



LEGAL SERVICES CORPORATION  
**OFFICE OF PROGRAM PERFORMANCE**

FINAL REPORT  
FROM THE  
PROGRAM QUALITY VISIT  
TO

**IDAHO LEGAL AID SERVICES, INC.**  
RECIPIENT # 913000

JUNE 4 - 8, 2012

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**PROGRAM QUALITY VISIT TO  
IDAHO LEGAL AID SERVICES, INC.**

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*Attachment: September 27, 2012 Response from Idaho Legal Aid Services, Inc. (4 pages).*

## **INTRODUCTION**

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a Program Quality Visit to Idaho Legal Aid Services, Inc. (ILAS) from June 4 to 8, 2012. Team members included OPP Program Counsel Stephanie Edelstein (team leader), Evora Thomas, and Tim Watson; and LSC temporary employee Peter Dellinger.

Program Quality Visits are designed to evaluate whether LSC grantees are providing the highest quality legal services to eligible clients. In conducting the evaluation, OPP relies on the LSC Act and regulations, the LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The 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.

The team reviewed documents provided by the program to LSC, including recent grant applications to LSC, technology and PAI plans, workforce analysis charts, case service reports, and other service reports. The team also reviewed materials requested in advance of the visit, including documents relating to the program's intake, legal work, and case management policies and systems, advocates' writing samples, and the results of an online staff survey. While on site, the team visited all ILAS offices (Boise, Caldwell, Coeur d'Alene, Idaho Falls, Lewiston, Pocatello, and Twin Falls) and the Nampa Family Justice Center satellite office. Program leadership and administration, attorneys, paralegals, and support staff were interviewed in person, as were the board president, vice-president and several members; other board members were interviewed by telephone. Idaho Volunteer Lawyers Program and Idaho Bar Foundation staff members were interviewed in person. Judges and community organizations were interviewed by phone.

## **SERVICE AREA AND PROGRAM OVERVIEW**

Idaho is a large (82,643 square miles) mountainous state with significant rural expanses. It is home to five Native American tribes: Kootenai, Coeur D'Alene, Nez Perce, Shoshone-Paiute and Shoshone-Bannock. The state's economy is based on agriculture, ranching, mining, and more recently technology and tourism. Idaho is one of the fastest growing states in the United States, seeing an overall population increase of 21.1% from 2000 to 2010, to 1,567,582. The population is also growing poorer, older, and more culturally diverse. From 2000 to 2010, the percentage of people living in poverty increased by 21.7%, to 13.6% of the total population. The percentage of residents 65 years and older grew by more than 30%, to 12.4% of the total. In 2010, the population was 84.0% White non-Hispanic, 11.2% Hispanic/Latino, 1.2% Asian, 1.4% American Indian and Alaska Native, and 0.6% Black. Approximately 5,700 refugees came to the state between 2000 and 2012. Indeed, Boise has among the highest per capita rates of refugee resettlement in the United States. There are significant pockets of linguistically isolated households across the more southern region of the state, with the highest number of such households (5,513) in two of the counties served by the Boise and Caldwell offices. The unemployment rate in Idaho at the time of the visit was 7.8%.

Idaho Legal Aid Services was founded in 1967 as a two-office program, and grew into a statewide program with 80 staff in the 1970's and 1980's. ILAS remains a statewide program, but at the time of the visit had only 43 staff members, including 24 attorneys, two outreach worker/paralegals, and 17 administrative and other staff. Seventeen staff members, including the Migrant Farmworker Law Unit director have been with the program for more than 20 years. Nine staff members, including the executive director and the associate director (who is also the Indian Law Unit director) have been employed by ILAS for more than 30 years. Several long-time attorneys in the program have worked an 80% schedule for several years, but in 2011 other staff reduced their hours to further conserve program funds. Recent cuts in LSC and other funds resulted in several program-wide furlough days.

ILAS provides legal services out of seven offices and two satellite sites. Service offices are located in Boise, Caldwell, Coeur d'Alene, Idaho Falls, Lewiston, Pocatello, and Twin Falls. Administrative offices are in Boise. Satellite sites in Nampa and Boise serve domestic violence victims. The Migrant Farmworker Law Unit (MFLU) is managed out of the Caldwell office and the Indian Law Unit (ILU) is managed out of Boise. ILAS also operates three statewide helplines: a Senior Legal Hotline initially established with Older Americans Act funding, a Domestic Violence Legal Advice Line, and a Fair Housing/Fair Lending Advice Line. The program is a national leader in using technology to increase access to the courts, particularly through its development of interactive court forms for pro se litigants.

In 2012, ILAS received \$1,357,047 in LSC funds to support its advocacy, including \$1,119,801 in basic field funding, \$61,189 in Native American funding, and \$176,057 for migrant work. It also has five active TIG awards totaling \$787,641 for document assembly, website development, fiscal operations, and online intake projects, some of which will benefit the national legal services community. In 2011, LSC funding (excluding TIG awards) comprised approximately 65% of the program's total budget. Until very recently Idaho had been the only state not ever to have provided state funding -- through filing fees, appropriations, or fines -- for legal services. However, the Idaho state legislature recently appropriated \$120,000 to ILAS out of the state mortgage foreclosure settlement funds.

The number of cases that ILAS closes annually on behalf of LSC-eligible clients has declined slightly over the last four years, from 3,249 in 2008 to 3,033 in 2011. The percentage of extended service cases closed has increased gradually, from 28.6% in 2008 to 34.0% in 2011.

This was the first visit to ILAS using the Program Quality Visit model. OCE conducted an on-site CMS/CSR in 2005.

## **SUMMARY OF FINDINGS**

ILAS is struggling to maintain the level of legal services it provides to the low income community in the face of severely reduced funding, and has taken steps, including the scheduling of furlough days, to reduce expenses. The program is aware of the critical legal needs of the low-income population in its service area, and responds effectively to issues that emerge between formal needs assessments as its resources permit. It has a strategic plan that establishes joint board-staff committees to address a range of delivery and administrative issues, and in early

2012 reported on progress towards meeting many of the goals of the plan. ILAS monitors the outcomes of its work under some specific grants.

Offices are strategically located throughout the service area, are well-maintained, and have hours and procedures designed to promote access to the extent possible given the program's limited resources. Staff demonstrates cultural competency and sensitivity to the needs of the changing client community. The intake system offers a variety of options for accessing program services.

Staff members are experienced and dedicated to providing high quality legal assistance. Their potential is not always realized, in part due to the various non-LSC grants that take time away from more complex advocacy and in part due to reduced schedules that may leave less time to develop more complex cases. Within the budget constraints it faces, ILAS provides effective support for Native American and migrant farmworker advocacy. The migrant farmworker unit would benefit from an increased focus on advocacy goals and a plan to ensure that its work primarily addresses the specialized legal needs that arise from the employment status of farmworkers.

ILAS has collaborated with the Idaho Volunteer Lawyers Program to develop a variety of opportunities to involve private attorneys in its work. Volunteers receive support and recognition for their efforts.

ILAS uses several methods to address issues that it does not have the resources to handle through full representation, or that do not require full representation to achieve the outcomes desired. These models include advice-only services, limited or brief services, a bankruptcy clinic, interactive forms and other self-help materials, community legal education, and collaboration with and referrals to other providers. It has a national reputation for the innovative use of technology to enhance services to self-represented litigants.

The board of directors exercises its oversight responsibilities effectively and efficiently and maintains ongoing communication with the executive director and other staff as appropriate. ILAS has an effective leadership structure. Appropriate resources are devoted to management and there are written policies and procedures to guide the work of the program. The disaster guidelines could be improved with the addition of specific guidance for maintaining operations and minimizing disruption should such an event occur. ILAS has experienced and knowledgeable information technology staff, as well as the technology needed to support its work, although there are areas where upgrades would be beneficial. Staffing and systems for financial administration appear to be sufficient. Human resources administration systems are also adequate, although low salaries are undermining morale and hindering recruitment and retention.

ILAS has a strong presence and excellent reputation in the state justice community. Staff and board members serve on boards and commissions at the state and local levels, and engage in frequent collaborations with bar associations, the courts, task forces, and other service providers and agencies throughout the service area.

## DISCUSSION OF FINDINGS

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

### **Criterion 1. Periodic comprehensive assessment and ongoing consideration of legal needs.**

**Finding 1: ILAS is aware of the critical legal needs of the low-income population of the service area, and responds effectively to issues that emerge between formal needs assessments.**

ILAS conducts periodic legal needs assessments and uses the results of those assessments to develop program priorities. The most recent assessment was in 2008. The primary methodology for these assessments has been a written survey distributed to current and former clients; to organizations that serve the low-income population, including Native Americans and migrant farmworkers; to ILAS staff and board members; and to the legal community including private attorneys and judges. Survey questions were incorporated into staff presentations to other agencies and service providers, and responses were taken into consideration.

In 2008, ILAS also collaborated with the Idaho Commission on Aging to conduct an assessment of senior legal needs as part of a Model Approaches grant from the U.S. Administration on Aging. This assessment included a written survey of persons served by ILAS in 2006-7, selected to ensure geographic diversity and an overrepresentation of non-white and low-income seniors.

ILAS is in the process of planning a more comprehensive legal needs assessment in collaboration with the University of Idaho College of Law, which will take primary responsibility for its cost.

ILAS identifies legal needs that emerge between more formal assessments by reviewing intake applications and calls to the program's hotlines, and by staff interactions with other service providers. Some recent emerging issues involve refugee travel loans, foreclosure, bankruptcy, fair housing, and guardianship monitoring. The program has addressed these emerging issues in a variety of ways. When the state courts were experiencing difficulty obtaining adequate reports from court appointed guardians of incapacitated adults, ILAS agreed that staff would serve as guardians-ad-litem in those cases. When the Boise office learned through its HUD-funded fair housing hotline that refugee clients were not being adequately informed about hardship waivers for travel loan repayments, staff met with representatives of the U.S. Department of State, the U.S. Attorney's Office, and refugee resettlement organizations to resolve this issue. The fair housing/fair lending hotline also identified civil rights and federal housing law violations, which the program is addressing through the administrative process and litigation.

***Recommendation:***<sup>1</sup>

*I.1.1.1.\* ILAS is encouraged to proceed with its plans for a more comprehensive legal needs assessment that takes into consideration the legal needs and issues of special populations such as rural residents, elders, new communities, Native Americans, and migrant farmworkers.*

**Criterion 2. Setting goals and objectives, developing strategies, and allocating resources.**

**Finding 2: ILAS has adopted legal priorities that are sufficiently broad to address the most pressing legal needs of the low income community in Idaho.**

The findings of the 2008 legal needs assessment were incorporated into a policy directive on program priorities that was adopted by the ILAS board of directors in December 2008. The directive articulates goals, objectives, and strategies to achieve outcomes that address the most pressing legal needs in the service area through legal representation, assistance, advocacy and other program work. Priorities are reviewed annually by the board.

Program priorities are sufficiently broad to address the most pressing legal needs of the low-income population of the service area. Staff members sign a written acknowledgment of program priorities, and case closures appear to reflect these priorities. Staff appears to be very sensitive to changes in the demographics and needs of the client community.

**Finding 3: ILAS has leveraged its limited resources over the years through a range of innovative services and collaborations designed to reach the client community and address legal needs that may not require full representation.**

Like legal services programs across the country, ILAS is struggling to meet pressing legal needs with limited resources. Over the years, ILAS has initiated several models for addressing issues that it does not have the resources to handle through full representation, or that do not require full representation to achieve the outcomes desired. These models include advice-only services, limited or brief services, a bankruptcy clinic, interactive forms and other self-help materials, community legal education, and collaboration with and referral to other providers. The program has also developed a large library of interactive forms and self-help materials in English and Spanish that are available through its website and through the state court system. Community legal education includes in-person events and video presentations in English and Spanish available through the program website.

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<sup>1</sup> Recommendations in this report will be identified by a Roman Numeral cross-referenced to the Performance Area, followed by three numbers identifying, respectively, the Criterion addressed by the recommendation, the number of the finding, and a number designating whether it is the first, second, third, etc., recommendation under that finding. For example, III.2.14.3 designates Performance Area III, Criterion 2, Finding 14, third recommendation under finding 14. There are two tiers (levels) of recommendations in this report. Recommendations marked with an asterisk are Tier One Recommendations and are intended to have a direct and major impact on program quality and/or program performance. **In your next grant renewal application or competitive grant application, instead of submitting a full narrative, your program will be required to report what it has done in response to Tier One Recommendations.**

### **Criterion 3. Implementation.**

**Finding 4: ILAS has adopted a strategic plan that sets forth its mission, vision, and values, and that establishes joint board-staff committees to address a range of delivery and administrative issues.**

The ILAS board of directors adopted a strategic plan in 2008 and updated that plan in 2011. Developed in partnership with staff, the plan includes a mission and a vision statement as well as a set of core values to guide the program's work. It calls for the creation of board-staff committees to address a range of issues, including human resources/workforce planning, access to services and high quality advocacy, public relations, technology, board development, and a process to execute the various other plans.

### **Criterion 4. Evaluation and adjustment.**

**Finding 5: ILAS has taken steps towards evaluating the effectiveness of its work, especially the degree to which it achieves articulated objectives and desired results of individual grants, and, has used the results to make changes and leverage additional resources.**

The executive assistant and office managers monitor the outputs of specific grants and contracts relative to output targets. This data is captured in the case management system, which has the capacity to generate statistical reports for funders and managers. The case management system is also used to record financial benefits attained in individual cases. The executive director's report to the board of directors includes comparisons of case inputs and outputs, as well as outcomes where they are available. This information is also used in public relations and grant writing and other fundraising efforts.

The ILAS strategic plan includes an evaluation component and names a joint board-staff committee to review progress made towards the plan's goals. The committee conducted such an evaluation in April 2012, with a focus on the administrative rather than the advocacy sections of the strategic plan.

ILAS offers clients and other members of the community a variety of opportunities to provide feedback on its performance, and takes the results of that feedback into consideration for future planning. Clients receive a satisfaction survey when a case is closed, in both limited and extended services cases. In addition, the program website includes several on-line surveys related to services provided, from community education to extended representation, as well as on the content and usefulness of the website.

#### ***Recommendations:***

*I.4.5.1. ILAS is urged to expand its efforts to evaluate the effectiveness of its legal assistance and other services in meeting its priority goals. The results should be shared with staff and the board of directors.*

*I.4.5.2. ILAS should continue to evaluate progress towards achieving the goals and objectives of its strategic plan.*

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

**Criterion 1. Dignity and sensitivity.**

**Finding 6: ILAS offices are strategically located throughout the service area, are well-maintained, and have hours and procedures designed to promote access to the extent possible given the program's limited resources.**

Program offices are located in areas that are accessible to the low income community, either near public transportation where that is available, or in larger population centers near major roads, courts, and other services. Offices are accessible to persons with physical limitations. Every office has a computer with Internet access in the reception area for public use. Program spaces are professional in appearance, well-maintained, clearly identified, and welcoming to clients. Staff offices are professional and generally well-equipped. There is no exterior signage for the Pocatello office due to its location in a historic building, but the assessment team was assured that the office's location is familiar to the client community.

Office hours and procedures are reasonably calculated to promote access and utilization by the client community, including populations with traditional access difficulties. Furlough days and resulting office closings implemented in 2011 to reduce expenses are posted on the ILAS website calendar as a means of informing the community about office schedules.<sup>2</sup>

**Finding 7: ILAS demonstrates cultural competency and sensitivity to the needs of its changing client community.**

For many years, Spanish was the language other than English spoken most frequently in Idaho, but the population of linguistically isolated households is growing, particularly across the southern region of the state, with more concentration in the Boise/Caldwell area. Recent refugee resettlement in the Boise area has created new communities whose first languages include Russian, Arabic, Bosnian, Uzbek, Bhutanese, Burmese, Iraqi, and numerous African languages. The Lewiston and Coeur d'Alene areas include few persons with limited English proficiency.

ILAS has a written language access policy that addresses the recommended elements of an LEP plan contained in LSC Program Letter 04-2, *Services to Eligible Individuals with Limited English Proficiency*. Staff appears to be culturally competent and also able to work effectively with clients suffering stress and mental health issues.

ILAS has long had protocols for making its services available in Spanish. The website had a Spanish language version for several years, and now includes Google translations for the most common languages seen by the program. Written documents are translated into Spanish when needed, phone recordings have a Spanish option, and many program brochures are available in Spanish as well as English. Several members of the staff, including all MFLU staff,

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<sup>2</sup> The furlough days have been scheduled in conjunction with national holidays and long weekends when possible. Program counsel was informed by email on August 15, 2012, that there will be no more furlough days in 2012.

receptionists in Caldwell and Twin Falls, and some other attorneys, are bilingual in Spanish and English. The fair housing/fair lending hotline attorneys include fluent Spanish speakers. At least three ILAS staff members are former farmworkers. Today, the program serves speakers of languages other than English or Spanish through its contract with an interpreter service.

Spanish-speaking callers to the senior and domestic violence hotlines are directed to call the Caldwell office for assistance.<sup>3</sup> The senior hotline uses a voice recording for this purpose; the domestic violence hotline staff uses a script. The interpreter service is used for other languages.

### **Criteria 2. and 3. Engagement with and access and utilization by the low-income population.**

#### **Finding 6: ILAS is highly engaged with the client community.**

ILAS places high value on the public's awareness of their legal rights. The program's website describes the program as "a non-profit law firm and community education organization." Staff members conduct an impressive number of educational programs at local fair housing councils, senior centers, independent living centers, food banks, homeless coalitions, Indian reservations, migrant services sites, and domestic violence shelters throughout the state. The program uses its website and Facebook page to announce upcoming events and activities.

As noted elsewhere in this report, the high volume of educational programs that staff members are required to conduct with grants other than those from LSC limits the time they have available to spend on legal work. On the other hand, these events also raise community awareness of ILAS and the services it provides, including legal assistance funded by LSC.

Service providers in the state try to collaborate so that clients do not experience multiple referrals before they reach the provider that will ultimately serve them. Of particular note are the collaborations between ILAS and domestic violence shelters to screen shelter clients for eligibility for ILAS services and, in Caldwell and Boise, to house ILAS attorneys in multi-service family justice centers. Another excellent collaboration, with the state courts, has been to develop interactive court forms for self-represented litigants.

#### **Finding 7: ILAS offers several options for accessing program services, and staff who conduct intake are experienced and dedicated to providing high quality assistance.**

Applicants access ILAS services through one of three toll-free statewide hotlines (senior, domestic violence, and fair housing/fair lending); by toll-free telephone and walk-in intake at each of the seven offices; at the Nampa Justice Center and FACES in Boise; and at outreach sites. Intake for migrant and seasonal farmworkers also occurs in fields and at dairies and other sites where workers congregate, and intake for Native American applicants takes place on the Nez Perce and Fort Hall reservations. A new identity-theft project is operated out of the Boise

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<sup>3</sup> As discussed under Finding 7, below, the telephone system does not allow for seamless transfers to the Caldwell office at this time.

office. Some domestic violence shelters screen their clients for ILAS eligibility before referring them to ILAS.

The senior and domestic violence hotlines are operated out of the Coeur d'Alene office, and the fair housing/fair lending hotline is operated out of the Boise and Caldwell offices. ILAS has begun implementation of a program-wide Voice over Internet Protocol (VoIP) system. At the time of the visit, three offices (Boise, Caldwell, and Twin Falls) had VoIP, although the inter-office call transfer feature for services other than the senior legal hotline had not yet been enabled. Callers are currently required to hang up and call the appropriate office. Seniors calling general intake in any office are given the option of automatic transfer to the senior hotline. However, it appears that the reverse is not yet possible: a senior hotline caller who is not LSC-eligible but who resides in a county for which ILAS receives Title IIIB funding, cannot be transferred to that office; she will need to hang up and make a separate call.

The hotlines and branch offices are generally open for telephone (hotlines and offices) and walk-in (offices) intake Monday-Friday during regular business hours. When phone lines are busy, callers can hold or leave a message; calls are usually returned the same day. A recording in English and Spanish explains the program's services and the intake process and directs callers to the program's website for additional information and resources.<sup>4</sup> In the Boise, Caldwell, and Twin Falls offices, phone messages also display in the email system. Staff reported that the majority of the program's intakes now come in through the senior, fair housing/fair lending, and domestic violence hotlines. The assessment team did not hear of callers experiencing long delays on hold or being unable to get through the phone lines. All offices reported that messages are prioritized and answered in turn, the same day if possible.

Applicants for services are screened for eligibility by the office secretary or office manager, or by an ILAS staff person at an outreach site. If a preliminary screening does not indicate likelihood that the applicant will be eligible, he/she is referred to the ILAS website, to the Idaho Volunteer Lawyers Program or other legal resource, or provided with an informational brochure. The senior legal hotline is no longer funded under the Older Americans Act, so callers must be determined eligible for LSC-funded services in order to receive legal assistance.<sup>5</sup> Callers to the fair housing/fair lending and domestic violence hotlines are screened for LSC eligibility in the event that they require services beyond the information and advice for which the hotlines are funded, in which case they will be served with LSC funding. Eligible hotline applicants are transferred to the attorney on duty for the respective hotline upon completion of the intake. That attorney provides immediate advice and assistance if appropriate. Legal issues other than those handled through the hotlines are handled by staff in the appropriate branch offices or units. Applicants for those services are scheduled for an appointment with an attorney within a week of the initial contact. Staff members who conduct intake use instant messaging to communicate with attorneys during the intake process.

There is some use of written applications. In Boise, walk-in applicants may be given a paper application if intake staff is occupied with other applicants. Intake staff then verifies the

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<sup>4</sup> Language access is addressed under Finding 5, *above*.

<sup>5</sup> ILAS also receives funding for some offices under Title IIIB of the Older Americans Act. However, these grants are by county and cannot be pooled to support the statewide senior hotline.

written information and enters it into the CMS. Some staff use paper applications at outreach sites, then complete the intake once they have access to the CMS.<sup>6</sup> In Pocatello, walk-in applicants are asked some preliminary questions about income and problem type to determine likely eligibility, scheduled for an appointment with an attorney, and given an “intake packet” that includes an application to take home and complete. The packet is reviewed by intake staff when the person returns for the appointment. ILAS staff explained to the assessment team that it is rare for an individual to be determined to be ineligible at this point, and that the reason for the system is the lack of private interview space and the need to preserve applicant confidentiality. This way, intake staff can point to the contents of the packet and ask the applicant to confirm it, rather than speaking aloud and risking being overheard.

ILAS has received an LSC TIG grant to develop an on-line intake system. This project is still in development.

Written case acceptance procedures call for weekly case acceptance meetings, although offices vary on their formality and frequency. This is due in part to the small size of the offices and the high level of staff experience, and in part to the fact that many cases come into the program via hotlines and under non-LSC grants that leave little room for choice on whether to accept them and the level of service to be provided. When case acceptance meetings are held, case assignments are made and the level of service is determined. Ongoing cases may also be discussed. If case acceptance meetings are not held, the attorneys discuss new cases informally and decide among themselves whether the case will be accepted and who will handle it. The ultimate decision on whether a case is to be accepted is made within a few days of the intake by the managing attorney of the office or, in the case of the ILU or MFLU, by the unit director. The MFLU director reviews all intakes and requests for legal assistance before cases are opened. This system follows the spirit of the program’s written intake and case acceptance procedures and appears to work well.<sup>7</sup>

While the intake system is accessible, the growing number of grants requiring specific activities in defined areas is limiting the time that could be devoted to extended services on legal issues that would previously have been handled by the program, such as some consumer and senior issues, and divorce/custody where there is no domestic violence. In addition, conducting intake whenever the office is open at times prevents attorneys and support staff from fulfilling non-intake responsibilities, especially when accompanied by reduced staff hours and furlough days. Some offices have taken steps to address this problem. The Boise office currently limits the number of intakes conducted through the non-LSC fair housing/fair lending hotline to twelve per day to allow attorneys time for other work. The Pocatello office tries to reserve Friday appointments for intake emergencies. These procedures are acceptable under the ILAS written intake and case acceptance policies.

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<sup>6</sup> Each office has two laptop computers for use in outreach and community education which could in theory be used for intake, but not all outreach sites have the infrastructure required to access the Internet and the CMS.

<sup>7</sup> The ILAS written intake and case acceptance procedures were last updated in 2002 before the program received funding for statewide hotlines, and do not reference hotline intake.

**Recommendations:**

*II.2.7.1.\* ILAS should examine how intake is conducted throughout the program with a view toward making it more efficient for applicants and staff, and allowing staff time to do other work without interruption. As ILAS implements its VoIP system, it should consider including a call distribution system that would allow calls to be distributed to other offices when intake workers are on calls or otherwise not available.*

*II.2.7.2. ILAS should create space in the Pocatello office to ensure that individuals seeking assistance can confer privately and confidentially with ILAS staff. Once this is in place, ILAS should discontinue reliance on written application forms.*

*II.2.7.3. As plans for on-line intake move forward, ILAS is urged to consult with other programs that have already implemented such a system.*

*II.2.7.4. ILAS is urged to review its written intake and case acceptance procedures and make changes, as appropriate, to reflect the intake being conducted via hotlines and, in the future, online.*

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

**Criterion 1. Legal representation.**

**Finding 8: ILAS demonstrates the capacity to provide high quality representation to low-income clients, although the program's potential is not fully realized owing in part to the work that must be performed for non-LSC funders.**

ILAS has a strong reputation built around a core of highly experienced staff. At the time of the visit, the staff of 43 included 23 attorney positions, two of which were vacant. ILAS attorneys average more than 25 years of experience; thirteen have more than 30 years of experience and all but five have more than 10 years of experience. Experienced attorneys are complemented by a new generation of advocates who bring enthusiasm and fresh ideas to the program's efforts. The experience levels of administrative and support staff echo those of the attorneys. As a group, the staff is extremely dedicated, and they strive for results that are compatible with the clients' goals as well as with program priorities.

Over the years, ILAS advocacy has resulted in substantial and lasting benefits for the state's poverty population. For example, in 2004, an ILAS challenge to a state Medicaid policy resulted in expanded Medicaid coverage for breast cancer patients. In 2009, program attorneys co-counseled with the National Law Center on Homelessness and Poverty and private counsel to successfully challenge the City of Boise's enforcement of no-camping laws against homeless people. The program is currently representing several individuals in a due process and substantive challenge to the termination of living expenses for aged, blind and disabled adults receiving state assistance. ILAS is also currently seeking administrative and legal remedies for a number of fair housing violations that came to light through the fair housing hotline.

The number of cases that ILAS closes annually on behalf of LSC-eligible clients has declined slightly over the past four years, from 3,249 in 2008 to 3,033 in 2011. However, the percentage of cases in which extended services were provided has increased slightly but steadily, from 27.4% in 2008 to 30.4% in 2011. The largest percentage of legal work is in family law with an emphasis on cases involving domestic violence (34.6%), followed by housing (24.4%), consumer (9.6%), income maintenance (9.4%) and health (7.4%). The number of contested cases per 10,000 poor persons approximates the national median (32 vs. 31). In 2011, ILAS closed somewhat fewer basic field cases per 10,000 poor persons than the national median (213 vs. 263), but closed slightly more extended cases per 10,000 poor persons than the national median (65 vs. 61).

The writing samples submitted to LSC include pre- and post-trial briefs, motions, and proposed orders, in landlord-tenant and other housing, probate, government benefits, family, civil rights, and tribal law cases. They also include guardian-ad-litem reports to the court, and articles. The writing samples reflect legal practice in a range of forums, including administrative hearings, tribal courts, and state and federal trial level and appellate courts. Most of the writing samples were well-written and indicative of high quality advocacy. Some, such as simple orders, guardian-ad-litem reports, and articles, were well-written but less illustrative of legal advocacy skills. In addition, some of the writing samples would have benefitted from more careful editing.

LSC recognizes that there is value in having experienced attorneys provide assistance on a hotline, particularly one as sensitive as the domestic violence hotline. We also recognize that fee-for-service agreements such as those to provide guardian-ad-litem services in adult guardianship cases provide a valuable service to the ward and often strengthen relationships with the courts. Community education events such as those required by the grants from the U.S. Department of Housing and Urban Development (HUD) or the U.S. Department of Justice (DOJ) certainly benefit the low-income community. While most grants cover the cost of the activities, in this time of limited resources, it is important to consider whether these activities put the legal skills of experienced attorneys to most effective and efficient use. As noted elsewhere in this report, staff expressed some concern to the assessment team that resource development and community education and outreach requirements of grants such as those from HUD and DOJ are taking them away from legal advocacy.

ILAS attorneys are respected by judges, other lawyers in the community, and service providers who are familiar with their work. Judges describe ILAS attorneys as professional, reliable, well-prepared, and courteous and respectful to both the courts and their clients. It is a measure of the program's reputation in the legal community that one former ILAS attorney is a member of the Idaho Court of Appeals. Attorneys are engaged with the bench and bar, and several have held leadership positions in local and state bar associations. Some have written significant articles for the state bar publication. They also participate in committees and interest groups dealing with a broad range of issues – both substantive and procedural – that affect the client community.

**Recommendations:**

*III.1.8.1.\* ILAS should ensure that the work that advocates perform is commensurate with their experience and expertise, and that their written work product is uniformly of the highest possible quality.*

*III.1.8.2. ILAS is urged to examine the extent to which attorneys and other branch office staff are tasked with non-advocacy responsibilities, to ensure that the legal skills of advocates are not compromised, but rather, are maximized in the delivery of legal services.*

**Finding 9: ILAS provides effective support for Native American advocacy within the budget constraints faced by the program.**

Although the Native American grant from LSC is small (\$61,189 in 2012), advocates are vigilant concerning Indian law issues and assist the five major tribes in the state with tribal court advocacy, jurisdictional disputes with state courts, legal education, wills and estate planning, and codification of tribal laws and procedures. Routine cases are treated as basic field cases. The Indian Law Unit is led by the associate director, who has many years of experience and a national reputation in this field. Other attorneys working on Native American issues are located in Lewiston and Pocatello. The program has a contract to serve members of the Coeur d'Alene Tribe through its Coeur d'Alene office, and maintains a presence with this and other Native American tribes through frequent visits for outreach and intake.

ILAS provides civil and criminal legal services to members of the Nez Perce Tribe through a contract with that tribe, and provides services to the Shoshone-Bannock Tribe with grants from the U.S. Department of Justice Bureau of Tribal Justice. In addition to leveraging ILAS resources for Native American advocacy and increasing the program's ability to serve individual clients, these projects are strengthening the relationship between ILAS and the Native American tribes.

**Finding 10: ILAS provides effective support for migrant farmworker advocacy within the budget constraints faced by the program, but would benefit from an increased focus on advocacy goals and a plan to ensure that the MFLU's work primarily addresses the specialized legal needs that arise from the work and employment status of farmworkers.**

In 2012, ILAS received \$176,057 from LSC for its work on behalf of migrant farmworkers. The MFLU includes a managing attorney/director in Caldwell, part-time staff attorney in Twin Falls, and outreach worker/paralegals who work out of Caldwell and Twin Falls. Staff members are knowledgeable, experienced, and dedicated. They are bilingual in Spanish and English, and as previously noted, the outreach worker and the support staff in the Caldwell office are former farmworkers. MFLU staff members conduct several visits each week to workers in fields and dairies, and to housing and other sites across the area. Outreach efforts are limited at times by the lack of an infrastructure to support the use of laptops and other technology, an issue over which ILAS has no control. However, the unit does make effective use of Spanish-speaking radio and radio stations to reach farmworkers in rural areas. The staff is also actively involved with other farmworker service providers in the state.

The Idaho farmworker community includes large numbers of H-2A and H-2B guest workers from Mexico, Peru and Chile; migrant workers who travel from other states for the growing season; and seasonal workers who have “settled out” and reside in or near farming communities along the Snake River. The program reports that there is also a large contingent of undocumented workers in the area. Farmworkers in Idaho harvest cherries, apples, grapes (for wine) and hops (for beer), potatoes, sugar beets, and grain; they move irrigation pipes, work in dairies and serve as shepherders; in the north, they engage in reforestation. Most workers are Mexican or Mexican-American; shepherders come from Peru and Chile. Among those who have settled in the area is a growing community of former migrant workers who are aging, and who are disabled as a result of their farm labor.

In addition to the more typical challenges inherent in representing migrant farmworkers (*e.g.* immigration status, language and cultural barriers, distance, isolation), MFLU advocates report facing practical difficulties in seeking to assist H-2A and H-2B guest workers. Under these visa programs, farmers may request that specific workers be granted visas to return the following year. This appears to have a chilling effect on the willingness of H-2 workers to talk to legal aid staff, as there is a perception that doing so may result in termination of their employment and return to their country of origin, or the failure of the employer to request that they be granted a visa the following year.

Despite the staff’s experience and demonstrated commitment to serving the migrant farmworker community, MFLU’s cases do not appear to reflect the strong and consistent focus on migrant-status related cases described by then-LSC President John McKay in his June 19, 2000 letter to executive directors (the “Migrant Delivery Letter”).<sup>8</sup> In 2011, ILAS closed 112 migrant cases, of which 12 were employment (including six wage claims), 10 were health (including Medicaid/Medicare), 18 were housing (including foreclosure), 45 were income maintenance (including Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI)), eight were individual rights, and six were consumer (including debt collection and tax). In addition, one education case and two miscellaneous cases were closed. Of the cases closed in 2011, only four were closed with court decisions – two uncontested family cases and two federally subsidized housing cases. Cases closed with administrative decisions include: 12 SSI decisions, one SSDI decision, two Medicare/Medicaid decisions, and the education case. Extended services were provided in 42.9% of the 2011 cases. In the past, ILAS MFLU has represented victims of domestic violence, human trafficking, and identity theft.

The apparent disconnect between the goals set forth in the “Migrant Delivery Letter” and the MFLU’s current work is demonstrated by the high number of SSI and SSDI cases, which are a traditional area of LSC basic field services practice. In 2011, approximately 35% of the cases closed by the MFLU involved SSI or SSDI. It was explained to the assessment team that the relatively high percentage of these cases in the MFLU is due to the number of migrant and seasonal farmworkers who have settled in the state and who are disabled as a result of their farm

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<sup>8</sup> See, Migrant Delivery Policy Letter from LSC President John McKay to executive directors, June 19, 2000. The letter discusses which unit within an LSC grantee (*i.e.*, basic field or migrant farmworker) should have responsibility for representing farmworkers who do not, or no longer, migrate, on status and non-status related issues. [http://lri.lsc.gov/sites/default/files/LRI/pdf/other/jm\\_migrantplcy.pdf](http://lri.lsc.gov/sites/default/files/LRI/pdf/other/jm_migrantplcy.pdf)

labor. The program maintains that for these farmworkers and former farmworkers, the lack of employment and health records, coupled with language and other barriers, exacerbates the difficulty in obtaining the government benefits for which they are eligible.

Migrant unit staff members also spend a significant amount of time conducting outreach and educational programs on topics that appear to be unrelated to farmworker advocacy, such as teen dating violence. Staff members use the opportunities presented by these programs to raise awareness of ILAS services generally, and to provide information on laws that protect farmworkers. Grants for such activities may provide a temporary means to maintain contact with the migrant community while looking for additional resources, but they should not be a long-term strategy.<sup>9</sup>

The upcoming needs assessment should help to define the current and emerging needs of the farmworker client community in Idaho and should provide a basis upon which to develop a long-term plan for migrant farmworker advocacy.

***Recommendations:***

*III.1.10.1.\* ILAS should assess the legal needs of the migrant and seasonal farmworker population in Idaho and should use the results of that assessment to develop advocacy goals and an advocacy plan for the Migrant Farmworker Law Unit. The advocacy goals and the advocacy plan should take into consideration the barriers and special legal needs that arise from the work and employment status of farmworkers and should include steps to ensure that cases and activities undertaken by the MFLU primarily address those needs. These steps should be taken in consideration of the core capacities for migrant projects set forth in the 2000 “Migrant Delivery Letter” to LSC executive directors.*

*III.1.10.2.\* ILAS should develop a workplan for the MFLU in anticipation of each upcoming season. This workplan should include:*

- *overall goals and objectives for the unit along with specific objectives for the season;*
- *outreach to the migrant community, including those in unserved or underserved areas of the state, with a goal of raising awareness in the community of the status-related legal issues affecting migrants, and identifying the assistance that ILAS can provide on those issues;*
- *advocacy goals for the MFLU (e.g. to expand legal work in the area of employment related issues, including wage claims).<sup>10</sup>*

**Finding 11: ILAS employs systems and procedures to support a culture of advocacy.**

Legal work protocols are adequately set forth in a written policy directive. Advocates have access to program-wide, substantive information and litigation assistance, and to electronic

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<sup>9</sup> The response to the draft report includes discussion of the challenges that ILAS staff encounter in their efforts to connect with migrant farmworkers, the MFLU’s efforts to leverage outreach grants, and plans to target outreach and advocacy. See *Response* at 2-3.

<sup>10</sup> ILAS reports that it has taken steps since the Program Quality Visit to revise the workplan for the MFLU, with an additional focus on outreach and advocacy in employment-related issues. See *Response* at 3.

research tools, including Lexis and CaseMaker. The program maintains a library of secondary and specialty resources, including professional journals and manuals and newsletters from national advocacy organizations. Advocates participate in statewide and national and state bar listservs. They use email and instant messaging to share knowledge and resources with colleagues, and have access to pleadings on the CMS and intranet.

Attorneys report relatively robust training and substantive skills development opportunities, including orientation, periodic internal trainings, mentoring, participation in program-wide specialty groups, and state bar sponsored CLEs. Attorneys meet twice a year, including once at the statewide all-staff training meeting and once at a training session limited to attorneys. They consider these meetings to be a valuable opportunity. There has been little opportunity to attend out-of-state conferences and trainings in recent years. Some attorneys noted that they take advantage of free webinar trainings offered by national legal organizations.

Branch office managing attorneys provide day-to-day supervision of the legal work conducted in their offices. This supervision varies but tends to be informal, as is typical for small offices with experienced staff. Formal case reviews are irregular and in some offices, infrequent.

Managing attorneys are cognizant of the need to act as mentors to less experienced attorneys, and there is an inter-office mentoring program. Attorneys serve as chairs of the five substantive specialty groups (family, housing, benefits, migrant, Indian).<sup>11</sup> In this capacity they coordinate trainings, monitor case developments, and generally serve as a resource to their colleagues. All staff are members of at least one specialty group, which encourages them to look beyond the boundaries of their individual offices for professional support and collaboration, and can provide inexperienced advocates with direct contact with substantive specialists across the program.

The associate director has decades of legal experience, including appellate and federal court advocacy, and functions as the program's litigation director and training director. He is responsible for supervising and coordinating legal work with a focus on significant litigation, co-counseling and mentoring, and collaborating with substantive workgroup chairs to develop trainings. He also conducts periodic in-person case reviews and works with branch offices to identify emerging trends and opportunities for collaboration.

ILAS does not appear to have adopted an overall advocacy strategy. The strategic plan recognizes the value of such an approach, but the attorney who was serving as the "Justice Architect" has since left the program and it is unclear at this time whether or how this unique role will be filled. The 2012 review of progress made towards the goals of the strategic plan focused on administrative elements, rather than substantive legal work.

Calendaring practices vary somewhat from office to office, although all offices use some form of shared on-line calendaring system to assure docket control.

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<sup>11</sup> There are also specialty groups for administrative and support staff.

Some attorneys lack word processing skills; they either dictate or handwrite drafts of documents which are then typed by a secretary. This appears to be a drain on efficiency.

***Recommendations:***

*III.1.11.1. \* Notwithstanding current challenges related to funder-driven activities, ILAS should develop and implement an advocacy plan that reflects the program's goals and priorities. The plan should encourage proactive, significant advocacy, and should ensure that all advocates are engaged in such work.*

*III.1.11.2. ILAS should continue its practice of providing training at the attorney and all-staff meetings, and is also urged to seek other training opportunities for attorney staff.*

*III.1.11.3. ILAS should explore the purchase of voice recognition software for use by attorneys who lack word processing skills.*

*III.1.11.4. ILAS should ensure that its legal work management and supervision policies, including those for case reviews and caseload management, are applied consistently, including for experienced attorneys.*

**Finding 12: The practice of employing part-time attorneys who also maintain private practices handling cases that are within ILAS priorities, and in which attorney fee awards may be sought, may create a potential conflict of interest.**

Almost all experienced ILAS attorneys currently work less than full-time. Several have worked an 80% FTE schedule for many years; others reduced their work schedules more recently as part of the effort to conserve program resources. Most of the more senior attorneys who work part-time also engage in a private law practice. ILAS has a longstanding policy directive permitting the private practice of law by attorneys who work less than full-time for the program under certain circumstances. This directive was first adopted by the board of directors in 1990 and reviewed most recently in 2008. However, now that the LSC restriction on seeking and accepting attorney fees has been lifted, there may be a potential for a conflict of interest for part-time ILAS attorneys who take cases on behalf of LSC eligible clients in their private practice rather than refer them to ILAS. The board's fiduciary duty to protect the program's financial standing may, at a minimum, require acknowledgment of the potential for conflict and a method of addressing it.

***Recommendation:***

*III.1.12.1. \* The ILAS board of directors is urged to review its current policy directive on the outside practice of law, and to consider amending it to guide part-time program attorneys who also maintain private practices with regard to conflicts that may arise around the acceptance of cases that are within the program's priorities and in which attorney fees could be awarded to ILAS if the cases were to be handled by the program.*

## **Criterion 2. Private attorney involvement.**

### **Finding 13: ILAS collaborates with the Idaho Volunteer Lawyers Program to effectively integrate private attorneys into its work and to provide those attorneys with support and recognition for their service.**

ILAS has a written PAI plan that describes the activities to be undertaken to include private attorneys in the work of the program, as well as a general budget. The plan includes a \$50,000 subgrant of LSC funds to the Idaho Volunteer Lawyers Program (IVLP). It also includes a contract component, although this is used infrequently. In 2011, ILAS closed one PAI contract case. Other ILAS PAI activities include monthly bankruptcy clinics in Boise which involve a rotating group of volunteer attorneys, and retired volunteer attorneys (including one retired judge) who perform valuable legal work on-site in two branch offices. ILAS has no designated staff person responsible for PAI program-wide.

IVLP is a program of the Idaho Bar Foundation and serves as the statewide pro bono program. In addition to IOLTA funding and the subgrant from ILAS, IVLP receives a DOJ/LAV grant. It has primary responsibility for the recruitment of volunteer attorneys and placement of cases for ILAS, and for follow up on those cases that it places in accordance with the LSC regulations.

The decision to refer a case to IVLP is made by the ILAS intake worker based upon the legal problem involved, or after review by an attorney. Individuals who are referred to IVLP are given the IVLP phone number. ILAS does not conduct an eligibility screening or otherwise “work-up” the case prior to making the referral. There is no system for direct transfer of calls between the programs. Cases referred to IVLP are primarily family law (divorce, custody, domestic violence) and guardianships. As described to the team, IVLP referral and follow-up procedures appear to be reasonably effective. IVLP sent a staff member to the Equal Justice Conference, and is exploring different models of providing pro bono services.

Volunteers receive support in the form of malpractice coverage, research materials, mentoring, and sample pleadings. IVLP has a litigation fund to assist with court costs. Volunteers receive recognition individually, and in bar publications and at law day events.

The Idaho Delivery of Legal Services Council functions as an Access to Justice Commission. In addition, the Idaho Supreme Court recently created a Pro Bono Commission, which is developing district pro bono committees. At least one staff attorney from ILAS is a member of the Pro Bono Commission, and others serve on district committees. A recent initiative of the Commission was asking law firms with more than five attorneys to sign a pro bono pledge. The Commission and committees are exploring different models for involving the private bar.

### ***Recommendations:***

*III.2.13.1. ILAS should continue to explore new models for enhancing its limited resources through the use of private attorneys, e.g., by including a volunteer attorney component in non-*

*LSC funded education and outreach projects, or by expanding the clinics through which volunteer attorneys could provide advice to eligible participants.*

*III.2.13.2. \* ILAS should identify a staff person who would be responsible for coordinating (but not necessarily conducting) PAI efforts program-wide, including the subgrant to IVLP.*

*III.2.13.3. ILAS is urged to work with IVLP to explore mechanisms to facilitate referrals between the two organizations, including the potential for direct transfer of referral calls.*

### **Criteria 3. and 4. Other program services to and on behalf of the eligible client population.**

#### **Finding 14: ILAS engages in numerous activities that benefit the eligible client population.**

The ILAS statewide website is a valuable resource for the community. In addition to program contacts and operating hours, the website includes a link to a series of short consumer educational videos (some of which are in Spanish), a calendar of upcoming events, a library of consumer brochures and on-line interactive court forms, news stories, a link to the Idaho Volunteer Lawyers Program for prospective volunteer attorneys, and a site for those wishing to make a donation to the program. ILAS also has a Twitter feed and Facebook page. The website uses the Google translate feature for several languages other than English, and includes contact information for persons needing information in an alternate format.

ILAS engages in extensive community education efforts on a variety of topics, some of which are funder-driven. In addition to the multitude of outreach and education events conducted under the HUD grants, staff members conduct frequent outreach sessions at shelters, state and tribal courts, community action agencies, senior centers, and to teens regarding violence issues.

ILAS has a strong relationship with the Nampa Family Justice Center, with two attorneys housed there to accept referrals as well as to serve as a resource to other providers. This partnership is highly valued by the center. A similar partnership, with FACES in Boise, is now underway.<sup>12</sup>

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

#### **Criterion 1. Board governance.**

#### **Finding 15: The ILAS board of directors is committed to the program and its mission, receives appropriate training and support, and provides effective oversight.**

The ILAS board of directors consists of 19 members who each serve a three year term. Twelve attorney members are appointed by bar associations and seven client eligible members are appointed by organizations designated at the annual meeting. Three officers (president, vice-

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<sup>12</sup> The Nampa Family Justice Center and FACES provide domestic violence and child abuse victims with a range of services in a single location. In addition to ILAS attorneys, the centers provide offices for social workers, counselors, clergy, medical providers, law enforcement, and prosecutors.

president, and secretary) are elected by the full board for a one year term. At the time of the visit, the board had five active committees: executive, finance, fundraising, public relations, and quality and efficiency. The executive committee has authority to act on behalf of the full board between meetings.

Board members maintain a high attendance rate at quarterly meetings, two of which are in-person in Boise and two of which are telephonic. Interaction between attorney and client eligible members is good; client members share fully in deliberations, and their insights and perspectives are considered when decisions are made. Board members receive essential information in advance of full board meetings by email or regular mail. They do not currently have access to centralized electronic storage for board records and documents.

The full board reviews quarterly financial reports and adopts the operating budget. These documents are first reviewed by the finance committee, which meets by conference call prior to board meetings and makes recommendations for adjustments and future planning. The finance committee is supported by the director of finance and administration, and the executive director is involved in these meetings. The full board also reviews most grant proposals, the IRS Form 990, and annual audit reports. There is no separate board audit committee; the finance committee handles all audit functions. The board does not include members with specialized accounting or finance expertise.

New board members receive a notebook that includes the Articles of Incorporation and by-laws, staff roster, LSC Regulations, board minutes, board adopted policies, and other miscellaneous information. New board members also receive in-person orientation from the executive director and appropriate staff. Formal in-house trainings have been limited, but training opportunities are available from the statewide Idaho Nonprofit Center. Some board members have expressed an interest in training on how to review financial reports and other topics related to fiduciary responsibilities.

The board chair speaks regularly with the executive director. The executive director reports to the full board at quarterly meetings, attends committee meetings, and initiates conference calls as needed with appropriate committees or officers. The executive director and program advocates share information with the board about significant litigation and other outcomes.

The board evaluates the performance of the executive director every three years, most recently in 2010.

The strategic plan adopted in 2008 and updated in 2011 calls for creation of board-staff committees on issues including fundraising, legal advocacy, and board development. In 2012, a board-staff panel issued a report on progress towards achieving many of the goals articulated in the plan.

The executive director and deputy director keep the board informed of funding challenges, including developments in IOLTA, LSC, efforts to obtain state appropriations, and other funding. In early 2011, a joint board-staff committee considered various potential budget

scenarios and made recommendations to the board for possible responses to those scenarios. The recommendations were predicated on certain core values, specifically: to maintain current staff to the extent possible, to maintain current offices, to exempt support staff from cuts/reductions to the extent possible, and to fill only those vacancies needed to meet contractual obligations. After some deliberation, the board instituted a monthly furlough day when all offices would be closed (tied to three-day national holiday weekends where possible), and also offered staff the option to reduce their work hours as a further cost-cutting measure. As a result, all offices have been preserved and there have been no staff lay-offs. Further action will depend on the level of 2013 LSC funding, but the board is cognizant of the importance of returning staff to full capacity.

Board members have advocated vigorously for funding for legal services from the state legislature, and helped to forge support for this initiative from the Idaho State Bar and the Idaho Supreme Court. A board resolution requires all members to make a financial donation to the program.

***Recommendations:***

*IV.1.15.1.\* ILAS should provide all board members with training on fiduciary responsibilities, how to review financial records, and other aspects of board governance, e.g., ethics and conflicts of interest.*

*IV.1.15.2. In filling future board positions, ILAS is urged to seek the appointment of a member with financial expertise.*

*IV.1.15.3. To improve storage and access to records, ILAS is encouraged to consider housing its board related information and materials on its website or other electronic medium such as a "dashboard," providing secured access to board members.*

**Criterion 2. Leadership.**

**Finding 16: ILAS benefits from effective and experienced leadership and management.**

The executive director is well-known and respected throughout Idaho and nationally for his commitment to legal services and access to justice. He is assisted in his work by an executive management team that includes the deputy director, associate director, director of finance and administration, and executive assistant, all of whom have experience in administration and/or management and have been affiliated with ILAS for decades. Staff and board acknowledge their dedication and hold their commitment to legal services in high regard.

While the staff includes those who would be capable of assuming leadership of the program, there are no formal plans or vehicles in place for the selection of future program leaders. Few staff members have had formal training in the major aspects of program management.

***Recommendation:***

*IV.2.16.1.\* ILAS should develop a leadership succession plan that articulates the requirements for each leadership position, outlines a process for identification and selection of future leaders, provides for the coaching and mentoring of existing staff with potential to assume leadership positions, and allocates resources for management training of leadership prospects.*

**Criterion 3. Overall management and administration (including technology).**

**Finding 17: ILAS devotes appropriate resources to management and has developed an efficient system of policies and procedures to guide the work of the program.**

Each branch office has a managing attorney responsible for the overall functioning of the office, including supervision and evaluation of staff in that office. Managing attorneys maintain a caseload and are responsible for the office's legal work and connections to the local community and bar associations. They are also required to become involved in local fundraising activities and to help identify grant prospects. Many of these functions require collaboration between managers. Managing attorneys are supervised by the executive director, who is also responsible for evaluating their performance.

The deputy director is primarily responsible for fundraising. The associate director serves as litigation director, training director, and Indian Law Unit director.

Program administration is guided by the Personnel Policies and Procedures Manual along with a variety of other program policies and procedures related to the practice of law, funding regulations, and other requirements.

**Finding 18: ILAS has written guidelines identifying the issues to be addressed in the event of disaster or other emergency in order to maintain continuity of operations, but has not developed protocols for addressing the common consequences of such an event.**

In March 2008, ILAS developed a set of disaster plan guidelines that include the creation of an emergency disaster committee and a description of concerns to be addressed in the event of a disaster in order to continue operations. These guidelines are an important first step, but they do not provide the practical guidance that the board and staff would need to maintain operations and minimize disruption in the event of a disaster or other emergency.

***Recommendation:***

*IV.3.18.1.\* ILAS should build upon its current disaster guidelines by developing an emergency plan that includes protocols to ensure: 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 with mobility impairments; the relocation of offices or establishment of alternate sites; and the provision of client services. Examples of such plans are available from LSC at [www.lri.lsc.gov](http://www.lri.lsc.gov).*

**Finding 19: ILAS has a national reputation for the innovative use of technology to enhance services to clients, experienced and knowledgeable information technology staff, and the technology it needs to support its work, although there are some areas where upgrades to technology would be beneficial as resources permit.**

ILAS has a national reputation for the innovative use of technology to meet the legal needs of the low-income community. It has a talented technology staff and is making excellent use of technology to reach as many low-income persons as possible with its limited resources. The program has also engaged in several productive collaborations to enhance services, such as its work with the state courts described elsewhere in this report. Other examples of its productive use of technology include the program website, plans for on-line intake and mobile device access, and interactive forms. The purchase of the LegalServer case management system (CMS) has improved functionality, and additional training on the running of reports is contemplated. The program has a technology plan. The program website includes an intranet for staff use.

ILAS uses Great Plains Dynamic software for financial accounting functions, along with Excel spreadsheets for certain activities. The program secured an LSC TIG award to fund INTACT, an automated accounts payable processing system.

As discussed elsewhere in this report, a uniform VoIP phone system will support a more sophisticated intake and delivery system.

Staff are making more frequent use of the LegalServer case management system to upload documents and store notes, although they do not yet appear to be using the CMS to generate routine documents such as letters and pleadings.

***Recommendation:***

*IV.3.19.1. ILAS should continue to upgrade its technology as resources permit, and should ensure that staff is using existing technology effectively.*

**Criterion 4. Financial administration.**<sup>13</sup>

**Finding 20: ILAS appears to have sufficient and capable staff and systems for financial administration.**

The ILAS director of finance and administration has been in her position for more than 20 years. She holds a B.S. in accounting and an M.B.A. She has also served as a trainer for MIE. She reports directly to the executive director and is supported in her financial administrative work by the accounting assistant and the executive assistant.

The *ILAS Accounting Manual* has been updated to comport with the 2010 LSC Accounting Guide. Annual audits do not reveal any significant problems or issues.

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<sup>13</sup> This visit was conducted by the Office of Program Performance for the purposes set forth in the Introduction. OPP findings and recommendations under this criterion are limited to staffing, organization, and general functions. Assessment of fiscal operations is conducted by other offices at LSC.

The accounting team prepares quarterly financial reports and an annual operating budget for submission to the board. These documents report revenue and expenses recorded or projected for all funding sources and cost centers. In 2012, ILAS will need to draw upon reserve accounts to make up for projected revenue loss if adequate new funding is not secured.

Accounting personnel meet with staff tasked with grants management and resource development to develop budget calculations in preparation for submission of grant proposals and funding applications. The meetings include a discussion of staffing levels based on projected funding.

***Recommendation:***

*IV.4.20.1. \* ILAS should generate monthly financial reports for the executive director and should consider also providing these reports to the board finance committee.*

**Criterion 5. Human resources administration.**

**Finding 21: ILAS has sufficient staff devoted to human resources administration given the size of the program, but while many of its policies are designed to recruit and retain high quality staff, low salaries are undermining its efforts.**

Human resources responsibilities are shared by the director of finance and administration and the executive assistant, under the supervision of the executive director.

ILAS employs a high number of staff at all levels with 30 or more years with the program. The assessment team was impressed by the extraordinary commitment of staff to the program and its mission. This is particularly true for administrative and support staff who have remained with the program for many years despite low salaries, and who continue to work diligently despite the recent cuts that have further reduced those salaries. Indeed, salaries at ILAS are inordinately low, even compared to other legal services programs. This fact is recognized by the board and program leadership, which has plans to develop a new salary scale.

ILAS pays the full premium for medical and dental insurance for employees (including those who work part-time) but not for dependents. The program pays bar dues for attorneys. There is an inter-office mentoring program for new attorneys. There are also mechanisms for recognizing staff achievements. Specialty group chairs receive a small stipend. ILAS administers a 403(b) plan for employees, and makes contributions to the plan when the budget allows. There is no state or program sponsored loan assistance program, although some attorneys have participated in the LSC Loan Repayment Assistance Program.

While written program policies call for annual performance evaluations, these occur sporadically and their frequency varies significantly among offices.

Limited resources prevented ILAS from convening its regular annual all-staff meeting in 2011, but the meeting will take place in 2012. The all-staff meeting includes a training component, with sessions directed to advocacy and support staff. The program conducts a second

substantive legal training each year, and attorneys receive free continuing legal education through the state bar. Budget shortages have severely limited out-of-state training.

Staff members use their own vehicles to travel significant distances in their program work; some travel up to 1000 miles each year to outreach and other sites. Program policies call for reimbursing mileage at 10¢ below the allowable federal rate. While funds are limited, this shortchanges hardworking and dedicated staff who are already demoralized by furloughs and low salaries.

***Recommendations:***

*IV.5.21.1.\* ILAS should seriously review its salary structure with a view towards increasing employee salaries commensurate with comparable salaries in the region as soon as resources permit.*

*IV.5.21.2. ILAS is urged to review its mileage reimbursement policy with a view towards reimbursing staff at the level determined by the federal government.*

*IV.5.21.3. ILAS should implement a system to ensure that its policies regarding employee performance evaluations are followed.*

**Criterion 6. Internal communication.**

**Finding 22: ILAS has systems for encouraging communication among offices.**

ILAS has systems in place for encouraging communication among offices, e.g., mentoring program, annual all-staff meeting and other trainings, work groups, board/staff and other committees and projects. Staff members use email, instant messaging, or phone calls to communicate with colleagues in other offices about cases and other issues. There are no regular meetings between managing attorneys and the executive leadership team, and there appear to be few visits by program administration to distant branch offices.

Notwithstanding the communication systems that do exist, there is a perception in the branch offices outside Boise that they do not have sufficient input into decisions that affect them. This sense of separation is contributing to the low morale created by salary levels, funding shortages, and the frustration among staff that legal work is being set aside in order to meet the requirements of other grants, as discussed elsewhere in this report.

***Recommendation:***

*IV.5.22.1. ILAS leadership is encouraged to convene regular meetings of managing attorneys, either in person or by conference call, and to visit each branch office at least annually.*

## **Criterion 7. General resource development and maintenance.**

### **Finding 23: ILAS has taken a proactive approach to resource development that involves all staff.**

At ILAS, all staff members are expected to be involved in resource development. The executive director has historically led efforts to diversify funding beyond that received from LSC, most recently with a focus on securing funding through the state legislature. The deputy director is primarily responsible for resource development, and the accounting assistant devotes 50% of her time to supporting these activities. All branch offices are expected to engage in fundraising and to establish local committees for this purpose. Branch offices are responsible for reporting on local funding awards, and for networking to identify prospective donors and continue engagement with active donors. The implementation of this effort varies among offices, and some staff expressed concern that these activities are taking them away from their core responsibilities.

Resource development is guided by a fundraising plan adopted by the board of directors. The plan contemplates increasing revenue through securing new grants, a private bar campaign, attorney and/or other donor solicitations, and cy pres awards. The plan also identifies the activities necessary for capacity-building to conduct fundraising. The plan does not include attorney fee awards as a potential revenue stream, although the projected 2012 budget does anticipate such awards.

LSC funding was approximately 65% of the ILAS 2011 budget and was projected to be approximately 54% of the 2012 budget. Apart from LSC, the program has secured funding from a variety of federal grants including from the Department of Housing and Urban Development, the Department of Justice, the Administration on Aging, and numerous grants from state and local sources such as United Way, Indian tribes, and area agencies on aging to serve special populations and/or address discrete legal issues. A May 29, 2012 memorandum on the status of fundraising efforts to the board of directors reflects a serious commitment to diversifying funding.

Staff members responsible for resource development make an effort to evaluate whether prospective funding is consistent with the program's mission, goals, priorities, objectives, and strategies. However, there remains concern among staff that they are not being adequately consulted before the program commits to grants such as those that require them to spend a considerable amount of time doing community education, which limits the time they can devote to the practice of law.

ILAS has relationships with other major institutional resources in the service area that are involved in the provision of legal assistance to eligible clients, as well as help in expanding program funding. These include the state bar and bar foundation, the courts, and law schools. The program makes effective use of law students and retired attorneys to enhance its efforts.

ILAS continues to seek state funding. Although efforts to obtain such funding for 2012 were unsuccessful, program board and leadership are confident of securing these funds in 2013, with strengthened support from the Idaho State Bar and Idaho Supreme Court.

ILAS produces an annual report and quarterly newsletters for public dissemination.

***Recommendations:***

*IV.7.23.1. \* ILAS is urged to amend its fundraising plan to clearly prioritize resource needs and to guide the identification and solicitation of potential donors and grant opportunities. The plan should include consideration of potential attorney fee awards, and should connect to the advocacy and strategic plans in this regard. The plan should also include the goals of increasing staff salaries, eliminating furlough days, and bringing staff back to full-time employment.*

*IV.7.23.2. \* ILAS is urged to review the extent to which staff in branch offices are tasked with resource development responsibilities. Staff who will be impacted by a prospective project should be consulted in the development of the proposal for that project.*

**Criteria 8. and 9. Coherent and comprehensive delivery structure. Participation in an integrated legal services delivery system.**

**Finding 24. ILAS has an effective and well-integrated delivery structure and is a key participant in the state justice community.**

ILAS overall is a smoothly functioning, effective program with an excellent reputation in the state. Its internal challenges, which can be attributed in large part to funding issues, do not impede staff from collaborating to provide high quality legal assistance to the client community. ILAS plays an essential role in Idaho and is well-integrated into the larger delivery system. Staff and board members serve on boards and commissions at the state and local levels, and engage in frequent collaborations with bar associations, the courts, task forces, and other service providers and agencies throughout its service area.