



**Legal Services Corporation
Office of Program Performance**

FINAL

Report and Recommendations
from
Program Quality Visit
to
Alaska Legal Services Corporation
Grantee #902000

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INTRODUCTION

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a Program Quality Visit to Alaska Legal Services Corporation (ALSC) from July 14-18, 2014. OPP team members included LSC temporary employee and team leader Stephanie Edelstein, Senior Program Counsel John Eidleman, and Program Counsel Nancy Glickman and Evora Thomas.

Program Quality Visits (PQVs) are designed to evaluate whether LSC grantees are providing the highest quality legal services to eligible clients. In conducting the evaluation, OPP relies on the LSC Act and regulations, the LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The evaluation was organized to follow the four Performance Areas of the LSC Performance Criteria, which cover needs assessment and priority setting; strategic planning; access to services and engagement with the low-income community; legal work management and the legal work produced; and program management including board governance, leadership, resource development, and coordination within the delivery system.

Team members reviewed documents provided by ALSC to LSC, including recent competitive grant applications and PAI, technology and disaster plans; workforce analysis charts; case services reports, and other services reports. The team also reviewed materials requested in advance of the visit, including documents relating to the program's intake, legal work, and case management policies and systems, advocates' writing samples, and the results of an online staff survey. Onsite, the team interviewed board members, the executive director, members of the leadership team, fiscal and development staff, technology staff, pro bono and communications staff, supervising attorneys, staff attorneys, paralegals, intake and administrative staff, and other support staff. The team visited ALSC offices in Anchorage, Fairbanks, Juneau, Palmer, and Kenai. Staff in the Barrow, Bethel, Dillingham, Ketchikan, and Nome offices were interviewed by telephone or in other offices. The team also interviewed community representatives, leaders in the state justice community and state bar association, and several judges including the Chief Justice of the Alaska Supreme Court. Due to scheduling and time constraints, some interviews were conducted by telephone.

OVERVIEW OF PROGRAM AND SERVICE AREA

Alaska Legal Services Corporation (ALSC) receives \$646,137 in LSC Basic Field and \$530,369 in LSC Native American funding to provide a full range of legal assistance to low-income persons throughout Alaska. The state's size, geography, climate, and long dark winters create unique obstacles both for staffing and for serving clients.

At approximately 663,300 square miles, Alaska is larger than Texas, California, and Montana combined.¹ It spans a distance of approximately 2,700 miles from east to west. And yet, its population of 736,399 is less than that of Charlotte, North Carolina.

¹ Geographic, economic, and population data from State of Alaska website, www.alaska.gov.

With only 1.26 inhabitants per square mile, Alaska is one of the most sparsely populated areas in the world.

There are a handful of more populous areas in the state. Approximately 300,000 people live in the Municipality of Anchorage and approximately 100,000 people reside in the Fairbanks North Star Borough. Other relatively populous areas include the Kenai Peninsula Borough south of Anchorage (56,862), the Matanuska-Susitna (Mat-Su) Borough just north of Anchorage (96,074), and the City and Borough of Juneau (33,064). The Bethel Census area has approximately 17,000 residents, the Ketchikan Gateway Borough has 13,856 residents, and the Kodiak Island Borough has 13,824. The Nome Census Area and the North Slope Borough (Barrow) each have slightly less than 10,000 residents, and the Dillingham Census area has approximately 5,000. Of the 355 census areas in the state, 66% have fewer than 500 residents, and 31% have fewer than 100 residents.

Because of its high latitude, Alaska experiences long summer days and long winter nights. And also because of its size, the length of those days and nights vary across the state. For example, on December 21, the shortest day of the year, Juneau will have approximately 6.5 hours of daylight, Anchorage will have approximately 5.5 hours, and Fairbanks will have approximately 3.75 hours. In Barrow, the sun sets on November 18 and does not rise again until January 23. The climate also varies across the state. The hottest and coldest temperatures occur in and around Fairbanks, where summer temperatures can reach into the 90's°F and winter temperatures can fall below -60°F. In Juneau and the southeast panhandle, summers are mild and rainy, and the average winter daytime temperature is above freezing. In Barrow, annual average low temperatures are barely above freezing, and the area may have snow in any month.

Alaska's economy is based on oil and gas production, fishing, and tourism, followed by timber, mining, and agriculture. The Alaska Permanent Fund, created in 1977, receives 25% of Alaska's oil royalty income and is designed to provide the state with income after the oil reserves are depleted. The Permanent Fund pays annual dividends to all residents; in 2014, each resident, including children, will receive a dividend of \$1884. The largest employer is government – federal, state, and local. The state's strategic location has generated considerable defense activity since World War II, including the establishment of highways, airfields, and permanent military bases. Tourism continues to grow. In May 2014, the unemployment rate in Alaska was 6.4% overall, although some areas saw unemployment rates of 15% and even 26.2% percent. Many Alaska Natives in outlying areas depend upon subsistence hunting and fishing to meet basic needs.

The population of Alaska is 9.3% Black/African American, 5.8% Asian, and 6.6% Hispanic/Latino. The Asian community is approximately 50% Filipino, compared to the nation's 20%. About 65% of Alaska's Asians and Pacific Islanders live in Anchorage, and comprise approximately 10% of its population. As a result of these demographics, the Alaska court system has identified Tagalog and Spanish as the two languages for which interpreters are needed.

Alaska Natives and Native Americans comprise approximately 14.7% of the population and 30% of the poverty population. Rural areas have double or even triple the overall poverty rate of Alaska. The Yukon Koyukuk, which is roughly the size of Montana, has a 23% percent poverty rate, while Bethel, Nome and Wade Hampton have poverty levels close to 29 percent.²

Of the nation's 566 federally recognized tribes, 229 are in Alaska, most in tiny isolated villages with no road access. Alaska Native communities experience the highest rates of family violence, suicide, and alcohol abuse in the United States, yet at least 75 remote Alaska Native villages have no law enforcement.³ And, for many Alaska Natives, English is a second language. ALSC represents individual Alaska Native clients in a range of traditional legal services issues, and also represents tribes and/or tribal members in jurisdictional disputes involving tribal vs. state authority on such issues as law enforcement, health care, child protection, and hunting/fishing rights. ALSC is also working to equip local tribal courts with resources to deliver justice effectively.

ALSC operates out of 11 offices throughout the state, and has for many years had a goal of locating offices in each borough with a resident superior court. While there have been times when small offices have closed for lack of funding or staff, the stated goal is currently being realized. However, only four of the program's offices – Anchorage, Fairbanks, Kenai, and Palmer, are connected to a road system. Other offices can be reached only by plane, boat, snowmobile, or all-terrain vehicle.

In the years following the 2007 PQV, ALSC lost several long-term, experienced leaders, including the controller, administrator, and executive director. However, the transition to new leadership has been smooth. At the time of this visit, ALSC had 46 employees, of whom 26 were attorneys. The executive director is in her 5th year in this position. The program has undertaken several new initiatives, including program-wide practice teams, strategic planning, and most recently, the creation of the new rural supervising attorney position. It has a good balance of experienced and newer attorneys, and continues to recruit high quality advocates. It is well respected in the state justice community, by other providers, and in the client community, and has a reputation for being collaborative and for providing high quality legal services.

ALSC has also been successful in developing resources other than those received from LSC. In 2013, non-LSC monies comprised approximately 63% of the program's total funding.

² <http://quickfacts.census.gov/qfd/states/02000.html> (visited September 20, 2014).

³ Testimony of Mayor Bruce Botello, Commissioner, Alaska Rural Justice and Law Enforcement Commission, before the Indian Law and Order Commission, Hearing at Tulalip Indian Reservation, September 7, 2011, cited in "Reforming Justice for Alaska Natives: The Time is Now," in *Indian Law & Order Commission, A Roadmap for Making Native America Safer: Report to the President & Congress of the United States*, 33-61, November 2013.

SUMMARY OF FINDINGS

ALSC's engaged board of directors, strong leadership, and dedicated team of advocates work together to provide effective, high quality legal services to low-income people throughout Alaska, despite the considerable challenges posed by the service area.

ALSC conducts an annual legal needs assessment, which is supplemented by other data and information, including identification of emerging needs. Priorities are adjusted accordingly. In May 2014, the board adopted a strategic plan to guide operations through 2020. ALSC is conferring with other LSC grantees on effective ways to measure outcomes from case services.

ALSC's services are culturally competent and accessible, given the extraordinary challenges presented by the area. The site of some offices is contingent on local funding. The team found that the ALSC intake process, which has not changed significantly since the 2007 PQV, is not as efficient as it could be. It is too reliant on paper applications, and some of its protocols create delays. At this time, ALSC lacks the technology it needs for a coordinated telephone system.

Legal work on behalf of the general legal services population and of Alaska Natives is conducted in a variety of forums and is strategic, aggressive, and of very high quality. Staff include an effective mix of new and experienced advocates, as well as a highly experienced statewide litigation attorney who routinely co-counsels with and mentors staff on complex cases. ALSC does not have formal legal work supervision protocols, and as a result, supervision varies among offices. In an effort to reduce the isolation of staff in remote offices, ALSC recently created the position of rural supervising attorney.

ALSC collaborates with the Alaska Bar Association, local bar associations, non-LSC legal services providers, the courts, and other community partners to involve private attorneys in its work. The pro bono program has its own advisory committee that includes representatives of state and local bar associations and the courts. Staffing and operation of the pro bono program appears to be sufficient. Volunteers include private practitioners as well as staff of the Office of the Attorney General and other government agencies. Volunteers are provided with a variety of opportunities to serve, including providing assistance to Alaska Natives and participating in court-based programs. Not all opportunities utilize LSC funding or result in CSR reportable cases.

ALSC staff conduct numerous educational, *pro se*, and other programs for consumers, and several staff are active members of boards and committees of stakeholder organizations. Staff also work collaboratively with Alaska Native and national organizations established to advance the individual, economic and sovereign tribal rights and authority of Alaska Natives. ALSC operates websites for the client community including www.alsc-law.org, www.alaskalawhelp.org, and www.alaskatribes.org. Using LSC TIG funding, ALSC produced 26 family law videos in collaboration with the Alaska

court system's Self-Help Center. These videos are available in English, Spanish, and Tagalog.

The ALSC board of directors is committed to the program and its mission, is appropriately involved in major policy decisions, and asserts effective oversight. To reduce board vacancies and encourage succession, the ALSC by-laws provide for the appointment of alternate members for each position. At least one board member has accounting expertise. New members receive in-person orientation, and the full board recently received training on financial oversight, but it has not had substantial training in board governance. Board members support development activities, including the Robert K. Hickerson Partners in Justice Campaign. The board evaluates the executive director every three years.

The ALSC executive director is an experienced legal services attorney who is held in high esteem by staff, members of the judiciary, and external partners. Resources and services have increased and diversified under her leadership, and the quality of legal work is high. The management team has many years of experience and is respected by staff and the board of directors. Staffing and systems for managing compliance with funder requirements, financial operations, and human resources appear to be sufficient. Internal communications are effective. The Draft Emergency and Disaster Recovery Plan covers all crucial elements. ALSC is striving to make the best use of available technology throughout program operations, but it lacks the technology needed to support a more sophisticated intake system or some other functions. Technology planning is integrated into overall service delivery planning and includes input from staff and assessment of program, client, staff, and pro bono needs. ALSC's resource development effort is sufficiently staffed, effective in expanding its funding base, and coordinates effectively to utilize outside resources.

The only LSC-funded organization in the state, ALSC is a respected member of the justice community.

FINDINGS AND RECOMMENDATIONS

PERFORMANCE AREA ONE. Effectiveness in Identifying the Most Pressing Civil Legal Needs of Low-Income People in the Service Area and Targeting Resources to Meet Those Needs.

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

Finding 1: ALSC conducts an annual assessment of legal needs and uses the results in conjunction with its priority setting.

ALSC's annual legal needs assessment includes written surveys, focus groups and meetings, review of intake information, and consideration of outside data. The ALSC survey instrument is available in program offices, on its website, and through partner organizations such as village councils, health care providers, and groups that work with

special populations such as seniors, individuals with disabilities, and veterans. The assessment also includes review and analysis of outside data (census, GIS, reports), as well as an analysis of issues presented by underserved clients and rejected applicants. From 2010-2013, as part of a Model Approaches grant funded by the U.S. Administration on Aging, ALSC added focus groups and telephone interviews of seniors to assess the legal needs of the older population. ALSC is also partnering with the University of Alaska and the Alaska Institute for Justice to assess the legal and language access needs of crime victims. This study, due to be completed in late 2014, uses written surveys and focus groups.

Survey results are analyzed by supervising attorneys for each regional office, considered by staff at the annual meeting, and presented to the board for consideration in the annual review of priorities.

Finding 2: ALSC uses results of the annual legal needs assessment and other data and information to identify emerging issues, and adjusts priorities accordingly.

ALSC uses the results of its annual needs assessment and other surveys, plus intake data and feedback from staff, board members, and community partners to identify needs emerging statewide and regionally. Recent issues to emerge include increases in domestic violence and sexual assault, and in child abuse and neglect; reductions in affordable housing; prevalence of “zombie” debt collection practices and illegal garnishment of bank accounts and permanent fund dividends; lack of access to adequate and appropriate housing and health care for the growing senior population; and a variety of issues around the development of Tribal courts and the lack of state justice options for rural communities.

Because the various regions of this huge state can experience different legal needs, each year each office designates the program’s overall priorities as high, medium, or low, and uses these designations to guide its case acceptance protocols. For example, in 2014, regional offices made the following designations in priorities:

- Anchorage, Bethel, Palmer, and Kenai moved to high priority: child support arrearages for veterans facing homelessness where significant arrearages affect income and/or ability to work; SSDI appeals due to lack of private attorneys willing to take these cases; and human trafficking.
- Barrow moved advance directives and wills and estates to high priority. Wills and estates cases in the area involve complex issues of title and resulting access to resources including subsistence rights.
- Fairbanks, Dillingham and Nome moved to high priority: child abuse and neglect cases where there is potential to affect systemic change and/or Indian Child Welfare Act (ICWA) cases where the otherwise unrepresented tribe disagrees with the state’s handling of a Child in Need of Aid (CINA) case. The goal is to reduce the number of cases where the state is out of compliance with ICWA and to reduce over-representation of Alaska Native children in the foster care system.

- None elevated to high priority: custody and divorce cases involving severe domestic violence or complex legal issues.

In 2014, ALSC also increased its consumer education on debt collection and other emerging legal issues.

Finding 3: ALSC concluded its most recent strategic planning process during the first half of 2014.

ALSC engaged in strategic planning between December 2013 and May 2014. The process involved the board and staff, and was facilitated by an experienced consultant. It included board review of existing goals and objectives, staff development of an action plan, and board adoption of that plan in May 2014. The plan will guide operations through 2020 and includes four primary areas of focus: improve access to justice in Alaska’s rural communities (including tribal court development); decrease Alaska’s justice gap (the unmet need for civil legal assistance); cultivate collaborative partnerships; and diversify and increase funding. Each area of focus includes long and short-term goals, measurable outcomes, strategies, and action steps. Because the process is relatively recent, not all action steps had been developed by the time of the visit.

Recommendation:⁴

I.1.3.1.* ALSC should continue to develop action steps to implement its strategic plan.⁵

Finding 4: ALSC has not yet implemented a comprehensive system for measuring outcomes in extended services cases.

In limited and extended services cases, ALSC uses its case management system to record whether or not the particular client’s objective was met, but not to measure or aggregate the outcomes of its case services program-wide. The program also records its success rate in litigation, including cases litigated before the Alaska Supreme Court. In past years ALSC summer law clerks checked court records for *pro se* clinic attendee names, to determine how many ultimately filed cases and what the outcomes were. Resource limitations have prevented ALSC from replicating that research more recently, but when last tallied, indications were that roughly 50% of attendees were able to represent themselves through obtaining the final decree. This information is taken into

⁴ Recommendations in this report will be identified by a Roman Numeral cross-referenced to the relevant Performance Area, followed by three numbers identifying, respectively, the Criterion addressed by the recommendation, the number of the finding, and a number designating whether it is the first, second, third, etc., recommendation under that finding. For example, III.2.14.3 designates Performance Area III, Criterion 2, Finding 14, Recommendation 3 under Finding 14. There are two tiers (levels) of recommendations in this report. Recommendations marked with an asterisk* are Tier One Recommendations and are intended to have a direct and major impact on program quality and/or program performance. **In your next grant renewal application or competitive grant application, instead of submitting a full narrative, your program will be required to report on what it has done in response to Tier One Recommendations.**

⁵ ALSC’s Response to the Draft Report states that it has developed the action steps to implement its strategic plan.

consideration in the annual development of priorities, and was also considered during the recent strategic planning.

ALSC reports that it is consulting with other LSC grantees, including those that also use the PIKA case management system, on effective ways to determine and aggregate outcomes derived from case services.

Recommendation:

I.1.4.1.* ALSC should implement a program-wide system for determining and aggregating outcomes in extended services cases, including through the use of its case management system.⁶

PERFORMANCE AREA TWO. Effectiveness in Engaging and Serving the Low-Income Population Throughout the Service Area.

Criterion 1. Dignity and sensitivity. (Intake)

Finding 5: ALSC’s intake system is not as efficient as it could be, and it creates unnecessary delays for persons seeking services.

At the time of this visit, the ALSC intake system remained essentially the same as it was in 2007, when the PQV team recommended that ALSC explore development of a telephone intake system and an online application process. ALSC does not yet have a coordinated telephone intake system, and does not yet have the technology for such a system.

All applicants are required to complete a paper application, which they can obtain in-person at ALSC offices or by mail, fax, e-mail, as a download from the ALSC website, or at sites in the community. ALSC offices are open for intake during regular business hours, although small 1-2 person offices may need to close for short periods when staff are in court or otherwise unavailable.

ALSC applications can be long and complex, depending upon the legal problem presented. For example, the family law application adds five pages of questions to the basic form, the housing application adds three pages, consumer debt adds two pages, probate adds three pages, and wills adds thirteen pages. There is no protocol at this initial stage of the process for rejecting and/or referring an applicant whose legal issue is outside priority areas, or for providing advice or brief services to those who qualify.

In most offices, the office manager reviews applications, does follow up with the applicant if needed, enters information into the CMS, and forwards the application electronically to a staff attorney or supervising attorney (depending on the office or team) for review. Office managers may also assist walk-in applicants with the form when time allows. (In single person offices, the attorney performs the initial steps.) The applicant is then scheduled for an appointment with an attorney, usually within a day or two. During

⁶ ALSC’s Response to the Draft Report states that it anticipates having such a system in place in 2015.

this interview, which could be by telephone but is usually in person, the applicant may receive a referral or legal advice. More often, the decision on whether to accept the case, and the level of services to be provided, is made at the next weekly case review meeting. ALSC staff conduct home visits as needed to seniors or others with access restrictions.

ALSC's program-wide priorities and individual office guidelines inform the case acceptance decision. ALSC may decide to make a referral to a social service agency, to the pro bono program, or to a *pro se* clinic; or, to provide advice, conduct further investigation, or take the case for extended representation. This process could take several more days, for a total of two-three weeks from initial contact to substantive interview with an advocate once the case is accepted. Staff try to handle emergencies promptly. The visit team learned that ALSC plans to review its case acceptance process in the near future, with a view towards making case review meetings more efficient for staff and applicants.

The application process for domestic violence victims is essentially the same as for other applicants. They access ALSC's services by applying in the same manner as other applicants, or through referral from a shelter or court-based legal advocate. The latter process, however, still requires submission of the paper application. To make the process easier for victim applicants, ALSC has collaborated with the Alaska Network on Domestic Violence and Sexual Assault, Inc. (ANDVSA), to develop a single application for both organizations. The application includes releases permitting ALSC and ANDVSA to share information.

The process of obtaining, completing, and returning a paper application can create unnecessary delays or even deter eligible applicants from completing the process and receiving assistance. Walk-in applicants may lack the information or supporting documentation they need to complete the application on-site, and those who try to complete it at home may find its length and complexity a challenge. Locating required information, seeking assistance with completing the application, or providing inaccurate information, can lead to additional delays. Also, as noted in the 2007 PQV report, for someone who is elderly, or who has a disability, low English literacy, or limited access to mail, email, or fax services, completing and returning the application could become a barrier to service. ALSC does not keep track of application requests, but staff report that many applications are not returned.⁷

Recommendation:

II.1.5.1.* ALSC should proceed with all deliberate speed to streamline its intake processes. This should include reducing the reliance on paper applications, and increasing the use of telephone intake as feasible, considering the unique geographic and

⁷ The 2007 PQV team recommended that, "ALSC identify a period of time in which to keep track of applications it sends out, and follow up with individuals who do not return their applications to find out whether their reasons for not submitting the application are within the program's control, and if so, how they could be addressed." The 2007 team also recommended that, "ALSC examine the length of time from when an application is submitted to when the client first meets with an attorney, to determine whether there are ways to speed up the process."

demographic challenges of the service area. To the extent possible, intake data should be contemporaneously entered into the case management system. And, to the extent feasible, some level of information or assistance should be provided to applicants at the first point of contact. ALSC should conduct an analysis of the current ALSC intake process and telephone infrastructure, and options for improving them, as well as a review of telephone and online intake systems in other legal services programs.⁸

Criteria 2 and 3. Engagement with, and Access and Utilization by the Low-Income Population.

Finding 6: ALSC has a commitment to providing culturally competent services to its diverse client community.

ALSC staff members appear to be culturally competent and sensitive to the client community. The program also has a written LEP plan. The state court system has determined that the languages most frequently used in addition to English are Alaska Native languages, Spanish, and Tagalog. ALSC employs some Spanish speaking staff, and recruits office managers from the Native community surrounding that office. For other languages, the program tries to use local interpreters or those available through the Alaska Institute for Justice. Where in-person services are not feasible, ALSC relies on telephone interpreter services. Alaska Relay provides telephone relay service for persons with speaking or hearing disabilities. In some remote areas, such as Barrow, interpreter services of any kind are difficult to find.

The informational videos posted on the website www.alaskalawhelp.org include versions in Spanish and Tagalog.

ALSC is currently partnering with the University of Alaska and other organizations in the state to identify the civil legal and language access needs of crime victims. The results of the study will be used to inform ALSC's language access policies.

Recommendation:

II.2.6.1. ALSC is encouraged to review LSC's language access resources available on LRI, including the 2004 Program Letter, "Guidance to LSC Programs for Serving Client Eligible Individuals with Limited English Capacity," the language access checklist for legal aid organizations, and links to self-assessment tools.

Finding 7: ALSC has determined to locate its offices in locations close to courts and other government offices, and conducts extensive outreach to further improve access to its services.

ALSC's long-time goal has been to locate offices in boroughs where there is a resident state superior court. Over time, this goal has not always been achieved, due to a lack of funding and the resulting need to close very small offices. In some remote areas, maintaining a branch office is now contingent on local funding. For example, funding

⁸ ALSC's Response to the Draft Report describes the steps already taken, and those to be taken, to implement this recommendation.

from the North Slope Borough has allowed ALSC to reopen its Barrow office after several years without an office in this location.

Offices appear to be very visible in the community, reasonably situated for clients, and accessible for persons with disabilities. Some are located in buildings that also house social services agencies used by the client community. Those visited by the team were clean and professional in appearance. The team observed, or was informed by ALSC staff, that some office reception areas lack privacy for confidential conversations with applicants or clients. The layout of the Juneau office along an open hallway in a building open to the public raises concerns about security.

ALSC staff members conduct extensive outreach given the extraordinary geographic challenges posed by the service area. They engage with seniors, children and youth, homeless persons, victims of domestic violence, low-income tenants and homeowners, veterans, Alaska Natives, and others in the client community. They have strong collaborations with Native Village governments and councils, as well as other agencies and community organizations throughout the state: serving on boards, attending meetings, conducting educational programs and outreach, and accepting referrals.

Recommendation:

II.3.7.1.* ALSC should ensure that all offices have adequate security and that they provide areas for confidential conversations between staff members and applicants or clients.⁹

PERFORMANCE AREA THREE. Effectiveness of Legal Representation and other Program Activities Intended to Benefit the Low-Income Population in the Service Area.

Criterion 1. Legal representation.

Finding 8: ALSC has an effective mix of new and experienced advocates, and is endeavoring to retain less experienced advocates and to minimize isolation of those in rural offices.

The average experience level of ALSC advocates is slightly more than eight years. Six of the program's 23 attorneys have less than three years' experience, eight have more than ten years, and three have more than twenty. Several ALSC advocates are considered the local or state expert in their area of practice.

Significantly, slightly more than half the ALSC attorneys have been with the program less than two years; eight have been there less than one year. Many of these attorneys are new to both ALSC and to the practice of law. Some are also working in single attorney bush offices, and turnover in those offices is high. In addition, transition planning and support for new staff in rural offices has been inconsistent at times.

⁹ ALSC's Response to the Draft Report describes measures taken since the PQV to implement this recommendation.

Support for new staff includes a 1-2 day orientation session in Anchorage as well as a novel scavenger hunt for local resources once the new staff person is on-site at his or her office. ALSC has also developed a New Attorney Training Protocol that sets goals and expectations for the first year of employment and includes activities and timeframes for achieving those goals. The protocol covers mastery of program policies and resources, involvement in the legal and client community, and legal skills.

Recognizing the challenge of retaining attorneys in bush offices, ALSC recently created the position of rural supervising attorney to help alleviate isolation of attorneys in bush offices through more direct supervision and mentoring. While this position is too new to evaluate its impact on retention, the other initiatives have proven successful in helping staff feel part of one large law firm.

Other initiatives to support and retain advocates of all levels of experience, including those in bush offices, are discussed below under Finding 11.

Recommendations:

III.1.8.1. ALSC is encouraged to develop transition plans in anticipation of departure of key staff, particularly those in rural offices.

III.1.8.2. ALSC should consider expanding its orientation for new attorneys, especially those slated to work in bush offices, to include:

- a. substantive law training (could be in-house by staff)
- b. cultural competency training
- c. meeting with former staff of the office, if possible, and
- d. orientation to the particular location.

III.1.8.3. To help prevent attrition due to isolation, ALSC is encouraged to consider ways to bring staff working in rural offices into one of the larger offices for a period of time, perhaps in an exchange with a staff member from the larger office.

Finding 9: ALSC represents clients in a wide range of cases across all priority areas.

At the time of the visit, the size of ALSC advocate caseloads ranged from nine to 76, with an average of 25 open cases. The variation appears to result from newly hired attorneys building up their caseloads and some more experienced attorneys having a number of open cases that could or should be closed. With the exception of attorneys whose cases are predominantly related to tribal issues, advocates handle a variety of case types covering all program priorities. Interestingly, several advocates handle just a few cases in their chosen substantive team focus area, but the PQV team notes that this apparent dichotomy is beneficial in that it allows these advocates to expand their areas of expertise and issue spotting skills.

In 2013, ALSC closed 1658 cases, 905 under its basic field grant and 753 under the Native American grant. Of the total number of cases closed, 75% were limited services and 25% were extended. Cases were well distributed among program priorities (family 27%, Housing 22%, Health 15%, Income Maintenance 8%, Consumer 8%, and

miscellaneous – predominantly wills and tribal issues 16%), and across the service area. Indeed, in 2013 ALSC closed cases from each of the 36 boroughs and/or census areas in Alaska except the Aleutian East Borough and the Skagway Municipality (which according to most recent census figures, has very few poor people). Perhaps what is most impressive about this coverage is that the cases from all but one borough included extended casework, as opposed to advice or limited services.

In 2013, ALSC’s basic field total, extended, and contested closed cases per 10,000 poor persons were below national LSC grantee medians (111 vs. 211 basic field total, 26 vs. 47 extended, and 18 vs. 26 contested). This discrepancy results in part from the access challenges posed by climate and geography. In addition, many ALSC cases involved significant resources and as discussed under Finding 10, below, their benefits to the client community have been exceptional. Moreover, while there are no national CSR comparisons for cases handled with Native American funding, the visit team’s experience reviewing other statewide Native American grants and programs suggests that ALSC’s case closings would exceed the median of those programs.

Finding 10: ALSC’s legal work is strategic, aggressive, and of high quality. It includes complex litigation that has a significant impact on the client community.

The writing samples submitted in response to the pre-visit document request are reflective of high quality assistance on a wide array of issues, and in a variety of forums. Submissions covered all priority areas including housing, consumer, family, health, public benefits, and various tribal issues. The writing samples involved matters pending in state trial and appellate courts, federal court, and various levels of administrative tribunals. Five writing samples were briefs filed in the Supreme Court of Alaska. While a handful of the writing samples could have benefited from some supervisory edits, the vast majority were of extremely high quality.

The administrative and state court judges interviewed by the visit team were unanimous in their praise of ALSC attorneys. These judges described the work of the attorneys who appear before them as “cutting edge” and the attorneys as “always thoroughly prepared” and “aggressive yet reasonable.” More than one judge opined that ALSC attorneys are among the best advocates in their particular jurisdiction. It is a testament to the quality of ALSC legal work that the Chief Justice of the Alaska Supreme Court recognizes the quality of the program in her annual report.

What is most remarkable, particularly given the size of the program compared to the service area, is the breadth of the legal work and the extent of program engagement. This legal work is being performed by a number of attorneys throughout the program, and includes co-counseling across offices. While many legal services programs can boast accomplishments in one or two areas, ALSC legal advocacy has resulted in significant benefits for the client community in the areas of tribal, housing, foreclosure, consumer, family, and health law. This litigation includes frequent use of written discovery, depositions, expert witnesses, and appeals.

A review of recent litigation reports to the ALSC board of directors shows that approximately fifteen attorneys are involved in major pieces of litigation. Recent examples of litigation include: (1) *Denny, et. al., v. State of Alaska, Department of Health and Human Services*, 3 AN-12-5508 CI (Superior Court, Anchorage) challenging the state's failure to provide Medicaid recipients who are denied prescription drug coverage with written notice of that denial and of their due process right to appeal. The case settled when the state agreed to change its procedures and to require pharmacies to distribute written pamphlets to Medicaid recipients, explaining how to appeal a denial of coverage. (2) *PB v. State*, 1JU-13-739 (Superior Court, Juneau, August 2013), enjoining the state from issuing new rules that would reduce Medicaid community-based personal care services to persons with disabilities without consideration of individual need, thereby putting seriously disabled persons at risk of harm and at risk of having to move to a more restrictive environment in contravention of *Olmstead v. L.C.* (3) *Kashawn Thomas v. Alaska Housing Finance Corporation*, 3AN-12-12947 (Superior Court, Anchorage), seeking to enjoin the state housing authority from removing an applicant from the Section 8 voucher wait-list without providing written notice of the decision or any right to appeal the decision. The case settled, resulting in a court order requiring the housing authority to afford due process rights to all persons on its wait-lists.

The visit team was also impressed with the program's overall culture of continued learning and openness to change, and staff interest in taking on new projects and/or increasing extended representation.

Finding 11: ALSC utilizes several mechanisms to support and retain advocates of all levels of experience.

ALSC leadership understands the need to support advocates, particularly given the isolation that can result from the climate and geography of the service area.

One mechanism for encouraging communication and support is the weekly program-wide case acceptance meeting, which is used to strategize ongoing cases as well as to make decisions on what cases to accept. Advocates from most offices participate, and those interviewed generally found these meetings to be very helpful. The Juneau office and its Ketchikan satellite staff tend to meet separately to discuss intakes and ongoing cases from southeast Alaska.

Since the 2007 PQV, ALSC has implemented interoffice advocacy teams to encourage collaboration and support among staff. Each attorney is required to join one of four advocacy teams: tribal, child welfare, housing and consumer, or health and public benefits. Teams develop yearly strategic plans and meet monthly to discuss ongoing implementation of those plans. Common matters are often co-counseled across offices and if appropriate, across teams. However, while various attorneys lead the teams, no single person coordinates the activities of all teams, and it appears that only the executive director attends all team meetings.

Although recommended in the 2007 PQV report and referenced in the program's training protocols, ALSC does not have a program-wide litigation director/director of

advocacy. It does employ a highly experienced statewide litigation attorney who routinely co-counsels with or mentors staff on more complex cases. Advocates may request assistance on a specific case, or can ask to co-counsel a pending case to enhance their skills. Attorneys are encouraged, but not required, to avail themselves of this opportunity, and those who have done so described his guidance as invaluable. ALSC has a well-used internal listserv, and staff members routinely communicate with each other as issues arise. There is not currently an easily accessible brief/pleadings bank, although this is being planned.

Advocates are encouraged to attend trainings. Training is available through state bar programs, free PLI trainings, during the annual all staff meeting (which includes national guest trainers), and each attorney has the option to attend one national level training per year. New attorneys are sent to NITA training. Training for non-attorneys appears to be more limited. Two ALSC attorneys currently participate in the Shriver Center Racial Justice Training Institute. There does not appear to be a central person responsible for identifying available training.

As discussed under Performance Area Four, mechanisms to support and retain staff also include liberal leave policies and cost-of-living adjustments for personnel in rural offices.

Recommendation:

III.1.11.1. LSC continues to encourage creation of the position of Litigation Director or Director of Advocacy, whose duties could include, among other activities:

- a. coordinating all program advocacy
- b. attending all team meetings
- c. facilitating group case acceptance meetings
- d. identifying and planning staff trainings
- e. developing a brief and pleadings bank
- f. co-counseling, and
- g. supervising the supervising attorneys.

Finding 12: While there is no question that there is a culture of collaboration throughout the program, ALSC does not have formal legal work supervision protocols, and as a result, supervision varies among offices.

Each office has a supervising attorney whose responsibilities include oversight of smaller offices in the region. As noted previously, ALSC recently created a position of rural supervising attorney, whose responsibilities will include supervision of the four rural offices. At the time of the visit, a supervision plan for this position had yet to be developed.

ALSC has written protocols for file maintenance, calendaring, and case review. While the New Attorney Training Protocol addresses mentoring and supervision for first year lawyers, and program-wide case acceptance meetings afford supervisors a review of new cases, ongoing case supervision is usually self-directed. Individual supervision ranges from weekly or biweekly scheduled meetings to informal open door policies.

Advocates fill out twice-yearly case status reports, but these reports are not always used as a supervisory tool beyond moving dormant cases. Use of the New Attorney Training Protocol as a supervisory or professional development tool is also uneven. Supervisors are not consistent in their use of the case management system as a supervisory mechanism.

Recommendations:

III.1.12.1.* ALSC should develop supervision protocols to be uniformly followed throughout the program. Tools to consider include periodic scheduled individual meetings with advocates (frequency depending on experience), periodic review of New Attorney Training Protocols, annual in-person hands-on full case review (more frequently with new attorneys), and development of a professional development/training plan for all staff. (The last two items could be part of the yearly evaluation).¹⁰

III.1.12.2.* ALSC should develop a work plan for supervision and coordination of the newly designated rural unit’s legal work.¹¹

Legal Representation of Alaska Natives

Finding 13: ALSC engages in high quality, meaningful legal assistance to Alaska Natives throughout the service area.

Representation of Alaska Natives is uniquely challenging because of the geographic isolation of client populations, severe weather, extreme economic disparity, lack of technology infrastructure, limited English proficiency or literacy, and reliance on hunting and fishing subsistence. These conditions also impact the living and social conditions for ALSC attorneys working with this constituency.

ALSC uses its Native American funding to represent both tribes and tribal members. Primary areas of focus include child welfare under ICWA, Native Allotments, subsistence rights, and tribal court development. Individual Alaska Natives are also afforded legal assistance and representation on legal issues addressed by ALSC basic field priorities. Because priorities are customized for each ALSC office, issues associated with Alaska Natives may be ranked higher in offices where they are the predominant client community, including Bethel, Juneau, Ketchikan, Nome, and Kotzebue. ALSC has exceeded its outcome projections in its Alaska Native priority areas.

The Native Law/ICWA unit includes designated staff (a supervising attorney and staff attorney in Anchorage, and a staff attorney in Bethel), but other staff members include Alaska Native cases among their caseloads, and all offices report closing Native cases. It was unclear to the team how ALSC determines which cases should be closed as Basic Field, and which should be closed as Basic Field-Native American.

¹⁰ ALSC’s Response to the Draft Report describes measures taken to implement this recommendation, including the adoption of a statewide supervision protocol and inclusion of a professional development/training plan in staff evaluations.

¹¹ ALSC’s Response to the Draft Report states that the program has completed a work plan for the rural office supervisor that addresses supervision and coordination of legal work.

ALSC advocates are highly regarded by the Alaska Native community and the judiciary. They are well known for generating favorable outcomes for individual clients, as well as prevailing in complex litigation that impacts the entire Alaska Native community. Because only one tribe in Alaska is situated on a “reservation,” ALSC has for many years represented tribes and/or tribal members in jurisdictional disputes involving tribal vs. state authority on such issues as law enforcement, health care, child protection, and hunting/fishing rights. The program recently prevailed in the landmark case, *Kavairlook v. Kempthorne*, 1:06-CV-1404 (U.S. District Court for the District of Columbia, March 2013), which it co-counseled with the Native American Rights Fund. The Court in *Kavairlook* affirmed the ability of the U.S. Secretary of Interior to take land into trust on behalf of Alaska tribes and acknowledged the rights of Alaska tribes to be treated the same as all other federally recognized tribes. (Once land is taken into trust status it may be considered “Indian Country,” allowing a tribe to exercise jurisdiction to protect the health and welfare of its members.) On April 30, 2014, the U. S. Department of Interior issued proposed regulations to implement the court’s order.

Other significant litigation on behalf of Alaska Native tribes or their members includes: (1) *Native Village of Tununak v. State of Alaska, Office of Children’s Services*, S-14562 (Alaska Supreme Court, June 2013) overturning 30 years of court precedent by raising the state’s burden of proof under ICWA in order to place Alaska Native children in homes other than with family or tribal members. (2) *Central Council of Tlingit and Haida Indian Tribes of Alaska v. State of Alaska, et al.* 1JU-10-376 CI (Superior Court, Juneau, currently on appeal to Alaska Supreme Court), challenging Alaska’s refusal to recognize and enforce child support orders issued by tribes. The trial court granted ALSC’s motion for summary judgment, and the state has appealed. *Amicus* briefs in support of the tribe have been filed by NARF and the U.S. Department of Justice.

ALSC staff work collaboratively with Alaska Native and national organizations established to advance the individual, economic and sovereign tribal rights and authority of Alaska Natives. These organizations include the Alaska Federation of Natives and its 12 regional Native corporations, non-profits, tribes, and village consortiums; the Native American Rights Fund (NARF); and domestic violence, homeless prevention and other shelters serving the Alaska Native community. The program also created and maintains www.alaskatribes.org, a website dedicated to providing Alaska's Native tribes with resources and information regarding tribal courts and participation in state court proceedings. Staff also conduct frequent CLEs and other trainings on tribal law. In 2012, ALSC completed the first Alaska Tribal Court Directory, which lists ninety tribal courts across the state and the types of cases they handle. Alaska Chief Justice Dana Fabe has recognized ALSC’s excellent work on behalf of Alaska’s rural and Native American people in her 2013 State of the Judiciary address.¹²

¹² In her 2013 State of the Judiciary address, Alaska Chief Justice Dana Fabe states: “... Alaska Legal Services Corporation has played a vital role in rural justice delivery for over four decades, and continues to provide civil legal assistance to many rural residents each year. The value of Alaska Legal Services Corporation’s presence in our rural regions cannot be overstated, and the detailed directory it has created no doubt stems in part from its familiarity with, and long-term commitment to, the legal needs of Alaska’s

Recommendation:

III.1.13.1.* ALSC should clarify its guidance to staff on which cases are assigned and reported to LSC as Basic Field and which are reported under the Basic Field-Native American Grant.¹³

Criterion 2. Private attorney involvement.

Finding 14: ALSC collaborates with bar associations, other legal services providers, the courts, and other community partners to effectively involve private attorneys in its work.

ALSC has a comprehensive written PAI plan that describes the activities to be undertaken to include private attorneys in its work. All PAI involvement is pro bono. The pro bono program has an advisory committee comprised of the Alaska Bar Association’s pro bono director and executive director, representatives of the four largest local bar associations in the state, the court system, and three pro bono attorneys.

ALSC and the Alaska Bar Association collaborate on recruiting, training, and recognizing volunteers. ALSC’s pro bono activities are coordinated by the director of volunteer services and community support (pro bono director), in cooperation with other ALSC staff and under the direct supervision of the executive director. This staffing appears to be sufficient. The pro bono director attends the Equal Justice Conference and is a member of the National Association of Pro Bono Professionals (NAPBPro). She places cases, follows up on cases placed, and with the Alaska Bar Association, coordinates recognition and support for volunteers.

ALSC also enjoys a collaborative relationship with the other principal user of volunteer attorneys – the Alaska Network on Domestic Violence and Sexual Abuse. The ALSC website includes a pro bono section offering information about pro bono service and descriptions of cases in which an attorney is needed.

Volunteers include attorneys in private practice as well as those who work in the Office of the Attorney General and other government agencies. Volunteers are provided with a number of opportunities to serve, not all of which result in reportable cases. This factor, plus others described below, appear to contribute to ALSC’s low number of closed PAI cases relative to national medians.

The following models use volunteer attorneys to serve eligible clients, and the cases are included in CSR reports to LSC: (1) individual cases – primarily, but not exclusively, family law and wills/estates; (2) attorney-of-the-day partnership with two

rural people. The directory will greatly enhance the ability of state and tribal courts to connect, communicate, and develop a network of working relationships – all very important steps on the path toward demystifying state and tribal court processes, fostering common understanding, and building the bonds of shared purpose.” Chief Justice Dana Fabe, State of the Judiciary, February 13, 2013.

¹³ ALSC’s Response to the Draft Report states that such a memo was distributed to all staff on November 5, 2014.

Anchorage law firms, through which volunteers come to ALSC office and provide advice and or brief services; (3) some clinics and day of service events at which volunteer attorneys provide legal assistance to individuals; and (4) adopt-a-region collaboration with larger law firms to serve remote rural areas, currently the North Slope and Kotzebue region, although these collaborations have not been quite as successful as envisioned. Some volunteer attorneys also serve as mentors to other volunteers. ALSC staff have also co-counseled with private attorneys in major cases.

In 2013, ALSC closed 46 pro bono cases, up from 34 in 2012. Of the cases closed in 2013, 37% were consumer, 13% were employment, and 26% were family, and 13% were housing. Limited services were provided in 80.4% of those cases. ALSC closed 5 cases per 10,000 poor persons (*vs.* the national median of 21), of which 3 were extended (*vs.* 7 national median), and one was contested (*vs.* 2 national median). ALSC is hopeful that the number of cases closed in 2014 will increase.

ALSC uses non-LSC funding to coordinate participation of volunteer attorneys in “information-only” events that do not require participants to be screened for LSC eligibility and do not result in CSR reportable cases. The program coordinates with local bar associations to conduct *pro se* bankruptcy, family law, and landlord-tenant law clinics at which volunteer attorneys give presentations and provide legal information to participants. ALSC also coordinates a monthly statewide landlord-tenant helpline at which attorneys provide legal information to callers. These events are reported as “Other Services.”

ALSC also supports a third volunteer attorney project, the court-based and court-funded Early Resolution Project (ERP), which also does not require participants to be screened for LSC financial eligibility or result in CSR reportable cases.¹⁴ ALSC’s role is to promote the project, recruit volunteer attorneys in conjunction with the Alaska Bar Association, and provide training to volunteers. This project does not use LSC funds and ALSC does not allocate its costs to PAI. The ERP utilizes volunteer attorneys and volunteer mediators to resolve certain family law cases through the provision of unbundled legal assistance at the courthouse. Each month, the family court judge selects cases where one or both parties are *pro se*, and which the judge believes have a good chance of prompt resolution if both parties have short-term representation by an attorney. The court schedules a special ERP hearing and litigants are ordered to attend. Volunteer attorneys represent the litigants for that day only, providing legal advice and negotiating with the opposing party’s attorney to reach a settlement. The Alaska Supreme Court touts this project, currently operating in Anchorage, Palmer, and Juneau, as a success for courts, volunteers, and litigants.¹⁵

¹⁴ ALSC’s Response to the Draft Report states that the ERP “does employ screening to assure that [the] program does not run afoul of the other LSC restrictions.”

¹⁵ This Program Quality Visit was conducted by the Office of Program Performance (OPP) for the purposes set forth in the introduction. Assessment of the statutory and regulatory compliance aspects of ALSC’s intake screening for PAI clinics and court-based projects was not under the scope of this review.

ALSC's pro bono efforts are challenged by the limited number of attorneys in the state, the barriers posed by geography, and the lack of a law school from which to draw law professors and law students into service to ALSC clients. A new initiative by Seattle University to offer a third year satellite program in Anchorage may help to address this challenge. ALSC has begun exploring opportunities for collaboration.

Another factor affecting the number of cases that ALSC reports to LSC is that the program reports a significant number of individual cases handled by pro bono attorneys on behalf of Alaska Native clients as closed under the NA grant, rather than as Basic Field-PAI. Currently, there is no mechanism to capture pro bono cases closed under the Native American grant in the Grantee Activity Reports.

Despite the relatively low number of cases closed as PAI, the ALSC pro bono program appears to be infused with new energy. The number of PAI cases closed increased slightly from 2012 to 2013 (from 34 to 46, and from 4 to 5 per 10,000 poor persons), and is projected to increase further in 2014. In addition, the pool of volunteer attorneys has increased from 2013 to 2014, as has the number of donated hours.

Recommendations:

III.2.14.1. ALSC should continue to explore ways to effectively involve volunteers in the provision of services to clients.¹⁶

III.2.14.2.* ALSC should clarify its guidance to staff on which cases are assigned and reported to LSC as Basic Field-PAI and which are reported as Basic Field-Native American.¹⁷

III.2.14.3. ALSC is encouraged to develop systems to quantify the services provided to persons to whom information, rather than legal advice, is provided, including the number of volunteer hours, and to include the data in its PAI plan or Other Services Reports to LSC, as appropriate.¹⁸

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

Finding 15: ALSC staff maintain a high level of engagement with the communities they serve by conducting a wide range of community education and other programs for consumers and participating on boards and committees of stakeholder organizations.

ALSC staff make regular presentations at domestic violence shelters, senior centers, tribal gatherings, and community agencies throughout the service area. Over the past 24 months, ALSC has conducted more than 100 community legal education events

¹⁶ ALSC's Response to the Draft Report describes activities since the PQV.

¹⁷ ALSC's Response to the Draft Report states that such a memo was distributed to all staff on November 5, 2014.

¹⁸ ALSC's Response to the Draft Report states that this recommendation is being implemented.

on a wide variety of subjects targeted towards specific groups. Audiences include persons experiencing homelessness, domestic violence victims, veterans, seniors and their caregivers, at-risk youth, foster parents, and those experiencing mental illness. Topics include divorce, custody, protective orders, wills, probate, powers of attorney/advance directives/end of life care, guardianships/conservatorships, landlord/tenant issues, employment, fraud/elder fraud, consumer protection, debt collection/garnishment, and Medicaid issues. Other programs are targeted to Alaska Native audiences and address such issues as tribal code development, tribal court jurisdiction, enforcement of tribal court orders, and traditional Native justice systems. Staff also participate in events such as Homeless Connect, Veterans Stand Down, and Tribal conferences.

ALSC also conducts numerous *pro se* divorce and custody, housing, and bankruptcy clinics in communities throughout the service area. Some clinics offer information only, as these events are open to the public and include persons referred by the courts or local shelters. Other clinics are limited to persons who have been screened and referred through ALSC's intake process. ALSC works closely with the Alaska Court System's Family Law Self-Help Center to avoid duplication of efforts and to utilize the same forms, in order to avoid confusion for those who may both attend ALSC classes and consult the Self-Help Center.

Staff in rural offices routinely appear on local radio shows, which are a major outlet for information, to discuss ALSC and current legal issues. Anchorage staff has also collaborated with the state library system to present a statewide housing seminar for consumers.

ALSC maintains three websites on which are posted numerous informational materials and videos: the ALSC website, www.alsc-law.org, is easy to navigate and includes information about ALSC, office contacts, a list of board members, downloadable applications for service, a calendar of upcoming clinics, and links to other resources including www.alaskalawhelp.org, www.alaskatribes.org, and the family law self-help video series at www.aklawselfhelp.org. [Alaskalawhelp.org](http://www.alaskalawhelp.org) includes links to 26 short videos that ALSC produced in collaboration with the Alaska Court System's Self-Help Center with funding from LSC's TIG program. Each video includes a vignette covering a frequently asked family law question, with options for how a self-represented litigant could appropriately respond. The videos are also available in Spanish and Tagalog.

ALSC staff members are expected to participate in stakeholder organizations and coalitions serving the client community, and several staff serve on boards of these groups. These include local and regional homeless coalitions, senior service organizations, domestic violence shelters, and Tribal groups and coalitions. ALSC's executive director was appointed by the Municipality of Anchorage to the Housing and Neighborhood Development Commission's Homelessness Oversight Sub-Committee. In this role, she has been shepherding the development of a plan to prevent and end homelessness in Alaska's largest city.

Recommendation:

III.3.15.1. ALSC is encouraged to expand its *pro se* clinic locations, offerings, and regularity, as resources permit.

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

Criterion 1. Board governance.

Finding 16: The ALSC board of directors demonstrates a commitment to the program and its mission, is appropriately involved in major policy decisions, and is asserting effective oversight.

The ALSC 15-member board of directors is appropriately diverse and reflective of the service area. Attorney members are appointed by the Alaska Bar Association and client-eligible members, known as “lay” members, are appointed by Alaska’s Regional Native non-profit organizations.

The ALSC by-laws provide for appointment of alternate members for each position. Alternate members receive all board materials and may attend all meetings; they vote only when the primary member is unavailable.

New board members receive in-person orientation that includes an overview of their responsibilities and of the LSC Act and Regulations. During the past 24 months, board members have also received training on financial oversight. However, opportunities for board governance training have not been substantial.

The board exercises its fiduciary role and responsibilities effectively. It meets quarterly, twice in person and twice by telephone, and meetings enjoy high attendance and participation by members. ALSC reimburses members for travel expenses. Board packets are distributed electronically at least two weeks prior to meetings and are also available in hard copy upon request. The agenda includes reports of the president, treasurer, and standing committees, as well as a time for public comment. The board packet routinely includes a written report from the executive director covering all aspects of program activity, financial reports, a development report, litigation report, and drafts of policies, resolutions and other materials requiring board action. The executive committee acts on behalf of the board between meetings.

The finance and audit committee is responsible for financial oversight of the organization. It convenes as needed, and its activities tend to be handled by the full board during quarterly meetings. The full board receives quarterly financial statements; approves and when appropriate, revises the annual operating budget; and selects the fiscal auditor and receives the audit findings. At least one board member has some expertise in accounting.

Board members support and participate in local and statewide resource development activities, including the Robert K. Hickerson Partners in Justice

Campaign. The board is also directly responsible for oversight of the Investment (Endowment) Account and recently reviewed and amended the ALSC investment policy. During the past 24 months, the board also considered and approved staff salary scale adjustments; approved the opening of an office in Barrow funded by the North Slope Borough; participated in a strategic planning process that will guide ALSC operations for the next five years; and considered and approved program priorities.

Lay members who were interviewed feel respected and empowered to participate actively in board discussions and activities. They are expected to serve as liaisons between ALSC and their appointing entities, and to notify ALSC of issues of concern to their communities. In 2013, one lay member voiced concern that state restrictions on King Salmon fishing were causing great hardship in the region he represented. His feedback led ALSC to move subsistence cases from medium to high priority for the office serving that region. The involvement of lay members has also resulted in concrete benefits for ALSC, including donations of office space, monetary contributions, and in one instance, funding for an attorney position, by villages/tribes.

A committee of the board evaluates the executive director every three years in a process that includes a self-evaluation, staff surveys and interviews, and solicitation of feedback from community partners. The executive director and the board president meet regularly in person and communicate as needed by telephone and email. The board also supervises the statewide litigation attorney.

Recommendations:

IV.1.16.1.* The board should be provided training in board governance and fiduciary responsibility.¹⁹

IV.1.16.2.* To enhance financial oversight, ALSC should consider having the finance and audit committee review financial reports on a monthly basis, and the full board continue to review quarterly financial reports.²⁰

Criteria 2 and 3. Leadership; Management and Administration.

Finding 17: ALSC’s highly respected leadership team promotes a shared vision for the organization and encourages excellence, innovation, and achievement of goals and objectives.

ALSC’s executive director is an experienced legal services attorney held in high esteem by staff, members of the judiciary, and external partners. Resources and services have increased and diversified under her leadership, and the quality of legal work remains high. She actively seeks opportunities to enhance her own and her staff’s knowledge, and to increase ALSC capacity. She has also become more active on a national level. Most

¹⁹ ALSC’s Response to the Draft Report states that this recommendation is being implemented, with training to take place on December 6, 2014.

²⁰ ALSC’s Response to the Draft Report states that this recommendation has been implemented.

recently, she was invited to participate in the NLADA “Where Health Meets Justice” fellowship program to learn more about healthcare organizations, financing and priorities. She also participated in “Partnering for Native Health, Addressing Medical-Legal Partnerships,” a recent summit convened on the Navajo Nation.

In addition to the executive director, the executive management team includes the controller and the administrative director. The broader leadership team also includes supervising attorneys, the statewide litigation attorney, the four substantive focus team leaders, and the director of volunteer services and community support. Program administration also includes an experienced technology coordinator and a communications and development coordinator. Taken as a whole, this team has many years of experience, works well together, and is respected by staff and the board of directors.

ALSC centralizes all of its policies and procedures in a Policies and Procedures Manual that is maintained electronically and is systematically updated with board approval. The program is conscientious in the management and reporting of grants, including compliance with LSC Regulations.

ALSC has not adopted a written succession plan, but does provide opportunities for attorneys to acquire leadership skills by managing offices, grants, and projects. Some attorneys have received leadership training through national organizations, e.g., Shriver Center Leadership and Supervisory Skills Training, and MIE Management Excellence Training. One goal of the cross-office “team leader” concept was to develop a diverse group of leaders from within the program. In addition, members of the leadership team are cross-trained in ALSC’s core functions to ensure continuity of administrative operations in the event of an emergency or other transition. These efforts are reflected in practice: almost all members of ALSC’s leadership and management teams have been promoted from within the program.

Technology

Finding 18: ALSC strives to make the best use of available technology throughout program operations, but it lacks the technology needed to support a more sophisticated intake system or some other functions.

The ALSC technology team includes the executive director, the administrative director and the technology coordinator. Technology planning is integrated into overall service delivery planning and includes input from staff and assessment of program, client, staff, and pro bono needs. The plan sets out in detail each of ALSC’s capacities and how they meet the criteria as set forth in the LSC document *Technologies That Should Be in Place in a Legal Aid Office Today* (2008 Baseline Technology Report). The plan also includes the following goals for the upcoming year: continue development and revision of formal policies regarding access rights retention and disposal of electronic records; continue to update and improve the statewide self-help website; and increase training in remote offices to ensure proper use of off-site back-up.

The technology coordinator maintains and upgrades program systems, trains staff, and trouble-shoots issues as they arise. Workstations include up-to-date computers. ALSC uses the PIKA case management system. However, as discussed above, it is not yet used for direct entry of applicant information during intake, or as a tool for legal work supervision.

ALSC does not have videoconferencing equipment, but has been resourceful in its use of web-based programs such as Google Chat for inter-office meetings, including case review meetings. Nor does ALSC have the technology it would need for a more sophisticated intake system. For example, the current telephone system would not support coordinated statewide intake as it does not permit the transfer of calls among all offices.

Staff appear to be satisfied with the technology available to them, with the caveat that bush offices have frequent connectivity problems due to a lack of bandwidth. Staff also report that any issues that they may have with technology are addressed promptly.

ALSC operates the websites described under Finding 15, above, and also uses social media including Facebook, to push out its message to the public, to potential volunteers, and for fundraising.

Disaster Planning

Finding 19: ALSC's Draft Emergency and Disaster Recovery Plan is very-detailed and covers all elements that are crucial to a good disaster plan.

The ALSC disaster plan, which has not been finalized, is comprehensive. It addresses the safety of staff; identifies key disaster team members (Disaster Recovery Committee) and their responsibilities; sets out lines of communication; and discusses alternative workspace and the back-up of data. The roles of the Disaster Recovery Committee are defined in three stages: preparation for disaster, during the disaster, and after the disaster. An important component of the plan is its focus on recovery and restoring client services.

The plan does not identify who would serve in certain crucial roles if the designated person is unavailable to carry out that responsibility, and does not specify an alternate workspace should the ALSC offices be unusable. Addressing these issues prior to a disaster can save critical time.

Recommendations:

IV.2.17.1. ALSC should consider developing a formal plan for leadership development and succession that encourages all staff to pursue skills and qualities appropriate for emerging leadership.

IV.3.18.1. ALSC should explore fundraising opportunities that could result in improved technology, including intake enhancements and videoconferencing equipment.²¹

IV.3.19.1. ALSC should revise its draft disaster plan to identify who would serve in critical roles if the designated person(s) cannot serve and to address where affected staff would work if ALSC office (s) are damaged and unusable.²²

Criterion 4. Financial administration.²³

Finding 20: ALSC appears to have processes and systems in place to address compliance with funder requirements as well as to guide and oversee day-to-day financial operations.

ALSC's fiscal team includes three full-time staff: controller, assistant controller, and accounting technician. The controller has a B.A. degree in accounting and many years of financial management experience, including as the ALSC assistant controller. Other members of the team also have the requisite skills and experience.

The ALSC operating budget is developed through a review by the leadership team of existing operational expenses and revenue projections, with input from supervising attorneys. This draft budget is presented to the full board for consideration.

Financial reports are generated monthly for management and quarterly for the board. ALSC receives unqualified fiscal audits, and audit firm representatives are rotated periodically. As noted under Finding 16, above, a better practice would be to provide the monthly reports to the board audit and finance committee.

Criterion 5. Human resources administration.

Finding 21: Human resources management is effectively handled by the controller under the supervision of the executive director.

ALSC does not have a full-time dedicated human resources position. Instead, human resources management, including administration of the employee benefits plan, is handled by the controller under the supervision of the executive director. Outside consultation is provided as needed by the Foraker Group, a local non-profit support organization, and by a local attorney with expertise in employment law.

²¹ ALSC's Response to the Draft Report describes activities being taken to implement this recommendation.

²² ALSC's Response to the Draft Report states that this recommendation has been considered and implemented in part.

²³ This program quality 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.

Staff receive evaluations on a close to annual basis. ALSC makes an effort to provide salaries and benefits sufficient to retain a high quality staff. The board reviews the salary scale and benefits annually, and increased salaries in May 2014. Staff in bush offices receive a cost-of-living adjustment. ALSC does not sponsor its own loan repayment assistance program, but ALSC attorneys have participated in the LSC LRAP in the past. The program also offers up to three weeks of paid bar exam preparation leave. Vacation leave is generous, starting at six weeks per year and building to nine weeks. This leave does not carry over and has no cash value, but it can be banked for use in serious medical circumstances, in lieu of disability leave.

Staff accomplishments are recognized internally and through nominations for outside awards.

ALSC makes an effort to provide training for administrative support staff, and recognizes that more is needed. During the past year, support staff have received training on use of the case management system and on the LSC regulations, and on medical-legal partnerships, among other topics. A training session on workplace violence is being planned.

Recommendations:

IV.5.21.1.* ALSC is urged to provide the controller with training in employment and other human resources related laws and regulations.²⁴

IV.5.21.2. ALSC is encouraged to seek out continued training opportunities for support staff. Topics could include customer service, interviewing skills, cultural competency, and technology.

Criterion 6. Internal Communication.

Finding 22: Internal communications are effective and result from a variety of excellent practices.

Interviews and responses to the pre-visit confidential staff survey indicate that ALSC has very effective internal communications. In addition to informal communications, there are monthly supervising attorney meetings, monthly team meetings, weekly case acceptance/review meetings, the executive director's newsletter – the ALSC Scoop, and blast emails on topical issues. The team structure has helped to promote communication across offices.

Board materials are provided in advance to all staff, and the board meeting agenda includes an opportunity for staff to call in and listen or comment. The annual all staff meeting is an opportunity for training, team meetings, and socializing.

²⁴ ALSC's Response to the Draft Report describes how this recommendation is being implemented.

All staff reported that they feel part of a single law firm and that they are free to email or otherwise contact others.

Criterion 7. General resource development and maintenance.

Finding 23: ALSC's resource development effort is sufficiently staffed, effective in expanding its funding base, and coordinates effectively to utilize outside resources.

ALSC employs an experienced non-profit development professional as director of volunteer services and community support.²⁵ She is a past-president of the Alaska chapter of the Association of Fundraising Professionals. She is assisted by an experienced communications and development coordinator, and supervised by the executive director. The executive director has taken various courses in resource development offered in Alaska by the Foraker Group, and she attended the 2013 MIE fundraising conference.

As part of its strategic plan, ALSC has committed to sustaining its current diversified funding and expanding funding to support projects that meet its core mission. Goals include increasing annual revenues by 10% over the next 5 years in areas where funding supports the core mission; passage of filing fee legislation by the state legislature; increasing private, foundation, and corporate donations to a level of 10% of the overall annual program budget; and assuring that 50% of each office's funding is derived from community-based sources.

These strategies are having positive results. State appropriations increased from \$350,000 in 2012 to \$550,000 in 2013 and 2014. Funding from several local governments permitted ALSC to open a new office in Barrow full-funded by the North Slope Borough in 2012. ALSC anticipates receiving \$50,000 in attorney fee awards in 2014. It has not yet received proceeds of *cy pres* awards. The program's total revenue is projected to increase from \$3.6 million in 2011 to approximately \$4.2 million in 2014. Non-LSC funding was more than 63% of ALSC's total 2013 revenue.

ALSC's private fundraising campaign, the Robert K. Hickerson Partners in Justice Campaign, established in 1998, continues to generate significant revenue. In 2014, the program raised \$179,000, which is \$64,000 more than in 2013.

ALSC often collaborates with other service providers when seeking funding. Recent examples of collaborations include: joint applications with Catholic Social Services and Volunteers of America for funding to provide services to prevent homelessness among veteran and military families; and joint applications with two domestic violence shelters and tribal social services providers in the Dillingham and Bethel areas to support local staff.

Alaska's lack of a law school somewhat impedes ALSC's ability to leverage the resources of law students, but the program offers a summer internship that regularly

²⁵ The staff member in this position also manages the pro bono program.

draws students from the best law schools in the nation. As discussed above, Seattle University's new third year Alaska program should help to increase the use of law students.

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

Finding 24: ALSC is a key and highly respected member of the justice community in Alaska.

The sole LSC-funded organization in the state, ALSC coordinates and collaborates with other providers of legal services, including the Alaska Institute for Justice, Alaska Native Justice Center, and the Alaska Network on Domestic Violence and Sexual Assault.

The executive director has been appointed by the Chief Justice of the Alaska Supreme Court to serve on the Supreme Court's Civil Access to Justice Sub-Committee.

ALSC attorneys are expected to be active in the state bar, and in local bar associations where they exist. One staff attorney chairs the state bar Section on Unbundled Law. All members of the tribal courts and child welfare team are active in the Alaska Bar Association Native Law Section. ALSC attorneys founded, and two currently co-chair, the Alaska Bar Association Section on Service Members, Veterans & Military Families. One ALSC attorney is a past president of the Juneau Bar Association. ALSC attorneys are frequently called upon to present CLEs to the legal community.