



Legal Services Corporation
Office of Program Performance

Final Report

From the

Program Quality Visit

to

Nassau Suffolk Law Services Committee, Inc.

Recipient No. 233070

October 27 - 31, 2014

LSC Review Team

Cheryl Nolan, Program Counsel (Team Leader)
David Bonebrake, OPP Program Counsel
Jacquelynn Bowman, OPP Temporary Employee
César Britos, OPP Temporary Employee
Douglas German, OPP Temporary Employee
Julie Reiskin, LSC Client Board Member, Observer

**Final
Program Quality Report for
Nassau Suffolk Law Services Committee, Inc.
Recipient No. 233070**

Table of Contents

INTRODUCTION	1
SERVICE AREA AND PROGRAM OVERVIEW	1
SUMMARY of FINDINGS	2
FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS	3
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.	3
PERFORMANCE AREA TWO. Effectiveness in engaging and serving the low-income population throughout the service area	6
Dignity and sensitivity, including intake	6
Engagement with and access and utilization by the low-income population	9
PERFORMANCE AREA THREE. Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area.	11
Legal representation	11
Private Attorney Involvement	16
Other program services and activities on behalf of the low-income population ...	18
PERFORMANCE AREA FOUR. Effectiveness of governance, leadership, and administration.	18
Board governance	18
Leadership	20
Overall management, including financial management and human resources administration	21
Technology	22
Internal Communication	24
Resource development	25
Participation in integrated legal services delivery system	25

INTRODUCTION

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit to the Nassau Suffolk Law Services, Inc. (NSLSC) in Long Island, New York from October 27 - 31, 2014. OPP's team consisted of LSC program counsel Cheryl Nolan and David Bonebrake, and LSC temporary employees César Britos, Jacquelynne Bowman and Douglas German. The team was joined by LSC Client Board Member Julie Reiskin as an observer.

Program Quality Visits are designed to evaluate whether LSC grantees are providing the highest quality legal services to eligible clients. In conducting the evaluation, OPP relies on the LSC Act and regulations, the LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The on-site evaluation was organized to follow the four Performance Areas of the LSC Performance Criteria, which cover needs assessment and priority setting; access to services and engagement with the low-income community; legal work management and the legal work produced; and program management including board governance, leadership, resource development, and coordination within the delivery system.

In conducting its assessment, the team reviewed the documents provided by the program to LSC, including recent applications for funding, technology and PAI plans, workforce analysis charts, and case service and other services reports. The team also reviewed materials requested in advance of the visit, including documents relating to board governance, intake, legal work and case management policies and systems, advocates' writing samples, and the results of an online staff survey.

On site, the team visited the program's three offices located in Hempstead, Islandia and Riverhead. The team interviewed program leadership, management and administrative staff, advocacy staff, and support staff. The team also interviewed members of the board of directors, judges, community partner organizations, other state justice stakeholders, and bar representatives. Due to scheduling and time constraints, some of these interviews were conducted by telephone.

SERVICE AREA AND PROGRAM OVERVIEW

NSLSC provides a full range of legal services to eligible low-income people of Long Island, New York, comprised of Nassau and Suffolk counties.

In 2014, NSLSC received \$1,138,448 in basic field LSC funding, down from \$1,218,696 in 2013 and \$1,310,182 in 2012. The 2014 funding represents a decrease of \$219,991 from its 2012 LSC funding. The program's non-LSC funding in 2014 was \$6,414,842 (not including carryover), comprised of funding from New York State (NYS) IOLA, the NYS Judiciary Civil Legal Services fund, and grants from the city, county and state appropriations, funding from other federal and state agencies, and local communities, organizations, foundations, donations and attorneys fees. Funding from non-LSC sources

increased \$1,413,787 from 2012, yielding a net increase of total funding of \$1,193,796. LSC funding comprises roughly 15% of NSLSC's total funding.

The NSLSC service area covers 1,198 square miles. Estimates from the 2008-2012 American Community Survey show that NSLSC has a poverty population of 226,684, which is 12.28% of its overall population. Over 4.8% of all households in the service area are linguistically isolated with Spanish being the primary language spoken in the home. The ethnicity of the poverty population in the service area is approximately 59% White – non-Hispanic, 17% African American, 31% Hispanic, 5% Asian, and 15% other.

The program has three offices located in Hempstead, Islandia and Riverhead. At the time of the visit there were 80 staff members and approximately 54 attorneys. The program's legal work is centered on advice and counsel, limited service, pro se/self-help and full representation in housing, mortgage foreclosure, welfare/public benefits, social security disability and SSI, special education, employment, health, family and consumer law matters. NSLSC also operates specialized units and projects serving low-income victims of domestic violence, seniors, residents of licensed adult homes, persons with physical, mental and developmental disabilities, HIV/AIDS, and individuals with cancer. It operates a private attorney involvement program. NSLSC's Legal Support Center for Advocates (LSCA) has a unique role serving as a source of support for advocates from social service agencies, religious organizations, health care facilities and other community-based agencies. The LSCA Helpline provides phone support to the community advocates so they may assist their clients in welfare, housing, access to health care, disability issues, and other legal matters.

SUMMARY of FINDINGS

NSLSC has a highly dedicated, hard-working and experienced management team and board of directors. Likewise, it has a group of talented lawyers, paralegals, intake workers and support staff. NSLSC has developed an excellent reputation with other legal services stakeholders, judges, bar officials and private attorneys in its community and statewide.

NSLSC treats clients with dignity, sensitivity and respect in the provision of services. The program is engaged with its local communities. Its three offices, specialized units, LSCA, and court-based projects provide access to program services for many low-income clients in its service area. Intake is handled individually by the local offices and specialty units.

The program has experienced and accomplished advocates who are engaged in their work. Staff members take pride in the fact that they have a high number of extended service cases. NSLSC provides excellent service to the special needs groups it has identified. The Legal Support Center for Advocates (LSCA) is a unique project that connects the program with community partners and local legislators. LSCA is also an effective leverage of limited resources to share legal information with clients.

NSLSC uses TIME as its case management system. The program's website, <http://nslawservices.org/wp/> uses Google Translate for translation into the 90 languages supported by Google. The website is also linked to several relevant legal resource sites including the LawHelpNY statewide website. LawHelpNY materials are translated into several languages. NSLSC also provides pro se assistance, community education and the provision of legal information.

The program's Nassau County Volunteer Lawyers Project (VLP) and Suffolk County Pro Bono Project (PBP) continue to build on a history of successes since 1981. The program has been a leader in utilizing pro bono attorneys to enhance service delivery. It has developed a range of pro bono opportunities and support from bar associations and private attorneys throughout the service area are strong.

NSLSC completed a comprehensive needs assessment in 2013, which followed a strategic planning process begun in 2010. It was guided by a task force comprised of a broad representation of management, staff, board members and advisory council members. NSLSC's 2013 priority setting was based on the 2010 strategic planning and 2013 needs assessment processes.

NSLSC is engaged with its community partners and organizations, and well-respected by the judiciary and its community partners. The executive director is well-received by staff, the board and members of the community. The board is appropriately involved in overseeing the work of the program. Board members, including client members, are knowledgeable with the major issues facing the program and show a deep understanding of the mission and role of the organization. Board members demonstrated a working knowledge of the budget and were appropriately concerned with maintaining a fiscally sound program. The firm's financial management staff members are experienced. NSLSC has an advisory council comprised of community leaders that is tasked with leading its fundraising efforts such as special events. The board and advisory council are engaged in program resource development efforts. The program has a highly diversified funding base.

NSLSC is actively involved as a leader in statewide efforts to improve access to justice. NSLSC coordinates with other providers, the bar, law schools and other relevant entities in seeking to ensure that support is provided to advocates and managers, including training, dissemination and exchange of information, and communication and coordination among practitioners in key areas of law and practice.

FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

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

Finding 1. In 2013, NSLSC conducted a comprehensive assessment of legal needs. NSLSC reviews client needs annually as part of the board approval of program

priorities. NSLSC's Statement of Program Priorities was readopted by the board in 2014.

The last formal needs assessment by the program was conducted in 2013. The previous needs assessment occurred in 2011. The 2013 needs assessment was led by NSLSC's director of social work who was assisted by social work interns. The needs assessment process involved the distribution of surveys to clients in English and Spanish, to human service agencies, other legal services providers, bar associations, judges, staff and board members. Interviews were conducted with program staff and community organization representatives. The needs assessment also involved a review of data from recent census surveys, intake and case management data, and other legal needs surveys such as the annual reports from the Task Force to Expand Access to Civil Legal Services in New York. Staff members compiled and analyzed the results. NSLSC's needs assessment found the following legal problems were the most pressing: ensuring the safety, stability and health of families; preserving the home; economic stability; access to health care; and individual rights.

In November 2013, the executive director presented the results of the needs assessment to the board in its Priority Setting Survey Report, which indicated that the needs identified have not changed since the 2012 Statement of Priorities. In February 2014, the board acted on the recommendations of the Priority Setting Survey Report and adopted the same priorities as it had approved in 2013.

NSLSC's priorities are housing, mortgage foreclosure, welfare/public benefits, social security disability and SSI, special education, employment, health, family and consumer law matters. NSLSC uses specialized units as its primary legal services delivery method. Some of these substantive units are designed to address areas of high client demand. The specialized units include the Homelessness Intervention Project, the Welfare Unit and the Disability Advocacy Project (handling SSI disability cases), the Mental Health Law Project, the David Project (serving persons affected by HIV/AIDS), the Domestic Violence Project, the Adult Home Project and the Protection and Advocacy Project (which handles impact litigation and individual rights cases for disabled populations) and the Senior Citizen Project. Other program priorities address services to low-income persons with developmental disabilities, and individuals with cancer. NSLSC uses its pro bono units in Nassau and Suffolk counties to supplement efforts in the areas of housing, family law, consumer and bankruptcy.

Outside the comprehensive needs assessment process, the program primarily relies upon its advocates and managers to identify emerging problems, trends, and systemic issues during the course of their work. The program has a reputation for responding to emerging needs of the client community, such as the needs of persons with HIV, cancer, housing and foreclosure issues. The staff survey conducted by LSC prior to the on-site visit indicated that over 83% of staff respondents strongly agreed or agreed with the statement "our organization is effective at addressing the systemic legal problems our clients face." However, some legal issues, such as consumer and family law, that do not have a dedicated funding source are not handled at the same level as housing and public

benefits. If funding becomes available, some staff members expressed a desire to see a greater focus on the other priorities such as family law and consumer matters.¹

Recommendation I.1.1.1.² To the extent NSLSC obtains additional funding, it should consider expanding its services in the areas of consumer and family law.

Finding 2. Strategic planning began in 2010 and formed the basis for NSLSC's subsequent needs assessment and priority setting.

The program's strategic planning began in 2010 with a plan and recommendations for implementation released in 2011. The process was facilitated through a grant and assistance by the Long Island Center of Nonprofit Leadership at Adelphi University. The strategic plan does not have a time period. This formed the basis for NSLSC's needs assessment and priority setting. The recommendations under the strategic plan were to be implemented by working groups that would report regularly to the Strategic Planning Task Force. The Strategic Planning Task Force is comprised of the executive director, management staff, the director of social work, a paralegal, the board chair and two members of the Advisory Council.

NSLSC has followed through on some components of the implementation plan. One of the goals which emerged from the strategic planning process was the need to identify and establish standards and expectations for the supervision of attorneys and paralegals. This resulted in the creation of a litigation supervisors working group that meets on a periodic basis and created a *Guide for Supervisors*. The *Guide for Supervisors* sets forth supervision goals and standards. It also describes the administrative role and the duties and responsibilities of the supervisor in meeting funding contract requirements. The third area, which is in the beginnings stages but not yet completed, is professional development which will include staff training and increased interaction. The development of a programwide intranet will be part of this effort.

Among the seven recommendations, some of the key actions it has not completed include: focusing on an intake coordinator for the program, dedicating staff resources to data collection analysis and researching changing trends in client needs, adding outcomes and impact analysis of indirect services. It does not appear that the NSLSC board or the program's management is regularly tracking progress on the implementation of the 2011 strategic plan. Some staff members interviewed during the LSC visit were not aware of

¹ See NSLSC Comments to Draft Report June 2, 2015.

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

the strategic plan or the progress of its implementation, and a few board members were not confident that the plan would be fully implemented.

NSLSC primarily conducts assessments of its performance connected to meeting funding source requirements. These internal evaluations consider recent case developments, reports to funders and reviews conducted by its funders. NSLSC reviews its case services and case closing reports. It also reviews economic outcomes achieved for clients. However, NSLSC does not systematically assess its performance in meeting program priorities and quality of services. LSC's pre-visit survey of NSLSC staff revealed that less than half (47%) of respondents reported that they strongly agreed or agreed with the statement, "Our program regularly evaluates how well it is doing and takes appropriate steps to improve when necessary." Nearly 29% reported they strongly disagreed or disagreed and 23.73% reported that they did not know.

Recommendation 1.2.2.1*. On a regular basis, NSLSC management and board members should assess its progress in implementing the strategic plan. The board and management should also respond to progress updates and guide the program's steps in implementing the strategic plan.

Recommendation 1.3.2.1. In addition to its evaluation of meeting funding requirements, NSLSC should regularly assess its progress in addressing client legal needs and programmatic goals.

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

Dignity and sensitivity, including intake

Finding 3. NSLSC treats its clients with dignity and respect.

NSLSC staff members treat applicants and clients with dignity and respect. The program assesses clients' satisfaction with services by surveying the clients at case closure with the David Project, the Seniors Citizens Law Project and Supportive Services. They also obtain client feedback through the David Project Community Advisory Committee, which they use to discuss service delivery. The results of special project surveys are shared with their funders. Any action taken is dependent on the results of the surveys.

The service providers in NSLSC's service area, including social services and community partners, collaborate with NSLSC to refer applicants to the appropriate resource. There is a solid network of providers in the region for housing, veterans and domestic violence matters. Program services, communications and activities are conducted in a culturally and linguistically competent fashion, and reach the significant low-income population segments, due in part to the program's goals and objectives of reaching special populations through its support to community partners. This is especially seen in its work with the Legal Support Center for Advocates, as well as the program's services to domestic violence victims, people facing homelessness or eviction and the disabled.

Finding 4. NSLSC's intake is conducted by the individual offices and specialty units, is not coordinated in a uniform system programwide, and encompasses inefficiencies.

LSC visited NSLSC in 2004 for a joint visit conducted by the Office of Compliance and Enforcement and the Office of Program Performance. The intake system is fundamentally the same now as it was then. In its joint visit report, LSC recommended that the program coordinate its intake function and create a manual for intake staff members. After the LSC joint visit, NSLSC obtained technical assistance from LSC on coordinating intake and developing a manual. The program's current intake manual reflects the various intake processes and staff members reported that it is reviewed periodically.

The program has a stated core value of multi-portal intake. At the time of the 2014 visit, NSLSC did not have a unified or coordinated system for intake. There is no single supervisor assigned to oversee screening or intake programwide. At one time, NSLSC assigned intake coordination to an experienced advocate, but later shifted her to other units due to funding changes. Questions regarding screening or intake are handled by unit managers or other supervisors. Front desk staff and staff members who conduct prescreening in all three offices reported little training geared to their unique duties of handling requests for assistance.

Intake on prescreened applications is handed by callbacks conducted by advocates and attorneys and divided by unit and by office. This results in a wide variety of intake processes. The variety of intake procedures among units and offices is also due in part to the varied funding sources. Moreover, the program has developed its case acceptance policies around the requirements of its specialized funding sources. Although some special populations are not best suited for a coordinated intake delivery system, such as domestic violence victims and clients of the David Project and the Permanency Legal Assistance Needs Project (PLAN) unit, other areas of practice have proven to benefit from coordination.

Most applicants either call or walk into the office. Prescreening is handled by the front desk receptionist, with back up coverage provided by some secretarial and some paralegal staff. New applicants are placed on a callback sheet with name, phone number and legal problem. Advocates assigned to intake for the day make callbacks as they are able and conduct the full screening. Most callbacks are begun within 48 hours of the first call to the program. Advocates reported making repeated attempts to reach applicants. Some advocates estimated they spend 40% to 45% of their time on the more limited or intake-based work. This also includes returning calls and leaving multiple messages for clients who are expecting to receive a callback from the program. An appointment is made with the client for a further interview as necessary. For emergencies, an attorney will take the call or meet with the client at that time.

Telephone access to the program is somewhat restricted by the limited incoming phone lines to the front desk and each unit's preset slots for callback appointments. The phone system does not have the capacity to use an automatic callback system or automatic call

distribution. The phone system also does not provide any data on call wait times or volume. The introduction of a more feature rich hosted VoIP phone system (discussed below in *Technology*) should allow the program to design a better phone-based intake system.

Because each unit has different ways of doing intake, there are a variety of days and hours for each unit. Some units handle their own screening with a direct line. Intake for some units is open from 9:00 a.m. to 12:00 p.m. and closes once the unit's callback list is full. Other units, like the PLAN Unit, do not have scheduled intake hours and use a voice mailbox for calls. For those units, applications are also taken from walk-ins. Those applicants whose problems do not fit within a unit's purpose are referred elsewhere.

There are a considerable number of walk-ins at the Hempstead and Islandia offices. Walk-in traffic at the Riverhead office is low due in part to the recent relocation of this office from a small home to a commercial building. The signage at the Riverhead office is inadequate, making it difficult to find the office. At the time of the visit, the team observed that the new office was not included on outside signs seen from the street. Staff members reported they are working with the building management to increase visible signage. In addition, due to the small number of staff at the Riverhead office (five attorneys and one paralegal), they close the entrance door when all staff members are out of the office. There is no signage providing instructions to walk-ins about how to contact the program. The Riverhead front desk is staffed one day a week, with calls routed to a separate phone line in the Islandia office when the Riverhead front desk is unattended.

The court-based projects handle new cases for eligible clients at the time of the court hearing, thus representing low-income litigants in matters within their priorities. However, there is no consistent system for checking conflicts of interest prior to representation. Some staff use personal cell phones to text or call each other for conflict checks since there is no remote access to the case management system. New applications are entered after the client is represented and some applications are backlogged for entry into TIME. There does not appear to be any effort to use innovation or technology such as laptops with access to the case management system or document assembly for court filings to improve efficiency.

The program website lacks clear instructions for how prospective clients can apply for legal help. The initial recorded message at the Hempstead office does not make it clear how a caller can obtain assistance from the program unless the caller is a senior or the caller's issue relates to social security, divorce, or bankruptcy. Callers to the Hempstead office must otherwise select zero for assistance, but that is not obvious to all callers. While office receptionists work hard to answer calls, if volume is too high, the phone continues to ring and callers do not have the option to leave a message on the general line. The visit team attempted to call the Hempstead office six times over a two week period -- three of these calls went unanswered.

Recommendation II.1.4.1.* NSLSC should improve its screening and intake functions to minimize use of attorney and other advocate time in the initial screening tasks;

*reduce delays for applicants, limit the use of call backs where feasible; and provide simple advice as appropriate at the initial point of contact.*³

Recommendation II.1.4.2. While maintaining an office and unit-based approach to intake, NSLSC should establish clear standards and processes to be followed by each unit. This overall structure should include: appointing an intake supervising attorney; ensuring that all screeners and other intake staff are trained and provided continuous updates; and ensuring prompt entry of data into the case management system.*

Recommendation II.1.4.3. NSLSC should consult with other legal services providers and attend trainings and national conferences to review best practices for designing an effective gateway to service, especially as the program considers an upgraded VOIP system.

*Recommendation II.1.4.4. NSLSC should ensure that appropriate signage is installed at the Riverhead office*⁴.

Engagement with and access and utilization by the low-income population

Each office is strategically located to allow ease of access by clients. The Hempstead and Islandia offices are on the bus line and easily accessible. Both offices are bright, well-lit and adequately furnished. The waiting rooms have sufficient seating and appropriate self-help and informational materials. At the time of the visit, these materials were available in Spanish as well as English.

Language Access and Cultural Competency

Finding 5. NSLSC's Limited English Proficiency (LEP) plan, presence of bilingual staff and use of professional translation services provide the requisite foundation for language access, however some staff members were not fully aware of the LEP protocols. The program's phone lines do not have outgoing messaging in Spanish.

The program's Limited English Proficiency (LEP) plan, titled *Language Assistance Policy, Plan and Procedures for Limited English Proficient Individuals*, is described by some staff members as a work in progress. It provides the requisite guidelines for free, professional interpretation services. When bilingual staff members are not available, interpreters have been utilized onsite. The program uses three translation services: Legal Interpreting Services, Inc., Eiber Translations, Inc. and Mill Neck Interpreter Service. Program staff recently participated in language access protocols training. The current mechanism for obtaining an interpreter, which requires prior approval by a managing attorney or the director of social work, may result in some delay in meeting client needs.

Other than English, the prevalent languages spoken in the service area are Spanish,

³ See NSLSC Comments to Draft Report June 2, 2015.

⁴ NSLSC updated Riverhead office signage on each of the three floors of the building subsequent to the visit.

Haitian Creole, Vietnamese, and Italian. NSLSC's front desk receptionists are bilingual in Spanish. Bilingual staff members help with Spanish-language intake and translation for staff. Several program staff members, in addition to the reception and intake staff, speak languages prevalent in the community. The phone lines for the three offices do not have recorded phone messaging in Spanish. Although it is a fairly minimal phone tree, callers must navigate it in English. The program is prevented from changing its phone system's recorded messaging because it is an outdated system.

The program's website provides links to NSLSC brochures in English and Spanish, and uses Google Translate to convert the webpage into the many languages available via Google. The website also links to the self-help materials housed on LawHelpNY's website, which are translated into several languages.

While Latinos comprise approximately 31% of the poverty population, they represent only 12% of cases. Some bilingual staff members noted a recent increase of native Spanish-speakers applicants to the program.

Recommendation II.2.5.1. NSLSC should implement regular training to ensure staff familiarity with and use of the program's LEP plan and professional translation service. The program should also consider including some aspects of cultural competency training to increase staff sensitivity in this area.

Recommendation II.2.5.2.* To the extent it is able do so with its current phone system, NSLSC should include Spanish in the phone messaging.⁵

Finding 6. NSLSC uses its Legal Center for Advocates (LSCA) to provide training and advice by telephone to community service providers. However, other traditional outreach is limited, especially to LEP communities.

The LSCA coordinates the program's community education efforts. In addition to training seminars for community lay advocates, the LSCA fields calls through a dedicated phone line for human services, medical and religious groups, and provides individualized consultations regarding legal problems faced by their clients. Staff members reported the LSCA handles approximately 1,000 calls each year. Staff members are regularly called upon to provide training for local social services agency staff.

The program's staff members are well connected with the service provider networks and most appear to have noteworthy ties to the client community throughout the service area. Staff involved in serving special populations work closely with community service organizations and social services agencies serving those populations and receive appropriate referrals. NSLSC works with a variety of community agencies including Dolan Family Health Center, Rosemary Kennedy School, and St. John Nepomucene. NSLSC has developed a presence in the local veteran's community and participates in the regular stand-down events. The program is also engaged in other laudable efforts with the

⁵ NSLSC installed a new telephone system and recorded the greeting in English and Spanish subsequent to the visit.

community. For example, NSLSC participates in the community's Susan G. Komen Race, Congressman Bishop's Senior Citizen Fair, and Veterans Northport. However, the team noted that some staff members were not as engaged with the client community as others, nor did they articulate an involvement on community boards. Community outreach, especially to LEP communities, does not appear to be substantial.

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

Legal representation

Staffing and Expertise

Finding 7. Advocacy staff members are dedicated and experienced, with a wide range of backgrounds.

The program is fortunate to have assembled an experienced staff with diverse backgrounds and expertise. The overall experience level of advocates averages close to eighteen years. The advocacy staff appears to enjoy collegial relationships and routinely seeks assistance and support from colleagues throughout the program. Paralegal staff is equally experienced. The program's advocates are respected by the bar and bench. Many staff members are recognized experts in their substantive areas of practice and are often called upon to participate in bar association sponsored CLE or statewide legal services conferences. Senior staff members have participated in the New York State Bar Association Partnership Conference as trainers leading in substantive issues. NSLSC staff are widely respected by the legal community for their expertise, legal assistance and professionalism. Advocates and support staff members are very dedicated and committed to serving the client community with quality work and respect.

Quality of Legal Work

Finding 8: NSLSC uses a range of advocacy tools from advice, to negotiation and representation at trial to meet clients' needs. Advocates are respected by the judiciary, the social services community and agencies throughout its service area; writing samples demonstrate capable representation.

NSLSC's advocates use a range of delivery approaches from limited assistance to full representation and social work to achieve the goals of serving their clients. The program's Civil Unit handles the majority of the landlord-tenant eviction defense work. This includes a court presence that provides defendants representation. This has been important to the Long Island region where housing costs have only increased over the years making it harder for renters to relocate once evicted. A related example of this type of work includes addressing the need for temporary emergency housing assistance for the disabled. These court-based projects are funded from a combination of sources and have different staffing models between the two counties. Nassau County has a pro bono panel

using an Attorney of the Day model overseen by a full-time pro bono coordinator and a paralegal and two staff attorneys who constitute the staff component of the landlord-tenant unit in Nassau County. These staff members accept referrals of complex cases from the Attorney-of-the-Day Project and also handle subsidized housing cases. The project is funded by state and IOLA funding, as well as some LSC funding for the pro bono panel. In Suffolk County, the court project is staffed by four staff attorneys and one supervising attorney, plus one attorney focusing on appeals and subsidized housing cases. It is funded by a combination of a state contract and OCA funding. It does not have a pro bono panel because the court is structured with several sites throughout the county.

The program has a broad approach to case acceptance policies, especially with eviction defense cases.⁶ For example, over 700 cases were closed within the last couple years with the main benefit reported as obtaining a delay in the eviction proceeding to provide time to seek alternative housing. In addition to the defense of evictions where housing rights are preserved, including where subsidized and public housing rights are at issue, the program handles cases where the delay of an eviction would benefit clients in crisis situations. The program reported to the LSC team that it has made an explicit decision to provide representation to tenants to obtain a delay in the eviction to enable the client to find alternate housing or make other plans as it prevents homelessness. However, some housing advocates were not aware of this strategy and it is not recorded in any documents outlining strategic approaches to identified client objectives or goals.

Two unique projects compared to other legal services programs are NSLSC's Mental Health Law Project and its PLAN project focusing on the legal needs of those diagnosed with cancer. Both projects offer a range of legal services including eviction defense, public benefits and guardianship among others depending on the needs of the client. These projects have obtained significant benefits for their clients. A current client board member and PLAN client shared her story to the LSC team during the entrance conference saying that without NSLSC's services she would not have been able to navigate the cumbersome process of obtaining health care and other necessary support needs. She also reported that her advocate was available and responsive, and she was appreciative for all she had done on her behalf.

The program and its work are respected by the judiciary, the social services community and agencies throughout its service area. The judges interviewed during the visit describe the attorneys as professional. Interviews with staff indicated that some cases are referred by members of the bench when the case is seen as being complicated or the litigant would benefit from representation. The writing samples submitted for the visit covered family law, housing, public benefits and disability cases among other areas. Overall, the writing samples demonstrated persuasive and cogent arguments, with appropriate presentation of evidence. The writing samples represented a variety of forums including appellate work. Many showed strong writing skills, yet a few would have benefitted from additional review for grammar and punctuation.

⁶ The case acceptance criteria is to screen for applicants with a 72 hour notice to vacate, utility cut off, Section 8 or public housing denial or termination, or a court date within 2 days.

Advocacy staff members are aware of key issues within their specific substantive practice area. There is a heightened sense of responsibility within the advocacy staff to fully represent as many people as possible rather than offer advice and counsel or brief service. Judges give the legal staff high praise for the quality of legal work performed including one judge who related a story about opposing counsel needing to settle when NSLSC is on the case because they are considered very good in their use of and very knowledgeable about the law.

NSLSC submitted recent examples of accomplishments that demonstrate a significant impact on large segments of their client community in the areas of public benefits, housing and disability. In the first case, a couple was faced with a denial of temporary emergency housing benefits after the husband was released from the hospital and the wife was turned away by the family member with whom she had been staying. NSLSC represented the couple at a fair hearing with the New York State Office of Temporary and Disability Assistance to review the denial. The issue at hand was whether the claimant was required to show a legal eviction to qualify for temporary assistance. The prevailing decision established new policies and practices by the Department of Social Services for these cases. The second matter was an Article 78 claim by the Protection and Advocacy Project to establish that a step-parent qualified as a Personal Care Assistant and could be paid by Medicaid. The matter was heard by the Appellate Division, where the denial was annulled and the petition granted. The decision provides for disabled claimants to make the decision of self-directing their care to competent persons they trust.

Finding 9: Advocates spend significant amounts of time in screening and other intake related functions which detour them from full representation of clients.

As described above NSLSC focuses on providing extended representation to clients and is proud of its tradition of providing such representation. However, the program's intake procedures result in significant time expended by attorneys on clients requiring counsel and advice, referrals, or brief services. (Discussed above in *Intake*). In addition, the LSC team found that many attorneys do not have support staff and therefore spend a significant amount of time and effort on administrative work, in addition to their intake tasks.

Finding 10: The practice group structure, while efficient, tends to have a siloing effect.

The program's legal work is largely organized around practice groups, many of which respond to specific grants. This results in a structure of silo practice units, and some practice units appear divorced from the rest of the program. However, many staff members reported a holistic approach to client issues and referrals of related matters to other units as they arise.

The development of units based upon funding streams enables the program to more easily meet the needs of special populations, but may make it more challenging to work strategically on broader issues affecting the client community. The focus on meeting

grant requirements appears to obscure opportunities to regularly consider the relationship between individual cases and broader legal issues affecting the client community.

Legal Work Management

Finding 11: Legal work is supervised by the heads of each unit, most of whom are well respected by their staff and considered knowledgeable in the substantive areas of practice.

Most staff members report senior management and program leadership are accessible and approachable on both legal and workplace issues. Several unit supervisors are viewed as experts outside of their units as well. NSLSC's litigation director has served in this role since the early 2000's in addition to supervising the work of the Public Benefits Unit. His work has focused on developing a publication informing staff members of the cases being handled throughout the program. He continues to update this publication, as well as sending out email blasts on significant cases; supplemented with selected cases of note which are more representative of the program's cases. The litigation director also carries a caseload of about 25-30 cases which help to keep him connected with the legal work and serving clients. The litigation director shared that plans regarding case work are developed within each of the units. He becomes involved only when unit heads require his assistance. The litigation director is dedicated to his work and the mission of the program, but is not functioning at the programwide level of directing advocacy and strategizing legal work.

Guidance and expectations of supervisors are set forth in the *Guide for Supervisors*. However, knowledge of what is required by the standards is not widely known and appears to have had little impact on supervisory practices. A manual for case handling is used and some units have their own additional policies and procedures. Supervisors did not report recent training in legal work management or administrative systems.

Supervision styles and practices continue to vary from unit to unit ranging from simply having an open door to involved discussions and written professional development goals. A couple of the units, namely the Civil Unit and the Public Benefits Unit, have regular case reviews where cases, emerging issues and trends are discussed. Other units do not meet on a regular basis, instead relying upon senior staff to impart information one on one. In general there is close supervision of new attorneys. Less detailed and less regular supervision is provided to the more seasoned advocates. The executive director oversees the work of the unit supervisors. Interviews with unit supervisors, demonstrated that oversight of unit supervisors by the litigation director and executive director is fluid and unclear. Written performance evaluations are not regularly conducted. Several junior staff reported recent evaluations while many mid-level or seasoned staff reported never having been evaluated. Most advocates feel they are well supervised and supported, though some feel their supervisor is too busy and occupied to assist them as much as they would like, resulting in a variation of supervision from unit to unit.

The program does not have a centralized well-developed information bank; however

there is a plan to implement such a bank once an intranet is established. The Public Benefits unit has a pleadings bank that is used within that unit and updated regularly. The litigation director has created a pleadings bank for advocates program-wide but few outside of the Public Benefits Unit are aware of it or use it. It was not clear how often it is updated.

Recommendation III.1.11.1. Program leadership should consider assigning responsibility for supervision of unit supervisors to someone other than the executive director. Traditionally, this would fall within the purview of a litigation or deputy director.

Recommendation III.1.11.2. The program should invest in supervision training for its supervisory staff including training in management and administrative systems. The Guide for Supervisors should be followed.

Recommendation III.1.11.3. NSLSC should consider organizing the management and supervisory functions in a simple and clear way that reflects lines of responsibility, accountability and communication.

Recommendation III.1.11.4.* The program should consider the creation of an advocacy coordinator position, or alternatively, free up the litigation director to allow him time to support strategic advocacy throughout the program.

Recommendation III.1.11.5. The program should develop an intranet or internal means to facilitate staff access to available program resources such as the brief bank.

Finding 12. NSLSC advocates have many training opportunities. Some newer advocates, social workers and support staff reported less training and a desire for professional development.

Attorneys in New York have a mandatory Continuing Legal Education requirement. The program is supportive of attorney staff member's need to fulfill this requirement and regularly publicize training opportunities. Most advocates reported they are provided the training they need and are able to request desired training. However, some newer attorneys reported they are not always provided thorough orientation training, or some of the close supervision they felt was needed. Some new advocates reported they felt that they had to learn on their own. They also reported a desire for formal professional development. Training is rarely made available to support staff. The program's *Guide for Supervisors* provides for casework supervision and oversight for new advocates, but does not address detailed training protocols for all staff working on cases.

Training includes continuing legal education by local bar associations, in-house training sessions, webinars and training sessions provided by other legal service organizations such as the Western New York Law Center. Staff are encouraged to attend the NYS Bar Partnership Conference and periodic trainings organized by Empire Justice Center. Social Workers will have to begin earning continuing education credits in January to

maintain their licenses. Staff members have access to electronic legal research as well as law school libraries at the Touro and Hofstra law schools. The program subscribes to legal research materials as well as various law journals used regularly by advocates.

Recommendation III.1.12.1. NSLSC should consider a training policy for its social work staff that provides for their continuing education requirements⁷.

Recommendation III.1.12.2. NSLSC should consider establishing guidelines for professional development of staff at all levels of the organization.

Finding 13. NSLSC's 2013 overall program case statistics indicate a high volume of case work.

In 2013, NSLSC closed 250 LSC reported cases per 10,000 poor people as compared to the national median of 211. In 2013, NSLSC's extended cases were 133 per 10,000 poor people as compared to the national median of 47, and contested cases were 101 per 10,000 poor persons as compared to the national median of 26. Although case numbers do not tell the whole story, NSLSC's strong case services show a productive program that exceeds the norm for extended and contested cases.

Private Attorney Involvement

Finding 14. NSLSC's pro bono effort is well-staffed and results in high numbers of extended services to clients being served in multiple areas of law.

Since 1981, NSLSC's pro bono work has been founded on two collaborations with the Bar Association of Nassau County (NCBA) and the Suffolk County Bar Association (SCBA). The program in Nassau is called the Volunteer Lawyers Project (VLP) and in Suffolk County it is referred to as the Pro Bono Project (PBP). The projects refer a variety of legal matters to private volunteer attorneys including the areas of matrimonial, guardianships, estate planning, bankruptcy and landlord-tenant law.

In 2013, there were 1,075 cases closed by the pro bono attorneys, or 70 closed cases per 10,000 poor persons, compared to a national median of 21. NSLSC's pro bono units closed 64 extended cases per 10,000 poor persons, compared to a national median of 7. It closed 46 contested cases per 10,000 poor persons exceeding the national median of two. Of its 2013 closed PAI cases, 21% were consumer, 71% were housing and 7.4% were family law matters.

Staffing of the pro bono program is overseen by the executive director and the director of communications and volunteer services. The director of communications and volunteer services was recently honored by the Suffolk County Judicial Committee on Women in the Courts for contributions in providing access to justice and pro bono services. The NSLSC pro bono coordinators are also experienced with many years working in the program. The pro bono projects are separately identified by county, primarily because

⁷ NSLSC implemented a training policy for social work staff subsequent to the visit.

each county has its own bar association, and the pro bono staff in each county works closely with its corresponding bar association. There is no pro bono staff in the Riverhead office. Pro bono cases arising out of the Riverhead office are covered by the Islandia office.

In the Hempstead office, there is a full-time pro bono coordinator who manages all aspects of the landlord-tenant court project, and a part-time pro bono coordinator who manages direct case assignment to panel volunteers. The pro bono coordinators are supported by a full-time secretary and a part-time paralegal who is a native Spanish speaker. The bilingual paralegal also supports the welfare and landlord tenant units. In the Islandia office, there is a full-time pro bono coordinator who works on case assignment. She is supported by a full-time paralegal and a part-time paralegal who handles the foreclosure settlement project and also supports the Homeowner Protection Program (HOPP) Unit.

NSLSC provides oversight and support to its volunteer lawyers through continuing legal education trainings and mentoring of volunteers. The program offers malpractice insurance coverage to the volunteer attorneys who provide direct legal representation to clients or who participate in clinics providing legal counsel and advice. Volunteer recognition occurs in multiple ways. NSLSC holds a Suffolk Pro Bono Recognition Luncheon in partnership with the bar association. The program recognizes a Pro Bono Attorney of the Month, one for Nassau and one for Suffolk County. Their work is acknowledged in the periodic *Law Services News* publication. The Pro Bono Attorney of the Month recognition is made in the monthly Nassau Bar Association *Nassau Lawyer* and Suffolk County Bar Association *Suffolk Lawyer*. This recognition is often featured in the New York State Bar Association's *Pro Bono News*.

NSLSC has a close relationship to the bar associations of Nassau and Suffolk counties. The pro bono coordinators are active participants in bar association activities, with the Nassau coordinator soon to become a bar association board member. In addition to the court-based projects and direct case referrals, NSLSC pro bono work occurs through collaborations and special projects. The Nassau County Bar Association collaborates with NSLSC to provide a bankruptcy clinic during Pro Bono week. For the last four years, NSLSC and the Nassau County Bar Association have sponsored an annual Pro Bono Legal FAIR (Free Assistance, Information, and Referral).

Touro Law School has a close collaboration with the Suffolk County pro bono program, with students accepting bankruptcy cases under the supervision of professors. The students also attend the Suffolk County Bankruptcy Clinic held at the program's Islandia office, where they interview clients for referral to private attorneys. There is also an active foreclosure settlement conference project in Suffolk County. NSLSC also collaborates with Hofstra Law School.

A new project involves recruiting unemployed or underemployed law graduates to handle cases at NSLSC's offices. They are supervised by NSLSC pro bono coordinators and mentored by retired private attorneys. At the time of the visit, there were eight law

graduate volunteers.

At the time of the visit, NSLSC was working toward the launch of a court-based project as part of the statewide LSC Pro Bono Innovation Fund grant. One of the projects being contemplated is the use of law students to screen child support cases in Suffolk County Court. The program recently hired a part-time pro bono innovator to operate this special project.

Other program services and activities on behalf of the low-income population

Finding 15. NSLSC staff and management demonstrated a high level of community involvement directly tied to other services to clients. Staff awareness and connectedness with innovations in legal services is limited.

The program provides limited self-help material through its website, and has a link to the more resource-rich LawHelp New York statewide website under its Legal Links page. LawHelp New York contains significant resources for low-income individuals throughout the state. New York's statewide website, LawHelp New York, is a national leader in providing legal information and other self-help tools to New Yorkers who cannot afford an attorney. However, many NSLSC staff members were unfamiliar with document assembly technologies currently used to enhance pro se assistance and supplement limited service delivery. Expanded use of document assembly tools could enhance existing clinics and other special projects. A specialized clinical course at Hofstra in Spring 2015 will focus on building document assembly interviews for the legal aid community.

Program staff members were aware of administrative and legislative developments that affect the client community. Some units have considered strategies that address problems at policy levels. The program staff works closely with other community based organizations to achieve these objectives. Program staff members discuss connections with other legal services programs such as LSNYC, but staff members did not demonstrate much exchange of information about innovations in service delivery.

Recommendation III.2.15.1. NSLSC should explore how innovations in document assembly guided interviews, such as those developed through Hofstra Law School, can be utilized to enhance service delivery.

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

Board governance

Finding 16. NSLSC's board demonstrates effective oversight and is actively engaged in decision making.

NSLSC's bylaws provide for 15 directors and 5 client members. At the time of the visit, there were no vacancies. The ethnic composition of the board is 11 Caucasian, two African-Americans and one Latina member. The board composition generally reflects the composition of the client community, with the exception of the growing Hispanic community. NSLSC reports it has historically sought to recruit board members who reflect the geographic and ethnic diversity of its service area. Its past and present client-eligible members have included Latinos and African-Americans. Members are sought from the special needs units such as the David Project serving persons affected by HIV-AIDS and the PLAN Unit serving persons with cancer. One of their attorney slots is reserved for the local women's bar association (either Nassau or Suffolk County), and the other for the Amistad (African-American) Bar Association.

Board members are active, dedicated and involved. Many members have been on the board for extended periods and are highly experienced. The president, a former New York legal services project director, has been a member since 1981 and has served as the president for over 15 years. He is very knowledgeable about the program and appears to be appropriately engaged. The president was described by others as being highly competent in interpreting financial data.

A core of eight to nine members have been on the board for many years, some for 15 or 20 years. Board members are active participants, especially the core group. The board takes advantage of low or no-cost trainings such as a training by the New York State Board Training Consortium, "*Achieving Excellence in Governance*," which covered a variety of issues relevant to nonprofit board governance. NSLSC usually provides individual training for new board members. They circulate information about training opportunities to the entire board as they become available. Last year, Gerald Wright of the Wright Group provided training on legislative advocacy to a combined group of staff, board and advisory council members.

The board minutes reflect that meetings are well-attended and there is appropriate discussion of policy issues. The bylaws provide for a Budget Committee and a Nominating Committee, but it seems that only the Nominating Committee and a Grievance Committee are active. There is no Executive Committee active between program meetings. The board is challenged by fundraising. Although some directors personally contribute financially, there is no organized effort to do so. Board members are involved in fundraising events, but do not solicit funds. NSLSC created an advisory council of 31 members, which includes some members from the full board of directors, to perform this role by handling fundraising through special events and assisting in marketing and publicizing the program.

Board meetings alternate between Hempstead and Islandia; no board meetings are held in Riverhead. All directors attend in person. Video conferencing is not utilized, and members seldom participate in meetings telephonically. The agenda is distributed to the members the day before the board meeting. Financial documents are disseminated for the board's review at the meeting at which they are to be discussed or the day before. Some members expressed a desire to receive such documents at least one week in advance of

meeting to adequately prepare for the discussion.

The auditors present their findings in person at the April meeting of the board. The treasurer does not meet with the auditors in advance of the audit being presented to the board; he hears the audit's findings for the first time at the full board meeting, along with the other members. The board treasurer has little, if any, interaction with the program administrator between board meetings. Interaction between the two is limited to board meetings.

During collective bargaining, union representatives attended board meetings to address the board. In addition to the program's leadership, generally at least two staff members attend the meetings of the board to present about specific activities. Yet, some staff members reported that they are not informed as to the functions and actions of the board. Some staff members do not feel the board is appreciative of their work. Although some staff shared their impressions that the board was not engaged with staff, board members reported regularly attending end of year office parties, the all staff *Day in the Park* picnic, and interacting with staff at the firm's annual wine tasting fundraiser.

The board is supportive of the executive director and reviews his performance every two to three years. The last performance evaluation of the executive director occurred in 2013.

Recommendation IV.1.16.1. The program should circulate board financial documents at least one week prior to scheduled meetings.

Leadership

Finding 17. NSLSC leadership, management and administration are highly dedicated. NSLSC benefits from a competent and experienced management team; however, a clear vision for the program's future is not clearly stated.

NSLSC has an experienced executive director who is respected by board, staff and outside organizations. The program has a clear mission and culture that is shared by advocates and other staff. As stated on their website, "NSLS is dedicated to providing equal access to basic human rights and services through provision of high quality legal representation, public information and community advocacy training to ensure that low income, disabled and disadvantaged individuals have equal access to the civil justice system on Long Island." Staff members share the program's mission that they are poverty law specialists whose culture is to provide extended representation specializing in cases dealing with the survival needs of poor people, involving shelter, food, health care and family issues. However, in contrast, several staff members do not have a strong sense of the executive director's long-term vision for the program.

The program has many talented and dedicated leaders in various positions of responsibility. Many of the leaders have substantial tenure with the program. NSLSC reports it will be creating professional development plans to address development of new

leaders, in conjunction with the implementation of its strategic plan. These are different than NSLSC's formal succession plan. The vision for these plans is to provide opportunities for staff to interact and develop skills.

Over the years, NSLSC has not adjusted some of the program's position titles to reflect the responsibilities of various positions. The current organizational structure, as reflected in the program's organizational chart, and the way the program operates is not fully understood by staff, nor does it provide for a programwide, coordinated, and integrated structure. This confusion seems compounded by structural differences that are county-based instead of program-based. There appears to be some confusion among staff as to the roles of the executive director, litigation director and the managing attorneys. For example, the litigation director is focused more on overseeing the Public Benefits Unit and showcasing highlights of legal work than coordinating the program's advocacy. Also, the executive director serves as the supervisor of the unit supervisors, and the supervisors operate more independently than is typically seen in a cohesive legal services program.

Recommendation IV.2.17.1.* NSLSC should implement a firm-wide, integrated, and coordinated organizational structure. This structure should clarify the roles of leadership and management, establish accurate job titles, and provide clear lines of accountability.

Recommendation IV.2.17.2.* The executive director and management team should provide more effective ways of communicating a clear and sustainable vision for the program.

Overall management, including financial management⁸ and human resources administration Error! Bookmark not defined.

Finding 18. Management staff members are engaged in their work, yet some may have too many responsibilities.

Many of the program administrators and managers have multiple job responsibilities and staff reported having limited time to perform each of their areas of responsibility to their fullest potential. Included in this staffing are the executive director, the director of program and contracts administration, the director of finance, and the director of office administration and information systems. There are also two senior staff with supervisory responsibilities who have administrative responsibilities, the managing attorney and the supervising attorney of the Disability Advocacy Project. Some supervisees expressed uncertainty about the roles and assignments of the program's administrative staff.

While attorneys are highly engaged in their casework, other attorneys expressed becoming disconnected to the work outside of their unit. While this issue relates to morale, it may also be attributed to the program's general management culture where the

⁸ This visit was conducted by the Office of Program Performance (OPP) for the purposes set forth in the Introduction. OPP findings and recommendations under this criterion are limited to staffing, organization, and general functions. Assessment of fiscal operations is conducted by other offices at LSC.

units operate independently, and where there is a lack of sufficient cohesion and interaction. The program's goals, vision and strategic initiatives are not well-publicized within the staff making it difficult for some staff, especially junior staff, to determine how the work they are doing fits within the larger program.

Finding 19. The program has not changed its auditing firm in many years. The program does not have a human resources director.

The finance director oversees the program's fiscal activities. There is little contact between the finance director and the board treasurer except shortly before, or at the board meetings. NSLSC's accounting manual is based on the *2010 Accounting Guide for LSC recipients*. The program's accounting policies require all checks have two signatures. There are four people in Islandia and four in Hempstead who are authorized to sign checks. There is a financial reserve fund with an approximate balance of \$350,000 from an attorneys' fee award in the early 1990s. The finance director may borrow from this fund periodically to meet cash flow disruptions caused by the untimely receipt of state grant payments. NSLSC also relies on a line of credit of approximately \$600,000 to meet its obligations until all payments are received.

The same auditing firm has been utilized for many years, with the same partner performing the audit each year and an occasional rotation of associates. The audit firm contract has not been placed for bid in many years.

The program's human resources functions are currently fulfilled by its director of finance, the director of office administration and information systems and the executive director. With a staff of over 80, a focused human resources function would strengthen its infrastructure. Many staff reported performance evaluations within the last few months. Others reported not having had an evaluation for several years and some had never been evaluated.

Recommendation IV.3.18.1. NSLSC should implement the leadership development initiative plan as it would be an opportunity to engage promising staff while also encouraging staff who have taken on more than they can handle to turn over some of the responsibilities, share the workload and thus increase engagement and enthusiasm among staff and develop new leaders.

Recommendation IV.4.19.1.* In view of the length of time the program has contracted with its current auditor, NSLSC should consider a bidding process to hire a new auditing firm.

Recommendation IV.5.19.1. To the extent that funding is available, NSLSC should consider hiring an experienced human resources director.

Technology

Finding 20. NSLSC assigns responsibility for its technology infrastructure and support

to a full-time experienced director of administration and information systems and an outside vendor.

NSLSC uses the TIME case management system (CMS). Virtually no attorneys have remote access to the CMS. Conflicts checks for eligibility screening are sometimes handled by staff on their personal cellphones. Staff recounted other workarounds necessary for remote intake, including attorney's texting information back to the office. Staff also reported a two week period in early 2014 where TIME was unavailable; intakes were completed on paper and entered into the system when the CMS became available.

The program's director of administration and information systems, who has multiple other responsibilities within the organization, handles the information technology infrastructure and staff needs programwide. NSLSC has retained an established managed service provider, *ALLSector*, for some of its information technology support. *ALLSector's* work focuses on nonprofit organizations. NSLSC has a good relationship with *ALLSector*. The program compared prices and services of other local vendors to ensure that it is receiving best value. While *ALLSector* provides additional support, it is clear that the program's technology staffing is not sufficient to support 80 staff users. Given the size of the organization and the increasing importance of effective technology in the practice of law, NSLSC is considering hiring an assistant to work with the director of administration and information systems. NSLSC is in the process of moving to a more sophisticated IT environment that is more appropriate for a modern law firm of its size.

NSLSC is considering upgrading its phones to a program-wide hosted VoIP system. Its current system has many limitations. The system is difficult to administer, and the support vendor is no longer available. The program has adopted a cloud-based backup service and is already reporting positive results. Recently a workstation was restored quickly after it became inoperable. Cloud-based backup from a reliable and secure provider is a significant improvement over tape-based backup.

Many staff reported a desire for more technology training. Many staff had never been trained on Microsoft Office, basic user security practices, or online resources that help users do their job effectively.

Recommendation IV.3.20.1. The program should consult with other legal services programs and review information available from previous TIG grantees to identify resources that could enhance their practice, particularly in housing. NSLSC staff should use opportunities to learn more about innovations in service delivery from other legal services providers.

Recommendation IV.3.20.2.* NSLSC should evaluate the potential benefits and costs associated with other case management systems. To the extent that funding is available, it should develop a plan to upgrade its CMS so that features -- such as secure, reliable remote access for staff are implemented⁹.

⁹ See NSLSC Comments to Draft Report June 2, 2015.

Recommendation IV.3.20.3. NSLSC should continue its work with cloud solutions by implementing the planned hosted VoIP phone system and evaluating the use of Google Apps and Office 365 across the organization.

Recommendation IV.3.20.4. NSLSC should consider a programwide technology committee to support and build upon the knowledge and expertise of the director of administration and information systems. The committee could provide a resource for other technology expertise that would help identify needs and increase the program's effectiveness.

Recommendation IV.3.20.5. The program should move forward with its plan to hire a full-time technology assistant to work with the Director of Administration and Information Systems.

Recommendation IV.3.20.6. The program should offer its staff technology trainings on Microsoft Office, basic user security practices, and resources that help users do their job effectively.

Internal Communication

Finding 21: Internal communications to staff programwide require attention.

Interviews of some staff and a review of the responses from the staff survey indicate a diminished level of morale among some staff that would benefit from management attention. The staff survey indicated 32% of respondents either disagreed or strongly disagreed with the statement that the program recognizes and promotes the accomplishments of staff. The level of morale appeared to the team to stem from a number of issues, including: a need for greater level of communications by the executive director with staff regarding his vision of the program, and clarity about management's intentions and decisions. The reduction of the frequency of labor-management meetings and identification of topics of mutual interest has also affected morale.

All staff meetings are held for specific offices on an ad hoc basis. NSLSC is close to launching a programwide intranet. The intranet will initially host program policies and other internal documents, but it would be a platform to improve communications across the organization.

Recommendation IV.6.21.1. The program should improve its internal communication so that staff at all levels of the organization understand the program's goals and strategic initiatives. There should be consideration and planning for leveraging the intranet to enhance this understanding.

Recommendation IV.6.21.2. The program should improve its internal communication so that staff at all levels of the organization understand the program's vision, goals and strategic initiatives. There should be consideration and planning for leveraging the intranet to enhance this understanding.

Recommendation IV.6.21.3.* Management should initiate an effort to address the diminished morale among staff. Such an initiative would emphasize recognition and appreciation of the work of staff¹⁰.

Resource development

Finding 22. The director of development has worked on government relations and will be turning her attention to developing a resource development plan.

The program hired a director of development approximately six years ago. She has spent much of her tenure working on government affairs, which includes educating state and local government funders about the program and its mission for purposes of receiving funding from those sources. The program has no finalized resource development plan. At the time of the visit, the LSC team learned that the director of development is now focusing on broader issues of resource development and finalizing the program's resource development plan.

NSLSC has a large variety of funders from over 20 state, local and private sources. The program's non-LSC funding in 2014 was \$6,414,842 (not including carryover), comprised of funding from New York State (NYS) IOLA, the NYS Judiciary Civil Legal Services fund, and grants from the city, county and state appropriations, funding from other federal and state agencies, and local communities, organizations, foundations, donations and attorneys fees. Funding from non-LSC sources increased \$1,413,787 from 2012, yielding a net increase of total funding of \$1,193,796. LSC funding comprises roughly 15% of NSLSC's total funding.

In addition, the program sponsors an annual fundraiser. The annual wine tasting event yielded a net profit of \$20,943 in 2013; \$20,818 in 2012, and \$19,178 in 2011. There is an Advisory Committee to help in marketing and publicizing the program and to assist fundraising. To date, the Advisory Committee has focused on the program's signature wine tasting event.

Recommendation IV.7.22.1. As the program finalizes its development plan to focus on foundations, the local bar, private attorneys, community organizations, private corporations, and productive donors, it should consider a comprehensive and well-organized bar campaign.

Participation in integrated legal services delivery system

The program is engaged in statewide and regional efforts to increase potential sources of funding and training and support to advocates. This is seen in its coordination of legal issue priorities with regional law schools and the organized bar. The program is connected to regional law schools and their clinical programs, expanding the range of available legal services for low income populations. Some staff have worked with Touro

¹⁰ See NSLSC Comments to Draft Report June 2, 2015.

Law School on its incubator program which is designed to meet gaps in service needs. The program also works closely with local bar associations' pro bono efforts to have a comprehensive delivery structure

NSLSC's delivery structure is effective and the program is an active participant in an overall delivery system statewide. The program has a coherent, comprehensive delivery system that effectively coordinates its efforts with those of other providers. NSLSC is involved at many levels of the statewide delivery system including its involvement in the Chief Judge's Task Force on Access to Justice, the state bar's President's Committee on Access to Justice and Committee on Legal Aid, the Association of New York State Legal Services Organizations and LawHelpNY. NSLSC works with the Empire Justice Center including planning and serving as trainer at the biennial statewide Partnership Training and advocates are members of state task forces.