



**Legal Services Corporation
Office of Program Performance**

Program Quality Visit Report

**Legal Services of Northwest Minnesota
Corporation**

Recipient # 524027

September 22 – 26, 2014

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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 at *Legal Services of Northwest Minnesota Corporation (LSNM)* between September 22 and September 26, 2014. The team included Program Counsel from the Office of Program Performance, Evora Thomas (team leader), and César Britos and Stephanie Edelstein, Temporary Employees ("the PQV team").

Program quality visits are designed to evaluate whether LSC programs are providing the highest quality legal services to eligible clients. In conducting this evaluation, OPP relied on the LSC Act and regulations, the LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The evaluation is organized consistent with 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 delivery; and program management including board governance, leadership, administration, resource development, and coordination within the delivery system.

The team reviewed documents and information that LSC received from the program in the routine course of business, including grant applications and renewals, case service reports (CSRs), and other service reports (OSRs). The team also reviewed documents and information the program submitted in advance of the visit, including advocates' writing samples and an online survey of staff. On site, the team visited and interviewed *LSNM* staff in the program's offices in Moorhead and Bemidji, Minnesota. The program staff from the Alexandria office came to Moorhead for interviews. The team interviewed the executive team, advocates, managers, and support staff. In addition to speaking to the staff members, the team met with – or interviewed by phone – a sample of board members, judges, funders and representatives of local agencies and community organizations.

Program Overview

Legal Services of Northwest Minnesota (*LSNM*) provides a full range of legal services for low income and elderly residents. The 22-county service area of 23,309 square miles in northwest Minnesota is primarily rural farmland with lakes and forests. Moorhead, with its population of 35,000, is the largest city in the service area and is part of a multi-state metro area of about 200,000 people that includes Fargo, North Dakota. According to the 2009-2011 American Community Survey, the entire *LSNM* service area of 392,020 people includes a poverty population of 45,502 people. The median household income in the service area is substantially lower than the state average. The program reports that twelve counties are among the 20 poorest in the state. Two Native American reservations are located within *LSNM*'s service area, and a third borders it. There is a significant Spanish-speaking community and an expanding immigrant population from Somalia and Liberia.

LSNM was originally established as a Judicare expansion project in 1975. Staff attorneys were added to the delivery model in 1985 as the need for more specialized legal assistance evolved.

Today through greater reliance on technology, such as online advice and intake systems, the program continues to explore new ways of providing access to clients. Staff services are provided at three regional offices located in Moorhead, Bemidji, and Alexandria. A satellite justice center in Thief River Falls was closed in October 2011 due to loss of funding. Community outreach provides opportunities for community education and limited assistance.

For 2014, *LSNM* received an LSC grant award for basic field – general legal services in the amount of \$329,151. In developing its 2014 budget, the program projected that it will receive additional income from non-LSC funders in the amount of approximately \$1,537,308.

LSNM has suffered revenue losses over the past few years. In 2012, funding from State of Minnesota grants and contracts dropped from \$1,369,456 to \$1,114,358; and, IOLTA funding for *LSNM* dropped from \$252,277 to \$208,816. The 2010 census adjustments led to *LSNM*'s share of the Minnesota funding distribution being reduced although *LSNM* actually had a 5,000 person increase in poverty count. Similarly, funding from LSC fell from \$413,396 in 2011 to \$352,795 in 2012. State grants and contracts dropped to \$1,041,952 and LSC funding dropped to \$334,692 in 2013. As a result, between 2011 and 2013, data provided to LSC reflect staff was reduced by one attorney, two paralegals and two other staff members¹. At the time of the visit eight attorneys, including the new executive director and one paralegal were responsible for the legal work of the program. The former executive director resigned in March 2014 after more than 23 years with the program. Later in the year, the Client/Attorney Coordinator who was responsible for PAI administration, retired after 32 years working in legal services, including 26 years with *LSNM*.

SUMMARY OF FINDINGS

Performance Area One

- *LSNM* conducted a legal needs assessment in 2009-10; and, *LSNM* also participated in the 2011 statewide study of underserved populations and access barriers conducted by the Minnesota State Bar Association and a coalition of Minnesota's legal services providers. *LSNM* adopts program priorities and allocates resources that are appropriate to address the most compelling needs of clients within its service area.
- *LSNM* is currently engaged in a strategic planning process that began in 2011 and was held in abeyance while the program addressed the challenges of imminent funding reductions.
- *LSNM* has not yet undertaken a quantitative analysis of the benefits afforded to individuals or the client community as a result of all of its efforts, including both limited and extended services.

Performance Area Two

- There are three offices located strategically throughout the vast 22 county *LSNM* service area. Appropriate accommodations are made for applicants and clients with limited English proficiency and hearing impairments. *LSNM* should address privacy concerns in the public

¹¹ *LSNM* states that the program lost three attorney positions, one paralegal case handler and one full time and one part-time support staff, for a total of six program-wide positions since 2011.

areas of its facilities.

- *LSNM*'s intake system is geared for walk-in or telephone applications, and is supplemented by statewide online intake access. The existing telephone system is antiquated and lacks capacity to perform functions that support system evaluation.
- The staff attorneys and paralegals are regularly involved in community outreach activities that facilitate referrals to the program through interaction with other service providers that assist mutually prospective clients. Staff also serve on boards, committees and participate in local coalitions that address specific legal needs of the client community.

Performance Area Three

- *LSNM* offices are staffed by generalist attorneys that focus largely on family law, housing, consumer and public benefits issues. Legal work supervision is performed in various contexts, including file reviews. The entire staff is invited to participate in twice weekly program-wide meetings to discuss the level of services beyond advice and limited service in certain cases, staffing of cases for extended representation and case strategy.
- Judges, agency representatives and other service providers describe attorneys as reliable, proficient and experts in their field that are highly prepared. While cases highlighted by the program reflect good outcomes for the individual clients, there were no significant appellate decisions or cases addressing major systemic issues.
- *LSNM* devotes its entire LSC grant, plus its IOLTA and other non-LSC funding to the operation of a Judicare panel of private attorneys throughout the 22 counties in the service area. The program has increased ability to provide extended representation in remote parts of the service area by employing a Judicare delivery model.
- *LSNM* staff and Judicare attorneys regularly conduct community education events on a wide range of topics of importance to the low income community, particularly to the homeless, veterans, senior citizens, children with special needs and people receiving or eligible for public benefits. The program participates in several initiatives to assist specific populations such as the homeless and victims of domestic violence. It helped to launch a clinic with a county law library and court personnel; and helped develop a dental/legal collaboration.
- *LSNM* demonstrates innovation in addressing client delivery by pioneering initiatives that address challenges to employment faced by women and challenges to safety and education faced by children.

Performance Area Four

- The governing body of *LSNM* is committed to the mission of the organization and it strives to exercise its fiduciary responsibilities effectively through regular meetings and review of financial and other program reports. The board has not adopted a resource development plan or appointed a fundraising committee. *LSNM* has not developed a succession plan for board and/or executive staff leadership. There is no conflict of interest policy in place.
- The new executive director is a former supervising attorney at *LSNM* who is well-known within the legal community and among other services providers. She has worked with many groups and organizations. She would benefit from clear expectations provided by the board of directors. Overall management of the program is very lean, yet appears to function proficiently.
- *LSNM* demonstrates strong communication and collaboration within and among offices. *LSNM* relies on *Practice Manager* for intake eligibility determinations and referrals; email;

tickling, calendaring, and timekeeping; document assembly, scanning and storing; brief bank; internet searches; Judicare payment tracking; case notes and a variety of other functions.

- *LSNM* has demonstrated good stewardship in the management of its resources and tries to expand its resource base through grant awards and other methods. *LSNM* does not have any fundraising campaigns or events. Funding is primarily from grant writing. At 81.3% of total revenue in 2013, *LSNM* has achieved one of the highest ratios of non-LSC funding among LSC grant recipients.
- *LSNM* is an active participant in the Minnesota Coalition of Legal Services Providers that collaborate on needs assessments, trainings, statewide meetings, resource development, and statewide projects including the Lawhelp and Projustice websites. *LSNM* attorneys are expected to be active in the state and local bar associations; and, act as trainers for MSBA and Coalition sponsored trainings. *LSNM* contributes to innovative technology initiatives, often piloting new projects.

DISCUSSION OF FINDINGS and RECOMMENDATIONS

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

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

FINDING 1: *LSNM* conducted a comprehensive legal needs assessment in 2009-2010 and continues to identify emerging needs during the interim between comprehensive assessments.

LSNM conducted a legal needs assessment during 2009 that concluded in 2010. Surveys were distributed to the client community, social services organizations, board and advisory committee members, court administrators, district court judges, community action organizations (CAP's), crisis centers, Judicare attorneys and *LSNM* staff. Census data and other empirical data from governmental sources, and GIS mapping, were also reviewed to assess economic and other trends affecting clients and availability of other resources to assist clients. A status report was provided to the board of directors at their September 2009 meeting, and a final tally was presented at the November meeting. Each regional *LSNM* office held group meetings with key stakeholders from their respective regions. The analysis of information from those discussions was finalized by January 2010, after which draft priorities were presented to the board at its "winter 2010" meeting. The top six most compelling needs identified were:

1. Helping spouses, children, or parents secure protection from abuse.
2. Advocating for children who are exposed to domestic violence in their households.
3. Providing legal help for non-custodial parents to obtain custody for a child when there is a proven danger to the child in the custodial parent's care.
4. Providing legal aid in a divorce where there has been abuse between the parties, whether there are children of the marriage or not.
5. Helping homeless children obtain access to housing, education, food, clothing, medical care, and other essential needs.

6. Helping persons who have been denied or threatened with loss of eligibility from Medicare, Medical Assistance, General Assistance Medical Care, MinnesotaCare, or other government-funded programs that help pay doctor and other medical bills.

Other critical legal needs identified during the assessment process included health matters, retaining custody, divorces where children were involved, access to public benefit programs, and denial of access to housing. During the PQV, *LSNM* reported that the next comprehensive legal needs assessment is planned for late 2014 through 2015. *LSNM* uses a variety of methods to identify issues emerging between needs assessments: reviews of intake and case statistics, staff engagement with community groups and bar associations, staff participation on email lists and in statewide meetings of advocates, and board member input, especially client representative members.

LSNM also participated in the 2011 statewide study of underserved populations and access barriers conducted by the Minnesota State Bar Association (MSBA) and a coalition of Minnesota's legal services providers; and the program has been proactive in seeking to address the needs identified.² The report, *Overcoming Access Barriers That Prevent Low Income People from Resolving Civil Legal Problems*, was published in September 2011. The study found that the most underserved populations included the working poor, immigrants and non-English speaking persons, persons with disabilities, geographically isolated, youth, and ex-offenders. Transportation, housing, health care, and employment issues were among the most frequently experienced problems. In a 2013 presentation to the LSC Board of Directors, *LSNM*'s executive director explained the applicability of this study for setting new priorities for the program.

Criteria 2 and 3. Setting goals and objectives, developing strategies and allocating resources; Implementation.

FINDING 2: *LSNM* adopts program priorities and allocates resources that are appropriate to address the most compelling needs of clients within its service area.

LSNM adjusts its priorities annually, taking into account a variety of information sources as well as the program's budget and need for funding to address emerging needs. The program acquires information about emerging legal issues; trends within the client eligible community; and relevant recent court decisions, laws and regulations. Staff participates in community organizations and events; serves on non-profit boards that support a mutual client constituency; engages actively in state and local bar associations; and, obtains substantive legal training and online resources made available by *LSNM*'s membership in the Minnesota Legal Services Coalition (MLSC, a/k/a "the Coalition"). The Coalition members sponsor Mid-Minnesota Legal Services, the legal services State Support Unit that provides the legal education and coordination of substantive taskforces. Consideration and adjustment of priorities is not performed in

² The Minnesota Client Access, Barriers and Solutions Study ("MN-CABS Study") was a joint project of the Minnesota State Bar Association, the Bremer Foundation, the Minnesota Legal Services Coalition and the Legal Services Advisory Committee. The purpose of the MN-CABS Study was to identify specific groups of legal services-eligible clients around Minnesota, the barriers they face to obtaining legal services, and strategies for overcoming those barriers. The study was conducted by Hannah Liebermann, Project Manager and John Tull, along with Rosanna Armson of the Minnesota Center for Survey Research.

isolation; the process is integrated with the program's overall management and budgeting process.

LSNM priorities are ranked within two categories. According to its *Introduction to Priorities*, "(c)ases in the first priority category are of the highest priority, and will be done by *LSNM* unless there are concerns which prevent case acceptance. . . . Secondary priority cases are of a lower priority . . . but will usually be done if the case is acceptable under the 'case acceptance considerations' and *LSNM* has adequate resources and personnel to handle the matter." Priorities in both categories include legal problems associated with: a) public benefits, income and food; b) housing; c) education/juvenile legal issues; d) health; e) family; f) consumer; g) other individual rights; and, h) immigration. Effective November 15, 2012, *LSNM* adjusted its priorities to reflect special access issues identified by the MN-CABS assessment of access challenges.

Strategic Planning-

FINDING 3: In recognition of the value of strategic planning to achieve the greatest impact in addressing legal issues with the resources available to the program, *LSNM* is reviving its 2011 strategic planning process.

LSNM is currently engaged in a strategic planning process that began in 2011 during the period that the Census Bureau released 2010 census data reflecting shifts in the poverty population. There were a number of meetings to discuss strategic planning, including all-staff meetings in Detroit Lakes and Bemidji, and several management meetings attended by a board representative. However, in anticipation that revenue from LSC would be reduced, ongoing strategic planning was suspended while the program determined short term steps to make continued delivery feasible. *LSNM* decided to lay-off employees and reduce the hours of some staff during that period, and to keep benefits and salaries in place for the remaining employees. This year, the new executive director has reviewed the draft plan developed in 2011. Some action items have already been introduced, and discussion of the draft strategic plan is on the agenda for the September 2014 board meeting to elevate the importance of finalizing the process. The board does not have a strategic planning committee. The executive director recommends that a combined board/staff effort be undertaken in 2015 with a consultant. They intend to re-examine their new paradigm because the old information would not be sufficient to adopt a new plan in light of the significant funding cuts described above in the Program Overview.

RECOMMENDATIONS³:

³ Recommendations in this report will have a Roman Numeral to identify the Performance Area, followed by three numbers identifying, respectively, the Criterion addressed by the Recommendation, the number of the finding, and a number designating whether it is the first, second, third, etc., Recommendation under that finding. For example, III.2.14.3 designates Performance Area III, Criterion 2, Finding 14, and 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, your program will be required to report what it has done in response to Tier One Recommendations instead of submitting a full narrative.

I.3.3.1*. *As soon as resources permit, LSNM should complete its strategic planning process, articulating core values and re-evaluating the firm’s service delivery systems so as to provide a roadmap for program development over the next five years.*

Criterion 4: Evaluation and Adjustment.

FINDING 4: *LSNM has not yet developed a structure for assessing the outcomes of services provided to clients.*

Until January 1, 2014, there were no systematic procedures in place at *LSNM* to evaluate the effectiveness of its legal work. The program did not capture outcome benefits at the point cases were closed. However, in response to Minnesota’s Legal Services Advisory Committee⁴ (LSAC) requirement that its recipients report outcomes on extended representation cases, *LSNM* has collected outcome data in the case management system, *Practice Manager* (PM), covering a variety of substantive achievements and financial impacts. LASC aggregated the outcome data from all its grantees to provide more detailed information to the state legislature and other stakeholders about the benefits to clients receiving full representation. *LSNM* has not yet undertaken a quantitative analysis of the benefits afforded to individuals or the client community as a result of all of its efforts, including both limited and extended services.

In addition to the outcomes data now being collected on extended representation, the *LSNM* litigation director receives a report of open litigation which he uses to track individual staff, and the program’s performance. The one page report, generated by the Financial Administrator, is a statistical summary that includes the number of closed cases, open cases, case hours, and outreach hours, sorted by advocate. The report also captures “good stories” that may be suitable for inclusion as favorable client outcomes in an *LSNM* grant proposal or publication. From time to time, these stories are reported to the board along with the statistics/financial report presented by the Administrator.

RECOMMENDATION:

I.4.4.1. *LSNM should use the data collected in its case management system at the time that a case is closed, to evaluate the outcome benefits of its work.*

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

Criterion 1. Dignity and Sensitivity

⁴ LSAC grant funding comes from several sources including: 1) funds appropriated by the legislature for civil legal services, governed by Minnesota Statutes 480.242; 2) a portion of the attorney registration fee dedicated to civil legal services; 3) IOLTA revenue; and, 4) a statewide cy pres endowment dedicated to civil legal services.

Intake-

FINDING 5: *LSNM* provides access to legal assistance through an intake process that is uniformly implemented in all of the program's offices; and, demonstrates a concern for the dignity of clients.

LSNM's intake system is geared for walk-in or telephone applications, and is supplemented by statewide online intake access. It is appropriately staffed for the size of the program; and, the staff conducts intake screening for income/asset eligibility, conflicts of interest, restricted cases and waivers under the supervision of the Client/Attorney Coordinator located in Moorhead. At least one of the intake screeners in each office is bi-lingual in English and Spanish. All offices are open for telephone intake from 9:00 AM to 3:00 PM daily. Walk-ins can be screened beginning at 8:00 AM and continuing through 4:30 PM. No evening hours or designated voicemail options are available. Clients are promptly screened for eligibility or invited to call back if they cannot complete the application process immediately. Clients may also request a paper application, which they can complete and submit by mail or in person. The *LSNM* staff also conduct intake at domestic violence shelters, homeless shelters, and other outreach locations within the program's service area.

Within each office, case assignments made at intake follow a pre-determined case division based on the legal issue and location. This case division includes the assignment of cases to the Judicare panel attorneys. Substantive (initial) interviews are conducted within 24 to 48 hours and emergencies are handled as soon as an advocate is available. Decisions on extended case acceptance are made at semi-weekly case review/staffing meetings. The three attorney Bemidji office uses an "attorney of the day" system for advice; extended cases are generally assigned to the attorney who conducted the initial interview.

Over the past three years, with TIG funding, *LSNM* piloted an online advice system called the Legal Information Online Network, ("LION"), a special service for eligible clients with a legal question that could be addressed through the provision of online legal advice. After determined to be eligible based on information provided in the online system, clients could post a question on LION. Private attorneys on *LSNM*'s Judicare Panel or legal staff reviewed questions and answered them when possible. Clients could then check the system for those responses. Some clients had to provide additional information, or to make an in-person or telephone appointment, if legal questions could not be adequately addressed online. LION has been replicated by the State Support Unit that launched a statewide system based on the LION model in May 2014 Minnesota Legal Advice Online (MLAO). It allows eligible users to post a legal question to a private messaging system. Online access is at www.mnlegaladvice.org. The questions are answered by volunteer attorneys. As they could with LION, MLAO users can check the system for answers at any time.⁵ MLAO is still recruiting volunteers, including corporate counsel.

⁵ MLAO is administered by Legal Services State Support, a project of the Minnesota Legal Services Coalition, and is funded through a grant from the Legal Services Advisory Committee.

The State Support Unit has also developed an online intake system for all legal services providers within the Coalition. This statewide online intake portal is now available to *LSNM* clients by means of a link provided on the MLSC and *LSNM* websites that will determine the applicant's eligibility, legal issues and referral to the appropriate legal services program. The link is at <https://www.justice4mn.org/a2j/>. *LSNM* staff report that on average, all three offices get approximately 20 applications online per week.

FINDING 6: The technology supporting *LSNM*'s intake system is inadequate to achieve efficiency in the intake screening process and intake system review.

In conducting intake *LSNM* relies on the *Practice Manager* (PM) case management system, telephones, fax machines and email. *LSNM* has a toll-free number. The existing telephone system is antiquated and lacks capacity for: 1) calls to be answered at a different location; 2) automated attendant technology; 3) computer telephony integration; 4) interactive voice response; 5) call routing by language, substantive or geographic area; and, 6) systemic reviews such as call wait times or dropped calls. The most recently submitted Technology Plan does not address the replacement of the current telephone system.

RECOMMENDATIONS:

II.1.5.1. LSNM should minimize the use of paper applications to the greatest extent possible.

II.1.6.1. As soon as resources permit, LSNM should upgrade its telephone system in all offices to increase the capacity of the intake system to make it efficient and effective for applicants, clients and staff.*

II.1.6.2. Once its telephone system is upgraded, LSNM should record outgoing messages to be played for callers, sharing information about the program's priorities, eligibility screening, online resources, the program website, and other helpful information to improve the caller experience of holding and to direct callers with problems not within the firm's priorities or case acceptance criteria to other resources.

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

Outreach-

FINDING 7: *LSNM* is engaged in significant outreach to the client community and works with other service providers to offer greater access and community education.

Throughout the year, *LSNM* staff participates in community events frequented by the client community where they provide information on *LSNM* services and basic legal rights, often setting up booths with pamphlets and brochures. Some examples include the Douglas County TRIAD/Senior Expo; United Way Project Community Connect/Douglas County; and, Project Community Connect.

The staff attorneys and paralegals are regularly involved in outreach activities that facilitate referrals to the program through interaction with other service providers that assist mutually prospective clients. Several advocates serve on the board of directors of community organizations, including Northwoods Coalition for Family Safety, a domestic violence shelter; Red Lake Shelter; Northern Dental Access Center, which provides dental care and referral to other services; Evergreen YFS, a shelter for youth; West Central Minnesota Community Action; Someplace Safe; Lakes and Prairie Community Action; and, WINGS family support services.

Staff also serve on committees and participate in local coalitions that address specific legal needs of the client community, such as the Fargo-Moorhead Homeless Coalition; Moorhead Human Rights Commission; West Central Continuum of Care; Successful Outcomes for Tenants and Landlords Committee (SOFTL); Beyond the Yellow Ribbon Campaign that assists service members and their families; and, Becker County Interagency Service Providers. Numerous providers indicated they have been contacted for their input during *LSNM's* legal needs assessment process.

Office locations and conditions-

FINDING 8: *LSNM* has situated its offices and deployed its staff in a configuration that generally promotes access for clients to the organization's services and resources.

There are three offices located strategically throughout the vast 22 county *LSNM* service area. A fourth office in Thief River Falls was closed due to revenue losses. The program employs a Judicare model to serve clients in remote areas; and this model generates approximately two-thirds of *LSNM's* closed extended representation cases. The two offices visited by the LSC PQV team are modern, clean, well-kept and organized. They are located in areas of town accessible to clients, have visible signage, and provide easy access for those with mobility challenges. The Moorhead office building also houses Southern Minnesota Regional Legal Services (SMRLS)' Migrant Program. There is no effective partition in the waiting areas, perhaps presenting security concerns particularly given the high volume of domestic relations cases. While there is sufficient space for applicants or clients to meet with advocates in private, in two offices the team observed *LSNM* staff conducting conversations with applicants in the reception areas.

LEP-

FINDING 9: *LSNM* has adopted a policy and procedures to accommodate applicants and clients with limited English proficiency.

The program has bilingual, Spanish speaking staff that conduct intake and assist with translation during initial interviews. *LSNM* has arranged for translation and interpretation assistance from third parties on behalf of its applicants and clients who speak other languages, including Somali, Bosnian, Russian, Arabic, Laotian and French. *LSNM* also utilizes *LanguageLine* to assist applicants and clients with translation of foreign languages less frequently spoken in the service area. Accommodations are also available for hearing impaired clients.

RECOMMENDATIONS:

II.3.8.1. *In light of its significant work in providing legal assistance to victims of domestic violence, as resources permit, LSNM should consider ways to improve safety and security for staff within the program offices.*

II.3.8.2. *LSNM should ensure confidentiality of staff conversations with applicants and clients such that meetings with applicants and clients do not occur in the public reception areas.*

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

Criterion 1. Legal representation

Systems and approaches to ensure effective legal representation-

FINDING 10: LSNM utilizes systems, approaches, and techniques sufficient to ensure that the representation is carried out with maximum effectiveness.

All three LSNM offices are staffed by generalist attorneys that focus largely on family law, housing, consumer and public benefits issues. Overall, the attorneys' experience level is significant, varying from almost four decades for the most senior to four years for the most junior. Attorney retention rate is also significant, denoting stability and job satisfaction. Each office has a Supervising Attorney who is in charge of office management and is also the point person for legal work supervision. LSNM has a program-wide director of litigation whose duties include reviewing each attorney's cases annually, approving requests for appeals in conjunction with input from the executive director, and advising advocates on specific legal issues, when requested. The litigation director carries a large caseload of his own, and does not usually act as co-counsel. Advocates regularly seek input from the litigation director and value his guidance and collaboration. The executive director performs annual reviews of all advocates, which includes reviewing cases and assessing the quality of the legal work with input from the litigation director and the office supervising attorney. Another LSNM tool to evaluate legal work performance is the "Cases, Legal Time, and Good Stories" monthly report described in Finding #4, above.

The attorneys and paralegals have access to online legal resources, including Westlaw. LSNM staff report that they do not use reporters any longer, but specialized substantive law manuals etc. produced by national support organizations are available online. There is also an electronic pleadings bank. Aside from national organizations, advocates participate on electronic mailing lists and in trainings of the State Support Unit described above in Finding #2.

LSNM has a system for information sharing related to legal work that has been in effect for more than ten years. Every Tuesday morning and Thursday afternoon, a mandatory program-wide staff meeting is conducted by conference call, or, most recently, by videoconferencing. The LSNM Program Manual describes the meeting purposes, rules of conduct, case staffing format, attendance, the agenda and absences. The entire staff is invited to participate in the discussions regarding the level of services beyond advice and limited service in certain cases, staffing of cases for extended representation and case strategy. This is an opportunity to share information

on relevant program developments, emerging legal issues and other concerns within the client community.

LSNM developed a Case File Review Policy that provides clear guidelines for quarterly reviews to determine whether an advocate is producing high quality legal representation. The policy states that “(t)he review include consideration of physical file maintenance, and notes, time slips and records in the *Practice Manager* computer record, supplemented with casehandler and reviewer discussion.” However, in another section, the policy states that file review could be performed by outside parties without clarification of how the attorney-client and attorney work-product privileges are to be preserved. Within the program offices, there is a supportive culture for legal writing. For example, in Moorhead all letters presenting legal arguments are placed in a basket for review by the supervising attorney before they are mailed. It is also very common for attorneys to circulate draft court documents among colleagues prior to filing. This atmosphere has fostered a climate of strong collaboration and reliance upon each other.

Quality and quantity of legal work-

FINDING 11: *LSNM* attorneys and paralegals consistently work to achieve favorable results through legal representation that address case objectives for clients.

Judges who were interviewed by the PQV team reported that *LSNM* attorneys appear in their courts frequently and described a high quality of representation and professionalism by those attorneys. Other service providers that collaborate with *LSNM* also reported confidence in their reliability and proficiency in providing legal assistance. They described program attorneys as experts in their field who are always highly prepared. Writing samples provided in response to LSC’s document request are of good quality. The cases involve substantive areas including disability and other public benefits, divorce, child custody, and support. Most pleadings were filed in district courts and administrative tribunals. The samples demonstrated clear articulation of facts and application of relevant regulations; and were well-written, with cogent arguments and adequate legal support cited. However, with just a few exceptions, the writing samples did not present unusually complex legal issues.

LSNM advocates tend to have moderate caseloads ranging from 25 to 45 open cases. Full time advocates are budgeted for billing purposes for 110 hours of casework and 275 cases per year, in addition to community outreach. During 2013, the majority of closed cases fell into one of four case types: Family (47.1%); Housing (17.5%); Consumer/Finance (14.3%); and Income Maintenance [public benefits] (11.1%). There were 368 cases involving domestic violence included among the family cases. While cases highlighted by the program reflect good outcomes for the individual clients, with few exceptions there were no significant appellate decisions or cases addressing major systemic issues. For example, intervention by an *LSNM* staff attorney resulted in the revision of policies and procedures affecting fair hearings of a rural Housing Redevelopment Authority to preserve due process rights in proceedings that involve tenants facing termination and eviction from subsidized housing. Apart from domestic violence protective orders, most attorneys have not filed lawsuits seeking affirmative relief in more than two years. However, several attorneys expressed a desire to do so but have insufficient time due to the high volume of purely defensive cases.

In 2013, *LSNM* experienced a 13.2% decline in the number of cases closed by the program when it closed 3,273 cases, as compared to 3,771 cases in 2012. Notwithstanding the decline, *LSNM* still closed cases at the rate of 771.88 cases per 10,000 poor persons, a substantially higher level than the national median of 211 cases per 10,000 poor persons. The program also exceeded national medians concerning extended and contested cases closed. In 2013, *LSNM* closed 159.42 extended cases per 10,000 poor persons, compared to the national median of 47 cases per 10,000 poor persons; and it closed 113.44 contested cases per 10,000 poor persons, compared to the national median of 26 cases per 10,000 poor persons. Staff closed 2200 cases, including 262 extended representation cases, representing 8% of total cases closed in 2013. Cases closed by the Judicare panel are discussed in Finding #12, below. The program also reported 63 additional cases closed that were not LSC-eligible in 2013. *LSNM* attributes the decline in closed cases to funding reductions and staff attrition. By June 30, 2014, *LSNM* had closed 1,729 cases, signaling an upward trend in the total number of closed cases projected for 2014.

RECOMMENDATIONS:

III.1.10.1. LSNM should engage in a strategic discussion on ways to expand the reach of its advocacy including bringing more affirmative case work, engaging in more complex work and, when appropriate, including appeals.

Criterion 2. Private attorney involvement

FINDING 12: *LSNM*, conceived as a Judicare model of delivery, continues to use this model as an effective mechanism for expanding resources and involving private attorneys in the provision of legal services to clients throughout its service area.

LSNM developed a comprehensive written Private Attorney Involvement (PAI) Plan that describes activities undertaken to include private attorneys in its work. *LSNM* devotes its entire LSC grant, plus its IOLTA and other non-LSC funding to the operation of a Judicare panel throughout the 22 counties in the service area. In 2013, *LSNM* spent \$384,459 for Judicare panel cases; and it has budgeted \$360,000 for Judicare contracts in 2014. Over the years, *LSNM* has also operated a small in-house pro bono program known as “Legal Aid Work by Seniors” (LAWS), using retired attorneys. It appears that there are currently no attorneys involved in that program. As noted above in Finding #5, *LSNM* also used Judicare attorneys in the LION project. At the time of the PQV, *LSNM* reported that the panel of 210 attorneys in 2014, represents 2/3 of the attorneys licensed to practice in the region. The panel includes attorneys of all levels of experience; some members have been on the panel for more than 25 years. Panel attorney participants are recruited at bar events, and through mailings to newly licensed attorneys using a list of those recently admitted to practice provided to *LSNM* by the Minnesota State Bar Association.

The Judicare panel is managed by the Client/Attorney Coordinator located in the Moorhead office, with assistance from a legal secretary and under the supervision of the Executive Director. This staffing pattern appears to be sufficient. Panel attorneys are paid at the rate of \$55/hour, for up to approximately 20 hours (or 30 hours in certain cases) of work per case. Attorneys are paid for an initial consultation, and then for services rendered within the established guidelines. Staff

report that Judicare attorneys frequently work more than the hours for which they are paid and estimate that they contribute more than \$1 million per year in uncompensated services.

LSNM has written procedures for the oversight and follow-up of Judicare cases. Billing requests include information on the services provided. The quality of legal work is evaluated at that time; and, more frequently if sufficient progress has not been demonstrated. In 2005 the program developed a set of Minimum Practice Standards for Judicare Panel Attorneys, which require the attorney to be licensed and in good standing, to comply with all *LSNM* and LSC requirements, and to “[c]ompletely, adequately, and in a timely manner represent the *LSNM* client in all legal matters approved for *LSNM* funding.” The standards also include a procedure for addressing complaints from clients, or for when it appears to the *LSNM* Executive Director that the panel attorney is not meeting the standards. The standards were included on the agenda for the *LSNM* Board to review at its quarterly meeting on September 20, 2014.

Applicants are referred by *LSNM* to the Judicare panel after they are screened for eligibility and case type. Cases are assigned to the Judicare panel consistent with the case division plan adopted in each office. See, Finding # 5, above. Conflict cases are also referred to Judicare. Those who are referred are given a list of panel members to select from and contact for legal assistance. Clients are contacted by *LSNM* staff two weeks later to see if they have found an attorney. This process requires the client to call around to find an attorney. *LSNM* procedures do not explicitly include making accommodations for clients who would have difficulty navigating the Judicare referral process, or who may have access challenges.⁶

The majority of cases referred to Judicare are in family law. However, some attorneys handle consumer debt and other consumer issues, and periodically a Judicare attorney will handle a housing matter. In addition to staffing clinics sponsored by *LSNM*, Judicare attorneys have achieved favorable results for individual clients in a variety of case types. For example, a Judicare attorney received a favorable decision from the Administrative Law Judge (ALJ) in a disability case for a client with severe mental health issues who was awarded benefits retroactive to 2005. In another case, a Judicare attorney secured an order for protection for a domestic abuse client that made it possible for her and her children to leave the domestic violence shelter and return to their home. Another Judicare attorney assisted a client facing foreclosure on his home to remain in the home after another family member holding a mortgage on the property had failed to pay real property taxes.

LSNM experienced a slight decline of 3.3% in the number of PAI cases closed in 2013; however, the number of PAI closed cases continues to far exceed the national medians for cases closed per 10,000 poor persons. In 2013, *LSNM* closed 1,073 PAI cases at the rate of 253 per 10,000 poor persons, far exceeding the national median of 21 and average of 26 per 10,000 poor persons. Similarly, *LSNM* closed extended and contested representation PAI cases at the rate of 90 and 73 respectively per 10,000 poor persons, compared to the national median of 7 and 2 respectively. GIS mapping of closed PAI cases demonstrate that *LSNM* clients are being served in all counties in the program’s service area, in large part due to the success of the Judicare model.

⁶ Following issuance of the LSC Draft Program Quality Visit Report, *LSNM* amended the Judicare referral letter sent to eligible clients to include the following line: “If you have any difficulty finding an attorney for the initial interview, please feel free to contact the Client-Attorney Coordinator.”

Aside from providing direct legal assistance on case referrals, Judicare panel attorneys participate in *LSNM* CLEs, in community legal education trainings, and at least one attorney regularly staffs the Becker County pro se desk, described in Finding #13 below. *LSNM* provides recognition for Judicare attorneys and other volunteers at bar dinners, through public service announcements and in their community; and, all the Judicare attorneys received awards at the *LSNM* 30th anniversary celebration. *LSNM* has also begun to collaborate with the state bar's Volunteer Lawyer Network to place bankruptcy cases with volunteer attorneys.

RECOMMENDATIONS:

III.2.12.1. LSNM is urged to continue to explore ways to increase pro bono participation in its provision of services to clients.

III.2.12.2. LSNM should ensure that accommodations are made for persons who, as a result of disability or other access challenge, would have difficulty following through on instructions to contact a Judicare attorney from the list provided.

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

FINDING 13: *LSNM* provides services and engages in activities with other organizations that help to address the legal needs of clients.

LSNM staff and Judicare attorneys regularly conduct community education events on a wide range of topics of importance to the low income community, particularly to the homeless, veterans, senior citizens, children with special needs and people receiving or eligible for public benefits. These presentations have included various topics in family law, housing, public benefits and safety. Community legal education is also provided regularly at domestic violence and homeless shelters, senior centers and other community gathering sites within the service area. To facilitate smooth re-entry into the community, *LSNM* staff has also begun to provide community education for incarcerated individuals with imminent prison release dates. *LSNM* has also provided community and continuing legal education trainings for private attorneys and other service providers on issues related to family law, consumer debt collections and disability benefits. *LSNM* sponsors senior fairs in each of the 22 counties within the service area.

LSNM collaborated with the law library and court in Becker County to establish the Becker County District Court Law Library Self-Help Clinic at which pro se litigants can receive legal information and assistance to complete court pleadings and other paperwork. One Judicare lawyer attends the clinic for two hours per week each Thursday to help pro se litigants. The Court finds the programs so useful that it recently instituted a requirement that all pro se litigants go through the clinic before their initial court appearance. Staff is hopeful that the Clinic can be replicated in other parts of the service area. *LSNM* has sponsored Consumer Law Clinics with private law firm attorneys from Fargo, North Dakota; and, with support from the Minnesota Justice Foundation, has held pro se divorce clinics utilizing law students under the supervision of private attorneys.

LSNM staff is actively engaged with organizations that provide services to the eligible client community. The program participates in several initiatives to assist specific populations such as the homeless and victims of domestic violence and abuse with legal problems associated with their status. Each initiative incorporates a legal assistance component, along with other strategies to reach the affected population groups. *LSNM* is spearheading a joint effort with two community agencies, through funding from the Busch Foundation, to provide awareness surrounding child abuse. *Cross Borders Children's Network (CAN)* provides legal assistance to children in preventing exposure to domestic violence, sexual assault or cyber-violence. This initiative involves an education component; organizing a Children's Summit; and, developing a Children's Network of Advocates to implement a community-wide support system focusing on the needs of children. Another initiative is *KidsLegal Aid Work (KidsLAW)*, a child-centered program, focusing on the legal needs of children for safety and security, shelter, economic sufficiency, healthcare, education and access to opportunity. The third initiative is *Women = 2*, an economic justice project to promote women's economic success through broadening employment access and retention; assessing women's self-sufficiency needs; creating community focus on the needs of women in workforce development, transportation, childcare, job readiness, etc.; and, establishing the Economic Justice Coalition of advocates for economic equality. *LAWS*, described above in Finding 12, was also developed to provide pro se assistance to clients.

The SSI, Outreach, Access & Recovery (SOAR) program is sponsored by the Substance Abuse Mental Health Association in the Department of Health and Human Services (HHS). Through this program, the public benefits paralegal in Moorhead has been selected as a certified trainer to instruct case managers on how to prepare the homeless to file claims for benefits with DDS.

LSNM also sponsors an Equal Justice Works Fellow that is assigned a new project that focuses on expungements and other barriers to employment (including suspended drivers license, which can also be based on criminal conviction that needs to be expunged). Minnesota law will soon make expungements easier to get, and will require sealing of Bureau of Corrections records as well as court records once the expungement is obtained.

LSNM is an ongoing contributor of pro se materials, forms and pleadings to the MLSC statewide website, www.LawhelpMN.org, and www.MNlegalservices.org. Clients, Judicare and volunteer attorneys are encouraged to access these websites and the MSBA sponsored site, www.ProJusticeMN.org.

As mentioned above in Finding #7, several members of *LSNM's* staff are serving on boards of directors of community organizations. One *LSNM* attorney is a founding member and board president of Northern Dental Access, which provides dental services and referrals to other services for low income persons. A few attorneys have held leadership positions with their local bar associations; and, attorneys in all offices appear to be involved in bar activities to different degrees. The supervising attorney in the Bemidji Office is a past president of the MSBA. As MSBA president, he created the NorthStar Attorney Award, given annually to attorneys who meet their 50 hours of aspirational pro bono.

PERFORMANCE AREA FOUR. Effectiveness of governance, leadership and administration

Criterion 1. Board governance.

FINDING 14: The governing body of *LSNM* is committed to the mission of the organization and it strives to exercise its fiduciary responsibilities effectively.

The members of the board of directors have had significant longevity serving on the board, notwithstanding that appointments are for a two-year term. The board does not have a recruitment or nominating committee, yet it has not experienced difficulty in filling vacancies. Currently there is no formal plan of leadership succession in place for future members serving on the board. Board composition reflects the demographics and geographic diversity of the poverty population. Client eligible board members are conversant with the issues before the board and are comfortable participants at meetings.

Meetings of the full board are conducted on a quarterly basis and materials are provided to members for review at least two weeks before each meeting. Appropriate business is presented for discussion and action -i.e. budget and financial reports; directors reports; approval to pursue proposed grant funding; adoption of program policies; and other planning decisions for the organization. The executive director, administrator and client/attorney coordinator attend all meetings; and both the executive director and administrator report on their respective areas of responsibility. The administrator also summarizes the auditor's findings from the annual financial and compliance audit. He is comfortable with answering questions and providing feedback on relevant matters. Meetings of the full board are held at the Moorhead office on Wednesday evenings at 7:00PM. Members expressed a preference for in person participation, despite the long-distances many travel to meetings and the opportunity to participate by telephone. *LSNM* has several board committees that do not meet regularly, but do so as needed on an intermittent basis-i.e. executive committee; audit/finance, etc. The board of directors does not engage in resource development activities. They have talked about developing new revenue sources.

There does not appear to be a conflict of interest policy in place for the board or staff.

FINDING 15: The board of directors was responsible for the recruitment and selection of the new executive director and plans to oversee her acclimation to the role.

The former executive director resigned in March 2014 and the board appointed an interim executive director. At that time a transition plan was followed by an *ad hoc* personnel committee. The board exercised diligence in securing permanent leadership for the program. A new executive director was recruited from within the program following a national search; and she started her new role on June 2, 2014. Her principal liaison to the governing body is the chairman of the board of directors, with whom she speaks regularly by telephone. Although not developed at the time of the PQV, both the executive director and the chairman agree it is important to establish expectations defining the goals and objectives that she will pursue during the first years in the position.

RECOMMENDATIONS:

IV.1.14.1.* *The board of directors should develop a leadership succession plan that encompasses all aspects of leadership including board, executive and middle managers. Leadership succession planning should include detailed strategies for professional and leadership capacity development for existing and future staff at all levels.*

IV.1.14.2. *LSNM should consider alternative times, locations and technology options for participation in meetings to accommodate the potential needs of future board members.*

IV.1.14.3. *LSNM should activate a resource development committee of the board or establish an advisory fundraising committee to the board.*

IV.1.14.4.* *The LSNM board should adopt a conflict of interest policy that is applicable to members of the board of directors, along with the staff. The policy should require annual disclosure of conflicts.*

IV.1.15.1.* *The board should consider developing a workplan that memorializes the goals and objectives contemplated and mutually agreed for the executive director to address during the first year or more of her tenure in the position.*

Criteria 2, 3. Leadership; Overall management and administration.

Leadership-

FINDING 16: *LSNM maintains strong executive leadership that is highly motivated, accountable and responsible for promoting the mission of the organization and executing the strategies adopted to achieve the program's goals and objectives.*

LSNM's former executive director was viewed as a strong leader within the Minnesota state justice system. Her successor was mentored during the period that she was supervising attorney in the Moorhead Office of the program. The new executive director joined LSNM in 2003, after private practice and beginning her legal career as a law clerk with the Minnesota Court of Appeals in 2000. She has a solid reputation as an attorney within the legal and social services communities; and, she is known for collaboration with other organizations who serve the same constituency. The executive director has served on boards of other organizations and assumed leadership roles in a local bar association. Her new responsibilities include: being the public face of LSNM; liaison between the board and staff; fundraising; and grant management. She is taking appropriate measures to acquire additional administrative and leadership skills -e.g. OCE new executive director training; United Way leadership networking; grant writing training, and, she is attending statewide meetings of LSAC and the Coalition. Staff expressed support for her selection and enthusiasm for her efforts to address challenges confronting the program.

Leadership of *LSNM* also includes the Administrator and the Client/Attorney Coordinator. The Administrator, a CPA, is responsible for financial oversight, property and human resource management, and technology. He has been with *LSNM* since 1980 and devotes 60% of his time to these duties. He also serves as the Financial Administrator under a contract with the other LSC-funded program within the service area, Anishinabe Legal Services, and spends the remaining time on this work. The Client/Attorney Coordinator who previously served as executive assistant and legal secretary has been with *LSNM* since 1998, but assumed the current position in 2014. She is responsible for the oversight of the Judicare panel and case referrals, intake, and serves as the administrative assistant to the Executive Director. The leadership team confers on a daily basis. Leadership roles and responsibilities are clearly defined and understood by staff.

Management and Administration-

FINDING 17: Considering the size of the organization, *LSNM* operates efficiently with a small and capable team of managers.

LSNM management consists of the executive leadership team, along with the Director of Litigation and three Supervising Attorneys. These middle managers are responsible for the supervision of their respective regional offices and for providing direct legal services to clients within the region. They have substantial years of experience and have developed appropriate expertise to perform their duties. This management team is well-integrated. The Executive Director meets with them formally once a month to discuss pending issues and deliberate future courses of action. She talks with the Alexandria supervising attorney every week; with Moorhead's supervising attorney almost daily; and, less often with director of litigation and supervising attorney in Bemidji because of their extensive experience. The program has adopted written operating and personnel policies and procedures, some of which were updated as recently as July 2014. The twice weekly case review meetings present an opportunity to share management decisions and concerns with staff.

Disaster planning-

FINDING 18: Disaster recovery is an important concern on which *LSNM* has focused attention.

The program drafted the *LSNM* Office Disaster Security and Safety Plan, in August 2014. The written plan was scheduled for the board of directors' review during its meeting on September 24th. The Plan focuses on office security and addresses appropriate measures to respond to a variety of natural and man-made emergencies and disasters. Aside from the physical safety of the *LSNM* physical plan, paper and digital records, equipment and staff, the Plan also provides steps for restoring and maintaining client services.

Technology-

FINDING 19: *LSNM* allocates and leverages its resources in ways that increase its technology resources and strives to update its technology systems and equipment accordingly.

Since the 1980's, *LSNM* has been a leader in adapting to new technologies in the Minnesota legal services community. Annually, *LSNM* develops a comprehensive technology plan to facilitate its resource allocations and management functions. For 2015, the per capita allocation for technology is budgeted at \$750, resulting in a \$14,250 line item for hardware/software upgrades and replacements. The entire staff is using Windows 7 operating system computers and running the Microsoft Office 2010 applications. *LSNM* maintains its case management system, Practice Manager, under a contract for \$500/month with Mid-Minnesota Legal Assistance (MMLA), which retains four IT professionals on its staff to maintain the six servers housing PM for all the Minnesota programs using the CMS; and Exchange Server for statewide email. MMLA also provides offsite data back-ups, a web-based software training site, customized Crystal Reports for grant statistics, and maintains a web-based "Helpdesk." Each of the three *LSNM* offices also has a local IT contractor for other small IT needs.

LSNM relies on PM for intake eligibility determinations and referrals; email; tickling, calendaring, and timekeeping; document assembly, scanning and storing; brief bank; internet searches; Judicare payment tracking; case notes and a variety of other functions. *LSNM* uses tools available online to manage the program more efficiently, particularly related to financial oversight. The program conducts meetings between offices using "Go To Meetings," saving \$1,200 a year in telephone conference calling expenses. *LSNM* staff did not report concerns with equipment or software. Only the Bemidji office has a modern telephone system; those of the other two offices are obsolete. Inadequacies with the telephone system are discussed in Finding #6, above, along with a corresponding recommendation. However, *LSNM* outlines reasons for not adopting some technologies associated with intake and telephonic advice in a section of the *LSNM* Technology Plan, entitled "Technology Non-adoption Choices." The Plan states that "(A) big part of our approach regarding intake and telephone advice is to have real people answering the phone, for as many hours a week as possible."

Criterion 4. Financial administration.⁷

FINDING 20: *LSNM* maintains appropriate staffing to administer the financial resources of the organization.

The qualifications and responsibilities of the financial administrator are described in Finding # 16, above. He is also the *de facto* HR director. *LSNM* has adopted an Accounting Manual. Internal control policies were last updated April 27, 2012. The Administrator prepares a year-to-date financial report for each quarterly board meeting up to the close of the month preceding the meeting. It includes a Statement of Financial Position, Total Program Revenue and Expenses, and Budget Projections. The board is involved in the decision process for adopting the annual budget. Some of the factors taken into account by the administrator in preparation for their review include: 1) last year's spending; 2) expense lines that can be cut; and, 3) ideas about postage, email, computers, legal research materials, benefits, etc. He presents a budget proposal to the full board; thereafter, the members discuss their goals – e.g. whether to keep a fund

⁷ 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.

balance and at what level.

The board selects the firm to conduct the annual audit, although the same auditing firm has been employed for many years, with a periodic rotation of partners. The same auditors also perform services for Anishinabe Legal Services, providing a substantial discount to both programs. The auditors prepare a management letter to the board with their findings, but do not appear in person at a board meeting to explain their findings or entertain questions.

RECOMMENDATIONS:

IV.4.20.1. * LSNM should arrange for its auditors to present their report to the full board in person.

IV.4.20.2. LSNM should periodically request competing proposals for the audit work.

Criteria 5, 6. Human resources administration; Internal Communication.

FINDING 21: LSNM allocates sufficient resources to maintain effective administration of human resources and communication among staff.

Human resources are jointly managed by the executive director, administrator and others. Due to funding reductions during the past few years, the administrator has addressed a variety of staffing changes that have led to adjustment of responsibilities among some positions. For example, the former executive assistant to the executive director has assumed the duties of the client/attorney coordinator who retired in June 2014. She continues to also provide oversight for intake and other administrative duties. Job descriptions have not kept up with the changes in some positions. LSNM reports that recruitment has not been difficult for the program. LSNM periodically conducts salary comparability reviews and adjusts salaries, within the limits of its budget capacity. The program has policies and procedures in place to conduct annual performance reviews of all staff. Reviews have not been consistently performed, but were underway at the time of the PQV. Staff morale appears to be high, notwithstanding the loss of staff by lay-offs. Review of LSNM policies reflected the absence of a Whistleblower Policy.

Internal communication at LSNM continues to be effective and all staff members are part of a unified organization. The program relies on email, regular staff meetings, and an annual program-wide meeting.

RECOMMENDATIONS:

IV.5.21.1. LSNM should review and update its job descriptions to more accurately reflect the duties and responsibilities of its current staff.

IV.5.21.2. LSNM should consider adopting a Whistleblower Policy.

Criterion 7. General resource development and maintenance.

FINDING 22: *LSNM* has demonstrated good stewardship in the management of its resources and tries to expand its resource base through grant awards and other methods.

LSNM contends that its greatest challenge is revenue. The last census resulted in an 18% loss of state funding for *LSNM*, and the program does not have a planned reserve for unanticipated expenses; however, it has carried over some funds from the last budget cycle and has \$280,000 in reserve for Judicare expenses to be incurred in the near future. The program reports that LSC funding has declined from more than \$530,000 in 1995 to slightly more than \$300,000 in 2014. *LSNM* reports that IOLTA revenue is 13% of the program's funding, as interest rates are at an historic low. Despite these reported declines, non-LSC revenue generated by *LSNM* was 81.3% of total revenue while the percentage of non-LSC revenue generated by all programs nationally was only 61.3%.

LSNM does not have any fundraising campaigns or events. Funding is primarily from grant writing. The executive director gives a report at each board meeting, addressing what funding opportunities are available. The board then discusses whether an application should be approved. *LSNM* has been successful in obtaining grants for discrete projects from the Bremer Foundation, United Way, Area Foundations,⁸ Title III, the Women's Foundation and TIG. *LSNM* also receives funding from state and county bar associations; filing fees; contracts; and, LSAC. Legal services providers that receive funding from the state through LSAC are asking the Minnesota legislature for an increase of 8.5%, which could help alleviate the IOLTA shortfall. The program opines that the rural and low-income nature of the service area presents a challenge for resource development. The other problem is time constraints on personnel. In the past, a professional development consultant came in to help develop a giving campaign. It targeted retiring attorneys. But, it was personnel intensive, relying on the Executive Director's time commitment. It had to be delayed while she addressed the immediate problems of lost revenue.

The program has leveraged resources with other members of the Coalition for training, technology, legislative advocacy and other supportive services. It has also secured support for law student assistance through the Minnesota Justice Foundation and Equal Justice Fellowship program of Equal Justice Works. The program has also received a modest amount of attorney fees and donations, along with revenue from its contract with Anishinabe Legal Services. Through co-location, *LSNM* receives rental income from SMRLS, which houses its North Dakota Migrant Farmworker Unit in the Moorhead Office.

RECOMMENDATIONS:

IV.7.22.1. As soon as resources permit, *LSNM* should consider retaining a development consultant to establish new strategies for resource development.

Criterion 8 and 9. Coherent and comprehensive delivery structure; and participation in an integrated delivery system.

FINDING 28: *LSNM* collaborates with other providers of legal services to sustain an integrated legal services delivery system.

⁸ Fredrickson Area Foundation, Fargo-Moorhead Area Foundation NW, and Tastefully Simple.

LSNM is an active participant in the Minnesota Coalition of Legal Services Providers. As a member of the Coalition, the Executive Director meets every other month with other Coalition directors, and Coalition members meet with other legal and law related organizations that serve low income persons. Coalition members collaborate on needs assessments, trainings, statewide meetings, resource development, and statewide projects including the Lawhelp and Projustice websites. *LSNM* is an active participant in these efforts.

Attorneys are expected to be active in the state bar, and in local bar associations where they exist. As noted above, one supervising attorney recently served as the president of the MSBA, one of the very few legal services attorneys in the country to serve in such a position. He is currently one of the MSBA delegates to the American Bar Association. An *LSNM* attorney serves on the MSBA Legal Assistance to the Disadvantaged Committee, and one serves on the board of the Minnesota Bar Foundation. Staff attorneys also act as trainers for MSBA and Coalition sponsored trainings. *LSNM* contributions to innovative technology initiatives are discussed elsewhere in this report.