



Office of Program Performance

FINAL

Program Quality Visit Report

for

LEGAL AID OF NORTHWEST TEXAS

Recipient # 744050

Dates of Visit: December 7-11, 2009

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INTRODUCTION

Background on the visit.

The Legal Services Corporation (LSC) Office of Program Performance (OPP) conducted a program quality visit to the Legal Aid of NorthWest Texas (LANWT) from December 7-11, 2009. The majority of the visit team was comprised of representatives from the Office of Program Performance (OPP), and included Stephanie Edelstein, program counsel and team leader, OPP Deputy Director Cynthia Schneider, and program counsels Willie Abranis, John Eidleman, Monica Evans, Mytrang Nguyen, and Tim Watson. The team also included Office of Compliance and Enforcement (OCE) program analyst Alberto Lopez-Silvero.

OPP seeks to ensure that all recipients of LSC funds are providing high quality, efficient, and effective legal services to eligible clients. The overall purpose of program quality visits is to assess the quality of legal services provided to eligible clients, including a program's engagement with and service to the low-income community; the effectiveness of its legal representation and other program activities; and its leadership, management, and administration. OCE seeks to ensure that programs are in compliance with the LSC Act and regulations. The purpose of the OPP portion of this particular visit was to conduct an overall evaluation of the services provided, but with an additional focus on leadership, management, and board oversight. The OCE portion of the visit was targeted to assessing the program's compliance with the agreed terms for resolution of a questioned cost proceeding.

In conducting this evaluation, OPP relied 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 evaluation was organized to follow the four Performance Areas of the LSC Performance Criteria, which cover needs assessment and priority setting; engagement with the low-income community; legal work management and the legal work produced; and program management including board governance, leadership, strategic planning, resource development, and coordination within the delivery system. OCE reviewed the program's accounting systems and accounts.

Prior to the visit, the OPP team reviewed LANWT's 2008 funding application, its 2010 renewal application, its case service (CSR) and other service (OSR) reports, and other documents submitted to LSC during the past year. The team also reviewed documents submitted in advance of the visit, including board of directors' meeting minutes, program policies and procedures, casehandlers' writing samples, and responses to an on-line staff survey. On site, the team visited the following offices: Abilene, Amarillo, Denton, Fort Worth, Dallas, Lubbock, McKinney, Midland, Odessa, Plainview, Waxahachie, and Weatherford. The team was not able to visit the offices in Brownwood, San Angelo, or Wichita Falls, but interviewed staff from those offices by telephone. The team interviewed the executive director (chief executive officer), chief financial officer (CFO), director of human resources, director of pro bono and bar relations, director of

development, director of information technology, and regional counsels. The team also interviewed most managing, supervising and staff attorneys, pro bono coordinators, paralegals, and administrative and support staff. The team met in person or by phone with the program's board chair and several board members, the state bar president, judges, and representatives of other community organizations.

Program overview.

In 2009, LANWT received \$8,068,757 in Basic Field funding from the Legal Services Corporation. It does not receive LSC Native American or migrant funding. At the time of the visit the program was also receiving approximately 40 other grants from a variety of federal, state and local funding sources designed to address the needs of specific client populations. Other significant sources of funds include the Texas Access to Justice Foundation, the Texas Office of Attorney General, the U.S. Department of Housing and Urban Development, several city and county governments and local United Ways, and the Dallas Bar Association Community Service Fund. In December 2009, LANWT projected that total income for 2009 would be \$14,608,099.

The LANWT service area encompasses 114 counties across 107,000 square miles in the Texas Panhandle, north central and west Texas. Except for the Dallas-Fort Worth area and a handful of small cities, the service area is primarily rural. The largest offices are in Dallas, which also houses the Dallas Volunteer Lawyer Program (DVAP), and in Fort Worth, which also houses the program's headquarters and administrative offices. The poverty population of the service area at the time of the 2000 census was 12.13%, but that population is growing, especially in urban areas. The area is also becoming more diverse, particularly in more urban areas, with an increasing Hispanic population, significant pockets of African Americans, and recent immigrants from Asia, Africa, and central and eastern Europe. At the time of the visit, LANWT had a staff of 204, including 92 full-time and 20 contract attorneys who staffed the Legal Aid Line and the Access and Visitation Hotline.

LANWT was created in 2003 as the result of a merger of the Dallas-based Legal Services of North Texas and the Fort Worth-based West Texas Legal Services. The merger was difficult, and the goal of a unified law firm has taken time to attain. Communication between management and the board, and between management and staff, was not always effective. In 2008, LANWT experienced a crisis of leadership and a serious budget shortfall, due in part to costs of construction of a new headquarters building in Fort Worth that were not fully examined. In June of that year, several staff attorneys were released without notice to the affected employees or to their managing attorneys. In August 2008, the then-executive director was placed on administrative leave and Errol Summerlin, then deputy director of Texas RioGrande Legal Aid, Inc., began serving as the program's "interim administrator." The then-executive director was released in September 2008. In 2009, concerned about program leadership, board oversight and fiscal management, LSC imposed special grant conditions requiring that an executive director would be timely hired; that the board would receive training on oversight responsibilities; and that steps would be taken to address the deficit, including

establishment of a capital campaign to help cover the building costs. The program's other major funder, the Texas Access to Justice Foundation, imposed similar conditions.

Errol Summerlin remained as interim administrator and in June 2009, was hired as executive director.¹ In January 2009, the program reported that the deficit had been eliminated and in the months following, complied with the LSC grant conditions. . In February 2009, the LSC Office of Inspector General conducted a review of the program's internal controls; a final report was issued in August 2009. In August 2009, OCE questioned costs on the use of LSC funds for two expenditures: a stone facade on the exterior wall of the Fort Worth headquarters building and an evaluation of program management by a consultant group. The questioned cost issue was resolved when LANWT agreed to provide documentation to support the procedures used to engage the consultant and also agreed to use private funds to cover the costs of the stone wall. The agreement also called for LANWT to reinvigorate its capital campaign to help pay for the building, and to utilize a fund accounting system to document the use of non-LSC funds.

OPP has not conducted an on-site quality evaluation of LANWT since the two programs merged. OCE conducted a CSR/CMS review in 2004. In early 2009, at LANWT's request, OPP TIG staff assessed the program's use of technology. The purpose of the OPP portion of the current visit was to evaluate all aspects of LANWT's delivery system, using the *LSC Performance Criteria* as a guide. The recent events described above called for special attention to board governance, program leadership, overall management and administration, and resource development.

SUMMARY OF FINDINGS

LANWT annually assesses the legal needs of low-income people in the service area in anticipation of priority setting. Program resources appear to be reasonably allocated to meet priorities. The strategic planning process begun in 2008 was behind schedule due to other obligations of the board and executive director, but was to be revitalized in the near future.

LANWT serves a vast area across north and west Texas and uses outreach sites and clinics to maximize client access to services. Offices are accessible to the client community. The new Fort Worth headquarters building is spacious and welcoming, and includes room for growth. The older Dallas office building is due for maintenance.

Interviews confirm that LANWT values the dignity of clients and makes an effort to serve them in a culturally competent manner. The intake system offers several options for access, including a toll-free hotline, walk-in opportunities, and outreach sites (clinics), but the various processes for conducting intake and coordinating referrals among offices are unclear and not always consistent or effective.

¹ LSC recognizes that LANWT uses the term Chief Executive Officer (CEO) rather than executive director. However, to maintain consistency with LSC reports on other grantee programs, this report uses the term executive director.

LANWT staff are knowledgeable about clients' legal problems and possess the requisite practice skills to address them. They strive for results that are compatible with the client's individual goals as well as program priorities. Attorneys have a presence in the courts, including the appellate courts. In general, attorneys have sufficient access to the tools they need to be effective. LANWT's caseload is significantly weighted towards family law, and in some communities there is a perception that the program handles only family law. The program is taking steps to address this issue, including by informing the community about the range of services available and instructing new hires to take only non-family cases. LANWT is revising its systems for supervising legal work, and in part due to this transition, the lines of supervision at the management level were not always clear to the visit team. LANWT is hiring a director of litigation to coordinate advocacy program-wide. Advocates attend state and national trainings, and participate in statewide practice groups and listservs. The program's own practice groups are being revived.

LANWT demonstrates a commitment to effectively integrating private attorneys into its work, and to providing them with support and recognition. The Equal Justice Volunteer Program (EJVP) serves all counties except Dallas and is staffed by a coordinator in each office. The Dallas Volunteer Lawyers Program (DVAP), a project with the Dallas Bar Association Community Service Fund, serves Dallas County. Volunteers include attorneys, judges, law students, court clerks, court reporters, law librarians, legal secretaries and paralegals. In Dallas and Fort Worth, large law firms contribute their services. The program partners with the private bar and the courts to operate uncontested divorce pro se clinics. The director of pro bono and bar relations reports to the executive director. LANWT convenes an annual Pro Bono Summit.

Staff participate in community task forces and other organizations. Many program attorneys are active in bar associations. The program is in the process of updating its website to include additional consumer materials.

The board demonstrates a renewed commitment to the program and its mission, is appropriately involved in major policy decisions, and is asserting effective oversight. During the past year, the board has received training on the LSC regulations and on fiscal oversight responsibilities. Additional trainings are planned for 2010. In March 2009, the board adopted staggered terms. Term limits will be considered in 2010.

LANWT appears to be well-managed and administered and to have effective leadership with a vision for the future of the program. The executive director has established himself as an effective leader, giving the organization a vision for the future, bringing it out of financial crisis, and improving staff morale.

The technology plan is well-conceived but has not yet been fully implemented. The videoconferencing equipment is impressive. Issues with the case management system are being addressed, and different systems are being explored.

The board's oversight of the program's finances is significantly improved, and appears to be effective. The finance department provides board members weekly statements of cash flow and monthly expense/revenue reports. The board received training on evaluating financial statements. LANWT appears to have sufficient and capable staff dedicated to financial administration, and to have addressed the internal control deficiencies issues found in the 2008 financial audit. The program is in the process of complying with the agreed terms for the resolution of the questioned cost related to construction of a stone wall on the new Fort Worth building.

The human resources department does not have the capacity or the expertise to address the personnel issues inherent in an organization of its size. The plan for continuity of services and disaster recovery in effect at the time of the visit needs to be updated and to include more detail.

LANWT has systems and procedures for facilitating regular communication among staff, and between branch offices and program management. Since the visit, LANWT hired a director of communications. The program has effective systems for resource development. It maintains and encourages a coherent delivery structure that is a key component of the statewide legal services delivery system.

DISCUSSION OF FINDINGS

PERFORMANCE AREA ONE. Effectiveness in identifying needs of low-income people in the service area and targeting resources to meet those needs.

Finding 1. LANWT assesses the legal needs of low-income people in its service area as part of its annual priority setting process.

LANWT annually assesses the legal needs of low-income people in the service area in anticipation of priority setting. The program reviews available data, including demographic studies and CSR reports. It distributes a written questionnaire in Spanish and English to people seeking LANWT services, and to groups that work with the low-income community. The questionnaire is also sent to other community groups, client organizations, bar leaders, local government officials, judges, hospitals, churches, and social services agencies. Return postage is provided. Persons needing assistance with the questionnaire are aided by program staff or partner organizations. Previous assessments have not included telephone or on-line surveys for individuals, focus groups, or input from program staff.

The most recent legal needs assessment was performed in the Fall of 2009 in conjunction with priority setting for 2010. The pressing unmet needs identified were: (1) support for families, particularly households of battered women, children, single parents, and grandparents; (2) safety, stability, and health, including stopping or preventing the abuse of women, children and the elderly; (3) preventing the loss of housing caused by health and safety, eviction, or foreclosure; preserving existing housing and improving

access to housing; and resolving landlord/tenant disputes regarding repairs, deposits, and improper eviction; (4) maintaining economic stability when a family's source of income is at risk as a result of improper or illegal action; and (5) preventing the abuse or exploitation of populations with special vulnerabilities, including those who are elderly, new immigrants, or who have physical or emotional disabilities, particularly those who are homeless.

Recommendation:

I.1.1² LSC encourages LANWT to use additional methods of collecting information in future needs assessments. These methods could include telephone and on-line surveys, focus groups, and in-person interviews to obtain input from persons with low literacy levels, speakers of languages other than English or Spanish who have limited English proficiency, or those who are elderly or disabled. LANWT should also obtain input from its staff (including intake staff) and board members in addition to the community organizations and agencies, judges, bar members and others who are currently surveyed. LSC recommends that such comprehensive legal needs assessments be conducted at least every five years.

Finding 2. LANWT periodically sets goals and objectives and develops strategies to achieve them based on available resources.

LANWT's annual priority setting process includes board review of the legal needs assessment and consideration of available resources.³ Program resources appear to be reasonably allocated to meet priorities. Staff are aware of priorities and adhere to them. Staff also appear to be sensitive to changes in client community needs and demographics.

While the priorities approved by the board are diverse and cover a range of legal issues, that diversity has not been reflected in the program's caseload, which is significantly weighted towards family law. This issue is discussed in Finding 11.

Finding 3. LANWT is in the process of conducting comprehensive strategic planning.

LANWT began a strategic planning process in late 2008, when the current executive director was hired as interim administrator. The overall goals of the strategic planning process are to develop a mission statement and a three year plan for the program that will allow for adjustments to respond to emerging needs and fluctuating resources. At the time of the LSC visit, the process was behind schedule due to other obligations of the board and the executive director, but the intention was to revitalize the process in the

² Recommendations in this report will have three numbers and will immediately follow findings. The Roman numeral references the Performance Area, the second number corresponds to the finding, and the third number is that of the recommendation.

³ The LANWT board reviewed and approved priorities for 2010 at its December, 2009 meeting, which occurred after the LSC visit.

very near future. At the time of the visit it was not clear to LSC what role the board of directors committee on long range planning and resource development would have in this initiative, but the program has since reported that this committee will oversee development of the strategic plan under the leadership of the board's vice-chair.

One step already taken at the time of the visit was a program-wide meeting (in person and using videoconferencing) during which each staff person was asked to respond to four questions: Who are our clients? What do we want to accomplish for them? How do we intend to accomplish it? What do we want or expect from LANWT in order to accomplish those objectives? That meeting was followed by a series of town hall meetings convened by each branch office with other legal and social services providers, judges, and private attorneys. At each of these meetings, LANWT staff explained the program's priorities and resources, asked for input on what participants considered important, and asked how they might work collaboratively to meet the legal needs of the client community. At the time of the visit, all but one office had held at least one town hall meeting. Reports on all meetings were being prepared and circulated to staff and the board for further consideration.

While formal strategic planning may have stalled temporarily, the effort is already showing some local results. One office learned of a legal need not currently being handled and was planning to address it. Another office learned of a small county in its service area that was not being adequately served, and quickly organized an outreach clinic in response. A third office plans to work with local organizations to develop a domestic violence partnership and a homeless project. These actions demonstrate a dedication to serving the client community and a proactive, flexible approach to meeting client needs. They are also good examples of how the program might use town hall and other in-person meetings to learn about and respond to emerging needs.

Recommendations

I.3.1. LANWT is urged to revitalize its strategic planning process as soon as possible. The process should be led by a designated individual or committee of board and staff and should result in a clear and consistent articulation of: (1) strategic direction for the program (*i.e.*, where the program will be in next three or more years); (2) priorities, goals and objectives that must be accomplished to achieve the vision, as well as a timeline; (3) staff who are held accountable for achieving those objectives; (4) an inclusive budget planning process based on program priorities *and* operational goals (not only services to clients); (5) systems and procedures for evaluating success in achieving the vision; and (6) continuous communications to board and staff on the progress being made.

I.3.2. LANWT is encouraged to review other programs' strategic plans, some of which are available on the LSC Resource Information website, www.lri.lsc.gov, as well as Performance Area One of the *LSC Performance Criteria* pertaining to assessment of legal needs and priority setting.

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

Criterion One: Dignity and sensitivity.

Finding 4. LANWT services are conveniently located and accessible to the client community, and offices are professional.

The LANWT service area covers 114 counties across 107,000 square miles in the Texas Panhandle, north central, and west Texas. Except for the Dallas Fort Worth Metroplex area and a handful of small cities, the service area is primarily rural. The largest offices are in Dallas, which also houses the Dallas Volunteer Lawyer Program (DVAP), and in Fort Worth, which houses the LANWT administrative offices. Smaller offices are located in Abilene, Amarillo, Brownwood, Denton, Lubbock, McKinney, Midland, Odessa, Plainview, San Angelo, Waxahachie, Weatherford, and Wichita Falls. The program uses outreach sites and clinics to maximize access to its services for the low-income community across its vast service area.

Offices visited by the LSC team are appropriately furnished and in general had adequate space to receive and interview clients in a professional manner. Offices are located near courthouses or public transportation where it is available, and they are accessible to persons with disabilities. The new headquarters building in Fort Worth is spacious and welcoming, and includes room for future growth. It is located near courts, the law school, and the county bar association. The Dallas office is in the heart of downtown near the courts and other services. As an older building, the Dallas office is due for repairs and modernization. The new Waxahachie office is centrally located and provides an open and welcoming space. The staff there commented how much they appreciated the then-interim administrator acting quickly on their longstanding request for a more professional office. The Midland office has a very small reception area that creates problems for staff and clients on intake days. The program is aware of this deficiency. Internal signage is appropriately informative throughout the program, although some offices could benefit from clearer external signage. One office that could use better signage is Amarillo. It lacks clear signs at several points where a visitor might look, including outside the multistory building, in the lobby, and near the elevator on the floor on which the office is located.

Recommendations

II.4.1. To the extent possible, LANWT should explore means to alleviate the limitations imposed by the Midland office reception area.⁴

II.4.2. LANWT is urged to improve the signage for the Amarillo office.⁵

⁴ The program reports that it has negotiated a new lease on the Midland office that will increase the size of the office and include renovations, which will begin in May.

⁵ The program reports that it has contacted the owner of the Amarillo building to determine how best to address the signage issue.

Finding 5. LANWT conducts its work in a culturally and linguistically competent manner.

Interviews with staff, board members, and community organizations confirm that LANWT values the dignity of clients and makes an effort to serve them in a culturally competent manner. The primary language spoken by most clients is English, but there is a high and growing percentage whose first language is Spanish. Languages, other than English, spoken by groups in the area include Arabic, Urdu and the languages of Africa and central and eastern Europe. There is a significant Vietnamese community in the Dallas Fort Worth Metroplex area. Hiring bilingual staff, particularly those who are fluent in Spanish, has been and continues to be a priority. At least one attorney is fluent in Vietnamese and other attorneys are proficient in French, Italian, and German. Other staff are proficient in Russian and Polish. When necessary, the program uses a tele-interpreter service. LANWT has an LEP Plan, although not all offices appear to be following it. For example, staff were asked about issues involved in communicating with clients who speak languages other than English. Most responded that they use the tele-interpreter service, but some noted that clients are asked to bring their own interpreter. LANWT also uses the state-supported TDD operator program to communicate with callers with hearing impairments.⁶

Recommendation

II.5.1. LANWT should ensure that all staff, particularly those who have direct contact with the client community, are aware of the program's LEP plan and of language access resources in the service area, and that they follow the protocols of the plan.⁷

Criterion Two: Engagement with the low-income population.

Finding 6. LANWT is engaged and visible in the client community.

LANWT is engaged and involved with organizations providing services to the low-income community in its service area. That involvement includes attending meetings, conducting outreach, intake, and educational programs and clinics, and accepting referrals of eligible clients. The active participation in the community by Equal Justice Volunteer Program coordinators and the input of local EJVP Advisory Councils to the work of the program strengthens those connections. The recent series of town hall meetings conducted as part of the strategic planning process stands to further enhance relationships with community organizations and to develop new relationships in areas the program has not heretofore served.

⁶ The program reports that while it continues to hire bilingual staff, it is obtaining a license from Rosetta Stone that will permit interested staff to learn Spanish at their own pace and on their own schedules.

⁷ The program reports that it has allocated specific funds for translation services and emphasized the availability of those services to staff.

Recommendation

II.6.1. LANWT is encouraged to build upon the relationships being developed through town hall meetings and to seek out opportunities to develop additional relationships, particularly in communities or with populations the program has not previously served.

Criterion Three: Access and utilization by the low-income population.

Finding 7. The LANWT intake system offers several options for access, including a toll-free hotline, walk-in opportunities, and outreach sites (clinics), but the various processes for conducting intake and coordinating referrals among offices are unclear and not always consistent or effective.

The LANWT intake system offers applicants several opportunities to access the program's services. They may call the Legal Aid Line, housed in the Dallas office, which operates two toll-free hotlines: one for residents of the Dallas Fort Worth (DFW) Metroplex area, and a second for residents living elsewhere in the service area.⁸ Applicants can also call the branch office serving their community, or they can apply at most offices in person during designated hours. They may also apply at one of several pre-scheduled alternative intake sites, known as clinics, in the community. Home visits are conducted when necessary. LANWT has an intake manual designed to establish program-wide consistency in the intake process while allowing for the circumstances of individual offices. The intake manual includes case selection criteria.

The telephone hotlines are staffed by contract attorneys supervised by an experienced managing attorney. The contract attorneys include those who are retired, those who are newly admitted to practice, and those who wish to work part-time. At the time of the visit, there were 20 contract attorneys working on the Legal Aid Line and Access and Visitation Hotline. Intake hours were 9:00 a.m. - noon, Monday – Friday for the Legal Aid Line and noon to 7:00 p.m. for the Access and Visitation Hotline, with plans underway to hire additional attorneys and expand the Legal Aid Line to afternoon hours in early 2010.⁹ Callers to the Legal Aid Line speak with an intake attorney at their first point of contact. The attorney screens for eligibility while entering information into the case management system, provides information and a referral to those who are not eligible, and conducts an intake interview for those who are eligible. If only advice is needed, the intake attorney provides the advice over the phone and sends a letter confirming the advice and closing the case either the same day or the next. If extended services are needed, the case is prepared for review by the supervising attorney, who then refers the case to the appropriate unit (in Dallas) or to a branch office.

⁸ With a grant from the Texas Attorney General, LANWT also operates the Parental Access and Visitation Line, which at the time of the visit was staffed by eight part-time contract attorneys who provide information to non-custodial parents who have questions about custody and visitation issues. This service has no eligibility guidelines, and no attorney-client relationship is established. Staff are trained by the Attorney General's office and supervised by the intake unit supervising attorney.

⁹ The program reports that additional contract attorneys were hired effective January 4, 2010, bringing the total to 30. The Legal Aid Line now operates 9:00 a.m. to 4 p.m. Monday – Friday. In addition, The Legal Aid Line now includes special call-back times for applicants who speak only Spanish.

The Legal Aid Line can be a valuable tool for the program and an important resource for the client community, but its full potential has not been realized. There are too few phone lines, leading to long waits to speak to an intake attorney. Callers to the Dallas area Legal Aid Line may be on hold for up to 30 minutes before they speak to an intake attorney. The wait time for those calling from outside the Dallas area may be up to 20 minutes. While on hold, the caller listens to a recording describing the services that LANWT provides. In late 2009, intake unit staff conducted a “snapshot” review of incoming calls, applications taken, referrals made, and cases closed after referral. While 600 calls came in during the month of November 2009, only 340 applications were taken, indicating that callers are giving up.

The intake line for callers outside the Dallas area appears to be underutilized. The reasons for this are unclear. It could be a lack of advertising, or a client preference for in-person contact even if it entails travel and a wait. There appears to be some miscommunication between the Legal Aid Line and branch offices concerning case acceptance guidelines and what cases are appropriate for referral for extended service. The team heard concerns from the Legal Aid Line that cases referred to branch offices for extended services were being closed as advice only. We heard from some branch offices that some referrals from the Legal Aid Line were incomplete and required them to repeat the intake interview, or that the referrals were not appropriate for extended services. We also heard about some branch offices directing applicants who had come into the office with an emergency to call the Legal Aid Line.

Intake schedules and procedures vary by office. The Fort Worth office accepts telephone inquiries Monday – Wednesday from 8:30 -11:00 a.m. and 1:30 - 4:00 p.m. Applicants are pre-screened at that time and those who meet preliminary criteria are invited to come into the office the following day an interview (or the same day if there is an emergency). There are 18 interview slots – nine in the morning and nine in the afternoon, but no specific appointments. Applicants arrive at either 8:30 a.m. or 1:30 p.m. and wait to be seen. Those who call after all appointments have been scheduled are asked to call back the following intake day, or to visit one of several clinics on specific legal issues. Those who receive an appointment are interviewed by an attorney in the appropriate substantive unit. In Dallas, walk-in intake occurs on a first-come first-served basis on Mondays beginning at 8:30 a.m. The first 30 applicants are screened and interviewed by an attorney or paralegal who refers eligible individuals to the managing attorney of the appropriate substantive unit. Other branch offices have their own intake schedules. Some accept intake calls one day a week; some accept them more often. Some screen for eligibility over the phone; others do not.

In addition to the Legal Aid Line and individual office intake, LANWT also offers applicants the opportunity to apply for services at one of several intake clinics in the community. At these clinics, usually scheduled on weekends or in the evening, applicants for services are screened by staff and receive advice from volunteer attorneys. Issues requiring more extended services may be handled by a pro bono attorney or LANWT staff. Schedules and topics are determined by individual offices are part of the

program's PAI activities. Clinic schedules, but not topics, are posted on the LANWT website.

Applicants seeking services from offices that do not screen over the phone may be required to travel long distances and wait for considerable time for an interview, only to be told that they are not eligible for services, or that their case is not one that the program will handle. It is not clear whether all applicants are informed about their options to attend an upcoming intake clinic, or to call the Legal Aid Line. A first-come first-served intake system also means that applicants who have a matter that is serious but has not yet risen to the level of emergency could call or come in to an office repeatedly, but not be interviewed because they miss the cut-off. Meanwhile, the unresolved problem escalates until it does become an emergency.

Applicants who apply in person (*i.e.*, those who do not call the Legal Aid Line) are asked to complete an application form prior to the intake interview. The team heard different reactions to this process. Some staff found that it was efficient, while others reported having to go through the entire form again because applicants did not understand the questions, or misreported income. In either case, the intake worker must verify and then enter the information into the CMS.

Offering a wide variety of intake opportunities expands access to a program's services, but it also brings challenges. One such challenge is avoiding community and staff confusion about intake procedures and the possibility that clients who live in different parts of the service area lack equity of access to services. At LANWT, some staff had difficulty explaining the intake system in their own offices and were unaware of the process in other offices. There is very little coordination among offices, and no one person has a complete understanding of how intake operates throughout the program. There has been no analysis of the effectiveness of the various access portals *i.e.*, the number of cases that come into the program through walk-in applications, the number from telephone intake or hotlines, the number from branch offices, and the number from intake clinics.

All offices hold weekly case acceptance meetings that include a discussion of the issues presented by the case and the options for proceeding. Clients are informed in writing within one to two weeks of their initial interview, whether their case has or has not been accepted. Those whose cases are not accepted receive advice letters. Those whose cases are accepted are so informed, and receive information about next steps.

Recommendations

II.7.1. LANWT is urged to conduct a thorough evaluation of its intake system to determine whether operations are efficient and effective, and whether they respond to client needs in an equitable manner across the service area. The evaluation should consider all intake points and procedures, including such issues as the efficacy of having applicants complete paper applications before the intake interview, how case acceptance policies are applied in different offices, how emergencies are handled, and how offices

communicate their intake policies to the client community and to each other. The evaluation should include feedback from clients. LSC recommends that this analysis be coordinated by a committee representing different offices and staff positions.¹⁰

II.7.2. LANWT should encourage effective and ongoing communication between the Legal Aid Line and branch offices and units. The Legal Aid Line must be kept apprised of each office's case acceptance guidelines and capacity to take cases at a given time, so that cases are not referred inappropriately.

II.7.3. LANWT should consider assigning one person to acquire a working knowledge of intake procedures throughout the program. That person should be kept informed of modifications to intake procedures in individual offices as they occur, and should have the authority to suggest adjustments to intake in order to address such modifications.

Finding 8. The intake process for emergency cases in large offices can be inefficient for staff and involve long waits and repetitions for clients.

All offices make provisions for emergency intake, defined as an eviction notice or other pleading requiring a response or court appearance within three days of the date of application. Some attorneys also noted that applicants who are elderly or have disabilities would be interviewed under the protocol for emergencies. Emergencies are handled differently in different offices. In the larger offices – Dallas and Fort Worth – applicants with emergencies are interviewed by attorneys who screen for eligibility and conflicts, then conduct a preliminary interview, entering this information into the case management system. Attorneys are not assigned to interview applicants based on the area of law in question. This system can be efficient if the client's problem is within the intake attorney's practice area. However, if the intake attorney determines that the issue is outside her expertise, she must refer it to the managing attorney of the appropriate substantive unit, who reviews it and assigns an attorney in that unit to speak to the client or consult with the intake attorney. Under these circumstances, the intake attorney has spent time that might have been better spent with a different client, and the client may have to wait as long as another hour to repeat her story to the second attorney. In smaller offices where more attorneys are generalists, this issue is not as significant.

Recommendation

II.8.1. Review of the intake system should address emergency procedures in all offices.

Finding 9. Training for intake staff varies from office to office.

Contract attorneys new to the Legal Aid Line, receive thorough training prior to conducting intake. They participate in a two-day training that includes the LSC regulations, Practice Manager, substantive law, and intake procedures. Before they start handling calls independently, new intake attorneys are required to observe an experienced

¹⁰ LANWT reports the establishment of a small committee to review the intake process and manual, including case selection criteria, and to recommend revisions thereto.

intake worker and have their own calls monitored. The unit supervising attorney is available to answer questions, and she reviews intakes on a daily basis. The level of training for intake staff in other offices is unclear.

Recommendation

II.9.1. The evaluation of the intake system should address staff training in all offices.

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

Criterion One: Legal representation.

Finding 10. LANWT demonstrates the capacity to perform effective legal work.

The LANWT service area is vast and as with any legal services program, resources are limited. The situation was exacerbated in 2008-9, when the program experienced heavy staff losses, particularly of attorney staff. Although some ground has been regained with recent hires, some offices that used to house four or five attorneys are now limited to two. Despite the foregoing, LANWT has retained a core capacity to address client needs. Its advocacy staff evinces a high degree of collective experience and talent.

Interviews confirm that program lawyers are knowledgeable about clients' legal problems and possess the requisite practice skills to address them. They strive for results that are compatible with the client's individual goals as well as program priorities. They have a presence in the courts, including the appellate courts. From time to time LANWT attorneys have also argued before the Texas Supreme Court. A good sample of attorneys reported that they are in court frequently, often several times a week, and that they regularly appear in courts in remote areas. Some LANWT staff are also asked to make presentations at training events, which is a reflection of their expertise. Most writing samples reviewed by the team were well-drafted, and used a range of tools and strategies. Some samples involved complex issues and creative legal arguments. However, several writing samples, including some court pleadings, would have benefited from more precise editing, including of grammar and punctuation.

In general, attorneys have sufficient access to the tools they need to be effective in their work. The program has a litigation budget that attorneys do not hesitate to access. Attorneys use Lexis for legal research. They have access to ProDocs software for document creation and management, and they employ blast emails and the search capability of the Practice Manager CMS to find briefs, motions, and forms. There have been some problems with the current technology, discussed in Finding 17.

LANWT is exploring different case management system options, and at the time of the visit was about to begin using the SharePoint platform for document storage and sharing.

Finding 11. LANWT's closed case data is comparable to other programs, but its proportion of family law cases far exceeds the national norm.

In 2008, LANWT closed 19,189 cases. In the first three quarters of 2009, the program closed 13,463 cases. If the latter number is annualized, it would amount to approximately 18,000 cases for 2009.¹¹ Considering the turmoil and staff reductions of the past year, it is commendable that the remaining staff managed to maintain the level of program-wide case closures to within 5% of the previous figure.

In 2008, LANWT closed 234 cases per 10,000 poor people, which is lower than — but within 10 percent of — the national median of 254. LANWT slightly exceeds the national profile regarding the number of extended cases closed. Nationally, the percentage of extended cases is 21%; at LANWT it is 23%. Comparing a program's case statistics to the national median may not always lead to specific conclusions, but it can be a tool for reflection. The data can be influenced by a number of factors including funding, management and programmatic transitions, staff experience levels, demographics and geography of service area, changes in priorities or level of services provided, work that is not captured by CSRs, expenditure of resources, or complex litigation.

LANWT's most dramatic departure from the norm is its high percentage of family cases. That percentage has fallen slightly in recent years, but remains significantly higher than the national median, which in 2008 was 30%. In 2003, 72.3% of LANWT's closed cases were in family law; in 2008 that number was 70.8%. The figures for the first three quarters of 2009 show that the percentage of family cases is still at the same approximate level. In at least two offices, the 2009 data to date show the caseload to be almost exclusively family law. Interviews with some community organizations and judges reflect a perception that LANWT accepts *only* family law matters.¹²

The program is aware that it needs to diversify cases beyond family law and has instructed many new hires that they may take only non-family cases. In some locations, community education and outreach clinics are being used to inform the courts, the legal community and the client population about the range of legal areas available for representation. Interviews with staff suggest that while some are dedicated to family law and hope to continue to practice in this area, there are a number who would enthusiastically embrace the opportunity to handle other kinds of cases. The removal of

¹¹ In the 2009 CSR report submitted to LSC after this visit, LANWT reported closing 18,394 cases in 2009.

¹² LANWT reports that on January 1, 2010, 64% of open cases were in family law. In addition, the percentage of open cases in the areas of housing, consumer and economic benefits was higher than in the same period in 2009.

the LSC restriction on seeking attorneys' fees presents a good opportunity not only to become involved in new areas of law, but also to generate resources for the program.

Recommendations

III.11.1. LANWT should continue its efforts to expand beyond family law as the primary area of practice. As part of this effort, LANWT could:

- use the strategic planning process and information obtained through intake to identify emerging issues;
- expand its outreach efforts and consider a public awareness campaign to inform the client community, courts, private bar, and other agencies and organizations about the scope of its services, particularly in areas other than family law;
- review cases to identify those that would benefit from more complex advocacy; and
- encourage discussion of issues and strategies in the reconstituted practice groups.

Finding 12. During the past year, LANWT has revised its systems for supervising and managing legal work to make them more effective, and it continues to examine and revise those systems as needed.

In general, LANWT supervising and managing attorneys are effective in managing legal work in their offices and supervising their staff. They use the CMS to generate case lists in order to view staff caseloads, identify dormant cases, and see types of cases being handled. Individual caseloads appear to be at acceptable levels although some are somewhat high as a result of the 2008 staff reductions. All managers reported using regular staff meetings as a method for keeping themselves and staff informed about office operations and program issues. The executive director communicates regularly with managers about program issues. LANWT's Advocacy Manual provides guidance regarding case handling and file management. Some advocates felt that the manual needs to be updated to reflect current practices. The manual could be further improved with the addition of uniform standards for case acceptance and overseeing casework.¹³

LANWT currently employs a management structure that includes unit supervisors in large offices, managing attorneys of all offices, and regional counsel. In the past, the regional counsels were responsible for offices in a particular region of the service area. Now, as part of the effort to move away from geographic loyalties, regional counsels are responsible for certain activities program-wide, e.g., appeals, litigation costs, or training. Managing attorneys report to the executive director. Staff attorneys and other advocates report to their unit supervisor or managing attorney. This structure is in transition, and at the time of the visit the lines of supervision at the management level were not always clear to the team, or indeed to some managers. Managers met twice in 2009, once to discuss general and legal work management issues, and the second time as part of strategic planning. There was also a managers meeting in 2008, with some people

¹³ Since the visit, LANWT has reported that the Advocacy Manual is being revised and updated.

participating by videoconference. All supervising and managing attorneys and regional counsel interviewed found these meetings to be constructive.

In programs of this size, a director of litigation or advocacy can be very beneficial and might serve to alleviate some organizational confusion. LANWT is aware of this and at the time of the visit was in the process of hiring for such a position.

At the close of each extended case, a closure form checklist is completed, and a closure letter and satisfaction questionnaire is mailed to the client. Interviews suggested that clients usually report that they are satisfied. The most common complaint is that an excessive amount of time was taken to complete the case, which staff explained was in large part a consequence of the 2008 layoffs LANWT has systems in place to ensure appropriate calendaring and meeting of deadlines. Several staff reported keeping a paper calendar as well as the calendar in Practice Manager to ensure that information is preserved in the event of a breakdown in the CMS system.

Advocates' access to training to maintain their capacity to represent clients and stay current with the law has improved. Relevant trainings of value to LANWT staff include the State Bar of Texas continuing legal education programs, particularly the annual statewide Poverty Law Conference and the statewide Advanced Family Law Training. Some advocates indicated that until very recently, obtaining clearance to attend these and other training events had been difficult, time-consuming, and required a great deal of persistence. This situation may have been ameliorated under a new system designed to ease the process of obtaining approvals to attend trainings. Attorneys interviewed reported a significant increase in the number of advocates who were permitted to attend trainings this year. Several attended the Poverty Law Conference. Others attended the family law training, and at least one attended the 2009 National Consumer Law Center conference. A group of managing attorneys is slated to attend the February 2010 MIE Supervising Legal Work training. Some staff attended the 2009 NLADA Annual Conference.

In addition to formal training events, some advocates participate in statewide practice groups and listservs in substantive areas, including housing and family law. In the past LANWT had program-wide practice groups in designated poverty law subjects, but they were did not receive a great deal of support from management, and as a result fell into inactivity. The practice group concept is being revived, and as currently envisioned each group will have a designated leader who will provide program-wide coordination and substantive legal support to individual members who have cases in the particular substantive area.

Recommendations

III.12.1. LANWT should continue to encourage staff attendance at outside trainings and conferences, and should expect staff who attend such events to share information and materials about emerging issues and strategies for addressing those issues. While cost

can be an issue, particularly for national conferences, a number of conference sponsors offer scholarships to first time attendees.

III.12.2. LANWT should pursue its goal of soon hiring a director of advocacy or director of litigation, supervised by the executive director. Responsibilities for such a position can be flexible and tailored to meet the needs of the program and to coordinate with other senior staff assignments, but as resources permit they could include:

- coordinating advocacy and litigation program-wide;
- identifying cases that would benefit from more complex advocacy, and encouraging discussion of issues and strategies in the newly reconstituted practice groups;
- supporting program-wide practice groups;
- developing program-wide e-mail discussion groups or listservs on needed topics not already addressed by existing listservs, and encouraging staff participation in state and national listservs;
- if appropriate under the staffing structure, approving appeals and litigation requests in light of program priorities and resources;
- establishing a mechanism to facilitate co-counseling and teamwork on individual cases and significant advocacy efforts, with an emphasis on inter-office collaborations;
- co-counseling with staff when appropriate;
- reviewing CSR reports for each office, unit, and individual advocate to identify emerging legal issues and trends, to assess caseload diversity (including the balance between family law and other cases), and to ensure compliance with grant requirements; and
- as part of program-wide strategic planning, developing advocacy strategies to address identified legal issues and trends.

Criterion Two: Private attorney involvement (PAI).

Finding 13. LANWT demonstrates a serious and on-going commitment to effectively integrating private attorneys into its work, and to providing them with support and recognition for their service.

The LANWT PAI program consists of two significant components. The Equal Justice Volunteer Program (EJVP) serves all counties except Dallas and is staffed by a coordinator in each of those offices. The Dallas Volunteer Lawyers Program (DVAP), a collaborative project of the Dallas Bar Association Community Service Fund and LANWT, serves Dallas County. Overall oversight and coordination is the responsibility of the Director of Pro Bono and Bar Relations, who is located in Fort Worth and reports to the LANWT executive director.

LANWT's comprehensive PAI plan describes the program's structure and goals, models for involving the bar and other volunteers, mechanisms for volunteer support and recognition, and plans for developing program resources and expansion. The program's work reflects its PAI plan. The EJVP and DVAP are guided by the same case priorities

as the basic field program. Most PAI cases are handled pro bono, but some offices in rural communities operate reduced fee panels. In 2008, LANWT closed 3,760 PAI cases, 49% of which were counsel and advice and 29.6% of which were uncontested court decisions, most commonly divorces. In 2008, 36.3% of cases were extended services. Family law generates the most referrals, followed by housing and consumer law.

According to a State Bar of Texas report cited in the 2010 PAI plan, there are 20,839 attorneys in the LANWT service area eligible to perform pro bono; 7,609 are enrolled in LANWT's PAI program, and 1674 actively participate. The program is engaged in an ongoing effort to recruit more attorneys and to encourage those who have signed up to actually volunteer. LANWT recruits at bar events, via articles in bar journals and newsletters, local media announcements, email, the TexasLawyersHelp.org website, and CLE programs offered free for attorneys who agree to accept two simple or one complex pro bono case. New cases are referred using a web-based program that allows panel members to review and select cases. Coordinators use the LANWT case management system to manage the referred cases. They follow up on referrals 30 days from the initial opening and every 90 days thereafter. When a case is closed, they obtain a copy of the final documents and send a note of appreciation. Coordinators also send clients a closing letter and satisfaction questionnaire.

Volunteers play a significant role in the LANWT delivery system. Attorneys accept referrals of individual cases obtained through the Legal Aid Line and individual offices. They also participate in approximately 700 outreach clinics that LANWT sponsors each year. At these clinics, LANWT staff and volunteers provide community legal education, conduct intake screenings, and provide legal assistance to eligible clients. Clinics are held at social services organizations, churches, housing developments, and other locations through out the service area. The majority of the clinics are on general legal issues; some are designed around specific substantive areas (*e.g.*, family, housing, consumer, bankruptcy); and some are for pro se litigants.

Texas is home to several large law firms and corporate headquarters. LANWT makes an effort to tap into their resources, and while DVAP has historically been more successful in this area, other offices are experiencing increasingly positive results. In Dallas, Fort Worth, McKinney and Midland, law firms and corporate legal departments provide volunteers for the clinics. Recently, the litigation department of a large Texas firm committed all of their litigation associates to taking pro bono cases from the Fort Worth office. In Fort Worth and Dallas, volunteer attorneys, judges, court clerks and court reporters participate in evening "prove up" hearings to finalize uncontested divorces. Each year, the Family Law Section of the State Bar of Texas selects a rural county in which to sponsor a family law seminar and recruit volunteers who agree to accept cases. LANWT also utilizes the volunteer services of law students, court clerks, court reporters, law librarians, legal secretaries and paralegals.

Staffing for the PAI program is appropriate and effective. DVAP, housed in the Dallas office, is a vibrant program that includes an on-site managing attorney and a director who works out of the Dallas Bar Association headquarters and primarily focuses

on fundraising within the Dallas bar. DVAP serves Dallas County with a staff of 15 people including paralegals and mentoring attorneys who provide support to the volunteers. Two Dallas law firms participate in DVAP's Lend-a-Lawyer program, each providing an associate to DVAP full-time for three months to help with clinics and take cases. DVAP is also using a deferred associate from a large firm, and for several years has had a retired attorney volunteer who works full-time on family law issues. Much of its income is generated through a Dallas Bar Association fundraising campaign coordinated with LANWT. After expenses, that campaign generated \$479,000 for DVAP in 2009, with \$207,000 going to support LANWT staff devoted to DVAP, and the balance going to the bar association to support its DVAP staff.

LANWT offices outside Dallas include a full-time EJVP coordinator who recruits PAI attorneys, screens cases, makes referrals to attorneys, provides recognition, and conducts oversight and follow-up. These coordinators are a strong presence in their communities. They organize clinics, community education programs and other activities designed to involve the private bar in the area served by that office. They engage in fundraising. They also work closely with their EJVP advisory boards, which include local attorneys and other community members. Most advisory boards meet quarterly, and they help recruit volunteers, identify emerging issues, and provide general feedback and support to coordinators. EJVP coordinators also participate in weekly case acceptance meetings. Managing attorneys of each office are responsible for day-to-day supervision of the PAI program and oversight of the cases referred to private attorneys. While still not up to the levels seen in Dallas, fundraising in other parts of the service area is showing increasing results. The Tarrant County Bar Association (Fort Worth) includes a \$25.00 voluntary dues check-off for LANWT which in 2009 generated \$7,000. LANWT also generates additional income for its PAI program, including in-kind support, from businesses and other organizations.

PAI staff meet at least twice a year. One meeting is to discuss general programmatic and reporting issues. The second meeting is the annual Pro Bono Summit at which coordinators, advisory board members, program leaders, bar association representatives, and other stakeholders develop the outline for the following year's PAI plan. The plan is adopted by the LANWT board at its December meeting. It is also sent to all bar associations for comment.

PAI staff are involved in the pro bono community on the national as well as the local level. The director of pro bono and bar relations is a frequent presenter at the Equal Justice Conference and LANWT makes an effort to send all EJVP coordinators to that conference. One EJVP coordinator is the President-Elect of the National Association of Pro Bono Professionals and another coordinator is an officer of that organization. The LANWT board of directors includes a PAI committee (Equal Justice Initiative Committee), but it does not appear to have been particularly active in recent years.

Recommendations

III.13.1. LANWT is encouraged to continue to recruit volunteer attorneys and develop partnerships to increase pro bono participation, particularly in non-urban areas.

III.13.2. LANWT is encouraged to explore opportunities for involving large law firms as co-counsel, as mentors, or in other roles such as building an appellate practice, as it expands the areas of law and complexity of cases handled by program staff.

III.13.3. The LANWT board of directors is urged to reinvigorate its Equal Justice Initiative committee and to use that committee to oversee and support the PAI effort throughout the service area. Continued board awareness and involvement in pro bono will be vital to building and maintaining a robust program in all 114 counties.

III.13.4. LANWT should consider engaging in program-wide discussions, with the involvement of the new litigation/advocacy director, to ensure that pro bono opportunities reflect the diverse range of legal work within LANWT and that LANWT continues to fully leverage the different pro bono legal resources available.

Criteria Three and Four: Other program services and activities on behalf of the eligible client population.

Finding 14. LANWT participates in several activities that benefit the client population, and is making an effort to broaden its range of activities.

LANWT engages in a variety of activities designed to address the legal needs of clients throughout its service area, including participation at meetings of domestic violence task forces, human services councils, senior and child health groups, housing advocacy organizations, caregiver support organizations, and Hispanic networks. Recognizing that many low-income persons are able to assist themselves with the appropriate support, LANWT partners with the private bar and the courts in Dallas and Fort Worth to operate the uncontested divorce pro se clinics described above.

LANWT attorneys in some offices are active in state and local bar associations, although in very rural areas this is more difficult because the local bar associations are very small and rarely meet.

Representatives of client groups and organizations who were interviewed by the LSC team found LANWT staff to be responsive to clients and their concerns. Results from the town hall meetings indicated that in some communities the program needs to be more visible and that it needs to clarify the perception that it only handles family law matters. Staff interviewed during the visit spoke positively about the town hall meetings and were eager to explore more options for serving the client community.

LANWT is in the process of updating its website and plans to include more information for clients. It has also developed a Facebook page as a means of reaching out to the wider community.

Recommendation

III.14.1. LANWT is encouraged to consider the recommendations for possible services and activities to benefit the client population that were received from community organizations at the recent series of town hall meetings. In Lubbock, for example, these recommendations included establishing a presence in the courthouse on or near “court days” and preparing and distributing community education materials at food banks.

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

Criterion One: Board governance.

Finding 15. The LANWT board of directors demonstrates a renewed commitment to the program and its mission, is appropriately involved in major policy decisions, and is asserting effective oversight.

The LANWT board of directors meets quarterly, with additional meetings as necessary to address issues that cannot wait until the next meeting. The board includes the following committees: Executive; Budget, Finance and Audit; Bylaws; Building Campaign; Client Grievance/Client Council Relations; Board Composition, Orientation, Training and Nominations; Delivery of Services Effectiveness; Personnel; Equal Justice Initiative; and Long Range Planning/Resource Development. Each member serves on at least three committees. Board minutes from the past year reviewed by the team and interviews with board members indicate that meetings are attended by the majority of members, and that these members appear to have reviewed issues and to be making informed decisions. Board members are now more involved in major policy decisions. In 2008, the board replaced the former executive director with an interim administrator, who was hired as executive director after a national search conducted with the assistance of Management Information Exchange.

Board members interviewed during the visit acknowledged some responsibility for the fiscal and management crisis that culminated in the events of 2008, and were resolved to correct areas of weakness and in so doing, to strengthen the program and fulfill its goal of becoming a single law firm. Issues of communication and individual loyalties are at the forefront of any such effort. When LANWT was created in 2004, the boards of the two former programs were also merged. The new board was diverse and reflected the redefined service area as intended, but it did not lead to the envisioned unity of purpose and consistency of oversight. Many board members continued an allegiance to the original programs’ personnel, which fostered tension and undermined communication among board members and between the board and program management.

In addition, over the years some members had become disengaged from their board responsibilities, while others had become overly involved in the daily operations of their local offices.

Board members interviewed observed that communication among members and between the board and program management has improved. They reported that the North Texas vs. West Texas divide has narrowed, and that there is greater trust among members and between the board and program management. One area still needing attention involves communication among attorney and client board members. Unlike some LSC funded programs, LANWT has not experienced difficulty in recruiting and retaining client board members. Client members are long-time supporters of the program and its mission, and eager to contribute. In turn, program management is supportive of them. They are provided the opportunity to attend the Texas Clients Council meeting as well as the NLADA conference. However, there is a perception among some client board members that their questions and contributions at meetings are not always welcome, particularly on issues where they may be less informed than the attorneys. As a result, client members are sometimes reluctant to enter discussions.

During the past year, the LANWT board has received training on the LSC regulations and on its fiscal oversight responsibilities. Board members have attended the board track at the NLADA conference. Additional trainings on governance and regulatory issues are planned for 2010. As new members join the board, they will need orientation and training. Other efforts to reinvigorate the board and strengthen its oversight role are in progress. In March 2009, the board adopted staggered terms. The issue of term limits will be considered in 2010. The board has established a long range planning and resource development committee chaired by the vice-chair. It has a conflicts policy in its bylaws, but members do not sign individual conflicts statements. A whistleblower policy is due to be considered at a future meeting.¹⁴ There is a LANWT board manual, although some sections are in need of updating.

Board members expressed confidence that they now receive from management the information they need to exercise their fiduciary responsibilities. The executive director provides the board with reports at board meetings and written updates between meetings. The board receives financial reports from the chief financial officer at each meeting. Between meetings, members receive weekly cash flow reports and monthly financial statements with an accompanying narrative. The board has direct communication with the chief financial officer and is comfortable contacting her directly with questions.

With a stable and trusted management team in place and several significant items on its agenda, this seems an opportune time for the board to focus on major policy decisions, while also maintaining awareness of issues and performance of the program, and leaving day to day operations to management.

¹⁴ LANWT reports that since the visit, the board has adopted a whistleblower policy and a fraudulent acts policy.

Recommendations

IV.15.1. All members of the LANWT board of directors should receive regular training on the LSC Act and regulations, and on their fiscal, fiduciary, and other responsibilities. New members should also receive orientation to the program. Trainers could be brought in to board meetings and if finances permit, members could attend trainings at state and national conferences, including the board track at the annual NLADA conference.¹⁵

IV.15.2. LANWT is strongly urged to consider instituting term limits for board members in addition to the staggered terms implemented in 2009. Term limits, which are consistent with best practices for non-profit boards, encourage new members with fresh and diverse perspectives and skills. The staggered terms will help to ensure sufficient institutional knowledge for the board to act.

IV.15.3. LANWT is encouraged to consider opportunities for engaging client board members at board meetings and for reducing perceived communication gaps between client and attorney members. Some programs find that holding a regular “pre-meeting” gathering of the board chair, executive director, and client members is a useful way to inform client members of upcoming issues, answer their questions, and put them at ease in preparation for board meetings.

Criteria Two and Three: Overall management and administration; leadership.

Finding 16. After considerable turmoil, LANWT appears to have reached a point where it is well-managed and administered and has effective leadership with a vision for the future of the program.

LANWT has experienced considerable upheaval in recent years, beginning with the 2004 merger, but the current executive director has been a stabilizing force who appears to have a vision for the future of the program. He has decades of experience in legal services, including as an executive director and most recently as deputy director of Texas RioGrande Legal Aid. He has the respect of the staff, the board, and the legal community.

The executive director’s overarching goal is to unite the program as a single law firm with one vision and one mission. Staff and board members interviewed during the visit were supportive of this goal even though achieving it could require short and long term changes in how they approach their work. While additional goals and activities will develop as the strategic planning process moves forward, many changes are already underway.

At the time of the visit, the general counsel position had been eliminated and replaced with the position of special projects attorney. Regional counsel positions, as

¹⁵ LANWT reports that client board members attend the annual Texas Clients Council meeting as well as the NLADA conference. Attorney members attend the NLADA conference. All board members attending the NLADA conference participate in the board tracks.

well as the responsibilities of managing and supervising attorneys, are being assessed. The executive director is also working with staff in those positions to encourage diversification of substantive legal work into areas other than family law and into more complex litigation. He is also working with the board to develop policies and initiatives that will better support the structure and legal work of the program.

The executive director is exploring program-wide opportunities to support new staff attorneys and to develop middle managers and other potential leaders. Several managers will attend the MIE managers training in early 2010. At the time of the visit each office had its own system for providing orientation and support to new attorneys; e.g., in Wichita Falls the managing attorney has developed an orientation checklist, and in other offices new attorneys “shadow” more experienced colleagues. More experienced staff are being encouraged to assume responsibility for special projects or practice areas, such as the new medical-legal project. It is anticipated that the individual who fills the recently advertised position of director of litigation will be responsible for coordinating and supervising these areas of staff development.

Staff development for non-lawyers appears to be lagging behind that which is provided to lawyers.

The executive director has accomplished a great deal in a short period of time. He quickly established himself as an effective leader, giving this large organization a vision for the future, bringing it out of financial crisis, and improving staff morale. His hands-on approach in such areas as facilities management, staffing, and office organization was very effective when the program was in crisis. However, as LANWT heads into calmer waters, both the program and the executive director might be better served if the some of the day-to-day responsibilities he has undertaken were shared with a deputy director or director of administration.

Recommendations

IV.16.1. Assessment of the management team, including a reorganization of the regional counsel and other management positions, should proceed expeditiously to give a sense of certainty to the staff in those positions and to those who report to them.

IV.16.2. LANWT is urged to create and fill the position of deputy director or director of administration who would report to the executive director.

Finding 17: LANWT’s basic technology is sound and its technology plan is comprehensive, but the plan has not been fully implemented.

LANWT’s technology plan is well-conceived but has not yet been fully implemented. The videoconferencing equipment is impressive. Issues with the case management system are being addressed, and different systems are being actively explored. The IT department is creating a help desk to expedite responses to staff technology problems.

LANWT currently uses Practice Manager as its case management software system but is exploring other options because Practice Manager has proven cumbersome for intake and difficult to use for other purposes. Staff commented that Practice Manager is difficult to use and that it has a tendency to crash.¹⁶ In addition, the desktop computers used in some branch offices lack sound capability, which prevents staff from participating in webinars or other on-line training programs.

The program is the process of updating its website, www.lanwt.org, to include additional consumer materials. The website includes an intake application that can be downloaded and brought to an intake interview. The application can also be completed on-line and submitted, but at the time of the visit that option had only been used by a handful of applicants.

Recommendations

IV.17.1. LANWT should assess its technology plan to make sure that it is current, and should update it if needed.

IV.17.2. LANWT is urged to consider creation of a staff committee that includes representatives from rural and urban offices and different staff levels, who can have input into the updating and implementation of the technology plan. It is important that the IT department not work in isolation, and that IT staff receive input from legal and administrative staff about their training and technology needs and concerns.

IV.17.3. In implementing its technology plan, LANWT is encouraged to develop action steps that include specific deadlines to complete tasks, a budget for each project, and identification of the person responsible for each part of the plan.

IV.17.4. LANWT is urged to assess the technology needs of rural offices, and to consider upgrading computers in those offices to ensure sure that they have sound capabilities necessary for participating in web-based trainings and other on-line events.

Criterion Four: Financial administration.

Finding 18. The LANWT board's oversight of the program's finances is significantly improved, and appears to be effective.

The LANWT board finance committee also serves as the audit committee. No member of the committee is an accountant, but one attorney member has a financial background. Prior to 2009, the finance committee would meet only on issues related to the annual audit. Now, that committee is significantly more engaged in financial

¹⁶ LANWT has purchased new case management software, Legal Server, and expects to have the system fully implemented by September 2010. A committee representing intake interviewers, attorneys, middle and senior management, accounting, PAI and technology staff is supervising the transition.

oversight. In 2009, the committee met at least five times: twice concerning the audit; twice on budget issues; and twice with regard to the program pension plan.

The finance department now provides board members weekly statements of cash flow and monthly expense/revenue reports. A narrative to these financial documents explains any variance and how the program is addressing it. Board members have received training on evaluating financial statements.

Recommendations

IV.18.1. LANWT is encouraged to maintain an individual with financial expertise on its board of directors, either as a member or in an advisory capacity. Some programs have had success finding a member who is both an attorney and a C.P.A.

IV.18.2. LANWT is urged to consider whether a program of its size and budget would be better served by having separate board audit and finance committees, rather than a single committee that performs both functions.

Finding 19. LANWT appears to have sufficient and capable staff dedicated to financial administration, and to have addressed the internal control deficiencies issues found in the 2008 financial audit.

The LANWT finance department consists of the chief financial officer, who has 30 years experience in her field, as well as two accountants, two assistants, and two grant specialists. The program has written accounting policies for the financial staff and for branch managers. According to the chief financial officer, these policies are constantly being reviewed and revised. They have not yet been posted on the program's intranet but this is expected. LANWT now prepares multi-year budgets, which was not done prior to 2009.

The 2008 financial audit found a significant deficiency in internal controls over financial reporting. The auditors found that there did "not appear to have been a general consensus among the past CEO, Board or Building Committee as to the terms of the funding requirements for the construction loan for the Fort Worth office..." No one had a clear understanding that the bank required an \$800,000 up-front payment prior to the bank funding any construction related costs. When the past CEO began making payments for the initial construction costs, the unanticipated cash requirement created a condition that threatened the financial stability of the organization. The board reported that the past CEO did not inform board members of the funding requirement or publish a revised budget to reflect the change in the original building budget projections. The 2008 audit further noted that the program had "made great strides in addressing the issues and correcting the financial situation."

During the visit, the Office of Compliance and Enforcement found that LANWT has improved general accounting procedures by:

- creating a check issuance log which is kept with the stock of unissued checks and signed by each employee who removes a check, and which is also used to record returned or voided checks;
- installing locks on doors to rooms used for storage of accounting records and offices used by accounting personnel; and
- submitting a request to OCE for its approval of new accounting software that will include a feature that indicates when a duplicate invoice number is input into the system.

When LANWT receives a large grant, managers, program staff and accounting staff discuss the goals and objectives of the grant. Finance staff prepare monthly management reports on how the program is spending the grant funds. The finance staff also meet with legal staff to discuss issues that arise under a specific grant.

Finding 20. LANWT is in the process of complying with the agreed terms for the resolution of the questioned cost related to construction of a stone wall on the new Fort Worth building.

The LSC Office of Compliance and Enforcement participated in this visit to assess LANWT's compliance with agreed terms for the resolution of a 2009 questioned cost proceeding. The proceeding concerned LANWT's expenditure of LSC funds for imported stone used in the construction of an exterior stone wall on the Fort Worth headquarters building. OCE reviewed accounting records and interviewed LANWT staff, and found that:

- LANWT has set up a fund accounting system that accurately reflects the distribution of the mortgage payments between private and LSC funds;
- private funds will be used to pay for the stone wall on the headquarters building; and
- LANWT has developed a capital campaign through which it will raise funds from the legal community and from corporate, foundation and individual donors, to retire the mortgage on the Fort Worth building when a balloon payment of \$1,862,600 comes due in December 2017.¹⁷

OCE's review of this issue will continue until LANWT has paid the entire cost attributable to the stone.

Criterion Five. Human resources administration.

Finding 21. LANWT's human resources department does not have the capacity or the expertise to address the personnel issues inherent in an organization of its size.

The two-person human resources department is responsible for all personnel issues, including compliance with federal and state laws and regulations covering

¹⁷ LANWT reports that the capital campaign is underway. A part-time coordinator has been assigned to this project, materials have been developed, and the board has identified key stakeholders for a possible naming opportunity.

employment and pension, labor relations, and disability issues. Additional responsibilities of this department include overseeing employee relations; administering salary and benefits, including the partially self-insured health insurance plan and the pension plan; monitoring human resources policies to ensure that they are legally compliant; coordinating performance evaluations; and some coordination of training. The current department does not have the capacity to handle all of these responsibilities and issues for an organization of this size.

Overall, LANWT has a diverse staff who reflect the demographics of the client community. Staff are unionized. Attorney salaries were increased this year using funds designated for that purpose from the Texas Access to Justice Foundation. Also addressed was a salary imbalance dating back to the time of the merger. With the exception of the 2008 layoffs, attorney retention has not been a significant issue for the program. Employee benefits include full health insurance coverage for employees and partial coverage for dependents; retirement, long term disability and life insurance; and for attorneys, payment of bar dues and CLE registration.

Training is becoming more available, although administrative and support staff do not appear to have the same training opportunities as professional staff. There is a need for training on management and communications skills. Morale has been higher in recent months than it had been in the past, but this varies by office and there is still room for improvement.¹⁸

There has been no recent review of LANWT human resources policies, and no ongoing training of human resources staff. Further, there has been no follow-up to ensure that the performance evaluations called for in program policies are conducted consistently and effectively.

Recommendations

IV.21.1. LANWT should assess its human resource administration needs and take steps to ensure that its human resource department has the capacity to address those needs.

IV.21.2. LANWT is encouraged to continue to consider ways to develop new leaders.

Finding 22. LANWT's plan for continuity of services and disaster recovery in effect at the time of the visit is outdated and lacks detail.

LANWT's emergency plan was developed when the administrative offices were in Arlington, Texas, and it is more of an outline or introduction than a practical tool to guide program staff in the event of an emergency. The technology backup policy attached to the plan as Exhibit D is more detailed, but could be more informative.

¹⁸ LANWT reports that it is now convening monthly program-wide training events. To date, trainings have addressed SharePoint, Outlook and appellate practice. Fourteen managers attended the 2010 MIE Supervising Legal Work training and 35 attorneys attended the Texas Poverty Law Conference. Fifteen paralegals and management staff will attend the 2010 Equal Justice Conference.

Recommendations

IV.22.1. LANWT should develop an emergency plan that ensures the preservation of files (computer and hard copy), equipment, and data bases; the continuation of communication among staff and management; the evacuation of personnel, including those personnel with mobility impairments; the relocation of offices or establishment of alternate sites; and the provision of client services. Examples of disaster plans are available on the LSC Resource Information website at www.lri.lsc.gov.

Criterion Six. Internal communications.

Finding 23. LANWT has systems and procedures for facilitating regular communication among staff, and between branch offices and program management.

It is not unusual for the staff of branch offices in large legal services programs to feel isolated from other offices at times and LANWT, which is the size of a statewide program, has had to overcome the obstacle of distance plus staff loyalty to previous programs. That sense of separation does not exist in newer staff, and even those who have been part with the program since before the merger report that they increasingly feel as though they work in a single law firm. The executive director is attempting to instill a culture of open communication program-wide, and appears to be making progress. Communication program-wide and within individual offices appears to be generally good. The executive director communicates frequently with managers and sends them copies of his reports to the board. Managing attorneys are considered by staff to be approachable, and the perception among most staff is that their concerns will be heard and their achievements will be recognized. The executive director has made an effort to visit branch offices and to learn more about the staff and their work, and at the time of the visit had been to all but a handful. Staff have welcomed these efforts, and those who have not yet had the opportunity to speak with him are looking forward to doing so.

Advocates freely use email, and many use instant messaging, to ask questions of colleagues in other offices and to share developments in their cases, and they search the case management system for pleadings and other documents. At the time of the visit they were also using the intranet, although they expressed frustration with some of its aspects. The intranet was scheduled to be replaced by a SharePoint web-based site in January 2010, which would include updated information and improved organization than current intranet, along with a Facebook style site for staff networking.¹⁹

Videoconferencing has proved to be a useful tool for inter-office meetings, including recent manager meetings, and its use will be expanded in the future. At the time of the visit, there was no regular schedule for program-wide management meetings. Individual office meetings tend to be only for case acceptance discussions.

Since the visit, LANWT has hired a director of communications.

¹⁹ LANWT reports that the SharePoint intranet is fully operational and regularly updated.

Recommendations

IV.23.1. LANWT management is encouraged to maintain regular, two-way communication with branch offices in order to minimize any perception of isolation or information barriers that may arise as changes continue. The videoconferencing equipment could be used for regular managers meetings.

IV.23.2. Consideration could be given to a bi-weekly email to all staff similar to the updates currently provided by the executive director to the board. SharePoint might be an appropriate forum for such a newsletter.

IV.23.3. The new director of communications might consider producing a quarterly newsletter that is circulated to the board, funders, staff, and other stakeholders. This could provide updates on issues important to the program and include recognition of staff accomplishments.

Criterion Seven. General resource development and maintenance.

Finding 24. LANWT has effective systems for resource development and diversified funding sources.

LANWT has an experienced director of development who takes primary responsibility for fundraising and grant writing. He is connected to the national legal services fundraising community and attends conferences such as that sponsored by MIE. He is also supported with a strong partnership and working relationship with the DVAP Director in Dallas.

In 2009, LANWT received \$8,068,757 in LSC funding, out of a total projected income of \$14,608,099. At the time of the visit the program was also receiving approximately 40 other grants from a variety of federal, state and local funding sources designed to address the civil legal needs of low income persons generally, along with grants targeted at specific client populations. In 2009, the Texas legislature appropriated \$20 million for legal services statewide, to mitigate the reduction in IOLTA funding. The legislature also increases the filing fees dedicated to legal services. Other significant sources of funds include the Texas Access to Justice Foundation, the Texas Office of Attorney General, the U.S. Department of Housing and Urban Development, several city and county governments and local United Way agencies, and the Dallas Bar Association (DBA) Community Service Fund. At the time of the visit, the Dallas Bar campaign was ongoing. The goal was to generate \$600,000 and the program reports that it came within a few thousand dollars of that goal. LANWT has also embarked upon a capital campaign to raise funds to cover the headquarters building.

LANWT has recovered from its 2008 financial crisis, during which it experienced a deficit of one million dollars. At the time of the visit, it was projecting 2009 reserves of \$1,021,518. This is a noteworthy achievement.

LANWT is fundraising more strategically than in the past, in part by pursuing grants that will support the broadening and diversification of the legal issues being addressed. On the other hand, resource development within the service area continues to be seen as a local cause, with funds raised in one city or county remaining in that county rather than being used for the benefit of the program as a whole. While a focus on successful fundraising initiatives cannot be faulted, there may be unrealized opportunities in other jurisdictions.

The LANWT board includes a resource development focus as part of long range planning, and several board members have made individual contributions to the program. The board will also be asked to play a larger role in the capital campaign. On the whole, however, there does not yet appear to be a clearly defined role for the board with regard to resource development.

Recommendation

IV.24.1. LANWT is urged to consider opportunities for ongoing fundraising partnerships with bar associations outside of Dallas, particularly in Tarrant County. The recent pro bono commitment of at least one large law firm in Fort Worth could be viewed as a sign that the organization has the capacity, reputation and relationships to engage the legal community in such an initiative, as could the relationships built during the upcoming capital campaign.

Criteria Eight and Nine: Coherent and comprehensive delivery structure; participation in an integrated legal services delivery system.

Finding 25. LANWT maintains and encourages a coherent delivery structure that is a key component of the statewide legal services delivery system.

LANWT provides a range of services including advice, brief services, and more extended services, in its priority areas. The work of the program is enhanced by significant private attorney involvement. LANWT collaborates with bar associations, law schools, state agencies, and other organizations in its service area. The outreach clinics conducted at community organizations and the individual office EJVP advisory boards serve to strengthen the connections to local entities.

Attorneys are increasingly encouraged to be active in their local bar associations, and some are active in the justice community on the state level. The executive director was recently appointed as a member of the Texas Access to Justice Commission. A staff attorney is the current chair of the State Bar of Texas Poverty Law Section. The program is involved in partnerships with local law schools, including a recent internship initiative.

These activities reflect LANWT's awareness of its role in the justice community and the value that the program places on access to justice in the service area and the state.