



Legal Services Corporation  
Office of Program Performance

**FINAL REPORT**

From the

Program Quality Visit

to

**Central Virginia Legal Aid Society, Inc.**

Recipient No. 447030

December 10, 2012 – December 13, 2012

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## **VISIT BACKGROUND**

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a Program Quality Visit (PQV) to Central Virginia Legal Aid Society, Inc. (CVLAS) from December 10 – 13, 2012. The PQV team members were LSC Program Counsel Angela Thornton (co-team leader) and Tillie Lacayo (co-team leader); OPP Director Janet LaBella; LSC Program Analyst Jane Ribadeneyra; LSC Temporary Employee Carolyn Worrell and; College of Law Practice Management (COLPM) Fellow Robert Rubenstein.

Program Quality Visits are designed to examine the quality of the program's legal services and service delivery system with a goal of evaluating whether the grantee is providing high-quality legal assistance to eligible populations. The PQV to Central Virginia Legal Aid Society was conducted as a full review of CVLAS's Basic Field and Migrant Farm Worker LSC grants. In conducting its assessment of CVLAS, the team reviewed internal documents and reports received from the program during the normal course of business, including current and previous LSC grant applications, technology and PAI plans, case service reports (CSRs) and other service reports. The team, also, reviewed materials requested of CVLAS in advance of the visit reflecting the program's priority setting, legal work, case management policies and procedures, written advocacy materials, board records and other administrative materials, as well as the results of a confidential online staff survey.

During the on-site visit, the team interviewed all of CVLAS's staff and visited its three offices, in Richmond, Charlottesville and Petersburg. The team, also, interviewed CVLAS board members, members of the bench and the private bar, Virginia's state justice partners and community service providers.

In performing its evaluations, 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. This report is organized consistent with the four performance areas contained in the LSC Performance Criteria: 1) legal needs assessment and priority setting; 2) engagement with the low income community; 3) legal work representation and management, private attorney involvement and other program services and activities and; 4) organizational leadership and management including board governance, program administration, internal communication, resource development and coordination within the statewide delivery system.

## **PROGRAM OVERVIEW**

The Central Virginia Legal Aid Society (CVLAS) began in 1970 with the creation of the Neighborhood Legal Aid Society and the Metropolitan Richmond Legal Aid Society. These organizations were merged in 1981. In 1978 the Virginia Farm Workers Legal Assistance Project was created. In 2001, the LSC VA-18 service area was created by consolidating the Charlottesville, Petersburg and Richmond service areas, formerly served by Piedmont Legal Services, Southside Virginia Legal Services, and CVLAS. Prior to 1999, the Charlottesville office had been part of Charlottesville-Albemarle Legal Aid Society, which merged with Southside Virginia Legal Services and now operates as the Legal Aid Justice Center (LAJC), a non-LSC

funded provider serving the same area as CVLAS. As part of the reconfiguration in 2001 CVLAS assumed LSC's grant to serve the migrant farmworker population of Virginia.

CVLAS receives Legal Services Corporation of Virginia (LSCV) funds for the Richmond area but subcontracts approximately 56% of those funds to LAJC. LAJC receives LSCV funds for the Charlottesville and Petersburg portions of the service area. LAJC, also, provides unrestricted representation to migrant workers throughout Virginia. CVLAS and LAJC operate separate offices in the same building in Charlottesville, however, they operate in different buildings in Richmond and Petersburg. Due to the reduction in staffing for both programs, they are considering locating new office space in Petersburg that they would share with separate offices.

The Central Virginia Legal Aid Society provides limited and extended representation throughout the service area that is a mixture of rural (twelve counties) and urban (five cities and three counties) with a poverty population of 153,439 according to the American Community Survey 2007-2011. Richmond has the highest poverty population with 61,187 persons living in poverty (30,763 black and 14,681 white). Richmond is home to many major institutions of higher education, including Virginia Commonwealth University and the University of Richmond. The program, also, serves the entire migrant farmworker population for the state from its Charlottesville office. Charlottesville, home to the University of Virginia, has a wealthier, predominantly white population - most of which is considered a part of Albemarle County. During the academic year, more than 20,000 students attend the university. Petersburg is predominantly African American (approximately 88% of the poverty population is black). Richmond's economy is driven by law, finance and government. Petersburg remains a transportation hub. The service area has experienced an increase in clients who speak Spanish but not English.

After significant federal, state and private funding reductions totaling approximately \$600,000, CVLAS was forced to lay off four staff members resulting in only three staff remaining in the Petersburg office and five in the Charlottesville office. The total workforce was reduced from 26 to 22, which includes nine attorneys. In 2012, CVLAS received \$1,097,068 in LSC funding (a basic field grant and the migrant farmworker grant) and \$698,933 in non-LSC funding. Due to significant budgetary shortfalls over the past two years, CVLAS anticipates carrying over a \$36,000 deficit in 2013.

CVLAS reported to LSC that the program closed a total of 5,115 cases in 2011 in the following substantive areas: family (31.5%); consumer/finance (27.3%); housing (21.7%) and; income maintenance (10.4%). The percentage of cases closed with limited services was 87% and 13% were extended services cases.

The LSC Office of Compliance and Enforcement conducted an on-site Case Service Report/Case Management System review of the program in March 2011. The LSC Office of the Inspector General conducted a routine review of the program in November 2012.

## **SUMMARY OF FINDINGS**

CVLAS has the benefit of an experienced leadership team under the new leadership of its executive director of the past several years and an experienced management team. The program overall is comprised of a staff of dedicated and experienced advocates and administrative assistants. Many have been with the program since its inception. The program's solid reputation of providing legal services to the low income population is recognized by the bench, the bar and the community of stakeholders.

The program has not engaged in a recent legal needs assessment or strategic planning but intends to partner with LAJC to do so in the near future. Both programs will be working closely due to the decision to form one unified board of directors in 2012.

Although the program has a coordinated telephone intake system, it needs to take advantage of the technology available to accurately assess any deficiencies in the system and quickly move to make appropriate technological and staffing adjustments. The current intake system is broad based and inclusive and allows all walk-ins to be screened for intake. Despite the program's limited resources, however, the program engages the community on many levels including through a weekly radio broadcast and through numerous partnerships and events. The program does need to update its LEP plan.

The program has managed relatively well with the provision of high quality legal services despite its dramatically reduced financial resources and staff layoffs. Under new leadership, CVLAS has begun to put written policies and procedures in place that have previously been scarce or non-existent. Additional work needs to be done along the lines of producing written standards for case supervision and case handling and creating an office-wide tickler and calendar system.

As one of the highlights of the past year, CVLAS partnered with the Richmond Bar Foundation, LAJC, Capitol One and ten firms in the state to launch a model case management system, Justice Server. Justice Server is especially heralded for its potential to enhance the PAI program for all of the legal aid programs in the state but it will also enhance the program's internal case management system in critical ways. With Justice Server, supervisors will be able to review complete case files and the executive director plans to utilize the option of providing CVLAS with an office wide tickler and case calendaring system. CVLAS has been the beneficiary of a number of innovative and resourceful pro bono partnerships, including the placement of a Hunton and Williams fellow in the Richmond office.

CVLAS previously had a 45 member board of directors but has reduced it to a more manageable number of 25 board members and merged it with LAJC's board to form a unified board. The challenge will be for the board to prepare written protocols that will address potential conflicts of interest as the mirror board moves forward. Impending issues potentially include addressing CVLAS's indebtedness to LAJC and the programs competing for the same limited resources. The executive director has not had a board evaluation but the board anticipates completing one for him in the upcoming year. As a result of the board's adoption of the CVLAS personnel manual, evaluations for all staff will take place every two years.

Despite the program's financial crisis, staff remain fully engaged in the community of legal stakeholders and have formed numerous collaborative and partnership efforts with the local law schools, hospitals, local government, law firms, the bench and the bar, designed to serve the low income population.

### **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.**

#### **Needs Assessment and Priorities**

***Finding 1. CVLAS has not conducted a recent needs assessment but has relied upon a comprehensive needs assessment conducted by its non-LSC funded counterpart, LAJC, in 2009. The LAJC needs assessment did not include an assessment of the migrant farmworker population.***

Central Virginia Legal Aid Society has not conducted a recent formal legal needs assessment of the low income population in its service area. The program has instead relied upon an extensive legal needs assessment conducted by its non-LSC funded counterpart, LAJC, in 2009. Each category of stakeholder was contacted, meetings were conducted and surveys were used for clients, bench and bar. There was, also, a forum for the general public. Census and other data sources were examined. In assuring input from hard to reach client populations, LAJC sought help from several agencies and community groups. CVLAS and LAJC plan to conduct a joint civil legal needs assessment within the next 3-5 years.

CVLAS conducts an informal annual needs assessment as a part of establishing its case acceptance priorities. The "Case Acceptance Priorities" serve as a guide to intake workers and case handlers with regard to which cases will be accepted. The "Case Acceptance Priorities for 2013" were adopted following an informal appraisal of the needs of eligible clients in the designated service area and their relative importance, based upon information received from potential or current eligible clients. The appraisal, also, addressed the need for outreach, training and support services. In order to establish the goals and priorities, meetings were conducted with the leadership team; the full staff; the CVLAS Client Council; and the Board of Directors.

***Finding 2. CVLAS has established program priorities and objectives and appropriately targets resources to meet those objectives.***

CVLAS's basic field grant priorities include the support of families (domestic violence); preserving the home ( evictions and foreclosures); maintaining economic stability (employment, public benefits and consumer issues); ensuring the safety, stability and health (powers of attorney, advance directives, guardianships and protective orders) and; providing civil legal aid for populations with special vulnerabilities (senior citizens, homeless, veterans and disabled populations). Beyond the aforementioned, CVLAS 's case priorities extend to representation to protect the civil rights of clients who are victims of discrimination due to race, religion, national origin, sex, age, disability, familial status or sexual orientation. As noted in its manual, Virginia is a particular concern in this regard due to a documented history of problems related to race.

An annual review of priorities is conducted with the board and includes input from the leadership team, the entire staff and the client council.

### **Evaluation and Adjustment**

***Finding 3. CVLAS has analyzed the effectiveness of its extended legal representation but it has not conducted a study or performed a survey of the effectiveness of the provision of advice. Such a study would provide guidance on the most effective methods for delivering limited services.***

As part of its annual review of priorities, CVLAS evaluates the effectiveness of its work through ongoing management meetings and informal analysis of intake, outcome measurements for each case and client satisfaction surveys.

### **Strategic Planning**

***Finding 4. CVLAS has not engaged in strategic planning for quite some time.***

In light of the economic downturn and the need for a more collaborative working relationship, CVLAS and LAJC held their first retreat of the joint board in November 2012 to discuss the future direction of the programs. Capitol One sponsored the retreat at one of its large corporate campuses. The executive directors shared the history and organizational structure of the programs, board functions, LSC restrictions and future planning and coordination of the programs. All parties agreed that the programs would be working at cross purposes if they did not begin to strategically plan and work towards meeting mutual goals to better serve the low income community. The board believes that a united approach is infinitely better than the past history of competition and conflicts between the programs for limited resources. Policies are being developed to address the more integrated board structure.

The executive director intends to develop a joint strategic plan with LAJC, which has been lacking to date. No specific time frame was established for doing so.

***Recommendation I.1.1.1\*<sup>1</sup>: CVLAS should proceed with plans to conduct a joint civil legal needs assessment with LAJC by 2015 and should ensure that the assessment includes the needs of the migrant farmworker population.***

***Recommendation I.4.3.1 The executive director should explore the option of conducting an in-house assessment of the effectiveness of the advice being provided CVLAS clients or engage an outside entity to do so.***

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<sup>1</sup> 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.

***Recommendation 1.2.4.1\* CVLAS should develop a timetable for embarking upon a strategic planning process that will include the board, LAJC and CVLAS staff.***

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

**Intake.**

***Finding 5. CVLAS has a variety of intake options for access to its services, including coordinated telephone intake. Most of the program's intake is directed to the coordinated telephone intake system which operates with general and specialized lines, and is supervised by a senior level attorney, however, there appear to be inefficiencies in the system that are worth further assessment.***

CVLAS operates a coordinated telephone intake system that utilizes automated call distribution and covers all three program offices. The low-income population in the service area is encouraged to access the program's civil legal aid services through its coordinated telephone intake system but intake is also provided for applicants who walk-in, through direct referrals, community outreach and, community partnerships.

CVLAS offers several toll free and local (Richmond, Petersburg and Charlottesville) telephone numbers for its coordinated intake system. All numbers ring in the Richmond office. The automated call distribution system routes intake calls to the intake assistants on rotation, in all three offices. This allows calls to be handled by the next available intake worker in any of the offices. Some intake staff are designated to focus on specialty populations such as the elderly, Spanish speakers, victims of domestic violence and those seeking no fault divorces. Callers who select these options are directed to the specialized intake lines. Regular telephone intake hours are: Monday through Thursday (9:30 am-11:30 am and 1:00 pm-2:30 pm). Callers have the option of leaving a message and receiving a call back or remaining on hold. For clients with emergencies, domestic violence issues or the elderly (age 60 or above), telephone intake is open Monday through Friday (9:00 am-5:00 pm). Referrals are provided for those who are not otherwise eligible for the program's services.

The pre-recorded automated message does not provide legal information while the caller is on hold. Nor does it play music. It does provide options at frequent intervals for leaving messages. A comprehensive menu of recorded legal information from the Virginia Poverty Law Center (VPLC) is heard on the recording for the statewide legal aid number when intake is closed, but it is not played on the CVLAS recording. A variety of brochures is available on the program's website and can be downloaded for self-help, but those resources are not referenced on the telephone recording.

Walk-in service applications will be taken at any of the three field office locations. The walk-in policy was recently expanded to permit applications from all walk-ins, although the guidelines on the program's website still indicate that walk-ins should only be taken under prescribed, limited circumstances, such as an emergency.

Intake is staffed by ten intake assistants, several of whom are part-time or have other significant duties. The Avaya VOIP telephone system has the capability of providing reports of intake calls and to review statistics such as hold times, average number of people in the queue, dropped calls and time spent on calls. Notably, the program is not running any of those reports to review call statistics. As a result, it is difficult to objectively and accurately measure the number of calls actually being received, wait times and the number of callers who become frustrated with navigating the telephone system and have difficulty getting through the system. The intake assistants report that they each handle from 8-20 calls or call backs per day. The process for making the call backs varies from one intake assistant to another. There are occasional backlogs of call backs, particularly, for divorce cases, resulting in the periodic closure of intake for divorce. Intake for no fault divorces had been closed for several months, prior to and during the visit, to allow staff to catch up on the backlog.

Most civil legal aid issues are accepted for advice with more refined acceptance priorities for extended representation. The intake assistants have been trained to provide simple advice and have written resources with “scripts.” All advice is reviewed by an attorney and in most cases, letters confirming the advice are sent to the clients. CVLAS has a comprehensive “Intake Procedures Manual” and “Case Acceptance Priorities” that govern intake and case assignment. Cases that do not receive immediate telephone advice from the intake assistant are distributed in-house pursuant to the CVLAS “Intake Procedures Manual” to specified staff attorneys specializing in the relevant field or to a panel of lawyers staffed from the private bar who participate in the pro bono hotline.

CVLAS works closely with its partner, LAJC, to determine the case types that each partner will accept as a primary provider. The procedure varies among the three offices and is not a seamless referral process.<sup>2</sup>

CVLAS had implemented a new case management system (CMS) shortly before the LSC visit. A “Justice Server Field Guide” provides an introduction and guidance for using the new case management system. Intake assistants initially thought the new Justice Server CMS slowed them down but a new intake module launched on the last day of the visit should resolve that issue. Trainings were provided for moving staff to Justice Server.

There are meetings of the intake workers but they are not being held regularly or consistently.

***Recommendation II.1.5.1\* CVLAS should re-examine its voice messages to ascertain whether more specific options to direct a caller could be provided earlier on in the process. For example, listing the specialized lines early on might serve to send some calls to the specialized lines rather than through general intake. In addition, the program should add basic legal information or direct callers to other online resources, i.e., uncontested divorce interviews on valegalaid.org.***

***Recommendation II.1.5.2\* CVLAS should use the report functions in the telephone system to analyze the length of time in the queue, the number of drop offs, the allocation of calls and the number of call.***

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<sup>2</sup> In some cases, applicants are told to call LAJC, or in Charlottesville, walk-ins are brought over to the LAJC office, since the two offices are housed within the same building. In Petersburg, walk-ins are told to go across town to the LAJC office.

*messages. As a result, the program would have a more objective and accurate assessment of the effectiveness and efficiencies of the intake system.*

*Recommendation II.1.5.3 CVLAS should re-institute regular meetings with intake staff to discuss coordination, equitable call distribution and call backs, review and assessment of bottle necks and other pertinent matters impacting callers and staff.*

*Recommendation II.1.5.4 CVLAS should consider adding online intake to allow for greater access and efficiencies in the intake system. A link to the pro se assistance A2J no fault divorce document assembly package on the statewide website could help direct traffic to that tool.*

*Recommendation II.1.5.5 \* CVLAS should reconsider its broad priorities and practice of providing advice in most civil practice areas and instead consider whether narrowing its case acceptance policies would reduce the strain on intake and focus its representation on the most pressing legal needs, in areas where their representation will have the greatest impact.*

*Recommendation II.1.5.6 CVLAS should update the information on its website to more accurately reflect its new intake policies.*

**Engagement with and access by the low-income population.**

***Finding 6. CVLAS has a Language Access Policy that is in need of updating and revision. The program does not have a designated language access coordinator.***

CVLAS' language access policy, entitled "Access for Individuals with Limited English Proficiency", was most recently updated in 2008. At the time of the visit, the program had three persons on staff who were bilingual in Spanish – the receptionist/intake assistant in Richmond, the migrant farmworker program director and migrant outreach worker in Charlottesville. The program has access to Language Line for interpretation services that cannot be met by in-house staff and for languages other than Spanish.

There is no assigned LEP coordinator for the program and the executive director stated that those responsibilities rest with him. He has worked with the bilingual members of CVLAS' staff in the area of language access and recognizes that the Spanish-speaking population of Richmond and Petersburg has increased greatly in recent years.

***Finding 7. CVLAS has three offices strategically located throughout the service area. These locations are relatively comfortable and convenient and allow reasonable access for rural, suburban and urban constituents since they are within close proximity to transportation, parking, courts and administrative services.***

CVLAS has three field offices located in Richmond, Charlottesville and Petersburg which have appropriate signage and office space. The offices are open from 9:00 am until 5:00 pm Monday through Friday. The director assures that CVLAS staff make home or hospital visits when necessary and are generally available to meet with clients on the weekends.

According to the executive director, notices from the Department of Social Services, the Virginia Employment Commission and public housing authorities in the service area all bear CVLAS's contact information and instructions to contact them if further assistance is needed. The United Way produces a guidebook to local services that includes CVLAS's contact information, as well.

In 2003, LAJC conducted a capital campaign to purchase and renovate the Bruton Building at 1000 Preston Avenue in Charlottesville to serve as its headquarters. CVLAS is provided partnership office space in the building through a rental agreement. The program has a rear entrance, with signage visible from the front entrance.

As a cost saving measure, CVLAS and LAJC are considering co-locating office space in Petersburg. The Petersburg office currently only has one attorney and two administrative staff. There is no receptionist and as a result, the door remains locked for security reasons. The net result is a constant disruption to the work of the only staff attorney in the office. Co-locating office space would allow the two programs to share a receptionist and would be more convenient for clients who are referred to one program or the other. In the interim, CVLAS may need to consider other staffing options.

***Finding 8. CVLAS's offices are sufficiently staffed given the program's limited resources, however, the shortage of administrative staff support for attorneys and having only one attorney in the Petersburg office is concerning.***

CVLAS has fourteen staff in its Richmond Office, including four attorneys; five staff in its Charlottesville office, including three attorneys and; three staff in its Petersburg office, with only one attorney. The intake staff appear to be overwhelmed due to the high volume of intake calls and the additional duties and responsibilities that they have assumed as a result of intake staff bearing the brunt of staff reductions (4) over the past few years. The director of litigation, likewise, has assumed significant oversight responsibilities for intake due to the shortage of staff. As much as half of his time is spent serving as "traffic cop" for the intake staff (reviewing intakes, determining staff assignments). Some interviewees observed that the program's staff of lawyers was not as diverse as might have been desired (of the nine attorneys, including the executive director, one is Hispanic and two are black).

***Finding 9. CVLAS models extensive engagement and access to the low income community which it serves.***

CVLAS has a very active client council, a community group made up of current and former clients of CVLAS. They meet regularly at CVLAS's Richmond office. The program and the client council engage in many local community outreach projects in which information is shared about the work of CVLAS. The program produces posters and flyers advising eligible clients of its availability and provides materials throughout the community and in the office reception areas, in both English and Spanish.

The CVLAS domestic violence unit provides information to and seeks referrals from other agencies providing services to victims of domestic violence. CVLAS staff members speak at senior centers, employment councils, tenants' association, domestic violence support groups, city and county fairs and public libraries regarding the services that are provided. The Richmond office, also, staffs a monthly homeless intake and other legal services at the Alpha and Omega Bible Church in Richmond. The Alpha

and Omega Church works with the First Baptist Church and other service providers to create a one stop center for the Richmond homeless population. A CVLAS staff attorney provided training for the elderly at the Carriage House, a home for the disabled and elderly, in Petersburg.

Through its medical-legal partnership with LAJC and Legal Information Network for Cancer, CVLAS sends an attorney each week to the Massey Cancer Clinic in Richmond to provide immediate legal services to breast cancer patients. The Petersburg office provides space and support to the James House which holds weekly meetings to serve survivors of domestic violence. Holding the sessions at CVLAS allows the two organizations to share information and provide a greater range of services to mutual clients. CVLAS provides representation to the Richmond Tenant's Organization and CARES, Inc., a homeless shelter for women and children in Petersburg.

The program's participation in a weekly radio program is anticipated to reach hundreds of eligible clients each week. The radio show, "It's Time for Justice" began in 2008 and is heard every Wednesday 12:30 pm to 1:00 pm on WRIR – 97.3 FM – Richmond Independent Radio and on line at [www.wrir.org](http://www.wrir.org). The show is locally produced and hosted by the director of litigation. It features news, interviews and on-air answers to listeners' questions about consumer, employment, family, housing, public benefits and other civil law.

***Recommendation II.3.6.1 CVLAS should update its LEP policy. In revising its current policy, the program may wish to view language access policies and plans adopted by other legal services programs and posted on the LSC Legal Resource Information website at [www.lri.lsc.gov](http://www.lri.lsc.gov).***

***Recommendation II.3.6.2 Responsibility for coordination of the program's language access efforts should be assigned to a staff person at CVLAS other than the executive director.***

***Recommendation II.3.9.1 CVLAS is encouraged to continue to seek joint office space in Petersburg that will accommodate both CVLAS and LAJC while preserving critical resources.***

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

### **Legal Representation**

#### **A. Staffing and Expertise**

***Finding 10. CVLAS has experienced significant reductions in staff but has managed to maintain a core number of well known, respected and dedicated advocacy staff.***

CVLAS currently has three senior managing attorneys (one of whom is the director of litigation), the director of migrant programs, who is an attorney, and four staff attorneys. The most senior attorneys have 20-30 years of experience. The staff attorneys have a minimum of four years of experience with one attorney having nine years of experience. The executive director, although relatively new to the program, has a wealth of legal experience (20 years) and is well known and respected in the legal community. He previously served as a senior managing attorney at LAJC for ten years. The program is,

also, the beneficiary of a full-time pro bono Hunton and Williams fellow, who dedicates 70% of her time to CVLAS. Of the nine attorneys on staff, four serve as members of management.

The director of litigation, the most senior managing attorney in the program, is housed in the Richmond office and has thirty years of experience. His reputation precedes him and he was spoken of very highly by the bench, the bar and staff. He serves as a great resource to all within and outside of the program. Apart from hosting the weekly CVLAS radio show, "It's Time for Justice" and assisting with the NBC "Call 12" desk (resolving caller's complaints), his responsibilities include oversight of intake, guidance of pro bono lawyers, launching of the coordinated telephone intake system and now Justice Server, supervising the staff attorneys and managing a full case load. Bankruptcy, housing, employment and guardianship cases in Richmond are all routed to him.

The director of litigation is the first recipient of the Virginia State Bar's Legal Aid Award and has an extensive record of trial and appellate practice. He is considered an expert in systems for quick delivery of legal advice to legal aid clients based upon his early pioneering work at Southwest Virginia Legal Aid Society. He has been a trainer for many CLE courses and is considered a statewide resource on most substantive areas related to legal aid practice. In addition, he has spent the past six years sitting on the District Bar Association's disciplinary committee and provides training on housing for the consumer affairs office.

The next most senior attorney in the program, the 2009 recipient of the Virginia State Bar's Legal Aid award, has 22 years of experience and is, also, located in the Richmond office. He handles elderly and public benefits cases and shares the responsibility of managing the office; supervising the staff attorneys and the pro bono hotline and; providing coverage as needed. He arranges training for the pro bono attorneys and all CVLAS staff.

One of the Richmond based staff attorneys is primarily responsible for family (approximately 85%) and housing (approximately 10%), with her remaining case load covering consumer cases and wills. She is very active in the state and local bar association. Specifically, she serves as the secretary for the Old Dominion Bar Association; sits on the Executive Committee for the Virginia Bar Association; represents her District for the state bar and; sits on the Client Protection Fund Board. The other Richmond based staff attorney primarily handles family, housing, unemployment and consumer cases that are fairly evenly divided. Her time commitment was reduced to part-time (25 hours/3 days per week) in January 2012. She holds dual degrees from the University of Richmond - a law degree and a master's in social work.

The remaining senior managing attorney is located in the Charlottesville office. She primarily handles consumer and housing matters and supervises the staff attorney and the receptionist/intake assistant located in the Charlottesville office. As a senior managing attorney, she helps coordinate the Access to Justice pro bono program in conjunction with LAJC and the University of Virginia School of Law. CVLAS is primarily responsible for developing the lawyer-student teams for domestic violence and bankruptcies and offering divorce training by matching up cases with attorneys and law students. The managing attorney in Charlottesville, also, coordinates LRAP through LSCV for all attorneys in the program, recruits

and trains law students and volunteers. The senior managing attorneys are all considered part of the leadership team and report directly to the executive director.

Apart from the senior managing attorney, the Charlottesville office is comprised of a staff attorney, an intake assistant and the Migrant Farmworker Unit. The staff attorney primarily handles domestic violence cases which are referred by the local shelters or domestic violence witness coordinators. She receives some referrals from the University of Virginia hospital. The local intake calls are handled by the intake assistant. The staff attorney has been designated to launch bi-weekly case reviews for the program via conference call. She has a very heavy case load (100) but notes that she keeps domestic violence cases open until all issues are resolved (divorce, custody, sometimes housing). Of note, she is the president elect of the Charlottesville Bar association.

The remainder of the staff are housed in Petersburg: a staff attorney, the Director of Volunteer Services (Pro Bono) and the Senior Managing Legal Assistant. The staff attorney has only recently returned from maternity leave resulting in a smaller than normal case load, primarily consisting of domestic violence and housing cases. The executive director has assumed a small case load in the Petersburg office and frequently works out of that office in order to provide additional litigation support to the program and the staff attorney housed there. He has reduced his case load to approximately 15 active cases from approximately 50 when he began his tenure at CVLAS. The staff attorney in the Petersburg office is very active on the local domestic violence task force and has served as its chair since 2010. She, also, serves on the domestic violence task forces for Dinwiddie, Colonial Heights, Prince George and Hopewell counties.

#### **B. Quantity and Quality of Legal Work**

***Finding 11. CVLAS provides high quality legal services and is serving the low-income population remarkably well given its sharply reduced staff and limited resources.***

CVLAS closed 5,115 cases in 2011, including 666 extended services cases, 13% of cases closed. Of the actual closed cases per 10,000 poor persons, CVLAS was well above the national median for closed cases, on par with the extended closed case median and slightly above the national median for contested closed cases. The majority of the cases closed were in family (31.5%), consumer/finance (27.3%), and housing (21.7%).

CVLAS has a solid reputation in the legal community, is well grounded with the client community and is known for its provision of high quality legal services. Judges and others in the justice community spoke highly of many of the program's attorneys. The director of litigation was described as a "Rock Star" by a leader in the state justice community. Judges who were interviewed generally indicated that the attorneys were a "top notch group," consisting of "real advocates" whose written submissions were well done. One judge, however, observed that the attorneys would benefit from more formal trial skills training.

CVLAS has an excellent reputation and rapport particularly with the Richmond Bar. The Bar expressed appreciation of the program and its work on behalf of the poor population. Overall, CVLAS advocates

have a good presence in the legal community and are described as competent and well prepared. Although the program provides excellent work, many noted that the program is grossly underfunded and short-staffed.

The program strives to strike the right balance between limited and extended case representation. They evaluate a combination of (1) the significance of the issue (unemployment compensation, losing a home, protection from domestic violence) in comparison to name changes, debt collection in low amounts without a significant consumer defense (2) the difference representation by a lawyer makes and (3) an evaluation of the expenditure of resources (cost v. benefits). For example, given the time consuming nature of foreclosure cases, the likelihood of a client being able to keep a home is a primary consideration in determining whether to accept those cases. Likewise, custody cases are not accepted for extended representation due to their time consuming nature unless they are tied to domestic violence. The program leans towards providing high quality services to current clients rather than sacrificing services to those clients in order to accept new clients for extended representation.

The program has brought about significant litigation on appeal and should consider ways to increase its high impact litigation cases. The US District Court of the Eastern District of Virginia refused to dismiss a client's lawsuit against a mortgage lender (the mortgagee failed to arrange a face to face meeting with the clients prior to initiating foreclosure proceedings). In a landmark 29 page decision, *Kersey v. PHH Mortgage Corporation*, 682 F.Supp.2d 588 (E.D. Va. 2010), the court found that as a simple matter of contract law, the homeowner stated a claim for relief, therefore, the suit was allowed to proceed. The precedent set could work to the advantage of thousands of similarly situated homeowners. A Charlottesville staff attorney was, also, able to settle a wrongful foreclosure case with the foreclosure being terminated and the client receiving a \$20,000 principal reduction.

In unemployment appeals, CVLAS has had numerous victories. For example, as a result of the program's representation, a 72 year old client who was initially denied unemployment due to alleged work related misconduct was able to successfully appeal denial of his unemployment claim and was able to collect \$233 per week in unemployment compensation. In the consumer area, a client was sued by a debt collector on a time-barred debt and harassed daily by the debt collector. A Charlottesville staff attorney filed a counterclaim for violations by the debt collector under the Fair Debt Collection Practices Act. As a result, the debt collector agreed to dismiss the claim against the client and instead paid her \$1,500 in a settlement on her counterclaim.

The writing samples submitted ranged from competent to excellent and generally reflected quality work. Filings included pleadings and memoranda before the General District Court (debt collection defense) and several Circuit Courts (petition for appointment of substitute guardian and conservator and a detailed brief on appeal of the dismissal of a petition for a protective order), as well as an administrative appeal for unemployment benefits. The brief on appeal was exceptionally thorough and well written and addressed the dismissal of a protective order due to the victim's failure to appear.

***Recommendation III.1.11.1 The program should consider sending attorneys to training at the local Trial Advocacy Institute or a comparable trial lawyer's institute to solidify their courtroom skills.***

***Recommendation III.1.11.2 The program should review the balance of advice work and more complex legal work to determine whether any changes can be made to enhance the advocacy staff's ability to identify and pursue cases that have a greater impact on the low-income community as a whole.***

### **C. Legal Work Management and Supervision**

***Finding 12. CVLAS has a rich, informal culture in which advocates freely seek and exchange advice with their peers and supervisors.***

Advocates who were interviewed routinely stated that they were encouraged to seek advice when needed either from within the program, private attorneys, the Virginia Poverty Law Center or from other legal services programs. Advocates, also, felt comfortable discussing cases within the office, with the litigation director, the senior managing attorneys, statewide task force members and by posting questions on the statewide substantive list serve sites.

***Finding 13. The program has not been holding formal case reviews with staff or otherwise assessing case specific outcomes on an ongoing basis but has plans to do so in the future.***

Case reviews have not been conducted by the program in the past but the executive director has wisely recognized the need for doing so. The executive director has designated the staff attorney in the Charlottesville office to lead that effort by holding bi-weekly case review meetings for the entire attorney staff via conference call. As previously noted, the litigation director plays many roles, including oversight of the intake process, thus, limiting his capacity to coordinate the overall advocacy of the program. Therefore, the regular program wide case review meetings in which common issues and significant cases will be discussed will present a forum for advocacy coordination.

***Finding 14. CVLAS lacks a formal mechanism for review of written products, written case handling procedures or an office wide tickler or calendaring system. Like most of the program's legal work, these critical supervision and management controls have been primarily self-directed. Justice Server will be key in addressing some of these oversight responsibilities.***

The executive director inherited a program which, while successful in terms of providing high quality legal services, lacked traditional supervision and structures in place. Inexperienced attorneys such as the pro bono fellows and relatively inexperienced staff attorneys have been largely left to fend for themselves without direct supervision. In addition, there are no case review meetings or supervisory reviews prior to a case being closed.

While the program has performed well, having the appropriate mechanisms for supervision in place going forward is essential. Some attorneys have not been in the practice of closing cases routinely or promptly, thus, making case load assessments difficult. In addition, there are no office driven or automated tickler systems or a central calendaring system. Attorneys and staff are responsible for maintaining their own schedules. In the future, with Justice Server, supervisors will be able to see and review complete case files and the executive director will use it as a tool to put in place an office wide tickler system. The program will need to address the lack of written case handling procedures, as well.

***Recommendation III.1.13.1\* The program is encouraged to proceed with its plans to re-establish program wide case review meetings on a bi-weekly or other regular basis.***

***Recommendation III.1.14.1\* With Justice Server, supervisors will be able to see and review complete case files and should use the new case management feature to do so.***

***Recommendation III.1.14.2\* The program's leadership should establish and implement written supervision standards.***

***Recommendation III.1.14.3\* The program should follow-through on its plans to take advantage of the office wide calendar and tickler systems through Justice Server as a high priority.***

***Recommendation III.1.14.4 The program should consider ways to free up the litigation director's time in a way that would allow him more opportunities to actively coordinate the program's advocacy, mentor new attorneys and engage in greater program wide advocacy and strategic planning.***

#### **D. Training and Support**

***Finding 15. Reduced funding has resulted in the program having to primarily forego outside training opportunities, other than those sponsored by the Virginia Poverty Law Center.***

Program staff attend the annual statewide meeting sponsored by the VPLC, as well as attending trial advocacy training and an annual update on changes in poverty law. The CVLAS director of litigation teaches at the annual conference each year. The director of litigation provided training at the Virginia State Bar's Disciplinary Conference in June 2011; at the 2011 annual statewide legal aid conference in October; the Virginia Poverty Law Center session on debt collection defenses in May 2012 and; the Virginia Bar mid-year conference in June 2012. Another staff attorney, also, provided CLE training for debt negotiation in October 2011 (Statewide Conference), in May 2012 (VPLC debt collection defenses) and November 2011 (National Consumer Law Center's Consumer Litigation Conference).

Program funds for outside training have been severely limited due to budget cuts but at least one attorney has attended the NOSSCR training and the NCLC annual foreclosure training on three occasions with a scholarship.

The CVLAS attorneys have access to a wide array of useful support for their legal work through substantive experts within the program and VPLC, statewide list serves and through their participation on statewide task forces that convene quarterly. All case handlers, also, have access to Lexis-Nexis and a variety of subscriptions to manuals produced by the National Consumer Law Center and the National Housing Law Project, for example. Law students assist staff attorneys in legal research.

Training is less than optimal for new attorneys such as the Hunton and Williams fellows who are primarily self-directed, other than shadowing a more experienced attorney on occasion early into their tenure.

## **Private Attorney Involvement**

***Finding 16: CVLAS has a highly effective and innovative pro bono program, particularly with the recent launch of Justice Server.***

The CVLAS PAI program has a strong record of success despite its lack of written protocols and procedures. The PAI coordinator has 33 years of experience and is housed in the Petersburg office. Although she does not attend bar meetings and does not recruit at the bar or at its events, she helped to create the pro bono project with another attorney 30 years ago. She sends letters to new attorneys through the director of operations and contacts attorneys directly to refer specific cases. She refers divorces and bankruptcies to a clinical professor at TC Williams Law School in Charlottesville. Attorneys can sign-up online for training or attend various training events. They are provided handbooks for substantive areas of case law. A monthly report is compiled providing the number of attorneys participating, the number of hours donated and the hours spent on the pro bono hotline based upon the volunteer attorneys' final case disposition summary and supporting documents. Either the attorney or the coordinator will send the client a closing letter.

One volunteer attorney described the PAI coordinator as the "backbone of the organization" and another stated that she deserved a "gold star." In 2011 the program far exceeded the national median for total PAI cases closed per 10,000 poor persons with 136 per 10,000 poor persons cases closed as compared to the national median of 26.

Volunteer attorneys are encouraged to participate in the program's work in a number of different ways – from providing advice and brief services through the pro bono hotline in Richmond, to taking cases for full representation and/or providing consultations to staff attorneys within their areas of expertise.

CVLAS intake staff refer non emergency cases that need further legal analysis to the CVLAS Pro Bono Hotline (coordinator) which is staffed by volunteer attorneys from the Richmond area. The young lawyers division of the Virginia State Bar primarily recruits and organizes the volunteers. The pro bono hotline's success has resulted in close to 82% of the PAI cases being closed with limited representation. Sixty percent of the cases closed were family; 24% consumer/finance; 8% employment and; 5% housing. Private lawyers handle virtually all of CVLAS' bankruptcy cases pro bono. Pro bono panels are in place for bankruptcy, divorce, collection of judgments, protective orders for victims of domestic violence, unemployment insurance benefits, wills and advance directives and guardianships. The development of the new pro bono opportunities was done with help from the Virginia Bar Association, the Richmond Bar Association, the Richmond Bar Foundation, the Charlottesville-Albemarle Bar Association, the University of Richmond School of Law and the University of Virginia School of Law.

Hunton and Williams is in its tenth year of partnership with CVLAS and provides an invaluable service by placing a fully funded fellow at CVLAS at seventy percent full time equivalent. Hunton and Williams boasts a 100% commitment to pro bono work.

The highlight of the pro bono program over the past year has been the Justice Server project. McGuire Woods has partnered with the program on the Justice Server effort and has agreed to handle

emergency cases such as eviction and protection orders. The firm's deputy managing partner for practice in Richmond/pro bono partner, is president elect of the Central Virginia Bar Foundation and raised \$179,000 with ten local firms for the Justice Server project. Capitol One was another necessary partner in the arrangement. The director of the University of Virginia School of Law program has served as a consultant and advisor on Justice Server. The goal is to expand Justice Server to all of Virginia's civil legal aid programs in the next two years, thereby, bringing about quality control, accountability and critical coordination.

The CVLAS director executive is viewed as being committed to new ways of doing things, a necessary component of addressing the critical civil legal aid justice gap. One of the first projects will be to address the back log of uncontested divorces as a way to roll out the Justice Server system and work out the kinks. They will explore which types of other cases to take on thereafter as a part of integrated planning.

Under the launch of Justice Server, the program will continue to recruit private attorneys, appropriately assign cases and provide support and oversight of the cases through Justice Server. Although demonstrable recognition of the volunteer attorneys has been lacking and limited to informal thanks provided by the PAI coordinator, the availability of state tax credits for the pro bono work has proven to be an effective incentive for strong participation. Participating members of the bar who were interviewed reported satisfaction with the pro bono project and expressed solid support for the mission of the program.

CVLAS has formed valuable law school partnerships, as well. A bankruptcy clinical program was launched which matches law students at the University of Richmond's law school with private volunteer attorneys and legal aid clients. The program has participated in the creation and implementation in Charlottesville of the Access to Justice Project, a joint program of CVLAS, LAJC and the University of Virginia Law School in which law students are partnered with local attorneys to handle divorce, bankruptcy, housing and unemployment cases. The director of litigation and a staff attorney provided training on housing and bankruptcy to six University of Virginia School of Law students under this program. The students in turn provided assistance during the winter break in 2012 to approximately 15 bankruptcy applicants and six other law students who<sup>1</sup> provided assistance over the next several months to 25 bankruptcy applicants. Protective orders for victims of domestic violence are, also, obtained by law school students with the assistance of the director of litigation and a senior staff attorney.

The program recognizes that it must now work to address the lack of internal, written procedures for referral, placement and oversight of its PAI cases, in part through the Justice Server project. CVLAS anticipates doing so in the near future. The program has no other procedures for evaluating or assessing the PAI cases, other than those used for internal cases (clients complete a satisfaction survey form on Survey Monkey). As noted, the launch of Justice Server will provide an opportunity for the program to formally and systematically address its oversight responsibilities.

***Recommendation III.2.16.1\* CVLAS should proceed expeditiously in developing written policies and procedures for its PAI program, including formal mechanisms for evaluating the pro bono program.***

***Recommendation III.2.16.2 In addition to recommending pro bono attorneys for state and national awards, the program should seize the opportunity with the support of its Justice Service partners, to consider more tangible and demonstrative ways of recognizing the volunteers such as presenting the participants with plaques, certificates or formal letters of appreciation from the Chief Justice of the Virginia Supreme Court.***

***Recommendation III.2.16.3\* CVLAS should consider adding pro se clinics, particularly for no fault divorces, wills and advance directives, to its menu for pro bono attorneys and should announce the clinics on the intake voice mail message recording.***

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

***Finding 17. CVLAS has demonstrated a deep commitment to the community despite its limited resources.***

CVLAS participates in Homeless Service Days; providing legal advice each week on the program’s radio talk show; assisting domestic violence shelters by providing intake, training and legal support; actively participating on domestic violence task forces; providing training on domestic violence to social workers; conducting outreach and intake at the Massey Cancer Center and; by leading and supporting the statewide housing and family law task forces.<sup>3</sup>

The Richmond office hosts the “First Friday’s Art Walk” which includes artists, i.e., sculptors from the Appomattox Regional Governors School, Improv actors and a Celtic ensemble. In February and March 2012, CVLAS staff provided “housing law information” in a presentation to 150 Virginia Commonwealth University parents and students: “Moving On, Moving Out.”

**Other LSC Service Areas<sup>4</sup>**

**Migrant Grant**

***Finding 18. CVLAS’s Farmworker Unit with limited resources provides much needed statewide legal assistance to the migrant farmworkers in Virginia.***

CVLAS’ Farmworker Program is capably staffed by a directing attorney with five years of experience as an attorney and an outreach worker with four years of experience with the program. The outreach worker has a law degree from Bolivia. The directing attorney was a paralegal for CVLAS before becoming licensed in Virginia. Both the directing attorney and the outreach worker are fluent in Spanish and English and are bi-cultural. The attorney is from Brazil originally, but lived in Paraguay for 6 months. The outreach worker is from Bolivia. The staff is passionate about their work and has a high level of enthusiasm and initiative. CVLAS’ Farmworker Program conducts extensive outreach during the period when migrant farmworkers are in the state.

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<sup>3</sup> See discussion on p. 11 for further elaboration of other services provided.

<sup>4</sup> This section of the report includes findings and recommendations for migrant legal services where they differ from or supplement those provided for basic field grant services.

The Farmworker Program has addressed some, but not all, of the major recommendations from the Program Quality Visit to CVLAS in 2005.

- Case closings by the Farmworker Program have increased since 2005 (16 closed cases in 2005, 31 closed cases in 2006, 64 closed cases in 2007, 38 closed cases in 2008, 36 closed cases in 2009, 48 closed cases in 2010, and 59 closed cases in 2011.)
- The Farmworker Program's legal work has become more focused on employment issues
- The Farmworker Program has identified three law firms in Richmond that specialize in Workers' Compensation law that have bilingual staff, facilitating the referral of Workers' Compensation cases to the firms and freeing staff time for other types of cases.
- Though a greater number of cases are being handled by the Farmworker Program, the percentage of extended cases handled by the Farmworker Program remains low. The directing attorney currently has no cases in court. However, the program settled 10 cases during 2012 on behalf of farmworkers employed by a local vineyard.

The Farmworker Program staff receives appropriate training. Both the attorney and the outreach worker attended the National Farmworker Law Conference held in Chicago the week of December 3 - 7, 2012, where the directing attorney was on a panel for a couple of sessions.

CVLAS' executive director is the nominal supervisor of the directing attorney of the Farmworker Program. Though the two meet regularly, have had numerous discussions about plans for the Farmworker Program, and have discussed the directing attorney's supervision of the outreach worker, the executive director describes the relationship as more of a partnership. He states that he does not engage in much direct supervision of the directing attorney's case work and has never formally evaluated her. The directing attorney seeks assistance, as needed, with her cases and consults with advocates at other migrant programs in the southeast.

The Farmworker Program does not conduct formal annual work planning.

Though CVLAS' Farmworker Program staff enjoy a cordial relationship with the Legal Aid Justice Center advocates who represent farmworkers and have gone on joint outreach with the LAJC staff (primarily to the eastern shore of Virginia), the programs do not work together. The work of the LAJC has assumed a broader focus, with a greater emphasis on legal issues affecting all immigrants, including wage violations in the construction and service industries. There appears to be little coordination between the two programs with regard to the provision of legal services to migrant farmworkers in Virginia. The staff of CVLAS' Farmworker Program is located in the same building in Charlottesville as the LAJC. However, the programs' farmworker advocates do not conduct joint work planning, nor do they co-counsel cases together.

***Recommendation III.3.18.1 The Farmworker Program should work to increase its extended service case work on behalf of migrant farm workers.***

***Recommendation III.3.18.2\* The Farmworker Program should conduct formal work planning on an annual basis and invite LAJC advocates that provide representation to farmworkers to participate in the work planning.***

***Recommendation III.3.18.3 The executive director should consider delegating the responsibility of supervising the Director of the Migrant Farmworker Unit given his extensive responsibilities and insure that the assigned supervisor begins conducting regular performance evaluations for her, and, the supervisor should consider attending the next available regional farmworker law training.***

***Recommendation III.3.18.5 The directing attorney of the Farmworker Program should seek to establish closer ties to experienced farmworker advocates in other legal services programs so that they can share ideas, strategize concerning advocacy on behalf of farmworkers, and possibly co-counsel on cases in the future.***

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

**Board governance**

***Finding 19. Board members appear to be well informed about the program's work and the challenges it faces.***

By agreement of the board of directors at the end of the fiscal year, the bylaws of the respective programs of CVLAS and LAJC, were amended to unify the members of the programs' boards. Prior thereto, the LAJC board of twenty members was a subset of the CVLAS board of forty-five members. The new board consists of 25 identical members. This 100% overlapping board member arrangement could prove to be a challenge, especially given the fact that CVLAS is behind in its payments to LAJC of designated funds from LSCV, and that CVLAS is in critical need of a major fundraising/resource development effort to overcome its deficit and meet its current financial obligations.

The board continues to meet quarterly, rotating the meetings among the offices (Richmond, Charlottesville and Petersburg). The board is geographically diverse but consists primarily of white male attorneys, with the exception of one white female attorney, one black male attorney and one Hispanic male attorney. All of the client board members are black.

A joint board retreat was hosted by Capitol One at one of its large campuses on November 9, 2012. Both executive directors provided an extensive history of their programs and covered the LSC regulations and restrictions pertaining to CVLAS. The board officers are now different for each program but that may change in the future. The board created an audit and finance committee in the December 2012 board meeting and approved the program's personnel manual. The board has six vacant positions (one McCollum, one "other" attorney, three client members and one "other" member) which must be filled in order to comply with LSC regulations.

The potential for conflicts with a joint board is under discussion but there is currently no written guidance. A policy is being developed to address a more integrated board structure and whether "mirroring" of board officers is a good idea. The board was scheduled to review the program's priorities

in January 2013. A financial report, case service reports and the client council report are presented at each meeting.

The board routinely reviews operating options now due to the reduced revenues of the program. Board members noted that communications regarding the financial reports has improved significantly with the new software acquired. Client board members, however, noted that they are in need of additional assistance in trying to understand the budget and in general they would appreciate more “plain English” and less legal jargon in the board meetings so that they can better absorb the points being conveyed. One client board member expressed frustration, as well, with the timing of the board meetings which typically occur during normal business hours. The board meetings would be more accessible to some client board members who have full-time employment, if they took place after normal business hours. Several client board members have been unable to fully participate in the board meetings due to personal and health concerns.

The board has become more involved in fund raising. Each board member has been asked to give to both programs. CVLAS is engaging more with the corporate community with assistance from board members.

***Finding 20. The Board has not conducted a formal evaluation of the executive director since he joined the program in 2010.***

The board adopted a new personnel policy which will require that employees, including the executive director, be evaluated every two years. The board plans to conduct a formal evaluation of the executive director in 2013. The board president observed that LAJC and CVLAS work well together under the new executive director’s leadership. The result has been perceived as a more efficient program operation.

***Recommendation IV.1.19.1\* The board should prioritize the development of written guidance addressing how conflicts of interest that may arise in certain areas – such as fundraising and CVLAS’s indebtedness to LAJC – will be resolved by the mirror board of the two organizations.***

***Recommendation IV.1.19.2\* The board should insure that the client board members are properly trained to understand the program’s budget and financial situation and are provided additional explanatory information, as needed.***

***Recommendation IV.1.19.3 The board should explore the option of scheduling board meetings in a way that accommodates the schedules of the client board members who have full-time employment.***

***Recommendation IV.1.20.1\* The board should conduct formal evaluations of the executive director on a regular basis effective 2013.***

### **Leadership**

***Finding 21. The executive director has begun to put key oversight systems in place and deserves credit for making difficult decisions in a challenging fiscal environment.***

The executive director received praise from staff, judges, justice partners and board members regarding his leadership, legal skills, open management style and his focus on program management and resource development. He has had to make difficult budgetary decisions early into his tenure, including, laying off four staff to address the program's fiscal crisis. Due to the elimination of the part-time resource developer, he has assumed primary responsibility for performing those duties. In addition, he assumed a case load (down from 50 to 15 cases) to support the sole staff attorney in the Petersburg office who only recently returned from maternity leave. The reduction in cases should facilitate his ability to focus more on other key areas of program management and resource development and as his systems become implemented, he will be able to delegate more routine tasks.

In recognition of the need to add more structure and oversight to the program, the executive director developed a personnel manual which the board adopted and led the purchase of Quick Books, a financial software program that allows financial reports to be generated and permits more responsible financial monitoring and tracking systems. The board credits the executive director with better notice regarding the board meetings and timely provision of the key reports regarding the status of the program's finances. Of major significance, the executive director and the director of litigation have played key roles in the launch of Justice Server, a model project for the Virginia bar and CVLAS.

Noted by all, under the executive director's leadership, the relationship between LAJC and CVLAS has become more collaborative, as the program assesses how to continue to provide high quality legal services in a more limited funding environment.

***Recommendation IV.2.21.1 The executive director should continue to minimize his caseload in order to optimize his focus on management, supervision and fundraising.***

***Recommendation IV.2.21.2 The executive director should delegate the more routine tasks and strategically assign staff to assist him with his day to day administrative and management responsibilities.***

#### **Overall management and administration**

***Finding 22. The executive director has begun to establish office-wide structure and organization which has historically been lacking.***

The executive director is to be commended for developing a personnel manual which the board approved but, notably, formal performance evaluation procedures, forms and instruments are *de minimis* or non-existent. Nor are there any policies or procedures for staff training; disaster response and recovery; leadership development and/or succession planning.

The program does not have a dedicated staff member for human resources and administration. Those duties are assumed by the executive director and the director of operations. The program purchased

Quick Books, a helpful software financial management<sup>5</sup> tool which the executive director uses to keep himself abreast of the program's finances from day to day. The team noted that the budget preparation is satisfactory but it could be improved, i.e., separating the "capital items" from the day to day operating budget with an emphasis on the latter. Cash flow is very challenging and is being reviewed daily to determine which bills must be paid. Of additional concern, the program has used the same auditor for more than a decade. Although the fiscal manager has on the job experience through CVLAS, the program would benefit from a review of its accounting system by an outside CPA.

As noted earlier in the report, the program has laid off four staff. The executive director has assumed the resource developer's responsibilities and is working closely with LAJC's resource development staff on mutually agreeable fundraising projects.

While the focus has primarily been on the program's immediate fiscal crisis and the launch of Justice Server, the program must address the lack of formal or current job descriptions and job titles in order to properly assess and deploy personnel resources.

The program is at a critical financial juncture and reports that it anticipates a \$36,000 deficit being carried over to 2013. In addition, the program's payments to LAJC of LSCV funds were owed for a two month period at the time of the visit. The program's total indebtedness/deficit is approximately \$120,000-130,000. The executive director anticipates the debt being paid off in early 2013.

To the program's credit, there have been no formal client grievances, no disciplinary complaints or malpractice lawsuits.

***Recommendation IV.3.22.1\* CVLAS should review its lines of supervision and clarify them in writing along with developing fair and accurate job descriptions and titles for each employee.***

***Recommendation IV.3.22.2\* CVLAS needs to critically and objectively assess, through data driven reports and with the support of its board, the staffing structure and funding needs of the program and move quickly to take the necessary steps to address the fiscal shortfall and the best approach to moving the program and its mission forward.***

***Recommendation IV.4.22.3\* CVLAS should engage the services of a CPA to perform a complete review of its financial systems and overall financial management of the program.***

***Recommendation IV.4.22.4 CVLAS should consider changing auditing firms periodically and open its auditor contract for competitive bid.***

### **Internal Communications**

***Finding 23. The executive director has made consistent efforts to engage all staff within the program.***

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<sup>5</sup> 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.

The executive director is noted for having an open communication style that is appreciated by his staff but many staff expressed concern about the financial health of the organization and future plans for layoffs. The executive director regularly visits each field office on an informal basis and frequently works out of both the Richmond field office and the Petersburg office. On a more formal note, he convenes quarterly “all staff” meetings, one at each office, on a rotating basis each year. The meetings serve as an opportunity for staff and managers to discuss the status of administrative and substantive matters within the office and to provide training with regard to any matters affecting the program’s legal services to the client community. Leadership team meetings were held approximately every two weeks but lapsed recently due to the program’s focus on its budgetary crisis.

Additional meetings need to take shape within and among discrete organizational units of the office such as the intake unit and staff, on a regular basis. Those meetings should help to inform the decision making process regarding the best and most efficient use of staff and resources.

***Recommendation IV.6.23.1 The executive director should continue to keep the lines of communication open and allow input from staff to help inform the decisions about the best way to address the budget shortfall, including any plans for layoffs or cost savings measures.***

### **Technology**

***Finding 24. CVLAS replaced its Kemp’s case management system with a widely heralded web-based case management system, “Justice Server.”***

Justice Server was developed through a partnership with LAJC, the Richmond Bar Foundation and Capitol One and was launched in July 2012 as a case management system used by all three programs. The pro bono portal of Justice Server, which provides a web-based pro bono case referral platform, was launched in December 2012. This portal allows private attorneys to screen and select cases based on their registered profiles and skill sets. Once a private attorney accepts a case – access is granted to a virtual case file which allows the attorney to review documents, case notes and other pertinent information. The program should encourage pro bono attorneys and advocates to review and utilize over 300 hotdocs available on the advocate portal of the statewide website.

Staff reviews have been mixed but generally positive with the feeling that the new case management system is easy to navigate. As noted earlier in this report, a new intake module was launched in December 2012 to address cumbersome aspects of the intake system in Justice Server. The executive director recently attended the TIG conference on a fully funded scholarship where he had the opportunity to share his experience with the Justice Server project.

***Finding 25. CVLAS has been in need of technology upgrades to its infrastructure and was recently awarded a grant to improve its technology.***

Many staff, in advance of the visit, expressed concerns regarding the slowness of the systems and the need for upgrades to the technology such as computers, scanners and copiers. The executive director announced, on the first day of the visit that the program was recently awarded a grant of \$52,000 from

the Cabell Foundation - sufficient to allow the program to replace its servers, desktop computers (6-8 years old) and purchase scanners and copiers. Microtel, CVLAS' technology contractor, has proposed the use of some of the funds to install a more powerful server in Richmond, and then implement a terminal server setup for the other offices to access remotely.

The program has encountered some bandwidth issues in the past, primarily due to remote offices that currently use an Outlook server that downloads email from the Richmond office. Problems have occurred when someone needs to download a lot of mail after being gone awhile and it slows down their system. Under a Terminal Server setup, the mail won't have to go back and forth. The increased number of staff connecting remotely could be a strain on the program's current bandwidth. The program will be scanning and uploading documents extensively into Justice Server. As a result, additional bandwidth might, also, be required.

***Finding 26. CVLAS contracts with an outside source for support of its technology system.***

Microtel Systems Corporation, an outside contractor, provides all support and maintenance for the program's technology. The executive director and the executive secretary, otherwise, try troubleshooting internally with respect to any technology problems. Microtel has provided a relatively stable wide area network for all three offices with appropriate backup and device recovery. The latter allows some sharing of documents across the three field offices. The support is primarily provided remotely with a field technician dispatched as needed for hardware repairs and upgrades. The executive director and the executive secretary serve as the liaisons between the staff and Microtel.

***Finding 27. CVLAS utilizes a sophisticated Avaya VOIP telephone system for the program's coordinated telephone intake.***

The program's Avaya VOIP telephone system allows staff to utilize a call center model for distribution of client calls to intake assistants across all three field offices. The team stressed the importance of the program taking advantage of the options available for tracking the number of calls and otherwise assessing the efficiencies or the lack thereof, in the current set-up/ structure. The latter would provide the program with important data as it assesses the best use of its staff and resources. The program should, also, consider referring callers who cannot be assisted at intake to other available resources such as vlegalaid.org.

***Recommendation IV.6.24.1 CVLAS should encourage pro bono attorneys and advocates to review and utilize over 300 hotdocs available on the advocate portal Statewide Website.***

***Recommendation IV.6.25.1 CVLAS should review the bandwidth requirements for proceeding with a "Terminal Server" set up. Additional bandwidth might also be needed as more case documents are scanned and uploaded into Justice Server.***

***Recommendation IV.6.26.1 CVLAS should initiate informal communications with other legal aid programs, i.e., through contacts made at the TIG conference, to assess the recommendations received from Microtel regarding the use of the technology grant funds for purposes of upgrades.***

***Recommendation IV.6.27.2 CVLAS should aggressively pursue the options available through the telephone system including sending telephone messages to email which would allow staff to have remote access and upload appropriate messages into Justice Server.***

### **Resource Development**

***Finding 28. CVLAS and LAJC are working collaboratively on mutually beneficial fundraisers and resource development opportunities while the program simultaneously pursues various other fund raising and in-kind donations independently.***

CVLAS no longer has a staff member dedicated to seeking resources for the program. As a result of the prior efforts of the resource developer, significant funding was obtained from the City of Richmond and the Richmond Bar Association, which generated approximately \$100,000 in annual funding over the past few years. The program has not made an effort to obtain *cy pres* or other awards but the program is developing a system(s) to recover attorney's fees in cases.

CVLAS received a \$50,000 matching grant from the Cameron Foundation in Petersburg. To meet the match within the nine month timetable, the program established a "Causes" page on Facebook, engaged in numerous letter writing campaigns, targeted corporate giving and participated in a concert and barbecue fundraising event in Petersburg. The event was attended by several hundred people and generated approximately \$5,000.

The program was in partnership with the William Byrd Community House to provide homelessness prevention and rapid rehousing for homeless people in the city of Richmond (July 1, 2009 through June 30, 2012). The partnership is funded through a grant from the city of Richmond. CVLAS has leveraged donated furniture, equipment and other services from a variety of sources.

Over the past year or more, CVLAS engaged the Virginia Commonwealth University's School of Media to redesign its website. The new website was launched over the past fiscal year. The improvements included a streamlined design, the ability for clients to access the general legal information on a variety of topics and the ability for interested persons to donate directly online to CVLAS. In addition to donating a new design for the program's website, VCU designed and printed posters and notices for the program's outreach efforts. CVLAS uses its Facebook page to keep the public aware of news stories related to the program's work.

Increased cooperation between CVLAS and its non-federally funded partner, LAJC, continue and have led to several joint initiatives. The programs have submitted dozens of joint grant applications to private and local government funding sources that have not previously been tapped. The belief is that the end result will be a stronger program with more resources. The programs held a joint fund raiser at the Hippodrome.

On January 12, 2012, along with its partners at LAJC, the Greater Richmond Bar Foundation held a "roll out" ceremony of the Justice Server project at Capitol One's corporate headquarters. Attorney General Ken Cuccinelli spoke at the event and addressed the needs of the client population. As a result of the

Justice Server Project, \$179,000 was raised from ten firms. The firms were willing to provide the funds so long as the system would aid in the provision of pro bono civil legal assistance to low income families in the state. CVLAS advocates attended the second Pro Bono Summit, sponsored by the Virginia Supreme Court and made a presentation to the court on the Justice Server project. Within the next two years, the system is expected to expand to all of the Virginia civil legal aid programs.

The program has, also, been the beneficiary of invaluable in-kind pro bono contributions from Hunton and Williams (full-time fellow at CVLAS 70% of the time) and McGuire Woods. Most recently, the program was selected by the Cabell Foundation to receive a \$52,000 grant to meet its technology needs.

Other observations include the need for the program to raise its profile and distinguish itself from its service area partner, LAJC. Simultaneously, it is clear that the two programs should complement each other and not duplicate each other's work. Therefore, they will need to work closely together and consider ways to jointly serve the needs of the poor while managing dwindling resources. The challenge for both programs, even more so for CVLAS in the immediate future, is how to continue providing high quality legal services in the face of funding cuts and the prospect of having to lay off more staff. Their joint efforts at collaboration should include addressing those concerns. The program has not publicized its accomplishments outside of its funding applications and the Justice Server project, however, it has plans to produce a glossy annual report for the first time in the upcoming year. The report will demonstrate the impact of its work on funders and will recognize the contributions of donors. In the interim, the program has produced "The Case for Support 2012" to solicit additional funds and resources.

The reality is that the executive director will need to devote substantial effort to meet the growing shortfall and increased financial needs of the program.

***Recommendation IV.7.28.1 CVLAS should continue to collaborate with LAJC to generate additional revenue resources.***

***Recommendation IV.7.28.2\* CVLAS should consider engaging a consultant to assist with resource development, pro bono or otherwise, and develop an aggressive resource development plan seeking new sources of funding, including private, corporate and cy pres.***

***Recommendation IV.7.28.3\* CVLAS should engage the board in the development of its fundraising plan.***

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

***Finding 29. To eliminate access barriers, CVLAS has increased its cooperation with LAJC, leading to several new joint initiatives and the program continues to work closely with other state partners.***

CVLAS and LAJC have launched several joint initiatives: a medical legal partnership with Richmond's Massey Cancer Clinic; staffing of a pro bono project involving unemployment insurance benefit hearings; launching Justice Server and; working with the University of Virginia School of Law and the University of Richmond School of Law on pro bono projects. CVLAS continues to be an active participant in the

statewide training and list serve efforts led by VPLC and is recognized for its extensive in-house substantive expertise.

Staff members are actively engaged in the local and state bar associations and provide leadership with respect to housing and domestic violence task forces throughout the community. CVLAS organized and participated in a mini-summit of stakeholders and volunteers in September 2011 at Hirschler Fleischer to expand pro bono bankruptcy assistance in Richmond and Petersburg. CVLAS was a participant in the 2010 and 2012 Pro Bono summits sponsored by the Virginia State Bar and the Virginia Supreme Court.

CVLAS staff attend the Consumer Law Task Force, the Housing Law Task Force, the Family Law Task Force, the Statewide Training Committee and the Statewide Website Committee meetings and are actively engaged in the consumer law list serve, the employment law list serve and the public benefits list serve. The Charlottesville staff attorneys are members of the Albemarle-Charlottesville Domestic Violence Council, a group comprised of shelter advocates, Commonwealth attorneys, victim-witness advocates, Department of Social Services workers, Child Protective Services workers, court services intake workers, University police, hospital sexual assault and domestic violence nurses, probation officers, etc. A Charlottesville staff attorney taught a course at the Statewide Virginia Sexual and Domestic Violence Conference regarding resources available to victims of domestic and sexual violence, through the legal aid offices, the courts and referrals to other programs and other solutions.

CVLAS attorneys participated in the second Annual Earned Income Tax Credit and Financial Freedom Fair, sponsored by MetroCASH on January 28, 2012 which included an audience of approximately 250 attendees.