



LEGAL SERVICES CORPORATION

Office of Program Performance

FINAL PROGRAM QUALITY VISIT REPORT

FOR

***Neighborhood Legal Services Program of the District of
Columbia***

Recipient Number: 309080

April 27 – May 1, 2009

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Neighborhood Legal Services Program of the District of Columbia
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INTRODUCTION

Background on the visit.

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit to Neighborhood Legal Services Program of the District of Columbia (NLSP) from April 27 – May 1, 2009. The team members were Monica Holman Evans, OPP Program Counsel/Team Leader, Stephanie Edelstein, OPP Program Counsel, Althea J. Hayward, OPP Program Analyst and Attorney John E. Johnson, Jr., consultant.

Program quality visits are designed to ensure that LSC grantees are providing the highest quality legal services to eligible clients. In conducting its assessment, the team carefully reviewed the documents LSC received from the program including its renewal narrative for 2009, its case service reports (CSRs) and other service reports (OSRs), the numerous documents the program submitted in advance of the visit, including advocates' writing samples, and a survey of NLSP staff conducted on the Internet. On site, the team visited all three of the program's offices. In addition to speaking to all NLSP staff members, the team met with a sample of board members, judges, law schools, other legal services providers and community organization members.

In performing its evaluation of the grantee's delivery system, OPP relies on the LSC Act and regulations, LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. Its evaluation is organized according to the four LSC Performance Areas that cover needs assessment and priority setting; engagement of 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.

Program overview.

NLSP has been providing federally funded legal services to residents in the District of Columbia (DC) since 1964. NLSP provides a full range of legal services in all parts of the nation's capital. The urban service area is divided by four quadrants that encompass eight wards covering 68.3 square miles. The ethnicity of the service area is approximately 61% African American, 28% Caucasian, 7.9% Hispanic and 3% Asian¹. The community in the Northwest quadrant has an increasing Hispanic population. The largest employer in the DC area is the federal government. The seasonally adjusted unemployment rate in DC was 9.9% in April 2009².

NLSP provides civil legal services from three neighborhood offices strategically located throughout the service area. The program's main location in the Northeast quadrant on Rhode Island Avenue houses a neighborhood office along with the program's executive

¹ Neighborhood Info DC, a partnership of the Urban Institute and the Washington DC Local Initiatives Support Corporation

² Department of Employment Services

and administrative staff. The program's other neighborhood offices are located in the far Northeast quadrant on Nannie Helen Burroughs Avenue and in the Southeast quadrant on Martin Luther King, Jr. Avenue. The neighborhood offices are located within client communities and are relatively small. The offices are also located in areas where the poverty population is great and where there is limited or no other legal representation available. The poverty population of the service area is 109,500. The average poverty level in the District is 20%.

The program employs 11 attorneys, one pro bono counsel, a director of administration and compliance (who also handles cases), an executive director, and 6 administrative staff. The law firm of Covington & Burling also provides two associates, one paralegal and one secretary on a rotating basis. Covington & Burling also funds the "Westwood" fellowship program which provides NLSP with two area law school graduates. Fellows are selected annually and become employed by NLSP. Available job opportunities have allowed fellows to become regular staff attorneys following their fellowships.

The District of Columbia has many legal services providers. At the time of our visit, approximately 28 small-to-medium nonprofit organizations provided some kind of legal services to the low-income population. These organizations include services by the DC Bar Pro Bono Program, law students, general legal services providers and "boutique" organizations that provide legal assistance to specific groups (e.g. prisoners, the elderly, children, AIDS patients). NLSP is the only LSC-funded program in DC. The other providers primarily receive IOLTA funding, private bar campaign funding, support from law firms, private contributions, government grants, foundation funding and pro bono assistance.

Summary of Findings.

NLSP uses the staff attorney model of service delivery to provide advice, counsel, brief service and extended representation to eligible clients within its service area. NLSP represents clients with issues involving housing, family law, public benefits, consumer protection, employment, education and wills/estates. NLSP also conducts outreach activities and partners with the Legal Aid Society and Bread for the City to operate the court based Attorney-of-the-Day Project at the DC Superior Court Landlord Tenant Resource Center.

NLSP was able to diversify its funding base in 2007 with grants totaling \$739,638 from the District of Columbia Bar Foundation (DCBF). Grants from DCBF have allowed NLSP to expand its operations by opening an additional office and adding staff. The DCBF also funds the aforementioned Attorney-of-the-Day Project. The DCBF does not issue grants on a fiscal year. Grants for 2009 had not been awarded at the time of our visit. NLSP has not successfully engaged in other significant efforts to diversify its funding beyond LSC and DCBF.

NLSP is taking steps to stabilize its advocacy staff. Advocacy staff turnover has been a major challenge for the past several years. The program is seeking a permanent director of legal programs. This hire is a priority for the program. A strong director of legal programs will be able to assist the executive director and ensure staff is adequately supervised and mentored. While NLSP has demonstrated a commitment to staff training by making it readily available, training needs are not routinely assessed to ensure staff is receiving necessary training in a timely manner. The program also needs to develop systems to ensure ongoing adherence to program policies and procedures beyond the initial training.

NLSP should focus its efforts on providing high quality legal work. The program has not implemented systems to provide effective supervision and management of legal work. Where case management and oversight procedures are in place, they are not consistently followed. Managing attorneys should be more involved with the supervision and development of inexperienced attorneys. Managing attorneys should conduct regular open case reviews and use the Kemps case management system as a tool to provide adequate oversight. Case acceptance meetings will allow attorneys to strategize and discuss trends. Case loads should also be monitored and reviewed.

Based upon multiple interviews, NLSP's supervision of the Attorney-of-the-Day project in Landlord Tenant Court is deficient. Supervision and training of inexperienced staff are major concerns. Advocates were placed with this project with little oversight and lack of ongoing training. While the NLSP advocates are very resourceful and have potential, they do not enjoy adequate supervision that provides subject-matter expertise. NLSP should ensure quality in all areas of its current operations before attempting to expand into additional substantive areas.

NLSP is in the process of hiring a consultant to provide advocacy support services. The consultant will work with advocacy staff to identify and respond to systemic issues while serving as a staff resource for litigation and other advocacy. The consultant will also work with the executive director to ensure program quality.

NLSP has several engaged and active board members. Board members articulate a cohesive vision for the program and are committed to the work of the program. Board members receive an orientation and serve on various board committees. Generally, the board is appropriately exercising its fiduciary responsibilities. However, some board members are less involved and knowledgeable about the operations of the program. The board could also be more engaged in fundraising and resource development efforts. Board training could substantially strengthen board governance.

The executive director has made significant program improvements since joining the program in 2006. The executive director came to a program that had a troubled and difficult past. She was faced with the challenge of simultaneously stabilizing staff, creating systems and addressing quality of legal work while improving the public image of the program. She has increased the visibility of the program by partnering with other providers in the District. The executive director has been successful in reasserting the

program into the fabric of the legal services community in DC. Additionally, NLSP's funding has nearly doubled under her leadership.

Finally, NLSP needs to participate in a city-wide effort to take inventory of the services offered by other providers in DC. They need to assess duplication of effort and demand for services. A coordination of services may allow NLSP to concentrate on matters that will have a significant impact on the client population. More coordinated service delivery will also reduce the confusion of clients trying to access a system that has nearly 30 different legal services providers.

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

Finding 1: NLSP conducts periodic needs assessments and responds to their findings.

NLSP conducted its last periodic needs assessment in 2006. The program solicited comments from social services agencies, other legal services providers, bar associations, members of the general public and staff. NLSP also used statistics from its case management system and analyzed data from Census and Bureau of Labor Statistics. Current clients were also asked to complete a questionnaire.

The DC Access to Justice Commission conducted a comprehensive needs assessment and issued its report in the fall of 2008. This assessment provided a thorough examination of the civil legal needs of the city's low-income community. The assessment included information gathered from written surveys, interviews with community organizations, court statistics, listening sessions with stakeholders and social science reports concerning the District. The process also analyzed data collected from legal services providers. The report illustrates the types of issues and the kinds of legal services that will help address the need.

NLSP is reviewing the Access to Justice Report alongside the last NLSP needs assessment report. The program is planning to begin a new needs assessment process in 2009.

Recommendation:

I.1.1³. NLSP should reconsider whether it should conduct a full needs assessment in 2009. The Access to Justice Report was recently issued and covers the same service area. The report is comprehensive and surveys the same stakeholders NLSP would want to reach.

³ Recommendations are numbered as follows: the Roman numeral references the Performance Area followed by the finding number and lastly by the recommendation number that pertains to the finding.

Finding 2: The NLSP board engages in an annual review of its priorities.

The program considers the availability of services provided by other organizations in determining and reviewing its priorities. For instance, the program does not provide assistance with immigration cases because there are specialized organizations in DC that handle these matters. NLSP also decided to collaborate with the DC Bar Pro Bono Program to establish the Small Claims Resource Center. However, NLSP's efforts have not resulted in a service delivery structure that fully addresses the services provided by others. Many services are duplicated by other legal services providers in DC.

NLSP is working with Legal Aid Society, Bread for the City and the DC Bar Pro Bono Program to address the issue of duplication of services.

Recommendation:

I.2.1. NLSP's annual review of priorities should result in a clear plan for service delivery that addresses duplication of services, allocation of resources and strategies to address systemic and emerging legal needs.

Finding 3: NLSP's has adopted a Strategic Plan for Years 2006-2009.

NLSP's current strategic plan includes several components. These components include plans to look at service delivery, recruit and maintain high quality staff, strengthen and expand services, and develop and maintain an ongoing sound financial strategy. The service delivery component of the plan emphasizes a return to the neighborhood office concept by opening offices in more local neighborhoods. Returning to the neighborhood concept of service delivery was a goal consistently articulated by the board staff.

Recommendation:

I.3.1. NLSP should monitor its 2006-2009 Strategic Plan and track progress made.

Finding 4: NLSP does not have a system to analyze and evaluate the effectiveness of its delivery strategies.

NLSP does not have a process to assess the effectiveness and results of its work on an ongoing basis. The program does not use client satisfaction surveys. The program should regularly collect information to determine whether it is meeting program objectives and results. The evaluation should examine successful and unsuccessful program approaches. NLSP should gather information from clients and stakeholders in the legal services community to determine the value of its services to the legal services community. The program should adopt methods and adjust operations to achieve significant outcomes for clients.

Recommendations:

1.4.1. NLSP should collect data to evaluate its work and make appropriate adjustments to goals, objectives and strategies.

1.4.2. NLSP should consider using client satisfaction surveys in its intake process and to assess extended representation to clients.

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

Criterion One. Dignity and sensitivity.

Finding 5: NLSP has made efforts to maximize access to services through intake.

NLSP has several methods of intake. Applicants may access the program by phone, walk-in or outreach at the courthouse. Even though the Southeast office receives most of its intake from walk-ins, the majority of the program's intake is conducted by phone. The program does not have a single phone number for telephone intake. Each office independently receives calls from applicants. The Rhode Island Avenue office has a Spanish-speaking intake worker. NLSP also used the language access line. Intake is conducted five days a week during regular business hours. Applicants have the option of calling or walking into any of the program's three offices and are immediately told whether they are eligible for service. Clients receive notice within 24 – 48 hours regarding extended services. NLSP also sends advice letters to follow up on brief services.

NLSP assigns an Attorney-of-the-Day (AOD) to receive all intakes from intake workers in the program's three offices. The AOD may or may not be in the office with the intake worker. The AOD is responsible for verifying the applicant's eligibility for legal assistance and ensuring all information on the Intake Sheet is accurate. The AOD obtains relevant facts, provides advice and counsel, and limited service and makes referrals. The AOD also recommends opening the case for extended service or rejecting the case.

The intake policy provides comprehensive steps that should be taken during the intake process. The policy instructs managing attorneys to give guidance regarding intake, review intakes at the end of each day and conduct case acceptance meetings. Managing attorneys are to review intakes for appropriateness, brainstorm with the AOD about strategies and determine which cases should be brought to case acceptance meetings for assignment. As currently implemented, the intake policies and procedures are not being followed. The AOD is responsible for all cases that are accepted on a given day. This leads to imbalanced caseloads. NLSP is not following any mechanism to assign cases to advocates beyond the assignments made during the AOD intake process. Managing attorneys are not routinely providing guidance about case work. Caseload numbers and types are not consistently monitored which leads to uneven workloads

among advocates. Since cases are kept by the AOD, attorneys carry cases throughout the city and not just those located in the neighborhood office's jurisdiction.

Recommendations:

II.5.1. NLSP should evaluate its intake system with a view towards developing a single point for telephone entry.

II.5.2. NLSP should examine its Attorney-of-the-Day intake process to ensure more balanced caseloads among advocates.

II.5.3. NLSP should review its intake policies and procedures to ensure they are being followed.

Finding 6: Intake workers are isolated and do not function as a cohesive unit.

Intake staff members in different offices are not connected and do not meet regularly to discuss concerns or trends. Intake workers in the far Northeast and Southeast offices are isolated from the intake activities at the main office. NLSP does not routinely assess the training needs of intake staff.

Recommendations:

II.6.1. NLSP should assess training needs and provide regular training to intake staff that includes cultural sensitivity training.

II.6.2. NLSP should make sure its intake process is operated consistently at each office. Intake workers should have regular group meetings to ensure consistency.

Criterion Two. Engagement with and utilization by the low-income population.

Finding 7: While the executive director has made an effort to improve NLSP's visibility, the program is still not sufficiently visible in the client community.

NLSP provides some outreach to the client community and has worked with churches and other community organizations. The program has participated in community fairs and has set up information tables at community events. The executive director and the pro bono counsel have worked to establish a presence in the community by attending meetings and collaborating with other legal services entities. However, many staff members have no contact with the client community. They do not belong to affinity groups or task forces. Most have not established working relationships with community organizations. Several community groups cited, "lack of visibility" as a concern with NLSP. Where NLSP used to have dedicated staff overseeing outreach efforts, this position is not currently filled due to lack of funding. The executive director plans to monitor community involvement by staff to ensure participation by all attorneys.

Recommendation:

II.7.1. NLSP should develop a strategy for increasing its involvement in the community, including special populations. This effort needs to involve both staff and the board. Staff should see this involvement as part of their jobs, and it should be a factor in performance evaluations.

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

Finding 8: Serving clients with limited English proficiency (LEP) has not been a priority for the program.

DC has many ethnic neighborhoods in the city including Latino, African, Arabic and Asian communities. NLSP has a statement that reflects its willingness to serve LEP clients and articulates the methods of doing so. However, the program has not developed a comprehensive LEP plan. The board and staff admit that serving the LEP communities has not been a priority for the program. While the program has expressed interest in language access, it has not done much to make inroads. The program has not used its Spanish-speaking staff to access the Latino community.

NLSP has used the services of Ayuda's Community Legal Interpreter Bank and makes an effort to provide services to those non-English speakers who access the program. However, the program is not actively reaching out to special population communities and does not routinely receive referrals from them. In the past, NLSP conducted intake at ARRIBA (a Latino organization) and collaborated with the Latino Economic Development Corporation. The program is not engaged with the Asian community and the current office locations, while easily accessible by public transportation, do not provide the best access for this segment of the population. NLSP is attempting to find office space in Chinatown to provide better access to the Asian Community and closer proximity to the courthouse. The program does not actively enlist the services of the Asian Pacific American Legal Resource Center. NLSP is aware of this shortcoming and hopes that one of its newer board members will help make improvements in this area.

Recommendation:

II.8.1. NLSP needs a more strategic and comprehensive approach to serving LEP clients. The program should collaborate with community organizations that serve non-English speaking populations; specifically those that work with Asian, African, Arabic and Latino populations. The program needs to develop an LEP plan that includes outreach to community organizations that serve different client groups. Staff needs to actively participate with these organizations and conduct outreach to the increasing numbers of diverse communities in DC.

Finding 9: NLSP is accessible to the client community.

The NLSP offices are accessible, clean and on transportation routes. Reception areas are inviting and contain information materials and brochures. Some NLSP flyers and brochures have been dually created in English and Spanish. In consideration of the increasingly diverse population within the metropolitan area, NLSP plans to use the Legal Interpreter Bank to create more legal materials in Spanish, as well as other languages. The offices are handicapped-accessible.

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

Criterion One. Legal Representation.

Finding 10: NLSP has insufficient systems in place to ensure the provision of quality legal services to the maximum number of clients that resources will allow.

NLSP represents clients with a corps of 11 attorneys. There are three managing attorneys, an acting director of legal programs, and seven staff attorneys. The program also enjoys the assistance of two additional attorneys and one paralegal on six-month rotations from the law firm of Covington & Burling. The staff is relatively young and inexperienced. Of the seven staff attorneys, five have worked for an LSC funded program for one year or less; and, four of the five have practiced law for three years or less. NLSP advocates are committed and passionate about their work. They come to NLSP with a range of experiences, including law school clinics. The submitted writing samples were well-written and demonstrated an understanding of the law. The writing samples were varied and indicated advocacy in a variety of forums. Staff attorneys have had very few jury trials and have conducted little discovery. Discussions with staff indicate movement towards more complex work. Notably, NLSP has successfully litigated family law cases where opposing counsel is involved, which is often another legal services provider.

NLSP is not taking full advantage of the potential shown by the inexperienced staff. The supervision of this staff and their ongoing training is inadequate. Managing attorneys may meet with staff and are available to answer questions, but no formal supervision processes are being followed. Legal work standards do not exist and case management standards are not implemented.

NLSP devotes resources to staff training but training needs are not assessed in a systematic fashion. While the program sends staff to a variety of substantive and litigation skills trainings, this cannot substitute for ongoing supervision and mentoring in substantive areas. Newer staff attorneys need formal mentoring and training. Managing attorneys should meet with staff to establish goals and objectives for staff development. Performance evaluations should track progress towards meeting these goals. Managing attorneys should use the case managing system as a tool to provide oversight of the work of staff attorneys.

Staff does not regularly attend meetings of Advisory Neighborhood Councils or DC Consortium Affinity Groups. Attending these meetings will allow staff to identify trends and new developments in the service area. Involvement with the Affinity Groups may help staff develop expertise in substantive areas such as housing. Staff will also have the opportunity to discuss strategies and emerging issues with other legal services providers.

Recommendations:

III.10.1. NLSP must strengthen its legal work management systems immediately. This includes the development of systems for mentoring and supervision of new attorneys and ongoing oversight of casework.

III.10.2. NLSP should enforce any existing case management system policies.

III.10.3. NLSP should adopt a system that evaluates the quality, quantity and effectiveness of its legal work and documents outcomes.

III.10.4. NLSP should conduct performance evaluations uniformly and regularly throughout the program.

III.10.5. NLSP should develop a training protocol for managers that will help them better understand their roles and responsibilities.

Finding 11: NLSP's productivity, as measured by the number of closed cases, is troublesome.

Over the past several years, the number of NLSP's closed cases has consistently been far below the national median. NLSP reported 1,331 closed cases in 2008, primarily in the subject areas of housing (29.8%), consumer/finance (19.1%), family (18.9%), employment (9.7%), and income maintenance (8.6%). The program closed 121 cases per 10,000 poor persons, far below the national median of 254 for that period. In 2007 the program closed 87 cases per 10,000 poor persons (national median 254). In 2006 the program closed 95 cases per 10,000 poor persons (national median 259).

One explanation for low case closing data may be a program's involvement in a large number of extended service or complex cases. This has not been the case with NLSP. NLSP closed a total of 293 extended cases in 2008 (27 extended cases per 10,000 poor persons). The program closed 144 extended cases (13 extended cases per 10,000 poor persons) in 2007 and 119 extended cases (11 extended cases per 10,000 poor persons) in 2006. In 2008, 2007, and 2006 the national median of extended cases closed per 10,000 poor persons was 54, 56 and 58 respectively. Of the total cases closed in 2008, 11.1% were closed under the categories of settlements with and without litigation, agency decisions, and court decisions. No doubt, the turnover in NLSP advocacy staff and the inexperience of advocacy staff contributed to the low case closings. NLSP is also

engaged with projects that do not allow them to count certain cases due to LSC guidelines. NLSP is able to capture this work in its Other Services report that is submitted to LSC.

Recommendations:

III.11.1. Even though NLSP should not solely focus on increasing the volume of cases it handles, the program should examine its productivity in light of the low service case closings and low extended case closings per 10,000 poor persons.

III.11.2. NLSP should strategically examine what is the reason for low case numbers and take action to correct any inefficiency in its systems.

Finding 12: NLSP’s reputation with equal justice stakeholders regarding the quality of its legal work is mixed.

While judges and some equal justice stakeholders were complimentary of the program’s effectiveness and commitment, other stakeholders were critical and had concerns about the quality of legal work provided by NLSP. NLSP effectively navigates some consumer problems and does excellent work with foreclosure loss mitigation and working with lenders. The program successfully negotiates many custodial agreements and has been known to increase communication between parties while counseling them. NLSP fairly represents clients against others who are appearing pro se. Judges described a legal services program that consists of “well-prepared” attorneys engaged in successful evidentiary hearings and meaningful legal work.

While the team heard no complaints from judges or clients, other stakeholders in the legal services community were much more critical of NLSP’s work. Several providers noted that they do not refer clients to NLSP. Providers referenced weaknesses in substantive practice areas. There is a perception that NLSP tries to do too much and takes on new projects without stabilizing existing initiatives.

Recommendation:

III.12.1. In examining the quality of its legal work, NLSP should engage in effective communication with equal justice stakeholders to identify areas of concern and/or needed improvement.

Finding 13: NLSP partners with Legal Aid Society and Bread for the City to provide assistance for clients in the DC Superior Court Landlord Tenant Resource Center.

The DCBF funds the court based Attorney-of-the-Day project at the DC Superior Court Landlord Tenant Resource Center. The three partner organizations take turns staffing this court-based initiative. NLSP staffs the project five times each month which is reflective of fewer dedicated attorneys than either of the other two partner

organizations. The Small Claims Resource Center also plays a role by triaging clients and then referring them to the Attorney-of-the-Day representative. The Attorney-of-the-Day interviews and enters a temporary appearance and limited retainer. If the matter is not resolved, NLSP will review the facts to determine viability of extended representation.

NLSP should be commended for its efforts to establish this partnership with other legal services providers. However, several occurrences reflect negatively on the quality of legal services provided by NLSP related to this partnership. Inexperienced attorneys have appeared for court without supervision or guidance, attorneys have had to take cases in areas where they have had no substantive training, and have missed Attorney-of-the-Day assignments. Through its reporting, NLSP has not provided adequate information to dispel the perceptions of poor quality regarding the Attorney-of-the-Day project. Due to inadequate data and reporting, it is difficult to gauge the effectiveness of NLSP's participation in the project and the quality of legal assistance provided.

NLSP has attempted to respond to concerns associated with its participation in the Attorney-of-the-Day project. In the absence of clearly-defined standards, the executive director met with the DC Bar Pro Bono Program to discuss standards for handling cases. In addition to the regular casehandlers' meetings, the executive directors of NLSP and Legal Aid Society along with the legal director of Bread for the City are meeting on a regular basis. NLSP has also sent two supervisors to work on the project.

Recommendation:

II.13.1. NLSP should analyze its work with the Attorney-of-the-Day project. NLSP should engage in candid conversations with project partners and DCBF to develop a strategy for correcting any deficiencies with its participation. The analysis should examine NLSP's productivity relative to its partners.

Criterion Two. Private Attorney Involvement (PAI)

Finding 14: NLSP integrates private attorneys in its work in order to supplement the amount and effectiveness of its representation and other services and achieves its goals and objectives.

NLSP has a long-standing relationship with the law firm of Covington & Burling. Each year, Covington & Burling provides NLSP with two associates and one paralegal on six-month rotations. Covington also provides a secretary on a semi-permanent basis. To support the "volunteer" staff, NLSP provides office space, mentoring, co-counseling and supervision. Cases handled by Covington and Burling staff are closed as PAI cases.

The program closed 186 cases through its PAI component in 2008. The majority of PAI cases are in the housing (25.3%), consumer/finance (18.8%), family (16.7%) and employment (15.1%) categories. The majority of these cases were closed as counsel and advice or brief service (86.5%).

In 2007, NLSP hired a pro bono counsel to coordinate and promote the use of private attorneys to meet the legal needs of clients. The pro bono counsel is visible in the client community and has facilitated training opportunities for the legal services community. A PAI plan and work plan were developed to articulate goals, priorities, process and strategies for pro bono assistance in each office. The program has recruited approximately 125 volunteers to its panel. The pro bono counsel provides volunteer attorney training for the Foreclosure Clinic and the Wills/Advance Directives Clinic. After volunteer lawyers are trained, NLSP co-counsels cases in order to better track progress using the case management system. Even though this approach is not necessarily efficient, it works for the program at this stage in developing its PAI efforts. The pro bono counsel also tracks volunteer attorney cases using the case management system and an Excel spreadsheet. NLSP does not currently undertake activities to recognize volunteers who participate.

Despite a national initiative led by LSC, the NLSP board has not passed a resolution to emphasize the importance of PAI activities in assisting clients who cannot be served by staff attorneys due to limited resources.

Recommendations:

III.14.1. The NLSP board should review LSC Program Letter 07-2, *Guidance to LSC Programs for the Development of Enhanced Private Attorney Involvement*. The board should consider adopting a resolution tailored to local needs and circumstances to enhance PAI activities.

III.14.2. NLSP should be more proactive and strategic in efforts to utilize private attorneys. DC has numerous opportunities to engage the private bar.

III.14.3. NLSP should explore mechanisms to recognize volunteers with its PAI efforts. Oftentimes, recognition activities assist programs in recruiting additional volunteer attorneys.

Criteria Three and Four. Other Program Services and Activities on Behalf of Clients.

Finding 15: NLSP engages in outreach, community education, and other activities on behalf of its clients, but should make certain that these efforts are uniformly applied across the service area to the extent possible.

NLSP provides flyers and brochures on topics relevant to the poverty population and participates in endeavors to serve the client community. A substantial number of staff persons participate in the Small Claims Resource Center. In fact, one of intake workers has begun accompanying the attorney to the Small Claims Resource Center to assist with the intake process and other administrative duties. In 2008, NLSP served over 945 persons through the center.

NLSP has developed several specialized projects that target problems experienced by the client community. These projects could represent a significant pay-off in the program's long-running investment of time and energy with other service agencies that have an interest in the plight of the poverty population. NLSP incorporates the following into its work:

- Wills Clinic – DC's only pro bono wills clinic in partnership with Housing Counseling Services; private attorneys draft the will and NLSP coordinates the reading and execution of the will;
- Foreclosure Clinic – a collaboration with pro bono attorneys and paralegals;
- Advance Directive Clinic – an extension of the Wills Clinic where pro bono attorneys draft advance directives
- Small Claims Resource Center – collaboration with the DC Bar Pro Bono Program and Catholic University Law School.

Unfortunately the numbers of clients who participate with these projects is low.

A limited number of staff work with community and client organizations, and participate with local initiatives. The executive director is very visible and demonstrates a commitment for involvement with the client community.

Finding 16: NLSP has taken steps to review and assess its technology capacity in order to ensure proper resources to carry out its work.

NLSP has a technology committee to assist with technology planning and implementation. Additionally, the program recently had NPower and Bay Telephone Systems conduct technology and telephone audits to assess the effectiveness of its systems. As a result of the technology audit, the program is contracting with NPower to:

- Configure and install Windows Server 2003/2008 Standard with client access licenses
- Install and configure battery backup units on all servers
- Install additional RAM on server at the main office
- Configure workstations and laptops and transfer data to new workstation
- Install wireless access point at main office

In addition to working with NPower to increase its technology capacity, NLSP should maximize the technology already in place. The Kemps case management system is not used by everyone to maintain an up-to-date and comprehensive tickler and docket calendar.

Finding 17: NLSP is not effectively using the Kemps case management system.

Kemps is not being consistently used as a management tool by staff. Managing attorneys do not review the information contained in Kemps. Reports are not generated

to monitor case loads and ensure timely closing of cases. Based upon reviews of open case lists and interviews with staff members, the program is not keeping contemporaneous time records as required.

NLSP has attempted to address issues with Kemps by providing training. In 2008, NLSP retained John Kemp to train the entire office. The training was held over a 4-day period. The program also provides Kemps training for all new hires.

Recommendations:

III.17.1. NLSP should provide additional Kemps training to staff. A portion of this training should be dedicated to ways managing attorneys can use it to enhance supervisory responsibilities.

III.17.2. NLSP should immediately provide training to staff regarding timekeeping requirements. The program must follow up with staff to ensure ongoing compliance.

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

Criterion One. Board Governance.

Finding 18: The program's governing body generally fulfills its oversight responsibilities.

The current by-laws of the board were amended and approved by the board of directors in 2009. The NLSP board has 15 positions with one attorney-member vacancy. The board regularly meets four times per year, but meets more frequently as needed. The board's structure includes an executive committee and four standing committees and several ad hoc committees. The executive committee consists of two co-chairpersons, a vice chairperson, a secretary, a treasurer, and an at-large community member. The secretary position is currently vacant. The four standing committees are audit & finance, personnel, operations and resource development. The board recently adopted a conflict of interest policy. The board adopted term limits that only apply to board members that are placed on the board after 2008.

Budget oversight is a shared responsibility between the executive director and the audit & finance committee of the board. The audit & finance committee is responsible for receiving budget and financial reports and making recommendations concerning financial matters to the full board. The committee implements accounting and internal controls and selects the external auditor.

New board members receive program orientation and training and are given a board package that contains information regarding responsibilities and policies. The majority of board members attend board meetings. The board of directors has not

conducted a performance evaluation of the executive director who has been in that position since February 2006.

The NLSP board is actively engaged in the program's work. The NLSP board has influential members who are strong community advocates. Many are actively involved in the operations of the program and enjoy a good working relationship with the executive director. The board should ensure that it is focused on broader governance matters and not daily program operations.

NLSP has a client ad hoc committee that is reported to be one of the more inactive committees of the board. The committee was formed to help prepare client-eligible board members to work with the program by providing support services. The committee also looks at training opportunities for board members.

Recommendations:

IV.18.1. The board should consider setting term limits that are applicable to the entire board.

IV.18.2. NLSP should consider additional training opportunities to ensure all board members are knowledgeable of their fiduciary responsibilities.

IV.18.3. The board should conduct regular performance evaluations of the executive director.

IV.18.4. The board should revive the client ad hoc committee to provide adequate support to client-eligible board members.

Criterion Two. Leadership.

Finding 19: NLSP employs a chief executive officer who shares a sense of vision with the legal services community.

The executive director is recognized for her leadership of NLSP. She is well-liked and is an active participant with the Access to Justice Commission and the DC Consortium of Legal Services Providers⁴. Out of necessity she has taken on multiple management responsibilities with the program. In addition to serving as the chief executive officer, the executive director oversees the outsourced accounting function, takes responsibility for grant writing and reporting, engages in advocacy and collaboration, and oversees the program's human resources function⁵. Based upon the program's organizational chart, too many people report directly to the executive director.

⁴ After our visit, the executive director was elected to a two-year term as a co-chair of the DC Consortium.

⁵ Since our visit, NLSP has hired a director of legal programs who will begin working with the program in September.

The executive director and board share a vision regarding the direction of the program. However, part of the vision is fluid and not fully understood by all staff. Even though staff has accepted the neighborhood concept of service delivery, they are unclear about the program's strategies and objectives associated with achieving it.

NLSP has promoted from within and has provided opportunities for professional development. However, the program does not have a clear leadership succession plan in place. Given the recent turbulent history of the program and high staff turnover, transition planning should be considered.

Recommendations:

IV.19.1. NLSP should effectively communicate the program's vision to staff along with expectations that relate to job responsibilities and involvement with the client community.

IV.19.2. The executive director needs to reduce her responsibilities by delegating to others.

IV.19.3. NLSP should explore the feasibility of retaining an organizational consultant to assist the executive director in identifying the strengths and weaknesses of its current structure and make recommendations for change.

Criterion Three. Overall management and administration.

Finding 20: NLSP has good written management and administration policies but does not ensure their implementation and does not engage in regular program evaluations.

NLSP has a Personnel Manual, an Office Procedures Manual and a Financial/Accounting Manual. The program has policies covering intake and case management. However, program policies are not consistently followed and the program does not engage in its own periodic evaluation of management operations.

Managing attorneys have not received adequate guidance regarding supervisory oversight of staff attorneys. Managing attorneys do not regularly review reports from the Kemp's database to provide supervision to staff. Generally, managing attorneys provide little oversight and primarily function as staff attorneys.

Recommendations:

IV.20.1. NLSP should engage in periodic evaluation of management operations to ensure policies and procedures are being followed by staff.

IV.20.2. NLSP should evaluate managing attorneys and assess their desire to manage and mentor, their ability to manage and mentor, and their substantive and practical legal skills

ability. NLSP should ensure demonstrated skill sets are in alignment with job duties and responsibilities.

Finding 21: NLSP has taken steps to assess gaps within its current management structure.

NLSP has retained the services of a legal services management consultant to assist the program with its advocacy efforts. The consultant will work with advocacy staff to identify and respond effectively to systemic issues that emerge from daily practices. The consultant will be a resource for staff while helping them develop and expand the use of available advocacy tools. The consultant will also assist with leadership and supervisory skills training.

Once the director of legal programs begins her position with NLSP in September 2009, she will be responsible for the overall operation of the legal activities of the program. The director of legal programs will serve as the senior deputy to the executive director while providing overall leadership and management to the program.

Additionally, the executive director transferred the compliance function for the program to a compliance officer in January 2009.

Criterion Four. Financial administration.

Finding 22: NLSP outsources its financial and accounting responsibilities.

Lucas Tucker & Co. provides accounting and financial services to NLSP. An accountant goes to NLSP twice each week and additionally as needed. The executive director receives monthly financial reports and reviews financial variances monthly. The senior accountant provides policy guidance, prepares budgets and attends meetings of the audit & finance committee. NLSP has no outstanding audit issues and has resolved concerns raised by the LSC Office of Inspector General.

Due to mounting costs in retaining Lucas Tucker, NLSP is attempting to bring the accounting function in-house before the end of 2009. They are currently recruiting for this position.

During a recent visit to NLSP, the LSC Office of Inspector General (OIG) did not express any “concerns” or “violations”. NLSP accepted OIG recommendations to *strengthen* its systems.

Criterion Five. Human resources administration.

Finding 23: NLSP maintains effective human resources administration.

The program’s human resources function is managed by the executive director. The board’s personnel committee is also engaged in personnel matters. The personnel

committee is responsible for approving job descriptions, evaluating employee benefits and implementing a salary administration plan.

NLSP improved its salaries in an effort to retain attorneys and upgraded its benefits package by joining the Center for Nonprofit Advance, a local nonprofit support organization. The DC Bar Foundation has created loan forgiveness programs for attorneys earning up to \$65,000 a year. Several NLSP attorneys also have received support through LSC's Loan Repayment and Assistance Program.

Morale within the program is reasonably good. Staff turnover has not completely stabilized, though. There are frequent changes with key personnel positions. Many staff attorneys are frustrated by the lack of supervision and oversight. Newer staff members are asked to take cases and appear in court without proper training. While the program does provide orientation to new staff members, it may happen months after staff joins the program.

Recommendations:

IV.23.1. NLSP should solicit input from staff in an attempt to improve morale.

IV.23.2. Orientation of new staff should be conducted timely to provide maximum benefit to new employees.

Criterion Six. Internal communication.

Finding 24: The management team has mechanisms in place to effectively communicate with staff.

Regular communication among staff takes place through email and staff meetings. The program is in the process of reestablishing its intranet and is developing a wiki that will allow the program to share updates and information regarding policy decisions. The branch offices feel somewhat isolated from the rest of the program and do not always get information in a timely fashion. The executive director visits local offices as needed.

Recommendation:

IV.24.1. NLSP should develop and follow consistent policies to share information with all staff, including those in the two neighborhood branch offices.

Criterion Seven. General resource development and maintenance.

Finding 25: NLSP seeks to maintain and expand its base of funding.

NLSP continues to work on a plan to diversify its funding base. The board has a resource development committee that oversees capital and pro bono services. The purpose of the committee is to raise capital, public awareness, and pro bono participation.

The program has also developed a resource development plan that has the following goals:

- Develop strategies to diversify funding sources and identify potential sources of income;
- Implement a comprehensive annual campaign and research and prepare grants;
- Develop a communication strategy to create an NLSP message and develop a public relations campaign; and
- Increase resources by expanding private attorney involvement.

Board members do not have a requirement to financially contribute to the program, but they are active with resource development efforts. The program is examining the feasibility of hiring a part-time grant writer/developer to assist the executive director with resource development efforts.

A board member is responsible for heading a team that assists in writing and editing public grant applications. The law firm of Arnold & Porter works with program staff and the board to submit the applications to the DCBF for funding. Arnold & Porter provides two attorneys, one paralegal and a secretary to assist with these efforts. The law firm also provides printing services as necessary.

Recommendation:

IV.25.1 The entire board should be engaged in resource development efforts. Board training on fundraising would assist this endeavor.

Criteria Eight and Nine. Coherent and comprehensive delivery structure/Participation in an integrated legal services delivery system.

Finding 26: NLSP is engaged in a comprehensive and integrated service delivery system.

NLSP collaborates with other agencies that provide assistance to the low-income population of the District. Specifically, the program works with the DC Bar Foundation, the DC Access to Justice Commission, the DC Consortium of Legal Services Providers and the DC Bar Pro Bono Program. NLSP also collaborates with local community groups, agencies and law schools. The program has also facilitated training opportunities for other legal services providers. NLSP accepts referrals from agencies and makes referrals as necessary. Unfortunately many agencies do not refer cases to NLSP and expressed a reluctance to partner with the program due to its reputation of providing poor quality legal services.

Recommendations:

IV.26.1 NLSP needs to expand participation in justice community activities beyond the work of the executive director. Staff members should be more engaged.

IV.26.2. After addressing internal management challenges and developing a more strategic approach to service delivery based on current resources and the services of other providers, NLSF should prioritize the establishment of its public relations campaign. The program needs to address negative perceptions in the community and improve its reputation.