



LEGAL SERVICES CORPORATION

Office of Program Performance

***FINAL
PROGRAM QUALITY REPORT***

FOR

Ocean-Monmouth Legal Services, Inc.

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INTRODUCTION

Background on the Program Quality Visit

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a Program Quality Visit (PQV) to Ocean-Monmouth Legal Services, Inc. (OMLS) on March 26-30, 2012. The PQV team members were OPP Program Counsel, Mary-Christy Fisher (team leader); OPP Program Analyst, Althea Hayward; LSC Temporary Employees, John E. Johnson, Jr. and Andrew Scherer; and College of Law Practice Management Fellow, James S. Wilber.

Program Quality Visits are designed to provide LSC with a more complete view of a grantee's operation, so that it can evaluate whether the grantee is providing the highest quality legal services to eligible clients. In conducting its assessment of OMLS, the team reviewed recent LSC grant applications, technology and PAI plans, workforce analysis charts, case reports, and other service reports. The team also reviewed the materials submitted by OMLS in advance of the visit, relating to the program's priority setting, legal work, case management policies and systems, advocates' writing samples, board meeting records, and other administrative materials, as well as the results of a confidential online staff survey. While on site, the team interviewed staff at OMLS' offices in Freehold and Toms River. In addition, the team met or spoke with a number of Ocean-Monmouth Legal Services' board members, members of the judiciary, and a variety of state justice partners and community services providers.

In performing its evaluation of OMLS' delivery system, OPP relies on the LSC Act and Regulations, LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The evaluation and this report are organized according to the four LSC performance areas that cover: 1) legal needs assessment and priority setting; 2) engagement with the low income community; 3) legal work and its management; and 4) organizational leadership and management including board governance, program administration, resource development, and coordination within the statewide delivery system.

Following the visit, OPP sent a draft version of this report to the program. Ocean-Monmouth Legal Services, Inc. responded to the draft report in a letter dated June 28, 2012. A copy of the program's letter is attached to this report.

Program and Service Area Overview

Ocean-Monmouth Legal Services, Inc. is one of six programs funded by the Legal Services Corporation that serve the residents of New Jersey. OMLS provides legal assistance to the low income population of both Ocean and Monmouth Counties, which are located in the central part of the state. OMLS, in existence as a two-county program since its inception in the late 1960s, currently has an office in each county: one in Freehold and a second in Toms River. It has had a number of other branch offices in the past. Most recently, it had a third office in

Long Branch; this office, opened in late 2006 to meet the needs of clients living in the Long Branch and Asbury Park area, was closed in 2011 due to fiscal constraints.¹

OMLS is the primary legal services program serving the entire population in its 1,108 square mile service area. In addition to OMLS, the local bar association in Monmouth County administers the Legal Aide Society. That organization, established in 1954, accepts many family law referrals from OMLS and then refers the cases to the private bar on a *pro bono* basis. The Community Health Law Project, a statewide program that provides legal and social work services to mentally disabled individuals, has a local branch office. Clients are also served by Legal Services of New Jersey (LSNJ), an entity that coordinates many elements of the statewide legal assistance delivery system through its oversight of technology, training, task forces, and financial support. LSNJ staffers also represent clients and operate a statewide hotline.

According to the 2010 Census, the population increased in both counties during the past decade. The population of Ocean County grew to 576,567 from 510,916 in 2000. This expansion made Ocean County the fastest growing county in the state in terms of growth in the number of residents and the second-highest in percentage growth.² Ocean County has a broad array of citizens. It is home not only to Mantoloking, the wealthiest community in the state of New Jersey, but also to Lakewood, one of nine municipalities with populations of over 20,000 where at least half of the residents were living below 200% of the federal poverty level (FPL) in 2010.³ That same year, more than 25% of the residents of Ocean County were living in households with incomes below 200% of the FPL.⁴ The state's 2011 "Point in Time" survey indicated that Ocean County was the New Jersey county with the state's tenth largest homeless population.⁵ There are now a series of tent cities in Lakewood, NJ; the original tent city has been in existence for over five years.⁶ According to OMLS' 2005-09 needs assessment, described in Finding 1, the "incidence of legal problems was higher in Ocean County than in Monmouth County."

Ocean County is also one of seven counties containing a portion of the sparsely populated Pine Barrens, one of the largest pieces of protected land on the East Coast, as well as a portion of the Joint McGuire-Dix-Lakehurst Base, a merged military base formed in October 2009. The new base, located in both Ocean and Burlington Counties, covers more than 42,000 acres and is composed of almost 4,000 facilities. Numerous members of the military as well as many civilians, some of whom are family members of the military, live or are employed on the base.

¹ The Long Branch office was officially closed as of September 30, 2011; the lease for the premises ended and OMLS did not renew it.

² The Counties and Most Populous Cities and Townships in 2010 in New Jersey: 2000 and 2010, United States Census Bureau.

³ *Poverty Benchmarks 2012: Assessing New Jersey's Progress in Combating Poverty*, Poverty Research Institute, Legal Services of New Jersey (May 2012) at 45.

⁴ *Ibid.* at 43.

⁵ Lee, Eunice, "N.J. homeless population rises by more than 6 percent in two years," *The Star-Ledger* (March 23, 2011).

⁶ The tent city residents and their supporters are involved in litigation regarding the obligation of the township and the county to provide shelter of last resort. The Township of Lakewood v. Steve Brigham et. al., Superior Court of New Jersey (Docket No. L-2462-10). The lawsuit was initiated by the Township of Lakewood to evict the tent city residents from the woods; a court-ordered mediator was assigned to the case in late January 2012.

Monmouth County is the larger of the two counties; its total population was 630,380 as of the 2010 Census, up from 615,301 in 2000. Although it ranks 42nd among the highest-income counties in the United States, it also has some of the service area's poorest residents. LSNJ found that more than 15% of the county's population was living in households with incomes less than 200% of the FPL in 2010.⁷ In Monmouth, the high cost of living has made affordable housing one of the area's most pressing issues. The preliminary results of the state's 2012 "Point in Time" survey indicated that the homeless population in Monmouth County nearly doubled in the last year.⁸

The poverty population in both counties grew from 73,187 at the time of the 2000 Census. The information gathered by the American Community Survey (ACS)⁹ for 2009-2010 indicates that the Ocean-Monmouth poverty population now totals 105,329. Monmouth County's poverty population increased by 2.5% while Ocean County's poverty population increased by 12.8%; this increase, in absolute terms, was the largest expansion of all counties in the state.¹⁰

OMLS reported to LSC that the program closed a total of 2,857 cases in 2011. Of those closed cases, 34.7% were housing cases, 21.6% were consumer cases, 20.7% were in family law, and 17.5% were income maintenance cases. In 2011, 77.6% of the cases OMLS closed were limited service cases and 22.4% were extended service.

For the past several years, OMLS has been responding to funding cuts. It was awarded LSC funding of \$627,184 in 2012; \$677,381 in 2011 and \$832,568 in 2010. OMLS received \$3,024,038 in non-LSC funding in 2011, more than \$800,000 less than the \$3,880,237 it received in 2010. Although OMLS projects that most of its non-LSC funding will again be reduced in the current fiscal year, it anticipates an increase of approximately \$35,000 in its IOLTA revenue. OMLS does not project a deficit for calendar year 2012.

The decreases in LSC and other revenue have posed a challenge for all the New Jersey legal services programs, including OMLS. The program reduced its staff and revamped its case priorities. In 2010, its total workforce was reduced from 49 to 34. During calendar 2011, two attorneys, two paralegals and one member of OMLS' support staff were subject to layoffs; by the end of the calendar year the program had only 27 members in its workforce. At the time of the March 2012 PQV, OMLS had a staff of 32 people. However, a number of the staff hired after January 1, 2012 are part-time employees.

⁷ *Poverty Benchmarks 2012*, at 43.

⁸ Rizzo, Nina, "Monmouth homeless survey records greater numbers," *Asbury Park Press* (January 25, 2012).

⁹ The ACS is a nationwide survey conducted by the U.S. Census Bureau; it has replaced the Decennial Census as the principle means of collecting information from the American public. ACS's annual data is obtained from rolling surveys of about 3 million household addresses that include both housing units and group living situations. For further information on the ACS, visit www.census.gov/acs/www.

¹⁰ U.S. Census Bureau, Census 2000 Redistricting Data (Public Law 94-171) Summary File, Table PL1, and 2010 Census Redistricting Data (Public Law 94-171) Summary File, Table P1.

SUMMARY OF FINDINGS

Ocean-Monmouth Legal Services is a small but capable program that has taken strong measures to address the financial and other hurdles it faced. Beginning in 2009, OMLS began reorganizing: it completely revamped its intake system, restructured its program staffing and management, and changed its case acceptance procedures. OMLS has emerged from a period of programmatic turmoil and has evolved into a relatively stable program that seems poised to move into a challenging new era, employing different procedures, more aggressive and strategic types of advocacy, and more robust governance.

The program is administered by a new executive director, formally in place since early in 2010. The director, assisted by other members of the OMLS management team and supported by the program's board, has demonstrated a willingness to act creatively and aggressively to protect the stability of the program and ensure the continued representation of its clients.

OMLS conducted an assessment of client legal needs beginning in 2005. With the help of The Resource for Great Programs, Inc., OMLS surveyed key parts of its community and analyzed the legal needs of its client population. It issued a report of its findings in 2009. Legal Services of New Jersey periodically issues reports on the legal needs of low income residents of the state and the status of New Jersey's civil justice system.

OMLS has taken steps to continually improve its intake system. Under its most recent change, effective April 1, 2012, the program is using a coordinated system staffed by intake specialists stationed in both offices. Many of them have prior hotline experience; most of them are bilingual.

OMLS staff members possess a wide range of legal experience. The attorneys average ten years of legal experience at either OMLS or another LSC grantee; several of them also have extensive experience in private practice. One attorney possesses a MSW. Most of the senior paralegals also have substantial experience. All staff members evidence an interest in doing more for the clients. Community members uniformly described the OMLS attorneys and paralegals as being highly professional and treating clients with dignity and respect.

The program's advocates are engaged with many segments of the client population - the homeless, seniors, individuals dealing with issues of domestic violence - and conduct their practices in client-sensitive ways. OMLS has taken steps to meet the expanding needs of the area's limited English proficiency (LEP) population.

OMLS is a vital member of the local social service and legal community. The program has developed effective partnerships with local agencies. In addition, OMLS conducts intake in community settings and makes regular outreach presentations; its staff has achieved a solid reputation throughout the community in the course of performing its work.

OMLS operates a Volunteer Lawyer Program as part of its effort to provide legal assistance to eligible clients. Its program, monitored by the executive director and the assistant

executive director, is coordinated by a staffer located in the Freehold office. The program's Private Attorney Involvement (PAI) participation rate remains low.

OMLS is part of a statewide legal services system, including other regional providers and LSNJ, which collectively provide a full range of civil legal assistance. Statewide efforts coordinated by LSNJ ensure an integrated service delivery system. OMLS collaborates with other New Jersey programs on substantive legal issues and takes part in coordinated task forces and working groups. It also works with court personnel, government agencies, service providers, nonprofit organizations, and other programs to expand access and provide better services to clients.

OMLS has a small board; the program revised its by-laws in 2011 and reduced the number of board members to nine. It has a committed board chair and other board members who are interested in the well-being of the program. The board chair meets regularly with local judges to determine how the program is doing.

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.

Periodic Comprehensive Assessment and Ongoing Consideration of Legal Needs

Finding 1. The program engaged in an in-depth needs assessment from 2005-09.

Ocean-Monmouth Legal Services conducted a comprehensive needs assessment over a four-year period beginning in 2005. It conducted this assessment with the assistance of The Resource for Great Programs, Inc. (Resource), a Michigan organization that provides strategic support to groups such as legal service organizations when they are evaluating their programs. Using written as well as telephone surveys designed by Resource, OMLS obtained information from members of the low-income community. OMLS also contacted individuals associated with organizations that work with its client population, as well as other local stakeholders, such as bar leaders, court personnel, and members of the business community. It concluded gathering information in 2008. The following year, Resource helped OMLS finalize its measurement of the specific legal needs of its client population.

The needs assessment resulted in an August 2009 report that summarized OMLS' client needs and reviewed OMLS' delivery strategies. In addition to finding that the legal needs of poor individuals far exceeded the resources OMLS possessed, and confirming that such individuals face big challenges when addressing their legal problems, the report recommended that OMLS continue to focus on the six "core" legal problem areas it was already addressing: loss of housing, family crisis, loss of basic income, consumer crisis, domestic violence, and the problems of the elderly, children and other vulnerable populations. The assessment also surveyed the need for services that OMLS proposed to provide through six projects: education law, employment rights, health law, legal assistance for seniors, additional help for non-English speakers, and family representation in matters where parents were in danger of losing custody of

children in Department of Youth and Family Services cases. More than three-quarters of the participants (83%) thought that employment law and health law projects were needed.

That same year, Legal Services of New Jersey issued a legal needs study, *Unequal Access to Justice – Many Legal Needs, Too Little Legal Assistance*. LSNJ's report was based on a random survey conducted in 2007; as such, it captured the legal needs of New Jersey residents in a period before the recession set in. In April 2011, LSNJ published *The Civil Justice Gap: An Inaugural Annual Report*. As its subtitle suggests, this report examined "The Shortfall in Essential Legal Aid for New Jerseyans Living in Poverty and the Necessary Steps to Secure Equal Justice." In late May 2012, after the PQV took place, LSNJ issued its latest report, *Poverty Benchmarks 2012*.

OMLS will next conduct a needs assessment in 2013 or 2014. In the interim, OMLS' continuing review of its own data, described in Finding 2, and its ongoing access to the information gathered by LSNJ as part of its continuing review of New Jersey's poverty-related data, is sufficient, especially in this difficult economy, to meet the requirements of 45 C.F.R. §1620 and Standard 2.1 of the ABA Standards for the Provision of Civil Legal Aid.

Addressing Emerging Needs

Finding 2. Ocean-Monmouth Legal Services regularly reviews the program's priorities and endeavors to make adjustments to meet emerging critical client needs.

OMLS undertakes an annual review of its priorities culminating in the adoption of the priorities by the board of directors. The program completed its most recent review process in June 2011. It is scheduled to conduct a similar review of its priorities in June 2012.

OMLS attempts to continually assess the legal needs of its clients by a variety of methods including examining the results of its outreach efforts and statistics relating to both accepted and rejected cases. In addition, it reviews information obtained by staff through their regular meetings with other community providers. Now that it has only two offices, OMLS should ensure that its more limited presence in the communities it serves is supplemented by contacts with other service providers to inform it of the significant or emerging needs of its client population particularly in the more isolated parts of its service area.

OMLS aims to use its limited resources to meet the most pressing needs of its clients. To do this, the program narrowed the types of issues it handles. For example, it is no longer handling divorces unless the case involves an element of domestic violence. OMLS is emphasizing bankruptcy cases that involve medical or credit card debt. OMLS also devotes a fair amount of time to representing individuals with housing issues; this included an expansion of its work at the housing courts. Its emphasis on eviction cases appears to have been influenced by the abbreviated amount of time it takes the program to resolve such cases, almost as much as by the extent of client need.¹¹

¹¹ Of housing cases reported to LSC, 81.5% were landlord/tenant cases of which 21% appeared to be contested.

Recommendation I.2.2.1¹²:

OMLS should continue keeping abreast of emerging legal needs by analyzing the data it gathers regarding the cases it handles as well as those applications it does not accept and making inquiries of social service providers and other community groups.

Recommendation I.2.2.2:

OMLS should investigate adding a link to its web page so that the public could access a questionnaire regarding the legal needs of low-income persons. Such a questionnaire could be deployed electronically and tabulated by using a system such as SurveyMonkey.

Finding 3. OMLS devised a strategic plan for 2010-2012 that was designed to minimize any diminution in either the quality of the representation and services provided, or client satisfaction.

The PQV team acknowledges that the program has been through enormous, stressful changes in the past few years: in addition to the loss of significant amounts of funding and staff, it has undergone a change in leadership and the decertification of its union. While funding uncertainties remain, the program has emerged from this difficult period with a stable and well-qualified staff whose members share a great deal of mutual respect, solid and strong leadership, and an improved reputation in the community.

OMLS devised a strategic plan for 2010-2012 that was designed to ensure that OMLS continued to serve the local population “without any diminution in either the quality of the representation and services provided, or client satisfaction.” These modest goals were necessitated by the bleak funding environment. To achieve these goals, OMLS outlined steps needed to improve its efficiency by reducing staff based on objective criteria, streamlining its intake system, utilizing staff to train others, creating a financially transparent organization, reviewing all policies while enforcing those in existence, and empowering employees by encouraging their input. As part of this plan, the agency identified many opportunities, both inside and outside the program, which it should pursue. It aimed at cross-training employees in multiple areas of the law and increasing OMLS’ presence in the tenancy courts and at outreach locations. The program also aimed to develop partnerships with law schools and colleges as well as relationships with local agencies to secure volunteers.

Although OMLS largely achieved the goals it set in 2010, there are areas of organizational development that still need to be addressed as outlined in the findings and recommendations throughout this report. While it is difficult, both in time commitment and resources, to step back and plan strategically for the future, the program is now, as the board chair said, at a “baseline” of stability and competency. It would be an excellent time for everyone associated with the program to think through the next steps needed to achieve OMLS’ desired outcomes.

¹² Throughout this report, Recommendations will cross-reference with the LSC Performance Criteria. The sequence of the reference is as follows: Performance Area (Roman numeral), Criterion (Arabic numeral), Finding (Arabic numeral), and Recommendation (Arabic numeral). Recommendations that are indicated with an asterisk are Tier One recommendations and are considered important to program quality and/or program performance and will be incorporated into the organization’s LSC competitive and renewal grant application process.

Recommendation I.2.3.1*:

The program, both staff and board, should develop a five-year strategic plan commencing in 2012, to take the organization to a new level of effectiveness on behalf of clients. Areas to be addressed in such planning could include: impact of client services, intake, legal work supervision, outreach, facilities, board development, and fundraising.

Evaluation and Adjustment

Finding 4. The program makes some efforts to perform an ongoing appraisal of its legal work.

OMLS regularly surveys Title III (seniors) clients to assess their satisfaction with the services they received. Other than these surveys, the program does not appear to have any formal system in place for the regular measurements of client satisfaction with services provided.

Recommendation I.4.4.1:

OMLS should expand its survey of clients beyond the small population it currently canvasses so that it will secure more information about client satisfaction with the services the program rendered. It would also allow clients to indicate areas in which they might require additional legal assistance from OMLS.

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

Dignity and Sensitivity

Finding 5. OMLS made successive changes in its intake system to better serve its clients.

In 2009, OMLS developed a centralized intake system, which it fully implemented in mid-2010. Known as Legal Line, this centralized system was located in the Freehold office. It was initially staffed by seven intake specialists, five attorneys, and two senior paralegals, who were supervised by a managing attorney. The system, comprised of six incoming telephone lines, utilized prompts so that callers were advised of matters that OMLS does not handle, e.g., undocumented persons or criminal matters. Such callers were redirected to other providers.

Due to the substantial reductions in its staff, the program modified its intake process during 2011. OMLS reduced the number of staff devoted to intake and eliminated the unit's managing attorney position. The unit, still staffed by attorneys and senior paralegals, was supervised by the program's executive director.

Effective April 1, 2012, OMLS again altered its intake process. At the time of the visit, the coordinated intake system was primarily staffed by intake workers employed on a part-time basis, for a full time equivalent of 2 ½. Many of them have prior hotline experience; most of them are bilingual. Two senior paralegals directly oversee the intake workers, and are also available to answer intake worker questions. All of their work will be reviewed by an attorney.

This systemic change freed up the remaining Legal Line attorneys to undertake client representation.

OMLS' intake hours, 8:30 AM – 4:00 PM, are the same as the program's hours of operation. The intake workers, whose hours vary, are based in both offices. Potential clients initially speak to one of the intake workers; they are responsible for determining caller eligibility - income, citizenship, conflict check - and obtaining a basic description of the caller's legal problem. The information they obtain is entered directly into the computer. The program appears to process all applications in a timely manner, although the wait time before a call is answered is often significant. The system does not provide a call-back feature. OMLS does not appear to regularly review the call statistics, including wait times in the call queue or time spent on each call.

The intake workers have access to a master calendar and Outlook for the entire program. Each call that results in an application is referred by email on a rotating basis to one of the generalist attorneys located in that intake worker's office. The rotation is set and a schedule is published. A copy of the email is also sent to the senior paralegals; this allows them to create a master chart showing the name of the caller, who the caller was assigned to, the legal issue, and any relevant dates. Attorneys are responsible for contacting applicants and either advising them or accepting the case for representation. If a call can be immediately handled as counsel and advice, the intake workers will refer it to one of the two senior paralegals. Files are reviewed by an attorney if advice is given and the case is going to be closed.

Based on its interviews, the PQV team concluded that other than the executive director, no other attorney is assigned specific overall management or supervision of intake. There are currently no regular meetings of intake staff. If intake workers have questions, they can (and do) approach any attorney or other staff member who is available with questions or concerns. Such an informal system is not efficient and can be disruptive.

The program does not have a user-friendly intake manual. Although it did create a manual containing outlines and sections on substantive law and it added a section on OMLS' intake process including policies and procedures, it is a voluminous document. It does not include prepared scripts or sample advice letters. Given the addition of new intake workers and the lack of an attorney specifically supervising intake, OMLS should develop such materials to ensure that applications are handled expeditiously and consistently.

OMLS previously conducted substantive law trainings for its intake staff as well as trainings about how to treat clients with sensitivity. It is unclear how frequently such trainings take place. New intake staff received some intensive training and could "shadow" current employees when they began working.

In addition to OMLS' telephone intake, program staffers perform intake while at community organizations, the courthouse, and other local sites. OMLS sees about 12% of its applicants for the first time at such outreach sites. It also continues to accept walk-in applicants; there are more walk-ins in Toms River than in Freehold. The program also receives some referrals from LSNJ.

Recommendation II.1.5.1*:

To ensure the adequate supervision of its intake workers, OMLS should appoint a supervising attorney to provide guidance to the entire intake unit. That person would be available, either in-person, by telephone, or by email, to review issues being presented by callers. Such a supervisor will not only assist the intake workers but will also provide non-supervising advocates with sufficient time to handle their work.

Recommendation II.1.5.2*:

OMLS should regularly schedule some time when the intake system is closed and the intake workers can meet as a group with the senior paralegals and the supervisor/lead attorney to review issues, learn about substantive law changes, participate in trainings, pose questions, and discuss difficulties they encounter with callers and with the phones or the computers. Status and updates on cases accepted could be presented at such meetings as well. Such regular group discussions will allow all the intake workers to benefit from the questions and comments of their peers.

Recommendation II.1.5.3*:

OMLS should compile its intake policies, procedures, and any screening tools it develops in a formal, well organized intake manual to promote both uniformity and efficiency.

Recommendation II.1.5.4*:

OMLS should examine its intake system with a view toward reducing caller wait times and queue length. As resources permit, OMLS should consider adding an automatic call back feature to its telephone system that would allow callers to drop out of the queue and receive an automatic call back when they get to the top of the line.

Recommendation II.1.5.5*:

OMLS should design a thoughtful process for evaluating its newly designed intake system to ensure that client access is promoted, and client and community input are taken into account; the program should consider devoting more of the paralegal staff to the intake function.

Engagement with and Access and Utilization by the Low-income Population

Finding 6. OMLS has made appropriate efforts to ensure that language is not a barrier to the receipt of its services.

Community members who were interviewed uniformly described the OMLS attorneys and paralegals as being highly professional and treating clients with dignity and respect. They adhere to the program's policy, which is designed to ensure that all clients, including those with limited English proficiency or who are visually/hearing impaired, are able to "communicate effectively with staff and receive adequate information and legal assistance."

OMLS recognizes the growth of the limited English proficiency (LEP) client population in its service area. In the past decade; there has been a growing Hispanic population; Spanish is the predominant language other than English that is spoken in the service area. There are small

client populations that speak several different Asian languages, and a significant Portuguese population that brings a mix of languages to the area.

OMLS has four staff members who are bilingual in Spanish-English. Other languages spoken by staff include Portuguese, Italian, French, Egyptian and Malayalam.

Most of the program's intake workers are bilingual in Spanish-English. In certain circumstances, the program hires interpreters for clients with limited English proficiency, or the program will use the services of *Language Line*. Advocates appear pleased with their utilization of *Language Line* for interpretations and translations. It is unclear whether it is used in all appropriate circumstances.

OMLS has built partnerships with groups that serve the non-English speaking client community, such as the Hispanic Affairs and Resource Center (HARC) and Long Branch Concordance.

OMLS' LEP plan satisfies the requirements set forth in LSC Program Letter 04-02, *Services to Client Eligible Individuals with Limited English Proficiency*. The OMLS plan, last updated in 2010 and readopted by the board in June 2011, provides instructions to staff on identifying LEP clients; providing oral and written translations, including the written translation of vital documents; and using interpretation services. It also restricts the use of a friend or family member to interpret for a client. Although the program's LEP policy requires that outreach materials be translated for larger non-English speaking populations, it does not contain strategies for promoting outreach to LEP communities in its service area.

Recommendation II.1.6.1:

The program should provide regular training to all staff to ensure working knowledge of the provisions of OMLS' LEP policy and the use of *Language Line*. Such training should also include information on the LEP populations served by the program, the program's resources, and information on other community resources for specific LEP populations.

Recommendation II.1.6.2:

The program should consider how to "tell its story" to newer segments of the LEP client community by reaching out to organizations affiliated with other, non-English speaking, populations, so that its availability throughout the service area is more apparent.

LSC has posted LEP policies of existing LSC grantees on its LSC Resource Information (LRI) website, www.lri.lsc.gov; the website also includes examples of successful approaches to the challenges of appropriately serving LEP communities.

Finding 7. The program is actively involved with all segments of the client population.

OMLS staff members are highly engaged with the low-income population throughout the service area. As the program reduced staff and closed offices, it made increased efforts to reach out to individuals requiring legal services. Program staff regularly visits community sites to conduct intake and provide legal services and to present community legal education sessions. Schedules of OMLS events are routinely distributed throughout the service areas. The staff

makes a conscious effort to accommodate everyone who requests assistance, including individuals with emergencies. These efforts are particularly important given the area's inadequate public transportation system.

OMLS created and now coordinates the Women In Need (WIN) Project, which provides client-centered services to victims of domestic violence. The project resulted in the formation of a comprehensive, collaborative working partnership between OMLS and local organizations assisting this population. Through WIN, OMLS receives many referrals of domestic violence victims; OMLS staff attorneys provide legal advice or extended representation. In addition, OMLS conducts trainings, in English and Spanish, to the general public or groups concerned about domestic violence-related issues.

The service area has a sizable elderly population; more than 25% of Ocean County's population is 60 years of age and over. OMLS makes regular presentations at area senior centers in both counties. For example, OMLS has been conducting outreach and working with senior citizens at the Neptune Senior Center for almost 20 years.

OMLS' involvement with clients reaches across the local population. Staff has conducted outreach and intake for homeless individuals living at some of the Lakewood tent cities. An advocate makes twice monthly presentations to welfare recipients at the Private Industry Council (PIC) job training office. Another advocate regularly sees clients who are also patients at a local medical clinic.

Finding 8. OMLS's offices are professional and handicapped accessible; however they are not centrally located.

OMLS' Freehold office is located in a professional office building that has sufficient parking and is handicapped accessible. The Toms River office is also in a building with an elevator and adequate parking. That office has a bank of telephones so individuals who walk-in can call the OMLS intake unit or the LSNJ hotline. The physical set-up of each office is quite inviting, both for clients and for staff members. Both offices have waiting rooms that are comfortable and filled with informational pamphlets. OMLS' offices are open during conventional office hours.

Both of its current buildings are located at a distance from the centers of the towns they are in, away from the courthouses and not easy to reach by those without cars. Bus service is limited throughout the entire service area. OMLS recognizes the need to be located closer to the courts and central transportation and is committed to trying to relocate to more client-accessible locations at the expiration of its existing leases.

Attorneys described their willingness to provide clients with rides to and from the office, when necessary. OMLS staff is particularly sensitive to the needs of senior citizens; they recognize that many senior citizens are homebound and unable to travel. Consequently, staff will make home visits to conduct intake or obtain signatures on documents.

Recommendation II.3.8.1:

The program is encouraged to pursue its stated intention to move its offices, as such moves become financially feasible.

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

Legal Representation

Finding 9. OMLS' advocates are committed to their work and, in large part, highly experienced.

OMLS' advocate staff is committed to the program's mission, knowledgeable and interested in doing more for the clients. Morale is generally high, staff members seem to work together as a team within each office, and exhibit a good esprit de corps.

Many of the program's lawyers are highly experienced advocates. Current attorneys average ten years of legal experience at either OMLS or another LSC grantee. Several of the staff attorneys also have extensive private practice experience. Altogether, they average 17 years of experience in the legal profession. One attorney also possesses a MSW. A number of the attorneys had exposure to OMLS or had volunteered at the program before securing their current jobs.

The attorney staff has demonstrated flexibility. They have largely been willing to accept professional and financial changes in order to help address the program's funding and administrative challenges. Specialists have taken on general law caseloads, staff has moved between offices, and, when necessary, they have assumed responsibility for the cases carried by other employees. The PQV team did note that a number of advocates were carrying low caseloads; five attorneys had open caseloads of 15 or fewer cases. It is unclear whether some of the caseload disparity was due to recent and anticipated changes in the advocacy staff. Some of the caseload numbers may reflect the fact that attorneys apparently resolve and close cases quite rapidly. The program reports that it evaluates case distribution on a quarterly basis for each case handler.

Most of the eight senior paralegals have substantial experience in the profession, much of it gleaned while they were employed at OMLS. Two of them are now affiliated with the intake unit. The remainder appear to have at least one area of focus, where they assist OMLS attorneys by creating or organizing files, conducting follow-up fact gathering, reviewing information regarding bankruptcy and Social Security or SSI cases, or drafting pleadings and other documents. A number of the paralegals accompany the OMLS attorneys to landlord-tenant court. Almost all of them oversee or conduct some type of community outreach.

Advocates stated that they have access to sufficient research and other materials to conduct their work, both within the program and as part of the statewide legal services network. Although OMLS does not have a comprehensive knowledge strategy of its own (i.e., pleadings and brief bank), it does maintain a shared drive that contains folders for each advocate that include relevant legal information. In addition, OMLS staffers are part of LSNJ's statewide

system and have access to significant amounts of resource materials (including brief banks, listservs, and substantive law training materials). Statewide task force meetings often include in-depth discussions of cases.

Although the program does not appear to have a formal training policy, the Employee Handbook, discussed in Finding 21, makes reference to OMLS' encouragement of participation in training. When attorneys recently became "generalists," they underwent two full days of in-house cross-training; that training was supplemented by an additional month of weekly trainings. New attorneys are provided in-house training, and then they "shadow" experienced attorneys. Many advocates take advantage of the LSNJ-sponsored opportunities and materials; a number of them stated that they are encouraged to do so.

OMLS maintains a multiple tickler system and a central Outlook calendar, shared by both offices. Each advocate complements the system by documenting court dates and other critical dates in their personal diaries and individual calendars.

Based on conversations with numerous community partners, the PQV team found that OMLS enjoys a good reputation in the community. OMLS' attorneys are well-respected by the judiciary. The judges the team spoke with are impressed by the quality of OMLS' representation. They also report that the program's attorneys are courteous, respectful, well-prepared and knowledgeable.

Recommendation III.1.9.1:

OMLS should evaluate case distribution to ensure that all casehandlers' talents are put to the best use for clients and the program, and that cases are distributed equitably, considering the complexity of the cases and the other work responsibilities of the casehandlers.

Recommendation III.1.9.2:

As changes in staffing and finances permit, OMLS should take advantage of the experience of its senior paralegals by requiring them to do less administrative support and more client-related work.

Finding 10. OMLS regularly updates its case acceptance policies.

OMLS revised all its case acceptance standards in late 2011. The policies enumerate the cases it will accept for full representation, those that will generally be handled as advice matters, and those that will be referred.

Due to an increase in the amount of persons calling who were homeless or faced with the threat of becoming homeless, OMLS revised its case acceptance policies pertaining to housing issues. It dedicated additional staff to represent clients facing eviction, increased its involvement with community groups dealing with issues of housing and homelessness, and gave some advice to residents of the tent cities. Despite this added attention, OMLS did not increase its total of housing cases in 2011 compared to the number handled in 2010.¹³

¹³ Overall, OMLS saw a drop in case closings in 2011, largely due to the decrease in funding and advocacy staff.

Finding 11. OMLS falls short of meeting the legal work management and supervision requirements of LSC's Performance Criteria in a number of respects.

OMLS' current Performance Standards mirror the ABA Standards. They cover everything from the need for opening memos and regular contact with clients, to how to plan and pursue a case (motions, discovery, etc.) and evaluate, when necessary, an appeal, to the importance of focusing on the legal needs of the entire community and undertaking outreach, community education, and larger, possibly transactional, projects.

Despite the program's in-depth written case handling standards, in practice, OMLS currently lacks basic legal work oversight and management systems. The executive director and assistant executive director are the only two legal work supervisors in the program; the assistant executive director is also the program's litigation director. In addition to handling individual caseloads, both directors oversee all the fiscal, administrative, and other managerial responsibilities associated with running a law office. This leaves them with little time for legal work supervision or assessments of whether the advocacy of the program is, in fact, achieving maximum effectiveness.

OMLS has no formal procedures for overseeing the work of its attorneys. There are no individual development plans or other mechanisms by which advocates can periodically articulate and chart their professional direction. Attorneys now make all case acceptance decisions independently; there is no initial discussion of the development of case objectives and strategies. This lack of oversight and coordination of advocacy hinders the program's ability to identify and address persistent legal issues or larger legal trends. There is also concern that an advocate's discretion to reject cases without supervisory oversight can lead to inconsistencies and case type preferences. And, once a case is opened, there is no routine and ongoing supervision of the work being performed for the client. To be effective, active supervision of legal work should include ongoing assessments with respect to case strategy, legal writing, oral advocacy skills, and outcomes.

It appears that OMLS' legal practice in the local courts is primarily an oral practice, with very few written motions and almost no briefs, other than short letter briefs, being filed. Despite this reality, it should be noted that the program lacks any protocols for the supervision of written work. Many of the writing samples submitted to the PQV team for review prior to the visit were less than five pages and most of them did not exhibit significant legal research or challenging legal writing. Two appeared to be adapted versions of the same document. Some of the writing samples could have benefited from a secondary review.

A number of staff described the "hands on" supervision they received in advance of or during initial court appearances. However, court or hearing appearances are not uniformly observed or critiqued.

The quarterly case reviews conducted by the executive director focus solely on how long cases have been open. Advocacy staff does not formally meet to discuss case strategies, trends, new legal developments or any other broad issues facing the client community. Closed cases do not appear to be reviewed to assess the quality or effectiveness of representation at any time.

Recommendation III.1.11.1*:

Before the end of 2012, OMLS should review the LSC Performance Criteria, Performance Area Three, Criterion 1.b., the ABA Standards for the Provision of Civil Legal Aid as well as its own Performance Standards; evaluate the systems, approaches, and techniques it uses to carry out client representation; and implement appropriate changes in its practice.

Recommendation III.1.11.2*:

OMLS should develop and implement clear systems for the supervision of legal work that include the regular affirmative review of cases. Every lawyer, and any senior paralegal with his or her own cases, should have formal case reviews of all pending and open files conducted by the assistant executive director/litigation director.

Recommendation III.1.11.3*:

As part of these periodic reviews, the assistant executive director/litigation director should review the significant written work of all attorneys and senior paralegals. There should also be a mandatory review of all major documents such as complaints in complex matters, pleadings in significant cases, or appellate briefs.

Recommendation III.1.11.4*:

The case reviews should also include discussions of strategies to strengthen advocates' ability to deliver quality legal services; plans for litigation and appeals and reviews of requests for appeals; and reviews of involvement as lead counsel or co-counseling where appropriate.

Recommendation III.1.11.5*:

OMLS should create a plan for conducting reviews of closed cases of all staff.

Finding 12. OMLS is not taking full advantage of the expertise its staff possesses.

OMLS eliminated substantive units. With the exception of social security and bankruptcy attorneys, all advocates are now generalists. There is some programmatic benefit, as OMLS attorneys are not limited to one substantive area or one type of practice. However, the generalist approach may encourage a "jack of all trades, master of none" culture.

Additionally, the program is not fully benefiting from the existing expertise its staff possesses. While the advocates know who among them has the background and expertise to be helpful in particular areas, and they do seem to readily consult with one another, there is no system in place to ensure that this occurs or to encourage it to happen.

Some advocates appear to be engaged in case handling that is not commensurate with their experience and are involved in cases that could be adequately accomplished by advocates with much less experience. Many of OMLS' current cases are fairly routine legal matters. A review of the program's 2011 case service reports indicate that almost 70% of the staff's closed court decisions were uncontested; 41.6% of these were housing cases, primarily in private landlord/tenant matters.

OMLS places a significant emphasis on rapidly closing cases and maintaining a high volume of clients served. In the landlord/tenant arena, many eviction cases appear to be concluded in too perfunctory a fashion; services consist primarily of negotiating back rent payment agreements and/or move-out dates. OMLS should ensure that, despite the statutory restrictions that seem to preclude active tenant defenses in eviction matters, all client defenses are explored in meritorious cases.

The program rarely engages in complex litigation and it was noted that the attorneys, while capable advocates, rarely raise “novel” issues or theories. There are few, if any, appeals. OMLS rarely uses experts in litigation matters. Although this may be due, in part, to budget constraints, another reason may be the absence of sophisticated representation.

The program does not often pursue systemic solutions on behalf of its clients and their communities. Such efforts are largely handled by LSNJ. However, OMLS advocates, including the director and assistant executive director, have expressed an interest in engaging the program in more “big picture” advocacy. The program should encourage staff to expand on the advocacy OMLS utilized in responding to practices the City of Long Branch Housing Authority attempted to institute. When the authority’s director made unauthorized demands of the tenants – requiring them to be employed, to submit urine samples - OMLS contacted the U.S. Department of Housing and Urban Development (HUD) and secured a positive result for its clients. In another instance, OMLS addressed the housing authority’s policy requiring credit checks for new tenants. After the policy resulted in blanket denials of applications for units, OMLS successfully represented clients who challenged the policy in administrative hearings and the authority dropped it.

OMLS legal staff is poised to take on larger legal projects - the representation of families residing in short stay hotels, the possible representation of seniors or veterans (or both), the pursuit of claims against the Department of Human Services’ Division of Social Services based on the agency’s untimely processing of benefits applications. The program should use this time to not only examine the current needs of its clients as well as the impact of its present work but also develop new strategies for addressing client and community needs that maximize its resources and achieve the greatest possible benefits.

Recommendation III.1.12.1*:

The program should formulate ways in which to expand the complexity and impact of the legal work its advocates undertake. As part of the regular case reviews recommended earlier, advocates should also think strategically about the legal issues posed and the remedies being pursued in accepted cases to determine whether they involve a problem experienced by more than the individual client or a result that should be obtained by a larger group.

Recommendation III.1.12.2:

The program should consider holding periodic staff meetings of the attorneys and other case handlers to help develop broader problem-solving skills and strategies. These meetings could be used to discuss case strategies in particularly thorny or important cases as well as to review patterns or practices that are having a particularly detrimental effect on the clients and to evaluate approaches for dealing with those problems. While some of this already occurs

informally, making it a formal part of the office routine will change staff expectations and cultivate advocates' problem-solving skills.

Recommendation III.1.12.3:

The program should consider modifying its generalist approach and designating particular individuals as experts in specific areas of practice. These experts should be given responsibility for keeping abreast of legal developments in their area of expertise, consulting with and providing advice and guidance to their colleagues in their area, handling or co-counseling more complex matters in their area, and handling a higher volume of cases in their area. These experts would also be able to pursue appeals and advance policy and practice initiatives in their areas. Again, while some of this already seems to be taking place informally, formalizing it could help deepen the impact and sophistication of the program's legal advocacy.

Finding 13. OMLS closes a significant number of cases annually.

As noted earlier, OMLS reported to LSC that the program closed a total of 2,857 cases in 2011. Of those closed cases, 34.7% were housing cases, 21.6% were consumer cases, 20.7% were in family law, and 17.5% were income maintenance cases.

OMLS annually closes more cases than the national median of cases closed by LSC grantees per 10,000 poverty population. In 2011, OMLS closed 397 cases per 10,000 low-income persons, compared with a national median of 263 cases per 10,000 low-income persons. Of the cases closed by OMLS in 2011, 77.6% were limited service cases and 22.4% were extended service cases. In 2011, it closed 89 extended service cases per 10,000 low-income persons compared with a national median of 61 extended cases per 10,000 poor persons. Its actual number of contested cases per 10,000 poor persons was 49 compared with the national median of 31 contested cases.

Private Attorney Involvement

Finding 14. OMLS is committed to expanding its Private Attorney Involvement (PAI) efforts.

OMLS operates a Volunteer Lawyer Program as part of its effort to provide legal assistance to eligible clients. Its program, monitored by the executive director and the assistant executive director, is coordinated by a staffer located in the Freehold office; she also serves as the OMLS' Information Technology (IT) director and as a senior paralegal. The compliance coordinator tracks PAI case time, and, on a bi-weekly basis, checks with PAI attorneys to see how cases are progressing. She also keeps track of PAI activity in Kemps.¹⁴

The New Jersey state bar's mandatory *pro bono* service requirement provides that attorneys must represent indigent defendants in criminal cases when assigned such cases by the court. The New Jersey Supreme Court reviewed this obligation, Madden v. Delran, 126 N.J. 591

¹⁴ Subsequent to the August 2010 visit to OMLS by LSC's Office of Compliance and Enforcement (OCE), the program was required to document all PAI recruitment and case time in OMLS' case management system.

(1992), and held that certain attorneys are exempt.¹⁵ Under what is now known as the “Madden Exemption,” attorneys who annually perform at least 25 hours of *pro bono* services through an approved legal services program, such as Ocean-Monmouth Legal Services, are exempted from such *pro bono* assignments in criminal cases.

Despite the state’s *pro bono* requirement, the program’s PAI participation rate remains low. Of the 2,857 cases OMLS closed in calendar year 2011; only 84 cases (2.9%) were PAI. Many of the attorneys who do participate handle bankruptcy cases. Due to a drop in volunteers, OMLS had to cut back on its *pro bono* expungement efforts. OMLS’ numbers are well below the national median. In 2011, it closed 12 PAI cases per 10,000 poor persons while the national median was 26 cases. OMLS failed to meet its adjusted PAI requirements in 2009 and 2010 and LSC granted the program a waiver in 2011. Of the 2000 attorneys who OMLS reported are eligible to participate, only 51 (2.55%) are doing so. However, the attorneys who do participate provide extended representation. During each of the last five years, about three-quarters of the program’s PAI cases were extended service matters; since 2008, at least three-quarters of those cases involved consumer issues. In 2011, more than 90% of OMLS’ 84 PAI cases were extended service; its extended case representation was 11 closed cases per 10,000 poor persons, while the national median for 2011 was only nine cases.

OMLS does not recruit retired, inactive attorneys and government attorneys; it rarely recruits corporate attorneys. The program noted that its earlier efforts to solicit individual attorneys practicing or living in the service area were time intensive and produced few additional recruits. The program is now attempting to train and mentor young, recently admitted attorneys to encourage them to take *pro bono* cases.

OMLS is working on both a local and statewide basis to increase private attorney participation. OMLS continues to partner with the Monmouth County Legal Aide Society and refer cases to them. OMLS has also developed new approaches to increase private attorney involvement. The Monmouth County Legal Assistance Partnership Project (MCLAPP), described more fully in Finding 15, is attempting to recruit private attorneys to conduct presentations. Some attorneys volunteered at OMLS as part of the “Day of Service” marking the tenth anniversary of 9-11 that was sponsored by the New Jersey State Bar Association. At the time of the PQV, the Monmouth ombudsman was working with the county’s Office of Senior Services to recruit elder law attorneys to conduct a seminar about wills and estates on Law Day, May 1, 2012.

In January 2011, LSNJ created a *Pro Bono* Task Force with the goal of improving the current *pro bono* processes at LSNJ and the LSC-funded regional programs, as well as proposing a vision of a coordinated statewide *pro bono* program. To date, this group has focused on the following areas for improvement: attorney registration process, statewide *pro bono* database,

¹⁵ In the Madden decision, the New Jersey Supreme Court reaffirmed the bar’s duty to represent indigent defendants without pay where the Legislature has made no provision for the Public Defender to represent defendants who are entitled to counsel. By stipulation of the Court, attorneys who volunteer to provide free legal assistance through a Legal Services program or a *pro bono* program that has been approved by the Supreme Court, and perform a minimum of 25 hours of *pro bono* service, will be exempt from court-mandated assignments the following year.

training processes, case referral efficiency, etc. OMLS participates in this task force and, according to its 2011-12 PAI Plan, it will continue to work with LSNJ on this endeavor. In addition, LSNJ recently launched its *pro bono* website: www.probononj.org.

While these heightened efforts are laudable, more needs to be done to better leverage OMLS's efforts, thus extending its reach.

Recommendation III.2.14.1*:

OMLS should continue taking steps to energize its PAI efforts so that more *pro bono* attorneys are recruited and a wider variety of opportunities are offered. LSC's Program Letter 07-2, "Guidance to LSC Programs for the Development of Enhanced Private Attorney Involvement" should be reviewed. For example, OMLS could recruit attorneys to come to landlord tenant court one day a month. Such private attorneys could work along with the OMLS staff attorneys who are in court, and provide brief service and advice; in some cases, attorneys could be encouraged to accept a case for further representation. Other private attorneys could be recruited to be an intake "attorney of the day;" serve as co-counsel on complex cases; and/or provide complex litigation training for OMLS staff.

Recommendation III.2.14.2*:

OMLS should develop its organizational relationship with both of the local bar associations so that *pro bono* activity will increase. An OMLS attorney or a bar member who has provided *pro bono* services, either individually or together, should seek opportunities to speak at county bar association events or other meetings of lawyers in the service area.

Recommendation III.2.14.3*:

The board, as well as the local judiciary, should be involved in strengthening the program's PAI relationship with the organized bar.

Recommendation III.2.14.4:

OMLS should consider utilizing its web page to publicize *pro bono* opportunities by type, size of the effort envisioned, geographic location, etc., as a way of alerting local lawyers to opportunities that match their skills and interests.

Recommendation III.2.14.5:

OMLS should take additional steps to recognize PAI volunteers and include them in substantive law trainings.

Recommendation III.2.14.6:

OMLS should continue to partner with the Monmouth County Legal Aide Society; in doing so, the program may find ways to enhance its own *pro bono* performance through collaboration.

Recommendation III.2.14.7:

OMLS should continue to work with LSNJ to develop a cohesive and efficient statewide *pro bono* program.

Recommendation III.2.14.8:

OMLS should approach local corporations to determine whether corporate counsel can be enlisted to perform PAI.

Other Program Services and Activities

Finding 15. OMLS is a vital member of the larger legal and social service community and has taken steps to create alternative delivery approaches.

OMLS is an active member of the community it serves. The WIN Project, described in Finding 7, not only represents clients; it also provides valuable support to the social service and advocacy organizations that assist victims of domestic violence. The regular WIN advisory meetings convened by OMLS offer presentations on a range of topics and are highly regarded by those who participate.

OMLS staff worked with the ombudsman for the Monmouth County Courthouse to develop the Monmouth County Legal Assistance Partnership Project (MCLAPP). This project, which commenced in March 2010, provides additional civil legal assistance to low and moderate income *pro se* litigants through a self-help resource center located at the Monmouth County courthouse. The ombudsman's office conducts preliminary intake for OMLS, which has a designated area at the center where it holds legal clinics twice a month. During scheduled appointments with income eligible persons, an OMLS staff member completes the actual intake using a laptop and will then give advice or agree to provide extended representation. These individual interviews concern topics such as tenants' rights and evictions, foreclosures, expungements, name changes, child custody and child support, visitation, domestic violence, divorce, collections, wage garnishment, bankruptcy, and elder law.

The partnership also holds a series of free informational workshops at the courthouse. These seminars, conducted monthly by OMLS staff, cover family law issues such as divorce, support, custody, and post-judgment *pro se* motions, as well as expungements. After the workshop, the presenter meets individually with eligible *pro se* litigants. OMLS is aiming to replicate this system in the Ocean County Courthouse.

Advocates work regularly with other programs. They collaborate with the community health law project that assists people with mental and physical disabilities; OMLS attorneys provide advice, especially regarding consumer matters. OMLS has a long-term relationship with STEPS (Solutions to End Poverty Soon), an anti-poverty agency focused on assisting low- and moderate-income people obtain housing.

During 2011, OMLS conducted or participated in 11 *pro se* clinics. And, throughout the year, it made presentations to more than one hundred community groups on a variety of topics. Staff spoke to seniors on wills, powers of attorney, bankruptcy, reverse mortgages, and OMLS' program services. Along with a number of other Ocean County agencies, OMLS participated in the "Uplift Ocean County Families" event, to provide information about the services available to them. Staff made presentations on domestic violence-related issues at safe houses run by Provident House, which is administered by Catholic Charities; conducted sessions sponsored by

the Long Branch school district for teen mothers to advise them about their rights; and appeared at the Mercy Center in Asbury Park to meet with men who are HIV positive.

OMLS utilizes a variety of in-house volunteers; including new attorneys and law school students seeking legal experience. This summer, it will host five interns, two of whom will be recent law school graduates. OMLS screens the volunteers and provides in-house training as well as training through LSNJ. More recently, a retired employee from the Division of Social Services began volunteering at OMLS; his expertise has significantly aided the staff handling public benefits matters.

OMLS developed a partnership with Brookdale Community College, based in Monmouth County, and accepts paralegal students for placement; such students perform work while simultaneously gaining experience (and academic credit). OMLS also entered into a partnership with the National Council on Aging (NCOA) to accept senior volunteers. These individuals provide administrative assistance while getting paid by NCOA through its Workforce Development Division. In both instances, the partnerships introduced trained individuals to the program who eventually became OMLS employees.

From the WIN Project to the MCLAPP Self-Help Resource Center, from collaborations to presentations throughout the service area, OMLS appears to be effectively educating both clients and providers. It is also effectively utilizing volunteers and student interns.

Recommendation III.3.15.1:

OMLS is encouraged to pursue its current efforts to collaborate with the Ocean County judiciary and duplicate the Legal Assistance Partnership Project in the Ocean County Courthouse.

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

Board Governance

Finding 16. The OMLS board has largely been inactive in terms of governing the program.

Board governance is a topic of concern to the program. Both OMLS management and board members are aware of the importance of an active board in ensuring that a program delivers quality legal services.

Pursuant to OMLS' revised by-laws, the Board of Trustees now consists of nine members: six are to be attorneys and two are to be individuals who were eligible to be clients when selected from or designated by local community organizations; there is to be one from each of the program's two counties. The final member is an "at large" member who is to be appointed at the discretion of the board; this member is to reflect the interests of the client community. OMLS has had trouble recruiting individuals to fill all of the seats. At the time of the visit, there were seven members on the board. One attorney position and the at-large seat were vacant; additional members are being sought. Although it is small in size, OMLS' board "reasonably reflects the diversity of the service area," as required by its by-laws.

The OMLS board is led by a committed chairperson, who will conclude his first term in office in June 2012. He is pro-active; he meets regularly with local judges to determine how the program is doing. Other board members have served for long periods and appear dedicated to the well-being of the program.¹⁶ Client representatives feel included as a part of the board. The board's current vice president is a client representative.

The by-laws provide for rotation of the trustees; they serve three year terms and are eligible to serve a maximum of three terms – or nine years. A quorum is made up of one-third of the members plus one other person. Members may attend meetings by telephone conference call, speaker phone, “or any other means of communication,” as long as all the members can fully hear one another.

Despite their commitment to the program, the board members do not exhibit the degree or quality of oversight one would expect of an active, well-functioning board. Although the by-laws provide for three separate board committees: the executive committee, the finance/audit committee, and the client grievance committee, these committees exist only on paper. Some board members appear to meet regularly, but informally, with program management. As described by the board chair, the board operates as a “committee of the whole.” As a result, there is no formal committee review of finances between meetings; instead, the finance director provides the entire board with financial statements one week in advance of each quarterly board meeting.

OMLS generally conducts an intensive interview of prospective board members; however board members did not appear to recall a new member orientation session and there is no OMLS-specific board handbook. Board training events do not occur regularly. Materials from two non-profit board training sessions were distributed to the board in late 2010; the events covered 990 forms, conflicts of interest, disclosure, and the need for commitment to the organization. However, it does not appear that these materials were distributed as part of a board training session.

Currently, the board has no formal method to obtain information about the legal work of the program other than through the reports made by the executive director. These reports are more focused on the administration of the program than on specific legal efforts. Although staff members do attend some board meetings, there are no regular staff presentations regarding the legal work they are performing.

The board does not engage in formal long range planning, nor is it actively engaged in fundraising for the program. A planned board retreat was not held due to program funding cuts.

¹⁶ During the visit, the team became aware that one of the most active board members, who was formerly the vice chair and is now its secretary, also serves as part-time legal counsel for the Asbury Park Housing Authority. OMLS appears to appropriately advise clients of this conflict and request written approval from them before attempting representation in matters involving the housing authority. In compliance with 45 U.S.C. §1607.3(h)(3), the program should remain vigilant that this relationship, which could create the appearance of a conflict if not a technically impermissible conflict, does not chill the program from aggressively advocating on behalf of Asbury Park Housing Authority tenants either in individual cases or with respect to pattern and practice or policy issues.

The executive director has yet to be evaluated. Under the program's current policy, he is due to be evaluated on a yearly basis. It is expected that he will be evaluated this year.

Recommendation IV.1.16.1*:

The OMLS board should follow the by-laws with regard to board membership, committee structure, and program oversight. OMLS should ensure that all board vacancies are filled, board committees should be formed, and committee members should expect to work between meetings. In particular, the finance committee should review financial data in advance of the rest of the board and should be prepared to help the executive director present that data to the full board.

Recommendation IV.1.16.2*:

OMLS should conduct formal non-profit board training of board members; such training should be mandatory for everyone. Current board members should be required to participate, and any new board member would be required to take the training within two months of starting his/her term on the board. Board members would benefit from new board member orientation and subsequent training opportunities tied specifically to their fiduciary and programmatic responsibilities over a legal services program.¹⁷

Recommendation IV.1.16.3*:

During this calendar year, the board should conduct what will be its annual evaluation of the executive director. The board should consider making the evaluation multi-dimensional, including a written self-evaluation that includes a goal-setting component, input from all board members, and input from OMLS staff, possibly using a confidential survey. It should result in a formal, written performance appraisal that is personally reviewed with the executive director and shared with the board.

Recommendation IV.1.16.4*:

As part of the program's overall strategic planning, the board and the OMLS executive team should conduct a strategic planning exercise in the second half of 2012, and revisit the plan and revise it as necessary on an annual basis.

Recommendation IV.1.16.5:

OMLS' advocacy staff should make brief but regular presentations about the substantive work of the program at the board meetings. These presentations could be about a specific area of practice, a particular case of interest, or a project such as WIN. They would familiarize the board with the program's legal work and with the advocacy staff, and would permit the board to appropriately recognize such staff for their accomplishments. Such presentations would also serve to introduce staff members to the board.

Recommendation IV.1.16.6*:

The OMLS board should engage in an aggressive resource development effort, to enable the program to meet future challenges. The board should consider forming a fundraising committee to

¹⁷ Frequently, colleges or community colleges have extension or other services to assist with board governance and board/staff issues. LSC has a Board Governance Work Group that is available to provide guidance relating to board development; members of the group can help OMLS engage in a "facilitated" conversation around board issues.

look into ways it can develop financial support for the organization. The board should consider holding an event for members of the bar and other community leaders in the two counties. The event can showcase the program's work and celebrate those who provide *pro bono* service and other outstanding support to the program. This will permit OMLS to raise the profile of the program and the board and to create a basis for fundraising.

Leadership

Finding 17. OMLS' leadership team has demonstrated its capacity to make program improvements.

OMLS underwent a major change in leadership in 2009, when its previous executive director resigned. The current executive director was named the acting director beginning in June 2009, and then appointed to his position in early April 2010. He was familiar with the program, having previously served as the managing attorney of OMLS' Long Branch office.

The executive director and the assistant executive director, who is also the program's litigation director, restructured the program's administrative and legal work systems. OMLS' management structure previously included the executive director, two deputy directors, and several managing attorneys. The management team, which now consists of the executive director, the assistant executive director, and the financial director, energetically addressed the program's financial issues. Supported by the board, they have demonstrated a willingness to act creatively and aggressively to protect the stability of the program and guarantee the continued representation of the clients it serves.

In mid-2010, OMLS' leadership reorganized the program's staffing and eliminated many of the existing support staff positions. Former staff members whose positions were eliminated were invited to apply for newly created senior paralegal positions. Management was required to respond to litigation brought by former employees.

Given the program's financial challenges, management laid off staff members in 2010 and again in 2011. OMLS also froze salaries in 2011 and will continue to do so in 2012. To date, employee benefits have not been reduced. In September 2011, OMLS scheduled four unpaid furlough weeks during the current fiscal year. The first two furlough weeks took place the week of Thanksgiving and the week between Christmas and New Years to minimize the impact on client services. Due to the savings realized from these and other efforts, the program does not expect to require additional furlough weeks at this time.

OMLS does not have a written succession plan; it has an "understanding" as to how things will progress should leadership changes occur.

Recommendation IV.2.17.1:

The program should utilize this time after transition to develop a formal succession plan.

Recommendation IV.2.17.2:

As a result of the substantial changes made in the program's staffing and governance, it is incumbent on the executive director to remain open with the staff regarding financial and other essential information, so that they are fully aware of the program's status and are not surprised by any changes that are made.

Management and Administration

Finding 18. Ocean-Monmouth Legal Services' management system does not function efficiently.

Both the executive director and the assistant executive director bring a tremendous amount of personal energy to their jobs. They are capable and appear to have worked tirelessly to improve all facets of OMLS' administrative operations.

Some of the administrative duties handled by the executive director and the assistant executive director seem to be duplicative. It appears that, in some instances, they divide their management and leadership roles based on geography rather than job description, with one handling the responsibilities associated with the Freehold office and the other the duties connected with the Toms River office. The lines of supervision for advocacy, intake, and administrative staff are not clear.

Both directors also continue to represent individual clients. This contributes to their being over-extended and, as is the case with many lawyer-managers, to give short shrift to some management duties and responsibilities. It also appears that the assistant executive director has been unable to fulfill many of the duties connected with her role as litigation director.

Management appears to observe an open door policy and seems receptive to new ideas. There is not a sense that procedures are followed because "that's the way we've always done it." Management also has an admirable commitment to transparency and willingly shares information with all staff. All staff was, for instance, invited to attend the exit conference for this PQV.

The directors do not appear familiar with national or regional task forces, listservs, or affinity groups related to various areas of law office administration.

OMLS has a succinct yet sufficient disaster recovery plan. It covers the program's preparedness in terms of alternative worksites; location of critical information; computers and technology, including a description of its backup systems; as well as building and staff information, and appears adequate to ensure OMLS' continuity of operation.

Recommendation IV.3.18.1*:

The program should examine its management operations to ensure that the program gets the full benefit of the strengths of each director. In correspondence with the existing job descriptions, the duties should be divided on substantive lines. The executive director should be in charge of overall leadership of the program, serving as the main liaison to the Board, to the bar and judiciary, to clients and service providers, and to funding sources. The assistant executive director/litigation director should be responsible for overseeing the program's legal work, performing periodic case

reviews, coordinating the program's litigation with other statewide entities, as well as participating in the management of the program.

Recommendation IV.3.18.2*:

The lines of supervision should be clear for all advocates, intake and front desk staff.

Recommendation IV.3.18.3*:

As resources permit, the program should expand management to include two supervising attorneys; each would be responsible for assisting with the management of a branch office. One of these supervising attorneys should also be responsible for managing and overseeing the intake system and the work of the intake staff. (See Recommendation II.1.5.1.) The second could also be responsible for supervising the program's outreach efforts. Such an expansion of management staff would also build additional organizational capacity for the future.

Recommendation IV.3.18.4:

OMLS should make use of the national and regional resources available to legal services administrative and management staff. These include administrator conferences and resources available through Management and Information Exchange; listservs for technology and intake management; and LSC's LRI website available at www.lri.lsc.gov. The program should also encourage its management staff to seek additional training and support from local and national law office management associations such as the Association of Legal Administrators.

Finding 19. The technology needs of the program are being met.

The technology needs of the program are administered by LSNJ, which provides all programs in the statewide legal services network with computer hardware and software, network capabilities, as well as website and telephone systems. LSNJ is responsible for technology planning, systems maintenance, and technical support. LSNJ performs this work with input and local assistance from OMLS' Information Technology (IT) Director. OMLS' employees consult its IT director who fields office questions before turning to LSNJ's help desk. The IT director previously divided her time between technology efforts and private attorney efforts; she is now working 25% of her time in each of these areas and the other 50% of her time is devoted to paralegal duties.

The telephones in the statewide system are connected through a single phone system. It allows for four digit calling throughout the state's legal services network. OMLS staffers experience some problems dialing out since there are a limited number of lines.

All of the legal services programs in New Jersey share an automated case management system, administered by LSNJ. OMLS is currently using Kemps Case Works Version 2.0, an outdated version of this software. It has not been upgraded; instead, OMLS has added modules. LSNJ has developed plans to convert from Kemps to Legal Server and anticipates that this statewide conversion will be completed before the end of calendar 2012. (It initially anticipated that the change would be made by mid-2011.) This change will assist in the electronic storage of documents and the sharing of client information between programs/offices.

Recommendation IV.3.19.1:

OMLS should continue to actively participate in technology-related planning and decision-making at the LSNJ level.

Finding 20. OMLS appears to maintain a well-managed finance system.¹⁸

OMLS has a financial director who is highly trained and possesses a wide variety of accounting and auditing experience. Of her 27 years of professional experience, eight have been with the program. The financial director is assisted on a part-time basis by a degreed accountant with over 20 years' experience; she has now worked at OMLS for one year. The team's review of the program's financial administration was limited to interviews with these two staff members, and with the part-time compliance coordinator, who tracks time-keeping for the attorneys and paralegals, among her other duties.

OMLS has detailed written policies and procedures describing its financial operations. It appears that financial and funding reports are prepared and submitted to the director and the board in a timely fashion. Each budget includes projections and the board matches the budget to the projections made at each board meeting. As noted earlier, although the by-laws provide for a finance/audit committee, the program does not have a board committee that meets independently with the finance staff.

OMLS has an Accounting Guide that was updated most recently in August 2011.

In New Jersey, the chief financial officers from the six LSC-funded legal services programs do not meet to discuss their challenges and how their work can be improved or streamlined.

Recommendation IV.4.20.1:

OMLS should encourage its financial director and the fiscal officers of other New Jersey legal services programs to meet periodically, either in-person or by conference call, and discuss the challenges they face in accomplishing their duties.

Finding 21. The program currently lacks a human resources administrator.

OMLS had a part-time human resources director, who was laid-off as part of its 2011 staff reductions. Her duties have now been assumed by the executive director, assistant executive director, and, to a large extent, the financial officers, who took over payroll and benefits.

OMLS conducts performance evaluations irregularly. New employees are evaluated during their probationary periods. Legal Line staff members were formally evaluated in 2010-

¹⁸ This visit was conducted by the Office of Program Performance (OPP) for the purposes set forth in the Introduction. OPP findings and recommendations under this criterion are limited to staffing, organization, and general administrative functions. Assessment of fiscal operations is conducted by other offices at LSC.

2011. Other staff evaluations have been performed on a sporadic basis; they appear to be more informal and consist of oral feedback and critiques. Staff members are not provided with a regular vehicle for performance feedback and a clear framework for development of core competencies.

The program is currently implementing a performance evaluation system that calls for annual evaluations of all staff; comprehensive standards and process were put in place in June 2011. OMLS plans to conduct its first formal review of its entire attorney staff in 2012. Regardless of how OMLS chooses to implement performance reviews, regular and formal reviews for all staff not only give staff an accurate sense of the quality of their work but also provide an opportunity for goal setting that supports the development of skills and interests of every staff person as they evolve over a career.

Subsequent to a NLRB-supervised vote, OMLS decertified its staff union in May 2011. The board adopted a new set of employment procedures at its December 2011 meeting; these procedures went into effect on January 1, 2012. All employees are given copies and are required to sign a statement acknowledging their receipt. This manual is designed, along with OMLS' administrative manual and its policies manual, to provide the employees and board members with a formal set of personnel policies, practices, and procedures that the program will follow.

The handbook describes the performance evaluation process in some detail. As described earlier, performance appraisals of lawyers and staff have been conducted in a haphazard fashion; some people have not been evaluated for several years or, in some cases, have never been evaluated.

Although OMLS does employ a diverse staff, it is not fully reflective of the service area's client population.

Recommendation IV.5.21.1*:

OMLS should ensure that performance appraisals, one of the key management tasks, are timely conducted for all staff on an annual basis. If necessary, forms and the evaluation process should be designed and training should be given on how to conduct effective performance appraisals.

Internal Communication

Finding 22. Regular communication takes place among staff members.

Program communication among staff takes place through emails or by telephone calls. Advocates regularly use email to ask questions and share information with other advocates on a program and statewide basis. The program does not have an internal newsletter.

The entire staff of the Ocean-Monmouth program gets together twice a year for formal full staff meetings. The last such meeting took place when the new employee handbook was released. In addition, the two senior members of management appear to regularly spend significant amounts of time in each of the program's two offices.

Recommendation IV.6.22.1:

OMLS should continue to keep staff timely informed about issues such as the program's restructuring and, as appropriate, ensure that staff be given the opportunity to have input in the development of new procedures and policies.

Recommendation IV.6.22.2:

OMLS should schedule periodic program wide meetings of groups such as intake workers or senior paralegals; such meetings give participants opportunities to share expertise, while also furthering collegiality and promoting a stronger program.

General Resource Development and Maintenance

Finding 23. OMLS lacks a plan for fund development and is not aggressive about local and other fundraising.

OMLS does not employ anyone to oversee its resource development, nor does it have a resource development plan. Much of OMLS' non-LSC fundraising appears to be generated by LSNJ's statewide efforts. The program does receive local United Way funding and Title III grants. In 2011, OMLS issued an annual report in an effort to promote its program.

To date, OMLS has not been successful in expanding its resources beyond basic funding sources. However, the program is aware that it needs to take creative approaches to fundraising in order to expand its funding base. OMLS' compliance coordinator has begun researching large corporations in New Jersey to find those that have ties to or even headquarters in Ocean and Monmouth Counties to approach for funding requests, endowments, or gifts. As noted earlier, the OMLS board should assist the program both in the development and the execution of a fundraising plan.

Recommendation IV.7.23.1*:

The program should develop and execute a resource development plan; the board should actively assist in this endeavor.

Recommendation IV.7.23.2:

Given that some of New Jersey's wealthiest communities are located in OMLS' service area, the board and the management team should consider how to develop local resources, including corporate or foundation sources, to generate additional funding.

Recommendation IV.7.23.3:

OMLS should reach out to younger members of the bar and social service community organizations to involve them in the organization and act as ambassadors for the program. Members of this group may eventually serve as future board members.

Participation in an Integrated Legal Services Delivery System

Finding 24. OMLS actively participates in the delivery of legal services throughout the state and its service area.

OMLS is part of a statewide system, including other regional legal services providers and LSNJ, through which a full range of civil legal assistance is provided. Statewide coordination efforts by LSNJ ensure that all of the legal services programs are actively involved in an integrated service delivery system. OMLS collaborates with other New Jersey legal services programs on substantive legal issues and coordinated task forces and working groups. A number of staff members conduct trainings. The program also collaborates with court personnel, government agencies, service providers, nonprofit organizations, and other programs within its service area to expand access and provide better services to clients. For example, they participate in a domestic violence working group that meets bimonthly; in addition to OMLS, it includes community advocates, judges, police, etc. The presiding family court judge chairs the meetings, which are held at the superior court.

Many attorney and other staff members are actively engaged in local and statewide bar associations, community and social services organizations; teach in local schools; and participate in other activities to further the interests of the client population and promote the organization.