



LEGAL SERVICES CORPORATION
Office of Program Performance

Final Report From the
Program Quality Visit to

Northwestern Legal Services

Recipient Number: 339111

November 18 - 22, 2013

LSC Team Members:

John Idleman, Senior Program Counsel, Team Leader
Patrick (Mac) McIntyre, LSC Temporary Employee
Robert Sable, LSC Temporary Employee

Table of Contents

Visit Background	1
Program Overview	1
Summary of Findings	2
Findings and Recommendations.....	5
<i>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.</i>	5
Criterion 1. Needs Assessment and Priorities.	5
Criteria 2 and 3. Setting goals and objectives, allocating resources, developing strategies, and implementing processes to achieve goals.	6
<i>Strategic Planning</i>	6
Criterion 4. Evaluation and adjustment.	7
<i>PERFORMANCE AREA TWO: Effectiveness in engaging and serving the low-income population throughout the service area.</i>	7
Criterion 1. Dignity and sensitivity.	7
<i>Intake</i>	8
Criteria 2 & 3. Engagement with the low-income population and access and utilization by the low-income population.	9
<i>Limited-English Proficiency</i>	9
<i>PERFORMANCE AREA THREE: Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area.</i> 10	
Criterion 1. Legal representation.	10
<i>Experience of Staff</i>	10
<i>Quality of Legal Work</i>	11
<i>Legal work management and supervision</i>	12
<i>Quantity of Legal Work</i>	13
<i>Staff Training</i>	14
Criterion 2. Private attorney involvement.	14
<i>Technology</i>	16
Criteria 3 and 4. Other program services and activities on behalf of the low income population.	16
<i>PERFORMANCE AREA FOUR: Effectiveness of governance, leadership, and administration.</i>	17
Criterion 1. Board governance.	17
Criterion 2. Leadership.	18
Criterion 3. Overall management and administration.	18

<i>Disaster Planning</i>	19
<i>Findings</i>	19
Criterion 4. Financial administration.	20
Criterion 5. Human resources administration.	20
Criterion 6. Internal communication.	21
Criterion 7. General resource development and maintenance.	21
Criteria 8 and 9. Coherent and comprehensive delivery structure and participation in an integrated legal services delivery system.	22

Visit Background

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit to Northwestern Legal Services (NWLS) from November 18 to November 22, 2013. The team members on the visit were OPP senior program counsel John Eidleman (team leader) and temporary employees Patrick (Mac) McIntyre and Robert Sable.

Program Quality Visits are designed to evaluate whether LSC grantees are providing the highest quality legal services to eligible clients. In conducting the evaluation, OPP relies on the LSC Act and regulations, the LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The evaluation was organized to follow the four performance areas of the LSC Performance Criteria, which cover needs assessment and priority setting; 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 the documents provided by the program, including recent grant applications to LSC, technology and PAI plans, workforce analysis charts, case reports, and other service reports. The team also reviewed materials requested in advance of the visit, including documents relating to the program's intake, legal work, case management policies and systems, advocates' writing samples, and the results of an online staff survey. While on site, the team visited five of the program's six offices, and interviewed program leadership and administration, all attorneys who were not on leave, paralegals, and support staff.¹ The team also met in person or by phone with the program's board chair and several board members, as well as judges and other members of the state justice community, including the Director of the Pennsylvania Legal Aid Network, various pro bono entities, and other state and local community organizations.

Program Overview

Northwestern Legal Services (NWLS) was founded in 1969 as a one county program for Erie County, Pennsylvania. Today NWLS is a ten county non-profit civil legal services program that has a service area of 7,852 square miles covering western Pennsylvania from the Ohio border to the middle of the state and from the New York border to approximately seventy miles north of Pittsburgh.² NWLS has offices in six of the ten counties.³

¹ The review team did not visit the Franklin office, a one attorney and one secretary office. The attorney was interviewed at another location.

² The ten counties are: Cameron County, Crawford County, Elk County, Erie County, Forest County, McKean County, Mercer County, Potter County, Venango County and Warren County.

³ Erie office in Erie County; Warren office in Warren County; Bradford office in McKean County; Meadville office in Crawford County; Farrell office in Mercer County and Franklin office in Venango County.

According to the U.S. Census Bureau, 127,958 individuals of the service area's total population 657,929 live below the poverty level. NWLS has a staff of fourteen attorneys and two paralegals to serve clients. In 2013, NWLS received an LSC Basic Field Grant for \$672,130. In addition, in 2013, the program received funding totaling \$720,559 from other sources.

Northwestern Legal Services articulates its mission as assisting low-income individuals and families by guiding them through the legal system using advocacy and education to obtain justice with the goal of improving their quality of life and strengthening the community.

Loss of staff and growing legal needs of the client population have put significant stress on advocacy at NWLS, as it has throughout the country, causing the program to modify a number of tools it uses to serve the community.

Summary of Findings

Northwestern Legal Services conducted an effective needs assessment during 2011 and 2012. In January 2011, NWLS sent approximately 1,200 surveys with cover letters to eligible households throughout its service area, including 100 current and 100 past NWLS clients. The program also reached out to hard-to-reach client-eligible populations and those with special needs. There was an overall 7% return rate.

NWLS' most recent strategic planning process consisted of meetings between the executive director and the executive committee of the board of directors and three full in-person board meetings to discuss options for reducing operating costs, staff reductions, office closing(s), and reductions in service delivery.

NWLS does have a methodology in place for measuring the outcomes of its work. It appears that NWLS does capture outcomes using a list of "main benefits" for closed cases. It does not appear to analyze the impact of the "main benefits" it captures on its delivery structure or use this information in strategic planning.

NWLS has established offices in the six towns and cities that have the greatest low-income populations and/or highest concentrations of governmental services, including courts, and state and local agencies. The office locations are easily accessible and have a client friendly atmosphere. The program also conducts some outreach to stakeholder organizations and plans to do more in the future. The team uniformly heard from stakeholders that the staff treats clients with dignity, sensitivity, and respect.

NWLS provides two core ways for applicants to enter the intake process: contacting the Central Intake Unit (CIU) by telephone or by an online application with telephone follow-up. Walk-in applicants are directed to the telephone and online intake portals. NWLS has an efficient telephone intake and advice system that is open Monday through Friday from 9 a.m. until 4 p.m.

Overall, the number of staff that is significantly engaged and working collaboratively with human services organizations, client-centered groups, and governmental agencies that serve the low-income population is limited. That involvement includes attending meetings; conducting some outreach, intake, and educational programs and clinics; and accepting referrals of eligible clients. Only a few staff members conduct outreach. These efforts mostly concern seniors and victims of domestic violence.

NWLS is committed to ensuring language access in its representation and is strengthening its internal language access capacity. The thorough and comprehensive Limited English Proficiency (LEP) plan meets the minimum requirements of LSC's 2004 Program Letter and contains additional practical considerations and guidelines on how to execute those requirements.

The program has a very experienced, dedicated, compassionate, and highly competent staff that provides high quality legal services to their clients. The program and its work are well-respected by the judiciary, the private bar, and social service community throughout its service area.

At the time of the program quality visit, NWLS had fifteen attorneys, including the executive director. NWLS has many very experienced attorneys.

While program attorneys rightfully pride themselves on high quality work in individual cases, they do not appear to be looking for issues facing larger number of clients that might be resolved through legal advocacy. Attorneys did not identify cases in their caseload that might have a broader impact beyond the individual clients served.

NWLS has good policies and procedures for managing legal work that are followed by the managers and advocates. On a periodic basis, using the program case management system, most managing attorneys review open cases with attorneys and paralegals, often focusing on cases in which there has been little activity to determine if cases are being properly pursued or should be closed.

Virtually all staff members are required to develop work plans that are intended to identify work goals and areas of individual improvement. The program is not using the plans for detailed work goals with concrete professional development and case goals that could be measured and evaluated.

This productive program closes a comparatively high number of cases, and a significant number are extended service cases. In 2012, the program closed 4,606 cases (4,697 in 2011, 5,060 in 2010, 5,084 in 2009, and 4,848 in 2008). Of the 4,606 2012 cases, 2,868 were limited service (77.4%), and 1,771 were extended services (22.6%).

The Program has an extensive and detailed Private Attorney Involvement (PAI) Plan that covers all ten counties. The extent of PAI varies in each county and is nuanced to accommodate the needs of clients with the availability of participants in the rural counties

that have small bar associations. The program is very successful in Erie County but faces great difficulties in the outlying counties.

NWLS has good technology. To enhance efficiency and share communications, the program provides each case handler with an up to date computer and a full set of software tools, including the Kemp's case management system; Outlook for calendars, e-mails and tracking of tasks; and SharePoint, an internet program through which program wide information is shared, including, when used, calendaring. Some staff members are not clear about what technology is available.

NWLS provides a number of client services in addition to direct representation that enhance the low-income population's ability to address their legal needs. These include its website <http://www.nwls.org> and two self-help clinics in each of its offices for clients needing help in custody and divorce.

NWLS has a 31 person board composed of members from the 10 counties in the service area. As a whole, the board is representative of the various geographical areas and low-income populations served by the program. The commitment and level of engagement of those board members interviewed by the team, including past and current office holders, is very high.

NWLS is led by an executive director who has been in legal services for nearly 37 years, including 19 years as the NWLS director. He is widely known and well-respected throughout the state's legal aid network. He was named a 2012 Excellence Award honoree by the Pennsylvania Legal Aid Network. Given the size of the service area, the reduced number of staff, and the difficult social and economic climate in which NWLS is currently forced to operate, the executive director appears to be 'spread too thin' to spend adequate time on several mission-critical responsibilities.

NWLS has an effective continuity of operations plan. It meets almost all of the essential components needed for disaster preparation, recovery, and mitigation.

NWLS has a highly capable and well-trained fiscal manager with long experience dedicated to financial administration. She works very well and very closely with the executive director and the board finance committee. There is no dedicated staff member serving as human resources professional. NWLS had employed a full-time resource developer until 2013 when funding losses resulted in layoffs of a number of staff, including the resource developer. Currently, the executive director and key staff in branch offices are involved in aspects of resource development.

NWLS is an active participant in the regional and statewide justice community and legal services delivery system. The executive director participates in the Pennsylvania Project Directors Association, attending meetings and communicating with other directors.

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.

Criterion 1. Needs assessment and priorities.

Finding 1: NWLS regularly assesses client needs and program priorities.

Northwestern Legal Services conducted an effective needs assessment during 2011 and 2012. In 2010, the program redesigned the survey instrument it used in prior needs assessments. In January 2011, NWLS sent approximately 1,200 surveys with cover letters to eligible households throughout its service area, including 100 current and 100 past NWLS clients.

The program also reached out to the special-needs and hard-to-reach client-eligible population. It distributed 300 surveys through its six staffed offices by having those offices send surveys to agencies that served low-income people with special needs and those organizations then distribute the surveys to low-income persons that are potentially eligible clients. There was an overall 7% return rate.

The judiciary, the private bar and staff at social service agencies was also surveyed using an online survey directed to more than 1,100 individuals. There was a response rate of nearly 13%. In the summer of 2011, the NWLS executive director, resource developer and a managing attorney conducted a series of twelve focus groups comprised of client-eligible participants.

NWLS staff and board members attended a retreat in October 2011 to review all of the data compiled as a result of the needs assessment, to analyze and refine the information received and to help prepare for the priority setting process. The results of the retreat formed the basis for board action on NWLS' current priorities and case acceptance policies. The program plans to conduct its next needs assessment between 2016 and 2018.

The NWLS board participates in the review of the program's priorities that are grounded in the needs assessment and expertise of the staff. Following the needs assessment and the two-day staff retreat in 2011, the NWLS board members were sent the staff input and recommendations regarding program priorities and case acceptance policies. The board adopted the priorities at the annual meeting in January 2013.

Recommendation I.1.1.1⁴

NWLS should continue to use the results of client need assessments as a guide in setting its priorities.

Criteria 2 and 3. Setting goals and objectives, allocating resources, developing strategies, and implementing processes to achieve goals.

Strategic Planning

Finding 2: In 2012-2013, Northwestern Legal Services engaged in a strategic planning process to determine the program's goals and objectives for the next few years.

NWLS' most recent strategic planning process consisted of meetings between the NWLS executive director and the executive committee of the board of directors and then three full in-person board meetings to discuss options for reducing operating costs, staff reductions, office closing(s), and reductions in service delivery. The program understandably is in a crisis mentality brought about by funding stagnation and losses making it difficult for the program's leaders to be positive about the current situation. The program appears to be unsure how to plan to deal with its current circumstance other than downsize the program. The staff was informed of the planning process and, according to management and board members interviewed, given an opportunity to participate in the process and voice their opinions. However, a number of staff interviewed expressed the view that they did not have sufficient information or opportunity to participate.

As the program moves forward it could, in the near future, engage in a strategic planning process that addresses how to provide high quality legal services that encompasses both cases that address individual issues and those that have a broader impact. NWLS has a staff of dedicated veteran and newer attorneys and needs to ensure that they use their skills to the fullest. There is an opportunity to train the new attorneys to identify and deal with issues that address not only the needs of individual clients but that have a wider impact on the community.

Recommendation I.2.2.1

The program should engage in a strategic planning process over the next year that includes management, board and staff and addresses delivering high quality legal services with a smaller staff that expands the reach of the program at the same time. The term "strategic planning" does not mean that NWLS necessarily needs to hire a consultant or spend a

⁴ 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, and third recommendation 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.

significant amount of money. But the goal should be to plan and address the future in a proactive fashion.

Criterion 4. Evaluation and adjustment.

Finding 3: NWLS does not regularly evaluate its delivery system to find better ways to serve clients.

NWLS does have a methodology in place for measuring the outcomes of its work. It appears that NWLS does capture outcomes using a list of “main benefits” for closed cases. While it does measure the monetary outcomes for specific legal areas such as its SSI, unemployment and housing practices it does not do so in other legal areas. It does not appear to analyze the impact of the main benefits it captures on its delivery structure or use this information in strategic planning.

NWLS does not yet submit to a rigorous evaluation or measurement of its work, nor does it have a procedure in place to periodically analyze and evaluate the effectiveness of its delivery strategies and work. NWLS does not compare the results actually achieved with the outcomes originally intended, and does not on a routine basis make appropriate changes in its goals, objectives, strategies and legal assistance activity.

Recommendation I.3.3.1

NWLS should, for each program priority, set goals that encompass both outputs and outcomes for clients.

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

Criterion 1. Dignity and sensitivity.

Finding 4: NWLS is accessible and treats clients with dignity and sensitivity.

NWLS has established offices in the counties and cities that have the greatest low-income population and/or the highest concentration of governmental services including court and state and local agencies. The office locations are easily accessible and have a client friendly atmosphere. There are four counties that do not have offices and those clients are served by circuit riding from other counties with staffed offices and brief service from the telephone intake system.⁵ The offices are staffed between 8:30 AM and 5 PM Monday through Friday.

Members of the assessment team visited all but one of the NWLS offices, which were easy to find and clearly marked. The offices had adequate parking available near the offices. They were clean and professional in appearance. There were adequate reception areas with sufficient seating, educational materials available, and informational brochures. The offices were accessible to disabled persons. Interview rooms were available to provide confidentiality.

⁵ Forrest, Elk, Cameron and Potter Counties.

Staff is sensitive to confidentiality issues concerning clinics. One clinic was conducted in the front of an office where the attendees might be seen by the public. The program plans to remedy this situation.

The program also conducts some outreach to stakeholder organizations and plans to do more in the future. The team uniformly heard from stakeholders that the staff treats clients with dignity, sensitivity, and respect. This was revealed in interviews with community agencies, judges, and other service providers. The staff was described as professional, caring, respectful, and culturally sensitive.

Intake

Finding 5: NWLS provides two core ways for applicants to enter the intake process.

Applicants for services access the Central Intake Unit (CIU) by telephone or by an online application with telephone follow-up. Walk-in applicants are directed to the telephone and online intake portals.

NWLS has an efficient telephone intake and advice system that is open every Monday through Friday from 9 a.m. until 4 p.m., including the lunch hour. Applicants speak immediately to an intake screener if one of the three screeners is available. A voice message informs the caller if no screener is available and the applicant is instructed to leave a message for a screener to return the applicant's call. The screener's duties include checking for conflicts, financial eligibility, and screening for case-type/priorities. The CIU includes a managing attorney, two intake attorneys, and three intake screeners. None of the CIU screeners speak languages other than English. If the screener has a client or applicant that needs an interpreter the intake staff contacts the Multicultural Community Resource Center in Erie for the service of an interpreter. Language Line is also available.

Applicants who require telephone advice are transferred to a NWLS intake attorney who provides advice and then confirms the advice in writing with a letter that contains a summary of the advice and educational materials relating to the problem. The intake attorney also makes recommendations to the PAI coordinator for referrals to NWLS' *pro bono* and Judicare panels or the Erie Insurance Group staff attorneys for *pro bono* telephone advice/counsel.

Applicants with issues that are in the program's priorities and need extended service are given an appointment in the appropriate NWLS office within seven to ten days from the time of the initial call to the CIU. The CIU schedules the appointment using its program-wide calendaring system that enables the client to know immediately the location, time and date of the appointment.

If the applicant's problem is not within the program's priorities, the screener may refer the caller to another community resource. NWLS developed a Microsoft SharePoint portal that provides screeners with up to date referral information by subject and county.

An applicant who applies online receives a call-back from a NWLS telephone screener from the intake unit no later than two business days from the time of the application.

The review team heard no complains about the intake system from staff or stakeholders.

Recommendation II.1.5.1:

CIU staff should receive regular, formal feedback about their performance.

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

Finding 6: NWLS' staff's engagement with the low-income population is limited.

Overall, the number of staff that is significantly engaged and working collaboratively with human services organizations, client-centered groups, and governmental agencies that serve the low-income population is limited. That involvement includes attending meetings; conducting some outreach, intake, and educational programs and clinics; and accepting referrals of eligible clients. Only a few staff members conduct outreach. These efforts mostly concern seniors and victims of domestic violence. Case handlers focus on cases that the Intake Unit sends them, which limits their exposure to other issues in the community. Increased outreach could broaden their perspective and alert them to broader community issues for which there might be legal solutions.

NWLS partners with Pennsylvania state legislators and private attorneys in the region to present "Older & Wiser" workshops at senior centers in northwestern Pennsylvania.

NWLS conducts outdoor advertising (billboard) campaigns to inform potential clients about online application for services. The program has a bi-annual newsletter, and it continues its half-hour TV program, "Access to Justice," that is broadcast on Erie Community Access Television and provides information for applicant/clients on its website (www.nwls.org).

Recommendation II.2.6.1:

The program should consider whether the advocates could engage in more outreach.

Finding 7: NWLS is committed to serving a diverse group of clients in the service area, including those with limited-English proficiency (LEP).

Limited-English Proficiency

NWLS is committed to ensuring language access in its representation and is strengthening its internal language access capacity. The program's thorough Limited English Proficiency (LEP) plan meets the minimum requirements of LSC's 2004 Program Letter and contains additional practical considerations and guidelines on how to execute those requirements. Highlights of the plan include giving the Central Intake Unit primary

responsibility for identifying the need for an interpreter. In addition the Erie office and CIU have listed many resources for LEP individuals. NWLS makes its documents available in Spanish, including the release of information form, medical release, retainer, grievance procedure, and client satisfaction survey. The plan also articulates the importance of LEP community outreach.

While the plan discourages use of family and friends as interpreters and sets specific guidelines on the use of family or friends, we were told by a number of advocates that the first resource they look to is a family member to interpret for the client/applicant.

Several of the staff members interviewed were not familiar with the LEP plan. It does not appear that the sections of the LEP plan containing the requirements for the intake process are in the CIU intake manual.

There is one person on staff who speaks Spanish. According to the American Community Survey there are over 1,500 linguistically isolated households in Erie County and concentrated in the city, the majority of which are Spanish-speaking or Russian-speaking.

Recommendation II.3.7.1:*

NWLS should conduct training on the LEP plan to ensure all staff are familiar with the plan.

Recommendation II.3.7.2:*

NWLS should include relevant sections of the LEP plan in the CIU intake manual.

Recommendation II.3.7.3:

If the program has an opportunity to hire new staff it should seek to hire persons with Spanish speaking ability.

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.

Experience of Staff

Finding 8: NWLS's advocacy staff is a program strength.

The program has a very experienced, dedicated, compassionate, and highly competent staff that provides high quality legal services to their clients. The program and its work are well respected by the judiciary, the private bar and social service community throughout its service area.

At the time of the program quality visit, NWLS had fifteen attorneys including the executive director. NWLS has many very experienced attorneys. Three attorneys have more than 30 years' experience, while another three have more than 20 years' experience, and four

have between 10 and 20 years' experience. Only four have fewer than 10 years' experience and three of that group have one year of experience. The executive director has 37 years of experience. Together the staff attorneys in the program average 15 years of experience.

Quality of Legal Work

Finding 9: Overall NWLS provides high quality individual representation, but does not appear to engage in advocacy that could have broader impact.

Staff attorneys are well regarded by the judges before whom they appear, who characterize them as well prepared, effective advocates with excellent oral and written skills. The evaluation team concurs in this judgment. The staff is commended for their deep commitment to the clients they represent. The program also provides the staff with the technological tools needed for efficiency and sharing of information.

Program advocates have particular expertise in Social Security disability cases, in family law custody cases and representation of domestic violence victims seeking protection orders, in landlord/tenant matters, and in unemployment compensation. The communities served by the program value its work in these areas, which they identify as critical. On the whole the writing samples reviewed by the review team were good. They ranged from excellent to "needs improvement." Some that were high quality in substance and persuasion had several typos. A review by another set of eyes should have caught many of the mistakes.

While program attorneys rightfully pride themselves on high quality work in individual cases, they do not appear to be looking for issues facing larger number of clients that might be resolved through legal advocacy. Attorneys did not identify cases in their caseload that might have a broader impact beyond the individual clients served. Nor on the whole do they see using legal tools to attack systemic problems as a goal of their work.

The staff has the capability with the right guidance to identify and tackle more complex issues. These issues can be identified through the intake system as well as more involvement with groups of low-income persons. An example in which the program was effective in achieving positive outcomes for a large group of similarly situated persons involved water quality in a trailer park. A trailer park resident called the CIU with a concern about water quality provided by the park. That client in turn spoke to other residents and the program represented everyone with this problem until the water issue was resolved for all residents. This was not only an effective way to address the issue but was an efficient use of resources.

Given the program's limited resources, taking on issues that would affect large numbers of clients would expand the program's reach and produce efficiencies in representation.

Recommendation III.1.9.1:*

The program should explore ways to recognize issues in the communities it serves that affect large numbers of eligible persons, raise awareness of staff about these issues and ultimately

engage in advocacy that addresses these issues. The program should look for opportunities to bring more cases that can have a broad impact on clients' rights and the policies and practices that affect them. For example, when addressing individual client's debt collection cases, the program might consider litigation under the Fair Debt Collection Practices Act that could not only help an individual client but could also have the effect of stopping the illegal practice and helping other persons similarly situated.

Recommendation III.1.9.2:*

The program should convey a clearer expectation to advocacy staff that some work with a broader impact on the client communities should be a part of their caseload, perhaps with recognition of outcomes achieved in more systemic work, or by encouraging advocacy staff to engage more actively in the statewide subject matter list-serves, task forces, and planning groups.

Recommendation III.1.9.3:*

When economically possible NWLS should create a litigation or advocacy director charged with coordinating the program's advocacy, improving the quality of representation and increasing the effectiveness and efficiencies of the program's advocacy through more systemic approaches.

Legal work management and supervision

Finding 10: Overall the program has the elements of a solid system for the management of its legal work.

NWLS has good policies and procedures for managing legal work that are followed by the managers and advocates. Attorneys consistently prepare opening memos for all cases that are reviewed periodically by managing attorneys. On a periodic basis, using the program case management system most managing attorneys review open cases with attorneys and paralegals often focusing on cases in which there has been little activity to determine if cases are being properly pursued or should be closed.

While managing attorneys are conscientious in their supervision, they are not expert in all areas in which the program practices. To overcome this problem, the program has identified leaders and experts on most legal subjects and has recognized them as program-wide resources in their areas of expertise. For example the managing attorney of the Erie Office formerly headed up the SSI team when staffing permitted her to specialize just in that area. Advocates from all of the offices doing SSI work look to her for guidance and advice and she in turn takes on the responsibility of keeping staff up to date on SSI developments. When a case handler identifies an issue in a case, they will usually call the program expert in that area. Staff universally reported that program experts were accessible, available and helpful on issues within their field of expertise.

To provide guidance and enhance development virtually all staff, support staff as well as advocates, are required to develop a work plan. The plan is intended to identify work goals and areas of individual improvement. The executive director reviews and oversees the

individual plan and may ask for revisions to the plans. The plans are then shared with the managing attorney for the staff they supervise. At least one newer attorney did not have a work plan and was unaware of any systematic professional development plan. While the review team did not review staff work plans, it was provided an example of an individual plan after leaving the program. It seems that the program is missing an opportunity to use the plans for detailed work goals with concrete professional development and case goals that could be measured and evaluated. A well-developed work plan should set out the goals in detail for the year and a concrete plan of how to achieve those goals. It should be the basis for the annual evaluation to see if the advocate is meeting personal and program goals.

Despite the existence of these various systems, the combination of wide geographical dispersion and a general caseload results in a less than optimum system for overseeing the quality of cases. The difficulties and shortcomings of this system are twofold. First, as one advocate put it, “I get help on the problems I know about, but not on the problems I don’t know about.” Without a systematic review of cases by an expert in the area or at least a regular discussion among staff about cases, issues may be missed and best strategies not discovered.

Second, sharing ideas about new developments and best strategies is limited. Many of the program experts do make an effort through e-mail to bring program staff up to date on latest developments. In addition at all-staff meetings, there are sometimes breakout sessions by subject area. But these are not an adequate substitute for regular sharing and strategizing among staff handling the same types of cases.

Recommendation III.1.10.1:*

The program should require regular meetings of advocates in the most common practice areas, e.g., all staff handling unemployment cases or mortgage foreclosure. These meetings need not be in person or lengthy, but rather brief discussions of issues arising in cases being handled and recent developments.

Recommendation III.1.10.2:

NWLS should develop a system where those identified as program experts are given time to review in detail the cases in the expert’s subject area that are being handled by other program advocates.

Recommendation III.1.10.3:

Staff work plans should be more detailed and quantitative, setting out goals for cases and projects, as well as concrete improvement plans that go beyond training to identify how improvement will be achieved and measured.

Quantity of Legal Work

Finding 11: The program closes a comparatively high number of cases, including a significant number of extended service cases.

NWLS appears to be a very productive program. In 2012 the program closed 4,606 cases (4,697 in 2011, 5,060 in 2010, 5,084 in 2009, and 4,848 in 2008). Consistent with their expertise and priorities 1,598 cases were in family law (35%); 1,020 in income maintenance areas (23%) ,of which 676 were SSI cases and 289 were unemployment cases; and 1,046 cases were in housing areas (23%). There were a significant number of consumer collection cases also.

For 2012, NWLS closed a total of 4,606 cases of which 2,868 were limited service (62.3%) and 1,738 were extended services (37.7%). NWLS closed 587 cases per 10,000 poor persons, compared to the national median of 245. For extended cases per 10,000 poor people, NWLS closed 222 cases compared to the national median of 57. For actual contested closed cases per 10,000 poor people, NWLS closed 174 cases. The national median was 28.

Staff Training

Finding 12: New hires receive training and mentoring, but the opportunities for ongoing training are not used to the fullest potential.

Most staff takes advantage of training opportunities. Pennsylvania mandates 12 hours a year of Continuing Legal Education. The Pennsylvania Bar Institute provides legal services lawyers free access to its training programs to meet this requirement. Staff regularly utilize these offerings and attend trainings sponsored by PLAN as well as in house training when offered.⁶ There are ample opportunities to attend CLE trainings and the annual PLAN training. As part of the recent cutbacks, staff reports that funding to attend training sessions has been cut.

New attorneys receive an orientation to the program and are mentored by an experienced manager or staff attorney. Files are reviewed once a week until the supervisor believes the attorney no longer requires this oversight.

Although sufficient mentoring and training opportunities exist for routine, individual cases, supervision and training do not appear to be geared to systemic problem solving. It does not appear that newer attorneys are challenged to take on cases or approach their existing cases with an eye toward broader problem solving and advocacy.

Recommendation III.1.12.1:*

The program should consider trying to obtain funding, to send attorneys to national substantive training events.

Criterion 2. Private attorney involvement.

Finding 13: Although it experiences some challenges in outlying counties, NWLS has an active, effective, and multi-faceted approach to private attorney involvement.

⁶ Pennsylvania Legal Aid Network, Inc. is the umbrella organization that provides leadership, funding, and support to improve the availability and quality of civil legal aid in Pennsylvania.

The Program has an extensive and detailed Private Attorney Involvement (PAI) Plan that covers all ten counties. The extent of PAI varies in each county and is nuanced to match the needs of clients with available pro bono participants in the rural counties that have small bar associations. The program is very successful in Erie County but faces great difficulties in the outlying counties as discussed below.

The pro bono program in Erie County is Legal Aid Volunteer Attorneys (LAVA) and is managed by an experienced attorney who is a half-time pro bono coordinator and a half-time intake attorney. LAVA has a panel of about 180 attorneys in small and large firms and in solo practice who each commit to taking two cases a year. Although all attorneys did not follow their commitment in 2012, the program reported 157 cases referred and 135 cases closed in 2012.

NWLS has an innovative PAI program with the legal staff of the Erie Insurance Group (EIG), a Fortune 500 Company headquartered in Erie. Lawyers from Erie Insurance with the encouragement of the General Counsel are trained by the CIU and then take referrals for legal advice that they give during callbacks to clients. When information developed in the phone call suggests that legal representation is needed, the Erie Insurance lawyers refer the case back to NWLS. About fifteen Erie Insurance lawyers participate in the program. Many of the lawyers have become financial contributors to the program, with the EIG matching their contributions. Although the lawyers who are eligible to participate are afforded an opportunity to “buy out” by making a financial contribution instead of participating, the majority has opted to do both. This program could be a national model for corporate counsel pro bono participation; however, the NWLS executive director noted that publicity efforts were limited at the request of Erie Insurance.

Outside of Erie, pro-bono and Judicare have been much more difficult to implement. There are far fewer lawyers, many of them face financial challenges in their own practices, and there is some ideological opposition to the idea of pro bono. In some counties, local bar associations run their own pro-bono programs in cooperation with NWLS, but the programs are administered by the courts or the bar association. These programs have not been very successful and at present provide very limited services. In Warren County the locally administered pro bono program has been in decline. The NWLS managing attorney in Warren County, a former President of the Warren County Bar Association, believes there is a possibility that a new NWLS initiative could be fruitful.

The program has never tried to recruit retired lawyers or lawyers nearing retirement to volunteer in the offices or take pro bono cases. Other legal services programs known to LSC have successfully recruited retired volunteer lawyers. Emeritus pro bono practice rules encourage retired and inactive attorneys to provide pro bono assistance to clients unable to pay for essential legal representation. At last count 33 jurisdictions have adopted emeritus pro bono rules that waive some of the normal licensing requirement for attorneys agreeing to limit their practice to volunteer service. See:

http://www.americanbar.org/groups/probono_public_service/policy/emeritus_attorney_rules.html

Recommendation III.2.13.1:

NWLS should explore whether there are retired lawyers or lawyers close to retirement in Erie County who would consider volunteering at the NWLS offices or take pro bono cases.

Recommendation III.2.13.2:

NWLS should explore whether a new pro bono initiative in Warren County, possibly in conjunction with the Warren County Bar Association and the county court, could be fruitful.

Technology

Finding 14: NWLS has good technology.

NWLS offices are connected with a wide area network (WAN) that supports both computer connectivity and the telephone system. The technology plan submitted to LSC states that NWLS has 4 HotDocs Professional licenses, as well as standard desktop licenses for all employees. It appears that only one advocate makes use of HotDocs, a document assembly program. The program states that it plans to continue to develop automated documents on an as needed basis.

To enhance efficiency and share communications, the program provides each case handler with an up-to-date computer and full set of software tools, including Kemps case management system; Outlook for calendars, e-mails and tracking of tasks; and SharePoint, an internet program through which program-wide information is shared, including, when used, calendaring. The program has available templates in Hot Docs to handle the many repetitive tasks in SSI cases, as well as a software program that automatically prepares bankruptcy forms. It was unclear to the review team if the program uses HotDocs in its landlord tenant work.

Some staff members are not clear about what technology is available. For example, some staff members believe they do have remote access to Kemps, email, calendar and SharePoint when working outside of an NWLS office and others believe there is no access.

Recommendation III.2.14.1:

NWLS should encourage the use of HotDocs for its repetitive document production.

Recommendation III.2.14.2:

All staff should be informed of existing program technology tools, including off-site access, to the extent it is available, to Kemps, email, SharePoint, and calendars.

Criteria 3 and 4. Other program services and activities on behalf of the low income population.

Finding 15: NWLS provides a number of client services in addition to direct representation that enhance the low-income population's ability to address their legal needs.

NWLS has a very good website <http://www.nwls.org/> with an extensive array of prose materials. The site also has numerous links to legal resources including other legal services programs, community agencies, brochures, videos and court forms. One such link is to PALawHelp <http://www.palawhelp.org/>. The NWLS web page also has a PALawHelp link for veterans that references Stateside Legal, <http://statesidelegal.org/>, the web page that contains extensive materials concerning veterans' legal issues.

In addition to individual case representation the program conducts two self-help clinics in each of its offices for clients needing help in custody and uncontested divorce.

The clinics give clients information, advise them on their rights and assist them in preparing papers. The clinics are an effective way to help large numbers of clients in areas where it is possible to obtain fair results without having an attorney represent them.

The program previously had an extensive public awareness program to obtain wider visibility in the communities it served which included billboards. The recent layoff of the development director has limited this program.

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

Criterion 1. Board governance.

Finding 16: NWLS's board, overall, fully understands and is diligently and effectively carrying out its oversight responsibilities.

NWLS has a 30 person board composed of members who are from the 10 counties comprising the service area. There are 15 men and 15 women. They include three African American women. As a whole, the board is representative of the various geographical areas and low-income populations served by the program.

The commitment and the level of engagement of those board members interviewed by the team, including past and current office holders, is very high. A review of board records, supplemented by interviews with key members, establishes that board members regularly receive timely, accurate information and that most board members are reasonably well engaged, and all understand and embrace the program's mission. The team found that the board operates with independence when making major decisions and does not merely acquiesce to the will of the executive director and/or the senior management team. Past decisions demonstrate that the board does not hesitate to exert its independence and that it takes most seriously its responsibility to hold the management team fully accountable for pursuing the program's mission in a highly efficient and effective manner.

It was noted in a 2005 Program Quality Visit Report that both staff and board members characterized attendance and participation at board meetings as low. It is apparent that the staff and board have worked hard and with significant success to address that deficiency. The board also appears to be playing a much more proactive role in program planning, which is highly commendable.

The 2005 visit also resulted in a finding that the board was falling short in its responsibility to foster the portion of the NWLS mission that calls for “engaging in utilization of all available resources,” by failing to make personal and programmatic commitments to a long-term fundraising strategy. It appeared to the visit team that this continues to be a program weakness.

Recommendation IV.1.16.1:*

The board should develop a comprehensive and focused fundraising plan to grow NWLS’s resources, including direct financial support from board members..

Criterion 2. Leadership.

Finding 17: NWLS is capably managed and led by a highly regarded and deeply committed director who works hard to promote a high volume of high quality legal work.

NWLS is led by an executive director who has been in legal services for nearly 35 years, including 17 years as the director. He is widely known and well respected throughout the state’s legal aid network. He was named a 2012 Excellence Award honoree by the Pennsylvania Legal Aid Network for his accomplishments as a legal aid lawyer and administrator and for his long record of active involvement in community affairs. Among many other successes at NWLS, he has led the program to institute some creative delivery approaches such as the centralized intake unit, a variety of *pro se* clinics, the Older and Wiser program, and use of a professional development director to expand resources. He is well-versed concerning sound organizational management theories and techniques, including the use of emerging technologies, and is an excellent manager. Most recently, he has, with the board’s assistance, successfully shepherded the program through a quite challenging and demanding retrenchment process. It is noteworthy that, despite the inevitable occurrence of some disruption and lessening of morale because of the ongoing funding challenges, the program’s output - in terms of reported cases - did not drop to any significant degree.

Given the expansiveness of the service area, the reductions in staffing, and the difficult social and economic climate in which NWLS operates, the executive director appears to be ‘spread too thin’ to spend adequate time on several mission-critical responsibilities.

Recommendation IV.2.17.1:*

The board should explore ways it could provide the executive director additional support to enable him to pursue development of additional financial resources, and to spearhead high quality and far reaching advocacy. In particular, the board should be giving active consideration to the addition of part-time development staff and a full-time litigation director.

Criterion 3. Overall management and administration.

Findings 18: The management team can be strengthened by placing greater reliance on managing attorneys.

NWLS's executive director is currently supported by a highly qualified management team. Some members of the team have been at the organization for many years and carry with them a sense of history and an enduring level of commitment that informs the program's current efforts. By all indications, this group works well together, instills confidence in the newer hires, and imparts a commitment to high quality legal work and high levels of productivity throughout NWLS. The review team members were routinely advised that the program's management is very approachable and that the desire to support the professional development of new staff is demonstrated in the program's actions.

The managing attorneys are not being maximally utilized as part of the management team. There are no routine or ongoing managers' meetings. Meetings are held when the executive director finds them necessary and calls for them.

Recommendation IV.3.18.1:*

The program should consider using the managers more as an advisor group and as potential candidates for additional delegation of the executive director's responsibilities.

Recommendation IV.3.18.2:*

The program should consider conducting regular meetings of the managing attorneys.

Disaster Planning

Findings

NWLS has an effective continuity of operations plan. It covers almost all of the essential information, elements, and guidance for disaster preparation, recovery and mitigation. These include guidance on safety of staff, communication with staff, authority to implement the plan, alternative meeting places when offices are damaged, preservation of records, including case files and program documents (insurance/financial/employee etc.), and preservation of electronic information. The plan contains a detailed discussion of possible failures of back up systems.

Three areas that could be added are: a requirement to both review and revise the plan on a periodic basis; training on how to carry out the plan if there is an emergency; and a statement of how the client and professional community will be informed of the program's capabilities, services, and response to a disaster.

Recommendation IV.3.18.3:

NWLS should periodically conduct training on the continuity of operation plan, preferably annually.

Recommendation IV.3.18.4:

NWLS should modify the plan to provide for review of the plan annually.

Recommendation IV.3.18.5:

The program should add a section on informing the client community and legal community of the programs capabilities following the emergency.

Criterion 4. Financial administration.⁷

Finding 19: NWLS conducts effective budget planning and oversight.

NWLS has a highly capable and well-trained fiscal manager with long experience dedicated to financial administration. She works very well and very closely with the executive director and the board finance committee. The fiscal manager’s specific duties include maintaining all journals and ledgers, reconciliation of bank accounts, preparing monthly and quarterly financial statements, and overseeing and signing off on state and federal non-profit tax reports. She also assists in the preparation of grant proposals, budgets, and miscellaneous reports, and she designs and manages NWLS’s internal controls relating to grant oversight and financial stewardship. Funding reports are prepared and submitted in a timely fashion.

The program has and regularly utilizes written financial policies, procedures, and practices, and conducts adequate budget planning and oversight. The program’s financial information is regularly provided to the board and to staff on a timely basis. Its written accounting manual is current and addresses the various systems, procedures and forms that are generally associated with sound financial management practices.

NWLS audits have consistently produced “clean” opinions, and occasional management letter suggestions, which have not involved significant problems or issues, are always promptly considered and addressed. No questions have been raised about the adequacy of the various internal control systems and/or procedures.

Criterion 5. Human resources administration.

Finding 20: NWLS maintains and follows clear, uniform, and consistent personnel practices.

There is no dedicated staff member serving as human resources professional; however, NWLS’ board contains attorneys, including its current chair, who have expertise in employment law and recognize personnel management pitfalls. This expertise is made available to and utilized by NWLS senior management staff in conducting its recruiting, hiring, promotion and disciplinary activities.

The fiscal manager and executive director jointly administer a reasonably comprehensive salary and benefits structure, which includes fully paid medical and dental insurance for employees, short term disability insurance, a cafeteria plan for uncovered medical expense, the option to purchase group life insurance, and a 401[k] plan, which

⁷ 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.

NWLS is sometimes able to augment. The program periodically reviews its salary and benefits structure, including a recent review when deliberating retrenchment. Notwithstanding some recent “take backs,” staff with whom the visit team spoke were generally pleased with the program’s efforts to maintain a reasonable rewards structure.

NWLS recently conducted evaluations of all staff. The evaluations consisted of a self-evaluation by each employee and an evaluation by the supervisor. The executive director then met with the employee and supervisor to finalize the evaluation. It appears that while the goal is to conduct annual evaluations, this is the first round of evaluations in several years.

Recommendation IV.5.20.1:

NWLS should conduct annual performance evaluations designed to assess work performance, skill level, and professional development goals.

Criterion 6. Internal communication.

Finding 21: NWLS has systems and procedures for ensuring regular communication among all staff.

The program makes excellent use of e-mail, its SharePoint (intranet) system, Listserves, and webinars to facilitate and enhance internal communications. By most accounts, the executive director has made genuine, good faith efforts to keep all staff regularly apprised of important program developments - particularly those relating to potential funding cutbacks and their projected impact on program operations. While staff members understand and appreciate these efforts, many reported that the language was fairly technical and stated that they would appreciate having it simplified and clarified to the extent possible.

It was apparently the program’s intent that all materials sent to the Board, which were not confidential, be shared with the staff. It appears that through an oversight, the materials were never posted on the SharePoint system. Had they been posted, the staff might have had a better understanding of the fiscal issues facing the program.

Recommendation IV.5.21.1:

The executive director should continue to communicate regularly with staff and should try to be especially mindful that he has a far better grasp of financial matters and political realities than the average NWLS employee.

Recommendation IV.5.21.2:

The program should assure that non-confidential materials sent to the Board are shared with the staff.

Criterion 7. General resource development and maintenance.

Finding 22: NWLS has increased its resource development efforts.

NWLS had employed a full-time resource developer until 2013 when funding losses resulted in layoffs of a number of staff, including the resource developer. Currently the executive director and key staff in branch offices are involved in aspects of resource development. Previously NWLS had implemented an approach to resource development that included support from LSC and PLAN, and obtaining special grants from federal, state and local agencies in addition to IOLTA grants for special projects. The program conducts direct mail solicitations to members of the legal profession and receives funding from the Erie County Bar Association and the Erie Insurance Group corporate legal staff. The program received a grant from the Department of Justice recently in the amount of \$300,000 over three years as a result of the resource developer's work prior to his departure.

Recommendation IV.7.22.1:*

The board should consider revisiting the decision to eliminate the resource development position and consider creating a part time position if the funds for a full time person are unavailable.

Recommendation IV.7.22.2:*

The board should also consider contacting other legal services organizations around the country, such as Atlanta Legal Aid Society, that have been highly successful in using their boards for private fundraising.

Recommendation IV.7.22.3:*

The program should consider developing a plan to seek attorneys' fees. The plan should include training for advocacy staff about the types of litigation that can generate fees. This has the potential to bring in additional resources, and it can be extremely useful as a litigation/advocacy tool to convince adversaries to settle.

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

Findings 23: NWLS is an active participant in an integrated legal services delivery system.

NWLS is an active participant in the regional and statewide justice community and legal services delivery system. The executive director participates in the Pennsylvania Project Directors Association, attending meetings and communicating with other directors.

Under the Pennsylvania Legal Aid Network's coordination Pennsylvania has 10 law groups on 10 substantive areas in which advocates participate. Many of NWLS staff participates on these groups. Staff also attends the annual PLAN statewide annual trainings.

The ability of the staff to participate in statewide activities has been challenged in the last few years due to the recession, and the program's geographic location presents an added challenge to attending events in Harrisburg and Philadelphia.