



LEGAL SERVICES CORPORATION

Office of Program Performance

FINAL

Report From The
Program Quality Visit
To

Legal Services of Eastern Missouri, Inc.

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INTRODUCTION

Background on the Program Quality Visit

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a Program Quality Visit to Legal Services of Eastern Missouri (LSEM) on March 4 – 8, 2013. The team members were OPP Program Counsel, Mytrang Nguyen (team leader) and Angela Thornton; OPP Program Analyst, Althea Hayward; and LSC Temporary Employees, Robert Sable and Abigail Turner.

Program Quality Visits are designed to evaluate whether LSC grantees are providing the highest quality legal services to eligible clients. In conducting its assessment, the team reviewed the documents LSC received from the program, including recent grant applications to LSC, technology and PAI plans, workforce analysis charts, case reports, and other service reports. The team also reviewed the documents requested from the program which were submitted 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. On site, the team visited LSEM's offices in St. Louis and Union and spoke with staff located in St. Louis, Union, Hannibal, and the Clayton County Courthouse. The team also met with staff and stakeholders from the network of community service providers in the area as well as board members, law school partners, judges, and members of the bar.

In performing this evaluation of LSEM'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 evaluation and this report are organized according to the four LSC performance areas that cover: 1) legal needs assessment and priority setting, 2) engagement with the low income community, 3) legal work quality and management, and 4) organizational leadership, including board governance, administration, resource development, and coordination within the delivery system.

Program and Service Area Overview

Legal Services of Eastern Missouri was first incorporated over 50 years ago as the Legal Aid Society of St. Louis. It serves a 21 county area in the eastern region of the state which is a mix of urban and rural areas. According to 2010 U.S. Census data provided by the organization in its LSEM's 2010 Priorities Planning Report, 14.6% of the state's total population lives below the poverty level, and 26.7% live below the poverty level in St. Louis City, which is the LSEM service area's urban core and most populated and economically distressed area. In the same report, the organization cites data which shows 48% of African American Missourians living in poverty.

At the time of the visit, the organization had a total of 63 staff of whom 53 were in St. Louis and 10 were in the Union, Hannibal, and Clayton County Courthouse offices. Also, three months prior to the LSC visit, LSEM had completed a series of early retirements and layoffs of 16 staff members, which equals 18.8% of its total staff since 2010. In the central St. Louis office, the

organization has twelve different substantive units and projects: Advocacy and Referral Team (intake), St. Louis Children's Health Advocacy Project (medical-legal partnership), Community Economic Development Project, Children's Legal Alliance (education), Immigration Law Project, Health and Welfare Unit (public benefits, and which includes the Advocates for Family Health Project), Lasting Solutions Project (family), St. Louis County Family Court Project, Housing Unit, Consumer Unit, Volunteer Lawyers Program, and the Social Work Department. The Associate Director of Client Services and the Director of Advocacy oversee and support these units and the Union and Hannibal offices.

Summary of Findings

There are a number of notable characteristics about LSEM as an LSC grantee and as a civil legal aid provider. The information, materials, and interviews provided and studied as part of this Program Quality Visit demonstrate a consistent picture about the organization and its deeply held values of client-centered services and strong and systemic advocacy. LSEM's approach to ensuring that its values guide its services, involves a coordinated message from leadership which was consistently echoed as each staff person described their work to the LSC team. LSEM's day-to-day operations and organizational policies, such as its operations manual, annual action plans, committee work, and client surveys, also consistently seek accountability from its staff on ensuring client-centered services and strong advocacy.

In 2010, LSEM adopted a strategic plan containing many of the same findings on the organization's core strengths cited in this report: client-centered and holistic services; a mix of individual service and impact advocacy; high-quality, mission-driven staff; strong resource development performance; and private bar support. A paragraph in LSEM's Strategic Plan succinctly captures the essence of their work and approach to services to clients:

The heart of legal aid is the positive difference legal services make in the lives of our clients and their communities—outcomes of greater safety, stability, educational and economic opportunity for example. In keeping with our vision of client-centered services ... LSEM strives to provide clients with comprehensive high-quality legal services addressing multiple needs. That may mean additional cases per person served; holistic services incorporating LSEM social work staff to connect clients to other needed social services; and system-changing advocacy when the client's problem is due to flaws in the systems that fail to meet our clients' needs or violate their rights.

Client-centered and client-driven: LSEM places a premium on making a difference in clients' lives and being client-centered in all aspects of its work. This manifests in everything from the names of its substantive units, to its multi-discipline holistic services, strong interest in the use of data, and collaborations with hundreds of community groups and agencies that have contact with the client community. LSEM advocates are knowledgeable about issues facing clients and low-income communities, and they take pride in using strong advocacy to get results for their clients. LSEM's focus on obtaining meaningful results for clients is demonstrated by its accomplishments in a spectrum of cases from retroactively obtaining and doubling a young mother's monthly food stamp allocation to obtaining changes in state health insurance coverage for countless low-income people to receive necessary and life-changing care,.

Strong advocacy and lawyering: LSEM deeply values strong advocacy and has developed a capable and well-respected staff that fully embraces this. LSEM encourages excellent individual case work and also encourages work with broader impact for low-income people, which takes place in courts, agencies, and local municipalities on behalf of its clients.

In 2011 and 2012, LSEM underwent revenue reductions which resulted in a series of early retirements, grants ending, and layoffs totaling a loss of 16 staff members. During the visit, it became apparent to the LSC team that many staff members, and LSEM as a whole, were still adjusting to this significant loss and change. LSEM executive management was assessing how to adjust to the loss of staff in a comprehensive manner. For that reason, the LSC team sought to highlight areas for recommendation which could benefit the organization given its reduced staffing. These areas include strengthening and streamlining LSEM's centralized intake and engaging in collective strategies that address overwhelming client demand in the face of staff reductions and limited resources.

FINDINGS AND RECOMMENDATIONS

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

Finding 1: In 2010, LSEM engaged in a thorough needs assessment and strategic planning process which validated the organization's core areas of focus for services.

In 2010, LSEM engaged in a thorough needs assessment process as part of its priority setting process conducted every four years and its five-year strategic planning process. LSEM's Priorities Planning Committee is comprised of staff and interns who are graduate students in social work. As part of this collaborative process, LSEM studied multiple data sources on poverty and on changing client demographics in the state and in its service area. The process also involved sending surveys and conducting focus groups with clients, community service providers, and members of the legal community. The process also sought to ensure that hard-to reach-populations such as limited English speaking and rural communities provided input.

What is notable about LSEM's comprehensive needs assessment process is the time and attention the committee spent trying to capture meaningful client perspective and feedback. The graduate student interns in LSEM's Priorities Planning Committee were specifically tasked with obtaining client feedback, which resulted in nearly half of the total 650 returned surveys coming directly from clients, a remarkable return.

Finding 2: In developing practice areas to deliver services, LSEM balances core services for clients, emerging community needs, and funding and resource considerations.

LSEM has invested steadily in core areas of legal aid practice, particularly health and benefits work, as will be described below, and strives to maintain and develop other services. In 2011, after planning and acquiring funding, LSEM launched a community economic development project for low-income micro-entrepreneurs. In the time since the community development project launched, it has brought in new funding sources to the organization, including support

from banks, the city, and the business community. It has also garnered significant interest from pro bono volunteers. From its needs assessments in 2006 and 2010, LSEM also identified consumer matters and foreclosure work as areas impacting communities, and through its staff reductions it has managed to maintain an experienced consumer law attorney to litigate on behalf of clients on their foreclosure matters and debt and in predatory lending practices.

Finding 3: LSEM staff collects and studies data to understand communities and to strengthen its work and outcomes for clients.

In addition to its needs assessment process, LSEM has an active Outcomes Committee which has keen interest in reviewing and capturing client outcomes and using any data sources that will inform the program about the effectiveness of its work and validate that it is dedicating staff time and resources in the right areas. In client evaluations, the organization asks for feedback on each staff person, satisfaction with the handling of the case and case outcomes, and customer service issues. As with its needs assessment process, LSEM staff seek to have surveys returned by clients, then synthesize and review the data to compile into a report to share with staff and units to inform their work.

LSEM also formally captures non-case result outcomes from its attorneys, customizing Kemps Prime, the office case management system, to cover questions about myriad results for clients including economic benefits. During 2011 and 2012, LSEM explored the use of Geographic Information Systems (GIS) mapping, trained its staff on GIS software, and collaborated with a graduate social work intern who was trained in GIS mapping. The graduate student produced a report for LSEM whose title captures LSEM's interest in this area: "Legal Services of Eastern Missouri, Geographic Information Systems Report: The Potential to Improve Services, Evaluate Practice & Target Communities through Mapping." The report included a map showing the density of LSEM housing cases in its service area and a map of subsidized housing locations throughout LSEM's metropolitan St. Louis service area. The geo-spatial mapping analysis of a St. Louis City's homelessness prevention program highlighted the discrepancy between the location of the City's funding for homelessness prevention services and the areas in the city which experience the highest risk of homelessness.

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

Dignity and sensitivity

Finding 4: Since 2008, LSEM has operated a centralized intake system through the Advocacy and Referral Team (ART). The city and nearby suburbs generate a high volume of calls which are primarily handled by live calls and callbacks.

Since 2008, LSEM has operated a centralized intake system with a dedicated intake unit, the Advocacy and Referral Team (ART) based in St. Louis. Before 2008, each substantive unit in St. Louis and at the Hannibal and Union offices handled their own intake. There are four exceptions to the current centralized system, including the Clayton County Family Court Project and the Children's Health Advocacy Project, which are located offsite and receive referrals directly from the court and hospital partners. The Advocates for Family Health Unit is also not

part of the ART screening because it is a state grant-funded, separate Medicaid hotline within the Health and Welfare Unit. And the Immigration Unit performs its own intake to allow for efficient and thorough citizenship eligibility verification and provision of bilingual services.

Applicants who call LSEM for services are initially pre-screened by the St. Louis office managers and the receptionist who have a daily schedule they follow for coverage of incoming calls. ART staff are available for live calls Monday through Thursday 9:00 a.m. to 3:30 p.m. and for emergencies throughout the day. Each day, there is also a designated ART “Officer of the Day” to handle walk-ins or people coming in to drop off documents for pending intake applications in the St. Louis office. The Associate Director of Administration, who supervises ART staff, works in the area where the centralized intake staff is in order to provide counsel and advice to clients, particularly in family law, who are referred to her by the intake paralegals.

ART intake paralegals screen each applicant for conflicts, eligibility, and problem type, using substantive scripts which are prepared by the units to guide interviews. An overwhelming majority of clients, 98% according to LSEM data, access services through the toll-free number to ART, which receives an estimated 26,000 calls annually, primarily from the more densely populated urban and suburban St. Louis. The ART staff does not include a bilingual staff person, and their protocol is to use Language Line with limited English proficient callers.

When the ART intake paralegals are assisting other callers or are otherwise unavailable, a person calling the LSEM office has the option to leave a voice message. Callers do not have the option to be placed on hold for the next available ART staff person to screen him or her. Several LSEM staff daily dedicate a portion of their day creating “call slips” by retrieving voice messages from the phone system and entering the callback information into LSEM’s case management system. After the staff reductions, the staff creating call slips also appeared to include paralegals with strong case handling skills. According to estimates provided by LSEM, the time equivalent of .5 FTE is spent each week, listening to, and entering callback information from voice messages. On Fridays ART staff accept emergency calls and also return calls from the week and create new call slips in the case management system for callbacks. When a voice message indicates a time sensitive matter, the callback is marked as “emergency” in the case management system for ART staff to prioritize the call. At their peak, messages which need to be returned for an eligibility screening and advice or referral can reach as many as 200 calls. If a person seeking services reaches a live ART staff person and he or she is not eligible, the ART staff advises the applicant immediately and refers the applicant to Lawyer’s Referral for assistance. It is unclear how long it takes for callbacks to be assigned, but team members learned it can take up to a week to contact the people with non-emergency matters for a screening interview.

Finding 5: The ART team has lost four staff since 2011. This may be contributing to increased callback volume and inconsistent quality in completed intakes. Other LSEM staff are cutting back on their other responsibilities to assist with callbacks.¹

Not long after implementation of centralized intake in 2008, the ART team experienced staff losses from early retirements and layoffs. In 2010 staffing for ART and intake was: eight full-time paralegals, two support staff, and the Associate Director for Administration who serves as

¹ See LSEM’s comments on Finding 5 at page 2 of the attachment.

the supervising attorney for ART. Today, staffing of ART includes a combination of full-time ART staff and portions of time of other LSEM staff that equals 8.25 full-time equivalent staff. Four office managers and the receptionist continue to have a daily schedule that they follow for coverage of the calls coming into St. Louis.

LSEM staff and management state that they prefer immediate forwarding to voice mail rather than allowing for wait times which, if significantly long, can stress potential clients, waste cell phone minutes and lead to dropped calls. Two community stakeholders interviewed noted that their clients expressed a level of frustration at not being able to get through to an intake paralegal or to receive a decision about services quickly. Others, including staff, noted that with the reduction in staff, people have more difficulty getting through, and the number of callbacks has increased. Staff shared that the ART team does the best it can within its capacity, but there are instances where ART staff did not participate in unit trainings which impact intake quality and where screenings are incomplete or inaccurate, creating time-consuming downstream issues for advocates making follow-up calls. Because of lost staff in ART, other LSEM staff are “pitching in” and spending more time creating call slips or on callbacks which is taking away from case candling and other important responsibilities.

LSC team members questioned whether calls were being lost and the success rate and time it takes to reach a client after he or she has been forwarded to voice mail or left a message. While ART does not use intake satisfaction surveys, LSEM’s general client satisfaction survey covers the receptionist and ART functions. To provide the most seamless experience for clients, intake teams should strive to screen for eligibility and provide people with some information about services and when to expect decisions or follow-up on their application at the time of the initial call. The LSEM system generally functions this way for the estimated 38% of callers who receive assistance from an ART staff person during their initial call.² For the 62% of callers who hang up or are forwarded to voice mail, the experience with LSEM’s intake system is unclear.

The organization’s practice of managing call volume with voice messages rather than to allow for a brief hold period for the next available advocate for screening, advice and brief services, or full application for services appeared to the team to be at odds with LSEM’s client-centered approach to its work. The overall impression which the team formed during the onsite visit and follow-up assessment with LSEM management was that the intake system at LSEM will benefit from the kind of evaluation, data review, and substantive client experience survey which LSEM does well. Opening channels for dialogue between the ART team, advocate staff, clients, and community groups may also provide an opportunity to drill down and collectively address issues and concerns related to the impact of staff losses on the intake process and the client experience.

Finding 6: The LSEM’s intake function and ART staff do not appear to be supported with adequate technology.³

LSEM underwent a process to evaluate its telephone and call management software three years ago. The system LSEM now employs does not have a voice over IP system. The phones are IP

² LSEM management provided LSC with call data from its MITEL system for the 12 week period covering 12/30/12 to 3/9/13, in order to estimate telephone traffic to ART.

³ See LSEM’s comments on Finding 6 at page 2-3 of the attachment.

capable but currently operate as digital on a PRI connection that runs along a T1 connection with 23 lines. ART shares the main office telephone number and there are 23 available lines that can all be used by LSEM's reception, but normally there are only 2-4 calls on the line simultaneously. The receptionist can see how many calls are in queue as she answers the phone. While the case management system provides a statistical overview of the number of applications processed by each paralegal and the work the ART staff has completed, LSEM's current phone technology, as reflected in the Mitel reports on call traffic, does not appear sufficient to manage, monitor, and supervise the telephone traffic in a more sophisticated way. For example, call management software is available that can monitor, examine, and provide reports on actual call traffic, including the number and patterns of dropped calls, rather than the current system of using a rudimentary process of deduction to estimate their dropped calls (i.e. "Transferred calls" minus "answered calls" minus "voicemail calls" equals "dropped calls"). Having the call-drop and return-call ratios and other data has helped other legal aid programs plan, manage, and make informed decisions about the technology and staffing needs of their intake units.

As discussed above, LSEM's system does not allow for hold times and therefore does not employ automatic telephone call answering with pre-recorded general legal information or instructions on the ART intake process for applicants waiting in queue. It also does not allow for callers to select from multiple instructional messages according to problem, another opportunity to assist callers and further streamline the screening process. Finally, the system does not allow for automated callbacks within a brief period of time, which can address the issue of hold-times using callers' cell phone minutes. In 2011, LSEM's Technology Committee considered adding some of these features to its phone system, but the committee reviewing the question concluded it was cost prohibitive.

Because LSEM is exploring how to develop an online intake system, it has an opportunity to again consider supporting ART and its intake function with more adequate technology, including phone features to reduce the staff time spent manually entering call information and trying to reach callers.

Recommendation II.1.4-6.1*: *LSEM should convene a committee of advocates, ART staff, community stakeholders and clients/client board members to review and assess the efficiency and client experience in its intake process. This review should include an assessment of technology needs for a more efficient and streamlined centralized intake process which may include online intake. This process may also consider:*

- a) Examining other coordinated intake models to consider whether ART is adequately staffed;*
- b) Reviewing the efficiency of the callback system and considering more streamlined, efficient approaches for clients and staff;*
- c) Providing regular and required trainings to ART staff to help the team stay abreast of the changing unit priorities and critical issues of law which impact their interviews;*
- d) Exploring the possibility of well-trained and supervised interns and pro bono administrative staff creating call slips or, in the case of lawyers, advising applicants early and expeditiously in the process;*
- e) Installation of a separate telephone number for ART, including technology to manage, monitor, and inform the unit's calls and work;*

- f) Researching phone features that assist with hold-times. This can include features to provide pre-recorded general legal information and instructions about the ART intake process in multiple languages, announcing estimated wait times, and automated callbacks.*

In connection with this recommendation, LSC staff are available to assist LSEM in identifying other models of intake using different technology systems that are streamlined and cost-effective without limiting client access.

Engagement with the low-income population

Finding 7: LSEM is deeply networked and involved in low-income communities throughout the service area.

LSEM is very well-networked and cultivates close, long-term, and trusted relationships in client communities and in the large and active network of service providers and agencies in its region. Currently, LSEM actively partners and participates with over 200 different organizations, task forces, and coalitions in eastern Missouri. It also regularly collaborates with government agencies and departments too numerous to list, but which include sheriff and police departments, Children's Division offices, and courthouses in each of the counties throughout the service area.

LSEM staff are routinely involved in community outreach, educational presentations, and events which maintain the organization's visibility and strong connections with the myriad stakeholders discussed above. In 2012, LSEM staff participated in approximately 120 substantive community presentations. The diversity of organizations and broad scope of topics covered in these presentations only partly illustrates the organization's depth of legal expertise and its partnership network.

Examples of LSEM's 120 community presentations in 2012 include:

- A presentation to sixty school nurses in the St. Louis City Public School System on changes at the state Family Services Division and managed health care plans;
- A joint presentation to workers who were laid off from Hostess Brands, Inc. and Wonder Bread on Medicaid and other benefits, with representatives from the Social Security Administration, United Way, and the local workforce development agency;
- Monthly presentations to the Keywest Elks Lodge Food Pantry on Food Stamps and other public benefits;
- A presentation to Vietnamese senior citizens on Medicare costs;
- A presentation to approximately 100 employees of the Rural Missouri Housing Authority on subsidized housing and domestic violence;
- A series of workshops for prospective micro-entrepreneurs on nonprofit and small business issues held at public libraries and faith-based and community service providers.

Commenting on the program's close connections with so many client organizations and coalitions that interact with client communities, one stakeholder described it succinctly, "LSEM is the 'Look-To' organization in the community on any issue that impacts clients." When an

issue is emerging in the community, clients and community stakeholders rely upon LSEM's expertise and knowledge.

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

Legal representation

Finding 8: LSEM has built a strong capacity to carry out its work effectively with a skilled, mission-driven, and capable staff that is respected in the client and legal communities.

The LSEM staff is highly respected by state and federal judges, bar leaders, law schools, community agencies, client organizations, and pro bono volunteers, who all praised the quality and professionalism of the organization's staff and services. LSEM advocates are impressive in their substantive expertise and serve as a resource to stakeholders in the region and nationally. Circuit court judges and state agency staff have sought out LSEM advocates when faced with unfamiliar consumer issues or evolving foreclosure matters. The Director of Advocacy is considered one of the top Medicaid and health law experts in the country. The organization appears to invest in relevant training for its advocates and also organizes in-house trainings and CLE events for staff and volunteer attorneys.

In addition, many LSEM staff have background, experience, and relationships with many of the clients, community groups and stakeholders with whom LSEM partners. An advocate in the Public Benefits Unit is the granddaughter of a longtime community activist, former LSEM board member, and founder of a community organization for low-income people. An immigration paralegal, also a Catholic nun with significant leadership responsibilities in her order, serves as the board president of a refugee and torture survivor's social service organization where two LSEM immigration attorneys also serve on the board. LSEM's executive director was a Reginald Heber Smith Fellow at the organization in the 1980s, has extensive experience working with homeless people, has an advanced degree in social work, and taught at the School of Social Work at St. Louis University. Advocates also have prior experience at state agencies, as journalists, as law firm litigators, public defenders, and appellate attorneys. These diverse experiences, reflected in the backgrounds of so many LSEM staff, create a strong fit and connection with clients and in many aspects of LSEM's work. "We're all here for the clients," describes one advocate; "Every one of us came in today to help somebody else."

Finding 9: LSEM has a long tradition of high-caliber legal work in core areas of poverty law practice and other important areas. Its advocates are proactive and seek to attain the best possible results for individual clients and other low-income people who may face similar legal problems.

In information provided by the program to the LSC team during the visit, the program tracked that it helped more than 24,000 people in 2012 through referrals, community legal education, outreach and information sharing. It also tracked that it obtained over \$8 million in monetary benefits for clients and achieved a 96% success rate on its closed extended representation cases. In the same year, LSEM closed 5,659 LSC-countable cases, 44% of which were in family law. This is higher than average when compared to the LSC grantee national average for family law

cases which is 34.5% for 2012. An additional 21% of LSEM's closed cases were in housing. The program closed 12% of its cases in health law, a significant investment when compared with LSC grantees with an average 3.1% in health law cases. And while LSEM maintains practices in the core areas of family law, public benefits, housing, health, and consumer issues, and it has also maintained very active and well-staffed practices in areas less common for LSC grantees, including education, immigration law, and a recently launched community economic development project to address the emerging needs of micro-entrepreneurs.

As discussed above, LSEM accomplishes its work with an engaged and mission-driven staff. LSEM also deeply values strong advocacy, and its capable and well-respected staff fully embraces this. LSEM encourages excellent individual case work and also supports staff in engaging in important work with broader impact for low-income people, which takes place in courts, agencies, and local municipalities on behalf of its clients. Several LSEM attorneys have deep experience in appellate practice. Many of the attorneys have been at LSEM for a number of years; through training and practice they have developed a broad range of legal tools and strategies, including complex litigation and attention to policy changes in areas of critical importance to clients.

The program provided the LSC team with its 2012 docket of significant cases, which included examples of important cases from each of LSEM's units. LSEM also provided LSC with advocate's writing samples. The team observed consistently solid writing for multiple forums which could be even stronger with more fully developed fact sections. The advocates interviewed by the LSC team all had a sophisticated grasp of the issues clients face and significant substantive expertise in their areas of practice. Staff thoughtfully discussed the legal and technical issues in their cases and the broader, positive difference a good case outcome makes in each client's life. When probed by the LSC team during interviews, paralegals and attorneys easily described the broader program advocacy framework and how the individual situations of their clients could be improved by the program's work, and they were able to identify a number of systemic issues affecting their clients that had been identified to track or address. This is reflective of effective leadership in sending a coordinated message about top quality individual service and broader advocacy.

LSEM is able to engage in significant and complex legal work with a client-centered focus by developing and retaining a highly capable staff and relying on the organization's long history of strong advocacy. There are additional and notable aspects of the LSEM culture and management that creates an environment for significant advocacy and a client-centered focus. These include:

- ***Encouraging all staff to focus on clients and identify strategies to address the issues and trends that impact them:*** The LSEM strategic plan captures the program's focus on client-centered services and strong advocacy. LSEM also has an executive management team which includes the Executive Director and a Director of Advocacy, Associate Director of Advocacy for Litigation, Associate Director of Client Services, and the Associate Director of Administration. In the job descriptions for these positions, there are clear expectations for these individuals to uphold high quality standards for clients and ensure aggressive advocacy throughout the organization. The Director of Advocacy and Associate Director of Client Services work closely with each unit on annual action

plans that are used as formal opportunities to raise and discuss broader issues for clients. They also encourage and fully support staff in maintaining significant substantive knowledge and expertise on legal and policy changes that affect clients and the legal theories and strategies in their clients' cases. The Director of Advocacy and Associate Director for Litigation work with staff to vet strategy and develop solid factual and legal bases for important and difficult cases. They also have responsibility to ensure that each attorney has an opportunity to engage in affirmative litigation. The Associate Director for Client Services is responsible for ensuring that staff collaborate and maintain high client-centered standards with measurable outcomes in all aspects of their work with clients. As a result, identifying trends and issue-spotting for clients has become part of the daily language and way of doing business at LSEM. Staff indicated that participating in litigation strategy planning is a rich source for rapid learning. Some expressed a desire for litigation strategy discussions to include litigation expertise from units handling issues other than the core subject matter and to open the sessions to less experienced lawyers who are not assigned to the case under discussion.

- ***Paralegals that provide significant advocacy and extended services to clients:*** The advocacy capacity at LSEM fully involves paralegals who are very experienced and provide significant advocacy and extended services for clients. The advocates in the Health and Welfare unit easily demonstrated their mastery of the complex rules around temporary assistance and Medicaid. Several paralegals interviewed described going to highly technical trainings on changes to medical billing codes to enhance their ability to read medical records and advocate for clients. The paralegals in LSEM's immigration unit are all experienced, certified by the Board of Immigration Appeals, and able to represent clients in administrative hearings. Like the attorneys, LSEM paralegals were also versed in – and proactive in – identifying broader issues and patterns in their work. In the opening presentation to the LSC team, LSEM management described how one paralegal identified a computer glitch which kicked her client, a child, out of the Medicaid program. After investigating it, the paralegal discovered that the error had caused approximately 4,800 people to be dropped from the program and at the time of the visit was seeking to have the computer error fixed. Because LSEM expects a lot from its paralegals, its attorneys are also able to practice “at the top of their license” and focus on more complex legal matters where an attorney and representation in court is required and achieves the best outcomes for clients.
- ***Social workers and a multi-discipline approach that assists LSEM advocates with case management, improved case outcomes, and other critical supports for clients.*** LSEM has developed relationships with psychologists, school nurses, doctors, other medical professionals, and professionals from other disciplines who can assist LSEM advocates and clients in obtaining positive case outcomes such as supportive school services or critical medical care. LSEM's integration of social workers in its practice is also part of its holistic approach to clients. On a day-to-day basis, the social workers provide court and courtroom support and advocacy, conduct home visits to document clients' habitability issues, conduct safety planning for domestic violence survivors, and obtain and coordinate social service and mental health resources and referrals. The social worker with the Lasting Solutions unit reached out to the Verizon's HopeLine program to

obtain 40 cell phones to give to clients while they are being represented by LSEM. This has ensured clients' safety and consistent communication with attorneys during the course of their cases. The same social worker was also designated through the Missouri Secretary of State's office to enroll clients into the "Safe at Home" program which allows LSEM clients to use a confidential P.O. Box instead of their home address when opening a bank account, completing a confidential name change, filling out government documents, getting a driver's license, or enrolling a child in school. LSEM social workers also have responsibility for conducting outreach and education in the community and with social service providers; these activities help maintain LSEM's presence and visibility in the community. Because there are some units without an assigned social worker, LSEM has sought to cover clients in those units with social work interns and practicum students and with social work staff handling special cases as requested by advocates. Staff all spoke very highly of the social workers and appreciated the difference they make for clients and in allowing them to be more effective as legal experts and advocates. Having social workers on staff is another indication of the value LSEM places on the client experience and a focused interest in high-quality lawyering.

Finding 10: LSEM engages in significant and effective advocacy for clients.

In 2012, LSEM closed 267 cases per 10,000 income-eligible people compared to the LSC grantee national median of 245. For extended and contested cases, LSEM closed 99 extended service cases and 41 contested cases per 10,000 income eligible people. This is compared to the national medians of 57 extended service cases and 28 contested cases per 10,000 income-eligible people.

LSEM staff and unit managers strive to be proactive, results-oriented, and coordinated in their work. LSEM's housing team, for example, has demonstrated coordinated and proactive advocacy to address an issue which arose in the course of one year. LSEM housing advocates noticed their housing clients seeking assistance with Section 8 termination notices from housing authorities claiming the clients did not report income which they had reported to the Internal Revenue Service. When the Housing Unit staff investigated the cases, they learned their clients had been scammed by tax preparers filing false self-employment income to claim Earned Income Tax Credit preparation fees and a portion of the refund. LSEM advocates worked with the housing authority to allow these clients to file amended tax returns and retain their Section 8 vouchers. In some instances, LSEM Volunteer Lawyer's Project pro bono attorneys represented the clients on their tax matters. The housing team also developed materials to educate community members on the hazards of dishonest tax preparers through TV and print media.

Some of LSEM's most important and far-reaching work for low-income people and people with disabilities derives from its health law and Medicaid advocacy, which, over many years of advocacy and work, allows LSEM to have a longitudinal perspective on the issues their clients face. Recent areas of significant work for clients illustrate LSEM's effective and sophisticated advocacy in this domain.

In the *Hiltibran vs. Levy* case, LSEM represented clients who were being denied Medicaid coverage of medically-necessary adult incontinence briefs (adult diapers). The clients were

individuals living in the community with very severe disabilities such as, multiple sclerosis and brain damage and who had prescriptions for incontinence briefs from their physicians in order to prevent skin infections and skin breakdowns, and to continue living in the community rather than in a nursing home. LSEM partnered with the National Health Law Program, St. Louis University School of Law's legal clinic, and a local private firm to develop their cases – drafting public records requests and gathering detailed facts from the plaintiffs, their families, health providers, and medical experts, who documented the severe health and infection risks that existed, in addition to a genuine threat to these clients' ability to live independently in the community rather than a nursing home.

LSEM filed the case in the U.S. District Court for the Eastern District of Missouri in August 2010. The U.S. Department of Justice filed a “statement of interest” supporting the plaintiffs' claims and participated in oral argument supporting the plaintiffs' summary judgment motion. As LSEM's advocacy director later wrote in a legal journal, “Perhaps more important than the substance of the arguments ... was that the ‘United States of America’ filed a statement of interest on the side of low-income Missourians with severe disabilities.” Ten months after the case was filed, the court issued a permanent injunction preventing the Missouri Department of Social Services from using its unlawful policy and ordering it to establish a process where all adult Missouri Medicaid recipients can obtain medically necessary incontinence briefs. This is an excellent example of affirmative litigation and collaboration in the interests of LSEM clients and low-income people.

Finding 11: LSEM has practical systems in-place for legal work management and supervision.

LSEM has a number of small units and projects with approximately 2 - 4 advocates and staff per unit, including the manager. Many of the advocates have more than a decade of experience and serve as a resource to lawyers throughout the state, with each other, and with newer LSEM advocates. As discussed elsewhere in this report, the advocacy director and associate director also provide significant support to attorneys in reviewing legal work and identifying and working on important and more complex matters.

The managers of the units appeared to have systems to assign cases, review case lists, and to meet regularly with staff and the units to discuss issues and cases. One managing attorney described regularly pulling a list of cases from the case management system where there has been no action for 60 days. The list is used as a tool to check in with attorneys on appropriate action in cases and as a reminder to follow-up.

The team observed that LSEM staff consistently expressed the view that they want to, or are expected to, help *all* eligible clients who are screened through intake. As a result, the units appeared to allow a wide range of cases to be screened through intake in order to fully understand and determine the nature of the applicants' problems.

Finding 12: At the time of the visit, the effects of the loss of 16 staff people, 18.8% of LSEM's workforce, was still new and impacting workloads. LSEM did not yet have an organization-

wide process to identify different resources to address the need and to incorporate staff input on adapting workloads to this change.⁴

During the visit, the team sensed or heard that the feelings concerning the layoffs and early retirements, completed only three months prior to the LSC visit, were still fresh with the staff. Several staff were carrying the additional active caseloads of former staff while also managing their cases and responsibilities. The pressure resulting from lost case handlers in particular, was coupled with the team's observation that many advocates are disinclined or discouraged from informing clients that the organization does not have the resources to provide the same level of services. As will be discussed in later sections, advocates were also very disinclined to develop pro se materials and equally disinclined to turn any eligible person away without some service or advice. This was particularly true in Lasting Solutions where the case volume and pressure is the highest and where a broad range of family law matters are screened through to the managing attorney. From reviewing open case lists and discussing them with the advocates in the course of the visit, it appeared that some caseloads were very high. Obviously, reductions in staff can temporarily drive up caseloads. In addition to the loss of staff, there are many other factors that can contribute to uneven or high caseloads, such as overly broad case acceptance policies or procedures and limited caseload management.

While the organization has systems in place for managers to oversee the caseloads of its staff, the units and organization had yet to adapt to monitor and control for higher caseloads. While the executive management team appeared to actively discuss these issues, there was a sense during the visit that these discussions did not regularly and collectively engage all managing attorneys, nor did it incorporate the input of staff. The team learned that some staff would appreciate more input on how each part of the organization was going to manage the reduced staffing, as well as opportunities to discuss how services need to be delivered differently to reflect the changes. The team also sensed that the organization, with its laudable emphasis on client-centered and holistic services, should allow its managers and staff latitude to ask if there are certain well-defined circumstances where, due to stretched staff resources, LSEM should limit or restrict assistance.⁵

Recommendation III.1b.12.2*: *LSEM should explore ways to engage managers and all staff in regular dialogue on practical strategies to handle the workload and case volume issues that result from staff reductions. As LSEM engages in this process, it should consider the following issues:*

- a. Monitoring and identifying where staff are experiencing caseload pressure and determining how unit case acceptance criteria can be temporarily adjusted to recognize increased and ongoing caseloads from lost staff capacity.***
- b. Considering how to communicate with and engage the private bar and volunteers in addressing pressure in the organization created from the staff reduction.***
- c. Convening organization-wide meetings and open discussions to approach issues and changes in a coordinated manner.***

⁴ See the program's comments concerning this finding and recommendation at pages 4 and five of the attachment

⁵ One legal aid program which experienced layoffs had monthly "narrowing the funnel" meetings to openly discuss where staff and clients were feeling pressure as a result of staff losses and to jointly develop strategies to address the issues raised. This was also done to intentionally preserve client-centered and high-quality work.

Finding 13: LSEM seeks to provide its attorneys with opportunities to develop, maintain, and share their substantive expertise at the local, state and national level. There are opportunities for LSEM staff to collaborate within the organization to cross-train advocates in new or different areas of interest and practice.

As mentioned earlier in this report, LSEM makes investments in developing the expertise of its advocates with a focus on ensuring advocates are knowledgeable in their substantive areas and have opportunities to contribute expertise to the state and national legal aid community. Through its annual unit action planning process, LSEM proactively asks its advocates what substantive training, materials, and resources the unit needs each year. LSEM management also asks advocates about their provision of CLE training to the legal community, engagement in bar and specialty bar activities, and publishing in journals. Staff are also encouraged to host in-house brown-bag lunches on new issues or areas of focus. For example, the Immigration Unit was responsible for training staff on working ethically and effectively with an interpreter. Other units host CLE trainings on legal and policy changes in their areas.

With regard to legal skills and expertise, the LSC team observed many LSEM staff with significant knowledge of their specialty area. The team also observed some staff with trial skills, complex case development expertise, and multi-forum advocacy experience. The team observed some lawyers who have not developed experience in all of these areas. There were some attorneys with less trial experience and litigators with less experience in multi-form advocacy, including media and communications advocacy. Several staff spoke very highly of the opportunity to co-counsel with the Director of Advocacy and Associate Director of Advocacy for Litigation who are supportive and hands-on in developing opportunities for interested staff to co-counsel.

Based on the diversity of legal experience throughout the organization, there appeared to the team to be additional opportunities for in-house training, further development of legal skills, and cross-training in substantive areas. For example, there may be opportunities to leverage the appellate experience of staff attorneys to co-counsel or train others on appellate practice. LSEM may also consider opportunities to cross-fertilize units and intentionally link LSEM's holistic and systemic approaches in certain areas such as domestic violence and public benefits.

Recommendation III.1b.13.3: As resources allow, LSEM should continue to actively engage its advocates in collaborations across offices and units to develop advocate's skills and foster organization-wide approaches to services and advocacy.

Private Attorney Involvement

Finding 14: LSEM's private attorney involvement effort has a solid foundation and staffing, and is positioned to grow and expand its work. The Volunteer Lawyer's Project can play a critical role in mitigating some of the impacts of staff losses and may benefit from studying other effective, client-centered pro bono models for advice and brief services.

The Volunteer Lawyer's Project (VLP) at LSEM is staffed with a full-time director and two experienced paralegals. In the 17-county northeastern region of the service area, LSEM's private attorney involvement effort also includes Judicare attorneys who are managed by the Hannibal

office managing attorney and staff. According to 2012 data provided to LSC, the VLP closed 349 PAI cases and referred 282 cases to private attorneys. On a per capita basis in 2012, LSEM closed 16 PAI cases per 10,000 eligible persons compared with the national median for LSC grantees of 22 PAI cases per 10,000 eligible persons. With PAI cases for extended representation, LSEM's 2012 cases were slightly higher than LSC's national median; it closed 14 cases per 10,000 poor persons compared with the national median of 8.

In 2012, the VLP recruited nearly 77 attorneys to take pro bono cases, and 169 attorneys accepted cases that year. The Bar Association of Metropolitan St. Louis (BAMSL) has approximately 5,000 members in the city and surrounding metropolitan counties, including parts of Illinois. According to the VLP director, the large majority of the attorneys in the area are in small firm and solo practices and there are less than 10 law firms in the area with 200 or more attorneys.

The VLP staff appeared to the LSC team to function appropriately in screening, preparing and following-up on cases placed with its volunteers and Judicare attorneys. The VLP has integrated undergraduate students and law students in handling the administrative aspects of its work. It also brought a retired, experienced attorney into the Community Economic Development (CED) project who volunteers regularly and functions like a staff person to the project. As a state sponsored CLE provider, LSEM has used CLE trainings to recruit volunteer attorneys. More recently, the VLP staff has been seeking to expand its work and volunteer recruitment. At the time of the visit, it was not clear if the VLP set targets to guide its recruitment efforts, but LSEM has since indicated that it does so. The VLP also shared several examples of success developing more opportunities for in-house legal departments to engage in pro bono service.

Several years ago, LSEM was a partner in the successful pro bono collaboration between the Bryan Cave law firm and Monsanto Company's legal department to take LSEM's cases that involved child welfare. This resulted in LSEM nominating, and Bryan Cave winning, the ABA's Pro Bono Publico Award in 2010. Over the past year, the VLP has worked closely with the CED project to integrate pro bono attorneys into the work of the project. The effort was very-well received in a legal community eager for pro bono transactional work. The local chapter of the Association of Corporate Counsel and local transactional attorneys were active in recruiting a large and interested panel of volunteer attorneys. The VLP hopes to build on this success and the continued interest of other companies in the future.

The VLP has developed strong relationships in the bar and with mid-sized to large law firms that have designated pro bono committees and coordinators. The Lasting Solutions and housing managing attorneys regularly refer individual cases to the VLP, and there is a large law firm in St. Louis with a team of trained litigators who accept nearly all of the VLP housing evictions referred to them.

As the VLP seeks to expand its work, it may consider more time-limited pro bono opportunities that bring in more volunteers to serve more clients, particularly those in need of simple advice and brief services. Identifying these types of opportunities can occur in the context of any efforts LSEM makes to identify areas needing additional capacity due to staff losses, such as ART, housing, family law, medical-legal partnerships, and elder law. In addition, in the unit action

planning process each year, staff are asked to consider pro bono opportunities for VLP. This part of the action planning process does not appear to be as robust as those involving community partnerships and impact advocacy, however. For example, in the Family Court Project, the unit's 2012 action plan proposed referring one case per quarter to the VLP for a total of four cases for the year. The consumer unit's 2012 action plan proposed that a single volunteer attorney could be valuable to assist with loan modifications. Because each of these projects is staffed with only one to two LSEM staff, there is both an opportunity and a challenge in developing pro bono matters.

All of this suggests that LSEM advocates may benefit from having more time and opportunity to thoughtfully consider the pro bono opportunities that may be present in all aspects of their work. LSEM advocates and VLP staff may also benefit from being exposed to different models of high-quality pro bono service that draw in a higher number of volunteers more regularly for time limited help, such as advice and brief service, without sacrificing client interests. At other legal aid programs, regularly scheduled advice and referral clinics and hotlines, have proven to be appealing to supervised law students, retired attorneys, in-house or small firm attorneys, and others with limited time or capacity to take on a case for extended representation.

Seeing other models for pro bono work may also assist the organization's staff and advocates in understanding how other volunteer legal aid programs have addressed common challenges such as hard-to-place family cases, working with small firm and solo practitioners, and training volunteers to work effectively with legal aid clients. In one instance, an LSC grantee sent their VLP-responsible staff to spend an entire day in meetings and observing pro bono clinics with peers at a high-quality volunteer lawyer's program in a different city. It was an investment which launched a successful legal clinic effort that exponentially expanded the number of clients served and volunteers recruited and employed; it also transitioned a portion of brief services work previously handled by staff to trained volunteers. This is an investment LSEM may want to consider as time and resources allow.

Finally, in the *Hiltibran* case noted above, LSEM worked closely with a small private law firm on the significant litigation. With such a strong foundation in complex and multi-forum advocacy, including federal and appellate practice, the organization should continue to consider how to engage mid-sized and larger law firm resources on its significant cases.

Recommendation III.2.14.4*: *As part of the process to address its staff reduction, each unit and office at LSEM should fully consider how it can support the Volunteer Lawyer's Project in expanding pro bono opportunities that meet client and organizational needs and the capacity and interests of its volunteer attorneys and law students. LSEM may also ask units more expanded questions about possible pro bono opportunities in the annual action planning process and discussions about complex advocacy.*

Recommendation III.2.14.5: *As resources allow and as LSEM's evolving staffing needs are clearer, the organization should afford key staff with opportunities to research and observe successful and replicable pro bono models at other legal aid organizations in comparable markets.*

Recommendation III.2.14.6: The Volunteer Lawyer’s Project should continue to expand its volunteer attorney and law student recruitment and participation rate and consider setting internal goals to benchmark progress.

Other program services to the eligible client population

Finding 15: LSEM staff are fully engaged in a range of program services in the community and with the client population, including hard-to-reach populations. These services include community outreach, education, and collaboration. As a matter of policy, LSEM has not invested resources in developing pro se materials and options for clients, but it is currently evaluating doing so.

As discussed throughout this report, LSEM staff are active members of the communities in which they work, as well as on a statewide and national basis. The program engages in significant community outreach, legal education, and collaborations. *Please see related findings and discussion in Performance Area Two and Three.*

As a deliberate policy, LSEM has chosen not to invest staff resources in developing pro se options for clients, believing strongly that clients with legal problems should have legal assistance. As stated in LSEM’s 2011 LSC Grant Application:

“We have been fighting for full access to justice in our approach to all types of funders, believing that to be in the best interests of our client community. Our board has been cautious about providing pro se assistance, preferring to provide at least some counsel/advice and referrals where we do not have resources to provide extended representation. However ... [our Strategic Plan for 2010-2015]... does provide for exploration of ethical issues and best practice models of pro se assistance nationally for evaluation and possible adoption in some parts of our service area, particularly in the consumer law area in the rural region served by our Hannibal office.”

In the context of LSEM’s 18.8% staff reduction, it is important for the organization to seriously consider expanded pro se assistance, along with expanded pro bono assistance, in the areas where it has lost staff and is feeling pressures from client need. *The discussion in Performance Area Three speaks to this and incorporates the recommendation for this section.*

Recommendation III.3.15.7: As part of the process to address its staff reduction, LSEM should fully consider whether it can develop or collaborate with its many partners, such as the other LSC grantees in the state, to develop best practice models of pro se assistance.

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

Board governance

Finding 16: LSEM’s board members appeared to understand the importance of their role and are appropriately involved in policy decisions for the organization and in ensuring support for legal aid in the legal community and legislature.

LSEM's bylaws provide for 33 directors. The directors appeared very active in supporting LSEM's visibility in the community. Many of the attorney directors have strong ties in the legal community and a longtime relationship with the organization as law students, pro bono volunteers, and bar leaders. Several of the board members also have leadership positions in other bar associations such as the county, minority, and corporate counsel bar associations. Twenty of the attorney directors are appointed by BAMSL. This creates an important, strong, and historical relationship for LSEM spanning as far back as 1935 when BAMSL established the legal aid predecessor to LSEM.

According to board members interviewed, client directors at LSEM are vocal, and the organization appears to make an effort to also ensure its client board members are engaged and contributing to the organization's direction. LSEM provides opportunities for client board members to attend national conferences and to meet separately from the full board meetings.

LSEM's current treasurer is an attorney with expertise in corporate finance, easily demonstrating his knowledge of the organization's financial position. LSEM also has a seat on its board which is occupied by a representative from the business community.

The executive committee consists of the board president, vice-president, secretary, and treasurer. More recently, this committee was meeting frequently in 2010 and 2011 in connection with the staff reductions. The directors at LSEM also have a history of participating in committees with LSEM staff on important organizational or policy questions. The LSEM board was involved in the most recent strategic planning process and now is interested in its implementation. In 2005, its directors also participated with staff in the task force that evaluated intake and decided to centralize its operations. Currently, the board is interested in looking at and defining its committee structure, to allow for more active engagement in smaller committees.

Leadership

Finding 17: LSEM is led by an enthusiastic executive director and leadership team that is dedicated to honoring the organization's roots in strong advocacy and to expanding its client-centered focus to embrace holistic services and other new approaches. The executive director understands and is committed to resource development and promotes an expansive notion of partnerships for clients and the organization.

LSEM's executive director and general counsel, Daniel K. Glazier, has been with the organization as its executive director for six years. He began his legal career as a Reginald Heber Smith Fellow at LSEM in the 1980s and spent decades working side-by-side with poor people and with leaders in the justice community. From this, he brings an unwavering depth and understanding to LSEM's mission which is supported and sustained by its dedicated staff. He fully supports LSEM's assertive advocacy and affirmative litigation. And because he has a master's degree and background in social work, he has also been a driving force in pushing LSEM to have social workers embedded and accepted in its practice. The Advocacy Director and Associate Director of Client Services also carry significant day-to-day responsibility for programmatic direction and leadership at LSEM.

LSEM's executive director also understands fundraising and the critical role of resource development for the organization and in the legal community. "We want to be the charity of choice for the legal community," he notes. During the onsite visit, he discussed LSEM's longer term planning on expanding private support for LSEM beyond the legal community. He is an enthusiastic ambassador for the organization and embraces opportunities to promote the organization externally. Many of the stakeholders interviewed as part of the onsite visit spoke very highly of him and about his stewardship of the organization. He and the leadership team also promote a very expansive view of partnerships, as demonstrated in the lists of collaborations and partnerships provided to LSC as part of this assessment, clearly encouraging staff to foster them throughout the organization and state.

Overall management and administration

Finding 18: LSEM's central administrative staff have varied responsibilities in the organization. Within its staffing and resource limitations, LSEM appears to maintain basic, functional technology systems. It should carefully consider and prioritize technology investments that will improve efficiency and operations.

The administration staff at LSEM wear many hats and have varied responsibilities. The executive assistant, for example, is also responsible for document management and working with the Associate Director of Administration on certain reporting. The Associate Director of Administration has responsibilities for facilities and is the managing attorney for the ART team. The information systems manager has intake responsibilities with ART, and the organization therefore meets its technology needs with a portion of the time from her position and an outside consultant who serves as a systems administrator.

Overall, LSEM is meeting its basic administrative needs, including technology needs, with existing staff and addresses larger needs or policy questions by committee, including a Technology Committee, or through the coordinating efforts of the Associate Director of Client Services. In 2011, the organization received a scholarship from LSC to attend the 2011 TIG Conference, and LSEM participated in order to bring new ideas back to the program. LSEM is now more seriously considering online intake. The case management system at LSEM was adequate according to some staff. Others thought other systems or more features on the current system could be more powerful. The LSC team also observed that the organization's advocates appear to have an extensive collection of client advice letters, but it does not appear to employ software to automate its document assembly.

As LSEM considers online intake, phone system features, and other areas to streamline operations, it should also consider whether it can engage outside pro bono assistance or a high-level IT consultant in assessing its technology needs or performing an overall technology audit. This will assist the organization in assessing the role of technology in facilitating efficiencies for staff. *The discussion in Performance Area Two speaks to this and incorporates the recommendation for this section.*

Financial administration

Finding 19: LSEM appears to have a solid financial management capacity with an experienced and skilled director of finance who maintains high-level financial reporting for the organization.⁶

LSEM has a three-person finance team consisting of a director of finance, an accountant, and a grants accountant. The director of finance is a Certified Public Accountant with almost 30 years of experience and 11 with the organization. The finance team appeared to the LSC team to be capable in managing the organization's finances and myriad grants, with strong technical skills and the capacity to provide the organization with broader analysis. The director of finance has an extensive background in nonprofit accounting from her years working with nonprofits at Arthur Anderson. She is responsible for all the major budgeting for the organization and on major grants. She works closely with the executive director and with the board of directors, especially the chair of the finance committee, who also demonstrated detailed knowledge of the organization's financial position during his interview with the LSC team.

The director of finance indicated that she maintains a rolling three year budget projection for the organization and, at the time of the LSC visit, had a projected budget for 2013 and projections for 2014 and 2015. She stated that she uses very careful and conservative judgment in these budgets. For example, rather than assuming level funding for the organization's 2013 LSC grant, she assumed there would be a decrease which ended up being smaller than she projected. She uses these projections in a working document shared with the executive director, treasurer and finance committee and does not provide the "out year" projections with all of LSEM management or the full board.

The program also has a reserve of approximately \$3 million dollars in non-LSC funds. Part of the fund balance is set by United Way, which requires its grantees to maintain 25% of their total operating costs in reserve. For LSEM, this represents approximately \$1.7 million dollars. The organization does not currently have a reserve policy. It also does not have an investment policy and it is not currently considering investing its reserves as a means for additional revenue to the organization in the future.

Recommendation IV.4.19.8: LSEM should consider the best ways to provide appropriate, key financial information to its staff and board, including simplifying the reporting format to the Board, and providing multi-year projections and a regular report on the status of reserves.

Recommendation IV.4.19.9: LSEM should consider adopting a reserve policy and investment policy.

⁶ This visit was conducted by the Office of Program Performance (OPP) for the purposes set forth in the Introduction. OPP findings and recommendations under this criterion are limited to staffing, organization, and general administrative functions. Assessment of fiscal operations is conducted by other offices at LSC.

Human resources administration

Finding 20: LSEM's human resources are administered by its Human Resources Director. The Director of Advocacy and Associate Director of Client Service also carry responsibilities for staff development.

LSEM's Director of Human Resources is an attorney who has been with the program since 2001. She is responsible for benefits administration, employment policies, the annual staff evaluation process, and maintaining a fully current policies and procedures manual for the organization. She coordinates and participated in LSEM's hiring process, which places a premium on hiring those "dedicated to public service." She is also responsible for the training program at LSEM, which, as a CLE sponsor, is active. She solicits ideas from staff and coordinates the development of the trainings. In addition, LSEM hosts less formal brown bag trainings for staff, which several noted that they appreciate. The information systems manager is currently looking into software to facilitate online meetings and additional trainings.

The organization has retained a significant number of experienced staff; managing attorneys average 25 years of experience. More recently, the program has sought to be more deliberate in developing and mentoring its newer attorneys. The Skadden Fellow in the Children's Legal Alliance, for example, was paired with the managing attorney for the Family Court Project, a mentor outside of his unit and with years of experience at the organization.

In 2007, LSEM researched and adopted a pay scale with comparability to other public interest attorney and staff salaries in the region. This new pay scale was phased-in over four years ending in 2011. Since 2011, and as LSEM went through early retirements and layoffs, the organization has not increased staff salaries. The program has two pensions, a 401 (a) to which the program contributes, and a 403(b) to which staff may contribute on a voluntary basis. Each pension has a different set of advisors and staff must make investment choices for both programs.

Internal communication

Finding 21: In the period before and after the staff reductions, LSEM has not maintained regular and consistent intra-staff and management-staff communications.

The executive management team at LSEM meets monthly to discuss organizational matters and cases or successes occurring in the units. LSEM's units also meet regularly, in some cases weekly, to discuss case assignments and other unit issues. In addition, many staff noted that units, individual staff, members of the management team, and the executive director often meet informally as the need arises throughout the month. LSEM regularly sends an email newsletter entitled, "The Brief" to share organizational news and successes

Prior to the 2012 layoffs, LSEM also used to meet as an organization quarterly before the staff reductions. During the visit, the LSC team learned that the quarterly staff meetings had not occurred for at least a year and during the time period which corresponded to the staff retirements and staff losses. The team also learned that report-outs to staff from the monthly manager's meetings were not regularly occurring.

As discussed in other sections, the lack of organization-wide discussions, particularly after staff reductions, has the potential to create areas where executive management may not be fully aware of the impact on clients or staff. It also can exacerbate the stresses and worry from the staff loses. Since the onsite visit, LSEM management has told LSC that it met as an organization to debrief from the visit and will seek to meet again regularly as an organization.

Recommendation IV.6.21.10: LSEM should consider reinstating its practice of quarterly staff meetings. It should also consider formally providing updates to all staff from the monthly managers meetings. Please also see discussion in Performance Area Three related to organization-wide discussions to address staff reductions.

Resource development

Finding 22: LSEM has broad and diversified funding as a result of a highly-effective resource development effort.

LSEM has a very broad and diversified funding base with an established and successful private bar campaign and a popular signature event. Its funding base also includes federal, state and local government grants, as well as funding from corporations and private foundations. Over the years, it has cultivated a culture of giving in the legal community. The state of Missouri overall also approaches its legal aid resource development in a collaborative fashion, as indicated by partnerships between the legal aid providers to obtain state filing fees, *cy pres* funds, bar dues, and *pro hac vice* fees.

LSEM fundraising efforts are staffed by a three-person resource development team which includes a full-time director, an associate director for grants, and a development assistant and special events coordinator. Each year, LSEM hosts a high-visibility gala event, called the “Justice for All Ball,” and works with many bar members and their spouses on the event. Many stakeholders in the legal community spoke enthusiastically about the event and the sense of community and kinship that it cultivates for its attendees. Now in its 23rd year, it includes an extensive silent auction and in 2013 brought in 675 attendees from the legal community.

In 2009, LSEM launched a successful Annual Bar Campaign with a goal to raise \$600,000 each year for three years by making an annual appeal to individuals, law firms, corporate foundations, and bar associations in the service area. The steering committee members are comprised of prominent attorneys from large, mid-size, and small firms, as well as plaintiffs’ and solo attorneys. The co-chairs of the campaign shared how much they appreciated the expertise of LSEM’s new development director and executive director in the success of the campaign.

LSEM’s development director is newer to LSEM and the legal aid community, having worked at a large Habitat for Humanity, but she demonstrated to the LSC team her solid knowledge and experience in donor cultivation and solicitation and her deep commitment to donor stewardship. She is interested in increasing the lawyers fund drive and giving from non-lawyers. She also carries responsibility for the organization’s communications and social media presence, managing LSEM’s Facebook and Twitter feed.

In meeting with staff, the LSC team sensed the pressure created from LSEM applying for and obtaining so many small grants, many of which are quite small (between \$10,000 and \$20,000). While this observation does not give rise to a formal recommendation, LSEM should consider the number, size and cost-benefit of administering so many smaller grants which carry a significant staff and administrative cost. This is particularly true of those grants that do not carry programmatic or political importance for the organization, in its counties or rural areas, for example.

Coherent and comprehensive delivery structure

Discussion of LSEM's delivery structure are incorporated into the discussions under Performance Areas Two and Three.

Participation in an integrated legal services delivery system

Finding 23: LSEM is a key resource to the legal services delivery system, sharing resources, knowledge, and strategy in the state and nationally.

The four legal aid programs in Missouri, all LSC grantees, collaborate effectively to support one another and share resources and information in the state. This is demonstrated in their approach to *cy pres* and state fees and funding. And as discussed in other parts of this report, LSEM serves as a substantive resource to the state and nationally in its areas of expertise and through its extensive partnerships in its service area.

LSEM's Advocacy Director is also highly regarded for his substantive expertise and active participation on national and statewide email lists and in journal publications, and his presentations at national and statewide conferences to share LSEM's experiences and lessons in doing its work. In 2008, he and LSEM were instrumental in obtaining a statewide expansion of Medicaid Managed Care funding to all four Missouri legal services programs serving thousands of recipients in all 53 Missouri Medicaid Managed Care counties. LSEM continues to serve as the trainer and coordinator on this funding. In other parts of the state and country, LSEM advocates and its Advocacy Director are frequently cited by name as important substantive experts who are invested in knowledge-sharing and partnerships to build the overall capacity of the justice community.

CONCLUSION

Legal Services of Eastern Missouri is an organization with an unwavering and deep history of strong advocacy and significant client outcomes that have changed the lives of countless low-income people. As it moves forward from a challenging period, it has many assets, partnerships, and supports from which to carry forward its significant and quality work.