



OFFICE OF PROGRAM PERFORMANCE

FINAL REPORT

FROM THE

PROGRAM QUALITY VISIT

TO

Legal Aid Bureau of Maryland, Inc.

Recipient No. 321016

March 10–12, 2014 and March 17-21, 2014

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INTRODUCTION

Background on the Program Quality Visit

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a Program Quality Visit to the Legal Aid Bureau, Inc. d/b/a Maryland Legal Aid on March 10 – 12 and March 17 – 21, 2014. The LSC team members were OPP Program Counsel Mytrang Nguyen (team leader), Tillie Lacayo, Cheryl Nolan, and Angela Thornton; and LSC Temporary Employees Cesar Britos, Christy Fisher, Patrick McIntyre, Maureen Syracuse, and Abigail Turner. Roberta Ritvo, Senior Pro Bono Counsel from the law firm of DLA Piper, also joined on the visit. Program Quality Visits are designed to evaluate whether LSC grantees are providing the highest quality legal services to eligible clients. In conducting its assessment, the team reviewed the documents LSC received from the program, including recent grant applications to LSC, technology and PAI plans, workforce analysis charts, case reports, and other service reports. The team also reviewed the documents requested from the program which were submitted in advance of the visit, including documents relating to the program's intake, legal work, and case management policies and systems; advocates' writing samples; and the results of an online staff survey. On site, the team visited Legal Aid Bureau's offices in Cumberland, Riverdale, Hughesville, Rockville, Frederick, Baltimore City, Bel Air, Towson, Annapolis, Easton, and Salisbury. The team also met with staff and stakeholders from government agencies and service providers in the state as well as board members, equal justice stakeholders, judges, and members of the bar.

In performing this evaluation of LAB's delivery system, OPP relies on the LSC Act and Regulations, LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The evaluation and this report are organized according to the four LSC performance areas that cover: 1) legal needs assessment and priority setting, 2) engagement with the low income community, 3) legal work quality and management, and 4) organizational leadership, including board governance, management and administration, resource development, and coordination within the delivery system.

Program and Service Area Overview

Legal Aid Bureau, Inc. (LAB) serves the 24-county state of Maryland. Approximately 591,000 people or 10% of the total state population lives below the poverty level, and in Baltimore City, 148,000 or 25% of the population lives below the poverty level.¹ LAB is a large, sprawling organization with significant internal and geographic diversity reflecting that of the state. Its twelve offices span from Cumberland, at the West Virginia border, to the Eastern Shore, including counties bordering the Atlantic Ocean. According to 2013 data provided to LSC, the organization had over 250 staff, of which more than 150 are attorneys. The Baltimore City office, LAB's largest office, has over 100 staff. LAB's

¹ Population Reference Bureau, analysis of data from the U.S. Census Bureau, Census 2000 Supplementary Survey, 2001 Supplementary Survey, 2002 through 2012 American Community Survey

attorneys and paralegals are unionized. The remaining staff, including LAB's secretaries and social workers are not part of a collective bargaining unit. At the time of the visit, the organization had recently opened its newest office in Rockville, Maryland. This office serves Montgomery County which was previously served by LAB's Riverdale office in Prince Georges County.

The organization maintains a fairly complex staffing structure. Each LAB office has a chief attorney. In the Baltimore City office, along with the office's chief attorney, there are supervising attorneys in the following specialized units: Administrative Law Unit, Child Advocacy Unit, Domestic Unit, Housing/Consumer Unit, and the Intake Services Unit. The Statewide Advocacy and Support Unit (SAS) is also located in Baltimore City. This Unit is comprised of attorneys who specialize in the areas of Housing, Elder Law, and Income Security. The organization's statewide projects, including the Farmworkers Project, Long-Term Care Projects, and Foreclosure Legal Assistance Project, are also part of the SAS Unit.

With a budget of \$27.3 million in 2013, LAB is currently LSC's largest grantee after Legal Services of New York City. A very large portion of LAB's total funding comes from the state IOLTA foundation and the Maryland legislature. The second largest source of funding is Maryland's Children in Need of Assistance (CINA) contract to provide representation to children in the abuse and neglect process with the Maryland Department of Social Services.² In 2013, LAB received \$3,698,159 in LSC funding for its basic field and migrant programs. At 16% of LAB's total funding, LSC is the program's third largest grantor.

Summary of Findings

One of the defining characteristics of LAB is its size and complexity. Given the diversity and spread of the organization throughout the state, the LSC staff observed that the organization has made intentional and effective efforts through the years to unify its staff through substantive law task forces and statewide trainings which positively affect the cohesiveness of the organization and the quality of its legal work.

The LSC team found that the talented LAB staff has a consistent and deep respect for and understanding of clients' daily and institutional struggles. In reviewing its legal work, the LSC team also found that the LAB staff appeared to actively litigate and appeal their cases, demonstrating a culture of assertive and affirmative advocacy.

After engaging in strategic planning in 2008, the organization adopted a human rights framework for its advocacy and moved forward with the complex task of organizing staff and their services around international human rights principles and claims. The LSC team had an opportunity to learn about a complaint alleging migrant farmworkers were denied the right to have visitors and access to social services in labor camps that was presented to the United Nations Special Rapporteur on Extreme Poverty and Human Rights. The case

² The organization's significant work and representation of children in CINA cases was not a focus of this LSC Program Quality Review.

demonstrated how the human rights framework inspires continued advocacy in LAB's core areas of practice, particularly around housing and the "human right to housing."

LAB staff is engaged and active in the communities and stakeholder groups where clients live and receive services. In many instances, LAB staff and offices have been collaborating for years with service providers, advocacy groups, and the bar. In recent years, LAB has also strengthened these relationships throughout the state and in Baltimore City, offering its excellent training program to all pro bono and legal aid providers in the state. It also invites outside stakeholders to participate in its substantive task forces.

At the time of the visit, the organization appeared to the LSC team to struggle with effective management and effective dialogue with its staff, which appeared to contribute to a sense of low morale. The LSC team also learned that the organization was considering a number of promising efforts which could overcome communications challenges common to such large organizations.

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.

Strategic planning

Finding 1: LAB engaged in extensive strategic planning in 2007 - 2008, obtaining new insights as a result of focus groups with clients and community stakeholders. From this effort the organization created a human rights framework for its advocacy and services.

LAB adopted a detailed strategic plan in 2009 that included a statement of vision and values based on a human rights framework incorporating principles of international human rights and where appropriate, human rights claims in legal aid work. Since its adoption, LAB has endeavored to implement the plan throughout the organization, by developing specific action items to incorporate the human rights framework into each of its areas of practice.

Interviews with staff revealed that the focus groups convened during the strategic planning process were an opportunity to gain fresh perspective on client and community issues. Staff participated in assessing community needs by convening focus groups of clients, service providers, and stakeholders. For those staff who were engaged in facilitating these groups, including veteran staff who had worked in their communities for decades, the meetings were "amazing." When focus group participants described instances where they were embarrassed and treated poorly by government agencies and public housing authorities, one veteran attorney recalled, "It made me angry and sad. I know it was true

but I got angry ... Now we try work with clients as partners in a business relationship with the public housing authority. This is not a charity.”

LAB has been dedicated and purposeful in incorporating the human rights framework into its work, engaging in a work planning process for each office around the “human right to housing,” which has resulted in interesting and important housing work that will be discussed later in this report. Committed to developing its human rights practice throughout the organization, LAB created a human rights task force and hired an assistant advocacy director for human rights to train staff and further coordinate the organization’s work in this area. LAB’s most recent statement of priorities approved by the board of directors in 2013 includes family law, housing, economic stability and health as priority areas for the organization.

Finding 2: LAB’s board and executive leadership initiated a plan to open a new office in Montgomery County.

In 2013, after spending months studying poverty data, existing office staffing, funding sources, costs, and the shifting demographics and political landscape in the state, LAB’s board of directors and executive leadership began the process of opening a new office in Rockville to serve Montgomery County. This occurred in the midst of significant revenue uncertainty with LAB’s CINA contracts and with only the potential, albeit strong, of being better positioned for new and sustained funding in Montgomery County where the organization previously maintained an office over a decade ago.

As articulated to the LSC team, LAB’s rationale was based on their assessment of the large and diverse poverty population in Montgomery County. Establishing this new office also provided an opportunity for stronger relationships with service providers and the potential for engagement with a sizeable private bar in the county.

To open the office, LAB obtained new space in downtown Rockville, hired a new Chief Attorney, and hired new staff almost all of whom were hired from the Riverdale office in Prince Georges County that had been serving Montgomery County. The office opened in the summer of 2013 with an event that garnered local legal media attention and included the attendance of Maryland’s Attorney General in addition to other high profile supporters of the organization.

As further discussed below, the decision also created tension with LAB’s staff union and staff in the Riverdale office because the Riverdale office became smaller after losing a number of staff to the new Montgomery County office, and this tension continued to be apparent at the time of the LSC visit in 2014.

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

Dignity and sensitivity

Finding 3: LAB’s approach to intake is that the concerns of low-income people are important and should be treated with professionalism. As a result, the organization strives to have applicants seen by staff attorneys to help resolve their problems.

In meetings and discussions during the visit, LAB’s executive director consistently articulated strong client-centered goals and focus for the organization. In the intake system, this core value is evident in policies and practices that favor allowing all applicants to go through an initial screening followed by a referral directly to an advocate. Many staff interviewed during the PQV noted LAB’s operating ideal that anyone who comes to the organization with a problem should always leave with something of benefit. “It is always better to provide some service than to provide none,” noted one staff member. Another staff person described a culture where “we don’t turn anyone away for services.” At the root of this approach is an earnest, deeply-held, and shared belief among nearly all staff interviewed that poor people and their concerns, whether large or small, are important and should be treated with respect and care. It is also the vehicle to inform the organization’s advocacy, allowing staff to identify issues, patterns and trends early.

During the visit, the PQV team sensed tension between this core value, staff resources that are becoming strained in many of the offices and units, and the constant pressure of low-income people needing assistance, particularly in the highest-volume office in Baltimore City. This provides the context for the following discussion of LAB’s intake system.

Finding 4: LAB’s intake system has been undergoing changes for the past two years and is not fully coordinated internally.

LAB has a complicated and disjointed intake system that reflects the complexity and contrasts among its twelve offices, its diverse communities across the state, its various funding sources, and an intake system in transition since 2012.

Outside of Baltimore City, each local office conducts its own intake with different hours and days for walk-in and phone intake as determined by each office. In these offices, applicants are screened by administrative staff or paralegals, and clients are provided advice under the supervision of the chief attorney or are assigned by the chief attorney to a staff attorney for further assistance. These offices receive intake referrals of applicants who call into one of the specialized hotlines, who are prescreened by staff in the Baltimore office, or who submit online applications. These processes are further discussed below.

Historically, intake in the Baltimore City office has been separated into two distinct units. The telephone unit handles phone intake for Baltimore City and the organization’s specialized hotlines for Family Law and Seniors. The walk-in unit handles individuals who come to the downtown office for assistance. In late 2012, LAB sought to integrate its intake systems in Baltimore City by merging the two separate units into one, naming the combined team the Intake Services Unit. At the time of the assessment, the Intake Services

Unit was staffed with one chief attorney, one supervising attorney, eight paralegals, two staff attorneys, four part-time attorneys, three administrative assistants, six volunteer paralegals, and two volunteer law clerks. One paralegal is bilingual and a native Spanish speaker, and two intake attorneys speak Spanish. There is a chief attorney responsible for all intake operations and a supervising attorney who oversees walk-in intake.³

During the visit, the LSC team observed the Intake Services Unit continuing to operate in many aspects as two separate systems still transitioning into one; there was little mention by staff of any formal effort to combine the two units into one. The LSC team interviewed many staff members, asking each individual to describe the intake system at LAB. The responses consistently described local offices that conduct their own intake with their own case acceptance guidelines within the organization's priorities. The Baltimore City intake system was described as two separate systems with applicants experiencing different results based on how they contact the program.

Finding 5: The Baltimore City office handles a very high volume of applicants, and the Intake Services Unit procedures are not efficient for applicants or staff.

Walk-in intake in Baltimore City is on a first-come, first-served served basis. Intake services are available Monday, Wednesday, and Friday from 8:30 a.m. until 1:00 p.m. Applicants who walk-in receive initial screening by paralegals and are then referred to meet with an attorney the same day. While this process appears straightforward, in practice it raises questions about efficiency and convenience for clients.

Each intake day, individuals who come to the Baltimore office for a new legal problem are asked to sign-in before 1:00 p.m. to be screened and seen that day by an advocate. Applicants are asked to complete a two to three-page form based on their legal issue and then wait in the lobby. Sometimes applicants wait for hours to be seen by an intake paralegal to be screened for eligibility and priority. After 1:00 p.m., the receptionists stop allowing walk-in applicants to sign-in on the wait list and begin to ask individuals the nature of their legal problem in order to screen for emergencies and for matters within the organization's priorities. All individuals who sign-in by 1:00 p.m. will be seen for screening and eventually meet with an attorney up until 4:30 p.m. Emergencies are accommodated as staff is available. Clients with non-emergent matters within program priorities are told to return the next day or may be set-up for a callback. Staff attorneys often continue to meet with applicants who have been waiting all day after the office closes.

On the busiest days, staff report over 50 people arriving before the sign-in deadline of 1:00 p.m. A number of Baltimore City staff interviewed noted how the wait times for applicants in the lobby can be unsettling. "I feel bad, I see people who have been waiting in the lobby all day," remarked one staff person echoing the statements and sentiments of many staff. Other staff confided that there have been instances where staff members offered individuals in the lobby food or money for coffee, a practice that is strictly against LAB

³ The supervising attorney joined the intake staff within the last 8 months prior to the PQV, having previously worked in the domestic unit.

policy. Many staff reported that the duration of in-person wait times can create an intense and sometimes stressful environment in the lobby with some feeling that long waits have worsened since walk-in intake was reduced to three days a week from five days a week. The LSC team observed approximately 20-25 in the lobby on a mid-week morning during the visit and approximately 10 individuals waiting that same afternoon.

Juxtaposed with the process for walk-in applicants are telephone applications. Telephone intake lines are open Monday, Tuesday, Wednesday and Friday from 9:30 a.m. to 4:00 p.m. and Thursday from 9:30 a.m. to 1:00, and from 6:00 to 8:00 p.m. to allow applicants to contact the program after business hours once a week. The telephone intake staff returns calls and processes voicemails throughout intake hours, while also taking turns conducting callbacks on assigned days. There are two hotlines that operate out of Baltimore City, the Family Law Hotline and the Senior Legal Helpline. Special projects such as the Foreclosure Legal Assistance Project and Long Term Care Project also have phone applicants screened through Baltimore and are primarily sent to voice mail for a callback.

When individuals call for services, they reach a live person for initial screening on intake days after holding for up to 20 minutes, at which point their call can forward into voice mail. If intake staff is not available, callers are asked to call back during regular intake hours. There is no option for callers to forgo waiting in queue and leaving a voice mail message. Callers do have the option of following a series of prompts based on their question (e.g. immigration, criminal matters), to have their call immediately forwarded to other service providers. When asked for a general sense of the call volume for the staff assigned to the Family Law Hotline, some noted anecdotally that they handle up to 20 calls by noon and 40 calls in a day. Information subsequently provided by LAB indicates that the one lawyer handling family law hotline calls averages approximately 14 calls a day. Most callers are reached by staff after leaving a voice message and receive a combination of screening, advice, and referral by telephone intake paralegals and attorneys.

Telephone intake has one Spanish speaking paralegal in the Intake Services Unit to assist Spanish-speaking callers with initial screening, and callers who cannot immediately reach her are also placed into voicemail. LAB has one staff attorney who is bilingual in Spanish who provides advice and brief services to clients. Because the telephone intake staff carries responsibilities for other offices in addition to Baltimore City, the unit is tasked to coordinate with other local offices, particularly in determining whether a case is suitable for services in each of the different offices and units at LAB.

Finding 6: The Intake Services Unit does not have more detailed case acceptance protocols from all the units and offices where it makes referrals. This limits internal coordination of intake within the program, which can create delays and other inefficiencies for clients.

According to the organization's *Advocacy Policies and Procedures Manual* submitted as part of the PQV document request, all offices are expected to use a common *Initial Screening* protocol which includes screening for eligibility, legal problem and restricted activities, and creating records in Practice Manager, the case management system. According to the

policy, after the initial screening to determine eligibility for services, the client is provided with legal information or advice under the direction of a supervising attorney, or the application is referred to the appropriate office or unit supervisor for a determination of whether further assistance can be provided.

LAB's case acceptance guidelines contained within its *Advocacy Policies and Procedures Manual* sets forth broad areas where the organization will accept cases. These guidelines do not contain more detailed case acceptance procedures to assist the Intake Services Unit staff by providing them with clear referral standards for each of the units and offices for whom it is screening applications. Some staff in the other offices noted a process of reviewing referrals and not accepting them for services for a variety of reasons, some of which could have been resolved by the Intake Services Unit. Some intake staff noted the process can be disappointing for clients who are referred to offices or units for matters which are subsequently not accepted for services.

LAB staff is interested in a more efficient and coordinated intake system, but the system currently functions without a defined strategy, adequate planning, effective internal communication, or leadership to manage needed improvements. The intake staff and its chief attorney were conscientious and open to change to improve access for clients and support for staff. The chief attorney worked with a member of the LSC's team during the visit and subsequently to obtain technical assistance, best practices and models of intake manuals and protocols from other matured legal services intake and brief service units. She expressed a desire to continue working with LSC on future intake enhancements.

Finding 7: LAB launched its statewide on-line intake system; however, the initiative did not appear to be sufficiently staffed to handle the volume, nor well-publicized throughout the organization.

In November 2013, LAB launched a significant project, its statewide online intake system. Online intake allows applicants to submit their general information to LAB through the organization's web site at any time. Before launching the online application, users are instructed to call the toll-free intake line during the listed intake hours if their legal matter has a deadline of seven days or less. At the end of the application, the program offers a check box, which is automatically pre-checked, for applicants to participate in a survey about their experience with LAB. Another helpful feature is the Check Status option for pending online applications. Applicants check the status by entering their intake ID number. A list of definitions explains the status of updates and results of their application. At the time of the visit, online applicants were receiving follow-up calls or emails from a designated part-time paralegal recently added to the Intake Services Unit to handle the online intake volume. Prior to that addition the Intake Services Unit chief attorney had been handling the online submissions with up to a hundred applications in a week.

The LSC team learned from a number of staff that the implementation of online intake did not include key intake staff before it was launched. Many staff interviewees and external stakeholders were completely unaware that LAB had launched or had been considering online intake. Because online intake significantly improves intake for clients and

communities that face access barriers, LAB did not appear to take advantage of an early opportunity to raise awareness among its staff about the online intake system to encourage its use by the public and by organizations closely involved with its client community. Individuals in nursing homes and long term care facilities, domestic violence survivors, individuals in hard-to-reach rural areas, limited-English proficient populations and other hard to reach communities received no pre-launch education about the availability of this service.

Chief attorneys were appreciative of the initial screening of online intake that was conducted by the Intake Services Unit for their offices. However, a few noted feeling swamped by the large numbers of new applications generated by the online service. It appeared to the LSC team at the time of the visit that the implementation of more formal protocols for responding to online intake was still a work in process. Further, online intake protocols had not yet been included in the *Advocacy and Procedures Manual*.

At the time of the visit, several staff conveyed their understanding that there were plans to place TV monitors running informational videos in the Baltimore City office. There was also mention of kiosks to be placed in the Baltimore lobby to allow walk-ins applicants to submit online applications. When asked for more detail on how the kiosks would affect the queue for the first-come-first-served walk-in intake, no of the staff interviewed was able to articulate a plan that could explain, for example, whether a person who completes an online application in the lobby moves to the front of the line.

In such a large and complex organization, the roll out of an important, statewide entry point for clients will create a positive impact and improve the workload for staff. The 2012 merger of the walk-in and telephone intake units, the plan for TVs and kiosks in the Baltimore lobby, and other proposed improvements appeared to the LSC team be occurring without consultation of key or affected staff. In addition, it did not appear tied to a clear set of articulated goals.

Recommendation II.1.3 - 7.1*⁴:

LAB should develop short and long-term strategies to improve client access and make intake systems more efficient for staff. The organization should ensure stronger program-wide coordination. This should include consideration of the following:

Recommendation II.1.3 - 7.2:

LAB should develop a collaborative and interactive process to provide written case acceptance guidelines from all of the units and offices to the Intake Services Unit, allowing for more effective centralized initial screening. The process should include built-in mechanisms for regular dialogue between the chief attorneys from the offices,

⁴ Throughout this report, Recommendations will cross-reference with the LSC Performance Criteria. The sequence of the reference is as follows: Performance Area (Roman numeral), Criterion (Arabic numeral), Finding (Arabic numeral), Recommendation Number (Arabic numeral), Tier (asterisk). Recommendations that are indicated with an asterisk are Tier One recommendations and are considered important to program quality and/or program performance and will be incorporated into the organization's LSC competitive and renewal grant application process.

units, and Intake Services regarding cases referred for further service, and changes to referral guidelines typically required to address the evolving needs of the units.

Recommendation II.1.3 - 7.3*:

LAB should develop a collaborative process and dialogue to assess more client-centered approaches to walk-in intake in the Baltimore City office. This should include consideration of the feasibility of allowing pre-screened applicants to opt for scheduled appointments (by phone or in person) rather than waiting in the lobby or continuously calling to reach a live intake staff person.

Recommendation II.1.3 - 7.4*:

LAB should engage in an ongoing, periodic evaluation of its intake, including online applications, which also considers all staff whose workloads are impacted by the new system. It should also include the development of formal, written online intake protocols for LAB's Advocacy and Procedures Manual.

Engagement with the low-income population

Finding 8: LAB convenes a collaborative Language Access Task Force that consists of external community stakeholders and staff.

Maryland has experienced a significant increase in the limited English proficient population in a diverse range of languages. According to staff and stakeholders interviewed during the visit, the immigrant population in the state has grown significantly over the past decade. Currently, nearly 17% of the total population of Maryland speaks a language other than English at home.⁵ According to the same Census data, the languages spoken by the limited English proficient population in Maryland are quite diverse with Spanish, Chinese, Korean, African languages, French (Patios and Creole), and Vietnamese being the most common non-English languages. "African languages" alone can comprise over a thousand different languages.

Recognizing this, the Language Access Task Force, co-chaired by LAB staff, began in 2009 as a coalition effort focused on Baltimore City. The task force has been effective in advocating on behalf of limited-English proficient clients and communities in the state. It has since grown to include staff and many community members, all focused on ensuring language accessible policies and practices in organizations, agencies, and institutions throughout the state. The most significant efforts of the task force include its work with the state Access to Justice Commission and Maryland Courts on language access policies and on pro se litigants.

Another notable advocacy accomplishment has been with the Maryland Department of Human Resources (DHR), the state human services provider which provides benefits and services for employment, housing, family, food, elder and child protection, and other services throughout Maryland. Working with organizations that served the Latino and

⁵ U.S. Census Bureau, American Community Survey 5 year Estimates (2012).

Asian Pacific Islander communities, the task force collected anecdotes and instances of DHR noncompliance with Title VI and its LEP plan and sent a letter to DHR. When DHR did not improve or change its LEP practices after months of inaction and discussions, the task force forwarded its letter to the U.S. Department of Agriculture (USDA) because of the USDA's strong language access requirements for its Food Stamps program. With the USDA monitoring the situation, advocates worked with DHR officials to transform DHR's LEP policies and practices. These policies and procedures ensure internal standards and require a language access "do's and don'ts" table-tent that sits on the desk of every DHR staff person who interfaces with the public, reminding DHR staff to provide notice that free interpretation is available. DHR staff has been educated that they are never to ask family members and friends to interpret for LEP individuals seeking services.

Finding 9: LAB has the basic capacity to serve limited-English proficient populations and has made some efforts to strengthen its systems internally.

In interviews with LAB staff, it was clear that advocates across the organization have a genuine interest in serving limited English proficient clients and communities well. When the LSC team interviewed staff about the organization's practices with respect to limited English speaking individuals, the LSC team learned that the following areas did not have clear policies or consistency across the organization: training and proficiency testing of bilingual staff, translation of core documents, and clear policies on the use of bilingual staff for interpretation.

Overall, LAB has basic capacity and systems that most legal aid offices have in place to serve the limited English proficient population. Staff speak Spanish, French, Russian, Mandarin, Korean, Creole, French and American Sign Language. There are two members of the telephone intake staff who are bi-lingual in Spanish. The LSC team learned that LAB staff were asked to self-identify their fluency in other languages as beginner, intermediate, or advanced. There do not appear to be training or quality checks for staff who are bilingual, and the organization does not conduct more formal testing or provide a salary differential for bilingual staff asked to interpret for clients. At the time of the visit, staff interviewed could not recall language access or cultural competency trainings for the organization.⁶

A recent policy at LAB permits staff to use Language Line without permission, a meaningful change that can help ensure timely service and communications with LEP clients. When staff members need an interpreter for an in-office conversation with a client, the practice is to use bilingual staff first with a hired interpreter when the conversation will last longer than an hour. Several staff noted that the workload and call volume for Spanish speaking intake applicants and clients makes it difficult for the organization to consistently provide timely services to the Spanish speaking population in each office.

⁶ The LSC team subsequently learned that a web-based training on language access was in development by the new Advocacy Director for Training and Pro Bono after the visit was completed.

In addition, the LSC team learned that many staff were either unclear or have concluded that cost considerations prohibited having important documents quickly and accurately translated for non-English speaking clients. LAB's 2011 language access policy allows for the translation of "core" documents. Interviews with staff across the state, however, revealed a lack of clarity over which documents are considered "core" and an inconsistent understanding of what translated information was available or allowed. Overall, there was no consistency or clarity on the policy, or on which vital documents are translated for LEP clients.

The organization's main web site was only available in English. This is an important access consideration given the recent rollout of online intake, which is accessed on LAB's web site available only in English. Given the LEP demographics of Montgomery County, LAB's newest office, it will be important to ensure the language access plan is fully implemented and implemented consistently throughout the organization.

Recommendation II.3.9.1*:

LAB should fully implement its language access plan consistently in all offices. It should place a priority on ensuring language access resources are in place, such as additional bilingual staff. It should also establish strong language access systems and quality-controls in offices or units serving high or growing limited-English proficient populations, and in offices where there are few or no bilingual staff.

Finding 10: LAB is engaged with client communities and is involved in recent collaborations with other entities and service providers in the state.

As discussed throughout this report, LAB staff place a priority on staying attuned to the evolving needs of the low income community and their clients. When speaking with stakeholders in the legal community, the LSC team learned about LAB's more recent efforts to partner with other community and legal aid organizations throughout the state. LAB has been participating in "pro bono days" in Baltimore City and has since expanded them to Baltimore County and Frederick. The Frederick office has developed a partnership with a paralegal program to assist with the office's work and services, and the Baltimore staff have been recently collaborating with the Women's Law Center and House of Ruth, a shelter for domestic violence survivors.

These efforts are in addition to the organization's numerous longer term community outreach and education programs which include Homeless Resource Days in Charles and Anne Arundel Counties; ABA Law Day on advanced directives and a veteran's stand-down in Hughesville; working with Senior Centers in Towson; and, regular meetings in Columbia with the Department of Community Housing and Development.

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

Legal representation

Finding 11: LAB's staff are skilled and have a commitment to improving the lives of low-income people. The staff is client-centered and internally collaborative in its legal work.

During interviews with staff, the LSC team learned how many staff are involved in their communities and with stakeholder groups. The staff was very familiar with the needs of their clients and related to them as peers and partners. LAB's management described their hiring process as one that carefully focused on maintaining high standards and "the right fit" for the work. The program's advocates include highly experienced supervisory and senior attorneys. The chiefs, senior attorneys and staff attorneys were consistently knowledgeable in their practice areas.

LAB appears to have developed a diverse staff, including persons at the supervisory level, who bring valuable life or professional experiences to the organization. One executive assistant was formerly a welfare-to-work participant at LAB decades ago. A new foreclosure project attorney was born and raised in Baltimore City, served in the Peace Corps, and worked on significant Baltimore desegregation and fair housing cases while in law school. The chief attorney for the Administrative Law Unit was a prosecutor with extensive trial experience before serving for over a decade as an administrative law judge. A significant number of attorneys have prior experience at other legal aid organizations. Others have experience at public interest organizations, in state government, as law clerks, as well as in private practice.

Most of the attorneys appear to focus on one specialty area, sharing their experience with others at LAB by collaborating often in their work. Several attorneys described how they embrace opportunities to work across practice areas or offices. One attorney described learning a new practice area as one of her most interesting current assignments because the new area greatly enhanced options for clients and her ability to assist them. Another senior attorney stated that working on cases which raise new issues from other units is the most interesting part of her job. During the visit, the team learned that a foreclosure attorney was mooting a circuit court appeal by a long term care project attorney who was appearing before the judge with whom he had clerked. In a housing case before the court of special appeals earlier in the year, a law graduate made use of her experience as a state Supreme Court law clerk to assist with the appellate brief, conducting legislative and regulatory research at the Library of Congress and the U.S. Department of Housing and Urban Development. Almost all attorneys interviewed confirmed that they do not restrict their advocacy to the issues that clients raise or to those covered by their unit. They noted that if a client has other issues covered by other units or experts, the lawyer will reach out to the appropriate unit or expert to get advice or co-counseling.

Overall, the well-rounded staff has an impressive range of experiences with notable talent and skills. As discussed more fully below, this is confirmed by their creativity; the persistence with which they carry out their representation of clients; and, in many

instances, the longevity of their tenure at LAB. One staff member defined the overall staff's profile when describing a colleague who was also a former legal aid client: "She has an instinctive will to fight for the underdog." This description captures the essence of the many staff interviewed during the visit.

Finding 12: LAB is engaged in important and creative legal work across different forums. Since 2008, it has been formally integrating a human rights framework into its efforts.

During the visit, LAB advocates spoke enthusiastically about their cases and legal work. From interviews with staff in each office, LSC team members sensed an organizational culture that encourages quality, aggressive individual representation and broader impact work. When advocates are unable to represent a client, they consistently describe how important it is to provide some level of assistance or advice for the client.

Since its strategic planning process in 2008, LAB has also sought to incorporate an international human rights framework into its work and advocacy. After five years, LAB has effectively integrated a general understanding and common language about human rights throughout the organization and with its entire staff. This is a notable feat given the size, spread and diversity of the organization. More recently, LAB hired a Project Director for human rights to further implement and coordinate its human rights work. On the whole, staff and board members were supportive of and spoke knowledgeably about the organization's human rights approach; how it elevates the importance or the perceived importance of issues affecting low-income people; how it has generated new interest in core legal aid work; and how it provides potential claims and forum for advocacy.

In addition to learning about the human rights-focused advocacy at LAB which was most recently occurring before the United Nations, the LSC team heard many examples of other exciting and creative legal work that was occurring in different forums including administrative agencies, trial and appellate courts, and federal court. There were a number of instances of effective advocacy, several of which are noteworthy and illustrative of the breadth and depth of the efforts of LAB's legal advocates:

- Advocates observed individuals facing foreclosures after cities began selling liens from unpaid water bills to private companies to collect and foreclose upon properties. LAB's advocates delved deeply into the issue, which is currently gaining national coverage and attention in communities that are increasing rates due to water shortages. LAB advocates now work at the forefront of the emerging issue of water costs and water shortages and the impact of rate hikes on low-income clients and communities.
- The organization's long term care project has a clear and consistent goal of keeping people with disabilities in their homes and communities, addressing Medicaid and Olmstead issues for clients with significant mental health and physical disabilities.

- Advocates are working on a collaborative project with the Chief Judge of Maryland's District Courts for a solution to the large numbers of default judgments in rent court that were occurring without any determination that landlords have met minimum jurisdiction requirements, an issue which was unfairly affecting numerous legal aid clients.
- LAB has a long history of creative community development focused on preservation of subsidized housing in Baltimore City. These efforts, led by a national expert on community development and community lawyering.
- A significant case involves the lack of adequate sign language interpreters in state agency administrative hearings. The development of this case provides an example of appropriate and strategic use of international human rights claims. The case has very strong U.S. based due process claims and is being handled by an experienced and very well-respected attorney.
- In an important case involving a Section 8 tenant, a LAB staff attorney argued in the state court of appeals that the Administrative Procedures Act applies to Section 8 Housing administered by the Maryland Department of Housing and Community Development. The attorney handled the underlying housing case that was tried before a jury in state court where the landlord used a holdover claim against the tenant for breach of lease.
- The organization obtained a significant settlement on behalf of low-income clients against the Housing Commission of Anne Arundel County which had a practice of unfairly applying tenants' rent payments to other housing costs, then seeking evictions against tenants for nonpayment of rent.

There were numerous other instances of individual cases where advocates were clearly fully engaged in problem-solving for clients. In one rural office, a veteran chief attorney described public housing matters and cases she had seen for years, but with fresh interest and concern. Her current "project for this spring" involves the rural public housing authority, which recently removed all of the clothing lines at a housing project in order to perform landscaping on the property. When the lines were not replaced, tenants sought to put up their own clothing lines and the housing authority objected stating that their rules only allowed for housing authority-provided clothing lines. "So now our clients have to either go to the laundromat or run up their electricity bill to dry their clothes," she said. The office paralegal conducted research and learned that Maryland is a right-to-dry state requiring a process when there is a policy change relating to clothing lines in multiunit housing. "These cases are about self-determination and how we live. Why can't a public housing tenant put a child's wading pool in the front yard? Or use clothes lines?"

In a review of the writing samples provided to the LSC team, the legal writing at LAB was generally found to be solid and in some instances very good. In other instances the writing could have benefitted from rigorous review. One federal court brief provided to the LSC

team was structured improperly, leading with the case's state claims rather than the federal claims. In several other pleadings, the compelling facts of each client's case were buried pages into the document.

Recommendation III.1a.12.1:

LAB should consider providing training to advocates to focus on excellent legal writing standards and persuasive writing that tells client stories with emphasis on compelling facts.

Finding 13: Given LAB's size, capacity and low percentage of LSC funding, the organization's LSC case closings are low relative to LSC grantee organizations.

Among LSC's 134 grantees in 2013, LAB had the second highest total budget, the third largest advocate staff, and the fifth largest staff. Despite these resources, it ranked 46th in total cases closed on a per capita basis.⁷

LAB experienced a 20% decrease in funding from LSC from 2011 to 2013, largely attributable to poverty population Census adjustments implemented in 2013. During that time, the number of closed cases reported to LSC decreased from 7,423 to 6,461, a reduction of less than 13%.

On a per capita basis, LAB's reported case closing data is lower than the national median among LSC grantees. The organization reports a total of 141 cases per 10,000 income-eligible people compared to the national median among LSC grantees of 212 cases closed per 10,000 income eligible people in 2013. Their case closings also show lower extended representation cases with 30 extended cases per 10,000 income eligible people compared to the LSC national median of 47 extended cases per 10,000 income eligible people.

Based on data the organization reports to its largest funder, the Maryland Legal Services Corporation, the organization provided some information or service to individuals in 75,403 instances in 2013. A large percentage of this, approximately 73% or 55,141 instances, are classified as "brief service, information or referral," with 35,020 of these instances of assistance generated from LAB's court-based pro se and Self-Help Centers.

Finding 14: LAB invests heavily in training for its advocates and has active program-wide, substantive task forces. Both efforts serve to enhance advocates' knowledge and promote office-wide collaboration.

LAB places a priority on providing ongoing training for all of its advocates. The overall training program is well-structured and coordinated by the Associate Director of Training and Pro Bono. The individual in this position is responsible for developing and coordinating office-wide trainings for LAB's advocates. Outside legal services providers and private attorneys are invited to join in any of the staff trainings. Though the position

⁷ Total cases include LSC and non-LSC cases.

was vacant at the time of the LSC visit, the team learned the individual who previously held this position, coordinated recent trainings on the Affordable Care Act, elder law and special needs trusts, working effectively with clients with mental illness, and the human rights framework. LAB has also developed an extensive two-day offsite advocacy institute for lawyers with less than two years of experience. The first session covers trial skills and includes a mock trial. The second session covers a hypothetical used for another mock trial. Many newer attorneys reported that the training was a valuable orientation.

Both new and very experienced advocates spoke highly of the trainings offered and the organization's commitment to it. One attorney noted, "I have never been denied the opportunity for training." Advocates spoke of attending bar trainings, the National Consumer Law Center conference, the National Senior Citizen's Law Center conference, and National Legal Aid and Defender Association trainings.

In addition to their statewide trainings, LAB has developed office-wide task forces to assist advocates in communicating and collaborating across the large organization on substantive and emerging legal issues. Each task force is run by a LAB staff person and includes other staff and individuals from other legal services providers and social service agencies. The level of participation was unclear at the time of the visit as LAB does not maintain lists of its task force membership. However, there were active task forces in the following eleven areas: CINA, consumer law, education, elder law, family law, housing law, language access, public benefits, workers rights, human rights, and veteran's assistance.

Chiefs reported to the LSC team that they were proponents of having staff attend these meetings, where information about issues advocacy, rule changes, and policy changes are made available. Occasionally, there are staff speakers or speakers from outside the organization on certain timely topics for the group. The staff who chair each task force take on a two-year commitment to do so. They are free to make of it what they want and many rise to the occasion, engaging the group to identify emerging issues and share knowledge across the organization. Many staff seemed to enjoy the task force meetings, both as opportunities to learn about issues and to spend time getting to know their colleagues. At the time of the visit, however, many staff felt pressed for time and unable to fully participate in task forces meetings.

Many advocates interviewed in the course of the visit spoke highly of the organization's trainings and the task force structure, giving specific examples of how these opportunities enhanced their work by encouraging constant learning in emerging areas of practice. It was also clear to the team that these efforts serve as an effective vehicle to facilitate networking and relationship building, tying the organization together. Finally, because LAB's task forces and trainings also include external stakeholders, service providers, legal aid advocates and private attorneys from across the state, it is an example of convening power of the program.

Finding 15: In most offices and units, LAB has basic and solid legal work management and supervision systems in place. There were several instances where

the level of legal work supervision and management appeared inconsistent throughout the organization.

In interviews with chief attorneys and supervising attorneys about legal work management in the organization, most described how they convened regular weekly meetings of all advocates to staff cases, primarily new cases assigned from intake. During these weekly meetings, case acceptance decisions are made and attorneys can also raise strategy issues for ongoing cases. Supervisors and chiefs reported monitoring caseloads and assigning new cases according to staff capacity, expertise or interest. In several offices, supervision consists of formal reviews of open cases that occur on a periodic basis, as well as regular discussions of cases at weekly meetings. In a few offices/units, the open case review is done as a group with staff discussing the status of the case and what next steps should be taken.

Generally, advocates reported that caseloads are manageable and appreciate that supervisors monitor caseloads. Descriptions of legal work management systems by several staff-level advocates suggested that the supervisory protocols described above may not be consistently followed across the organization. In several offices, staff and managers described a more informal, “open door” approach with no regular meetings with supervisors or management to review cases, caseloads, or intake. In some instances, staff described legal work management and oversight as an area which can use improvement in the organization.

As the LSC team interviewed staff from various offices, they asked advocates how they incorporated human rights framework into their service deliver approach. The team used this question as one indicator to measure the cohesiveness of the organization’s advocacy and implementation of its strategic plan. In two instances, the team learned of advocates using human rights claims on occasions that did not appear suitable. The LSC team heard of several instances where intake advocates advised pro se individuals to “raise human rights claims.” In one rural office, a paralegal raised a human rights claim in a routine letter to a hearing officer relating to an administrative law case. This suggested to the LSC team the need for more consistent supervision in the organization.

Consistent legal work oversight and management in an organization as large and diverse as LAB may not be easy to achieve particularly given the constantly changing nature of its staff and recent uncertainty with respect to funding.

Recommendation III.1b.15.1*:

LAB should develop a plan for consistent oversight and supervision of legal work and advocacy for the entire organization, particularly on the responsible use of human rights claims.

Finding 16: LAB’s attorney development systems appear to be thorough for newer attorneys. There are fewer planned development opportunities for mid-level and experienced attorneys.

Newer attorneys consistently reported that they engage in a weekly review of their open cases and prepare a monthly case report on the status of their cases which are reviewed by their chief attorney. They also have close case supervision. Some units require daily case reviews initially and move to weekly case review for several months. After a year or so, case review frequency changes to monthly and eventually to quarterly. In case reviews, the supervisor and attorney review and discuss strategy for each case. One supervisor asks advocates to rate cases in difficulty on a scale of 1 to 5, a very useful practice in caseload controls.

Newer attorneys interviewed during the visit described their learning experiences. They indicated that they were being trained in poverty law practice in a planned, phased-in fashion and appreciated that LAB's experienced attorneys are available to answer questions and discuss strategies. As mentioned above, new lawyers also receive a two-day advocacy training.

The Administrative Law Unit in Baltimore conducts an attorney development program for new staff that is also thoughtful and well-developed. The unit's chief attorney introduces new hires to the various substantive areas covered by the unit, by providing opportunities for writing briefs. This work receives intense supervision to ensure the clarity and persuasiveness of the work product. New hires are also provided early experiences in oral advocacy. These opportunities are used by the chief attorney to identify training needs. At the time of the LSC visit, she was planning a training session on introducing documents into evidence which will include practice in the office conference room, then court room practice. This planned, hands-on approach illustrates a thoughtful and comprehensive approach to developing new attorneys.

During the onsite visit, the LSC team sensed that a number of more experienced advocates were struggling to balance the volume of intake and individual cases with personal and organizational interests in taking on more complex legal work. This tension appeared to be partly due to staff vacancies, office changes and transitions, and was mostly noted in the Riverdale and Rockville offices in the year preceding the visit. But it appeared consistently true for attorneys throughout the organization who were more experienced.

There were instances where advocates with approximately 5 – 20 years of experience demonstrated their legal skills and potential in writing samples and in discussing their individual cases with the LSC team. However, the team observed that these mid-level and experienced attorneys had limited opportunities for planned professional development relating to the substantive legal work to which they were assigned. Several fortuitously fell into major cases or appeals, which they were fully encouraged to take on by LAB management. Several were asked to co-counsel with experienced attorneys on significant cases. In other instances, attorneys took on important and new litigation or appeals without adequate support from the organization's most experienced litigators or appellate attorneys, of which there are many.

Recommendation III.1b.16.1:

LAB should conduct a review and develop a system for planned, proactive and more comprehensive on-the-job development opportunities for mid-level and experienced attorneys, similar to that for new attorneys.

Finding 17: The Chief Counsel's current responsibilities curtail his ability to provide more proactive leadership with regard to significant advocacy efforts.

In legal services organizations, the litigation or advocacy director typically carries the functional responsibility of ensuring there are consistent and high legal work standards, proactive and creative advocacy strategies across core areas of practice, and a plan for attorney development at all experience levels. At LAB, the chief counsel carries these responsibilities and more, which can involve an enormous amount of work given the more than 130 attorneys across 12 offices that fall under this position.

Over the past two years, the chief counsel has been involved in the process of considering and opening the new Montgomery County office, staffing the new office (which involved changes to the Riverdale office), restructuring the organization's intake function, and conducting an analysis of advocates' caseloads. These efforts raised personnel, union, and hiring issues which were time consuming and demanding. At the time of the visit, the chief counsel also had fourteen chief attorneys and five SAS directors reporting directly to him. At the same time, he was also maintaining obligations on external committees and statewide meetings, which he covered because of the two LAB vacancies, the advocacy director of training and pro bono and the advocacy director positions. It appeared to the team that administrative and management responsibilities comprised a majority of his time, leaving less time to lead focused advocacy efforts as with the human right to housing process two years ago.

Also at the time of the visit, the director of advocacy position had been vacant for a year. The director of advocacy supervised the SAS and project directors and was responsible for coordinating significant advocacy efforts including complex appeals, major litigation, and legislative requests for information. This position was described by attorneys as one that was actively involved in the significant legal work at the organization.⁸ Thus, for a fairly extended period of time and in the midst of considerable office transitions, LAB did not appear to have ample leadership or chief counsel time to advance or address its significant advocacy work. This is the point at which the LSC team assessed the organization.

With the level of experience of the veteran attorneys at LAB, the collaborative nature of the organization, and with the advocacy director of income security stepping in to assist, the year-long vacancy of the advocacy director position and significant office transitions in Rockville and Riverdale did not appear to negatively impact the quality of the routine, day-to-day legal work the LSC team considered in this assessment. While LAB has a "deep bench" of talent from which to draw and maintain significant advocacy efforts, LAB's individual leaders have other responsibilities, caseloads, or specialized expertise that limit

⁸ The Director of Advocacy for Income Security stepped into the role to help manage the SAS team on an interim basis.

them from serving as a reliable resource to other attorneys in the organization and on a day-to-day basis for an indefinite period. Over time, a lack of leadership and strong coordination for significant advocacy efforts could diminish the consistency and impact of LAB's overall advocacy and increase the chances for missed opportunities. It can also obscure larger gaps such as those discussed above with respect to significant advocacy.

During the visit, the executive team seemed to acknowledge that the chief counsel was overextended. They also shared their plans to restructure the advocacy director position to create a new deputy chief counsel position to support the chief counsel in his many responsibilities. How the different core responsibilities would be divided between the positions was unclear at the time of the visit. At a minimum, the organization has an opportunity to consider how it can best plan for a more robust, consistent and strategic internal coordination of advocacy with clearly identified experts on complex litigation, appellate advocacy, federal litigation, and other aspects of advanced, high-level legal work. At the time of this report, the deputy chief counsel position had not yet been filled or advertised.

Private attorney involvement

Finding 18: LAB has made very limited and small-scale efforts to integrate pro bono lawyers into the delivery of client services.

Maryland has a pro bono delivery system with many pro bono organizations, stakeholders and interests throughout the state. These entities are beginning to coordinate and expand private attorney involvement with LAB's participation, particularly with scheduled weekend clinics for advice and referrals, called Pro Bono Days.

In contrast to LAB, a single organization with statewide reach, Maryland's pro bono delivery system involves numerous stakeholders. There are two statewide pro bono organizations located in Baltimore City and six small, county bar-sponsored programs. In addition, the state's many other service providers also engage pro bono attorneys in the delivery of services.

Other statewide entities focused on increasing access to justice and promoting pro bono work in Maryland, include the Access to Justice Commission, the Standing Committee on Pro Bono (which oversees the network of local pro bono committees), and the Maryland Legal Services Corporation. Recently, the leadership of the major statewide providers has begun to meet. LAB is represented and actively engaged in these forums.

Within the last two years, special statewide efforts to address foreclosure and, more recently, debt issues have taken the form of partnerships that include these statewide pro bono programs, LAB, and other providers, further encouraging collaboration.

At the time of the LSC visit, there was recent Rules Committee action to move forward rules changes that can open pro bono opportunities to government attorneys and others. The state also has limited scope practice rules. Together, these create new openings to expand

the pool of available pro bono attorneys and to increase the ability of providers to involve pro bono lawyers in family law work.

The seven pro bono organizations in the state receive significant financial support from the Maryland Legal Services Corporation. Given this and the many pro bono interests in the state described above, LAB's approach has been to collaborate with and support these organizations in their efforts. Both staff and leadership appeared to be supportive of pro bono providers in the state. LAB staff are well-represented in the state and local pro bono committees, in the state bar, and with the state Access to Justice Committee.

In addition, LAB has a longstanding relationship with Maryland Volunteer Legal Services (MVLS) and makes a sub-grant of LSC funds to MVLS for pro bono representation on referrals from LAB. The subgrant of \$32,000 is relatively small, representing less than 1% of LAB's LSC basic field funding. In recent years, MVLS and LAB have been collaborating more closely to ensure that the referral process functions effectively. The organizations also have a partnership with other pro bono partners for Pro Bono Days, large events in Baltimore City which engage pro bono attorneys in screening, advice, and referrals and with LAB staff providing support throughout the event. These events have since expanded to several LAB offices with additional partners.

LAB offices also make referrals to other local pro bono resources, including the bar-sponsored programs in Montgomery County and Prince George's County. In the Cumberland office, the Allegany Law Foundation is co-located with LAB and receives a small subgrant. And in Frederick, the Frederick Bar Foundation funds a fellow at LAB specifically to make referrals to the bar pro bono program for clients who fall between legal aid and the Frederick Bar's financial eligibility requirements. The Mid-Shore Pro Bono program, a newer organization which covers four of the shore counties in Maryland, is beginning to recruit more private attorneys, who generally handle domestic cases or participate in pro se clinics. In LAB's smaller offices, chief attorneys have relationships with individual pro bono attorneys and may occasionally make some pro bono referrals directly to private attorneys. Overall, and as suggested in LAB's 2014 PAI plan, these referral relationships could benefit from uniform policies, referral forms, and stronger tracking systems.

Internally, LAB makes good use of law students, lawyers who are not employed, and other volunteers to supplement their staff. And in at least two instances, with LAB's migrant program and in a significant Section 8 and due process housing case out of LAB's Riverdale office, the LSC team learned during the visit that LAB has engaged pro bono attorneys at large law firms as co-counsel on complex cases.

Despite these efforts, LAB has generally not prioritized integrating private, pro bono lawyers into the day-to-day delivery of client services. Interviews with LAB staff, executives, and board leadership confirmed that LAB chooses to operate a "staff model" organization directing its resources towards staff provision of legal services for clients and referring cases to the local volunteer lawyer programs. As a result, LAB's pro bono support and work described above amount to an effort with small scale impact on expanding

services to clients. Compared to other LSC grantee organizations, data relating to LAB's private attorney involvement and pro bono activities reflects this. In 2013, the organization reported a total of 174 closed private attorney involvement (PAI) cases of which 164 were pro bono and 10 for compensated work. This represents approximately 3% of LAB's LSC reportable cases. On a per capita basis, LAB closes 4 cases per 10,000 income eligible people compared to the 2013 national median five times higher at 21 PAI cases per 10,000 income eligible people.⁹

LAB has one staff position, the director of advocacy for training and pro bono, who serves as a point person for pro bono, on a part-time basis. The position, which was vacant at the time of the visit, has since been filled. Based on the very significant training activity at LAB discussed above, pro bono efforts appeared to be a lower priority for this position. LAB's executive director is quick to point out that LAB uses outside counsel to provide significant pro bono legal services to meet the program's legal needs as opposed to using private attorneys to assist with services to LAB's clients. In its 2014 PAI Plan submitted to LSC, LAB proposes increasing PAI cases closed by 10%. Many of the activities outlined in its plan propose solid steps that will get a basic infrastructure for stronger referrals as mentioned above (i.e. developing more consistent documents office-wide for referrals to pro bono partners.) However, it will be challenging to accomplish this and sustain any small pro bono program without more significant time from the advocacy director for training and pro bono.

It appeared to the LSC team that many of the other participants in the state justice and pro bono networks look to LAB to provide leadership in identifying pressing and emerging client needs, to provide substantive and other training, and to provide referrals of cases. The new Advocacy Director for Training and Pro Bono, with support from chief attorneys, can seek to strengthen the referral relationships with existing organizations so that the entire network is positioned to deploy pro bono resources where most critical to meet client need.

Recommendation III.2.18.1*

LAB should strengthen its internal coordination and systems for referrals to the pro bono providers in the state and, as resources allow, provide more staff time for pro bono. LAB's advocacy director for training & pro bono should catalog existing pro bono activities and relationships by office, identify key relationships, and identify gaps consistent with LAB's priority needs and areas where pro bono services could be appropriate.

Recommendation III.2.18.2:

LAB should work to strengthen referral relationships with existing providers, including engaging in conversations to determine what cases each organization will

⁹ Under LSC's PAI requirement, 45 CFR 1614, grantees are required to expend an amount equal to 12.5% of their annualized basic field grant to engage private attorneys in the delivery of legal assistance to eligible clients. In 2013, LAB's PAI requirement was approximately \$450,000.

accept, where there are gaps in coverage, and whether and how those gaps can be covered

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

Board Governance

Finding 19: LAB's board of directors is diligent in its efforts to guide program policy and carry out required oversight responsibilities.

At the time of the visit, the LAB board of directors consisted of 17 members. The by-laws expressly provides, "the number of Directors shall be 21." While the board's current membership meets the requirements of LSC in that 11 members are attorneys appointed by the Maryland State Bar Association and the other 6 are client-eligible members appointed by various qualifying agencies and organizations, LAB's bylaws require a membership of 21. As a whole, the board appeared to the LSC team to be appropriately diverse and reasonably representative of the various geographical areas and low-income populations served by LAB.

The commitment and level of engagement of those board members interviewed by the team, including each of the officers at the time of the visit, is high. The LSC team observed that the board president and vice president have served for exceptionally long periods of time, having served on the LAB board since 1985 and 1973 respectively.

A review of board records, supplemented by interviews with key members, demonstrated that board members participate fully in board meetings and discussions. Most recently, the board was engaged in the decision to open the Montgomery County office as a strategic decision for the organization given that it required a reallocation of existing funding and resources in order to open the new office. Board members reported regularly receiving timely, accurate information from LAB executive leadership. Board members also appeared to understand and embrace the program's mission with several indicating their enthusiasm for the human rights framework.

Because the executive director is approaching retirement age, board members and officers have had some general discussion about the need for succession planning and have expressly raised the subject with the executive director. To this point, however, no serious planning has been initiated, and the board members were either at a loss to articulate how to approach the issue or carried a fairly narrow view of the full range of issues involved in a serious plan or of the extensive resources available to assist nonprofit boards with this process.

The reports from two prior LSC visits (in 2007 and 2011) have commented upon the importance of acting with reasonable deliberation in filling board vacancies and urged that the process be viewed as an opportunity to further broaden board diversity as well as to bring in fresh perspectives.

Recommendation IV.1.19.1*

The board of directors should review its bylaws to consider whether the requirement of 21 board members should be adjusted or move with deliberation to fill board vacancies to fill its current board vacancies

Recommendation IV.1.19.2*:

The LAB board should immediately consider a plan for executive leadership succession which includes the formulation of a written succession plan designed to assure program continuity, and facilitate an effective search and selection process. As part of this effort, the board of directors should take advantage of the extensive resources on succession planning available to nonprofit organizations and embark on a more significant effort to understand the issue and its implications for LAB.

Leadership

Finding 20: LAB is led by an influential executive director who articulates a compelling vision for low income people, and who has been an effective advocate for LAB in the state of Maryland.

LAB's executive director has been with the program since 1996, arriving during what was described by veteran board and staff members as a fraught time following the sudden and unexpected death of LAB's previous executive director, Charles Dorsey. This created a leadership vacuum that destabilized the organization. At the time, LAB's total budget was \$9.3 million with 32% of this funding provided by LSC. Since that time and largely due to the tireless efforts of the executive director, LAB has expanded its funding to its current budget of \$27.6 million. The organization has the second largest operating budget of all LSC grantees. In 2013, LSC funding comprised 14% of LAB's total funding, one of the lowest percentages of all LSC grantees.

The executive director was described as a tireless advocate for LAB with funders and external supporters. Working closely with the Maryland Legal Services Corporation, he takes pride in understanding the political and funding landscape in the state, building strategic relationships, and ultimately expanding resources for legal aid throughout Maryland and during his tenure at LAB. "He's absolutely dogged about funding," one staff person observed. "A rainmaker," said another.

When LAB was threatened with losing its most significant CINA contracts in 2013, which would have resulted in a loss of almost 50 staff positions, the director led an effort that ultimately reopened the state's completed procurement process and delayed its implementation. To many who were closely familiar with the process and situation in Maryland, it was a remarkable and unprecedented outcome and a demonstration of the executive director's capacity to make strategic calculations using LAB's reputation.

Overall management and administration

LAB maintains a fairly complex organizational structure with experienced staff managing personnel and the day-to-day administration of the organization. The executive director, a chief counsel, and chief operating officer make up the top three executive management positions at LAB. Chief attorneys carry responsibilities for managing their teams and offices and for communicating staff and management concerns in the organization.

The chief operating officer has been with the organization since 2005 and carries significant responsibilities for the organization's day-to-day operations. She oversees staff that includes finance, administration, program development and compliance, human resources, and information technology. LAB's entire management, including executive management and all of the chief attorneys and operations chiefs and directors, meet monthly in Baltimore with many of the chiefs in outer offices participating by phone.

Interviews with LAB staff indicated that they are clearly motivated and deeply committed to the program's mission. However, the LSC team noted that staff morale was low at the time of the visit. The pre-visit staff survey together with staff interviews pointed to a number of issues, several of which were related to staff views about management and administration of the organization:

- It was evident that the Riverdale office was still recovering from the loss of staff to Rockville without a clear plan for its transition.
- There is a perception in some parts of the organization that executive leadership could be more transparent about decisions and receptive to feedback.
- Some expressed that there is a lack of communication and sense of team between the chief attorneys and their offices and between executive leadership and staff which creates inconsistency in management, supervision, and internal communication.
- There were a number of unfilled vacancies in staff and in key leadership positions.
- Staff appeared concerned about continued revenue uncertainties which were impacting financial decisions.

This section of the report will address each of these management concerns separately.

Finding 21: At the time of the visit, the Riverdale office was recovering from significant transition as a result of staff transfers to the Montgomery County office. There appeared to be no clear plan for Riverdale's service delivery restructure, and there appeared to be little support from management.

The Riverdale office has gone through significant challenges in the last two years. As LAB's second largest office after Baltimore City, it had over 50 staff people in recent years. At the time of the visit, there were 32 positions in the Riverdale office, six of which were vacant. Staff in Riverdale conveyed to the LSC team how the office was recovering from the loss of staff to Rockville. As an overlay to this, the LSC team sensed that LAB's union-management

relations had recently deteriorated with both sides frustrated and exasperated, particularly during and after the Montgomery County office staffing decisions.

Generally, the LSC team's impression of Riverdale was that the office and staff was in transition and fairly disoriented. Though the office or some teams in the office previously met monthly, those meetings had stopped. With the diminution in office staffing along with the ongoing responsibility of a grant from the Administrative Office of the Courts, the elder law and family law attorneys were being asked to change from specialists to generalists. Though some of these attorneys are experienced, they appeared to be moving into new substantive areas of practice without much support to do so effectively. The LSC team learned of a hiring freeze in Riverdale at the time of the visit, leaving 6 vacancies in addition to the loss of staff to Rockville. The departure of a well-liked supervisor and experienced, specialized attorneys to Rockville also left gaps in Riverdale's substantive expertise in areas such as consumer law.

At the time of the visit, the Riverdale office was in need of hands-on management and more effective communication from LAB leadership. There did not appear to be an effort to provide clear communication to address staffing and workload management issues or to provide substantive support on legal issues to Riverdale office staff.

Recommendation IV.6.21.1*

LAB should develop a plan to support the ongoing transition and its impact on the Riverdale office. LAB should identify and prioritize the support needed to stabilize and maintain the delivery of quality legal services in Riverdale. This may include a plan to have attorneys in the Statewide Advocacy and Support Unit support attorneys who are learning new substantive areas. It may also include a plan to manage or limit intake to allow for training and to allow advocates to balance caseloads and coverage during extended staff vacancies.

Internal communication

Finding 22: Overall communication from management to staff emerged as an area that clearly requires the attention of LAB management staff.

There is a perception in some parts of the organization that LAB's executive leadership could be more transparent about decisions and receptive to feedback. From multiple interviews throughout the organization and based on the anonymous pre-visit staff survey, the LSC team learned that some staff did not feel fully respected by management and LAB's executive leadership. The team also learned that this primarily stemmed from a staff perception of being excluded from organizational discussions and decision making that directly impacted them.

On multiple occasions during the onsite visit, the LSC team asked about decisions that impacted an individual's work or office and for the interviewee to describe why the decisions were made. The LSC team asked staff why and how the decision to place TVs and kiosks in the Baltimore City lobby was reached. The LSC team learned during the visit that

LAB management was finalizing a decision to move the Riverdale office to Largo and staff was asked about the rationale behind this move. Staff was also asked, as noted previously in this report, about the process to launch online intake. Interviews with management shed some insights on decisions but in almost all instances, most interviewees were unable to articulate the rationale behind management decisions, which in many cases directly impacted their daily work or office.

While the monthly managers' meetings are a vehicle for management, staff and organizational issues to be discussed, the LSC team sensed that communications to staff after the manager meetings was limited and inconsistent, resulting in staff feeling "left-out" of organizational concerns, as described above. Several staff noted that there is no vehicle for staff to communicate with the executive office if the chief attorneys do not convey information from or to the offices and units. At the time of the LSC visit, there was some discussion of reinstating a union-management committee to regularly meet and improve communication in the organization.

During the visit, there were repeated instances where LAB staff members appeared disinclined to voice disagreement about executive leadership's decisions. This reflected an environment where staff do not feel comfortable voicing important disagreements and having internal dialogue that may strengthen the program. Several individuals noted their reluctance to raise issues related to making improvements to operations. Others relayed their sense that LAB's executive leadership could be intimidating and unapproachable, with minimal direct interaction and communication with most staff.

The program previously held all-staff meetings every several years. The last one appears to have been held in 2008. Although the logistics are challenging (space, dates, budget, etc.), some people found these meetings valuable for building community throughout the organization. There is a regular newsletter that is emailed to the entire staff every two weeks. It contains information about court victories, grants the program received, a technology updates section, and information about people both starting at and leaving the program. It is not clear how many people consider this to be a valuable source of information.

Some staff expressed the feeling that there had been a significant number of all-staff meetings in preparation for the 100th anniversary and LAB's development of its human rights agenda between 2008 - 2011. They noted that this had dropped off, and with it the "connectedness" that was experienced at the time. LAB has been successful in creating cohesion in their large organization around mission-related work and it should strive to do the same for its internal work and processes.

Recommendation IV.6.22.1:

LAB's executive leadership should develop an intentional, consistent strategy for more transparency and engagement with staff around organizational decisions. When organizational decisions are being made, it should seek to ensure more communication about the rationale; it should also share decisions reached at chiefs' meetings, and board meetings.

Recommendation IV.6.22.2:

Management should foster communication and an environment where staff members are treated with openness and respect.

Finding 23: Chief attorneys expressed a need for more opportunities to engage in peer-to-peer discussions about their shared middle-management issues and interests.

LAB has long-time legal management staff members who are committed to the program and to its clients. The chief attorneys handle some of the program's administration and legal work supervision, and although each chief attorney has identical job descriptions, how the job actually functions varies by location. Some chief attorneys carry a full caseload in addition to discharging their supervisory duties. As mentioned above, they participate, either in person or by phone, in monthly manager's meetings to review programmatic and organizational issues. Executive leadership uses these meetings to inform the chiefs about what is happening on an administrative level, about events that are scheduled, and what is needed from them. The chiefs are also asked to provide updates, in advance, about their units or offices.

Communication between the chief attorneys about their shared middle-management issues also appeared to be limited outside the monthly meetings. Several years ago, the chief attorneys participated in an off-site retreat that permitted them to discuss the issues they confront as middle managers on a more in-depth basis. Last spring, the chief counsel conducted a meeting exclusively for the chief attorneys to permit them to discuss any challenges or issues they were experiencing in their individual offices. Several chief attorneys noted that they appreciated this opportunity and would welcome its repetition.

Recommendation IV.6.23.1:

The chief and supervisors should be afforded opportunities to strategize, provide peer-to-peer support, and discuss common management issues without the participation of executive leadership.

Finding 24: At the time of the visit, LAB had a number of key vacancies that were collectively creating pressure and disruptions in efficiency and effectiveness with the remaining staff.

For a variety of reasons, there has been turnover in several key leadership positions at LAB, most notably in the executive team, the finance team, the resource development unit, and the intake services unit. The executive team attributed this to their selective hiring process and funding uncertainties at the organization. At the time of the visit, it was also reported from numerous offices that LAB had many existing vacancies including:

- Advocacy Director/Statewide Advocacy and Support supervisor;
- Associate Advocacy Director for Training and Pro Bono;
- Development Director;

- Development Coordinator;
- Communications Director;
- Director of Advocacy for Children and Families;
- One attorney vacancy in Salisbury, two staff vacancies in Towson, one attorney vacancy in Bel Air, one vacancy in the Baltimore Housing/Consumer unit, two domestic attorney vacancies in Montgomery county, one attorney vacancy for one year in Frederick, and multiple vacancies in Riverdale.

In addition, there were a number of staff who were reducing the percentage of their time on the CINA contracts in multiple offices. The visit team found that these staff losses and associated changes in functions and responsibilities have resulted in increased stress on staff, delays and more limited accessibility of top leadership. To some extent it also causes blurring of roles and accountability for the vacant positions and the positions that function under them. This appears to have had a detrimental impact on staff morale.

With each staff vacancy, there are changes in the workload and work flow of the office, team, and staff that depended on the many now-vacant positions listed above. According to LAB's executive management, vacancies can take 6 months to a year to fill. These extended vacancies, experienced in so many parts of the organization, create stress on remaining staff whose work is being impacted by the vacancies.

Recommendation IV.6.24.1*:

LAB should explore ways to proactively engage managers and staff in regular dialogue on practical strategies to handle the workload/workflow issues that result from staff vacancies. As LAB engages in this process, it should consider the following issues:

- Monitoring and identifying where staff are experiencing caseload pressure and determining how unit case acceptance criteria can be temporarily adjusted to recognize increased and ongoing caseloads from lost staff capacity.***
- Identifying where staff need additional training and support if covering for a vacancies in new substantive areas or managing more than one job.***
- Develop a plan for clear communication to address pressure in the organization created from the staff vacancies.***
- Convening meetings and open discussions for staff to understand organizational issues and approach changes in a coordinated manner.***

Technology, finance, and human resources administration

Finding 25: LAB's appears to be adequately staffed for an organization of its size and complexity.

Under the leadership of the COO, LAB has a large operations team focused on facilities, grant compliance, finance, technology, and human resources. In total, there are over 20 staff members who provide support to the organization out of the Baltimore office. The

chief operating officer meets regularly with her team to discuss updates for the organization and also meets regularly with the directors and chiefs that report to her.

Technology: LAB's technology team is the largest in operations with 9 full time staff at the time of the visit. The Director of Information Technology oversees the team which includes a web developer, a network administrator, infrastructure manager, helpdesk staff, and staff responsible for implementation of a new phone system throughout the organization. The team also includes a Senior Applications Specialist, an attorney who serves as a liaison to advocates on their technology needs, provides training in the case management system, Practice Manager, and who is responsible for maintaining the statewide websites for the public and for advocates.

Finance: Over the past several years, LAB has taken a number of steps to strengthen its finance operations. It hired a completely new finance team after a significant criminal embezzlement involving LAB's former chief financial officer was discovered in 2008, and this team includes an external consultant who provides CFO-level guidance to LAB's management and board of directors. At the time of the visit, the finance team was staffed with 5 people who worked under the chief operating officer. In an earlier LSC visit in 2011, the organization was in the midst of a significant change, moving its staff from defined-benefit pensions to 403(b) retirement plans in order to stabilize the organization financially in the long term. LAB has worked with LSC's Office of Compliance and Enforcement to train its staff, update its policies, and strengthen its internal controls.

The LSC team learned that some staff interviewed did not feel connected to members of the finance or technology teams, nor did they describe a consistent customer service orientation from everyone on the operations staff. This may be partly attributable to the limited contact most staff have with the operations team and to the bureaucratic and administrative requirements that are part of being a large organization with over 90% government funding.

Human resources: The human resources unit is comprised of four people, including the organization's long term chief of human resources. The team carries significant daily responsibilities for personnel issues and benefits questions and administration for LAB's staff of over 250. Given the organization's bifurcated staff, with some subject to collective bargaining and others not, human resource administration at LAB is challenging.

An area related to human resource administration that was raised elsewhere in this report is that of mid-level staff professional development, and related to this is the issue of staff evaluations. At LAB, staff evaluations are required under personnel policies but appear to be inconsistently conducted.. Although the organization does have a performance evaluation tool and process, a number of staff noted that they had not been evaluated recently or at all. There was some mention that the evaluation tool was not liked while others who had been evaluated appeared to appreciate the chance for a full discussion of their work. It did not appear to the LSC team that there are evaluations of management or LAB's chief attorneys.

Recommendation IV.5.25.1:

LAB should ensure that its performance evaluations are conducted on a regular basis and that evaluations are consistently performed across all staff levels, units, and offices. This should include consideration of a system to regularly review chief attorney work.

Resource development

LAB has significantly expanded its funding base, particularly with the state legislature, over the past decade. Currently, the Maryland Legal Services Corporation is LAB's largest funder, providing over 40% of its budget. Their funding includes surcharge monies, IOLTA funds, and state abandoned property funds. The Maryland Department of Human Resources' CINA contract, which covers 12 counties, comprises 26% of LAB's total funding. More recently, LAB obtained a foreclosure grant from the state Attorney General's Office. In total, approximately 95% of LAB's funding is government funding.

While not a significant portion of LAB's revenue, LAB also has pursued private and additional sources of funding such as foundations, bequests, and *cy pres* awards. LAB has a very strong foundation for a private bar campaign. It has established the Equal Justice Council, co-chaired by prominent private-bar managing attorneys, who serve as ambassadors for legal aid and LAB's mission, actively recruiting other managing attorneys in top Maryland law firms to support LAB. Equal Justice Associates are LAB's younger donors. In 2013, according to interviews with Equal Justice Council members, they raised \$380,000 in private bar donations and an additional \$83,000 in individual donations. At the time of the visit, LAB's longtime development director had retired and the new hire had since become a consultant for LAB. This extended vacancy caused some of LAB's private bar efforts to slow for the past year.

Coherent and comprehensive delivery structure

Discussion of LAB's delivery structure is incorporated into this report under Performance Areas Two and Three.

Participation in an integrated legal services delivery system

Discussion of LAB's significant contributions to an integrated legal services delivery system is incorporated into this report under Performance Areas Two and Three.

MIGRANT PROGRAM

The following discussion is particular to the Legal Aid Bureau's Migrant Farmworker Program and LSC's Migrant Grant to LAB for Maryland and Delaware.

Program and Service Area Overview

LAB's Farmworker Project serves the entire state of Maryland and the state of Delaware. The project is comprised of three staff members: a lawyer, a paralegal, and a law graduate/outreach worker. The lawyer is located in Baltimore, and the paralegal and law graduate are in Salisbury, in close proximity to a large portion of Maryland's and Delaware's migrant farmworkers. The LSC staff found the staff to be knowledgeable about the farmworker population and linguistically and culturally competent. Out of three staff members, one is from Colombia and bilingual in Spanish, one is bilingual in Haitian-Creole, and the attorney is conversationally competent in Spanish. In 2013, LAB data reports to LSC shows that the project closed a total of 24 LSC-reportable cases. In 2013, the project received over \$106,000 in LSC migrant funding for its farmworker project.

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.

See discussion below.

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

Dignity and sensitivity

The project conducts extensive and targeted outreach in Maryland and Delaware specifically to workers employed in poultry production in Maryland and Delaware, fruit groves (apples, pears, apricots, plums), and vegetable farms. Advocates travel to and meet with clients outside of normal work hours to accommodate them. The project remains busy almost the entire year between February and December of each year. Migrant camps are heavily concentrated in Delaware and Maryland's Eastern Shore. The project staff described a comprehensive system to cover the entire state, a notable investment given the small staff for the project. When Salisbury staff are conducting outreach to the southern and western parts of the state, they use Baltimore as their base during the outreach period.

The Farmworker Project is an integral part of the network of agencies serving migrant farmworkers in Maryland and Delaware. It engages in effective outreach and advocacy to the client community by planning and engaging in frequent and periodic meetings of service providers, including the Delaware Department of Labor, the University of Salisbury, Somerset County Health Services, and the Choptank Clinic, a community health center.

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

Legal representation

LAB's Farmworker Project utilizes innovative, creative approaches to its legal work. Several years ago, LAB's advocates experienced grower hostility when they tried to meet with clients in employer-provided housing. They sought help from law enforcement to assist with accessing their clients, showing the law enforcement officers a Maryland government agency opinion letter explicitly allowing for such access, but the officers refused to assist the advocates in accessing their clients. As a result, LAB submitted a December 2012 complaint to the United Nations Special Rapporteur on Extreme Poverty and Human Rights, alleging that, by failing to protect outreach providers' unfettered access to migrant farmworkers who live in agricultural labor camps supplied by their employers, the United States is complicit in violating the human rights of this vulnerable population.

The project sought to have the Rapporteur take the following actions which were pending at the time of the visit: requesting permission to visit the United States to verify the restricted access to migrant camps by service providers; urging the United States to take all measures necessary to protect the rights of migrant farmworkers; recommending strengthening the enforcement of farmworker rights by American local, state, and federal government agencies; and educating the U.S. public and enforcement agencies about the rights of farmworkers as they pertain to access to labor camp housing. In 2014, as part of this process, the attorney in the Farmworker Project participated in meetings in Geneva with the UN Rapporteur's staff, as well as with members of the U.S. delegation before the United Nations.

In addition, the program engages in high quality advocacy on behalf of its clients. Examples of legal work include:

- Lawsuit proceeding against Westminster Wholesale Nurseries, its owner, and its general manager on behalf of 12 H-2A nursery workers alleging that the defendants manipulated timecards and made illegal deductions and thereby failed to pay for all hours worked and failed to pay overtime in violation of the Maryland Wage and Hour Law and the Maryland Wage Payment and Collection Act. At the time of the visit, this case was still pending.
- LAB is currently representing three African American chicken catchers on the Eastern Shore who lost their jobs when their employer, which had a contract with Tyson Foods, went out of business on a Friday this winter. The following Monday many of their co-workers were rehired by a new company that got the Tyson Foods contract. It appeared that only Hispanics were rehired, so the Farmworker Project filed a complaint with the Equal Employment Opportunity Commission.

- In the summer of 2013, LAB sued Papen Farms on behalf of two workers. The workers had, primarily, Migrant and Seasonal Agricultural Worker Protection Act claims related to the substandard housing and for the amount of work and pay they received, and FLSA minimum wage claims. The suit was settled shortly after filing.
- In 2013, with Florida Legal Services and Florida Rural Legal Services, LAB represented eight workers who work for Lipman Produce in Florida and Maryland and who had lost work with Lipman in Florida because their farm labor contractor did not offer them work with Lipman in Maryland. This appeared to be racially discriminatory. FRLS led the negotiations with Lipman that got the workers their jobs back in Florida.
- At the end of 2013, LAB's Farmworker Project settled a case for two Florida workers who worked for a Delaware potato farm. The workers were housed in substandard housing, were not provided all the work they were promised, were not paid for all of the hours they worked, and had illegal deductions taken from their pay in violation of the AWPA, FLSA and the Delaware wage payment law. The farm settled after the project sent a draft copy of a complaint, but the crew leaders did not. Because the crew leaders were likely judgment-proof, the project did not sue them but rather sent a complaint letter against the crew leaders to the U.S. Department of Labor.

Other program activities and services to the eligible client population.

The LSC team learned that the project engages in a number of activities to serve the farmworker population and remain responsive to its needs. The three following examples are illustrative of this work.

- Recently, the IRS changed its position and decided that many H-2A guest workers are required to file tax returns. In the past couple of years, workers have been receiving notices from the IRS telling these workers that they have to file returns for a number of prior years. When the project learned of this, they assisted approximately 30 workers with this process by helping them find and work with tax preparers, explaining the process, and assisting in the collection of documents from Mexico.
- At the end of 2013, workers have had questions about the Affordable Care Act. Within the past couple of months the project collaborated with another nonprofit, Farmworker Justice, to organize a pilot training on the Affordable Care Act for Eastern Shore organizations that interact with farmworkers. The project also started helping workers reach and stay in touch with navigators who assist individuals with accessing health insurance.

- The project is currently collaborating with American University in a study of working conditions in the poultry processing industry in Maryland and Delaware.

Private attorney involvement

The Farmworker Project utilizes private attorneys in its work on a small scale by referring workers' compensation cases to four private attorneys in Salisbury who routinely accept them. The project's attorney has developed a relationship with one of the four, who seems particularly engaged and responsive to taking the cases.

CONCLUSION

LAB is an organization that is engaged and active in client communities, aggressively advocating for the rights and concerns of low-income people. The organization is a critical convener for the justice community in Maryland, collaborating with local and state organizations. Its leadership and advocates strive to understand the issues that impact their clients and find creative solutions to address them. As a 250 person organization, it both struggles with and effectively addresses some of the issues common among large organizations.