



Legal Services Corporation Office of Program Performance

Final
Report from the
Program Quality Visit
to
Acadiana Legal Services Corporation
Recipient No. 619051
January 27 - 31, 2014

LSC Review Team

Willie Abrams, Program Counsel, LSC Office of Program Performance (Team Leader)
Stephanie Edelstein, Program Counsel, LSC Office of Program Performance
David Bonebrake, Program Counsel, LSC Office of Program Performance
Jeremy Lane, Esq., LSC Temporary Employee

TABLE OF CONTENTS

INTRODUCTION.....4

OVERVIEW OF PROGRAM AND SERVICE AREA.....5

SUMMARY.....6

FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS.....9

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.....9

Criterion 1. Periodic comprehensive assessment and ongoing consideration of legal needs.....9

Criteria 2 and 3. Setting goals and objectives, developing strategies, and allocating resources; and implementation.....10

Criterion 4. Evaluation and adjustment.....14

PERFORMANCE AREA TWO. Effectiveness in engaging and serving the low-income population throughout the service area.....16

Criterion 1. Dignity and Sensitivity16

Criteria 2 and 3. Engagement with the low-income population; and access and utilization.....19

PERFORMANCE AREA THREE. Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area.....21

Criterion 1. Legal representation.....21

Criterion 2. Private attorney involvement.....25

Criteria 3 and 4. Other program services; and other program activities.....26

PERFORMANCE AREA FOUR. Effectiveness of governance, leadership and administration.....26

Criterion 1. Board governance.....26

Criterion 2. Leadership.....28

**Criteria 3, 4, 5 and 6. Overall management and administration;
financial and human resources administration; and
internal communication.....29**

Criterion 7. General resource development and maintenance.....30

**Criteria 8 and 9. Coherent and comprehensive delivery
structure; and participation in an integrated legal services
delivery system.....31**

APPENDIX—July 25, 2014 Letter from Acadiana Legal Services.....33

INTRODUCTION

During the week of January 27 – 31, 2014, the Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted an on-site program quality visit to the Acadiana Legal Services Corporation (ALSC). The visit was hampered by brutal cold and icy weather on January 28-29, which resulted in the closure of all program offices. The state and local governments declared states of emergency and closed government offices, including the courts and public schools. The on-site visit to the program's main offices in Lafayette resumed on January 30 and the team conducted telephone interviews with some staff in the branch offices outside Lafayette and other persons outside the program. The exit conference was conducted by teleconference on February 27.

The purpose of the visit was to assess the quality of ALSC's legal work and its management, administrative, and legal work systems. Through its program quality visits, OPP seeks to assess the extent to which LSC grantees are providing the highest quality legal services to eligible clients. 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.

The team considered ALSC's grant proposal submitted in the last competition cycle, grant renewal narratives, case and other services reports, and other reports or documents submitted by ALSC to LSC over the past year. As a part of the assessment of program quality, the OPP team reviewed numerous documents submitted by ALSC in advance of the visit, including a survey of staff and writing samples submitted by advocates. OPP's assessment considered ALSC's service delivery model, needs assessment and priorities, internal and external program evaluations, accessibility to clients and low-income populations, office and staffing structure, intake system, outreach to low income populations, engagement with low income populations, language access, legal work management and supervision systems, quality and quantity of legal work, experience and reputation, staff training, private attorney involvement, use of technology, program management, board governance, leadership, resource development, strategic planning, and coordination within the Louisiana statewide delivery system.

During the course of the on-site visit, the team interviewed the program's executive director, central office administrative and management staff, the program's advocacy and support staff, and client and attorney board members. Due to the unexpected inclement weather, the team only visited the program's Lafayette office. Staff in the program's other three offices—one in Alexandria and two in Lake Charles--were interviewed by telephone during the last two days of January 2014 and during the first two weeks of February 2014. Also, during the same period, the team conducted telephone interviews of judges and representatives from social services and community organizations with whom the ALSC staff frequently interact.

On February 27, 2014, the team conducted a telephonic exit conference with the executive director, the acting board president, central office administrative staff, managing attorneys, and specialty unit heads to share some of the team's preliminary observations regarding the program's strengths, challenges, and opportunities for improvement.

Prior to the issuance of this final report on the program quality visit, OPP provided ALSC with a draft of the report to address any significant factual inaccuracies. ALSC responded in a letter dated July 24, 2014. The program's comment letter is attached to the final report.

OVERVIEW OF PROGRAM AND SERVICE AREA

Founded in 1977, ALSC is a private nonprofit corporation organized to provide free civil legal assistance to low-income and disadvantaged persons. It is headquartered in the city of Lafayette, Louisiana, and began serving clients in a six parish area in 1979. The original service area was expanded to eight parishes in 1981. In 1992, the service area was expanded to 11 parishes as a result of a merger with the then LSC grantee Central Louisiana Legal Services, Inc. And then in 2001, ALSC was the successful applicant for the current 16 parish service area following LSC's reconfiguration of service areas in Louisiana.¹ Since its founding, ALSC has received LSC funding continuously.

The service area contains 14,064 square miles of southern, central, and southwestern Louisiana, also known as the Acadiana or French Louisiana region. The service area, like the rest of the Louisiana Gulf Coast, is prone to hurricanes and severe tropical storms. For example, in August 29, 2005, the eastern region of the service area was affected by Hurricane Katrina (although not as severely as areas from Greater New Orleans eastward). On September 24, 2005, the western region of the service area (along with east Texas) was among the communities impacted most severely by Hurricane Rita. Then, three years later, the service area was ravaged by Hurricane Gustav and Hurricane Ike.

The U.S. Census Bureau's American Community Survey² 5-Year Estimates reflect that ALSC's service area has a poverty population of 211,780. In 2012, Louisiana had the third-highest poverty rate (19.9%) in the nation, behind Mississippi (with the highest rate at 24.2%) and New Mexico (with the second highest rate at 20.8%).³ According to the program, the service area has a high incidence of medical disability, severely poor educational systems, a failing economy, and a senior population that is disproportionately larger than that of other areas in the state.

In terms of race and ethnicity, the service area's poverty population is composed of almost equal components of black and white residents, but of few other ethnicities. According to the American Community Survey, the racial composition of the service area's poverty population

¹ The service area is designated LA-10 and includes the following parishes: Acadia, Allen, Avoyelles, Beauregard, Calcasieu, Cameron, Evangeline, Iberia, Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, St. Mary Vermillion, and Vernon.

² The American Community Survey (ACS) is a survey conducted by the U.S. Census Bureau. The ACS has replaced the U.S. Decennial Census as the principle mechanism for generating social, demographic, economic and related data about the U.S. population. The ACS conducts one-year, three-year, and five year surveys.

³ From the Congressional Research Service on the basis of U.S. Census Bureau 2012 American Community Survey (ACS) data.

consists of 48.6% whites, 46.4% blacks, 3.1% Hispanics, 1.3% Asian, 0.5% Native American, and 0.7% other groups. White residents comprise a majority of the poverty population in 10 of the service area's 16 parishes; blacks are the majority poor of the remaining six parishes.

After English, the most prevalent languages spoken in the service area are French (including Cajun and French Creole), Spanish (including Spanish Creole), and Vietnamese. Roughly 2.0% of residents of the service area are linguistically isolated.⁴

LSC basic field funding for ALSC is \$1,441,264 for 2014 (49% of its projected annual budget), and was \$1,848,890 for 2013 (56.4% of its annual budget); and \$2,087,852 for 2012 (63.8% of its annual budget). The program does not receive migrant or Native American grants.

The program experienced a decline in its service area poverty population since the last decennial census. Accordingly, ALSC's funding declined as a result of the census adjustment implemented mid-year in 2013 and fully in 2014. The program also receives funding from local, state, IOLTA, and other federal sources (including attorney's fees from the U.S. government under the Equal Access to Justice Act).

At the time of the visit, ALSC had a total of 43 employees, including an executive director and 15 attorneys, two legal assistants, and 13 paralegals in four staffed offices. The Lafayette office houses program administration and the largest direct service office.

A 2011 strategic planning process produced a mission statement, which reads: "Acadiana Legal Services Corporation makes hope, dignity, and justice available primarily to low-income, disadvantaged, and other eligible residents through high quality and aggressive civil legal assistance and education."

The 2011 strategic planning process also produced a vision statement, which reads: "Acadiana Legal Services Corporation envisions a state where low-income, disadvantaged, and other eligible residents have access to services and resources to meet their basic needs and where they can vindicate their legal rights and be treated fairly throughout the civil justice system. We will expand our visibility and influence in the community by identifying partnerships and developing alliances to deliver services which will enhance the lives and effectively address the needs of the low income and disadvantaged. The community will recognize ALSC for its excellence, courage and compassion."

SUMMARY

ALSC is led by the organization's founding executive director. The organization's founding board chair died in January 2014, having served as chair for more than 30 years. The vice chair now leads the board. The mission of the program is understood and shared by board and staff. The board expressed great confidence in the executive director and the program's management and administrative staff.

⁴ 2008-2012 American Community Survey 5-Year Estimates.

The program would benefit from greater involvement by the board of directors in the areas of strategic planning and resource development. While ALSC conducted strategic planning in 2011, the plan was not comprehensive and did not result in a complete written product with concrete action steps, timelines, and benchmarks to ensure that the strategic goals are accomplished. One important observation of the team is the need for ALSC to update, expand, and extend the strategic plan that was generated by the October-November 2011 process. The program's willingness to undertake a far more formal and comprehensive strategic planning process enhances the team's confidence that ALSC can be successfully transformed into a highly effective legal services provider that embraces constant change, innovation, and experimentation.

The locations of program offices are appropriate. ALSC's intake is not uniform across offices or legal subject matters, and some intake policies create significant barriers to access. At the time of the previous on-site visit in 2008, ALSC was in the process of implementing a telephone helpline intake system. This effort was abandoned by the program in 2009. The program is, however, making several information technology changes that will enhance its intake processes--installation of a VoIP phone system and institution of an online intake option in partnership with the other LSC grantees in the state under an LSC Technology Initiative Grant (TIG).

ALSC has a Limited English Proficiency (LEP) policy, but does not yet have dedicated Spanish-speaking intake staff to respond to the growing Spanish-speaking population in an effective and efficient manner. One staff attorney in the Lafayette office is occasionally asked to assist with intakes requiring Spanish-speaking staff.

ALSC conducts outreach and community education events at senior centers, community action agencies, and other organizations. In-person meetings and presentations are supplemented by materials and information on the program's and the statewide website. At the time of the visit, ALSC had begun a remake of its website with the goal of a more modern site more accessible to the client community.

The program's legal work is organized by specialty units—administrative law, family law, litigation (general practice), the Disability Law Center, and the Children in Need of Care (CINC) program. All of the specialty units operate program-wide, except the Disability Law Center, which ostensibly operates as a statewide center that provides aggressive legal representation at the federal district court and federal circuit courts of appeals levels, as well as post-federal court litigation expertise regarding Social Security and SSI disability claims. Oversight of legal work is done by specialty unit heads/senior attorneys and the executive director. There is no director of advocacy or litigation.

ALSC's attorneys and paralegals are experienced, competent, and knowledgeable of the areas in which they handle cases and at the particular level of representation undertaken. There is some concern that ALSC is too restrictive regarding the level of representation provided in legal areas that seem to be critical for low-income individuals and families—TANF (welfare assistance), unemployment, and education rights.

There are written legal work management and supervision policies and procedures that provide guidance from initial eligibility to appeals, albeit they are contained in separate writings for each specialty unit. The separate writings make no clear distinction between “intake policies and procedures” on the one hand and “legal work management and supervision policies and procedures” on the other hand.

ALSC's CSRs for extended and contested cases per 10,000 poor persons are and historically have been slightly below the national median. Quantitatively as a percent of all closed cases, the program's legal work is overwhelmingly limited service work with extended representation focused mainly on family law, juvenile, income maintenance, consumer, and housing cases. The forums for carrying out the program's legal work include the various state and local courts, state and federal administrative agencies, and some federal court work, mainly in the area of Social Security and SSI.

The nature of law practice in Louisiana requires far less brief and memorandum writing than the LSC team is used to seeing around the country. Overall, the writing samples submitted by ALSC advocates were sparse, but with a few exceptions, the writing was of acceptable quality to meet the purpose for which it was intended.

ALSC's total closed cases per 10,000 poor persons (hereafter, per 10K) were below the national median (approximately 71% of median) over the last three years (2011-2013). The program's extended and contested cases per 10K improved over the last three years, following a couple of years in which some extended contested cases were not closed in a timely manner. Over the last six years, family law has comprised the majority of the program's closed cases, covering a high of 59% in 2008 to a low of 48% in 2013. Income maintenance is the next largest category, ranging from a high of 15% in 2011 to a low of 9% in 2008. Consumer/finance and the miscellaneous cases are the third largest category. Consumer cases ranged from a high of 11% in 2009 to a low of 7% in 2013. Miscellaneous cases ranged from a high of 11% in 2009 to a low of 7% in 2011. Housing ranks fourth with a high of 7% in 2013 to a low of 5% in 2012. The remaining categories, in rank order, are juvenile, employment, individual rights, health, and education.

Overall, ALSC's private attorney involvement (PAI) efforts are reasonable. The program's PAI requirement is satisfied through subgrant agreements with three independent pro bono projects and a small number of contract attorneys (compensated PAI). PAI is not 100% of any single staff's responsibility; it is diffused between the executive director, specialty unit senior attorneys, and branch office paralegal coordinators.

Despite its ongoing fiscal constraints, ALSC continues to provide reasonable training to its staff appropriate to their functions and responsibilities.

All of ALSC's offices engage in community legal education activities. Also, the program is engaged with others whose activities have a significant effect on the low-income populations in the service area, such as the judiciary, the state bar and bar foundation, organized local bar associations, government agencies, social service agencies, and the other civil legal aid providers in the state. With the other LSC grantees in the state, ALSC actively supports the pro

se efforts of the Louisiana Bar Foundation, the Louisiana Bar Association, and the Louisiana Supreme Court.

ALSC's board of directors is striving to provide appropriate oversight, support and leadership. Its founding board chair died in January 2014, after serving on the board for more than 30 years. The board is appropriately supportive of the program's mission and vision. Members need to become more active in fundraising.

ALSC has good administrative systems, procedures and policies. There appears to be appropriate resources devoted to management functions, including human resources and financial administration. Program staff rate internal communication as good. Staff morale around the program appears to be good but there are serious concerns about the stagnation of the compensation package.

ALSC makes good use of technology in all facets of its operation. At present, the program is undertaking a major move to an organization-wide hosted VOIP phone system.

The ALSC executive director is well-known throughout the state justice community as an active leader and helpful partner. He is the program's founding executive director and is highly respected by the board and staff.

Within the constraints of the program's current financial and staffing resources, the delivery structure is reasonably coherent. The program is an active participant in the state justice community.

FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

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

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

Finding 1: ALSC's most recent needs assessment was completed in 2011.

ALSC's last legal needs assessment was completed in 2011. The next assessment will begin later this year. In conducting the 2011 process, ALSC relied overwhelmingly on written surveys to gather input from low-income persons, community organizations, social service agencies, the courts, and the private bar. Meetings were used in addition to written surveys for input from staff and board members. Program staff reviewed case management system, census, and other government data in analyzing the needs assessment results.

Based on the 2011 assessment, Acadiana concluded that the most pressing legal needs included domestic violence and other issues of families at risk; such as child custody, support, divorce, etc. The areas of housing, health, disabilities, and public benefits were found to be

pressing needs. ALSC advocates say these conclusions are consistent with what they see as the overall struggle of economically disadvantaged families, putting food on the table and maintaining roofs over their heads.

In addition to periodic needs assessments, ALSC joins with the other legal aid providers and state justice partners in discussions about changing needs throughout Louisiana. These discussions contribute to a cohesive civil legal aid delivery system and have been critical to the success experienced in the aftermath of natural disasters, economic dislocations generated by a worsening state and national economy, the BP oil spill, and declining civil legal aid resources.

Recommendation I.1.1.1.*⁵ ALSC should undertake its next comprehensive needs assessment as part of a strategic planning process to provide major direction for the program in the face of the seemingly intractable challenges of the service area, especially as to the future focus of the program's work on behalf of clients and low-income communities.

Recommendation I.1.1.2.* In its next needs assessment, ALSC should expand its data collection process beyond written surveys to include more focus groups and other face-to-face discussions with potential clients and representatives of appropriate community organizations. Obtaining meaningful client and community input cannot be emphasized enough to ensure that conclusions or decisions are not incongruent both to the client eligible populations and its own mission.

Recommendation I.1.1.3. To enhance input from social service agencies, the courts, private attorneys and bar associations, strategic partners, program staff, and board members, ALSC should explore the use of technology tools such as SurveyMonkey to facilitate easy compilation of data.

Recommendation I.1.1.4. Upon completion of the next needs assessment, and before adopting priorities based on the assessment, ALSC should share its findings with appropriate strategic partners for their information, comments, and feedback.

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

Finding 2: While ALSC's current legal priorities, on their face, are sufficiently broad to address the pressing legal needs of the service area, they are not the results of a comprehensive strategic planning process and they are not being implemented by case acceptance guidelines that are appropriately strategic.

⁵ In this report, recommendations are numbered as follows: The Roman numeral references the Performance Area followed by the Criterion number, the finding number, and lastly the recommendation number that pertains to the particular finding. There are two levels of recommendations in this report, Tier Ones and Tier Twos. 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 ALSC's next grant renewal and/or competitive grant application, the program will be required to report what actions or activities, if any, ALSC has undertaken in response to Tier One Recommendations.

Following the 2011 needs assessment, the ALSC board reaffirmed seven broad priority areas: Preservation and maintenance of the family; preservation of the home; maintenance of economic stability; preservation of individual rights; maintenance of safety and health; provision for devolution of property; and enhancement of community development. The adopted priorities are reviewed by the board of directors annually. Through task forces and other meetings with state justice partners, ALSC obtains feedback on its delivery strategy as well as information on new and emerging needs of the low income population. While there are similar discussions with community organizations, social service agencies, the judiciary, and bar associations, they do not appear to be as intentional and frequent as those with state justice partners.

To implement the adopted priorities, ALSC has identified the legal problem categories and types of cases that will be accepted by each of the three core specialty units--administrative law, family law, and litigation (general practice).⁶ However, the legal work policies and procedures, which provide a specific list of the cases accepted by each specialty unit, do not reflect a program-wide process as contemplated by the 2011 strategic plan. Nevertheless, interviews with staff and board members confirmed an overall awareness of the program's broad priority areas and case acceptance policies.

Given the program's severe funding limits, in the team's view, ALSC's case acceptance criteria is too broad and overextends the litigation unit, which lists some 58 case types eligible for acceptance. The board and staff are aware that the pressing needs of the service area far outstrip the program's resources and capacity. They agree that the current paucity of civil legal aid resources, combined with declining federal funding in other areas and the state of the economy generally, warrant revisiting the program's 2011 strategic planning.

Finding 3: TANF and unemployment compensation, among other legal problems, are critical poverty law areas that appear to be significantly underrepresented in ALSC's caseloads and CSRs.

⁶ For example, the Legal Work Policies and Procedures for the Administrative Law Unit (ALU) states that the unit is responsible for "applications which request legal assistance with Social Security, SSI, Medicaid, Medicare, and other Public Benefit Programs." The ALU policies go on the list seven types of cases accepted by the unit: Social Security, SSI, Medicaid, Medicare, Food Stamps, Family Independence Temporary Assistance Program (FITAP) (welfare benefits), and Veterans Benefits.

The Legal Work Policies and Procedures of the Family Law Unit (FLU) list the following types of cases for acceptance: Adoption, Custody/Visitation, Divorce/Separation/Annulment, Domestic Abuse, and Support (child and spousal). The FLU policies also list the types of cases recently excluded from acceptance: Tutorship of Minor Children, Name Changes for Minor Children, Parental Rights Termination, Paternity, Other Family Matters (such as community property, birth certificate, etc.), and Emancipation.

The Legal Work Policies and Procedures for the Litigation Unit list 58 types of cases that are accepted under the nine of the 10 LSC legal problem categories: contract, Education, Employment, Family, Health, Housing, Income Maintenance, Individual Rights, and Miscellaneous. The category of Juvenile law is excluded.

While income maintenance cases⁷ comprised 11.3% of all cases closed by ALSC during 2013, the program did not close a single TANF case last year. On the other hand, ALSC's SSI and Social Security legal representation enjoys a very good reputation in the state justice and legal communities. More importantly, ALSC itself articulates the importance of its Social Security work in performing a "watchdog" function vis-à-vis the Social Security Administration. However, when asked about the almost complete absence of TANF work by ALSC in recent years, staff had no explanation for that fact; the issue does not appear to have been given any consideration. This concerned the team, given the fact that ALSC is uniquely situated and needed to carry out with TANF the same "watchdog" function it performs with the Social Security Administration. The Administrative Law Unit's Legal Work Policies and Procedures list TANF cases (called FITAP⁸ in Louisiana) as those eligible for acceptance.

Similarly to TANF, the program did not close a single unemployment compensation case last year. And, like the Administrative Law Unit, the Legal Work Policies and Procedures for the Litigation Unit lists unemployment cases as eligible for acceptance, but mainly for counsel and advice.⁹ This prompted the team to look at the program's closed case statistics in these two areas over the last six years (2008-2013).¹⁰

Over last six years, ALSC closed an average of two TANF cases per year and 17 unemployment cases per year. The need for greater representation in TANF and unemployment

⁷ Income maintenance cases include the following nine LSC legal problem categories: 1) TANF (Temporary Assistance for Needy Families) and Other Welfare; 2) Social Security (not SSDI); 3) Food Stamps/Commodities; 4) SSDI (Social Security Disability); 5) SSI (Supplemental Security Income); 6) Unemployment Compensation; 7) Veterans Benefits; 8) State and Local Income Maintenance; and 9) Other Income Maintenance. LSC Case Service Report Handbook (2008 Edition, as amended 2011), pp. 24-28.

⁸In Louisiana, FITAP is the acronym for Family Independence Temporary Assistance Program, which "provides cash assistance to families with children when the financial resources of the family are insufficient to meet subsistence needs."

⁹ For Unemployment Compensation, the Litigation Unit's policies and procedures state that:

- (a) At the administrative short of hearing, representation will be limited to counsel and advice to the applicant;
- (b) If an applicant requests our representation at an administrative hearing sufficiently in advance of the hearing to allow staff attorneys to adequately prepare, legal representation will be provided unless no legal merit exists;
- (c) Absent an overwhelming and clearly demonstrable abuse of discretion by the Administrative Law Judge, representation at the Board of Review level will be limited to counsel and advice;
- (d) When an applicant has not been represented by ALSC at any lower level, and applies for the first time at the judicial review level, representation will be limited to preparation of the client's petition for filing in proper person;
- (e) When ALSC has represented a client at the administrative hearing, representation may continue through the judicial appeal procedure, consistent with ALSC's policy on appeals;
- (f) When a suit for judicial review has been filed by the client and the transcript of his administrative hearing discloses sufficient merit, Litigation Unit staff attorneys may enroll as counsel to prosecute the suit on the client's behalf.

¹⁰ The Case Statistical Reports for the six-year period show that no TANF cases were closed in calendar years 2009 and 2013. The reports for the period show that 2013 is the only year in which no unemployment cases were closed.

cases is ripe for analysis in anticipation of the next needs assessment and strategic plan. Outreach activities could be targeted to the applicable administrative agencies and to the applicants for those benefits. Many access to justice and civil legal aid leaders are of the view that the client populations often do not recognize that serious problems in their lives and communities involve legal issues. If they do, they do not know that free lawyers who can work on those issues are available to help them. As one funder in another state said, “[a legal aid provider] will not be able to address conditions that aggravate poverty—at the [individual] and family level or the community level—so long as it shapes its priorities by what clients passively bring to [its] offices. In the same way that a patient might present a sore throat and be found to have a heart condition, a family might be concerned about a divorce and at the same time have children who face permanently disabling conditions because they are not getting health services to which they are entitled under the Medicaid program.”¹¹

Finding 4: ALSC’s current strategic plan and subsequent implementation activities do not provide the comprehensive roadmap needed to respond effectively to the critical legal needs and pressing problems of the service area’s low-income population.

With the assistance of a United Way consultant, ALSC concluded a strategic planning process in November 2011 and produced an abbreviated and general strategic plan document and implementation chart. The plan contains a statement of the program’s mission, a statement of the program’s vision, and a list of 14 strategic goals¹² with corresponding strategies. The goals and strategies are also listed in an implementation chart that designates which specialty law or units are responsible for carrying out the identified strategies.

In the team’s view, the strategic plan is not sufficient to provide the comprehensive roadmap needed to respond effectively to the critical legal needs and pressing problems of the service area’s low-income populations. The plan does not provide benchmarks along the way to make sure goals are being accomplished and that strategies are being implemented in accordance with reasonable timelines and by clearly identified responsible persons beyond one or more of the specialty units as a group. Also, the plan would be more helpful if many of the goals and implementing strategies were stated in more concrete and measurable terms. For example, in the actual plan, Goal #3 is stated in its entirety as “[e]ffectively engage and serve low income populations throughout the service area.” The single strategy listed to achieve the

¹¹ Source: Texas Equal Access to Justice Foundation (2005).

¹² While the goals and strategies listed in the ALSC plan are not numbered, for convenience we number them in the order of their presentation in the written plan. We read the plan’s strategic goals to state the following: Goal #1: Conduct a new needs assessment; Goal #2: Allocate the resources to address the identified needs; Goal #3: Effective engagement with the area’s low-income populations; Goal #4: Address identified needs through effective legal representation; Goal #5: Use non-representation strategies to address some identified needs; Goal #6: Exercise effective leadership, governance, and administration in all aspects of the program; Goal #7: Prioritize the services the program is capable of providing; Goal #8: Ensure that the delivery approach is effective, efficient, and flexible; Goal #9: Ensure meaningful staff development for employees at all levels of the program; Goal #10: Nurture and develop relevant and effective partnerships in all areas of the program’s work; Goal #11: Increase the staff (and their compensation) needed to carry out the program’s work by reallocating resources; Goal #12: Make resource development one of the highest strategic goals of the program; Goal #13: Undertake strategic public relations and education; and Goal #14: Make the highest and best use of technology in all aspects of the program’s operation.

goal is “[p]rovide better counsel and advice.” Thus stated it is difficult to discern where ALSC wants to go in terms of client services, what changes in resource allocations will be needed to get there, and how the program and outside partners, supporters, and funders will know whether or not the goal was ever achieved or the strategy ever effectively implemented. And, as stated above, there are no indications throughout the plan as to when goals are to be achieved and timelines for implementing the stipulated strategies. In short, the plan does not address the program’s challenges in a comprehensive, strategic and meaningful way.

Similarly, most of the other strategic goals and strategies suffer from a lack of concreteness, measurable outcomes, and timelines for implementation and accomplishment. The ALSC board and staff agree with the observation that the strategic plan needs to be revisited and expanded to provide the comprehensive roadmap needed to respond effectively to the critical legal needs and pressing problems of the service area’s low-income populations.

Recommendation I.2.2.1.* With appropriate input from its strategic and state justice partners, ALSC should extend and expand its strategic planning to produce a comprehensive strategy for the program’s future and a written plan of how the program will get there by accomplishing identified goals, objectives, and outcomes, all within the context of the program’s core values, vision and mission.

Recommendation I.2.2.2.* The board and staff should consider, in the context of strategic planning, narrowing case acceptance criteria to reflect the gap between community needs and program resources. Given the reality that program resources are not close to being adequate to meet the demand for services, it would benefit both the program and low-income community to narrow priorities and publicize the criteria to the client community to minimize calls for service in areas that will not be undertaken.

Recommendation I.2.3.2.* ALSC should evaluate its CSR data to ensure that the program is appropriately focusing its work to address the most critical legal problems in its priority areas, and make adjustments where warranted. This evaluation should include appropriate steps to establish among both staff and board a clearer picture of the broad range of services that the program can provide clients under the LSC and other funding grants.

Recommendation I.2.4.1. ALSC should research examples of how benchmarks, action steps, and timelines are used in various strategic plans to ensure that goals are accomplished and that strategies are implemented in accordance with reasonable timelines and by clearly identified responsible persons.

Recommendation I.2.3.2.* ALSC should develop and implement a plan to better identify and address legal needs in critical poverty law areas that appear to be significantly underrepresented in the program’s caseloads and CSRs, including TANF and unemployment compensation.

Criterion 4. Evaluation and adjustment

Finding 5: While there are some discussions of the effectiveness of the program’s delivery strategies and work by the leadership and staff, such discussions do not focus sufficiently

on the results actually achieved in cases and advocacy activities compared with the outcomes originally intended for the work undertaken.

From time to time, ALSC’s leadership and advocates analyze and discuss the effectiveness of the program’s delivery strategies and work. For example, the 2011 strategic plan lists providing “effective legal representation” as a strategic goal to be accomplished through strategies that include increasing trial work in selected areas. To the visit team’s knowledge, the selected areas for increased trial work have not been identified and the program has not articulated a rationale for the critical need for increased trial work. Analysis of supporting data and memorialization of the rationale, objectives, desired results, and outcomes for the activities identified should be accomplished in order to evaluate the effectiveness of work performed and, if warranted, make appropriate adjustments. As stated in the ABA Civil standards’ commentary: “The overall goal of [these] assessments should be to support forward-looking and judicious management which attends to the organization’s weaknesses and reinforces its strengths.” Standard 2.11 (On Provider Evaluation), *ABA Standards for the Provision of Civil Legal Aid* (2006).

The omission discussed above is repeated throughout the ALSC strategic plan. It may be that the 2011 document was meant to be a draft plan rather than a formal strategic documentation of the future direction of the program and a roadmap for accomplishing the stated goals. As the LSC Performance Criteria states: “a highly effective program [continually engages] in a dynamic process involving planning, delineating objectives, working to achieve those objectives, assessing results, and incorporating the resultant experience and learning into plans for future work.” *LSC Performance Criteria*, at p. 4.

“The most effective programs are constantly in processes of motion and change and are innovative and experimental. They continually adjust their approaches and strategies in response to new circumstances and ongoing judgments about which legal needs are most critical, which avenues do and do not work, what resources are available, what to do about changed laws or court precedent, and many other factors. The most effective programs constantly engage in informal assessment, and periodically incorporate more formal evaluative processes.” *LSC Performance Criteria*, at p. 4.

Despite the overall challenges of ALSC’s 2011 strategic planning, the initial focus of the written plan follows the guidance set out in the LSC Performance Criteria, through an “examination of the effectiveness of the program’s assessments of legal needs, and identification of the most pressing problems; setting goals, priorities, and objectives; developing delivery and advocacy strategies; targeting resources based upon the most pressing legal needs; implementing the objectives and working toward the desired, expressed outcomes;¹³ and then

¹³ In establishing outcomes, ACLS should be mindful of the distinction between “outputs” and “outcomes.” In addition to the brief definitions of the two concepts provided immediately below, other useful examples can be found in the recent publication, *Working Hard, Working Well: A Practical Guide to Performance Management* by David E.K. Hunter (2013) at pp. 46-82:

“....’Outputs’ refers to the number and kinds of people served, activities performed, and items produced by an organization. Printing and distributing materials for HIV/AIDS prevention, serving food in a soup kitchen, coaching people who are seeking work...’Outcomes,’ in contrast, refers to the desired changes that programs produce for target population members who are enrolled and participating in their services.

assessing and evaluating the effectiveness of the efforts before making a new determination of need and going through the entire process again.” (Emphasis added). The evaluation and adjustment aspects of planning cannot be over emphasized.

Recommendation I.4.5.1. ALSC should develop a formal internal evaluation process to ensure a more critical assessment of the program’s work, including a comparison of results actually achieved in cases and advocacy with the outcomes originally intended.

Recommendation I.4.5.2. ALSC should take appropriate steps to ensure that the program’s communication and liaison with various stakeholders and partners solicit, in an intentional way, informed feedback regarding the effectiveness of the program’s delivery strategies and work.

Recommendation I.4.5.3. ALSC should consider developing an Advocate Survey Instrument to facilitate the internal evaluation of its legal work and advocacy, which should be reasonably designed to, among other things, compare the results actually achieved in the program’s work and the outcomes originally intended, as recommended by the *LSC Performance Criteria*.

Recommendation I.4.5.4. In addition, any advocate survey instrument developed should be designed to evaluate, among other things, the extent to which the program’s work has had a beneficial effect on systemic legal problems in the service area, the extent to the program’s work helped clients maintain economic stability, and the extent to which program activities promote economic development and opportunities for low-income families and individuals.

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

Criterion 1. Operating in a Manner that Affirms and Reinforces Dignity and Sensitivity.

Intake System

Finding 6: In its current form, ACLS's approach to intake is a significant challenge that hinders client access and threatens the overall effectiveness of the program’s delivery strategies.

ALSC’s intake system is based primarily on initial telephone access followed by a telephone call-back interview. A majority of applicants access the program’s services in this way. Walk-ins are generally allowed on a regular basis. The current telephone intake approach follows the program’s experiment with a Helpline approach in its Lafayette office for slightly

Outcomes must:

- a. Be a measurable change in some aspect of the life of an individual, family, or group....
- b. Be relevant to the needs of the target population...
- c. Be sustained...
- d. Be linked to program efforts...[and]
- e. Be the basis for accountability...”

more than a year.¹⁴

Applicants are required to first call one of the program's three offices to gain a place on a call back list in order to initiate the intake process. In all three offices the initial calls are taken either by the receptionist or, during busier intake periods, one of the program's paralegals. The intake staff enters the applicant's name, address, telephone number, and emergency status onto a call-back list in the case management system. At this initial stage, criminal cases and other legal problems or requests for assistance that are prohibited by the LSC Act and regulations are screened out. The callback list is then used by intake paralegals or intake assistants to telephone applicants to conduct a conflict check, eligibility screening, and, for those found eligible, gather the facts about the substantive issues about which help is sought. Rejection letters, signed by attorneys, are sent to applicants found ineligible or whose cases are declined for other reasons.

The intake paralegals and assistants do not provide advice; they are only fact gatherers. Applicants indicating that they have an emergency are given call back preference. After the facts are gathered for eligible applicants, the intake file is presented to a program attorney for a case acceptance decision, legal advice, and, in some instances, referral to one of the specialty units.

The team found that telephone intake is not uniform across offices or legal subject matters, and that some intake policies create significant barriers to access. For example, individuals with a family law issue must call the office on a particular day of the week at 8:30 am, and intake only remains open until a limited number of slots are filled. We heard from some staff that this practice makes it more difficult for the working poor (who might be unable to make a call in the morning) to receive assistance. Intake for the litigation and administrative law units is available between 8:30 - 5:00 each day.

It also appears that walk-ins are handled differently depending on the office location and subject matter. In some cases, such as family law, walk-ins are encouraged to call the intake line during the adopted intake hours unless there is an emergency or the applicant has limitations. The administrative law unit strives to conduct walk-in intake at the time applicants appear.

The team heard from some staff that the unevenness of the different approaches to intake used throughout the program lead to some applicants having long waits and sometimes having to make repeat efforts to navigate the intake system.

¹⁴ In October 2007, ALSC converted its traditional telephone intake approach in the Lafayette office into a Helpline, an approach ostensibly designed to provide legal advice and information by telephone at the time clients first contact the program, or very soon thereafter. The Helpline's goal included providing answers to clients' legal questions, analyses of their legal problems, and advice on solving those problems. In addition, the Helpline was intended to perform brief services such as making phone calls or writing letters or preparing documents on behalf of clients. If the Helpline had been operated successfully for the Lafayette office, ALSC had planned to extend it to the two other staffed offices in the service area. Unfortunately, the Helpline was plagued by staff turnover (including managing attorneys), which proved to be an insurmountable challenge. Following LSC's 2008 program quality visit, ALSC ended the Helpline experiment and returned to its traditional telephone approach, which had been referred to historically as "the Telephone Assistance Program" or TAP.

Finding 7: Intake-related technology improvement is ongoing and ALSC is making several information technology changes that could make client engagement more efficient and effective.

ALSC's case management system is Kemps Prime. The program's intake workers are trained on the CMS and report that the system is generally sufficient for intake reviews. Staff are able to do screenings remotely through the CMS using a laptop and a wireless or cellular data connection. The frequently encountered substantive law questions, form letters and other documents, and the agencies referral directory are in the CMS.

At the time of the on-site visit, ALSC had started implementing a hosted VoIP phone system. While the phone system will provide many benefits across the program, the greatest opportunity lies in the potential to improve intake. The new phone system will address some intake problems immediately. For example, it will allow more substantial call queueing (by making more lines available for incoming calls) so that calls are answered in the order they are received. The system will also allow ALSC to provide more detailed recorded messages (both at the beginning of calls and while callers are on hold) that can help direct individuals who clearly do not qualify for services to more appropriate organizations and resources. Callers on hold can learn more about the program's intake process, self-help resources available through the statewide legal information website, and, going forward, and the availability of an online application system.

Online intake is another technology change being implemented by the program. This change is made possible by LSC's 2013 TIG award to Southeast Louisiana Legal Services (SLLS), another of the LSC grantees in the state. SLLS is using the TIG grant to create a statewide online intake system that will allow applicants to file online electronic applications with ALSC and three other legal service providers in Louisiana. The system will help ALSC more efficiently determine eligibility and will automatically refer applicants to other service providers, legal information on the Internet, and available pro se assistance when appropriate. This intake system should allow ALSC to streamline the review of some service applications and ensure that more low-income people in the service area are directed to the resources most likely to assist them in meeting their legal needs. It is predicted that the online intake function will be available in early to mid-2015.

Finding 8: ALSC has written intake policies and procedures, but each unit's policies are found in a separate manual and they are not always appropriately uniform.

ALSC's intake policies provide intake workers with instructions on the case management system, client financial eligibility guidelines, priorities, case acceptance criteria, emergencies, LSC restrictions, and other resources.¹⁵ Intake workers are trained on the program's case management system and report that the system is generally sufficient for intake reviews. Staff

¹⁵ During the time ALSC was experimenting with Helpline Intake, the CMS documents also included standard questions for the most frequently encountered substantive law areas, standard form letters and a referral directory of all other known sources of assistance for legal and non-legal problems. It is not clear whether these resources continue to be available.

are able to do screenings remotely through the CMS using a laptop and a wireless or cellular data connection.

However, adding to the lack of uniformity, the program's written policies and procedures were presented to the visit team as separate documents for each of the three core ALSC specialty units¹⁶ and not as a comprehensive, uniform program intake manual with appropriate variations and exceptions for particular subject matter areas.

Recommendation II.1.6.1. Within the context of strategic planning, ALSC should evaluate intake as it is done now and how it could be improved.

Recommendation II.1.7.1. ALSC should take advantage of the opportunities provided by the hosted VOIP phone system to facilitate coordinated intake among all offices.

Recommendation II.1.7.2. ALSC should continue to pursue development of an on-line intake system funded by the 2013 LSC TIG, in coordination with other providers in the state.

Recommendation II.1.8.1.* ALSC should pull all of its intake policies and procedures together in a single Intake Policies and Procedures Manual. Where there are legitimate needs for intake variations for particular subject matter areas, appropriate variations and exceptions should be spelled out in the Intake Manual.

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

Finding 9: ALSC is striving to serve the limited English proficient (LEP) populations in the service area.

ALSC has a written LEP policy, but does not yet have the staff and resources to serve the Spanish speaking community in the service area. While currently fewer than 2% of ALSC's clients are Spanish speaking, staff reported that the LEP population is growing. There is now a Spanish language radio station and a Spanish newspaper in the service area. Spanish speaking workers are present in the sugar cane industry, in construction, and in the service industry, including casinos. Except for one staff attorney in the Lafayette office, who is occasionally brought in to handle Spanish intakes, none of the intake staff are bilingual. While the program subscribes to Language Line, staff regularly relies on the Spanish-speaking staff attorney for intakes and interpreting.

After English, the most prevalent languages spoken in the service area are Spanish and French. The program reported that most French speakers are also proficient in English and rarely require special language assistance.

Finding 10: The locations of the program's offices are reasonably calculated to achieve broad access and utilization by low-income individuals and families.

ALSC currently operates four staffed offices located in three cities—Lafayette, Alexandria, and Lake Charles. The Lafayette office also houses the central administrative staff

¹⁶ Administrative Law Unit (ALU), Family Law Unit (FLU), and Litigation Unit (LU).

and all of the senior staff attorneys who lead the three core specialty units. Due to inclement weather that forced government offices and schools to close, the visit team only visited the Lafayette office. Staff in the other offices were interviewed by telephone during and following the on-site visit.

The Alexandria and Lake Charles offices are each led by a managing attorney and staffed by one or more staff attorneys, paralegals, and legal secretaries. ALSC's Disability Law Center, a Social Security/SSI disability federal court litigation project, is also located in the city of Lake Charles, but is housed separately from the branch office.

In terms of its physical structure, the program's Lafayette office is accessible to the physically disabled, clean and professional in appearance. As stated above, the team was unable to visit the other three offices during this visit. However, two members of the team have prior knowledge of the other three offices and during prior visits by one or the other in 2008 and 2011. At those times, those offices were accessible to the physically disabled, clean and professional in appearance. Our recent interviews with staff, board members, and community representatives did not reveal any concerns about the offices. Despite the program's representation of child clients pursuant to the Children in Need of Care (CINC) grant, the team did not observe age appropriate entertainment and educational items in the reception area of the Lafayette office. We understand from our interviews that the same state of affairs exists in the Lake Charles office.

Finding 11: ALSC is striving to engage with the client population throughout the service area.

ALSC conducts numerous outreach and community education events at senior centers, community action agencies, and other organizations. ALSC staff serves on the boards of community organizations, regional and state task forces,

The program's centrally located staffed offices are supplemented by outreach sites. ALSC is known in communities throughout the service area. While community organizations and social service agencies view the program as an important and critical resource for low-income persons, they are painfully aware of ALSC's funding and staffing challenges.

At the time of the visit, ALSC was in the process of developing a more modern website that, when it is completed, should allow the client community to access reliable information about the program's mission, services, and the law. The design and content of the current website were out of date and not accessible to users.¹⁷ It is the team's view that an updated website can increase the program's engagement with the community, especially those in remote regions of the service area.

¹⁷ The current website has several problems that make it more difficult for users to access information and services. For example, some text on the site -- including text in key navigation menus -- is presented as images and not accessible through screen readers or on mobile phones. The gray-on-black text contrast used on the site makes it difficult to read. Both practices are inconsistent with modern website development. Finally, several legal information resources are significantly out-of-date.

Recommendation II.3.9.1. When resources become available, ALSC should hire a bilingual intake worker fluent in Spanish.

Recommendation II.3.9.2. ALSC should continue to monitor the growth of the limited English proficient Spanish and other populations.

Recommendation II.3.10.1. Given the number of child clients in the CINC program, ALSC is encouraged to provide some age appropriate entertainment and educational items in reception areas of all relevant offices.

Recommendation II.3.12.2. ALSC should continue striving to have advocates participate in significant community engagement and collaboration activities, and incorporate the perspectives of appropriate community groups in the program's work.

Recommendation II.3.12.3.* ALSC should complete development of program's new website. The website should leverage the resources available on the Louisiana LawHelp site and ALSC staff should be encouraged to explore ways to utilize new technology to further improve client access.

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

Criterion 1. Legal Representation.

Finding 12: ALSC's advocate staff is diverse and experienced to implement the goals, objectives, and strategies adopted for the program's casework.

ALSC has a reasonably diverse and experienced staff that is reasonably consistent with the relevant workforce in the state of Louisiana and the Southeastern region of the nation. They have excellent reputations among the judges, administrative agencies, social service agencies, and community organizations interviewed. They are viewed as committed, caring professionals who value their work and clients.

Excluding the executive director, ALSC's staff of 15 attorneys have an average of 14 years of experience in the legal profession and an average of 10 years with the program. Six of the 15 attorneys have less than 10 years of experience in the law. Two of the attorneys serve as managing attorneys of branch offices and four serve as senior attorneys/specialty unit heads. As a group, the managing and senior attorneys have an average of 22 years of experience in the legal profession; the overwhelming majority of this experience was in providing legal services to the poor.

ALSC's 15 paralegals have an average of 19 years of experience in the profession and an average of 15 years with the program. The paralegal staff is divided by job functions—intake paralegals and case handling paralegals. Seven of the 15 paralegals are assigned to intake.

Finding 13: ALSC has written legal work management and supervision policies and procedures, but each unit’s policies are found in a separate manual and they are not always appropriately uniform.

ALSC's legal work is organized by specialty units—administrative law, family law, litigation (general practice), the Disability Law Center, and the Children in Need of Care (CINC) program.¹⁸ The administrative law, family law, and litigation units operate program-wide while the Disability Law Center operates ostensibly as a statewide project¹⁹ that provides federal district court, federal appellate litigation, and post-federal/appellate court expertise regarding Social Security/SSI disability.

Oversight of legal work is the primary responsibility of unit managers. The executive director has oversight responsibility for the work of the Disability Law Center and other unit managers. ALSC does not have an advocacy or litigation director to provide backup and support across all substantive areas and in complex cases.

ALSC has appropriate written policies and procedures for legal work management and supervision. The policies and procedures in place are in fact followed. Managers and supervisors conduct regular formal and informal case reviews. The specialty units meet at least monthly and unit managers are accessible and communicate with their supervisees regularly.

The program’s primary areas of representation are family law, income maintenance (mainly SSI and SSDI claims before the Social Security Administration), consumer/finance (mainly bankruptcies and collection issues), miscellaneous (mainly wills and estates), and housing. The team reviewed ALSC’s closed cases data by problem code for the past six years. For this period (2008-2013), family law on average was 53.5% of the program’s closed cases per year, income maintenance was 11.7% , consumer/finance was 9.1%, miscellaneous was 9.1% as well, and housing was 6.2%.

In its strategic planning process, program staff and board members should give serious consideration to increasing ALSC’s presence in areas of the law other than family law and Social Security, in order to advance the interests of the client community where there may be no other provider doing so.

Finding 14: ALSC provides its advocates reasonable training, access to a variety of practice manuals and other legal advocacy materials, and automated legal research.

All of the advocates interviewed confirmed that ALSC affords staff reasonable training and that the program encourages and supports relevant employee training. Advocates reported attending training sponsored by National Organization of Social Security Claimants’ Representatives (NOSSCR), National Legal Aid and Defender Association (NLADA), National

¹⁸ Since CINC cases are not reportable to LSC, that program’s legal work management and supervision are not addressed in this report.

¹⁹ ALSC formed the Disability Law Center in 2002 as an effort to provide a specialized expertise to eligible clients of all legal aid providers in Louisiana.

Consumer Law Center (NCLC), the Bar Foundation and State Bar annual access to justice conference, and a variety of local, regional and statewide CLEs. There are statewide task forces that meet monthly, usually by telephone conference, where new developments and trends are discussed in a systematic way. Advocates also reported participating in listservs on a variety of substantive legal issues. Advocates view the myriad training events as opportunities to engage in a cross-fertilization of ideas and experiences that flows from interaction with peers from other providers as well as private attorneys.

All legal staff have access to computer assisted research through Westlaw, Fastcase,²⁰ and the Internet is available from all computers.

Finding 15: The overall quantity of legal assistance provided by ACLS is mixed. Relative to the service area's poverty population, the program's total closed cases have been approximately 71% of the national median of cases closed per 10,000 poor persons.

In preparation for the program quality visit, ALSC submitted to LSC an open case list for each advocate. LSC received an open case list for the program's 11 basic field attorneys, five paralegals/legal assistants, and its four CINC attorneys,²¹ The combined non-CINC lists of open cases show a total of 549 open cases as of January 2014—381 (69.4%) were being handled by attorneys and 168 (30.6%) by paralegals/legal assistants. The average caseloads for attorneys are 35 and 34 for paralegals/legal assistants. For attorneys, the caseloads are skewed toward income maintenance, consumer, and housing, except for the five attorneys dedicated to the family law unit (100% of their cases are family law). The caseloads of the five paralegals/legal assistants are overwhelmingly Social Security Disability and SSI.

²⁰ Fastcase is the online legal research services provided free to all Louisiana State Bar Association members in good standing.

²¹ Since CINC cases are not reportable to LSC, the caseloads of the program's four CINC attorneys are not addressed in this report. We note nevertheless that immediately prior to the visit, ALSC had 1,034 open CINC cases. We were told that because the courts retain jurisdiction over CINC cases until the child ages out, advocates are required in most instances to maintain open case files. It was also explained that this practice is consistent with the ABA Standards for Lawyers Representing Children and the controlling Louisiana Supreme Court rules. Over a one year period, the CINC advocates made over 1,000 court appearances.

In 2013, Acadiana closed 3,402 LSC eligible cases, which equaled 158 cases per 10,000 poor persons (hereafter, per 10K),²² compared to the national median of 212 cases per 10,000. ALSC's total closed cases per 10,000 poor persons were approximately 71% of the national median during the last three years (2011-2013). Over the same period, the program's extended and contested cases per 10K improved. For example, in 2013, the program's total extended cases per 10K were just slightly below the national median, 46 to 47, compared to its 2011 and 2012 performance.²³ Likewise, in 2013, the program's contested cases per 10K exceeded the national median, 29 per 10K to 26 per 10K. On this metric, ALSC's performance last year exceeded the national median by 12 percentage points.²⁴ In 2010 and 2011, ALSC experienced a lapse in the timely closure of some extended contested cases which led to a report of fewer contested cases than actually handled. This oversight was corrected in 2012.

Finding 16: Overall, the quality of the written legal work by ALSC's advocates is good.

In preparation for the visit, advocates were asked to produce writing samples that represented some of their best work within the last 12 months. LSC received a writing sample for the executive director, 14 attorneys, and four paralegals/legal assistants. Seven of the 21 writing samples pertained to SSI/Social Security. Five of the samples involved family law, four involved CINC cases, and three involved housing (all evictions). The samples covered the spectrum as to factual complexity and displayed good legal writing and research skills.

The writing samples reflect a variety of state and federal courts and administrative agencies in which ALSC advocates practice. For example, one writing sample is a brief in an SSI disability appeal to U.S. District Court. Another is an appellate brief regarding a Section 8 Housing eviction in the Louisiana Court of Appeals. Most of the writings for the program's attorneys are in the Louisiana district courts (the state's main court of general jurisdiction). The Social Security Administration (including the Appeals Council) is the next most frequent forum in the writing samples. The state's two most limited courts (City Court and Justices of the Peace) were reflected in one writing.

²² For purposes of calculating cases closed per 10,000 poor persons for 2013, the poverty population used by LSC is a blended number that combines the 2000 census poverty population and the new census numbers as follows: 75% of 2000 Census plus 25% of 2009-2011 American Community Survey 3-Year Estimates. Please note that the number of closed cases per 10,000 poverty population is one measure of program performance traditionally used by LSC to evaluate productivity on a program-wide basis. Comparing a program's case closing statistics to the national median may or may not lead to specific conclusions. We note that a program's case closing statistics can reflect a number of factors, especially the extent of its non-LSC funding, as well as the inexperience of staff, demographics, the geography of a service area, the program's legal priorities, the program's policy on the levels of services provided, and the focus of program resources on work that is not captured in the CSRs, among others. However, as part of a program's periodic evaluation of its performance, LSC encourages programs to compare their case closing statistics in a variety of categories to the national median, looking for any revelation that may raise a flag that should be examined further.

²³ For 2011 and 2012, ALSC's total extended cases per 10K were 41 and 19 respectively, compared to the national median of 61 and 57 per 10K.

²⁴ For 2011 and 2012, ALSC's total contested extended cases per 10K were 19 and 24 respectively, compared to the national median of 31 and 28 per 10K.

Recommendation III.1.13.1. ALSC should develop for each specialty unit, in the context of the ongoing strategic planning, standards that define the program's expectations for high quality work that achieves lasting results for clients and low-income communities.

Recommendation III.1.13.2. In the continued absence of a director of litigation/advocacy, the unit leaders should review annually a sample of each advocate's written work in extended cases to assess quality, complexity, and effectiveness.

Recommendation III.1.16.1. ALSC should continue to encourage its advocates to perform high quality writing and effective extended representation in a diverse number of cases in a variety of legal areas.

Recommendation III.1.16.2. Even though trial courts may not require written briefs and memorandums as a regular practice, ALSC should consider affirmative steps to engage its advocates across specialty units in discussions about creative brief and memorandum writing, and in motions practice. This would enhance its advocacy efforts and promote advocates' professional development. In select cases, specialty units could require advocates to prepare written trial and pre-hearing memorandums that, at a minimum, outline their client's and the adverse party's case.

Criterion 2. Private Attorney Involvement.

Finding 17: ALSC is striving to involve private attorneys in the program's work to supplement the amount and effectiveness of its extended representation and other services.

ALSC meets its PAI obligation through subgrant agreements with three local bar association pro bono projects,²⁵ supplemented by reduced fee agreements with a few individual attorneys. Of the approximately 400 eligible private attorneys in the service area, 250 (62.5%) agreed to participate in the program's PAI efforts. In 2013, 199 (79.6%) of the 250 of the participating private attorneys closed 337 (9.9%) of Acadiana's 3,402 closed cases.

Of the 337 cases closed by private attorneys, 176 (52.2%) were for extended services. Family law comprised 78.6% of the cases closed by private attorneys; juvenile (abuse, neglect, dependency) comprised 12.5%; consumer 3.3%; miscellaneous 3.3%; and housing 2.1%. Only one case in the area of education (involving student financial aid) was closed by a private attorney and no cases in the areas of employment, health, income maintenance, and individual rights.

Oversight of the program's PAI efforts is the responsibility of the executive director with the assistance of the record specialist in the Lafayette office, a senior paralegal in the Alexandria office, and a senior paralegal/PAI coordinator in the Lake Charles office. The family law and litigation units select cases from regular intake for PAI referrals and route them to the record

²⁵ Lafayette Volunteer Lawyers through the Lafayette Parish Bar Foundation (in the city of Lafayette); Central Louisiana Pro Bono Project (in the city of Alexandria); and the Southwest Louisiana Bar Association's Pro Bono Project (in the city of Lake Charles).

specialist and/or two senior paralegals. Status letters in all pending cases are sent at least quarterly.

To retain private attorney volunteers, the bar associations hold annual recognition events. ALSC publicizes recognitions on its website, provides malpractice insurance, offers mentoring opportunities, and provides free and low cost training.

Recommendation III.2.17.1. ALSC, with its pro bono project partners, should continue to explore meaningful ways to increase the number of recruited pro bono attorneys who will accept at least two pro bono cases during the calendar year.

Recommendation III.2.17.2. ALSC should explore having its pro bono project partners develop a satisfaction survey instrument to obtain feedback from pro bono attorneys to, among other things, help increase participation, case placements, and caseload diversity.

Recommendation III.2.17.3. In the context of the ongoing strategic planning, ALSC should evaluate all essential components of its private attorney involvement program and, thereafter, review annually the goals, objectives, and outcomes of its overall PAI efforts.

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

Finding 18. ALSC is continuing to supplement its representation of individual clients with some community outreach and community education activities.

The main focus of the program's work is directed at individual representation in the core poverty law areas, outreach in select parishes, and preventive legal education activities with a number of well-established community organizations and social service agencies. The program conducts a monthly radio program on Social Security and SSI disability issues. The litigation unit has engaged in a wide range of community education activities regarding public and subsidized housing.

In addition to community legal education, ALSC offers assistance for self-help activities and pro se appearances for uncontested divorces. Also, the statewide website, which is supported by the program in partnership with other legal aid providers, offers materials regarding family and children, consumer issues, housing, employment, government benefits, disability, seniors, health, taxes, wills and life planning, civil rights, schools, the legal system, and disaster relief and hurricanes.

Recommendation III.3.18.1. ALSC should continue its efforts, through outreach and other means, to disseminate reliable information about the program's mission, services, and the law, aimed particularly at those low-income persons who are most isolated or vulnerable or who have been disproportionately underserved.

PERFORMANCE AREA FOUR. *Effectiveness of Governance, Leadership and Administration.*

Criterion 1. Board Governance.

Finding 19: The ALSC board of directors provides appropriate oversight and shares the mission of the program.

ALSC is governed by a 24-member board composed of 15 attorneys, eight client members and one other community member. The members are diverse in terms of race and gender. The board meets at least four times each year. A core group of the members is very active. Some board members acknowledged some concern about uneven levels of participation by some long-time board members. The by-laws were changed not long ago in an effort to add more accountability for non-participation. The recent death in January 2014 of the founding board member and incumbent president presents a challenge to the program. Fortunately, the board's executive committee includes people with a wealth of experience to draw on. Client-eligible board members appear to be full participants and feel free to contribute during meetings.

The minutes reflect appropriate oversight and engagement. Board members are satisfied with the quality and timeliness of materials provided by program leadership prior to meetings. While acknowledging that the board has not been asked in the past to take on a fund-raising role, several board members expressed an understanding of the need to do so and a willingness to add that function to their roles.

Board members acknowledge the need for intentional succession planning regarding both the board and the staff leadership.²⁶ The executive director is evaluated annually. For several years now, the board has struggled with the issue of staff compensation, trying to find a balance between fair levels of compensation on the one hand, and providing services to as many clients as possible on the other. Some members recognize the risk of losing good younger staff after two or three years with the program if compensation is not improved.

A number of board members who discussed the issue of reductions in force saw the value of a policy that includes factors such as special skills and job performances as well as seniority in making layoff decisions. Members also articulated the value of building into the staff evaluation process a planning and goal-setting component against which staff's progress could be measured at the following evaluation.

Without exception, board members interviewed saw the need for, and the value of conducting, a comprehensive needs assessment and following it up with a strategic planning process which would examine the prevalence of family law and Social Security work in ALSC's caseload.

Recommendation IV.1.19.1. The board should engage with the program's management and staff to conduct a comprehensive needs assessment and to update the 2011 strategic plan to chart

²⁶ We note that at the time of the on-site visit, leadership transitions were occurring at the two other LSC grantees in the state—Legal Services of North Louisiana (LSNL) and Southeast Louisiana Legal Services (SLLS). The transition at LSNL was caused by the unexpected death of the executive director. While the change from co-directors to a single director at SLLS was intentional, it, too, was punctuated by illness and the death of one of the retiring directors prior to the actual date set for the leadership change. As a result of these transitions, the ALSC executive director is now “dean” of the civil legal aid directors in the state.

a bold strategic direction for the program.²⁷

Recommendation IV.1.19.2.* The board, with assistance from the executive director, should develop an explicit leadership development and succession planning process for major leadership positions in program.

Recommendation IV.1.19.3. The board should also consider developing an explicit leadership development and succession planning process for board positions.

Recommendation IV.1.19.4. The ALSC board should take all necessary steps to address comparatively low salaries among all staff, as well as any pay disparities that exist within job classifications that are not justified.

Criterion 2. Leadership

Finding 20: ALSC has effective leadership in its executive director, other administrative staff, and managing and senior attorneys.

ALSC is still led by its founding executive director of thirty years. The ACLS staff are overwhelmingly of the opinion that the executive director is an effective leader. There is a great deal of loyalty and respect for the executive director, both inside and outside the program as confirmed by board members, judges, and representatives of community organizations and agencies.

The other members of the program's leadership team also enjoy very good reputations among their colleagues in the nonprofit, legal, and equal justice communities. Staff, the board, and others outside the program all view ALSC as a cohesive organization. Within the program, staff and the board think the lines of authority—between the executive director, financial and other executive management staff, branch office managers, and specialty unit heads—throughout the program are clear.

The executive director and other program staff play a significant role in the Louisiana state justice community. There is a high level of ALSC staff involvement in the bar, including leadership positions.

Recommendation IV.2.20.1. The executive director, working with the board, should launch a renewed strategic planning process to arrive at a bold strategic future for the program. Along with strategic planning, the executive director should oversee a new needs assessment.

²⁷ It is critical that the board and staff be involved in the planning effort. Input from other stakeholders and the client community should be sought although their on-going involvement in the planning process may not be warranted or necessary. Because of the time commitment involved, some programs have found that it may be preferable to involve a committee of board members (which should definitely include client members) in the actual planning process with the final plan going to the full board for approval. In any case, the final plan should be a document that the ALSC board and staff take ownership of and are prepared to implement. Information on strategic planning may be found on the LSC online library web site located at www.lri.lsc.gov. In addition, other information on strategic planning can be found at www.managementhelp.org, a site associated with the Management Assistance Program for Non-Profits, www.mapfor nonprofits.org.

Criteria 3, 4, 5 and 6. Overall management and administration, financial and human resources administration, and internal communication.

Finding 21: ALSC's overall management and administration are good.

Monthly management meetings held. They are attended by managing and senior attorneys, central administrative office executive/management staff (the administrative director, the executive assistant, the information technology manager, and the records coordinator). In addition, program-wide staff meetings are held quarterly in Lafayette where staff are afforded the opportunity to get together with their colleagues from the other offices and for specialty unit members to meet in person. Historically, these meetings almost always feature a brief training and lunch.

The program's financial and administrative staff are very experienced. The administrative director has 34 years of experience in the profession, 34 years with the program, and five years in her current position. Prior to assuming the position, she had been mentored by the program's former program administrator who served in the position until 2009. The executive assistant has 36 years in the profession, 35 years with the program, and 24 years in her current position. The information technology manager has nine years in the profession, seven years with the program, and six years in his current position. And, the records coordinator has 31 years in the profession, with the program, and in her current position.

Neither program staff nor board members expressed any concerns about ALSC's financial administration.²⁸ The on-site visit did not reveal any direct concerns regarding the program's human resources policies, procedures, and practices.

Finding 21: ALSC is striving to make the best use of technology throughout program operations.

Acadiana has a technology plan that addresses its current and planned use of technology in most facets of the program's operations. The plan was crafted by a steering committee of staff – the IT manager, the administrative director, and the three specialty law unit senior attorneys/managers. The program is in the process of a major migration to a program-wide hosted VOIP phone system. It is also exploring use of several Microsoft products, including Office 365 and SharePoint. Staff report that IT issues are addressed promptly. The IT manager is responsive and uses a customer-focused approach.

Overall, staff are equipped with adequate technology. Most workstations are up-to-date and the case management system is sufficient. The Lafayette office is part of the city's municipal fiber network and benefits from an exceptionally fast internet connection. Both Lake Charles and Alexandria have sufficient broadband access through cable providers.

²⁸ 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.

Recommendation IV.4.21.1. To ensure a successful rollout of the hosted VoIP phone system, ALSC should ensure that staff have sufficient training and are encouraged to use the new system to its fullest potential.

Criterion 7. General resource development and maintenance.

Finding 22: While ALSC has had some resource development successes, much needs to be done given the extraordinary needs of the low-income population throughout the service area.

The principal responsibility for resource development is with the executive director. The board expects the director to seek and explore initiatives for new funding. Members interviewed were complimentary of the executive director's current efforts in this regard. The director is actively assisted by the other program leadership staff. The most recent new revenue streams consist of the Child in Need of Care (CINC) and the Mortgage Servicing Settlement grants.

For 2014, ALSC received \$1,441,264 in LSC basic field funding, which comprises 49% of the program's projected 2014 revenue. The basic field funding for ALSC in 2013 was \$1,734,681 and \$1,920,776 in 2012. Due to the census adjustment, the program experienced a 9.7% decrease in its 2013 LSC basic field funding and a 16.9% decrease in its 2014 basic field funding. Between 2012 and 2014, basic field funding for ALSC declined by 25%.²⁹

The program's non-LSC funding for 2013 was \$1,430,196 and included the following funding sources, among others: Older American Act (grants from six (6) councils on aging), Children in Need of Care (CINC) (via Louisiana Bar Foundation), IOLTA (via Louisiana Bar Foundation), Mortgage Servicing Settlement (via Louisiana Bar Foundation), Building Capital Development (via Louisiana Bar Foundation), Administrative Offices of the Court, Office of Elderly Affairs, and Loyola Law School Legal Clerkships.

Three grants received via the Louisiana Bar Foundation (IOLTA, CINC, and Mortgage Servicing) amount to \$1,276,417, which is 89.2% of ALSC's \$1,430,196 non-LSC funding last year. CINC funds comprised over 66% of non-LSC funding. It appears that the non-LSC funding grants did not generate any attorney fee awards. The ALSC director is a member of the recently established Louisiana Bar Foundation Unified Campaign Committee, which is designed to raise money from the private bar and the general public for civil legal aid and access to justice work throughout the state. The executive director is a member of the committee's work group on education and messaging.

While the executive director, senior staff, and board members recognize that resource development is the key to addressing many program challenges, a formal resource development plan has not been developed. The director acknowledges the need for him to increase the percentage of his time devoted to resource development. Senior staff and board members also recognize that an ongoing private bar/business community fundraising effort is an idea whose

²⁹ The program also received LSC technology initiative grant (TIG) funding in the amount of \$8,336, which is part of an ongoing \$51,617 grant awarded in 2011.

time has come. In addition, in the past there has not been any effort to encourage planned gifts to ALSC from long-time supporters.

Today, ALSC still does not produce an annual report. Like many civil legal aid providers, it is beginning to recognize that annual reports are now essential requirements for all world class nonprofits. Moreover, many nonprofits are learning that much of their service work make for powerful stories that are effective for fundraising and public education generally.

Recommendation IV.7.22.1.* In connection with the recommended strategic planning process, ALSC should develop a comprehensive resource development plan to expand the program's base of funding and increase overall resources devoted to client services. This effort should include, but not be limited to working with strategic partners to identify state, regional and national foundations that show any history of support for work such as ALSC's, and developing a detailed schedule for efforts to submit grant proposals.

Recommendation IV.7.22.2. ALSC should begin producing an annual report that transforms the program's raw data into a public relations product that tells a powerful story and educate the public and potential funders. In addition, the annual report should recognize significant contributions by the program's strategic partners and supporters, especially private attorneys.

Recommendation IV.7.22.3. ALSC, along with its strategic partners, should strive to develop and maintain an overall media strategy tied significantly to resource development.

Criteria 8 and 9. Coherent and comprehensive delivery structure, and participation in an integrated legal services delivery system.

Finding 23: ALSC actively participates in the state justice community and its executive director is considered a major leader in the efforts to achieve equal access to justice.

All of the civil legal aid providers and state justice partners appear to work well together. The other partners report that ACLS actively participates and collaborates well with others. The state justice partners are focusing on a number of statewide issues, including resource development challenges, the pressing legal needs of clients, access barriers to the courts regarding challenges to in forma pauperis by judges and court clerks, and the effects and lingering impacts of natural and man-made disasters in the state.

ALSC's executive director has served as co-chair of the Louisiana State Bar Association's Access to Justice Committee, co-chair of the Access to Justice Committee's resource development subcommittee, member of the Louisiana State Bar House of Delegates, president of the Lafayette Parish Bar Association. Other staff also participate in efforts to improve the delivery system in the state by serving as trainers for various events and working collaboratively with various community action agencies and other nonprofits.

Recommendation IV.9.23.1. ALSC, in conjunction with the other civil legal aid providers and state justice partners, should explore future economic impact analyses of civil legal aid to share with foundations, state and local governments, bar associations, corporations, the courts, and other potential funders.

Recommendation IV.9.23.2. In addition to economic impact analyses of civil legal aid, ALSC and its state justice partners should explore developing a public relations/education campaign to enhance the image and increase public awareness and the needs of civil legal aid throughout the state. This effort should include, but not be limited to the use of public service announcements.