



Legal Services Corporation
Office of Program Performance

FINAL REPORT

From the

Program Quality Visit

to

Southwest Virginia Legal Aid Society, Inc.

Recipient No. 447020

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INTRODUCTION

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a Program Quality Visit to Southwest Virginia Legal Aid Society (SVLAS) from June 10-13, 2013. The team members were Angela Thornton, Program Counsel (Team Leader), Timothy Watson, Program Counsel, Carolyn Worrell, Temporary Employee, Claire Jen, Barnett Fellow, and Steve Dempsey, College of Law Practice Management Fellow (COLPM).

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

The team reviewed documents provided by the program, including recent grant applications to LSC, technology and PAI plans, case reports and other service reports. The team also reviewed materials requested in advance of the visit, including documents related to the program's intake, legal work and case management policies, procedures and systems, advocates' writing samples, and the results of an online staff survey. On site, the team visited each of the programs' three field offices which are located in Castlewood (the Coal Fields office), Christiansburg (the New River Valley office) and Marion (the Highlands office). The team spoke with all of the staff located in each field office – by phone for those on vacation or located remotely – or in person. The team met in person or conducted telephone interviews with the program's board chair and several board members, as well as judges and other members of the state justice community, including representatives from the Legal Services Corporation of Virginia, the Virginia Poverty Law Center and other state and local community organizations.

PROGRAM OVERVIEW

SVLAS is the only major provider of civil legal services to eligible low-income people in the VA-15 service area, which is predominantly rural and geographically the size of New Jersey. The program covers seventeen counties and four cities from its three branch offices.¹ Formed in 2001 as a result of the merger of three prior service areas, the reconfiguration was contentious

¹ Bland County, Buchanan County, Carroll County, Dickenson County, Floyd County, Giles County, Grayson County, Lee County, Montgomery County, Pulaski County, Russell County, Scott County, Smyth County, Tazwell County, Washington County, Wise County, Wythe County, Bristol City, Galax City, Norton City and Radford City.

and resulted in multiple forms of litigation by Client Centered Legal Services of Southwest Virginia (CCLS) both against LSC and the Legal Services Corporation of Virginia (LSCV). The program employs 28 staff throughout the service area, including eight staff attorneys (two are sharing one FTE), four managing attorneys, three paralegals, eight legal assistants, and one law graduate. Each field office houses 9-10 staff total. SVLAS received \$772,904 in basic field funding from LSC and \$1,583,298 in non-LSC funding in 2012. LSC funding to the program for 2013 is \$727,461. With steep losses in federal, state and IOLTA funding, the program was forced to reduce its staff from 34 in 2011 to 28 at the time of the visit. An anonymous donor donated \$200,000 to SVLAS in order to avoid additional layoffs.

The poverty population of the service area is 91,559 according to the 2010 American Community Survey of the U. S. Census Bureau. The ethnicity of the poverty population in the service area is approximately 91% white – non-Hispanic, 4% African American, 1.66% Asian, .22% Native American, and .65% other.

The Castlewood office is located in the Appalachian coal fields' portion of the service area which is challenged by a lack of transportation and employment opportunities.

In addressing the challenges of the service area, SVLAS has managed to provide a full range of services that include a telephone intake and advice line operated by the centralized telephone unit located in the Castlewood office. A heavy emphasis has been placed on domestic violence and family law over the years.

Although LSC conducted a Program Engagement Visit in 2010 and a Post Reconfiguration Visit in September 2005, this was the first Program Quality Visit to the program. The executive director appears to have been successful in mending fences within the program and the community and has formed an integrated whole between the offices. There are a few differences in the way the offices operate that may be attributable to pre-consolidation patterns.

SUMMARY OF FINDINGS

SVLAS has an experienced leadership and management team and staff – all of whom have dedicated most of their professional lives to providing high quality legal services to low income individuals in the service area. The program and its leadership are held in high esteem by the other legal services stakeholders, judges and community partners.

SVLAS last completed a formal needs assessment in September 2010 and the last strategic plan was developed in 2007. The program conducts ongoing reviews of community and client statistics to become apprised of changing patterns that would indicate changing needs in the

service area. The program has no plans to update the strategic plan until after the LSC census adjustment is fully implemented in 2014. SVLAS has effectively sought special grants consistent with its priorities and addresses many of its priority areas with the support of specialized grant funding. The program is a leader in providing comprehensive services for domestic violence victims. However, the program should evaluate its overall advocacy efforts and consider whether to dedicate fewer resources to family law cases, especially uncontested divorces.

SVLAS's centralized intake unit utilizes a hotline telephone system through which the bulk (90%) of intake is handled for all three branch offices. The program used an LSC Technology Initiative Grant (TIG) to upgrade the telephone system; however, the benefits of the upgrade were not realized until recently due to compatibility issues between the call center software and the VOIP telephone system. The program has worked to customize its system so the two different products now work seamlessly. Intake Unit staff are enthusiastic about the system and find that it is now working well. Staff are still learning about the capabilities of the phone management software and engage in regular discussions about how to make even better use of the system.

SVLAS is thoroughly engaged with its communities, to the extent that its limited resources will allow, particularly in the domestic violence community. The program has received state and federal recognition as a result of its exemplary efforts in this substantive area. Research findings support the effects that the program's efforts have had on significantly reducing domestic violence in the service area. The Virginia Department of Aging provides grant funds for the program to serve as the Guardian of Last Resort (GOLR) in one region of the service area (Christiansburg). The executive director is repeatedly called upon by various community representatives to fill the void for legal advice that has been lost to low income families due to severe cuts in funding. His leadership in the community is highly commended.

The SVLAS management and administration staff is experienced and dedicated. The administrator is highly regarded within and outside of the program. Managing attorneys supervise the staff in each field office. The program lacks a director of litigation and advocacy, which would provide more direction and organization in the program's approach to litigation.

The board is thoroughly engaged in its oversight role of the program. Board members have played a key role in determining how the program would address the budgetary shortfalls with staff layoffs and re-structuring. They have been fiscally conscientious but also aware of the need for maintaining staff; they tapped the program's considerable reserves to prevent deep staff cuts. The program's financial management staff are not extensively formally trained but have a wealth of hands-on experience and basic training. The board is not involved in resource development, community outreach, pro bono opportunities or solicitations and has been without any formal board development training in many years.

The program focuses almost exclusively on grant funding due to the limited nature of opportunities to raise funds in the service area. Although it has been successful in that regard, the program is willing to consider broadening its options.

The program's service area lacks an organized bar association pro bono effort. Those private attorneys who assist SVLAS do so by taking simple cases pro bono and by taking more complicated cases through the Judicare program.

SVLAS is actively engaged in statewide efforts to improve access to justice and works closely with the Virginia Poverty Law Center and the domestic violence community in that regard. Recently, the executive director was appointed to serve on the Virginia Supreme Court's Access to Justice Commission. He has been an active participant in the Justice Server Project which is intended to assist civil legal aid and pro bono programs in Virginia through a state wide case management system. Currently, only Central Virginia Legal Aid Society and the non-LSC funded Legal Aid Justice center have fully implemented the Justice Server CMS.

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.

Needs Assessment and Priorities

Finding 1. SVLAS last conducted a comprehensive legal needs assessment in September 2010 and plans another one in the near future.

The program collected and analyzed an array of statistical data related to poverty, unemployment, drug use, foster care and foreclosure. Fifteen separate focus group meetings were conducted with professionals who regularly serve the groups identified. The focus groups included social services staff members; domestic violence coalitions; housing/homeless coalitions; Area Agencies on Aging, Head Start home visitors; an advisory committee of the local guardianship program; and internal meetings with staff. Input was obtained from clients, service agencies, staff, the bench and the bar, as well as demographic information from the government sources and the census. The legal needs assessment was completed and submitted to the program's Board of Directors in September 2010.

The board reviewed and re-approved the program's priorities in 2012 as follows:

Level 1: Protection of Income; Protection of Housing; Protection of Persons and Public Benefits.

Level 2: Custody; Divorce; Child or Spousal Support; Non-Bankruptcy Consumer; Nursing Home

Discharge; Abuse and Neglect; Expungements and; any other case type permitted by the SVLAS priorities.

Evaluation and Adjustment

Finding 2. SVLAS is vigilant concerning changing and emerging client needs and makes adjustments to its intake and case acceptance policies as needed.

Program staff meet regularly within task forces, coordinating councils, and local trainings. They engage in interagency efforts to address community problems and seek ways to address community-wide efforts by adjusting their practice areas to reflect emerging needs. The board annually reviews the program's priorities and makes changes to resource allocations to meet client needs.

The program recently conducted a major evaluation that led to the overhaul of the program's intake system as well as submission of an LSC technology grant application intended to allow the program to make significant changes in how clients access the program.

Managing attorneys use regular staff meetings, case review meetings, and reviews of daily intake summaries to give case handlers informal feedback and evaluation. Written evaluation surveys are mailed to all extended services clients and one third of the advice-only clients. The results are reviewed by the Deputy Director, initially and on a quarterly basis, the Executive Director and the Board. In 2012, including PAI, there were 295 responses which were primarily positive (86.7% rated the program excellent).

Based on the program's analysis of these sources of data, the following areas were identified as new areas of emphasis: challenges faced by ex-offenders facing huge barriers to reintegration, particularly as it relates to obtaining public benefits and housing; the legal challenges related to grandparents caring for their grandchildren, in terms of custody and education; utility cut-offs; increasing numbers of nursing home discharges; region-wide drug abuse; and untreated mental illness.

The program also recognizes that it devotes a much larger share of its resources to family law than most other legal services providers in the country. As a result, there is a corresponding reduction, compared to other providers, in resources devoted to other important areas such as housing and income maintenance. The program continues to examine its delivery approach to find ways of bringing greater balance to its advocacy efforts.

Strategic Planning

Finding 3. SVLAS's last strategic plan was developed in 2007.

The program's last comprehensive strategic plan was completed in 2007 and reviewed in 2010 as a part of the budget process. The program plans to proceed with development of a new strategic plan after assessing the impact of the census adjustment on its funding which, when fully implemented, is anticipated to result in a net loss of approximately 14.7% in LSC funding from 2012-2014.

The strategic planning of 2007 included the following action steps:

- Improve outreach to the low-income community;
- Improve access to the service area;
- Improve the effectiveness of the use of limited resources by increasing the impact of work to benefit the low-income community;
- Expand and diversify sources of program resources.

Many of the objectives appear to be equally applicable now. The program will need to proceed with a more formal analysis and define its current objectives.

Recommendations:

I.2.3.1.*² SVLAS should schedule a timeframe for development of a more current strategic plan, particularly in light of the impact of the census adjustment phased in beginning in 2013.

I.4.2.1.* The program should continue to scrutinize the portion of its resources being devoted to family law in order to assure that it can maintain its ability to recognize and address other critical legal needs affecting the client population.

Note concerning the above recommendation: SVLAS invested significant energy in responding to this recommendation (see Attachment). LSC appreciates the SVLAS board's work and its exercise of its best judgment in setting program priorities. As a national funder of 134 providers, part of LSC's responsibility is to observe – and learn from – significant differences between our providers. Since our observations are often instructive for our grantees, it is appropriate to note a program's substantial departure from national norms, as well as the potential effects we have seen when this occurs. In this instance, such effects can include creation of a misimpression among clients and other providers about the program's work and lessened effectiveness in practice areas that occupy a smaller share of this program's cases.

² Recommendations in this report will have a Roman Numeral to identify the Performance Area, followed by three numbers identifying, respectively, the Criterion addressed by the recommendation, the number of the finding and a number designating whether it is the first, second, third, etc., recommendation under the finding. For example, III.2.14.3 designates Performance Area III, Criterion 2, Finding 14 and Recommendation 3 under Finding 14. There are two levels of recommendations in this report: Tier One and Tier Two. Recommendations that are indicated with an asterisk are Tier One recommendations and are seen as having a greater impact on program quality and/or program performance. In its next Application or Renewal, the program will be asked to report on its implementation of Tier One recommendations.

This report contains numerous references to the program's excellent efforts on behalf of victims of domestic violence. LSC's recommendation cannot be reasonably construed to suggest that fewer resources be devoted to that valuable work.³

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

Dignity and Sensitivity

Finding 4. Program staff are sensitive to the needs of their clients and the difficulties they experience in addressing their legal problems.

The bench, the bar and representatives of key agencies throughout the service area, the region and the state indicated that the program's advocates evince understanding, patience, respect and compassion for their clients in court and in the community. However, a private attorney who regularly takes pro bono cases noted that in the Christiansburg office he has to ring a buzzer for someone to come to the front desk. The concern expressed was that clients might be better served with a staff member being present instead.

Limited English Proficiency (LEP)

Finding 5. SVLAS's access and limited English proficiency plan are suitable for the particular region the program serves.

A small component of the service area speaks Spanish (1.5%) as a primary language. The program does not have any staff who speak Spanish but the program has several sources for interpreters in the office, online and in court proceedings. There is also a network of bilingual Virginia legal aid staff listed in the state staff directory who are available to assist. In-person interpreting and translating services are available through the Refugee and Immigration Services (RIS) office in the New River Valley, as well. Staff can access or refer individuals to the statewide civil legal aid website which has a home page that gives viewers the option of clicking for the Spanish version and includes links to legal information and materials - <http://www.valegalaid.org>.

³ The original recommendation to which SVLAS responded was worded somewhat differently in the draft, but its essential thought about resource allocation was unchanged. The original recommendation was as follows: *The program should continue to scrutinize the portion of its resources being devoted to family law and seek better ways of allocating its resources to make certain that all substantive areas of the law affecting the client population are addressed.*

Intake

Finding 6. Centralized intake appears to be working well and is extremely efficient.

Castlewood serves as both a field office and the location for the centralized intake unit. The intake unit consists of one managing attorney, one senior attorney (former managing attorney who works remotely from Richmond, Virginia) and three paralegals. The senior attorney handles approximately 10-15 calls/clients per day. Intake staff in the Castlewood office meet twice a month to review procedures and to discuss updates and changes in the law.

Ninety percent of the applications for intake are handled by the unit. Staff of the intake unit are enthusiastic, compassionate and committed to the success of their work and the office as a whole. Staff members particularly applaud the enhanced accessibility of the new intake system for clients. Staff members are viewed as very knowledgeable and have had very few applications returned to the unit after referrals to the field offices. Twenty five percent of the intake applications are initiated over the website and integrated into the work of the intake unit. An alternate intake process is offered for victims of domestic violence, most of whom are referred by domestic violence shelters. The new phone system allows clients to self-transfer to the intake unit when they have called a field office.

Telephone intake hours are 9:00 a.m.-4:00 p.m., Monday-Friday. Walk-in hours are 9:00 a.m. to 5:00 pm Monday-Thursday, and on Friday 9:00 a.m. to 12 noon and 1:00 p.m.-5:00 p.m. Each office has a toll-free telephone number. Walk-ins are encouraged to call the intake unit to complete their applications. Staff complete emergency applications in the field offices for domestic violence cases and urgent legal matters such as evictions or foreclosures and for those who do not have or have limited telephone access. The program does not require complete written applications or questionnaires as part of the intake process. Intake workers stagger their lunch hours to allow intake for clients throughout the work day. The main intake message gives callers the option of listening to legal information designed to help callers self-identify whether they qualify for services. For example, they are informed that a no-fault divorce requires a 12 month period of separation.

There are two managing attorneys in the Castlewood office. One supervises the central intake unit and conducts regular staff meetings and provides on-going substantive training and written materials (scripts for intake workers who offer advice). The other managing attorney supervises the legal work of the office. The intake workers are responsible for determining eligibility for each applicant and whether eligible applicants should receive extensive service, brief service or advice. In the event of the latter, they are responsible for giving brief advice that will assist the client in addressing the legal problem. All applications are entered into the

Kemps Prime case management system (CMS) along with any advice given. All field office referrals are reviewed by the Intake Unit Managing Attorney.

The most recent update of the intake procedures was March 24, 2011. Intakes are reviewed the day of the call by the managing attorney so that workers can receive immediate feedback. The managing attorney reviews the reports of each intake worker using the CMS. A report is entered for each intake call. The managing attorney frequently calls or writes the client to provide additional advice.

The intake unit is pleased with the capabilities of the new call management software (EPIC) and as of the PQV, the staff was still actively learning about its features. The CIU manager is able to observe each station through the main software screen. Intake workers are able to indicate their work status (i.e., on break) by clicking on the appropriate screen on the icon. Workers can indicate the status of a file, e.g., "needs review by intake worker," "managing attorney must review," "managing attorney has approved," by clicking on the appropriate on screen icon. An urgent review can be designated electronically. The system accepts online applications and holds them until conflicts have been checked. They are then migrated back to the CMS. A client waiting in the call queue may opt to select a call back from the program within 60 minutes without losing his/her place in the queue.

Each SVLAS office has a Samsung telephone system with integrated Auto Attendant and Voice-Mail. Each office has access to Language Line Interpretation Services for non-English speaking callers as well as TTY for persons with disabilities. Each of the systems allows management to review and print reports on wait time, dropped calls and call volume. Each system has the capability to provide recorded information to the caller while waiting and after hours. Field office automated telephone systems direct callers to the centralized intake unit or the online application to apply for services. The program has instituted a "paperless" review system in the centralized intake unit. The case management software screens were modified to allow intake workers and their manager to electronically notify each other for review. All case notes are stored electronically.

The administrative staff routinely run reports by case handlers to assess productivity, i.e., the number of intakes completed, the number of cases closed, the level of service for closed cases and open case lists for a case worker. There are regular discussions regarding how to make better use of the new system. The intake staff can review aggregate calls over a certain period of time to determine call patterns, peak hours, etc. The workers are assigned substantive areas to monitor changes in procedures and laws and report out at the staff meetings. They screen callers for issues other than those for which they are calling, for example, screening a caller's eligibility for food stamps, thereby providing a holistic approach to client access.

Access and Utilization by the Low-Income Population.

Finding 7. SVLAS provides outreach to the extent that its resources and limited staff will allow but provides extensive outreach for the domestic violence program due to significant Department of Justice (DOJ) VAWA grant funding.

SVLAS's field offices are located in the same buildings occupied by the three legal aid programs that served the service area prior to their merger. There is virtually no public transportation in the area other than in Christiansburg. The Castlewood field office serves the large coal mining area and far southwestern part of the district. The administrative office shares office space with the Marion field office and serves the region known as the "Highlands" and Mt. Rogers area – the geographic center of the region. The northeastern most office is in Christiansburg and is central to the five jurisdictions known as the "New River Valley."

The program provides excellent and extensive outreach to the domestic violence community. SVLAS's domestic violence efforts include hosting a grant-funded annual domestic violence conference and providing a leadership role on the Washington County Coordinated Community Response Team (domestic violence and sexual assault teams) - an SVLAS staff attorney serves as the chair. In addition, the program leads and supports the Southwest Regional Task Force, Best Practice Teams for Foster Care and the Strengthening Families Collaborative for Washington County.

The visit team formed the impression that the program may need to devote increased resources to outreach, especially with regard to extending its presence into distant locations in order to enhance the work of the program in non-family substantive areas. The team also thought that enhanced outreach could reveal fact situations that would potentially have broad beneficial effect for the general client population.

The program has published approximately eighteen articles in the local newspapers since 2009, basically providing education regarding one's legal rights i.e., purchasing a car, social security, renter's rights, EITC, protective orders, nursing home removals, legal steps to escape an abusive relationship, etc.

Recommendations:

II.3.7.1 SVLAS should consider opportunities at local Housing Authority events, public libraries, churches and YMCAs which are good venues for meeting with low income individuals and families.

II.3.7.2 The program should consider giving leadership roles to staff who volunteer to serve in the outreach effort. A cross section of the program, especially the paralegals, could be designated to focus on developing a workable outreach plan.

II.3.6.1 The intake staff should continue to learn more about the capabilities of the telephone management software and incorporate it into their regular discussions to further enhance their use of the system.

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

Legal Representation

Finding 8. Overall the program provides high quality legal work using the full range of advocacy tools to meet clients' needs.

The program has undergone recent staff layoffs and now has four managing attorneys – one in each field office and two in the Castlewood office which houses both the field office and the intake unit. Staff collectively have a wealth of experience. The managing attorneys of the three field offices have 18 to 27 years of legal experience and have expertise in the areas of consumer law, family law, and education. The staff attorneys have 4 to 12 years of legal experience and are specialized in consumer, housing, administrative, and family law. The paralegals have 6 to 32 years of legal experience.

The program's advocates enjoy an outstanding reputation within the bench, the bar, and the community. The program's work ranges from advice to full extended representation, including appeals to state and federal courts. Case handling staff are reputed to be highly experienced, compassionate and dedicated to their clients. Overall the program's writing samples demonstrated a strong command of the law and put forth persuasive, cogent, and concise arguments on behalf of clients. The managing attorney for the Christiansburg office submitted a particularly well written and complex appeal to the Virginia Supreme Court addressing a land use dispute. Another staff attorney successfully appealed a county's domestic relations finding against a client in a challenging child support dispute. Other exemplary filings included a memo to the General District Court appealing a housing authority eviction; an administrative appeal before the Virginia Employment Commission; and a letter of appeal regarding the termination of a clients' HUD housing voucher. A few would have benefitted from a second review due to grammatical errors, style and structure/substantive concerns. Among the samples was a well written bankruptcy article authored by the managing attorney in Marion.

The program consistently seeks innovative ways to address the needs of the low income population in the service area. For example, in its delivery of services to domestic violence

victims, the program uses a collaborative model in which it partners with domestic violence programs to ensure that domestic violence victims receive comprehensive services. The program, also, uses bankruptcy clinics that combine community education, pro se debt relief help and screening for bankruptcy representation. The program has entered into formal partnerships with every Area Agency on Aging and every domestic violence program and many rural health clinics within its region.

The program is known for its extended representation in domestic violence cases. Research in the area of domestic violence victims indicated a strong correlation between a dramatic reduction in protective order requests in the service area and SVLAS's increased effort through federal grant funding. Over a 5 year period, petitions showed a 35.4% decline compared to a 16.2% decline in the state of Virginia. The statistics reflect a community wide effort between SVLAS, the region's domestic violence programs, law enforcement and others. The combined effort included both training and leadership on domestic violence issues. Anecdotal evidence indicates that it was invaluable to have comprehensive legal services that addressed not only the domestic violence issues but custody, visitation and child support.

SVLAS developed a pilot project with the Washington County Department of Social Services in collaboration with the Virginia Poverty Law Center, "Safe at Home" that had great promise but was subsequently abandoned due to funding cuts. SVLAS represented parents in parent engagement meetings and assisted the clients in negotiating the terms of placement of their children with a goal of reunification of the family and stabilization, thereby, avoiding prolonged foster care placement. Staff losses on the part of SVLAS and DSS resulted in a loss of the project in 2012.

The program challenged for many years multiple bankruptcy trustees regarding the characterization of the Earned Income Tax Credit (EITC) funds. Ultimately, the Bankruptcy Court judge who presides over the service area agreed that EITC should be treated as deferred income and not as a windfall, allowing clients to use this to maximize their income for purposes of the Chapter 13 payment plan. This resulted in permitting clients to use the EITC refunds as part of the restructured payments – possibly the difference in saving a home.

The program's reputation from the bench is that the staff are always prepared, professional, timely, "top notch," high quality and "good with their clients." The executive director was noted to be doing a good job. One judge pointed out that he thought the program should shift as many cases as possible to Virginia's child support enforcement program, which is funded to do that work.

Finding 9. The program lacks a director of litigation and may be missing opportunities to address issues more systemically.

The program lacks a director of litigation and as a result may be missing some opportunities to pursue broader issues, e.g., pursuing litigation under the Fair Debt Collection Practices Act in consumer cases. Statutory damages and attorneys' fees could be collected for clients and the program, respectively. Third party debt collectors might be more likely to be deterred from any future illegal practices. Notably, supervision and training did not appear to be geared toward identification of broader issues. Some staff attorneys indicated that the press of day-to-day case work did not allow them time to pursue such cases.

Quantity and Quality of Legal Work

Finding 10. SVLAS provides high quality legal assistance to a significant number of low income clients in the service area, but has experienced some difficulty with staff losses.

In the Marion field office, there are three staff attorneys one managing attorney and two legal assistants. The managing attorney generally carries a case load of 50-60 cases, primarily (66%) dealing with bankruptcy or debt-related matters. The remaining cases are domestic violence cases with bankruptcy or debt-related matters. Two of the staff attorneys handle a variety of cases, including domestic violence, guardianship, unemployment, custody, property settlements, public benefits and housing. The third attorney's position is funded by the Department of Justice. She carries 50 cases – all protective orders – and occasionally handles housing and consumer matters related to the underlying domestic violence case.

In the Christiansburg field office, there are three staff attorneys (two are part-time), one managing attorney and two legal assistants. The office, also, houses the Director of the Guardian as a Last Resort (GOLR) program and her legal assistant, who is less than half-time. The director is a social worker and reports to the managing attorney. She is required to maintain an active Board (17 members) for GOLR consisting of representatives of the legal community, the mental health community and the health department. The program is grant funded through the Virginia Department of Aging. The director of GOLR is appointed by the court as the guardian of alleged incompetent persons in guardianship proceedings. There are 15 public guardian programs in Virginia, however, this is the only one housed in a legal aid program.

The Christiansburg managing attorney carries a case load of 70 to 100 open cases (bankruptcy, consumer and more complex cases) at any given time. One of his staff attorneys covers domestic violence, another one covers the more complicated domestic violence cases and the third one covers housing and benefits cases.

The Castlewood field office is comprised of one managing attorney, one staff attorney (the only bankruptcy lawyer in the field office), two legal assistants and one law graduate. The managing

attorney has approximately 35 cases consisting primarily of domestic violence and family law (ADR) matters, plus a few housing and education cases. The staff attorney carries a combination of bankruptcy and family law cases.

In 2012 SVLAS closed 5,017 cases with 26% being extended services, 63% family, 14% consumer/finance and 11% housing. These figures reflect a heavy tilt towards family law when compared to the national average of 35%. The closed cases per 10,000 poor persons was 566, well above the national median of 245. The program's extended closed cases per 10,000 poor persons was 147, almost triple the national median of 57. The program's contested cases closed per 10,000 poor persons was 49, well above the national median of 28.

The program closes a large number of uncontested divorce cases which are characterized by the program as non-labor intensive, since it's primarily a matter of submitting the paper work without court appearances.

Recommendations:

III.2.10.1*SVLAS staff should be trained, encouraged, and given the opportunity to pursue cases that could have broader effect; including in the area of consumer rights and other substantive areas that affect a significant number of low income clients.

III.2.10.2 SVLAS is encouraged to develop a role or a position for a director of litigation or advocacy to better manage and orchestrate overall advocacy and develop a more systemic approach to advocacy.

LEGAL WORK MANAGEMENT AND SUPERVISION

Finding 11. Overall the program has the essential elements of a solid system for the management and supervision of SVLAS's legal work; however, there is inconsistent application of the case handling supervision policy and there are inconsistencies in the use of the case management system by attorneys and supervisors.

The program's formal supervision structure includes:

- Written case handling procedures;
- Confirmation of advice in writing as appropriate;
- Preparation of opening memoranda for each extended case with substantive issues identified;
- Review of every case by a supervisor prior to closure;
- Use of central calendars for each office allowing staff to coordinate their work, e.g., filings and document retrieval from distant counties;
- Use of a tickler system in each office;

- Periodic case reviews;
- Monthly case meetings in the Christiansburg office;
- Intake staff (Castlewood) meet twice a month to review procedures;
- Oversight of caseloads by the managing attorneys.

The program's written standards for legal supervision indicate that supervisors should review each advocate's cases at least three times per year. Once per year the managing attorney is to review every open file and for the other two reviews, the supervisor and the advocate are to review the advocate's list of open cases and discuss the cases of their choosing.

Notably, the Marion field office does not routinely have case review meetings. They review cases "as needed." Likewise, the attorneys in the Marion field office don't place their notes electronically in the CMS, they keep them in hard copy form in the physical files, believing that to be "much easier." The advocates, similarly, use a "paper" tickler system. Index cards are kept in the filing room for recording important dates. Legal assistants pull the file and drop it into the attorney's box. Nor does the managing attorney use the CMS to enhance her supervision of the attorneys' case work since the notes are kept in hard-copy in the files.

The managing attorney of the Christiansburg office holds monthly staff meetings with the entire staff to discuss administrative matters followed by case reviews with the attorneys. Every two months, the managing attorney prints and reviews the case lists for each attorney. He requires that the case handlers place their notes contemporaneously in the CMS. The calendar is also kept in the CMS, as well as on paper.

The managing attorney of the Castlewood office, consistent with the written policy, convenes a case review once per year to pull all of the files and twice a year reviews the case list with the staff attorney and discusses the cases.

The managing attorney in Christiansburg has his senior attorney review his cases prior to closing to insure a second level of review. Otherwise, there appears to be no immediate supervision of the managing attorneys' work. The managing attorneys are supervised by the executive director, who has monthly conference calls with them.

Recommendations:

III.1.11.1 SVLAS should consider requiring that all advocates make more consistent use of the case management system for entry of case notes and use of the CMS tickler system.

III.1.11.2* SVLAS should review its written policies to determine if a more unified approach to legal work management and oversight can be achieved throughout the field offices.

Training and Support

Finding 12. Advocates have access to adequate training opportunities although the program's sharply reduced funding compels it to focus on the training that can be provided in-house or at minimal to no cost.

Due to the severe budget cuts over the past few years, the program has been forced to reduce outside training to a minimum. SVLAS is fortunate that it is able to rely upon its own staff expertise, the Virginia Poverty Law Center (VPLC) and its substantive list serves, the Legal Aid Justice Center and national support centers such as the National Consumer Law Center (NCLC) and the National Housing Law Project (NHLPL) for training. VPLC hosts a state-wide training conference annually with 12 CLE and ethics credits. Even that opportunity is limited, however, due to the shortage of staff and limited funds to cover travel and accommodations.

Consequently, the program hosts its own training opportunities for staff including an annual staff training day and ongoing in-house training at individual field offices and between field offices depending upon the area of expertise. Staff regularly participate in and assist in presentations involving their areas of expertise, e.g., domestic violence and bankruptcy.

The Department of Justice provides grant funding for annual domestic violence training events that are planned and hosted by SVLAS.

Program advocates have access to several different online legal research tools, including, Lexis, Fastcase, the Virginia Medicaid Manual, NCLC manuals, other poverty law manuals and other resources. The Virginia Poverty Law Center provides updates on changes in the law and new cases.

Finding 13. The program has not formed practice groups for advocacy purposes due to its small size and staffing shortage.

Due to its shortage of staff, the program does not support the formation of practice groups for its advocates. Program attorneys would benefit, however, from training about cases that can produce attorney fees awards and procedures for generating and collecting them. A staff attorney in the Marion office indicated that a judge offered to allow her attorney fees in a case where an opposing party filed a number of frivolous motions and failed to appear in hearings. She was unable to respond because she didn't know what to request.

Recommendations.

III.1.12.1* SVLAS should establish standards for claiming attorneys' fees and provide training in the substantive areas and procedures that may result in the award of attorneys' fees for the program.

III.1.13.1 The program should consider establishing internal substantive practice groups or task forces in areas such as bankruptcy/consumer rights.

PRIVATE ATTORNEY INVOLVEMENT

Finding 14. Although SVLAS's preference for private attorney involvement is primarily through a compensated model with pro bono activity limited to the part of the service area served by the Christiansburg office, most of the pro bono cases are handled on a compensated basis through Judicare.

The program's deputy director and a legal assistant who serves as the PAI Coordinator (Christiansburg office) are primarily responsible for the program's PAI effort. There is a paralegal in each field office assigned to assist with coordination. The PAI coordinator is the longest serving member of the program's staff. She has been with the program 35 years. In 1997, her sole responsibility was to serve as the PAI coordinator. In her current role, approximately fifty percent of her time is spent handling PAI. She is also responsible for intake transfers, uncontested divorces, technology (troubleshooting), petty cash and the office credit card. The intake managing attorney designates the cases for PAI referrals.

The program meets its PAI obligation primarily with direct representation of clients. Private attorneys are assigned custody cases, adoptions, protective orders, deeds and sometimes benefits cases involving Medicaid spend downs. Since the program does not consider wills a priority, the PAI coordinator is unable to assign those cases to private attorneys who handle wills and estates in private practice.

Almost all of the cases handled by the program's PAI component are family cases (89%), and the vast majority of those are uncontested divorces. Consumer cases represented another 7.6% of the cases handled by PAI. The PAI cases closed per 10,000 poor persons in 2012 was 24, above the national median of 22. The extended cases closed per 10,000 poor persons was 22, well above the national median of 8. The program's contested closed cases per 10,000 poor persons was 2, compared to the national median of 3. Of the 210 PAI cases closed in 2012, 160 were Judicare and 50 were pro bono. This was an increase in pro bono from 42 cases closed in 2011 and a decrease in Judicare from 219 cases closed in 2011. In 2012, SVLAS reported that 21 attorneys accepted Judicare cases and 35 accepted pro bono cases.

The program has a pro bono attorney who is the Assistant General Counsel for the Virginia Tech Foundation. The attorney began volunteering in March 2013 on alternating Fridays (3-4 hours) in the Christiansburg office. She meets with pro bono clients and currently has 13 open cases (divorces). She has, also, performed outreach for the program at local bar association meetings.

The program tries to assign the compensated cases to the new attorneys to encourage their involvement in the pro bono effort. SVLAS pays private attorneys \$250 for each uncontested divorce. The cases are only assigned for compensation if there are no pro bono options. The program may have as many as 20 cases to place simultaneously, so the Judicare funds are used when there are not enough pro bono attorneys available to take all of the cases.

There appears to be adequate oversight of both the pro bono and compensated cases. They appear to be appropriately tracked and closed in a timely fashion. The coordinator assigns the case to a private attorney after a conflicts check. Once the case is assigned, she is responsible for tracking the status of the case at the 60 to 90-day mark. Ticklers are placed in the CMS to generate a daily report. The court's website is checked as well for the status of the cases assigned. Clients receive a closing letter and a satisfaction survey. The assigned attorney receives a survey and a "thank you" letter. The managing attorney reviews the PAI cases at closing.

The program – citing cost as a factor - does not employ other means to recognize the volunteer attorneys' work or to use recognition of their work as a method for raising funds and publicizing the great need for legal services.

There appears to be little interest on the part of the bar or the program's attorney board members to pursue a large scale pro bono effort; however, several judges indicated their willingness to work with the program to obtain increased attorney participation in pro bono work. There are areas of need such as for wills, powers of attorney for seniors and tax issues that the private bar may be willing to consider taking pro bono but for the fact that they are not stated in the program's priorities.

Recommendations.

III.2.14.1 The program should consider expanding its priorities and its pro bono opportunities to allow volunteer attorneys to accept cases involving wills, powers of attorney for seniors and other areas of need for low income families.

III.2.14.2 The program should explore the option of creating a pro bono fund raising event to both acknowledge pro bono service and to encourage more pro bono participation and to garner additional funds for the program.

III.2.14.3 *The program should consider expanding its opportunities for private attorneys to contribute to its work by participating in community legal education, advice, and pro se clinics.

Other Program Services and Other Program Activities on Behalf of the Eligible Client Population

Finding 15. SVLAS has engaged in numerous activities on behalf of its eligible client community but is now primarily focused on the domestic violence and the aging community as a result of staff reductions.

SVLAS staff are actively engaged in the domestic violence taskforces in the service area. One staff attorney meets with the domestic violence task forces once a month in each of her assigned counties. In the past, the program participated for a year in a radio show (Emory & Henry College) every other Friday. Articles about its services were placed in print to a greater degree when the program had a grant writer/resource developer. The program conducts pro se clinics for bankruptcy clients in Christiansburg. There was insufficient attendance to do so in Marion due to transportation challenges for the clients. In the past the program scheduled monthly presentations at the Bristol Housing Authority but stopped due to changes in the housing authority's staffing/leadership.

A staff attorney in Marion serves on the Southwest Regional Task Force (domestic violence), the Community Response Team (Chairs), the Best Practice Team for Foster Care and Strengthening Families Collaborative for Washington County. She sees the teams as time consuming but well worth the effort for the benefit of the client community. The program plans and hosts a domestic violence conference every year with grant funding.

The managing attorney in Christiansburg conducts landlord-tenant presentations at the community action center.

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

Board Governance

Finding 16. The SVLAS board demonstrates a commitment to the program and its mission and is appropriately engaged in major policy decisions and oversight, but the program would benefit from the board being more engaged in its resource development, community outreach, and pro bono efforts.

The board is comprised of twenty-one members. The current president has presided over the board for the past five years. He is employed as both a law professor at Radford University and a substitute judge for District Court judges. The vice president, the only member of the board of non-white ethnicity, has served in that capacity for ten years. He is a private practitioner (family law – guardian ad litem) who pre-dates the 2001 re-configuration of programs. Almost half of the board is female. Client board members are active and engaged in the board

meetings. The secretary/treasurer of the board is a client board member who has served on the board since 2008. The former secretary/treasurer had served on the board since 1978.

No major policy matters are established without board approval and staff input. The board was integrally involved in the difficult decisions surrounding staff reductions and layoffs. The executive director was consistently credited by the board and the staff with keeping everyone informed and engaged throughout the process.

The budget is adopted for just one year at a time but each year's proposed budget also includes a projection of the next year's budget. The proposed budget is presented to the board's finance committee after being developed by the program's management team. The board is provided with quarterly financial reports.

Despite its commitment to SVLAS, the board has historically not been active in resource development, community outreach or pro bono efforts. The vice president noted that years ago SVLAS tried a letter writing campaign targeting the local bar association(s) but received very few responses so the focus has been more on grants or private donations. The board may want to consider applying for a board development grant or setting aside funds for a more formal board development activity. The board president recalled a time when a one day board retreat/conference was convened. There has been no formal board development or training since the re-configuration period.

As noted earlier in this report, the board and the executive director believe that development of a strategic plan would be more productive after the full impact of the LSC census adjustment is known and the finances for the program stabilized.

Finding 17. The executive director has not been evaluated since 2009 but the board was in the process of conducting an evaluation during the period of the visit.

The president of the board indicated that although the executive director had not been evaluated since 2009, the personnel committee and the executive committee were addressing the evaluation. An on-line survey was sent to SVLAS staff for their input. The board was scheduled to meet with the executive director at the end of June and go into executive session with the personnel committee. The board speaks highly of the executive director, his leadership and the program's staff. Due to budgetary uncertainty, the board was considering bonuses for staff in lieu of pay raises and has provided the executive director with a bonus in recognition of his outstanding leadership of the program.

Recommendations:

IV.1.17.1* The board should conduct regular and consistent evaluations of the executive director with the full input of staff, the bench, the bar and the legal community (partners, agencies).

IV.1.16.1* The board should move forward in developing a more current strategic plan that is reflective of the challenges now facing the program and incorporates an expanded role for the board with respect to resource development, community outreach and pro bono activities.

IV.1.16.2* The board should consider a more formal board orientation process and ongoing board development to insure that board members are current with respect to their board responsibilities and make the best use of their abilities in support of the programs' efforts.

Leadership

Finding 18. SVLAS has seasoned leadership which has received the highest praise from the bench, the bar, and the community.

The program is capably led by the Executive Director and the Deputy Director, both of whom have 34 years of civil legal aid experience. Although the Deputy Director is not an attorney, she has been with SVLAS since 1979 and began as an intake paralegal/administrative assistant. The executive director has been leading SVLAS for eighteen years and is considered a role model, especially with respect to his domestic violence efforts. The deputy director is highly regarded and leads the program in technology, fiscal management and resource administration. The managing attorneys have a wealth of legal experience ranging between 18 to 27 years and are all equally well respected by their staff and the legal community. Program staff are actively engaged in leadership roles throughout the service area with regard to the domestic violence task forces and partnerships.

The deputy director was key to the success of developing a centralized intake unit. Staff repeatedly expressed their appreciation for the tremendous difference they saw in client access as a result of her efforts. To her credit, the deputy director led the effort to merge three databases, launch online access, modify the database to go paperless and streamlined eligibility. With the assistance of LSC's TIG funding, the case management system was re-vamped and customized to meet the program and the clients' needs despite significant challenges.

The program has identified staff that could take over leadership roles if and when the need arises, but it has not created a written succession plan.

Management and Administration – Financial⁴ and Human Resources

Finding 19. The program is well managed and administered by staff with many years of experience in the program.

Salaries have been frozen for two years as a result of a significant reduction in funding from one of the program's largest funding sources, LSC. The program is, however, well managed and administered through the joint efforts of the director, deputy director, managing attorneys and the bookkeeper. The program's deputy director previously served as the administrator and is responsible for all of the program's reporting deadlines, including monthly and quarterly progress reports for funders. All invoices and bills come to the deputy who handles the paperwork for staff. Checks over \$500 must be co-signed by a board member.

The bookkeeper has been with the program since 1983. She handles the time sheets, taxes, staff overtime, sick and annual leave balances, deposits, entries, payments and the GOLR account. Payroll is transmitted to the deputy. She was trained in SAGE bookkeeping software. The program has an outside financial auditor who prepares the 990 form. The board selects the audit firm through a bidding process with three year contracts.

The deputy director handles all of the human resources responsibilities except personnel issues which are covered by the director. Evaluations are supposed to take place annually but are not consistently being conducted and vary among the staff and field offices. By all accounts, employee morale has suffered greatly due to the salary freezes and funding uncertainty. Most staff indicated that they found the layoffs traumatic although they felt that SVLAS leadership managed as well as could be expected under the circumstances.

The program has its disaster plan posted on its internal website.

Technology

Finding 20. Staff indicate that the program has made good decisions regarding technology.

Staff are highly enthusiastic about the new program-wide telephone system and centralized intake. The networked case management system seems to be functioning properly with fewer timeouts and entry lags. The software for call analysis and distribution used by the intake unit is adding to the program's capability to assess and manage its work efficiently and to make adjustments when necessary. There does appear to be some resistance, however, to full use of the capabilities that the program's technology can provide. The paralegals would benefit from

⁴ This visit was conducted by the Office of Program Performance (OPP) for the purposes set forth in the introduction. OPP findings and recommendations under this criterion are limited to staffing, organization and general functions. Assessment of fiscal operations is conducted by other offices at LSC.

additional technical training and have expressed a willingness and desire to participate if it is offered.

Recommendation:

IV.3.22.1 SVLAS should consider holding a plenary session at its next program-wide meeting to encourage staff to make full use of program technology, using specific examples from the program's day-to-day activities.

IV.3.22.2 SVLAS's technology committee should be collecting and sharing with staff examples and tips regarding the new software and telephone system.

Internal Communication

Finding 21. Despite the challenges of having field offices spread throughout a mountainous area the size of New Jersey, the program enjoys good communications.

The director leads in a collaborative style that facilitates good program communication. Once each year in September, he convenes an "all staff" all day retreat to update staff and provide needed training. He also sends regular, if not daily emails to maintain open communication, transparency and dialogue. Staff meetings vary among the field offices; however, there appears to be a culture of open communication from the top down.

Resource Development

Finding 22. Resource development, which is the responsibility of the executive director and deputy director, has been difficult for SVLAS.

SVLAS's resource development specialist resigned in 2012 and due to budgetary constraints has not been replaced. By all accounts, he was an invaluable resource to the program with over 25 years of experience as a grant writer/program developer for various non-profit agencies. His responsibilities fell to the director and deputy. Although the former resource developer laid the foundation, the program has benefitted from large domestic violence grants from the Department of Justice, including an initial \$500,000 grant reward for a two year period. The program currently receives \$737,949 in LSC funds and \$1,216,788 in funds distributed by LSCV. The program does not use a resource development consultant or contract for that purpose. The program has not developed efforts to obtain *cy pres* or other awards. Nor has the program conducted any bar member or major private fundraising campaigns in recent times. The program has not had success with such efforts in its isolated service area in the past. It is hopeful that the recent donation of \$200,000 will serve as the impetus needed to propel the program into planning a major kickoff campaign in the near future.

The program has made efforts to recruit and utilize law student volunteers from the Appalachian School of Law in one of its field offices; however, they have had limited success due to the challenges of distance and transportation. Efforts should be expended to explore the possibility of pro bono assistance with educational clinics, fund raising, graphic design and social media outreach through local colleges, universities, foundations, other non-profits and corporations.

The program continues to publish an annual report that is mailed to all attorneys in the service area, local agencies and funders. The report highlights the program's work, finances and positive outcomes.

Recommendations:

IV.7.22.1 The program should consider innovative ways to work with the surrounding colleges, law schools and universities to utilize law students and members of the bar for purposes of assisting with educational clinics, fund raising, graphic design and social media.

IV.7.22.2 The program should seek grant funding specifically targeting board development and a resource development specialist.

IV.7.22.3* SVLAS should make it a high priority to replace the development specialist or to contract for such services.

IV.7.22.4 SVLAS should consider expanding its use of the annual report and other social media outlets to promote fundraising locally and beyond the program's service area.

Integrated Service Delivery

Finding 23. SVLAS serves on the forefront of integrated service delivery in Virginia, particularly regarding domestic violence and guardianships for the aging.

SVLAS works closely with Legal Services Corporation of Virginia, the Virginia Poverty Law Center, and grant funding partners to address the needs of the state, the region, and the local community, including participation in VPLCs substantive list serves and task forces. SVLAS is an active participant in statewide training events. Over the past two years, the program held four regional conferences on domestic violence. The conferences are annual events, with approximately 250 attendees, including program staff, the private bar, judges, and social services agency staff. As part of its ongoing domestic violence effort, the program regularly helps to organize training programs for those who work with victims, including, a workshop for magistrates, a workshop on addressing elder abuse and a workshop on abuse among gays and lesbians.

Over the past year, the director was asked to serve on the Virginia Supreme Court's Access to Justice Commission and participated in the Justice Server Project, which is designed to provide a new case management system for all of the civil legal aid programs in Virginia and create a user friendly environment for pro bono assistance.