staff expressed to the team that they feel that experienced staff are not appreciated by the organization. They are concerned that due to the salary scale, staff with many years of experience are perceived as too costly and that the program

administration would prefer to replace them with cheaper less experienced staff. This feeling has affected morale in some situations.

GLSP has a policy of annual staff evaluations; while there has been some slippage in some offices, evaluations are done fairly consistently. The managing attorneys have responsibility of determining when to perform the evaluations, during the annual budget review or at anniversary dates or any other set dates. The executive director is currently performing comprehensive evaluations of all of the managing attorneys.

Some support staff feel they need more training and feel left out of otherwise excellent training for advocates, although trainings in receptionist skills and “other matters” have been provided. Many staff take advantage of web based trainings in a variety of topics.

### **E. Internal communication**

**Finding 20: GLSP uses newsletters, email and other methods of communication, but some regional offices feel disconnected from the central program leadership.**

Due to the vast geography covered by the program, the executive director may not visit each office yearly. Some staff suggested that the distance and remoteness of some regional offices make them feel less a part of a large law firm. Yet, most advocacy staff interviewed found the litigation director accessible. There is regular interaction between local office staff and the associate director and the fiscal manager. Many staff remains skeptical about the benefits of the web cameras for enhancing communication among offices. The organization’s newsletter is of high quality and appears to be widely read.

The regional offices rely on the weekly case acceptance meetings as the primary meeting time. Some offices include administrative topics at these meetings at one meeting a month.

### **Recommendations:**

**IV.20.1:** LSC recommends that GLSP consider implementing a periodic mechanism for key leaders, including the executive director, to keep program staff apprised of the state of the program. Visits to the regional offices should be a part of this effort.

### **F. General resource development and maintenance**

**Finding 21: GLSP has aggressively sought to develop resources to enhance its legal work.**

LSC funding accounts for approximately 48% of GLSP’s total revenue. Other major funding sources are the Georgia Bar Foundation (IOLTA), the state domestic violence grant and the Older Americans Act. GLSP has numerous grants, many of which are tied to individual regional offices. In some offices staff expressed a view that they

work for specialized grants and are locked into handling specific case types to fulfill grant requirements.

Georgia has not yet adopted interest rate comparability for IOLTA funds. The Bar Foundation is attempting to obtain the approval of the major banks voluntarily prior to approaching smaller banks. As of now one major bank has not agreed to provide comparable rates. The Civil Justice Committee Subcommittee on Resource Development is charged with developing additional sources of revenue for legal services in the state. The initial effort will be to enhance support from the private bar. The annual GLSP state bar campaign is currently at the \$500,000 level. Contributions dropped significantly from its peak of \$884,000 in 2005 after the elimination of the opt out selection on the bar dues notice. GLSP requested that the State Bar Task Force on Funding for GLSP add \$20 to the annual dues amount for GLSP, however the full Task Force did not accept the recommendation.

The State Bar has a task force that focuses on increasing GLSP funding that originated in 2006. The task force is expected to prepare a report describing the options considered, but not identifying new initiatives.

The program obtains positive media coverage but there does not seem to be an overall media strategy tied to resource development. GLSP produces an annual report that highlights its work and recognizes major contributors.

#### **Recommendations:**

**IV.21.1.** GLSP should develop a media strategy focused on increasing the awareness of potential donors of GLSP's mission and accomplishments.

**IV.21.2.** GLSP should consider the feasibility of expanding its private donor campaign outside the legal community to include major businesses.

**IV.21.3.** GLSP should consider creating an advisory resource development board to focus on resource development.

#### **G. Participation in an integrated legal services delivery system**

The Georgia Civil Justice Committee was formed in 2006. The executive directors of both ALAS and GLSP as well as the state bar pro bono director are members of the advisory committee along with Appleseed and the Georgia Volunteer Lawyer Project. The Committee's first major project was conducting the needs assessment performed by Kennesaw State University. The theory is that the needs assessment will form the foundation for increased funding for legal services and encourage pro bono participation.

GLSP attorney staff are actively involved in local bar associations and the executive director has been on Board of Governors since 1992 and on the executive

committee of State Bar for several years. This high level of participation in the organized bar raises GLSP's profile.

GLSP and ALAS collaborate effectively in producing the annual LSU and other trainings. Staff participate in joint task forces in some practice areas and engage in some co-counseling.

### **The Farmworker Division<sup>4</sup>**

**Performance Area One.** *Effectiveness in identifying the most pressing civil legal needs of low-income people in the service area and targeting resources to address those needs.*

**Finding FD-1:** **The Farmworker Division relies on an informal assessment of the legal needs of farmworkers.**

The Farmworker Division has not conducted a formal needs assessment of the migrant farmworkers in Georgia. Instead, it relies on information obtained and issues mentioned during outreach visits to labor camps, regular communications with clients and discussions with community groups. The Farmworker Division holds a yearly retreat/planning meeting to evaluate the previous year's progress and develop a work plan for the coming year. Goals and objectives, including numerically measurable outcomes, for the coming year are discussed and developed at this meeting.

The Farmworker Division focuses on larger agriculture operations (50 or more workers). Its clientele includes an increasing number of H-2A workers, mainly from Mexico, as that population has grown and fewer permanent residents migrate to Georgia to work in the fields.

**Performance Area Two.** *Effectiveness in engaging and serving the low-income population throughout the service area.*

#### **A. Dignity and sensitivity**

##### **1. Intake and access and utilization by the low-income population**

**Finding FD-2:** **Much of the Farmworker Division's intake occurs during staff visits to labor camps during the season when migrant farmworkers are in Georgia.**

Outreach visits to farm labor camps typically occur on Sundays, when the workers have the day off. Staff also travel to visit clients in the evenings at camps or other locations, as needed. The Farmworker Division also has a toll-free number through which intake calls are received. The phone lines are officially open from 9:00 am to 5:00 pm, Monday through Friday, but calls outside these hours are often forwarded to staff cell

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<sup>4</sup> This section of the report will not include material discussed in the section pertaining to the Basic Field Division.

phones and answered by individual staff. Callers outside the regular business hours hear a bi-lingual message providing them with the option of leaving voice mail. The toll-free number is contained on all outreach materials, which are in Spanish and English.

**Finding FD-3: The Farmworker Division staff treat clients with dignity and respect.**

All Farmworker Division staff are bi-lingual in Spanish and English. Most have lived for long periods of time or studied Spanish in Spanish-speaking countries.

Two clients represented by the Farmworker Division in court cases were interviewed by the team and both praised their attorneys and the work done on their behalf. The attorneys visited the clients on weekends, prepared them for depositions, stayed in contact with them during the course of the case and sent copies of all relevant documents to the clients.

**B. Office location and access**

**Finding FD-4: The Farmworker Division's location in Atlanta has enhanced recruitment and retention of staff and collaboration opportunities but has not diminished contacts with the migrant farmworker population.**

The Farmworker Division was relocated to Atlanta from Tifton several years ago to improve opportunities for hiring, staff retention, and collaboration with other groups involved with farmworker representation. Because of the extensive outreach conducted by staff, the relocation has not had a negative impact on client access.

**C. Engagement with the low-income population**

**Finding FD-4: The Farmworker Division works closely with the client population and communicates with community groups that work with farmworkers in Georgia.**

In addition to regular visits to labor camps during the season, staff also conduct outreach to locations where farmworkers frequently congregate, such as Wal-Mart in rural areas on the weekends and migrant health fairs. The Farmworker Division participates in task forces and coalitions that advocate on behalf of migrant farmworkers, such as the People of the Road (in Macon), Amigos (in Valdosta), Proyecto Tema, the Southeastern Georgia Communities Project (in Lyons) and a farmworker sexual harassment working group.

**Performance Area Three. *Effectiveness of legal representation and other program activities intended to benefit the low income population in its service area.***

**A. Legal representation**

**1. Legal work management**

**Finding FD-5: The Farmworker Division has sufficient protocols and policies in place to manage the program’s legal work, yet closure of a substantial number of cases has been delayed.**

The Farmworker Division uses the legal work management policies and protocols that apply to the Basic Field Division. In addition, all Farmworker Division cases are co-counseled with two or more attorneys involved. One attorney assumes the role as lead counsel. The senior staff attorney for the Farmworker Division is the immediate supervisor of two of the staff attorneys and the paralegal. The litigation director supervises a staff attorney and the senior staff attorney<sup>5</sup>. The division benefits from technical assistance and litigation support provided by a former director of litigation for GLSP, who is now in private practice and who is on contract with GLSP to provide assistance to the migrant staff.

In addition to the informal supervision that occurs regularly in the Farmworker Division, open cases are reviewed every six months. Memoranda or legal briefs to be submitted to the court are reviewed by the senior staff attorney and by the litigation director. Staff receive annual performance evaluations.

An open case list for the Farmworker Division received in advance of the visit reflects that a high number of cases are awaiting closure pending location of the clients and distribution of settlement money. Also, over 80 cases are indicated as being in the “preparing to close” phase. Many cases are left in open status because the client has not been located to receive settlement funds. No organization in Mexico had been identified to assist with locating clients.

Despite some potential overlap in expertise in employment and civil rights law between the Basic Field and Farmworker Division, little interaction between the two divisions occurs.

**Recommendations:**

**FD-III.5.1.** The cases that are ready to be closed should be reviewed and closed. The Farmworker Division should attempt to develop systems for keeping better track of clients, so that the clients can be located throughout the duration of the case and once the case has settled. Obtaining more information about family and contact persons in the workers’ home country early on and maintaining regular contact during the months after the season has ended could also help.

**FD-III.5.2.** LSC recommends that GLSP evaluate the overlap in substantive law areas handled by the farmworker project and field program, such as employment law that affect both populations, so that staff expertise is shared between the divisions.

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<sup>5</sup> The senior staff attorney is married to the staff attorney supervised by the director of litigation.

## **2. Quality and quantity of legal work**

### **Finding FD-6: The Farmworker Division engages in aggressive, high quality advocacy on behalf of its clients.**

Much of the division's advocacy is on behalf of H-2A workers asserting minimum benefits and working conditions contract claims and claims under the Fair Labor Standards Act. Most of the litigation is in Federal Court and four new cases have been filed this year so far. Migrant staff have obtained settlements totaling \$285,000 and have received \$350,000 in judgments on behalf of their clients during 2008. Staff engage in depositions and other forms of discovery and pursue an active motions practice.

The division has an excellent reputation nationally concerning the quality of its advocacy and has taken the lead nationally in litigating retaliation claims against employers who have refused to re-hire farmworkers who have complained about working conditions.

As with the Basic Field program, extensive advocate training is provided for new lawyers in both substantive law and skills development. Training for all division advocates is available at the LSU. In addition, migrant staff attend and are presenters at the national migrant training held every other year during the same week as the NLADA conference. The Farmworker Division has co-sponsored national trainings in Atlanta for new migrant staff held during the years the pre-NLADA trainings do not occur and have co-sponsored summer law clerk trainings with other migrant programs in the southeast, such as Florida Legal Services, the Southern Migrant Project, and the Southern Poverty Law Center. Advocates have also attended National Employment Lawyers Association training. Other trainings attended by migrant advocates are NITA deposition skills training and a trial skills training in Atlanta sponsored by the American College of Trial Lawyers.

The Farmworker Division staff uses cell phones to maximize access with the client community and to maintain contact among themselves, with the courts, and with program administration when they are away from the office. The division also has a laptop for use of staff and a digital camera for taking photos of documents during outreach. The division was awarded a TIG grant of \$7,500 for the 2009 year to purchase a portable scanner, a large-volume scanner, and document management software. It plans to develop a training module for the equipment and software use.

### **Recommendations:**

**FD-III.6.1.** To the extent that resources permit, the farmworker division should be provided with laptops, scanners and portable printers to assist them with outreach and work in the field.

### **3. Private attorney involvement**

**Finding FD-7: Despite having no PAI requirement, the Farmworker Division seeks private attorney involvement in its work.**

In 2003 and 2004, the Farmworker Division referred a major case to a private law firm, which filed suit on behalf of the farmworkers pro bono. The Farmworker Division has also referred some Workers Compensation cases to Spanish-speaking members of the private bar. The division has also been successful in having private attorneys co-counsel cases.

**Performance Area Four. *Effectiveness of governance, leadership and administration.***

#### **A. General Resource Development and maintenance**

**Finding FD-8: The migrant component of GLSP is very active in fundraising.**

The Farmworker Division held a fundraiser in June 2008 in the State Bar building at which a local taqueria provided food at half the cost and a band played for free. Farmworkers from the Tifton area traveled for nine hours in a van to attend the fundraiser. The program netted about \$2,300. The Farmworker Division also received a grant for \$10,000 from a foundation that funds public interest litigation. In addition to the application for the TIG grant, the Farmworker Division has applied for additional funding to the Department of Justice's Office of Special Counsel, and to the Norman Foundation in the District of Columbia.

The Farmworker Division also has been successful in obtaining Jesuit Volunteer Corps volunteers typically for one year, summer interns, a two-year Skadden fellowship, and an Equal Justice Works fellowship. In 2005 the Farmworker Division obtained a two-year grant from the U.S. Department of Health and Human Services to provide outreach to farmworkers trafficked to the United States for employment.

#### **B. Participation in an integrated legal services delivery system**

**Finding FD-8: The Farmworker Division works cooperatively and extensively with other migrant farmworker programs.**

The division staff work frequently with other farmworker programs particularly in the southeast and have co-counseled cases with attorneys in Florida and with Southern Poverty Law Center. The division has been a leader in the area of retaliation advocacy, and has sponsored or co-sponsored migrant trainings.

## **APPENDIX**

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DIRECTOR OF LITIGATION

MICHAEL MONAHAN  
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November 5, 2008

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### RE: Program Quality Visit

Dear Janet:

Thank you for allowing us an opportunity to review the draft report of your Program Quality Team. We appreciate your feedback and suggestions, several of which were consistent with initiatives we had begun or were studying. Your comments have helped us move forward in those areas. We are also following up on a number of Recommendations which we believe are current GLSP practice or policy, but where reinforcement or additional training clearly needs to take place. We are also grateful for the effort and extensive time commitment demanded of the entire team to travel throughout the state of Georgia assessing our operations, and for the time and thoughtfulness devoted to drafting the Report.

We submit the following comments to expand upon some of the Findings, and to offer suggestions for correction of certain factual statements.

### Performance Area One.

- P. 2 The Legal Needs Study commissioned by the Supreme Court of Georgia's Civil Justice Committee (please note the correct name) is more comprehensive than might be indicated by your description. The study included hundreds of telephone interviews of low-income and moderate-income residents of Georgia, as you mentioned. In addition, the study included (1) follow-up personal interviews with selected individuals identified in the phone interviews; (2) telephone interviews of two groups of attorneys: one comprised of attorneys who accept *pro bono* cases, and one comprised of attorneys who do not (this is



Offices in Albany, Athens, Atlanta, Augusta, Brunswick, Columbus, Dalton,  
Gainesville, Macon, Piedmont, Savannah, Valdosta, Waycross, and Farmworker Division  
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mentioned in your report at p. 13, Finding 13); (3) focus groups around the state that included court personnel, social service organizations, and providers of legal services; (4) focus groups with hard-to-reach populations (including - separately - seniors, Asians, Latinos, and recently released former prisoners; and (5) web surveys of providers and court personnel.

We are awaiting the final report analyzing the findings and look forward to the next step by the Civil Justice Committee, which will be developing a strategic plan to use the study to build support and more resources for the civil justice community in Georgia.

P.2 Finding 2: It is true that each office designs its own needs assessment process, but it is somewhat misleading to use the term “survey” in this context, since as you note, we discourage the use of written survey instruments. It is true that we seek information from individuals at senior centers, but we also visit other sites such as domestic violence shelters, homeless clinics, and the like. Just three weeks ago, I attended the annual meeting of the Georgia Clients Council and had a very productive session with them about critical needs, as well as setting priorities. We encourage the offices to be creative in collecting and analyzing hard data, such as plant closings or sales of public hospitals, which bear upon the critical needs of low-income communities, and how we can best address them using our legal skills for social justice.

### **Performance Area Two.**

We appreciate your comments on our intake process, as this was an area that we raised at the Opening Conference where we sought outside review. My comments below are intended to provide additional information from our perspective and local experience. That said, we will certainly re-examine the issues raised by your findings.

P.4 Feedback from staff to management, especially local management which has been reported to Central management, is that the computerized case management system is efficient and has many valuable features, such as statewide conflict checking, inter-office referral, review of files by supervisors, inter-office consultation, and more. We developed a written paper intake sheet for legal workers to use when they are circuit-riding and encounter new clients who have not been screened by the “home” office. We were not aware that staff use this form in their offices and will review these procedures.

P. 4 We have been concerned about the length of time consumed by CAMs, although the experience of Central office staff, including specialists, when visiting offices is that CAMs are generally less than two hours unless there is additional business, such as a staff meeting. We have also been concerned with the balance of limited representation and extended representation cases and have been working with local managers who sincerely believe that some help – even limited help – is better than no help. Our requirement that limited advice be documented by letters to clients is an effort to be clear and understandable for clients, and also to provide a document by which legal information can be shared with the community. We also believe that it is better practice under our ethics

rules that the client receive legal advice in writing. As for acceptance of emergency cases, it is our experience that decision is typically handled by consultation between the legal worker interviewing the client and the Managing Attorney or Supervisor.

- P.5 We have consistently urged advocates to draft letters in language that is understandable to their audiences, especially clients. This is one of our Legal Work Minimum Standards. As a policy matter, we run CE material and brochures through readability programs and edit to get them written at a 5<sup>th</sup> or 6<sup>th</sup> grade reading level. We may need to re-emphasize this approach.
- P. 6 Recommendation II.4.10. There is extensive content on [www.legalaid-ga.org](http://www.legalaid-ga.org), the website that contains legal information and forms for consumers, in Spanish and over a dozen other languages, including Vietnamese, the second most requested language on this site.
- P. 7 Finding 5: Recommendation II.5.1: We do periodically analyze case closing data to assess proportionality of services to all counties, compared to their poverty population. This data was also mapped during the OIG's pilot project of GIS mapping back in 2002, which documented that the distribution of clients served was proportional throughout regions.
- P. 7 Finding 6: FYI, the GLSP Board of Directors, Central administrative staff, Managing Attorneys, and Specialist Attorneys participated in a two-hour "poverty simulation" in April 2007 that heightened the sensitivity of each participant to the challenges of the daily lives of persons in poverty.
- P. 9 The pleadings and brief bank are updated as useful documents become available, and the website is designed so that anyone in the Program can upload a resource. There is format review by the website administrator, but no editorial review. This is intentionally designed to encourage participation by staff. The website also contains training materials prepared for in-house training events, client information for community education programs, GLSP policies and forms, links to substantive resources, webcam recordings of training lectures, and much more. Every document posted on the website has a tickle date at which point it is reviewed, updated as needed, or discarded as appropriate. We have statistics of usage indicating significant increases each year.
- P. 11 Finding 11: GLSP's work in connection with the terminations of Medicaid assistance, mentioned in the report, resulted not just in the development of qualified income trusts for hundreds of persons, but most importantly, the avoidance of eviction of hundreds of very old and frail residents of nursing homes, many of whom had no family and no other housing options.
- P. 14 GLSP offices have also successfully deployed "Wills Clinics," "Consumer Clinics," and "Ask A Lawyer Day," as additional opportunities to engage private attorneys in providing

legal services to low-income clients. We have worked with the Younger Lawyers Division of the State Bar on disaster legal assistance projects.

In 2007, less than 31% of the 38,000 lawyers in Georgia (approximately 8,400) lived in counties served by GLSP, containing more than 72% of the eligible poverty population (743,598 at the poverty line; our target population goes up to 200%). Four of our counties have no lawyers; 33 have 4 or fewer lawyers; 26 have between 6 and 10 lawyers. In many areas the resources are simply not there to recruit, and we have had little luck convincing lawyers to travel to another county to do a case *pro bono*, even if we reimburse mileage. Even for lawyers accepting a reduced fee, it does not adequately cover travel time.

- P. 16 Finding 15: The CED specialists actually *represent* low-income client organizations, providing transactions legal assistance including start-up documents, training in effective and lawful board performance, negotiating strategic partnerships, closing real estate transactions (typically with the assistance of *pro bono* counsel), seeking zoning variances and construction permits, and much, much more.

The Athens office also participates in that community's "Poverty Initiative," in ways similar to the Savannah office.

- P. 17 Finding 17: Variances in staffing patterns among offices is sometimes driven by the difficulty in recruiting qualified attorney candidates to a given location.
- P. 17 GLSP has numerous methods by which cohesion as a statewide law firm is promoted. There are quarterly Managers Meetings (most of which include some component of training on management issues); periodic Managing Attorney Roundtables; annual Office Manager meetings; annual New Advocate training; staff-wide Legal Services University approximately every 18 months; substantive task force meetings twice a year (Housing, Public Benefits); and the Action Teams. The Action Teams were conceived as a strategy to achieve several goals: encourage staff to spend time on issues likely to have lasting impact and counteract the notion that all time must be dedicated to one grant or another; promote inter-office collaboration; improve staff attorney retention; and offer leadership development opportunities.
- P. 17 Management training: GLSP sends all new management personnel to a relevant national training as quickly as practicable. For Managing Attorneys, this is often MIE's New Executive Director training. New Supervisors and Senior Staff Attorneys are sent to MIE's Supervisor Training. A day-long GLSP orientation is scheduled for new managers to explain to them the various functions of central management and to review respective expectations and accountability. We review essential Manager resources (LSC regs, GLSP policies, union contract, etc.) and develop an individualized job description, working from our standardized job descriptions. Central management staff are readily available for daily needs. We arrange for new Managing Attorneys to visit more experienced Managing Attorneys.

- P. 17 Technology: Within the last three years, GLSP has upgraded every desktop computer and every server, customized and installed a web-based case management system, implemented VOIP, upgraded copiers in every office to include scan and fax capabilities, upgraded mailing equipment, and installed new software to improve all functions. We have implemented webex training; taped training programs for posting on our websites; used webcams for long-distance attendance at meetings; developed podcasts for court-based assisted pro-se centers; developed listservs and hosted sites for local bar associations; and much more. Many of these projects were supported by generous LSC TIG grants. We are piloting a laptop project which is very popular but we do not currently have the resources to deploy it Program-wide. Training staff to make full use of all of this hardware and software is ongoing and evolving. There have certainly been glitches and rough spots along the way, made more challenging by the size of our state.

Cellphone deployment is difficult because there are three major cellphone companies in the state, none of which fully covers the state.

- P. 19 Finding 19: The budget development process is decentralized ONLY to the extent that each office must complete a budget form, provided by the Central Office, reflecting their anticipated expenses for the coming year, based on formulas provided by the Central Office. Regularly anticipated revenue sources and amounts are provided by the Central Office on the budget forms, with an opportunity for the local office to add to or change this information. Based on this process, local Office Managers are responsible for managing the expenses of their locations through the course of the year, based on Budget Status Reports developed and provided by the Central Office. Local office involvement in budget preparation provides an opportunity for and imposes a responsibility on that office to propose responses to cuts in funds (i.e., through Reduction in Force, reduction in indirect expenses, or increased local fundraising activities). Proposed attorney-support staff ratios are reviewed by Central Management and it is not unusual for the local office to be told they may not lay off a secretary or receptionist to maintain adequate support.

All budgets are thoroughly reviewed by the Finance Director, and a meeting of the senior management (Executive Director, Associate Director, and Litigation Director) is convened to review, discuss, and resolve budget gaps or other local office issues. Feedback is provided to the local office for more input, and final approval rests with Central Office senior management, typically the Finance Director and the Executive Director. We believe our approach strikes a productive balance between top-down direction and local office buy-in and accountability, as well as responsibility for seeking resources at the local level.

The "Achievement Awards" were offered three years ago when we had some available funds as a way to incentivize and reward effective strategies that had lasting impact, or significant efforts to overcome challenges within the office. We have not had available resources since that year to repeat this process.

P. 20 Finding 20: “...engaged Booz Allen ...” In 2005 GLSP entered a competition sponsored by Community Consulting Teams of Atlanta which offered an opportunity to be awarded a *pro bono* management team to address an organizational problem. We described our issues involving staff attorney recruitment and retention and sought help to address it. Although CCT typically focuses on Atlanta-based organizations with budgets under \$1 million, they chose GLSP because they were intrigued with our organization and challenged by our proposal. A team of professional managers, including two from Booz Allen and one from BellSouth, worked with us for over a year, conducting focus groups, administering web surveys, and reviewing staffing and recruitment data and processes. They presented their findings to top management and to the GLSP board and we made several significant changes in response to the study, as indicated in your draft report. It is more accurate to say that staff attorneys wanted to be treated more as “professionals” than like members of the private bar. Several of the recommendations – as described in the draft report – required us to negotiate changes in our collective bargaining agreement. We are about to embark on a follow up study to examine retention and staff satisfaction, but anecdotally we believe morale is better, retention has improved, and work is of higher quality.

GLSP’s health insurance package requires no premium payment for the employee and minor dependents. Employees pay a premium for spouses/domestic partners.

Senior staff attorneys receive a salary increase of \$2,500 above the staff attorney scale upon promotion, not \$1000.

P. 22 In the first full paragraph, the correct name is the “Civil Justice Committee,” not Commission. The State Bar Task Force on Funding for GLSP rejected the proposal to add \$20 to the dues amount for GLSP. We made this proposal to the State Bar Programs and Finance Committees at the urging of some members of the Task Force, but ultimately the full Task Force did not support it.

P. 22 Section G: The correct name is the Supreme Court of Georgia Civil Justice Committee.

P. 24 Section FD-4: The Amigos group is in Valdosta, not Dalton.

Again, we appreciate the opportunity to submit these comments, edits, and additional information. Thank you for all of your work to help us make Georgia Legal Services Program the best we can be.

Very truly yours,

Phyllis J. Holmen  
Executive Director

Letter to Ms. Janet LaBella  
November 5, 2008  
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bcc: Lisa Krisher  
Thomas Anthony  
Jack Webb  
Mike Monahan