



Office of Program Performance

**Final
PROGRAM QUALITY REPORT**

For

SOUTH COASTAL COUNTIES LEGAL SERVICES

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INTRODUCTION

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit to South Coastal Counties Legal Services (SCCLS) from October 7-11, 2013. The team members were team leader John Eidleman (Senior Program Counsel), Cynthia Schneider (OPP Temporary Employee) and Joseph Dailing (OPP Temporary Employee).

Program quality visits are designed to ensure that LSC grantees provide the highest quality legal services to eligible clients. In conducting its assessment, the team carefully reviewed the documents LSC received from the program, including its grant application for 2012 and renewal application for 2013, 2012 case service reports (CSRs), 2012 other service reports (OSRs), the numerous documents the program submitted in advance of the visit (e.g., advocates' writing samples), and staff responses to a confidential on-line survey conducted by LSC in advance of the visit.

On-site, the team visited the two SCCLS offices and the office of its subsidiary – the Justice Center of Southeast Massachusetts (JCSM or Justice Center), which was created to take cases that would be prohibited by the LSC regulations. In addition to interviewing virtually all of the staff members at SCCLS (one was on leave) and all but one at the Justice Center (one was on grand jury duty), the team had in-person or telephone conversations with a number of SCCLS board members, judges, representatives of the Massachusetts Legal Assistance Corporation (MLAC), and representatives of community organizations.

In performing its evaluation of the grantee's delivery system, OPP relies on the LSC Act and regulations, LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. This evaluation is organized according to the four LSC Performance Areas that cover: (1) needs assessment, priority setting, and strategic planning; (2) engagement of the low income community; (3) legal work management and the legal work produced; and (4) program management including board governance, leadership, resource development, and coordination within the delivery system.

SERVICE AREA and PROGRAM OVERVIEW

The service area covered by South Coastal Counties Legal Services includes the five counties of Barnstable, Bristol, Dukes, Nantucket and Plymouth and the towns of Avon and Stoughton in Norfolk County. The service area is a mix of rural and urban areas, covering 16,971 square miles. The urban areas include New Bedford, Fall River, Brockton and Taunton, which are in Plymouth and Bristol Counties.¹ The Greater Providence Rhode Island-Fall River-New Bedford Massachusetts area is home to the largest Portuguese-American community in the United States. Barnstable, Nantucket, and Dukes Counties encompass the Cape Cod and Islands region making up the more rural

¹ New Bedford is the sixth largest city in Massachusetts with a population of 95,072.

area. Cape Cod has a significant number of retired and senior citizens. The service area has a very diverse population, including persons from Portuguese and Spanish speaking countries, as well as Cape Verdeans, Haitians and Native Americans.

The service area is one of economic contrasts. The population of the service area is 763,607, and the poverty population is 98,979 or 12.9%. The service area has very significant poverty in areas like New Bedford, Fall River, and Brockton, which have poverty populations of 22.7%, 20.2 % and 14.6% respectively. The state average poverty population is at 10.5%. The region also contains a number of high-income communities that provide second homes to residents. The per capita income in Massachusetts is \$35,051 while in Nantucket County it is \$51,456 and in Bristol County \$28,182.

The southeastern area of Massachusetts has a long history of providing legal services to the low-income population in the service area. Onboard Legal Services started in New Bedford in 1964, and Legal Services of Cape Cod and the Islands (LSCCI) was founded in Hyannis, also in 1964. The Onboard program later became Southeastern Massachusetts Legal Assistance Corporation (SMLAC) in 1979 and later South Coastal Counties Legal Services when it merged with Legal Services for Cape, Plymouth and the Islands (formerly LSCCI) in 2006.² In 1996, SMLAC gave up LSC funding and LSC funded a new “hot line” and intake programs, the New Center for Legal Advocacy (NCLA), to serve southeast section of the state.

SCCLS merged into NCLA on July 1, 2011. NCLA then changed its name to South Coastal Counties Legal Services to avoid confusion for clients and other stakeholders. Unfortunately, because of the ongoing fiscal crisis in Massachusetts, the program has undergone significant staffing losses, including the termination of 11 staff in 2012. In 2007, the two programs had a total of 58 employees, and today approximately half are still employed at SCCLS. The program has also closed two offices (Taunton and New Bedford) in an effort to cut costs and continue services. As part of the merger a non-LSC program, the Justice Center of Southeast Massachusetts (JCSM or Justice Center), was created as a subsidiary to take cases that would be prohibited by the LSC regulations. It receives no LSC funds, receiving its funding from the Massachusetts Legal Assistance Corporation (MLAC).

SCCLS serves five counties in southeastern Massachusetts with two offices, Fall River and Hyannis. The Justice Center serves the Brockton area by handling many cases that fit into SCCLS priorities and are not restricted by the LSC statute or regulations. The Fall River office houses the administrative staff of five and a service component with nine staff, including the telephone intake unit. The Hyannis office has a staff of eight, and the Justice Center office has nine staff.

There is diversity in the service area. The poverty population for the area is 78.68% White, 9.9% Hispanic, 8.45% African American, 1.86% Asian .54% Native American, 0.04% Hawaiian and other Pacific Islander, 6.10%, Some Other Race and

² Legal Services for Cape, Plymouth and the Islands gave up LSC funding to NCLA in 2005.

4.33% Two or More Races.³ The client population served in 2012 by SCCLS was 76.6% White, 9.9% Hispanic, 7.9% African American, 1.2% Asian, .5% Native American and 3.9% Other

SCCLS received an LSC Basic Field Grant for \$859,735 in 2012 and \$827,324 in 2013. From other sources it received \$3,704,345 in 2012 and \$4,023,873 in 2013.

South Coastal Counties Legal Services states its mission is to achieve equal justice for the poor and disadvantaged through community based legal advocacy.

While morale at SCCLS remains high, the loss of staff and growing needs of the client population have put significant stress on the program's advocacy.

SUMMARY OF FINDINGS

South Coastal Counties Legal Services conducted an effective needs assessment during 2010 and 2011 in conjunction with the New Center for Legal Advocacy. Subsequent to the merger of the two programs, a two-day facilitated staff and board retreat was held in July of 2011 to assess the needs of the low-income client community, address setting priorities, and discuss the impact of the merger on the culture of the program.

SCCLS identifies new pressing needs and problems between needs assessments in a number of ways that are informed by its close contacts with the client and provider community. It closely reviews the number and types of requests it receives through its intake system to determine the pressing legal issues for which applicants seek legal services.

The program engaged in an effective strategic planning process that started in 2006 and included both the New Center for Legal Advocacy and the South Coastal Counties Legal Services programs. The process involved 25 members made up of staff and board members and resulted in the strategic plan for 2007-2012.

Objectives established in the strategic plan included increasing the amount of impact work relative to individual casework; improving efficiency and effectiveness of methods and processes used to perform its case work; ensuring financial viability by diversifying funding; and establishing an excellent workplace. Unfortunately, because of decreases in funding and layoffs of staff, SCCLS failed to meet many of the goals of the strategic plan. The board and management realize that it is time to again engage in a strategic planning effort, and the program is seeking a consultant to help facilitate the process.

³ 2007-2011 American Community Survey 5-Year Estimates.

SCCLS does not yet engage in rigorous evaluation or measurement of its work, nor does it have a procedure in place to periodically analyze and evaluate the effectiveness of its delivery strategies and work.

SCCLS seeks to maximize access to its services for the low-income community with two office locations that are easily accessible and which are also close to the courts and state agencies.

The program has a multileveled intake system. Applicants may access the program with a telephone call, walk into a SCCLS office, use the online inquiry system, contact the Attorney General's Home Corps project, be referred by a social services agency or the court, or enter into the intake process through one of the program's many outreach efforts. The paralegal that handles elder law cases in the Fall River office conducts extensive outreach and receives referrals from community partners.. She also conducts in-person intake using technology that provides a mobile office.

The program conducts telephone intake for all three offices from its Fall River office with a staff of three full-time paralegals. The telephone intake system is efficient and proficiently screens applicants for financial and case type/priority eligibility. The telephone intake system uses Legal Files as a case management system (CMS) and has a sophisticated software system that allows the staff to identify important information such as the applicant's wait time in the queue, length of time to complete an intake, and the number of applicants waiting to be interviewed.

Staff members participate in a variety of outreach activities designed to provide the client community with legal information and resources and to inform them of SCCLS' services. These involve providing community education, participating in meetings of organizations serving the client community, and conducting intake and other client services at outreach sites. The program has numerous community legal education brochures that it makes available to clients. Many of these events are conducted at sites serving seniors, and others are conducted at domestic violence and homeless shelters.

SCCLS is committed to ensuring language access in its representation and is strengthening its internal language access capacity as well as the capacity of the overall delivery system in the state. The primary language other than English spoken by the client community is Spanish. Other languages include Portuguese, several African languages, Arabic, and Vietnamese. SCCLS staff has one Portuguese speaking paralegal, one Portuguese speaking secretary, one Spanish speaking paralegal, and one Portuguese/Spanish speaking paralegal. The Justice Center has one Portuguese/Spanish speaking immigration attorney. SCCLS needs to update its LEP plan and conduct training on the plan.

The program has a very experienced, dedicated, compassionate, and highly competent staff that provides high quality legal services to their clients. Staff members have the commitment, skill and resources to carry out their work. The program and its

work are well-respected by the judiciary, the private bar and social service community throughout its service area.

SCCLS does not have written protocols in place to ensure that representation is carried out with maximum effectiveness. Essentially there are no written legal work standards for legal staff.

SCCLS provides numerous opportunities for its volunteers to participate in Private Attorney Involvement (PAI) activities. These include direct representation providing advice, brief service or extended service; pro se family law clinics; debt management clinics; a counseling program for the elderly residents of towns in eastern Plymouth and Barnstable counties; a mentoring program where experienced pro bono attorneys mentor new attorneys who have agreed to accept pro bono referrals; and CLE seminars where the pro bono attorney is a presenter.

The SCCLS 15 member board includes members who are committed to its mission and to pro bono service. A core of approximately nine members faithfully attends the meetings. A review of the minutes shows an active, knowledgeable and engaged board concerned about the program's well-being.

There is no formal board training for new board members or a board manual. When new members come on the board they receive orientation to the program and board minutes to review. Some have had the opportunity to attend the National Legal Aid and Defender Association conference.

SCCLS has undergone several mergers over the last ten years, which have resulted in the present organization. In June, 2011, the final merger took place which created the current SCCLS and its wholly owned subsidiary, Justice Center of Southeast Massachusetts, a limited liability corporation. The Justice Center has a separate Board of Managers although several individuals serve on both the SCCLS Board of Directors and the Justice Center's Board of Managers.

The SCCLS board has emerged from these mergers as a stronger, more cohesive group, according to board members who were interviewed. Board members have become very active in support of the fundraising activities of SCCLS as well as its efforts to diversify its sources of grant funding.

SCCLS' leadership is centered in the program's executive director. Her leadership and management skills set the right tone for SCCLS as it moves toward the next stage of its development.

The fiscal office is staffed by one person. The financial officer, who is not an accountant, is very experienced and has been with the program since 2004. SCCLS has one person, the assistant to the executive director, who handles human resources for the organization, with supervision by the executive director. She has managed human resources for SCCLS and/or its predecessor (SMLAC) since 1988.

SCCLS staff participates in efforts to improve the delivery system in Massachusetts. Staff serves as trainers in many community forums and participates collaboratively with various nonprofits and community groups. Representatives from the program serve on committees of the Massachusetts Access to Justice Commission and on statewide task forces. Since 2005 SCCLS has hosted an AmeriCorps program which places 28 recent college or law graduates in legal aid programs throughout the Commonwealth. Staff is highly regarded within the local community. The program highly encourages advocates to participate in local and statewide bar activities. Advocates participate in leadership positions in local bar associations.

FINDINGS and RECOMMENDATIONS

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

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

Finding 1. SCCLS completed its last comprehensive legal needs assessment in 2011.

A comprehensive needs assessment was conducted in 2008 by the University of Massachusetts Dartmouth Center for Policy Analysis to update the results of the 2003 needs assessment conducted by the New Center for Legal Advocacy and the Southeastern Massachusetts Legal Services Corporation. The 2008 needs assessment was published as *The Legal Aid Coalition of Southeastern Massachusetts Needs Assessment Survey*.

Prior to the merger, South Coastal Counties Legal Services conducted an effective needs assessment during 2010 and 2011. This was part of their strategic planning process, and the assessment was conducted in cooperation with the New Center for Legal Advocacy. The programs used a number of strategies to gather the information needed to conduct the assessment that included a community survey by phone and/or in person interviews with low income persons, community organizations, social service organizations, the courts, other legal services providers, the private bar, and program staff. Focus groups were held with low-income persons. Meetings were held with the bar, the program staff and the board. The program also reviewed other legal needs studies, GIS mapping intake data, CMS data and census data.

Subsequent to the merger of the SCCLS and NCLA, a two-day facilitated staff and board retreat was held in July of 2011 to assess the needs of the low-income client community, address setting priorities and discuss the impact of the merger on the culture of the program.

SCCLS has no plans to conduct another survey of its own in the near future. A comprehensive needs assessment can be very resource intensive and expensive. It would

be appropriate for SCCLS in conjunction with Massachusetts Legal Assistance Corporation (MLAC) to consider conducting a statewide and regional needs assessment sometime in the next five years.

Recommendation I.1.1.1:⁴ SCCLS should encourage MLAC to conduct a needs assessment in conjunction with other legal services programs in the state in the next five years.

Criteria 2 and 3. Setting goals and objectives, developing strategies, allocating resources and their implementation.

Finding 2. The SCCLS board participates in the review of the program's priorities that are grounded in the needs assessment and expertise of the staff.

SCCLS has engaged in a thoughtful process to set priorities and maximize resources to ensure that eligible clients will receive critical high quality legal services from the appropriate office. Following the merger and the two-day staff retreat in July 2011, SCCLS established a team of staff members that included staff from each SCCLS office, the Justice Center, and the Collective Bargaining Unit, that met on multiple occasions to draft priorities. The work of the team was grounded in the prior needs assessment. The board approved the draft of the priorities in December of 2012. While the priorities of the Justice Center and SCCLS complement each other and on the whole overlap, SCCLS' priorities include only activities that comply with LSC regulations. SCCLS' priorities are predicated on the overall needs of the eligible low-income community in the service area. The program's priorities encompass three core legal areas that include substantive legal issues and designate the type of cases that are high and low priorities within those substantive areas.⁵ SCCLS anticipates that it must remain flexible and modify the priorities as legal needs and issues arise.

Criterion 4. Evaluation and adjustment.

Finding 3. SCCLS is aware of and adjusts its work accordingly to address emerging needs.

⁴ Recommendations in this report will have a Roman Numeral to identify the Performance Area, followed by three numbers identifying, respectively, the Criterion addressed by the recommendation, the number of the finding and a number designating whether it is the first, second, third, etc., recommendation under that finding. For example, III.2.14.3 designates Performance Area III, Criterion 2, Finding 14, and third recommendation under Finding 14. There are two levels of recommendations in this report: Tier One and Tier Two. Recommendations that are indicated with an asterisk are Tier One Recommendations and are intended to have a direct and major impact on program quality and/or program performance. In your next grant renewal application or competitive grant application, your program will be required to report what it has done in response to Tier One Recommendations instead of submitting a full narrative.

⁵ The priorities are: Family Security and Children's Issues (Family Law, Immigration, and Education), Housing and Consumer, Income Maintenance and Health.

SCCLS identifies new pressing needs and problems between assessments in a number of ways that are informed by its close contacts with the client and provider community. It closely reviews the number and types of requests it receives through its intake system to determine the pressing legal issues for which applicants seek legal services. While this methodology can reinforce the work the program is known for providing, SCCLS supplements its inquiries with its extensive engagement with the client and stakeholder community. In addition, it engages in numerous outreach efforts that provide a fertile source of information about emerging legal needs. Staff also serve on boards of other stakeholder organizations, engage with social services, and government agencies and make educational presentations to the client community, all of which provide ongoing information about client needs and emerging issues. The advocates are engaged with the bar and judiciary as well as the justice community, the Access to Justice Commission and other legal services providers across the state that are attuned to emerging legal needs.

As a result of these efforts, SCCLS has expanded its work in the mortgage foreclosure area, participating in the Massachusetts Attorney General's HomeCorps. It also recognized the need to focus in the consumer area and hired a full-time consumer attorney.

Finding 4. SCCLS is planning to update its strategic planning process.

SCCLS employed an effective strategic planning process that started in 2006 and included NCLA. The process involved 25 members made up of staff and board members and resulted in the strategic plan for 2007-2012.

Some of the objectives established in the strategic plan included increasing the amount of impact work relative to individual casework; improving efficiency and effectiveness of methods and processes used to perform individual cases and impact work; ensuring financial viability by diversifying funding; and establishing an excellent workplace to foster high quality work and retention of staff. Unfortunately, because of decreases in funding and layoffs of staff, SCCLS failed to meet many of the goals of the strategic plan. Several of the plan's objectives were met and later abandoned. For example, practice groups were established and later, because downsizing resulted in a smaller staff, formal practice groups or meetings were discontinued. Some goals were met and continue. A director of development was hired, private foundation contributions increased and she continues to develop successful fundraising efforts.

The board and management realize that it is again time to take on a strategic planning effort and the program is seeking a consultant to help facilitate the process. Discussion of engaging in a new strategic planning process was raised by the executive director at the June 18, 2013 board meeting.

Recommendation I.4.4.1*: The program should engage in a strategic planning process that complements and aligns with its development efforts and plan.

Finding 5. SCCLS does not have a methodology in place for measuring the results achieved by its work.

SCCLS does not yet conduct a rigorous evaluation or measurement of its work, nor does it have a procedure in place to periodically analyze and evaluate the effectiveness of its delivery strategies and work. It does not compare the results actually achieved with the outcomes originally intended, and does not on a routine basis make appropriate changes in its goals, objectives, strategies and legal assistance activity.

SCCLS could use its case management system, the outcomes data it does capture, and more electronic and online based systems to produce “solid data” to measure its work, particularly in terms of capturing outcomes for clients. While there are reports provided by SCCLS on closed case statistics (Case Service Reports), it does not appear there is an effort to evaluate or measure the outcomes and the value of services provided to clients that receive extended or brief service by its staff or the volunteer attorneys. SCCLS does conduct client satisfaction surveys for cases assigned to the senior project and PAI projects. While the responses showed a high level of satisfaction, the response rate is low. SCCLS does not appear to use the results of the surveys as a barometer of the success of its legal work or use the information to modify or improve its work.

Recommendation I.4.5.1: SCCLS should consider holding an annual retreat with the board and staff to review its accomplishments in light of its strategic goals and determine if the program is meeting its goals and, if not, what adjustments can be made to do so.

Recommendation I.4.5.2: SCCLS should consider conducting client satisfaction surveys of all clients using the information received in evaluating and improving its work.

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

Criterion 1. Dignity and sensitivity.

Finding 6. SCCLS treats clients with dignity and sensitivity.

SCCLS seeks to maximize access to its services for the low-income community with office locations that are easily accessible and that are close to the courts and state agencies. SCCLS has offices in urban areas with large client concentrations. Unfortunately, the New Bedford office was closed because of lack of funding. The New Bedford community is served by the nearby Fall River office and other SCCLS and Justice Center offices.

Members of the assessment team visited both SCCLS offices, which were easy to find and clearly marked. The offices are in Gateway Cities that are defined by the Massachusetts legislature as a city “with a population greater than 35,000 and less than 250,000, a median household income below the commonwealth’s average and a rate of educational attainment of a bachelor’s degree or above that is below the commonwealth’s

average.” The program also conducts outreach to Nantucket and senior outreach to Martha’s Vineyard. The offices had adequate parking available near the offices. They were clean and professional in appearance. There were adequate reception areas with sufficient seating, and educational and informational brochures were available. The offices were accessible to disabled persons. Interview rooms provide confidentiality.

The team uniformly heard from stakeholders that the staff treats clients with dignity, sensitivity and respect. This was revealed in interviews with community agencies, judges, and other service providers. The staff was described as professional, caring, respectful, and culturally sensitive.

Finding 7. SCCLS has a multifaceted intake system with a number of ways for applicants to access service.

The program has a multileveled intake system. Applicants may access the program with a telephone call, walk in, use the online inquiry system, or engage in the intake process at one of the program’s many outreach efforts. Applicants may be referred from a social services agency or the court.

SCCLS has an efficient telephone intake system. The program conducts telephone intake for all three offices from its Fall River office with a staff of three full-time paralegals. Two of the paralegals were with the New Center for Legal Advocacy for more than 10 years prior to the merger. Another long-term paralegal recently left the program and was replaced by a paralegal that started work the day of the OPP visit. The two long-term paralegals speak Spanish and Portuguese, and the new paralegal speaks Spanish. Intake hours are between 9 AM and 2 PM Monday through Thursday.⁶

The telephone intake system proficiently screens applicants for financial and case type/priority eligibility. The telephone intake system uses the Legal Files case management system and has a sophisticated software system that allows the staff to discern important information such as the applicant’s wait time in the queue, length of time to complete an intake and number of applicants waiting to be interviewed.⁷

During the course of an intake interview, if the paralegal finds the applicant eligible, she will send her to the appropriate office for an appointment. Referrals to the Hyannis office are entered into the Legal Files database and the office is notified that a new intake is waiting. A referral to the Justice Center in Brockton is made by attaching

⁶ For the six-month period from May 2013 through October 2013 the intake paralegals handled 1,827 calls from the queue and an additional 660 internal calls, which means that the applicant called a different non-telephone intake number or called one of the staff directly and staff had that call sent to the intake unit.

⁷ Interviews with the intake staff revealed that the average overall time for an intake is 20 minutes. The average wait time is a little more than three minutes and the average talk time is a little over five minutes. The hold time averages just less than two minutes. There is a 30 second wait after the caller gets into the system during which they hear various recordings about the types of cases the program handles and then they go into the queue.

an intake form to an email sent to that office. Intake staff interviewed estimated that about 24% of the telephone applications go to the Justice Center. If the intake paralegal recognizes that the applicant is calling about an issue that is clearly prohibited by LSC regulations, she gives the applicant the information about the Justice Center and takes no other action.

Applicants that are eligible for the family law or consumer clinics are scheduled for the appropriate clinic. Applicants sent to the clinics receive a letter stating the scheduled time and date for the workshop, which is taught by a PAI attorney with a SCCLS attorney present to support the class. The executive director or one of the experienced attorneys reviews all referrals.

The intake forms for the applicants with cases appropriate for referral to the PAI program are sent to the Pro Bono coordinator for review and placement. Applicants that do not qualify for service are referred to another outside resource.

The intake paralegals note for further discussion information regarding recurring issues and inquiries to assist the program in finding trends or patterns that are emerging and may need to be addressed. That information is shared with the executive director and used when formulating decisions on priorities between needs assessments. The information is also used to determine if there are particular state agencies or individuals with recurring issues that are investigated further to better represent clients.

SCCLS also provides intake service to walk-in applicants. The Hyannis and the Justice Center offices conduct an in-person intake interview of the walk-in applicants that arrive at the office. The Fall River office discourages walk-in applicants. A walk-in that does not have an emergency is told to leave and call the telephone intake number or is given a telephone at the program office and told to call the intake line.

The paralegal that handles elder law cases in the Fall River office receives intake calls on a dedicated senior telephone line. She also engages in extensive outreach where she conducts in-person intake using technology that provides a mobile office. The Justice Center also has an elder law line and a paralegal that takes calls, conducts outreach and conducts on-site intake.

The executive director supervises the intake paralegals. She has infrequent meetings to discuss issues. She will set a meeting when particular issues arise. The intake paralegals believe that they can go to the executive director with questions at any time.

SCCLS also has an online inquiry system where applicants can ask about the availability of legal services at any time. The applicant is notified on the website that the system is for only non-emergency cases. The policy is to review the applications weekly and contact the applicant but the paralegals usually do it within two days of the inquiry.⁸

⁸ From January 2 to October 8 the paralegals handled 477 online inquiries.

The Justice Center receives intake from the telephone hotline, walk-ins, outreach, stakeholder referrals, and from the Attorney General's HomeCorps project.

The team heard no complaints from any stakeholder that applicants were not able to access intake or of long hold times waiting to be interviewed.

Recommendation II.1.7.1*: SCCLS should consider having a manager other than the executive director supervise the intake staff.

Criterion 2. Engagement with the low-income population.

Finding 8. SCCLS is involved with the low-income community and the organizations in its service area providing services to that community.

Guided by the third objective of the SCCLS strategic plan, staff members participate in a variety of outreach activities designed to provide the client community with legal information and resources, and to inform them of SCCLS' services. These involve providing community education, participating in meetings of organizations serving the client community, and conducting intake and other client services at outreach sites. Many of these events are conducted at sites serving seniors, and others are conducted at domestic violence and homeless shelters.

SCCLS conducts regular outreach to meet with elderly clients at Councils on Aging in towns on Cape Cod and monthly outreach for seniors in New Bedford, Taunton, Attleboro and Martha's Vineyard. SCCLS conducts outreach to the Portuguese Speaking Elder Network through participation on the steering committee for the Network's annual conference. In addition, the paralegal from the Fall River office conducts outreach at the Immigrants Assistance Center in New Bedford. Staff visits the Salvation Army to meet with homeless shelter guests. Outreach is also an integral part of SCCLS's Medical Legal Partnership with Steward Health Care. The program also engages with University of Massachusetts School of Law and the Wampanoag Tribal Council in a Tribal Law Clinic to generate greater contact with members of the Wampanoag Tribe.

Criterion 3. Access and utilization by the low-income population.

Finding 9. SCCLS is committed to ensuring language access in its representation and is strengthening its internal language access.

The primary language other than English spoken by the client community is Spanish. Other languages include Portuguese, several African languages, Arabic, and Vietnamese.

SCCLS staff has one Portuguese speaking paralegal, one Portuguese speaking secretary, one Spanish speaking paralegal and one Portuguese/Spanish speaking paralegal. The Justice Center has one Portuguese/Spanish speaking immigration attorney.

SCCLS participates in the statewide Diversity Coalition and also on the Diversity Retention Task Force.

SCCLS' Limited English Proficiency (LEP) plan, *Policy Regarding Clients with Limited English Proficiency*, was sent to LSC as one of the materials requested for review by the assessment team prior to the visit. On December 18, 2013 SCCLS emailed LSC its revised policy entitled *South Coastal Counties Legal Services, Inc. Language Access Plan & Protocol*. The plan in effect at the time of the visit was thin on substance and does not contain all of the elements set forth in LSC's 2004 LEP Program Letter. The revised plan appears much improved and LSC will consult with SCCLS as requested by SCCLS management.

Many of the staff members interviewed were not familiar with the LEP plan and it appears that there has not been any training on the LEP plan.

Recommendation II.3.9.1*: SCCLS should continue to revise the LEP plan and conduct training on the plan.

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

Criterion 1. Legal representation.

Finding 10: SCCLS' advocacy staff is a significant program strength.

The program has a very experienced, dedicated, compassionate, and highly competent staff that provides high quality legal services to their clients. Staff members have the commitment, skill and resources to carry out its work. The program and its work are well-respected by the judiciary, the private bar and social service community throughout its service area.

At the time of the program quality visit, SCCLS had 12 attorneys, including the executive director, in the Fall River and Hyannis offices. The executive director also carries a caseload. SCCLS has many very experienced attorneys. Five attorneys have more than 30 years' experience (one has 40), another four have more than 20 years' experience, and the others have 15, 13 and two years of experience. Together the staff attorneys in the program average 25 years of experience. In general, the attorneys are very enthusiastic about their work and are willing to learn new areas of the law and different ways to help clients.

The Justice Center has a managing attorney and six staff attorneys. The Medical-Legal Partnership attorney, the immigration attorney and one HomeCorps attorney are housed in the Justice Center. The volunteer coordinator who also administrates the Massachusetts Legal Assistance for Self-Sufficiency Program/AmeriCorps is also in this

program.⁹ Two of the attorneys have more than 30 years' experience. The average number of years of experience is 18. The Justice Center handles some immigration cases and education cases. It is active in crafting legislation using the MLAC funds. Most of the Justice Center's case work is on LSC eligible cases, particularly in the housing area.

There are few minority advocates at SCCLS.

Recommendation III:1.10.1*: The program should continue its efforts to hire a diverse staff.

Finding 11: Overall the program performs high quality legal work.

SCCLS and its subsidiary use the full range of advocacy tools, from negotiation to aggressive representation, to meet their clients' needs. The work ranges from advice to full representation, to appeals in state and federal courts. The legal work of the program is quite good. The legal writing samples submitted by staff attorneys ranged from excellent to passable. Most were in the excellent range. The experienced attorney staff does not hesitate to engage in complex matters such as the foreclosure cases, health care and the state benefit programs available to veterans. Legal staff has access to online legal research. Program technology enables staff to carry out its work in a productive and efficient manner, but not all staff is using technological tools to its full potential. Most staff attorneys make use of state substantive listservs to keep current on developments and to discuss case strategies.

Caseloads for advocates average about 35 open cases and appear to range between 30 and 70 depending on case type. Attorney caseloads are within the manageable to low range. Some attorneys believed that due to cutbacks in telephone intake staff, they are not receiving as many cases as they once did. SCCLS enjoys a solid reputation with the bench, the bar, and its community partners.

The program looks for innovative ways to meet the low-income population's legal needs, such as the medical-legal collaborative project and participation in the HomeCorps program. However, much of the legal work seems routine and boilerplate, and the advocacy focus is generally on individual client service and, for the most part, not on big picture problem solving. This also applies to the Justice Center. It also appears that some of the advocates are not considering all of the tools available to them, such as asking for attorney's fees.

⁹ The Legal Assistance for Self-Sufficiency Program places AmeriCorps members with an interest in public service law in participating legal services organizations throughout Massachusetts. Members serve under supervision in providing legal assistance to low-income people in civil matters. Housing is the primary focus of MLASSP with all members providing economically disadvantaged individuals, including homeless individuals, the resources they require to access safe, healthy, affordable housing.

Recommendation III:1.11.1*: The program should look for opportunities to engage in more advocacy that can achieve lasting results for the individual client and benefit the low-income population.

Recommendation III:1.11.2*: The program should look for opportunities to bring more cases that encourage advocates to use all legal tools available to them.

Recommendation III:1.11.3*: The program should encourage all advocates to take an active role and participate in listservs in their area of expertise.

Legal Work Supervision

Finding 12: Legal work supervision could be improved with formal systems in place.

While supervision of legal work is adequate, it is most often initiated by the supervisee. The managers have an open door policy that the advocates take advantage of. SCCLS does not have written protocols in place to ensure that representation is carried out with maximum effectiveness. Essentially there are no written legal work standards for legal staff. The collective bargaining agreement imposes a “high standard of practice” among all staff members and holds them to the ABA Standards or the Provision of Civil Legal Assistance to the Poor. SCCLS staff is in the process of preparing work plans. While the collective bargaining agreement requires work plans, work plans have not been prepared for several years. These new work plans will describe a staff member’s job requirements. Future performance evaluations will be based on success on achieving elements in the work plan.

SCCLS has no written case handling protocols including policies for case file maintenance, tickler systems, case docketing and a central file. There are references to standards of practice in the collective bargaining agreement. However, they are too general to be meaningful.

The program does not have practice groups even though the grant narrative submitted to LSC makes reference to them. According to the grant narrative the program planned to establish seven practice groups and each advocate was to serve on one. The practice groups were to meet eight times a year and to have an advocacy plan. However, because of layoffs the practice group concept was abandoned.¹⁰ Because of downsizing, the program has no immediate plans to restore the practice groups.

Legal work is supervised by the executive director and managing attorneys. The executive director serves as the managing attorney of the Fall River office and as de facto litigation director.¹¹ The managing attorney of the Hyannis office supervises the legal work in that office. Supervision of legal work includes periodic case reviews, review of

¹⁰ It appears that the advocates working on senior citizen issues continue to meet periodically by telephone.

¹¹ During the telephone exit conference on November 1, 2013 the team was informed that a manager for the Fall River office was hired.

the electronic files in Legal Files and frequent informal discussions between managers and advocates. There is no policy of scheduled case file reviews between supervisor and staff. The managers are conducting reviews, perhaps two or three times a year, but it is unclear what triggers the reviews. The program is planning to institute quarterly case reviews by managers. The majority of the staff is very experienced and on the whole self-sufficient. However, there does appear to be a vibrant discussion of cases between advocates and with the advocates and their supervisor. There are no supervisory standards for managing attorneys, however the managers do spend more time with the less experienced attorneys. Essentially, there are no written legal work supervision policies. Recently, all attorneys have undergone a case review completed by either the executive director or the Hyannis managing attorney. Both the executive director and the Hyannis managing attorney use the CMS to track staff caseloads and case progress. Attorneys manage their own caseloads and decide whether to accept or reject a case received through telephone intake and the extent of service to be provided. The executive director and Hyannis managing attorney review all cases at closure.

SCCLS does not currently employ an advocacy director. While it has no plans to immediately hire one, it plans to do so when funding permits.

Recommendation III:1.12.1*: Notwithstanding the experience of the staff, SCCLS should adopt more specific standards of practice for case handling staff. These standards include policies on uniform calendaring and ticker dates, file maintenance and use of Legal Files, and case handling standards. These standards should be incorporated into individual work plans and adjusted depending on the level of experience of the staff member.

Recommendation III:1.12.2*: SCCLS should develop supervisory standards for managing attorneys.

Recommendation III:1.12.3*: SCCLS should institute the practice of regular case reviews conducted by the case handler's supervisor for experienced staff and case reviews with greater frequency for inexperienced staff.

Recommendation III:1.12.4*: As resources permit, SCCLS is encouraged to hire a director of advocacy who would provide program wide advocacy coordination and support for litigation.

Finding 13. The program's closed case statistics appear to be appropriate for a program of its size.

SCCLS closed case numbers decreased in 2012 and appear to be on the increase for 2013. For 2011, SCCLS closed a total of 2,515 cases of which 2,296 were limited service (91.3%) and 219 were extended services (8.7%).¹² Family cases made up the greatest percentage of closed cases (39.5 %); other practice areas included housing cases

¹² The CSRs for 2011 included cases closed by SCCLS' predecessor, NCLA, prior to the merger in July 2011.

(29.1%), income maintenance cases (17.9%), and consumer/finance cases (9.6%). SCCLS closed 255 cases per 10,000 poor persons compared to the national median of 263. For extended cases per 10,000 poor people, SCCLS closed 22 cases compared to the national median of 61. For actual contested closed cases per 10,000 poor people, SCCLS closed 13 cases. The national median was 31.

For 2012, SCCLS closed a total of 1,269 cases of which 896 were limited service (70.6%) and 373 were extended services (29.4%). Family cases made up the greatest percentage of closed cases (35.1%); other practice areas included housing cases (26.7%), income maintenance cases (19.1%) and consumer/finance cases (12.7%). SCCLS closed 129 cases per 10,000 poor persons compared to the national median of 245. For extended cases per 10,000 poor people, SCCLS closed 38 cases compared to the national median of 57. For actual contested closed cases per 10,000 poor people, SCCLS closed 27 cases. The national median was 28.

The executive director believes that the decrease in case closings in 2012 from 2011 was due to the cutback in telephone intake staff; increased public use of legal information sites on the web; lay off of staff; reduction of hours of staff by nine percent and the movement of staff from the LSC funded program to the Justice Center.¹³ These attorneys took their cases with them and as a result, these cases were not counted as LSC cases when they closed.

In 2013 between January 1 and July 31st, SCCLS closed a total of 1,293 cases of which 840 were limited service (65%) and 443 were extended services (35%). Housing cases made up the greatest number of cases closed 450; 261 were limited cases (58%) and 189 were extended (42%); other practice areas included family with 223 closed cases; 163 of the closed cases were limited (73.1%) and 60 closed cases were extended (26.9%); 261 of the closed cases were income maintenance cases; 105 of the closed cases income maintenance cases were limited cases (40.2%); and 156 of the closed cases were extended cases (59.8%). At this pace, the program could close 2,217 cases for the year.

Finding 14. SCCLS staff has many opportunities for training.

There are numerous opportunities in Massachusetts for training in a wide variety of topics covering both substantive law and advocacy practice. SCCLS encourages its staff to take advantage of the available training opportunities. Some but not all attorneys at SCCLS routinely attend trainings provided by Massachusetts Law Reform Institute (MLRI), Massachusetts Continuing Legal Education, (MCLE), National Consumer Law Center (NCLC) and others. Many of the trainings are free for legal services attorneys. MCLE trainings include topics such as fair debt collection, family law, custody, Supplemental Nutrition Assistance Program (SNAP), immigration, benefits, guardianship, housing, and unemployment, among other topics. Massachusetts does not have a continuing legal education requirement for bar members. SCCLS staff attorneys decide if they will attend free training events. Advocates also attend substantive law

¹³ In 2012 offices were closed, three secretaries, one paralegal, a half time technology coordinator, and six attorneys (including three experienced managers were laid off.

webinars and on occasion attend the NLADA Annual Conference and Management Information Exchange (MIE) conferences. Advocates also attend conferences on the Affordable Care Act and the Massachusetts Diversity Coalition training on cultural competency. Approval must be obtained from the attorney's supervisor to attend a training event with a fee.

Attorneys practicing under the Attorney General's HomeCorps project received rigorous training on foreclosure, landlord tenant and other substantive issues impacting their practice. Most attorneys interviewed reported that training, both internal and external, was continuously available and that they were able to attend all the events they requested or needed. AmeriCorps service members, participate annually in a coordinated schedule of eight trainings on a variety of issues affecting low-income communities.

Recommendation III:1.14.1: SCCLS should formalize a written development plan for all new advocates that addresses training among other issues and follow the plan in order to develop the advocates' skills. Professional development activities should be part of SCCLS work plans - regardless of the experience of the attorney.

Criterion 2. Private attorney involvement.

Finding 15. SCCLS has an active, effective, and multifaceted approach to private attorney involvement and provides a number of opportunities for private attorneys to participate in pro bono activities.

SCCLS provides numerous opportunities for its volunteers to participate in Private Attorney Involvement (PAI) activities. These include direct representation providing advice, brief service or extended service; participation in pro se family law clinics; debt management clinics; a counseling program for the elderly residents of towns in eastern Plymouth and Barnstable Counties; a mentoring program in which experienced pro bono attorneys mentor new attorneys who have agreed to accept pro bono referrals; and CLE seminars in which the pro bono attorney is a presenter. The volunteer attorneys who are experts in bankruptcy and consumer debt law teach a Consumer Debt Management Clinic and provide advice to debtors about their legal rights and responsibilities. The Pro Se Workshops for Family Law Litigants – for clients with lower priority level family law cases where there is no domestic violence – allow the attorneys to provide counsel and advice to pro se litigants seeking help with family law actions in court. Participating attorneys assist litigants with preparation of court pleadings in their cases.

The priorities for PAI program representation include family law for victims of abuse, homelessness prevention, special education, consumer protection, document preparation (health care directives, power of attorneys, wills), and related issues.

There are 3,000 attorneys eligible to participate in the PAI program in the service area. The program reports that 160 (5.3%) participate. Many of the lawyers in the service area are solo practitioners or practice in small firms.

SCCLS also has a Compensated Attorney Program for attorneys that agree to represent clients at a fee of \$35 per hour in family law cases where domestic violence is a major factor, in support actions where the financial status of the client will be improved, and in consumer bankruptcy cases. There is a maximum fee limit set for each case type. A participating attorney also must agree to take pro bono cases in order to participate. There are 20 attorneys on this panel. This panel currently is not very active due to lack of funding.

The program uses blast emails to promote referrals, emails to notify participants of particular types of cases, and emails to keep in touch with the participants on the case reporting requirements.

The PAI coordinator is very experienced and has been functioning as the coordinator for more than 25 years. In the Hyannis and the Justice Center offices the managing attorneys serve in a supervisory capacity and review intakes for potential placement with the volunteer who then places those cases.

The PAI coordinator strives to check the status of cases quarterly and will phone or email volunteers to learn the status of the case.

The program recruits through direct mail solicitations to new attorneys, through its work with bar associations; and by providing trainings to attorneys willing to take referrals.

Productivity

The PAI program had 316 closed cases in 2010;¹⁴ in 2011 it closed 309, and in 2012 it closed 206. In 2010 and 2011 the PAI closed cases were approximately 10.1% of total closed cases and in 2012 approximately 10.2% of all closed cases. In all years, half of closed PAI cases were in the family law area (51.5% 57.9%; 59.2%) and a third in the consumer area (35.8%; 31%; 33%).

Most PAI closed cases were in the limited service category in these years (83.9% in 2010; 82.2% in 2011; and 74.8% in 2012). This is due to the program's extensive use of clinics and workshops in their PAI program. Extended case percentages were 16.1%; 17.8% and 25.2%. This compares unfavorably to national medians where extended PAI cases were 78.1% in 2010; 77.3% in 2011; and 77.8% in 2012.

Recommendation III:2.15.1: The evaluation team recognizes the difficulties in securing pro bono help in counties that have few members of the bar and little or no history of pro bono work. To address this, SCCLS should consider trying to recruit people who live in those counties but who work in Boston or other cities in the area.

¹⁴ The CSRs for 2010 were submitted by NCLA, the predecessor program.

Recommendation III:2.15.2: The program should consider having the pro bono coordinator supervised by a senior experienced attorney other than the executive director.

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

Finding 16. SCCLS conducts extensive pro se activities.

SCCLS' major pro se assistance efforts are in its PAI project, which uses pro bono attorneys in pro se clinics. The program operates pro se assistance bankruptcy clinics in three locations and family law workshops in coordination with two courts. Clients attending the clinics receive counsel and advice from pro bono attorneys and SCCLS staff.

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

Criterion 1. Board governance.

Finding 17. On the whole the board is actively engaged in the work of the program and dedicated to its mission.

The SCCLS fifteen member board has two co-chairs and includes members who are committed to its mission and to pro bono service. A core of approximately nine members is very active and involved in the affairs of SCCLS. Attendance at board meetings usually ranges between six and eleven members. The board is diverse and has eight women and seven men. There are five client board members. Eleven members are Caucasian, one is African American, two Hispanic and one "other." Recently, the Board Affairs Committee and the executive director began working to increase the diversity of the board's membership and to recruit board members who wish to be actively involved in board activities.

A review of the minutes shows an active, knowledgeable and engaged board concerned about the program's wellbeing. Usually, only a few SCCLS staff attend the meetings. It does not appear that the board has many opportunities to hear directly from staff about the impact of their work.

There is no formal board training for new board members or a board manual. When new members come on the board they receive orientation to the program and board minutes to review. Some have had the opportunity to attend the National Legal Aid and Defender Association conference.

The board currently has three committees: the executive committee, board affairs committee, and audit and finance committee. The executive committee consists of the co-chairs, treasurer, and clerk.

The board sets the policies for the program. SCCLS has undergone several mergers over the last ten years, which have resulted in the present organization. In July, 2011, the final merger took place which created the current SCCLS and its wholly owned subsidiary, Justice Center of Southeast Massachusetts, a limited liability corporation. The Justice Center has a separate Board of Managers and three of the four managers serve on both the SCCLS Board of Directors and the Justice Center's Board of Managers. The Justice Center Board of Managers oversees the program manager who is responsible for supervising the work of JCSM.

The SCCLS board has emerged from these mergers as a stronger, more cohesive group, according to board members who were interviewed. The board has a solid leadership team in its two co-chairs and a core group of members who are active and committed to the success of SCCLS. These members are active at board meetings, provide board and committee leadership, encourage and support new efforts to raise additional revenue, and provide support for the work of SCCLS in the legal and the larger community.

There are a few board members, however, who do not seem to be as engaged in the work of the board. A board committee is active in trying to identify and recruit committed board members.

Although the executive director has only been in her position since November, 2012 having served as "acting executive director" from April 2012 until November 2012, the board is already in the process of developing an evaluation process for the executive director which will be implemented either late in 2013 or in early 2014.

The board members who were interviewed were engaged in their role as SCCLS board members, had an excellent grasp of the issues facing SCCLS, and were working with other board members and management to resolve these issues.

Board members have become very active in support of the fundraising activities of SCCLS as well as its efforts to diversify its sources of grant funding.

Board members, including client board members, report that the client and attorney board members treat each other with respect and work well together. Attorney members acknowledge the important contributions client members bring to the board, including outreach to the client communities.

Recommendation IV.1.17.1*: SCCLS should establish a formal training for new board members and a routine update on board responsibilities for all board members.

Recommendation IV.1.17.2*: SCCLS should develop a board manual.

Recommendation IV.1.17.3: The board should continue its support in resource development.

Criterion 2. Leadership.

Finding 18. The executive director provides strong focused leadership to SCCLS.

SCCLS' leadership is centered in the program's executive director. Her leadership and management skills set the right tone for SCCLS as it moves toward the next stage of its development.

She has 31 years' experience in the legal profession and has practiced with legal services programs for 24 years. She has good management skills and is respected by staff, board, and the legal services community.

Staff expressed the belief that the director clearly exhibits the high standards of professionalism and quality of legal service expected from them. The impression of the assessment team was that there is a spirit of teamwork in the office.

The director understands the need for the program to expand its resources and engage in fundraising and development. Other areas of focus include strategic planning, stabilizing staff, hiring and retaining a staff that reflects the diversity of the community as current staff transition from the program, and ensuring the high quality of the program's work and its accomplishments.

The board members interviewed all stated that the executive director is doing an excellent job and has the right skills, experience within the program, and commitment to SCCLS. One of the board members said that the board had great confidence in her and respected her very much.

The prior executive director was well-respected and experienced, but served as director of the merged program for a little over a year before being appointed to the bench. During that time, he oversaw the merger of SCCLS and New Center, staff and salary reductions, and the closure of offices in Taunton and New Bedford in 2012. It has fallen to the current executive director to stabilize the program and begin the rebuilding process.

Because of reductions in staff, many people in the program are handling a variety of tasks, including the executive director who is spread very thin. Among other things, she was at the time of the visit the de facto managing attorney of the Fall River office. Subsequent to the visit the team was informed that a manager for the Fall River office had been hired.

Non-lawyer management staff development appears to be adequate given the limited resources of the program at this point in time. The administrative office staff is thin with no real backup in several key areas such as fiscal management.

Recommendation IV.2.18.1*: The board should complete the evaluation of the executive director.

Recommendation IV.2.18.2: As the financial situation stabilizes, the executive director, in consultation with the board, should evaluate the need for staff development and cross training to provide some back up in key areas such as finance and legal work supervision.

Criterion 3. Overall management and administration.

Finding 19: SCCLS' management team includes key personnel.

The SCCLS management team consists of the fiscal officer, the assistant to the director, the technology coordinator, and the PAI coordinator. The executive director is in frequent communication with the managing attorneys in the Hyannis office and the Justice Center. The manager of the Hyannis office directs that office with little direct supervision of the executive director. His experience as a manager and former executive director allows the office to function under his guidance. The executive director does not supervise the manager of the Justice Center. The board of managers serves as his supervisor. The executive director does consult with the Justice Center and Hyannis office managers on a range of issues, and they give advice and input on program policy decisions.

SCCLS does not have a disaster plan for the program as a whole. It does have a minimal plan to protect its technology. The Information Technology setup should allow the program to be adequately prepared for a disaster. It is unclear if all of the key systems/servers are hosted off-site in a data center and if program data is replicated at the secondary site. It is unclear if the local back-up appliance is kept on-site at a program office or if it is taken off-site, which is the better practice. SCCLS should have clear procedures for how this is addressed. It would also be helpful if SCCLS had a written policy that described the processes for protecting data and systems in the event of a disaster, e.g., who is responsible for determining if the primary data center is still operating, how they would shift to the secondary site if necessary, and what types of communications would be sent to staff about the Information Technology system and its availability.

Recommendation IV.3.19.1: SCCLS should review its Emergency and Disaster Recovery Plan Outline and address a number of critical issues to ensure it is a viable plan that fulfills the program's goal of ensuring the safety of its constituents. The American Bar Association's *ABA Lawyers Guide to Disaster Planning* provides a helpful tool for reviewing and drafting a Business Continuity Plan at the following site:

http://www.americanbar.org/content/dam/aba/events/disaster/surviving_a_disaster_a_lawyers_guide_to_disaster_planning.authcheckdam.pdf.

SCCLS should strive to draft a continuity of operation plan that covers all of the essential information and guidance for steps needed for disaster preparation, recovery, and mitigation. These include guidance on safety of staff, communication with staff, authority to implement the plan; alternative meeting places when offices are damaged, preservation of records including case files and program documents

(insurance/financial/employee etc.) and preservation of electronic information. The plan should contain a detailed discussion of possible failures of back-up systems. In addition there should be a requirement to both review and revise the plan on an annual basis and conduct training on carrying out the plan if there is an emergency. There should also be a statement of how the client and professional community will be informed of the program's capabilities, services, and response to a disaster.

Criterion 4. Financial administration.

Finding 20. The program appears to have adequate financial policies, procedures and practices in place.¹⁵

The team's review of the program's financial administration was limited. In addition to reviewing financial information submitted prior to the visit and budget information on file at LSC, the team, while on-site, interviewed the financial officer and other staff that are involved with fiscal support duties.

The fiscal office is staffed by one person, the financial officer, who is not an accountant, is very experienced, and has been with the program since 2004. In conjunction with the executive director, the financial officer is responsible for developing the initial budget projections. Once approved by the board, she manages the budget and accounting process, serves as the staff liaison to the board finance committee, reports to the board on financial oversight, and provides financial reports and projections. She works closely with and reports directly to the executive director. Where necessary to ensure some basic segregation of duties, the assistant to the executive director performs some fiscal and human resources duties.

The financial officer also provides financial management support for the JCSM and is responsible for all of the fiscal matters of both SCCLS and JCSM. Last year SCCLS hired a new accounting firm to perform the annual audit, and he found the fiscal records of the SCCLS and JCSM to be well maintained and accurate.

SCCLS goals and objectives drive the budget planning process. Although the program does not engage in multiyear budget planning, the financial officer develops two-year projections on expenses and revenue requirements. The board is involved throughout budget planning, primarily through its Audit and Finance Committee. Budget planning begins with the preparation of a draft budget by the financial officer and the executive director. This budget is thoroughly vetted by the Audit and Finance Committee, and revisions are made prior to the submission of the budget to the full board. Once the budget is approved by the board, the financial officer has primary responsibility for fiscal oversight of the process.

¹⁵ 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 functions. Assessment of fiscal operations is conducted by other offices at LSC.

SCCLS has a written accounting manual that was updated in March, 2012. The program follows the LSC Accounting Guide for LSC Recipients.

SCCLS has more than 30 funding sources. Because the fiscal officer is very experienced and organized, she has been able to perform all of the necessary tasks with some help from the assistant to the executive director. As funding sources expand and as the fundraising events grow it will be increasingly difficult to fulfill her tasks.

Recommendation IV.4.20.1: SCCLS should review and carefully consider whether the addition of even a part time bookkeeper might be critical to maintain adequate records and prepare timely financial reports as the program expands its resources.

Criterion 5. Human resources administration.

Finding 21. The program's human resources administration is handled by the executive director and the assistant to the executive director.

SCCLS has one person, the assistant to the executive director, who handles human resources for the organization, with supervision by the executive director. She has managed human resources for SCCLS and/or its predecessor (SMLAC) since 1988. The duties ordinarily performed by a human resources department are supported by a number of people, including the executive director and the fiscal officer. The manager of the Justice Center also serves as the Affirmative Action Officer for SCCLS.

Given the size of the organization and the limited number of recent hires, this seems to be an adequate system for the immediate future.

Criterion 6. Internal communication.

Finding 22. SCCLS uses several methodologies to assure effective internal communication.

SCCLS maintains effective intra-staff and staff-management communications and relations. This occurs primarily through telephone conversations with the managing attorneys and in-person meetings with the director and the management team and staff in the Fall River office. The executive director sends emails to staff concerning administrative and substantive issues. The staff, on the whole, find that communication is adequate. The executive director visits the Hyannis and the Justice Center offices periodically and meets with staff. There are infrequent staff meetings in the offices, and all-staff meetings are rare.

Technology

Finding 23. SCCLS' technology is, on the whole, adequate and sustained by staff with support of an outside contractor.

For the most part, the program's use of technology is adequate, though not highly innovative. The SCCLS website is well designed and provides necessary information to both the local client and pro bono communities. Massachusetts' statewide website, MassLegalHelp, contains many helpful client education resources, including automated forms. <http://www.masslegalhelp.org/>

There is a centralized technology platform, Central Technology Network (CTN), created and initially funded by MLAC that is used by all LSC grantees and most MLAC recipients. Programs pay MLAC a fee for technology services.

SCCLS' technology coordinator and the Hyannis managing attorney serve on a statewide technology planning committee. The statewide committee meets quarterly to identify issues and new trends, as well as opportunities for improving current systems, software, and planning. The committee serves as a clearinghouse for new technology initiatives.

SCCLS' executive director serves on a management of technology committee, giving the southeast region a voice in the technology budget process with MLAC.

SCCLS' technology coordinator oversees the program's technology initiatives and support in the southeast region covering both SCCLS and the Justice Center. She insures that the computers and networks are in good working order and assists staff in troubleshooting and resolving issues. She also provides technology training to staff.

The SCCLS technology coordinator currently works 17.5 hours per week for the program. She also works for MLAC.

SCCLS' technology plan is thorough and explains the program's use of technology in all aspects of the program.

SCCLS staff may not be using technology to the full extent necessary to ensure their own efficient work and efficient work for the program. For example, not all staff use the central calendar available on the CMS.

SCCLS acquired a laptop and wireless Internet capacity for the paralegal for the senior project. When she conducts her outreach she has, in essence, a virtual law office with her. She has a laptop and a hotspot and numerous hardcopy documents for clients to fill out, such as application forms and release forms. She can open new cases and enter information in the case management system from a remote location. She can check conflicts and generate citizenship attestation forms. She never uses a local Wi-Fi system because everything needs to be secure; she uses a hotspot. The program is considering the purchase of a portable scanner and printer for her use.

On the whole the staff is satisfied with the technology provided and find Legal Files to be adequate for their use.

The technology use policy has prohibitions on using social media that are no longer appropriate in the current atmosphere for using social media for professional purposes.

Recommendation IV.6.23.1: The SCCLS technology use policy needs to be updated to account for changes in the use of technology since last reviewed.

Recommendation IV.6.23.2: To encourage uniform use of technology among staff, it may be useful to create minimum expectations for staff in this area such as use of central electronic calendars and keeping case notes and documents in Legal Files. Once these standards are adopted, training must be made available to staff to ensure their compliance with the standards.

Criterion 7. General resource development and maintenance.

Finding 24. SCCLS emphasizes obtaining additional funding for the program.

In June, 2010, SCCLS hired a director of development. In three years, she has built a solid record of achievement, raising \$123,517 in 2011, \$270,648 in 2012, and in 2013 at the time of the visit, she had raised \$116,995, excluding a recent \$500,000 three-year Violence Against Women Act (VAWA) grant. Her activities include preparing grant applications, individual fundraising from attorneys, and event fundraising. Donors include a wide variety of local foundations, lawyers and law firms, and other traditional and nontraditional legal services supporters.

She has organized a friends group of lawyers and community people whose sole task is to raise money for SCCLS. They are hosting a fundraising event which will honor the Massachusetts Attorney General. The event's honorary co-chairs are the Governor of Massachusetts and Senator Elizabeth Warren. Noted author Dennis Lehane will speak at the event without cost to SCCLS except for travel expenses.

As part of its fundraising and public relations efforts, SCCLS has a well-designed annual report, which provides a great deal of information about SCCLS in an attractive format.

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

Finding 25. SCCLS is engaged in a comprehensive and integrated service delivery system.

SCCLS staff participates in efforts to improve the delivery system in Massachusetts. Staff serves as trainers in many community forums and participates collaboratively with various nonprofits and community groups. Representatives from the program serve on committees of the Massachusetts Access to Justice Commission and on statewide task forces. Staff is highly regarded within the local community. The program

highly encourages advocates to participate in local and statewide bar activities. Advocates participate in leadership positions in local bar associations.

The executive director is active in the Massachusetts Project Directors, the committee on technology and intake, and the New England Project Directors.

SCCLS is also an important part of the Massachusetts state-wide legal services delivery system. In 2002, the state legal services community and stakeholders undertook a critical look at the delivery system. The Massachusetts State Planning Board for Civil Legal Services was established and, as a result, programs examined the delivery system. One of the recommendations was that LSC and MLAC accept the designation of four regional programs to be funded by LSC in partnership with parallel MLAC-funded programs to insure full service operations statewide. SCCLS serves the Southeast Region. The other regions include the Eastern, Northeast, and West. As a result of this structuring, the regions and programs are encouraged to coordinate on statewide issues and to provide a coherent delivery system for the state. SCCLS works with the LSC and non-LSC programs in the other three regions on issues such as intake, diversity, technology, and substantive legal issues. There are many support services in Massachusetts for the regional systems provided by MLAC, other legal services programs and other providers in the areas of training technology and administration that benefit the programs and their clients. SCCLS actively takes advantage of those support services.

ATTACHMENT

February 19, 2014 SCCLS comments to the draft report.