



LEGAL SERVICES CORPORATION

Office of Program Performance

Final Program Quality Visit

LEGAL AID OF WEST VIRGINIA, INC.

Recipient No. 449041

Program Quality Visit Report

May 20 – 24, 2013

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INTRODUCTION

The Legal Services Corporation (LSC) Office of Program Performance (OPP) conducted a Program Quality Visit to Legal Aid of West Virginia, Inc. (LAWV) in Charleston, West Virginia, from May 20 - 24, 2013. OPP's team consisted of program analyst Althea Hayward, who was team leader; program counsel Willie Abrams and Glenn Rawdon; and LSC temporary employees Charles Cook, Kathy Duncan, Douglas German, John E. Johnson Jr., and Carolyn Worrell.

OPP seeks to ensure that all recipients of LSC funds are providing high quality, efficient, and effective legal services to eligible clients. The overall purpose of program quality visits is to assess the quality of legal services provided to eligible clients, including a program's engagement with and service to the low-income community; the effectiveness of its legal representation and other program activities; and its leadership, management, and administration. In conducting this evaluation, OPP relies on the LSC Act and regulations, the LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The evaluation is organized to follow the four Performance Areas of the LSC Performance Criteria, which cover needs assessment and priority setting; engagement with the low-income community; legal work management systems and the quality of legal work; and program management, including board governance, leadership, strategic planning, resource development, and coordination within the delivery system. In conducting its assessment, the team carefully reviewed the documents LSC received from the program, including its grant proposal narrative for 2011, its case service reports (CSRs) and other service reports (OSRs), a survey of LAWV staff conducted on the Internet, and numerous other documents the program submitted in advance of the visit, including advocates' writing samples.

On site, the team visited the program's administrative and service offices in Charleston, and each of its twelve branch offices throughout the state of West Virginia. The team interviewed program staff from each of these offices, including the executive director, the legal director, members of the management team, fiscal staff, managing attorneys, staff attorneys, *pro bono* staff, paralegals, intake and administrative staff, and support staff. Additionally, team members interviewed board members, community representatives, the Chief Justice of West Virginia and other judges, leaders in the state justice community, and bar representatives. Due to scheduling and time constraints, some of these interviews were conducted by telephone.

OVERVIEW OF PROGRAM AND SERVICE AREA

Legal Aid of West Virginia, Inc. (LAWV) is a statewide legal services program that resulted from the merger of two former LSC grantees in 2002. The program's slogan is "*Seeking Justice, Changing Lives.*" LAWV receives LSC funding for service area WV-5, which includes all of the state's 55 counties. The service area is almost entirely rural, and because of inadequate road systems, there is little or no public transportation in most parts of the state. The largest city, Charleston, is the state capital and has a small population of approximately 50,000 people, with somewhat over 300,000 in the metropolitan area. The next largest cities include Huntington, Parkersburg, Morgantown, and Wheeling. These are the only West Virginia cities with

populations of at least 20,000 persons. Morgantown is home to the West Virginia University College of Law. Established in 1878, it is the only law school in the state.

West Virginia has extensive natural resources and is among the nation's leading producers of bituminous coal, although coal production has declined. Natural gas, stone, cement, salt, and oil are also produced in West Virginia. Utilizing these mineral resources are major glass, chemical (including synthetic textile), and high-technology industries. These are concentrated in the highly industrialized Ohio and Kanawha River valleys, with Charleston, Huntington, and Parkersburg as leading industrial centers. Other manufactured materials include primary and fabricated metals and machinery. Steel mills extend south from Pittsburgh, Pennsylvania into West Virginia's northern panhandle. Wheeling is a manufacturing hub there. Lumber has long been an important resource with about two thirds of the land still being forested, most of it producing valuable hardwoods. Since the 1960s a number of federal offices and facilities have been built in West Virginia, and government service is a growing employment sector.¹

The state of West Virginia is located totally within the Appalachian Mountain range, and is almost entirely mountainous, giving rise to its nickname as *The Mountain State*. The State covers an area of 24,229.76 square miles. West Virginia has a population of 1,852,994 with 17.5% of its population living below poverty.² The State's median household income is \$39,550;³ and the median age is 41.⁴ The population in West Virginia is mostly rural, impoverished, and elderly. Over 97% of persons are primarily English-speaking. The largest population with limited English proficiency is the Latino population, and the number of Spanish speakers is estimated by the program to be under 20,000.

LAWV delivers services from a network of twelve regional offices located strategically throughout the state. These services are provided through an integrated service delivery system that includes specialty units addressing statewide migrant service delivery, family law, housing, public benefits, and domestic violence. Legal advocacy is also conducted through various ombudsman programs addressing nursing home and behavioral health issues. The program's total funding for 2012 was approximately \$9,962,542. LAWV's LSC grant for 2012 was \$2,751,421 (28% of total funding), and its non-LSC funding was \$7,034,592 (72% of total funding).⁵ Since 2010, the program's LSC funding alone has decreased by more than \$500,000. LAWV has worked diligently to expand its resource development efforts in order to offset these losses.

The program benefits from a very close relationship with the West Virginia Judiciary and the West Virginia State Bar. In 2009, the program implemented a centralized intake unit called Access to Legal Aid Services (*ATLAS*) that has enhanced access to the program's services for many West Virginians.

¹ Excerpted from: West Virginia: Economy | Infoplease.com <http://www.infoplease.com/encyclopedia/us/west-virginia-economy.html#ixzz2WnAPtXiC>

² 2010 Demographic Profile, U.S. Census Bureau

³ 2007 – 2011 American Community Survey 5 Year Estimates

⁴ 2010 Demographic Profile, U.S. Census Bureau

⁵ LSC 2012 Program Profile, Legal Aid of West Virginia, Inc.

At the time of the LSC visit, LAWV was staffed by a well-trained and highly respected corps of 46 attorneys and 20 paralegals. The program is well known by clients and the bar and is engaged in the communities served. The program has an excellent reputation throughout the state. LAWV has an active appellate practice and has a reputation for being very responsive and effective at domestic violence work. Program leadership is actively involved with bar organizations and community groups; in program fundraising efforts; and has taken a proactive leadership role in West Virginia's access to justice initiative.

REPORT SUMMARY

LAWV is led by a capable, experienced executive team consisting of the executive director, legal director, administrative director, and chief financial officer. Board and staff indicated a high level of regard and respect for the program's executive director. LAWV appears to be a highly functioning, well-managed legal services program. It has established strong ties with the judiciary, the private bar, community organizations, other legal services providers, and statewide advocacy groups. As a result, the program is a highly respected law firm in the state.

The program is governed by a strong and effective board of directors who meet regularly and appear to be proficient in the execution of their oversight responsibilities. In addition to the time commitment necessary for carrying out governance responsibilities, several attorney board members provide generous assistance to the program as volunteers on LAWV's *pro bono* panel.

LAWV's managers have a high degree of confidence in the advocates they supervise. LAWV has been successful in assembling a strong corps of legal and administrative advocates who are well trained, experienced, and committed to the program's overall mission. Advocates provide quality legal representation to clients and demonstrate a genuine commitment to the program's mission and work. The program demonstrates a commitment to a trained workforce, and has fostered and sustained a firm-wide culture of teamwork and collaboration.

The program collaborates with other community organizations to ensure the provision of legal services throughout the state. Moreover, LAWV's holistic approach to legal services delivery with the inclusion of its ombudsman programs and the program's approach to behavioral health advocacy have resulted in its recognition as a critical leader in the legal community. LAWV played a significant leadership role in the establishment of the state's Access to Justice Commission. With its commitment and statewide influence, the program has been instrumental in the establishment of collaborations with local, regional as well as other organizations that provide services to significant parts of the state, such as West Virginia Senior Legal Aid and Mountain State Justice.

There are other areas where LAWV has excelled that are not enumerated here. LAWV has the capability to expand to become of greater influence within the State of West Virginia and in the national legal services community. As the program continues to plan strategically for the delivery of quality legal services to its clients, some systems and protocols will require review and further development. LSC believes that LAWV would benefit greatly from:

- Evaluating and adjusting its protocols and operating procedures for ATLAS in order to

maximize the benefit of having a centralized intake service that can efficiently provide the program's clients with advice and brief services. As initially planned when ATLAS was conceived, advocates in regional offices would then be at liberty to provide more extended representation and expand their focus on systemic advocacy.

- Considering as part of its strategic and long range planning, the appropriate mix of attorneys, paralegals, and support staff. LAWV's largest expenditure and greatest asset is its investment in its staff. The program should ensure it is making the highest and best use of its staff and should continually consider its staffing patterns in order to maximize the quality of the organization's productivity. For example, it appears that the intake function is not sufficiently staffed.
- Implementing a structured system of guidance and accountability for increased standardized supervision over the program's legal work regardless of whether the employee is relatively new or experienced.
- Developing and implementing ways in which LAWV can provide more assistance to self-represented litigants.

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

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

Finding 1: LAWV plans to collaborate with West Virginia's Access to Justice Commission to conduct a comprehensive assessment of the needs of the State's low income population.

LAWV last conducted a comprehensive legal needs assessment in 2003. The processes used by the program in its 2003 assessment were inclusive, and a report of data gathered was presented to the board to approve priorities in 2004. The board of directors has confirmed its statement of priorities each year since that time. The priorities are stated as follows: family law, income maintenance, housing, consumer, elderly, medical, and other urgent legal needs. The statement is used by the program for case acceptance, and within each priority a hierarchy of acceptance is expressed based on the urgency of the issue or level of services necessary to address the problem.

The West Virginia Supreme Court of Appeals created an Access to Justice Commission in 2009. The program played a significant role in its creation, and its executive director and legal director are members of the Commission. Two years ago, the Commission hired an executive director, and has done extensive work since that time in conducting forums across the State led by the Chief Justice. These forums have focused on the plight of West Virginia's population and have

served to educate the Access to Justice Commission about unmet needs. A report, prepared in January 2013 by the Commission, has determined that a comprehensive needs assessment should be conducted. Plans are underway to seek funding for this assessment to be conducted by the Commission. LAWV's board members and its executive management team support this effort. LSC's Visit Team agreed that such an assessment will carry considerable authority and have wide-spread application in light of the fact that it will be conducted under the auspices of the Commission.

Recommendation I.1.1.1*⁶:

LAWV should move forward with its plans to collaborate with and support the efforts of West Virginia Access to Justice Commission in conducting a statewide legal needs study.

Criterion 2. Setting goals and objectives, developing strategies and allocating resources.

Finding 2: The program benefits from a commitment to strategic planning.

For some time LAWV has operated based on a strategic plan developed by the board with its executive management team and staff with input from community stakeholders. The 2011 – 2013 Strategic Plan was developed by the program with the assistance of a consultant who conducted a series of planning retreats in the fall of 2010. The planning group included LAWV board members, the management team, other LAWV supervisors, and representative staff from regional offices. These planners were guided through an analysis and review of the program's environment, including its strengths, challenges, and a review of previous strategic goals; the identification of critical issues; the development of new goals, objectives, and action plans; and training or instructions for keeping the strategic plan alive. Currently, the program is completing its goals under the 2011 - 2013 Strategic Plan which articulates five specific goals for LAWV. These include maintaining and securing additional funding; maximizing the program's efficiencies; conducting education and outreach; addressing client needs through high quality advocacy; and developing targeted issue advocacy. The executive director provides regular reports to the LAWV board and staff on the program's progress in accomplishing or adjusting the goals under the strategic plan.

Criterion 3. Implementation.

Finding 3: The case acceptance protocols used by ATLAS appear to focus on funding and staff preferences.

LAWV's board has adopted and annually reviewed a set of priorities that guide the program's practice. LAWV policies provide that decisions about case acceptance should be guided by

⁶ Recommendations in this report will have a Roman Numeral to identify the Performance Area, followed by three numbers identifying, respectively, the Criterion addressed by the recommendation, the number of the finding, and a number designating whether it is the first, second, third, etc., recommendation under that finding. For example, III.2.14.3 designates Performance Area III, Criterion 2, Finding 14, third recommendation under finding 14. There are two levels of recommendations in this report. In your next grant renewal application or competitive grant application, your program will be required to report what it has done in response to Tier One Recommendations instead of submitting a full narrative. Recommendations that are indicated with an asterisk are Tier One recommendation and are intended to have a direct and major impact on program quality and/or program performance.

whether the issues are urgent or categorized as emergencies, that is, there is loss of property or shelter or risk of physical harm. Included in this analysis is whether the potential client is also legally at risk without the intervention of a LAWV advocate. Team members learned that based on these priorities, the program has established a set of case acceptance protocols that fluctuate depending on funding, regional office, and staff resources. These case acceptance protocols are used by the program's centralized intake unit, ATLAS, to process intake applications and guide the disposition of each application for service. Overall, the team found that acceptance of cases appears to be driven by available funding sources, leading to an uneven use of staff resources. While LAWV operates within its priorities, the visit team was concerned that the program may be overemphasizing funding by designating specific staff to only handle cases for certain funding sources. In addition the case acceptance protocols also include specific instructions or requirements exclusive to regional offices and some advocates. The program's current practice is having a negative impact on the program's ability to sustain client access to services in some areas of advocacy. Any changes in these protocols must have the approval of the supervising attorney.

Recommendation I.3.3.1:

LAWV should re-visit how it allocates positions to specific funding sources. To the degree possible, the program should develop a clear, standardized case acceptance policy that takes into consideration and balances the needs of the client population and LAWV funding sources.

Criterion 4. Evaluation and adjustment.

Finding 4: LAWV regularly collects information and examines the effectiveness of its advocacy; however the analysis of outcomes data available is minimal.

Guided by its strategic plan, the program uses planning tools for its management team that measure the progress of each team member regarding the goals of the plan, position responsibilities, and personal development. Most of these internal tools appear to be informal and provide the program with information about the effectiveness of its work and the need for adjustment in approaches. In addition to these processes, and in preparation for the LSC visit, the program provided the visit team with several peer reviews and evaluations by funders, including: Equal Justice Works AmeriCorps Veterans Fellow Project Report, Mountain CAP's Homeless Prevention and Rapid Re-Housing Project, Equal Justice Works AmeriCorps Veterans Fellow Project site visit, and the ABA-*Pro Bono* Peer Consulting Team. These reports contained findings and recommendations in the service areas of AmeriCorps volunteers, veteran's services, homelessness/housing, and *pro bono*. The reports were all positive and laudatory.

The program also uses client satisfaction surveys to monitor its various projects and the quality of its service delivery. Moreover, during each of its strategic planning processes, LAWV used an effective survey process that solicited feedback from clients, private attorneys, court personnel, and community organizations about the effectiveness of its services. The program is required by some of its funders to collect data that reports basic outcomes; however, no general method of collection or analysis of outcomes was presented by the program, and the details of outcomes

attained for clients did not appear to be consistently documented. With expanded use of its case management system, *Kemps Prime*, LAWV would have the capacity to collect more significant data on the financial and main benefit outcomes of every case. The program has indicated that it plans to expand its software capacity to include this capability in the future.

Recommendation I.4.4.1:

LAWV should implement its plans to expand its capacity to provide for the collection and analysis of more specific outcome data including main benefit outcomes that can be presented as a part of its public relations, marketing and resource development efforts.

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

Criterion 1. Dignity and sensitivity.

Finding 5: LAWV has operated a centralized intake system since 2009.

Providing clients access to legal aid services has always been a challenge given the geography, poverty population distribution, and the poor infrastructure within the state. Centralized intake, advice and referral emerged as a key strategy for the program in providing greater access for clients. The program researched various models and visited other programs that had successful centralized intake operations. ATLAS (Access to Legal Aid Services) was created and the program staggered implementation of this new service, beginning with its Charleston and Huntington offices. Final implementation of ATLAS culminated with the Lewisburg office in October, 2009.

ATLAS provides toll free telephone access to intake staff through an 800 number. Applicants for LAWV services may access ATLAS for intake by telephone from 8:30 a.m. to 3:00 p.m. on Mondays, Wednesdays, Thursdays and Fridays. On Tuesdays, telephone intake hours are from 8:30 a.m. to 12:30 p.m. and from 6:00 p.m. to 8:00 p.m. Intake services are also available from any LAWV branch during office hours. Applicants who walk in are provided a private space in the office's waiting area which is equipped with a phone that only dials ATLAS. Requests for emergency assistance, requests related to domestic violence, and requests from applicants who are learning or hearing impaired can be processed by staff in the local LAWV office.

LAWV installed a telephone system which connects all offices and provides numerous features that enhance the work of the intake hotline staff and the staff at large. The ATLAS system is equipped with a modest call management software application called *Customer Call Reporter* which has the capacity for basic call monitoring and reporting. The program uses *Kemps Prime* as its case management database. During the visit the team learned that LAWV is planning a critical expansion of its technology infrastructure that will enhance the program's ability to provide on-line intake, and will provide for more comprehensive management of its intake function. These are discussed in Finding 22 of this report.

Recommendation II.1.5.1

As funding permits, LAWV should create an online intake system that allows users to apply online and for that information to be imported directly into Prime. This capability would expand access and relieve pressure from ATLAS.

Finding 6: ATLAS is not sufficiently elevated to a level of importance within the program's organizational structure.

LAWV's organizational chart indicates that the Legal Director is responsible for the supervision of the Access to Services Manager. The Access to Services Manager supervises both ATLAS and the program's PAI program. The day-to-day operations and administrative management of ATLAS are delegated to the ATLAS supervising attorney who regularly reviews applications, answers questions, assists with intake functions, and provides legal advice and information to clients. In terms of position on the organizational chart, at the time of the visit, this critical function was not integrated sufficiently to demonstrate its value and importance to the law firm. On the chart, ATLAS is illustrated as a separate entity disconnected from the rest of the advocacy staff and program. While this may not be the program's practice, ATLAS and its management are the entry way for the majority of LAWV's advocacy, and the organizational chart and management structure would do well to reflect the critical importance of this unit.

Recommendation II.1.6.1:

LAWV should elevate ATLAS to a more prominent role in the program's management structure. This would position ATLAS as a keystone unit of the firm and clarify its importance to the success of the law firm's operations.

Finding 7: ATLAS is currently understaffed and unable to handle the telephone intake traffic generated through the centralized unit.

In response to the decrease of funding, LAWV has had to reduce its workforce. These reductions in force were carefully crafted and implemented, taking into consideration program funding designation and staff position. While the team understands the impact of the decrease of LAWV funding on staffing levels, concern was expressed over the obvious effect staffing decisions have had on the quality of ATLAS services. The team concluded based on its research and interviews that ATLAS is understaffed, and that the current level of staffing is a contributing factor impacting the quality of ATLAS services received by clients.

At the time of the LSC visit, ATLAS was staffed by seven paralegals, two of whom are funded by AmeriCorps, and are responsible for other work functions related to disaster issues. Moreover, interviews indicated that there were other paralegals with additional duties that sometimes impeded performance of their duties as first line staff for the ATLAS hotline. This is another factor the team believes may be contributing to complaints that applicants cannot get through to the program, or that they are on hold for long periods of time. ATLAS is staffed with four paralegals available to answer phones at most times, and once the phone queue is full, applicants are offered the option of leaving a message so that their calls can be returned by a

paralegal. This protocol appears not to be working very well, and produces another bottleneck or backlog with which the ATLAS staff must cope. At the time of the visit, LAWV was planning the implementation of a new intake call system in July 2013 to address these issues.

ATLAS is staffed by 1.5 FTE staff attorneys who provide legal advice and brief services for twenty hours a week. They are assisted by two contract attorneys who work approximately fifteen hours each week. Additionally, there are two volunteer attorneys who provide assistance twenty hours each week. Because the number of eligible applicants in need of brief services or counsel and advice cannot be accommodated by the existing advocate staffing, applicants are provided appointments to speak with an attorney rather than having their issue reviewed while they are on the phone. In some cases eligible applicants have had to wait ten days to two weeks to get advice on their request. Some staff members expressed concern in the staff survey and in on-site interviews that clients were having difficulty reaching ATLAS and were having to wait long periods of time to get telephone advice. The team found that in a few offices, intake, advice and brief services were being conducted by the local staff instead of through ATLAS. In fact, some advocates were providing counsel and advice and brief services rather than having those services provided by the ATLAS staff.

Consistent with its initial implementation plan, ATLAS protocols were originally designed to provide local offices with some autonomy in order to be sensitive to and address the access needs of clients in diverse communities of the state. These protocols have expanded to include specific requirements based on funding sources, office, and staff priorities. These protocols are an integral part of the eligibility process, and paralegals consult them before making final decisions about the disposition of applications for service. In their initial form, the protocols were intended to provide some familiarity to ATLAS staff about the idiosyncrasies of the service area and assure local offices that applicants would receive the types of services needed. The team learned that ATLAS is now encumbered with complex and intricate protocols based on funding requirements, geographic diversity, regional office requests, and in some cases, individual attorney preferences based on availability and expertise. While the process for changing them is managed and supervised, they have now become a set of protocols subject to constant change and adjustment. The team believes that this is serious factor contributing to the delay in applicants receiving prompt services through ATLAS.

Recommendation II.1.7.1*:

LAWV should consider supplementing its ATLAS attorney and paralegal staffing by creating opportunities for senior pro bono lawyers, young lawyers seeking training and practice experience, and pro bono paralegals to volunteer at ATLAS on a rotating basis.

Recommendation II.1.7.2*:

As funding permits, and as LAWV plans and implements its resource development agenda, the program should strengthen and preserve the integrity of its centralized intake system by prioritizing the hiring of additional attorney and paralegal staff for ATLAS.

Recommendation II.1.7.3*:

LAWV should simplify and streamline current intake protocols by increasing standardization and implementing program-wide intake procedures that are sensitive to the requirements of funders, but that require all offices to provide similar access to services to clients throughout the state of West Virginia as permitted by funding requirements.

Recommendation II.1.7.4*:

LAWV should develop protocols that leave the provision of timely advice and brief services to eligible clients with ATLAS and assigns cases for extended representation to staff in regional offices. This practice will ensure that LAWV's advocates in regional offices would be able to focus their full attention on extended representation and more complex and systemic advocacy.

Recommendation II.1.7.5:

LAWV should explore the use of a case acceptance tool for ATLAS that takes the complicated referral rules it uses now and, using branching logic, facilitates case assignment.

Finding 8: *LAWV is proactively evaluating ATLAS, and addressing the challenges currently impacting the centralized intake system.*

LAWV has historically demonstrated a proactive approach to problem-solving. The program confronts its difficulties and strategically seeks solutions as a team to overcome them. This approach to assessing concerns about ATLAS's effectiveness has already begun. During the LSC visit, the team learned that the program has reactivated its Client Access Advisory Team (CAAT) whose membership is representative of the program's offices and various job classifications. In the past, this team has made a number of recommendations regarding the protocols and procedures and technology employed in establishing ATLAS. Working with the Access to Services Manager, ATLAS supervising attorney and IT Director, this team is now focusing on the overall improvement of ATLAS; the consideration of technological solutions to address intake challenges; and the expansion of services to include on-line intake for ATLAS.

Recommendation II.1.8.1*:

LAWV's CAAT should continue to evaluate the efficiencies and effectiveness of ATLAS. The assessment should include input from board members, clients, and other external stakeholders, especially those from similar organizations that can offer valuable feedback and advice. LAWV should continue to seek technical assistance from LSC's Office of Program Performance in the development and expansion of its ATLAS services.

Recommendation II.1.8.2:

The program should make use of the extensive support materials and information available through national email groups and resource websites. Where feasible, the Access to Services Manager and ATLAS supervising attorney should visit programs

with successful centralized intake advice and brief services systems.

Criterion 2. Engagement with the low-income population

Finding 9: LAWV is engaged in regular outreach to the communities served.

LAWV's offices provide outreach and community legal education in their respective assigned counties. These outreach programs are presented at the request of client groups, churches or community organizations, and are also prepared to educate clients, the community and other human service agencies in the service area on a range of topics, including domestic violence, housing, foreclosure and consumer issues. LAWV distributes and makes available to the public general information on several substantive topics.

Along with those who discussed their bar-affiliated work, there were some staff members who discussed their involvement as members of community organizations and committees as well as their involvement on non-profit boards and organizations. The team also found that the staff has fostered strong connections and partnerships throughout the State.

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

Finding 10: LAWV ensures that its staff and its program services are accessible to West Virginia clients.

The LSC team visited each of the program's offices. LAWV's offices were clearly identifiable from the signage provided. Overall, these offices were clean and professional in appearance, with orderly and appropriately decorated public reception areas. The reception areas provided pamphlets and general information for clients and visitors in English and in Spanish. Each of the program's offices is strategically located throughout the service area near to or accessible from the counties they serve. The team noted that the LAWV offices were accessible to handicapped persons. All offices are equipped with services to address the needs of hearing and speech impaired clients. In most instances, parking was accessible near or at the program's offices, and offices were generally located in close proximity to courts and other social services agencies.

The program has a policy addressing how services are to be provided to clients with limited English proficiency. The policy is reviewed regularly by the program. Other than English, the most common language spoken by the eligible population in West Virginia is Spanish. While the program has limited bilingual resources on staff, its employees when interviewed, were quite familiar with the use of *Language Line* as the official resource used by the program to assist clients with language challenges. The Latino population has increased to 1.4% of the poverty population. Based on West Virginia's demographics, LAWV's staff overall reflects the racial diversity of the state.⁷ Additionally, at the time of the LSC visit, the program was primarily staffed by females over the age of forty.

⁷ U.S. Census Bureau American Community Survey 5 Year Estimates, Table S1791 (2007-2011).

Recommendation II.3.10.1:

As it considers staff recruitment in the future, LAWV should attempt to hire a more diverse workforce, and should include a preference for bilingual staff to increase its internal language capacities.

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

Criterion 1. Legal representation

Finding 11: LAWV's advocates are committed to its mission, and have the capacity to provide quality legal services.

LAWV has developed a multi-disciplinary approach to delivery of legal services to West Virginians. Services are available to clients through three specialized components: the Behavioral Health Advocacy Project, the Long Term Care Ombudsman Program, and the Legal Services Unit. LAWV has been fortunate to assemble and retain a core group of experienced lawyers and advocates. The program also employs a good mix of new attorneys and advocates. Clients have access to legal counsel as well as the program's ombudsman and behavioral health advocacy programs. At the time of the LSC visit, the program employed 46 attorneys and 20 paralegals. Advocate interviews revealed a commitment to the program's mission and a desire on the part of staff to provide quality legal services to clients based on the program's priorities.

New attorneys are given a two-day program orientation along with basic skills training. Additional support is provided by the program's Advocacy Support Group. This group mentors new and less experienced advocates. Thus, in addition to their supervisors, new attorneys are also assigned mentors from a different office. This provides the attorney with additional support and a broader connection to the program's staff and its services. Supervisors accompany new attorneys to their initial court appearances, and advocates provide support for each other when needed.

Internal trainings such as "Third Thursdays" and "First Fridays" afford the staff an opportunity to discuss topics of interest and learn about recent developments in their areas of practice. The visit team noted that staff has developed expertise in the program's priority areas. The program provides many opportunities for advocate training, including the semi-annual program wide staff meetings. LAWV is also an active participant in the Committee on Regional Training (CORT).⁸

In preparation for the visit, the LSC team requested a writing sample from each case handling advocate, selected by the advocates as representative of their best work in the last 24 months and

⁸ CORT is a multi-state legal services training consortium comprised of programs in the states of Ohio, Michigan and West Virginia.

reflecting their legal research, analytical, and writing skills. The team received 67 responses. The responses appear to reflect the nature of law practice in the West Virginia courts, containing very short memoranda and briefs, as well as motions containing arguments and authorities.

The samples covered a variety of substantive and practice areas: consumer debt and collection, family law cases (adoption, divorce, child custody, child visitation, and division of marital property and debt), education, guardianship, housing (private and public/subsidized), juvenile (abuse and neglect cases), SSI, Social Security disability benefits, unemployment benefits, trial and appellate practice, personal jurisdiction. They included the following types of legal writings—appellate briefs (seven in the West Virginia Supreme Court of Appeals), memoranda in the United States District Court, trial court memoranda in the State’s family and circuit courts, responsive court pleadings and motions, letter briefs to Social Security administrative law judges, and advice letters to clients as well as letters to third parties on behalf of clients.

With a few exceptions, the writing samples submitted were of good quality. The appellate briefs and federal court memoranda were well written and exhibited the effective communication skills that are essential to competent legal practice. The arguments advanced in the overwhelming majority of the samples appear sound. Where appropriate, they cite the evidentiary support for facts asserted. The issues addressed in the appellate briefs included attempts to terminate Medicaid services for severely disabled young adults, unemployment benefits, and family law issues of broad significance. The United States District Court cases involved enforcing a component of the state’s Medicaid plan, an action under the state’s wage payment law, and an hour and wage claim.

While LAWV’s advocates are competent, knowledgeable, and creative in the areas in which they actually handle cases, the visit team expressed concern that advocates are focused too heavily on the types of cases within their specific practice areas. Because there appear to be no professional development plans that require advocates to develop new areas of practice, many LAWV advocates are limited in their ability to spot issues outside of their designated practice areas. This was substantiated by interviews with staff regarding ATLAS protocols. The team noted that in some cases, requests for services are rejected if advocates do not have expertise in the particular practice area.

Recommendation III.1.11.1

LAWV should encourage its attorneys to develop new areas of expertise in substantive areas of law that will enhance their legal skills.

Finding 12: LAWV maintains a set of written standards to guide its legal practice.

Under the supervision of the legal director and the advocacy support counsel, LAWV has developed written standards of practice for advocates. These guidelines cover a myriad of topics including standards of conduct, file set-up and development standards, case development protocols and procedures, caseload guidelines, and legal writing instructions. Advocates appeared to be familiar with some of these guidelines. In 2010, LAWV developed a new attorney manual which is a part of its written standards. This manual is currently being updated.

The team noted that for the most part supervisors did adhere to the caseload guidelines contained in the legal work standards. However, caseloads varied throughout the program and appeared to be uneven among the advocates because of the designation of advocates to provide services only for specific funding sources. Caseloads, measured by the number of open cases, are generally low compared to the maximums set by program standards.

Recommendation III.1.12.1:

LAWV should explore distributing legal work of some funders more evenly among attorney staff.

Finding 13: LAWV's legal work supervisory system is informal, promotes autonomy, and lacks consistency.

With the exception of new attorneys and in a few offices, supervision of the legal work appears to be self-directed rather than the result of deliberate and thoughtful oversight provided by management staff. The general supervisory approach is for the advocate to seek out the supervisor rather than the supervisor setting up regular, formal monitoring of the advocate's work. Advocates reported that they receive good support for their work and are comfortable consulting with anyone in the program, including the legal director and the advocacy support counsel.

Most offices do not engage in case acceptance meetings, or provide an opportunity for advocates to discuss wide-ranging issues. Consequently, there is not a systematic, required case acceptance routine. It appears each advocate has the latitude to make an independent determination regarding case acceptance issues. Most experienced advocates reported not having any full, open case reviews, or reviews of closed cases. Most reviews involve an annual or bi-annual performance evaluation, at which time cases are randomly reviewed. Otherwise supervision is accomplished in an informal manner consisting of sharing ideas about how to handle cases. Most reviews appear to focus on whether an advocate is putting in the amount of time required by his/her funding source.

Legal written work is generally not reviewed except for appellate briefs. The program has a shared drive that contains the work of all advocates. Documents may be located through a "word" search. Advocates are not using software tools like *HotDocs* to produce routine letters and pleadings. Advocates have little administrative support. The team noted that in one instance, one legal assistant was supporting the work of six attorneys. Most advocates are doing their own clerical work, which may not be an efficient use of their time, or a good investment of LAWV dollars. The team understands that while these conditions may exist as a direct result of funding-related staff reductions, some of these issues may be ameliorated through supervisory assessment of the efficiency and effectiveness of work flow.

The team found that there is no uniform or consistent use of the tickler system in every office. However, those who are conscientious about use of the tickler often employ a "double or triple-tickle" system, using the case management system, Outlook and a personal calendar. While there were some that did, it appeared that most of the supervising attorneys do not use the case

management system to actively manage and supervise the advocates' cases. Additionally the team was concerned that there appeared to be little oversight of the supervising attorneys' cases other than the random review conducted during the occasional performance evaluation.

Generally, it appears that review of written work and files is done frequently for lawyers and paralegals in the first six months of their tenure, and somewhat less frequently in the first two years. After that their written work is rarely reviewed by supervisors. Files are checked frequently for compliance but rarely for substantive issues.

Recommendation III.1.13.1*

LAWV should establish and follow a protocol for case review/acceptance. The protocol should provide for the regular, proactive review of an advocate's work and/or entire caseload, regardless of the level of the advocate's experience.

Recommendation III.1.13.2*

The program should ensure that those who are charged with the overall supervision of the legal work implement a system for oversight of the work of LAWV's managing and/or supervising attorneys.

Recommendation III.1.13.3

LAWV should promote greater use of HotDocs for routine letters and pleadings.

Recommendation III.1.13.4

LAWV should review its current levels of support staffing in order to ensure a more cost effective method for providing support to advocates. The program should ensure that the ratio of advocates to support staff is such that the program can make the most effective and efficient use of its advocacy resources.

Finding 14: The program has established the position of Advocacy Support Counsel to develop systemic approaches to emerging legal needs in West Virginia.

As is the case with many other legal aid programs, LAWV faces the daunting task of providing quality legal services in an environment where funding is decreasing, and where demand for services is increasing. The program created the position of Advocacy Support Counsel to assist in identifying and developing systemic advocacy approaches. The advocacy support counsel is supported by the advocacy support group, a group of the program's more experienced advocates who provide mentoring and support for new attorneys and make recommendations regarding legal work protocols and LAWV's service delivery approaches. LAWV has the ability through its ATLAS intake system to identify emerging issues. The team saw some systemic and impact litigation in the areas of employment and Medicaid entitlement issues. The program provided numerous examples of working collaboratively with statewide agencies to ensure correct application of regulations.

Recommendation III.1.14.1

LAWV should evaluate and maximize its approach to identifying and expanding opportunities for systemic advocacy and impact litigation.

Finding 15: The program has built the capacity to provide representation of clients in its priority areas.

The program's closed cases per 10,000 poor persons, extended closed cases and contested closed cases are within the range of – or exceed - national averages. Of the total cases closed in 2012, 25% were extended services and 75% were limited services. The program's 2012 closed cases were primarily in the areas of family law (57.5%); housing (14.8%); income maintenance (8.5%); and consumer issues (6.6%).

Interviews with judges throughout the service area revealed that LAWV advocates are consistently prepared, professional, and are well respected.

Criterion 2. Private attorney involvement.

Finding 16: The program has developed a comprehensive three-year plan for its private attorney involvement program, and uses a procedures manual to guide its operations.

In 2008, LAWV began initiating planning for service delivery through its Private Attorney Involvement (PAI) program in three year segments. The team reviewed the program's PAI plan for 2013 – 2015. The plan describes a variety of pro bono participation options available to private attorneys, including direct representation of clients; participation in pro se clinics and classes; providing counsel and advice or brief services through ATLAS; providing services during the Advice and Free Day Clinic sponsored by the West Virginia State Bar at the program's offices; providing legal content for the LAWV website; contract and *Judicare* work; and volunteer financial and in-kind contributions. LAWV also welcomes the donation of work and time from paralegals, court reporters, accountants and other members of the public. The team noted that of the 1,275 attorneys agreeing to participate in the LAWV PAI program, there were only 180 attorneys who actually accepted pro bono referrals in 2012. The program has specific goals to increase volunteer participation in client services delivery and to provide opportunities for increased involvement by key stakeholders. These goals include major recruitment efforts for young attorneys; attorneys to provide assistance to clients in the area of veteran's issues; and expanded recruitment of corporate and government lawyers. The program currently offers free or reduced cost continuing legal education events to lawyers in exchange for their participation in LAWV's PAI program.

In an effort to standardize its operations, LAWV has developed a manual for managing the day-to-day operations of the PAI program. The manual contains information such as instructions with regard to follow-up and oversight of referred cases; and sample letters and forms. Once a case has been identified for referral and accepted by a volunteer, a letter is sent to the attorney along with a copy of the file. The client is notified orally and in writing that the case has been

referred, and is advised to contact the volunteer attorney. PAI staff provide case follow-up and are in contact with the attorney and client to check on the status of the cases every ninety days. The program sends client satisfaction surveys to clients at the close of their cases.

LAWV's PAI program is managed by the access to services manager. She is supported by two PAI assistants, one assigned to the north and the other to the southern portion of the state. This staff is responsible for the statewide PAI effort and for ensuring that LAWV's PAI program operates consistently. In each office a staff member is assigned the responsibility for case referral, follow-up and oversight. Thus, referral of PAI cases varies widely from office to office.

Recommendation III.2.16.1:

LAWV should conduct an internal review of its PAI program to evaluate the degree to which staff is applying PAI policies and procedures; and provide any necessary training to assure program-wide consistency.

Recommendation III.2.16.2:

The program should explore the use of technology in its recruitment and case referral efforts. For example, LAWV could set up a PAI email list, or pro bono portal on the website, where case referrals with a brief description of case facts could be posted. Attorneys who have agreed to participate can select pro bono cases within their field of expertise. Using this vehicle could increase private attorney participation, while reducing the amount of staff time spent in searching for pro bono attorneys to provide legal representation to clients.

Recommendation III.2.16.3:

LAWV should consider expanding the use of "free" CLE training events to increase pro bono participation in direct client services. Attorneys would be required to accept a number of pro bono cases in exchange for benefitting from free CLE events. This could serve as a recruitment tool for the program.

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

Finding 17: LAWV staff is engaged in community legal education and minimal pro se assistance.

LAWV's staff provides community legal education regularly from each of its regional offices through staff participation in community fairs and presentations. LAWV staff are often asked to provide assistance to partner agencies through in-house training events. Limited *pro se* assistance is also provided through staff presentations in some locations, and information on self-help representation is provided in pamphlets and other materials. There does not appear to be a program-wide systematic approach to the use of pro se clinics.

Some judges who were interviewed expressed that there is a critical need for more LAWV staff to meet the demand for assistance. A few noted that a significant number of the cases in their

courts are being heard *pro se*. They suggested that local LAWV offices should provide community legal education sessions for *pro se* litigants on how to complete forms and appear in court.

Recommendation III.3.17.1*:

To the extent possible the program should increase the number of structured pro se clinics and proactive community legal education events conducted for clients.

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

Criterion 1. Board governance.

Finding 18: LAWV's board of directors is highly engaged, and provides effective oversight over the affairs of the program.

LAWV is governed by a 23-member board of directors which reflects the diversity of the state's population. The board meets at least quarterly, and records reflect that attendance is consistent. Board meeting attendance is enhanced by the use of the program's video conferencing system. Board members appeared to be quite knowledgeable about the program and its current issues. Interviews reflected that board members have a keen interest in the program's management and operations, and that they exhibit a strong commitment to the program's mission.

The board carries out its fiduciary responsibility through its committee structure. These committees include Executive, Audit and Fiscal, Personnel, Resource Development, Strategic Planning, and Private Attorney Involvement. Committees regularly report to the full board and make recommendations for consideration. Board members actively participate on these committees and work in partnership with LAWV staff to accomplish their responsibilities.

In preparation for its meetings, board members receive appropriate materials related to the agenda, including updated budget and financial reports and program information. The agenda for regular board meetings includes a complete review of the firm's financial position, a management report from the executive director that also reflects the program's progress in implementing its strategic plan, and a litigation report provided by the legal director that updates the board about developments regarding the firm's advocacy. Along with these discussions, presentations are sometimes made relative to areas of board member responsibility.

Client representatives are nominated by key client and community advocacy groups throughout the state. Overall, client involvement, while consistent, is limited to a few stalwart client board members. The program acknowledged that they have been challenged in keeping a full complement of engaged client board members due to illness and other challenges. At the time of the visit, LSC records indicated that there were three client board member vacancies. The team was informed that one vacancy had been filled, and that plans were underway to have the others filled at LAWV's September board meeting. These vacancies impacted the geographic balance

of representation since two of them were located in the eastern portion of the State.

New board members are provided a half-day orientation along with a comprehensive manual that includes information about the Board, program operations, fiscal management and membership requirements. This manual forms the basic component of new Board member training. These sessions are open to all current members of the board, and some members indicated that they have attended them.

LAWV's board has an appropriate client complaint and appeal process which is publicized by the program. Additionally, the board has adopted an appropriate succession plan for the executive director's position. The team noted that the succession plan did not include provisions for the legal director's position.

The team found that the board exudes a great deal of confidence in the program's management team. Both the executive director and the legal director were commended by board members for their management leadership of the program. The board conducted a comprehensive performance review of the executive director in December, 2012. The process was led by a committee comprised of attorney and client board members. The evaluation was a "360 degree" process that included the use of a confidential survey completed by all LAWV staff and board members; individual telephone interviews of each member of LAWV's management team conducted by evaluation committee members; and telephone interviews conducted by the committee with stakeholders from the West Virginia State Bar, the Judiciary, community partners and West Virginia funders. As evidenced by the resulting report of the performance review, the board is pleased with her performance.

LAWV's board continues its commitment to quality oversight of the program through its commitment to development of program resources, decision-making in response to difficult funding challenges, and leadership and engagement in the firm's strategic planning initiative. Staff in some offices noted that some members of the board often visited their offices.

Recommendation IV.1.18.1:

In order to strengthen and invigorate its client board membership, LAWV should initiate a client board member development plan that includes specific training tailored for development of client leaders in legal services. This training could include board member skills development, as well as orientation about the availability of LAWV support and resources to assist client board representatives with their participation in LAWV board meeting and activities.

Recommendation IV.1.18.2:

LAWV's executive director should offer to convene a meeting or discussion with client board representatives prior to quarterly board meetings in order to review the agenda, answer questions and prepare client board representatives to present issues to the full board.

Recommendation IV.1.18.3*:

Because of the responsibilities of the legal director, the board should consider

expanding the provisions of its leadership and succession plan to include that position.

Finding 19: LAWV's bylaw provisions are ample, but contain no conflict of interest clause for its board members.

Last reviewed in 2009, LAWV's bylaws directing the program's governance clearly articulate the board's powers, membership, terms of office, meetings, committees, and board's election process. LAWV's bylaws make no provision for term limits. The team noted that the state is partitioned into ten multi-county geographic regions for the purposes of attorney board member elections. Nominations for these ten board seats are made by the West Virginia Bar Association, and often these elections are competitive. Along with these elected attorney board members, the bylaws provide for a membership position for the executive director of the West Virginia Bar Association; the Mountain State Bar (the State's African American Bar Association) and the West Virginia College of Law.

In 2005, the program developed a conflict of interest and disclosure policy applicable to board members and management staff. The policy was reviewed and approved by the board in 2009. The team noted that neither this policy, nor any of its provisions are mirrored in the organization's bylaws.

Recommendation IV.1.19.1:

The LAWV board should consider review of its current bylaws to include a conflict of interest clause that mirrors or makes reference to the current LAWV conflict of interest policies.

Criterion 2. Leadership.

Finding 20: LAWV benefits from effective leadership that is recognized and appreciated throughout the state of West Virginia.

The visit team reviewed the staff survey and conducted on-site interviews of board members, community stakeholders, and individual staff members. Without exception, the judiciary, board members, bar representatives, staff and the community consistently commended the executive director on the quality of leadership she provides to the program, as well as her leadership capacity and visibility in West Virginia. They generally identified her as a "problem-solver with creative ideas who is willing to step up to the plate and get the job done." Likewise, commendations were shared with regard to the legal director who has forged a strong reputation in the legal community. They were complimented as a team that works well together, a team that has achieved balance which has resulted in enormous benefit to the program. Both the executive director and legal director are members of West Virginia's Access to Justice Commission, and the legal director chairs the Commission's *Pro Bono* Committee. Two other LAWV managers are also active with the Commission and serve on sub-committees.

Within the program, the propensity for strong leadership development is modeled by the board of directors and LAWV's executive management team. LAWV's leaders have created an environment that values commitment and inspires a focus on the organization's mission. Staff members are encouraged to take on leadership roles for various committees and projects. The team also acknowledged an atmosphere of inclusion and teamwork that are synonymous with strong organizational leadership. Staff members are engaged in committee work related to strategic planning, advocacy development, client access, and other program-wide agenda items. With the mixture of more experienced staff and younger staff that are eager to collaborate with agencies and organizations, LAWV is poised to produce a corps of strong leaders. Additionally, during staff interviews, the visit team learned that many LAWV staff members are involved in various community organizations, and are actively engaged and provide leadership in local bar and state bar activities.

Criterion 3. Overall management and administration,

Finding 21: LAWV is a well managed program administered by an experienced, capable management team.

LAWV has a four-member executive management team led by the executive director and composed of the legal director, administrative director and chief financial officer. This leadership team meets bimonthly and focuses on decision-making regarding program policies and initiatives. In alternating months the management team meets as a part of an eleven-member general management group including unit and program directors. This larger team focuses on implementation of policies and initiatives as well as meeting the goals and objectives of the program's strategic plan.

The executive director meets regularly with the administrative director, chief financial officer, resource development manager and others directly involved in LAWV's overall administration. The long term care ombudsman director and behavioral health advocacy project director are also directly managed by the executive director. Local offices are managed by the supervising attorneys who meet monthly with the legal director by video conferencing and in person once a year. Along with these middle managers, the legal director directly supervises the access to services manager, advocacy support counsel, managing attorney for grants and training, and legal projects specialist.

The management team works together to ensure that sound policies, procedures and protocols are developed and implemented, and that the program adheres to the objectives in its strategic plan. Members of the team, while diverse in some of their opinions, appear to share a common vision and loyalty to the program.

The legal director is responsible for oversight of compliance and enforcement of funder requirements, and that responsibility is delegated on a day to day basis to the grants and training manager. Together they keep the program abreast of funding requirements and conduct internal reviews to ensure compliance. LAWV has instituted an appropriate policy for continuity of its operations in the event of a disaster.

Finding 22: LAWV has a robust technology infrastructure to support its work and well trained technology staff to provide management and oversight of this function.

The program has built a strong technology infrastructure to support its work. Staff report that the systems are well maintained and that technology staff are very responsive to their needs. LAWV employs two experienced technology staff and a dedicated specialist to manage its technology systems. Overall responsibility for technology management rests with the IT manager, a certified IT professional with extensive experience. He is supported in this work by two additional IT professionals who have specific responsibility for the upkeep and maintenance of software systems and forms development.

Because of the distances between offices, and the geography of the state, LAWV is challenged to maintain the quality of its technology infrastructure. For example, some offices had difficulty with issues such as the availability of sufficient bandwidth to operate the technology. These issues have been addressed. Using virtualized servers, the program operates a network connecting all offices through T1 lines. LAWV runs the whole program with only four physical servers, and these house 16 virtual servers. Software is loaded from the network to end users, and the program currently uses a **Microsoft** desktop management product to manage its network remotely, to assist end users, and to ensure virus protection is updated. The program is upgrading all of its computers to Windows 7 (from XP) and at the time of the visit, most of the upgrade was completed. The program has installed state-of-the-art video conferencing, and this capacity has been critical to the ongoing development of LAWV's work. Internal communications are enhanced and the program benefits financially from a return on its investment in video conferencing.

LAWV uses **Kemps Prime** as its case management system. One of the IT staff is the primary support for this software and performs the customization, error checking and training on the software. The other IT staff member focuses on software and forms development, as well as the future development of the program's intranet using **SharePoint**. This will provide a good resource for the program's practice units, and a way for the centralized intake unit, ATLAS, to manage intake protocols and referrals. Future IT projects being planned also include the development of an on-line intake system for clients.

The program has developed some HotDoc forms but has not continued to implement or expand this project. LAWV has also developed some automated forms for pro se litigants using HotDocs, but, again, it has not made good use of such forms for staff. At the time of the visit, some staff were still using **WordPerfect**, although they were also using **Microsoft Word** as a word processing tool.

LAWV has a website at <http://www.lawv.net>. At the time of the visit the website had scant resources for clients and *pro se* litigants. Under bankruptcy, for example, there is only one pamphlet, and that is on Debt Management Counseling.

Recommendation IV.4.22.1:

With the good video conferencing system in place for its offices, LAWV should explore opportunities to expand the use of video conferencing through partnerships with other entities such as telemedicine sites, the Social Security Administration, and local libraries.

Recommendation IV.4.22.2:

LAWV should ensure that regularly used forms for common areas of the law are automated using HotDocs. This is important in that it saves valuable staff time and provides for quality control.

Recommendation IV.4.22.3:

LAWV should greatly expand self-help resources by adding materials to its website, increasing the number of automated forms, and exploring with the courts the possibility of court-based self-help centers.

Criterion 4. Financial administration.⁹

Finding 23: LAWV employs experienced fiscal staff to manage its fiscal operations.

The program's fiscal management functions are delegated to its chief financial officer (CFO), accounting assistant and financial assistant. The chief financial officer, who has an accounting degree, has been with the program for eight years, and has significant experience in non-profit management and accounting. The accounting assistant, who has extensive experience with commercial and business firms, is relatively new to legal services. The financial assistant has been with LAWV for five years and has experience as an accountant-bookkeeper in the insurance industry along with several years in one of the state's larger law firms. Together, this staff manages all the functions related to financial management.

The program maintains an accounting manual detailing its fiscal policies and procedures. This manual was last updated in February, 2013 to be consistent with LSC's Accounting Guide. Monthly financial statements of position are provided to the executive director and the LAWV board's finance and audit committee for review. LAWV uses *Sage 100 Fund Accounting* to manage its financial records. The software has the capacity to track costs based on funding sources, and is equipped with general ledger, accounts payable, accounts receivable, and payroll modules.

LAWV's annual budget process begins with projections by the CFO and meetings with the executive director and the executive management team. When possible, multi-year budgetary projections are provided for consideration. Once discussed and agreed upon, the proposed budget is presented to the finance and audit committee for consideration and recommendation to

⁹ This program quality visit was conducted by the Office of Program Performance (OPP) for the purposes set forth in the introduction. OPP findings and recommendations under this criterion are limited to staffing, organization and general functions. Assessment of fiscal operations is conducted by other offices at LSC.

the full board. LAWV's finance and audit committee is engaged, and takes an active leadership role in the program's annual audit. All program audits have resulted in no material findings.

Recommendation IV.4.23.1:

The program should engage in multi-year budgeting.

Criterion 5: Human resources administration.

Finding 24: LAWV maintains an effective human resources administration.

Responsibility for LAWV's human resources administration is delegated to the program's administrative director, a management professional with thirty-two years' experience with legal services. A portion of the program's staff is organized into a bargaining unit and is covered by the provisions of the collective bargaining agreement.¹⁰

The program has a set of comprehensive personnel policies which guide it on the myriad aspects of personnel management: employee hiring and recruitment, Equal Employment and Affirmative Action, salary administration, and employee benefits.

LAWV's personnel policies provide for the evaluation of all staff. The performance review process measures the specifics of each staff person's productivity using standard criteria, and provides for the assessment of the staff person's goals and aspirations. While staff performance reviews are an annual requirement, some staff indicated that supervisors had not conducted regular or recent assessments of their job performance.

The program has struggled to retain experienced, quality staff and avoid high rates of turnover in the face of dwindling resources and moderate salaries. The program recently conducted a salary study and found that their attorneys were being paid at much lower salaries than those in the public sector with similar responsibilities. To the degree that funding permitted, LAWV provided a modest increase in salary levels for its attorneys. The program continues to seek ways in which it can continue to build and retain a quality workforce.

Recommendation IV.5.24.1:

LAWV should ensure that its middle managers conduct an annual performance review for each staff member as outlined by program's policies.

Recommendation IV.5.24.2

LAWV should work with the West Virginia Access to Justice Commission to develop a loan forgiveness program and other strategies to recruit and retain advocates for LAWV and other public interest law firms in West Virginia.

Recommendation IV.5.24.3:

As funding permits, the program should set a goal to increase starting salaries for staff

¹⁰ A total of 49% of staff are members of the Appalachian Legal Services Employees Union. This union is a local union without national affiliation.

attorneys to match those of staff attorneys in the public sector.

Criterion 6: Internal communication.

Finding 25: LAWV maintains a strong system for internal communications.

The location of the program's twelve regional offices around the State makes it susceptible to gaps in communication; however, the program appears to work diligently to overcome these. From the use of video conferencing for planned and impromptu meetings to its use of email and its phone system, the program remains committed to keeping staff informed. The team learned that LAWV's extensive internal communication system includes a quarterly director's report that provides updates on program issues, weekly program updates from units and offices, as well as a monthly e-newsletter announcing staff anniversaries and staff accomplishments. LAWV schedules program-wide staff meetings twice each year, and each local office holds monthly staff meetings. The executive director and legal director visit each office at least one a year.

Staff input and involvement is consistently sought in major decision making. Representatives from each of the program's offices are actively engaged in the strategic planning initiative. They also participate in the LAWV client access assessment team. Still others are involved in the program's advocacy support team.

Criterion 7. General resource development and maintenance.

Finding 26: LAWV employs experienced resource development staff to help in expanding its resources.

LAWV's current resource development director has been employed in that position since January 2013. She was hired by the program in another capacity in 2012; however with her extensive experience in resource development, she was promoted to her current position when it became available. She has served in similar positions with a local hospital, humanities council and homeless outreach center.

LAWV has been successful in fundraising with the private bar, but recognizes the need to seek funding from other resources such as corporations and foundations. Its successful bids for state-funded grants and its past resource development accomplishments have been critical in sustaining the program thus far. The fundraising efforts chaired by private attorneys supplemented LSC funding in 2011-2012 in the amount of \$321,112. In addition to funding from Interest on Lawyers Trust Accounts (IOLTA), LAWV is the recipient of a significant federal grant which passes through the West Virginia Department of Health and Human Services (DHHR) Bureau for Children and Families. Additional DHHR funding supports the program's domestic violence advocacy, its Long Term Care Ombudsman program, and its Behavioral Health Advocacy Project. LAWV has successfully enhanced its resources through grants and support received from West Virginia University, numerous fellowships, and financial support from the West Virginia State Bar.

The program is also committed to seeking additional funding through state-wide filing fee add-on legislation. The team noted that LAWV has developed a 2013-14 resource development plan, and that the program will be spending more time working to cultivate relationships. LAWV plans to expand its funding by identifying potential donors, using contacts to meet and educate corporation leaders, and working with the legal departments of corporations to get both PAI and corporate donations.

Recommendation IV.7.26.1:

LAWV should include on its website, its electronic communications and in all its printed publications, including its annual report, a convenient way for the public to donate to the program.

Criterion 8. Coherent and comprehensive delivery structure.

(This criterion is covered throughout this report.)

Criterion 9. Participation in integrated legal services delivery system.

Finding 27: LAWV is a critical leader in the West Virginia legal services delivery system.

Clients in West Virginia benefit from a coalition of strong state justice leaders. The West Virginia state justice community, including the judiciary, state bar association, the law school, the courts, lawyers, and community groups, all work together avidly in support of equal access to justice. LAWV has played a pivotal role in helping to establish the West Virginia Access to Justice Commission. The program's leaders serve as members of that Commission. LAWV's leadership is well respected by other providers, and they provide critical input as members of the West Virginia legal services delivery system. Along with other legal services providers, such as Mountain States Justice, which does impact litigation, West Virginia Senior Legal Services, which provides services to senior citizens, and Child Law Services, which provides discrete services in matter related to children, LAWV works to support the ATJ's mission of increased awareness of unmet legal needs and building statewide financial resources to support service delivery.