



# **LEGAL SERVICES CORPORATION**

**Office of Program Performance**

*Final Report from*

***PROGRAM QUALITY VISIT***

*to*

***West Tennessee Legal Services, Inc.***

Recipient Number: 643061

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**West Tennessee Legal Services, Inc.  
PROGRAM QUALITY VISIT REPORT**

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## **INTRODUCTION**

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a Program Quality Visit to West Tennessee Legal Services, Inc. (WTLS) from April 22-25, 2014. Team members included OPP Program Counsel Tillie Lacayo (team leader), OPP Program Counsel Willie Abrams, OPP Program Analyst Jane Ribadeneyra, and LSC temporary employee Joe Dailing.<sup>1</sup>

Program Quality Visits are designed to evaluate the extent to which LSC grantees are providing the highest quality legal services to eligible clients. In conducting the evaluation, OPP relies on the LSC Act and Regulations, the LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The evaluation was organized to follow the four Performance Areas of the LSC Performance Criteria, which cover needs assessment and priority setting; access to services and engagement with the low-income community; legal representation; and program management, including board governance, leadership, administration, resource development, and coordination within the delivery system.

The team reviewed documents provided by the program to LSC, including recent applications for funding, technology and PAI plans, workforce analysis charts, and case service and other services reports. The team also reviewed materials obtained in advance of the visit, including documents relating to board governance, intake, legal work, case management policies and systems, and the results of an online staff survey. The team interviewed program leadership and administration, along with attorneys, paralegals, and administrative and support staff. The team also interviewed members of the board of directors, judges, members of the private bar, and staff at community partner organizations. Some interviews were conducted by telephone.

## **SERVICE AREA AND PROGRAM OVERVIEW**

WTLS was established in 1977 and serves 17 counties in west Tennessee. The program operates one large office in Jackson, Tennessee, where its administrative component is also located, and one-person branch offices in Dyersburg, Huntingdon, and Selmer.<sup>2</sup> The service area is primarily rural and includes part of the Mississippi delta area in the southwest and rolling hills in the northeast. Apart from the Tennessee Justice Center, located in Nashville, which provide some advocacy in areas that are restricted by the LSC regulations, WTLS is the sole organization providing full legal services to the poor in its service area. The U.S. Census Bureau's American Community Survey<sup>3</sup> 3-Year Estimates (2009 – 2011) reflect that WTLS' service area has a poverty population of 100,305.

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<sup>1</sup> A joint visit to WTLS by both OPP and LSC's Office of Compliance and Enforcement (OCE) was conducted from November 6 – 10, 2005, and a Case Service Report/Case Management System (CSR/CMS) Review was conducted by OCE from March 5 – 8, 2012.

<sup>2</sup> At the time of the visit, each office was staffed by one paralegal/intake worker. The intake worker in Dyersburg retired in late April of 2014.

<sup>3</sup> The American Community Survey (ACS) is a survey conducted by the U.S. Census Bureau. The ACS has replaced the U.S. Decennial Census as the principle mechanism for generating social, demographic, economic and related data about the U.S. population. The ACS conducts one-year, three-year, and five year surveys.

The service area is primarily rural and includes part of the Mississippi Delta area in the southwest and rolling hills in the northeast. Distance is a challenge (the service area encompasses 8,262 square miles) as is the complexity of covering seventeen separate county court and social service agency systems. The largest county in the service area is Madison County, which is mixed small urban and rural, while the remaining 16 counties are rural. The service area has been negatively impacted by factory closings over the past several years, the most recent being the closure of the Goodyear plant in 2011. The poverty population of the service area is primarily White (65.33%), with African-American/Black constituting the second largest poverty population group (29.78%) and Hispanic/Latino the third (4.1%).<sup>4</sup> Recent years have seen a growth in the Latino population and an increase in the number of U.S. Veterans in the service area.

In 2013, WTLS received \$620,485 in LSC basic field funding; it does not receive migrant or Native American grants. LSC funding comprised roughly 29% of WTLS' 2013 funding. The program experienced an increase in its service area poverty population since the last decennial census and WTLS' LSC funding increased as a result of the census adjustments. During 2014, the program will receive \$679,379 from LSC. WTLS also receives funding from local, state, and federal sources, and IOLTA. At the time of the visit, WTLS had thirty-three staff members, including twelve attorneys. The program has four offices - the administrative and primary direct service office in Jackson, Tennessee, and three small offices in Dyersburg, Huntingdon and Selmer.

LSC's Office of Compliance and Enforcement (OCE) conducted a CSR/CMS review of WTLS from March 5 – 8, 2012. The final report from the CSR/CMS review contained a number of recommendations and corrective actions. Based upon OCE's contact with the program after the 2012 CSR/CMS Review and the program's grant application for funding during 2014, the OCE found that the program had no significant/material deficiencies as to compliance with LSC's fiscal regulations and internal controls and had addressed all corrective actions and recommendations satisfactorily.

## **SUMMARY OF FINDINGS**

WTLS has done an outstanding job in developing additional resources from a number of governmental sources for its work. However, non-LSC funding has decreased in recent years. Its LSC funding has fluctuated, but has increased slightly for 2014. The program has facilitated new Housing and Urban Development (HUD) funding for many other legal aid programs throughout the country. It has excelled at maintaining a diverse funding base and managing and coordinating varied projects.

The executive director has served in that capacity since 1985. He has been the primary force in shaping West Tennessee Legal Services as an organization during his long tenure. He has done an outstanding job of developing the program's funding and enhancing its national reputation as the hub for a housing, fair housing, and housing counseling partnership network of legal services providers and has inspired the confidence of many federal, state, and local agency funders over the years.

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<sup>4</sup> U.S. Census Bureau A.C.S. 2008-2012 5-Year Estimates.

The WTLS board has twelve members. It is composed of many long term members who are involved in setting policy, reviewing finances and overseeing the operations of the organization. All Board members interviewed expressed strong commitment to the mission of WTLS. The board works well with the executive director and members stated that they are pleased with the job he has done. However, the executive director has not been formally evaluated by the board in recent years.

WTLS has a flat organizational structure in that many members of the staff are middle-managers or project supervisors due to the program's funding structure and its administration of pass-through grants to other programs within Tennessee and outside the state. WTLS' administrative structure is effective and efficient. The structure is able to meet the needs of the program and its funders. The management team consists of the executive director, the general counsel, the controller, the technology manager, and the managers of the various projects/grants.

WTLS has engaged in strategic planning very recently – in 2014. The purpose of the 2014 planning process was to evaluate progress made and to identify issues that had emerged since development of the last strategic plan in 2009.

The program lacks a unified intake system. Though telephone intake has become more centralized and uniform in most areas since the 2005 visit, intake procedures still vary among the projects pursuant to individual grant requirements. The majority of intake for all but the Housing Unit (housing, fair housing and foreclosure cases) is conducted by telephone through the general intake system. Intake is also available through various other portals, including walk-ins and referrals from agencies and organizations in the service area.

The program's technology infrastructure, including its network, work stations, security, and backup system, is stable and kept up to date to support the delivery system and program administration.

WTLS' program services, communications and activities appear to be conducted in a linguistically competent fashion.

The program dedicates ample resources to training for staff and provides many training opportunities, at the national, regional and local levels. Many staff regularly attend the Tennessee Alliance for Legal Services and Tennessee Bar Association co-sponsored statewide legal services conference.

The program's legal work management and supervision practices and procedures form a satisfactory general supervisory framework for the program. WTLS managers, supervisors and advocates appear to follow basic case handling and legal management and supervision practices consistent with LSC's Performance Criteria and the ABA Standards for the provision of civil legal aid. Though written legal work management policies do exist at WTLS they are not very extensive, nor do they provide a great level of detail and don't encompass all practices currently in existence at the program.

A major strength of the program is the experience, expertise, and dedication of its advocates, several of whom have been recognized for their exemplary service to clients. WTLS attorneys have the capacity to produce high quality legal work and have engaged in extensive advocacy on behalf of the client community; however, the program is not putting the legal skills of its highly experienced advocates to optimal use. WTLS' case closings have fallen and are below national norms. The program's advocacy is principally, if not exclusively, in the areas of law in which it receives specific funding.

WTLS' pro bono program is competently run but has low participation, which has been decreasing in recent years.

WTLS provides numerous services to the client community apart from advocacy and participates in a number of community outreach and education events throughout the year.

WTLS is a participant in state and regional legal assistance delivery efforts to achieve equal justice and to meet the civil legal needs of low-income persons in Tennessee. The program has established numerous national and regional partnerships.

WTLS is strong in the area of resource development and has excelled at obtaining funding from numerous governmental sources. The program has facilitated new HUD funding for many other legal aid programs throughout the country. It has excelled at maintaining a diverse funding base and managing and coordinating varied projects under the WTLS umbrella. The program should take care that its special project funding does not distract the program from its primary mission of providing critical legal services to low-income people in west Tennessee.

## **FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS**

**Performance Area One. Effectiveness in identifying the most pressing civil legal needs low-income people in the service area and targeting resources to address those needs.**

### **Periodic comprehensive assessment and ongoing consideration of legal needs**

**Finding 1: The most recent legal needs assessment for WTLS was completed by the program in December of 2012. A new needs assessment is being conducted in 2014 for the state of Tennessee under the auspices of the Tennessee Access to Justice Commission.**

WTLS last conducted a legal needs assessment in 2012, completed in December of that year. Assessment protocols included the dissemination of a short written survey to clients, members of the private bar, judges, community and social service agency representatives, and assessment of program data and data from external sources (such as Fair Housing and home mortgage foreclosure data), review of needs assessments from funding sources, and input from WTLS staff.

In early 2014, the Tennessee Supreme Court's Access to Justice Commission received a grant to support a comprehensive, statewide study of the legal needs of low-income and homeless Tennesseans. The Tennessee Alliance for Legal Services (TALS) is administering the grant. The needs assessment will include the WTLS service area. A study will be conducted by the

University of Tennessee's College of Social Work Office of Research and Public Service (SWORPS) that will include an updated needs assessment identifying the civil legal needs of low-income Tennesseans, as well as an examination of the effectiveness of the current delivery system for meeting those needs. The needs assessment initiative will involve leading law firms, legal aid organizations, and the Tennessee Supreme Court. SWORPS conducted a prior legal needs assessment study for the entire state in 2003.

### **Setting goals and objectives, developing strategies and allocating resources**

#### **Finding 2: WTLS' priorities were informed by its 2012 needs assessment.**

The program concluded that the following substantive areas are the program's priorities:

- Children's issues –including education;
- Access to health care;
- Securing or retaining income;
- Securing or retaining shelter;
- Personal freedom and security of
  - abused persons;
  - institutional/vulnerable persons; and
  - Parental rights with state action;
- Other issues that affect family safety, cohesiveness and stability.

The priorities are reviewed by the WTLS Board of Directors annually and adjustments are made accordingly.

### **Implementation and Evaluation and Adjustment**

#### **Finding 3: WTLS most recently engaged in strategic planning in 2014. The purpose of the 2014 planning process was to evaluate progress made and to identify issues that had emerged since the 2009 strategic planning.**

WTLS engaged in strategic planning in 2009 and again in 2014. The purpose of the 2014 strategic planning process was to update the 2009 plan, evaluate progress made in the interim, identify other emerging issues, and make recommendations to help guide the future of the program.

The process was a deliberate and inclusive one. It was facilitated by a consultant who provides strategic planning assistance to legal aid and other public interest law programs and who has a strong background in organizing or expanding annual, capital or endowment fundraising campaigns, crafting long-term resource development plans and creating statewide fundraising strategies. The process involved interviews with key stake holders, a survey disseminated to board and staff, development of a draft report, a program-wide retreat, and development of a succession plan for transition of top executive positions. The process also included discussion and analysis of what has worked and what has not worked for WTLS and its clients. The

strategic plan developed was in draft form at the time of the LSC visit and the program was in the process of determining the most efficient and effective ways to implement the plan.

**Finding 4: WTLS, as a program, does not regularly analyze and evaluate the effectiveness of its delivery system and work. Case closing statistics for extended representation are significantly below the national median.**

The program reviews its priorities annually and makes adjustments deemed appropriate. In addition, WTLS sends satisfaction questionnaires to clients who are domestic violence victims or victims of crime, pro bono clients, and clients who are residents of long-term care facilities.

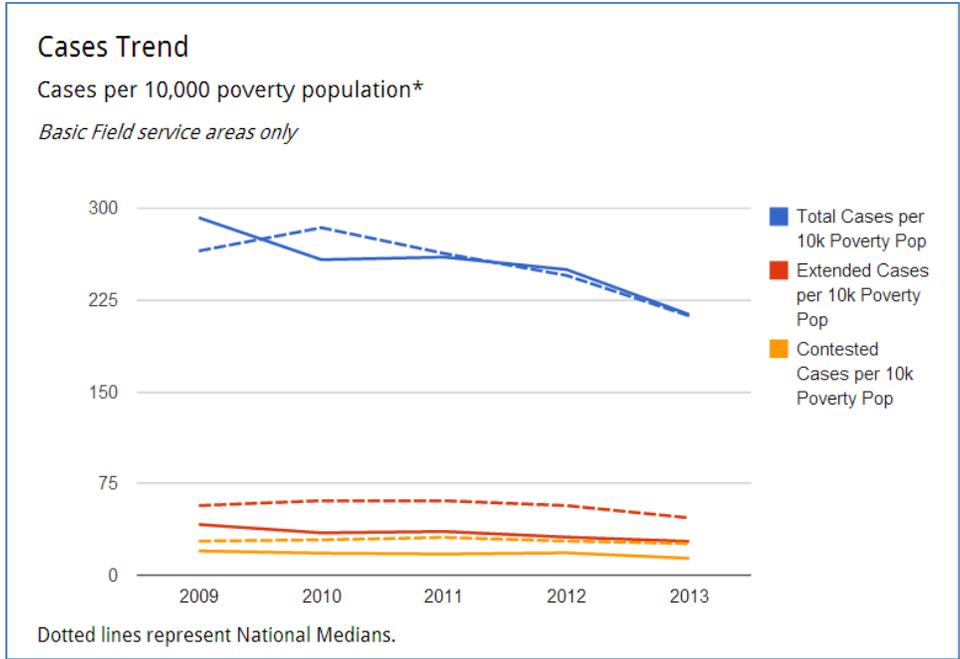
Though WTLS collects outputs and some outcomes data for its various funders and collects CSR data pursuant to the requirements articulated in its LSC grant award, it appears that there is no formal structure for regularly analyzing and evaluating the program's work and service delivery system as a whole.<sup>5</sup> Without an ongoing evaluation process, it is difficult for the program to make meaningful adjustments to its service delivery as circumstances warrant. Evaluation of the program's delivery strategies is further hindered by the fact that the program's work is not guided by measurable outcomes of the impact of its services.

A closer look at the program shows that the total cases closed per 10,000 poor persons by WTLS has steadily decreased since 2009, while remaining near or above the national median for each year. The extended contested cases closed per 10,000 likewise declined between 2009 (195) and 2013 (146), though uncontested cases per 10,000 increased during this period (from 30 to 39). A review of WTLS' 2013 Case Service Reports (CSRs) reflects that 50% of its case closures were in the Income Maintenance categories, 23% were in the Housing categories, 15% were in the Consumer categories, 10% were in the Family categories, and 3.34% were in the Juvenile categories. Most of the case closures in Income Maintenance were Food Stamp cases closed as advice and counsel and appear to reflect the program's work screening applicants for food stamp eligibility and providing telephone advice. There were no Income Maintenance cases closed in the area of Unemployment Compensation during 2013, despite the fact that previous years CSRs reflect closures in this area (13 in 2008, 27 in 2009, 14 in 2010, 34 in 2011, and 16 in 2012). The charts below show WTLS' case closing data for 2009-2013.

While cases closed are not the only measure used to evaluate a program, it is one of a number of helpful tools to evaluate the effectiveness of a program's legal work and delivery strategies. The program's overall funding, LSC funding, and non-LSC funding showed steep declines between 2009 and 2013 (from \$6,034,035 to \$3,695,510 for total funding, from \$4,525,060 to \$2,024,850 for non-LSC funding, and from \$1,128,487 to \$657,326 for LSC funding), which likely had a major impact on the decrease in cases closed.

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<sup>5</sup> Project managers review and analyze informally the effectiveness of the individual projects they manage.



**Cases per 10,000 Poverty Population\***

*Basic Field service areas only*

Year	Total Cases per 10k Poverty Pop	Extended Cases per 10k Poverty Pop	Contested Cases per 10k Poverty Pop	National Median/ 10k poor pop Total Cases	National Median/ 10k poor pop Extended Cases	National Median/ 10k poor pop Contested Cases
2009	292.19	41.56	19.94	265	57	28
2010	257.88	34.73	18.13	284	61	29
2011	259.97	35.84	17.43	263	61	31
2012	249.79	31.24	18.41	245	57	28
2013	213.07	27.73	13.87	212	47	26

**Actual Case Closures**

*Includes cases closed in Migrant and Native American service areas, as well as Basic Field.*

Year	Total Cases	Extended Cases	Contested Cases
2009	2,095	298	143
2010	1,849	249	130
2011	1,864	257	125
2012	1,791	224	132
2013	1,675	218	109

A concern among staff that emerged in both strategic planning processes was that the emphasis on discovering and securing new funding could lead to “mission creep” and dilute the impact of the program’s essential services to low income persons in West Tennessee.

***Recommendation I.3.4.1<sup>6</sup>:*** Now that WTLS has a draft strategic plan, the staff-board strategic planning committee should refine the recommendations contained in the report and develop an implementation document. In the implementation of its strategic plan, WTLS should address legal needs in critical poverty law areas that may be significantly under-represented in program advocates’ caseloads. The plan should provide benchmarks along the way to ensure that goals are being accomplished and that strategies are being implemented in accordance with reasonable timelines and by clearly identified responsible persons.

***Recommendation I.3.4.2:*** The program should consider developing an internal evaluation policy and procedure to ensure that a comparison of the results achieved for clients with the outcomes originally intended is a significant element of the program's self-evaluation process and to make certain that all substantive areas of the law affecting the client population are being addressed.

***Recommendation I.3.4.3:*** WTLS should expand its outreach efforts and consider a public awareness campaign to inform the client community, courts, private bar, and other agencies and organizations about the scope of its services, particularly in areas other than family law.

***Recommendation I.4.4.4\*:*** WTLS should evaluate its case work for the last three years in connection with its mission and the legal needs of the low-income community to ensure that the program is appropriately focusing its work to address the most critical legal problems of the service area’s low-income populations. The evaluation should be independent of special funding sources and should include appropriate steps to establish among both staff and board a clearer picture of the broad range of services that the program can provide clients under the LSC grant.

**Performance Area Two. Effectiveness in engaging and serving the low-income population throughout the service area.**

**Dignity and sensitivity**

**Office Locations**

**Finding 5: The program’s offices are well-located throughout the service area.**

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

The program's main (and administrative) office is in Jackson, Tennessee. It also has three one-person offices in Dyersburg, Huntingdon, and Selmer. At the time of the visit, each of the smaller offices was staffed by a paralegal.<sup>7</sup> The program owns all the structures housing its offices. The program had a staff of 33 at the time of the visit, all but three of whom are located in the Jackson office. Though the number of staff has decreased by four since LSC's 2005 joint visit to the program, there are two more attorneys than were on staff at the time of that visit.<sup>8</sup>

WTLS has been accurately described as having a flat organizational structure. Many members of the staff are middle-managers or project supervisors due to the program's funding structure and its administration of pass-through grants to other programs within Tennessee and outside the state. To a great degree its service structure consists of specialty units and projects.

Interviews with WTLS staff and board members and with community organization and agency staff indicated that program staff treat clients with dignity and respect and are sensitive to their needs. The approach of WTLS' victims' advocates exemplifies the sensitivity and concern staff in general at WTLS have for their clients. An interview with one WTLS staff person – a survivor of domestic violence – reflected the staff person's special understanding of and concern for this population.

## **Intake**

**Finding 6: The program lacks a unified intake system. Though telephone intake has become more centralized and uniform in most areas since the 2005 visit, intake procedures still vary among the projects pursuant to individual grant requirements.**

The LSC 2005 visit team found that the program's various funding sources, with different eligibility criteria and different deliverables, would make a unified and centralized intake system difficult to design and administer. Since then program intake has improved. WTLS implemented a new VOIP telephone system and partly centralized its intake in late 2008 and early 2009. However, the program's numerous funding sources and special projects – some of which are not means tested – have led to continued utilization of intake procedures that vary according to the requirements of the individual grant.

Intake is available through various portals, including walk-ins and referrals from agencies and organizations in the service area. In addition to telephone intake, the program conducts walk-in intake and receives referrals via fax from domestic violence shelters in the service area. Office hours are Monday through Friday from 8:30 AM to 5:00 PM. Telephone hours for general intake are Monday through Friday from 9:00 AM to 11:00 AM and from 1:00 PM to 3:30 PM. The majority of intake for all but the Housing Unit (housing, fair housing and foreclosure cases) is conducted by telephone through the general intake system. Calls can be answered live, but if there is no intake paralegal available, the caller is given the option to leave a message for a call-back. Intake paralegals obtain the applicant's name, perform a conflicts check, conduct basic

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<sup>7</sup> The paralegal/case manager staffing the Dyersburg office has since retired. There is one paralegal/intake worker in each of the two remaining offices.

<sup>8</sup> Two experienced paralegals retired in 2013. In mid-2013 the program hired two new attorneys.

screening concerning the legal problem for which the applicant is seeking assistance, and screen for eligibility (including a public benefits screening).

General intake is conducted by four intake paralegals, under the supervision of the intake supervisor attorney. One of the four paralegals is bilingual in Spanish. The supervising attorney for intake divides her time between handling consumer law cases and supervision of the intake paralegals.

Assessment by the visit team of the efficiency of intake at WTLS was complicated by the absence of automated data software. The program purchased CallSuite software to enable reporting from the telephone system on the queue, hold times, dropped calls, etc. but the software stopped functioning a few weeks after implementation and the vendors were not able to fix the problem. As a result, there is no system for automatically capturing telephone intake data. However, the intake paralegals maintain call logs for all general intake calls and intake voice mail messages left. The staff survey and interviews conducted by the team indicate that the general intake system may be thinly staffed.

The housing unit has its own intake procedures. Callers seeking assistance with housing/fair housing/foreclosure issues are directed to a specific extension for assistance from paralegals and an attorney focusing in those areas. Callers with housing, fair housing or foreclosure problems are requested to leave a message and contact information for a call back between 10:00 AM and 3:00 PM on Monday, Tuesday, Thursday and Friday. Housing intake staff are supervised by the housing unit managing attorney.

The supervising attorney for non-housing intake holds weekly meetings of the intake staff. Though the housing staff meet regularly, usually monthly, supervision of intake paralegals is more “open door” and can be performed by housing attorneys other than the housing unit managing attorney. The program has written intake policies and procedures that reflect the varying procedures for individual grants, such as housing, domestic violence, benefits, supportive services for veterans, HOPWA,<sup>9</sup> Ryan White, and victims of crimes under the Victims of Crime Act VOCA.

***Recommendation II.1.6.1\****: WTLS should work with a telephone consultant to find a solution for the telephone reporting system issue and determine whether the program can be repaired or whether there is updated software that could be implemented at a reasonable cost.

### **Engagement with the low-income population and access and utilization by the low-income population**

#### **Language Access**

**Finding 7: WTLS’ program services, communications and activities appear to be conducted in a linguistically competent fashion.**

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<sup>9</sup> Housing Opportunities for Persons with AIDS/HIV.

Fewer than 1% of residents of the service area are linguistically isolated. Most live in Crockett, Madison and Obion Counties.<sup>10</sup> The most common non-English language in the service area is Spanish. The program has one staff person bilingual in English and Spanish – a paralegal who conducts intake and provides legal assistance to the program’s domestic violence advocates. Spanish-speaking callers are directed to a mailbox monitored by the Spanish-speaking paralegal. The paralegal has also provided information at area schools, health fairs and, migrant Head Start and Hispanic outreach offices. She also ensures updating of the program’s LEP policy, including modifications that may be necessary based upon changes in Census data.

Program staff use Language Line for telephone interpretation in Spanish, as necessary, and in other languages. “I speak” cards have been used on the infrequent occasions when persons who speak other languages walk in to the program for services. The program has a Language Assistance Policy for limited English proficient persons who seek assistance from WTLS.

Program staff work closely with organizations and agencies in the service area including senior citizen groups, domestic violence shelters, faith-based organizations, housing agencies, organizations to assist the homeless, behavioral health organizations, and law-enforcement agencies that work with victims of violent crimes. Program staff also participate in health fairs, senior fairs and parenting classes throughout the year. The program has a partnership with a local veterans group for the provision of assistance to homeless veterans.

The program has employed a noteworthy and innovative approach to reaching and educating victims of domestic violence through its participation in “Cut It Out”, an initiative that seeks to increase outreach to victims of domestic violence through the involvement and heightened awareness of hair and beauty salons concerning indicators of domestic violence.

The program is also attuned to emergency situations that arise in the client community. For example, one of the major events to impact WTLS clients in recent years was the closing of the Goodyear Tire plant in Union City, Tennessee in 2011. Over 1900 jobs were lost, with a devastating impact on the workers and a rippling impact on the community. The program participated in a number of plant closing fairs and saturated the area with community legal education materials at the time of the closing and immediately thereafter.

**Performance Area Three. Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area.**

**Legal representation**

**Staff Experience**

**Finding 8: WTLS has the experience and knowledge to address the client population’s critical legal needs.**

A major program strength is the wealth of experience, expertise, and dedication of a sizeable percentage of advocates who have been with the program for many years. WTLS has many

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<sup>10</sup> American Community Survey 5-Year Estimates (2008 – 2012).

experienced advocates on staff who are knowledgeable and skilled in their areas of practice and professional in their representation of clients. At the time of the LSC visit, seven of the program's eleven attorneys had over fifteen years of experience and most of them had significantly more.

WTLS advocates have been recognized for their exemplary service to clients. For example, the program's executive director was the recipient of the 2005 Tennessee Alliance for Legal Services B. Riney Green Award, for his extensive promotion of statewide programs to address significant client needs which have strengthened legal aid providers and improved the lives of thousands of low-income Tennesseans. Also, one of the program's managing attorneys was named one of nine 2013 Elder Law Super Lawyers in the Mid-South and received the B. Riney Green Award in 2008 for her tireless efforts to promote continuing education and training among elder law and health law advocates. The program's experienced benefits attorney was also a recipient of the award in 2011.

### **Legal Work Management and Supervision**

#### **Finding 9: The practices and procedures at WTLS form a satisfactory general supervisory framework for the program.**

As was the case at the time of the 2005 visit, the program – especially with regard to its experienced advocates, many of whom manage projects and self-direct their legal work – largely relies on a system of supervision that is informal and open-door. However, since the 2005 OPP-OCE visit, the program has added more formal practices to its systems. Newer attorneys are more closely supervised and have frequent discussions with managers about cases and case strategy. Written performance evaluations had been conducted for some staff within the past year or two, but for several others they had not.

Interviews with advocates confirmed that it is the practice of WTLS managers, supervisors and advocates to follow basic case handling and legal management and supervision practices consistent with LSC's Performance Criteria and the ABA Standards for the provision of civil legal aid. The visit team heard from both junior and senior staff about the willingness of newer staff to reach out to the program's experienced advocates and of the willingness of those advocates to share their knowledge, mentor their less-experienced colleagues and advise them concerning their cases.

Though written legal work management policies do exist at WTLS they are not very extensive, nor do they provide a great level of detail. They are contained in the program's Personnel Manual and its Internal Operations Handbook. The program does not have a mandatory policy on entering case documents and notes into the cases management system (CMS) and as a result, attorneys have various practices with respect to the same.

**Recommendation III.1.9.1.\*** WTLS should develop more detailed written legal work management and supervision policies and procedures that memorialize the program's current unwritten practices, so as to ensure that the program's legal work will be conducted in an effective and high quality fashion. The new policies and procedures should contain supervisory

standards for newer (less than five years) advocates to endure that case handlers acquire and continue to develop the skills necessary to be effective advocates.

**Recommendation III.1.9.2:** The program should conduct formal performance evaluations for all staff and should prioritize the evaluations of newer advocates.

## **Staff Training**

**Finding 10: The program dedicates ample resources to training for staff and provides many training opportunities.**

Managers, advocates and support staff appear to have access to sufficient training resources and opportunities to enable them to carry out their responsibilities competently and to develop professionally. WTLS staff is provided a variety of training opportunities, the majority of which are within Tennessee but some of which are national, such as and the ABA-NLADA Equal Justice Conference, the NLADA Annual Conference, National Consumer Law Center trainings, M.I.E. conferences, National Fair Housing Association trainings, the National Association of Social Security Claims Representatives Conference, National Institute of Trial Advocacy trainings, among others.

The Tennessee Alliance for Legal Services and the Tennessee Bar Association co-sponsor a statewide legal services conference every year called Equal Justice University, which many program staff attend regularly.<sup>11</sup>

In addition, WTLS project managers have served as trainers in numerous trainings and seminars related to fair housing, predatory lending, housing rights and remedies, domestic violence awareness, victims' rights and other areas.

The program also sponsors continuing legal education seminars for members of the private bar, which are also open to WTLS staff, providing an ongoing source of local and regional training opportunities for program advocates.

## **Quality of Legal Work and Overall Productivity**

**Finding 11: WTLS attorneys have the capacity to produce high quality legal work and have engaged in extensive advocacy on behalf of the client community; however, the program is not putting the legal skills of its highly experienced advocates to optimal use.**

LSC noted in its report from the 2005 joint visit that “[a] significant amount of the work performed by WTLS pursuant to a variety of grants does not constitute ‘legal work’ in the traditional sense. For example, much of the work done under the fair housing grant is ‘testing’”. WTLS staff also provides services through the Victims of Crime Act (“VOCA”) funding, the

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<sup>11</sup> Equal Justice University provides both skills and substantive law trainings for attorneys and non-attorneys in subject areas that range from new attorney skills training to advocating for children with disabilities to working with refugee communities. Sessions are presented by staff from legal services organizations throughout the state as well as members of the private bar.

Ombudsman program, and the HOPWA and Ryan White Projects that are not reportable to LSC as cases.<sup>12</sup> However, the visit team recognized that many of the program's projects support its legal work and priorities and lead to the referral of cases to its advocates.

Despite the experience level of its advocates with greater longevity, the program does not appear to be utilizing those advocates' skills to full advantage in advocacy of benefit to poor persons within the program's service area. When the program was requested, in advance of the LSC visit, to highlight its significant accomplishments on behalf of clients, no specific cases were mentioned or discussed.<sup>13</sup>

Though program lawyers have employed advocacy in the past to benefit both individual clients and the broader low-income community of persons it serves, this is occurring less frequently at WTLS than in prior years. Interviews with staff and judges reflect this. In 2004, the program's elder law advocates emphasized preparing Qualifying Income Trusts to preserve eligibility for clients threatened with termination of Medicaid (TennCare) benefits and potential eviction from nursing homes. A WTLS attorney and its nursing home ombudsman worked closely with ombudsmen across the state and the Tennessee Bar Association Elder Law Section to develop a plan to address the issue and to implement a statewide plan for referral and advocacy. Training materials on the trusts were developed and posted on statewide websites. This strategy saved thousands of nursing home residents throughout the state from losing their Medicaid coverage and nursing home placements. The program appears to have moved away from this type of advocacy in recent years, although it has engaged in advocacy of wider benefit within the service area, such as providing transactional assistance to a nonprofit rural housing development organization. The program also assisted with the grant application process and arranged for the provision of professional services required in housing development, such as the environmental survey, title search and deed preparation.

Beyond their availability for informal mentoring of newer attorneys, the program is not utilizing the experienced attorneys' skills to full advantage in advocacy of benefit to poor persons within the program's service area. The primary activity of most of the program's experienced attorneys is project management, rather than advocacy.

Interviews with individual advocates reflect that program advocates are competent and knowledgeable in their areas of practice. The writing samples submitted were, overall, good, but not all were writing samples were indicative of the level of legal experience of the advocates and reflected to a degree the somewhat limited venues in which program advocates practice law. For example, writing samples submitted by some of the program's experienced advocates included a grant proposal narrative, the program's PAI plan, and a request to the U.S. Department of Housing and Urban Development's fair housing office for reconsideration of a decision denying a request to utilize excess funds under a HUD grant. Other writing samples were more focused on legal work and included an administrative appeal to a HUD office in a housing discrimination case, an SSI disability appeal to U.S. District Court, a pre-trial memorandum of law in Chancery Court in a divorce case with domestic violence, a complaint in General Sessions Court to recover

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<sup>12</sup> WTLS reported that for 2013, staff closed 316 non-LSC funded cases not reported to LSC.

<sup>13</sup> Instead, the program mentioned its avoidance of layoffs, increase in advocacy staff, improvement of centralized intake and efforts on behalf of homeless veterans.

a vehicle, a contract complaint in Chancery Court concerning the sale of real property, and a letter to a mortgage company in support of a Making Homes Affordable (MHA) application.

**Finding 12: WTLS' case closings have fallen and, for extended representation, are below national norms. In addition, there may be poverty law areas that are significantly underrepresented in advocates' caseloads that do not appear to be handled by other providers.**

The number of cases the program has closed has decreased in recent years: WTLS closed 1,864 cases in 2011, 1,791 cases in 2012 and 1,675 cases in 2013. Though the number of its closed cases per 10,000 poor persons was comparable to, or exceeded, the national median and average for 2011, 2012, and 2013, both its extended closed cases per 10,000 poor and its contested closed cases per 10,000 poor were well-below the national median and average for those years. Its LSC grant decreased during the same period, from \$732,012 in 2011 to \$620,485 in 2013, which likely contributed to the reduction, though the number of program attorneys increased in 2013.

WTLS' advocacy is principally in the areas of law in which it receives specific funding. WTLS has closed no unemployment cases in extended services categories during 2011 – 2013. There were no cases closed in the employment category during the entire three year period. This is an area where there may be significant under-representation, especially given the high levels of poverty throughout the service area and the recent recession. In previous years the program received a grant to assist clients with unemployment claims and a program paralegal – now retired – was primarily responsible for handling those cases. It appears that WTLS ceased handling unemployment cases at the time of her departure. Also, the absence of unemployment cases cited above appear to be at odds with WTLS' past practice of representing unemployment compensation claimants at hearings and with its expressed priority of helping clients secure and obtain income.

### **Private attorney involvement**

**Finding 13: WTLS' pro bono program is well-run but has low participation. Participation has been decreasing in recent years.**

WTLS fulfills its PAI requirement through 100% fully voluntary pro bono.

The program has a part-time pro bono coordinator who is an attorney and has been with WTLS since 2004. She is active on the Jackson-Madison County Bar Association and serves on Tennessee's Access to Justice Committee, the Access to Justice Pro Bono Committee, and the Tennessee Faith Based Initiative Committee.

The service area has around 300 eligible private attorneys, 170 of whom have signed up to accept pro bono cases from WTLS. A long-time WTLS board member, one of the program's original founders, and an active pro bono participant, had high praise for WTLS' PAI coordinator, whom she says is "doing everything she possibly can" to encourage PAI participation. Despite this, the number of attorneys agreeing to participate in PAI has fallen over the past three years, from 184 attorneys to 152 attorneys. The PAI coordinator feels that law

school debt and the economic downturn, from which the area is still recovering, has made it difficult to place cases.

Follow-up on cases placed for individual representation is essentially the same as it was during the 2005 LSC visit. Placed cases are tickled 30 days after they are opened and are set to be tickled at 60 or 90 day intervals after that. At that time, an update form is sent by the program to be completed and returned by the attorney handling the case. Client satisfaction surveys are sent to each client at the close of his or her case and the pro bono director follows-up on any indications of client dissatisfaction in the survey responses.

Retention and support/retention methods include providing liability insurance and providing free CLE's approved by the Tennessee Commission on Continuing Legal Education. As an additional incentive, attorneys who accept pro bono cases are eligible to receive WTLS referrals of cases for income ineligible applicants.

The program closed 92 PAI cases for 2013 – 5.5% of all the cases closed by WTLS. 73 fell into the area of family law. 38% of the cases were for extended services. Only 25% of the cases closed involved court decisions and 56% of the 25% were uncontested cases. The program closed roughly 9 cases per 10,000 poor persons in 2013, in comparison to the national median of 16 and the national average of 21.

***Recommendation III.2.13.1:*** WTLS should continue to explore meaningful ways to increase the number of recruited pro bono attorneys who will accept at least two pro bono cases during the calendar year, and to diversify the types of pro bono opportunities.

***Recommendation III.2.13.2:*** WTLS should consider developing a satisfaction survey instrument to obtain feedback from pro bono attorneys that may, among other things, help increase recruitment, case placements, and caseload diversity.

***Recommendation III.2.13.3:*** WTLS should evaluate all essential components of private attorney involvement and, thereafter, evaluate annually the goals, objectives, and outcomes of its overall PAI efforts.

#### **Other program services to and on behalf of the eligible client population**

**Finding 14: WTLS provides numerous services to the client community apart from advocacy.**

WTLS provides extensive educational and supportive services to victims of violent criminal abuse and their families through what is often a long process of court prosecution of the perpetrator. The program's victim advocates explain the process to the victims, work with law enforcement agencies to ensure that victims' rights are taken into account through the process, keep victims and their families informed concerning what is happening in the case and help the victims apply for crime compensation benefits.

The program participates in a number of community outreach and education events throughout the year, including presentations, presence and distribution of written information concerning WTLS' services at health fairs, senior centers, organizations working with the homeless, family services and community centers, churches, Head Starts, and domestic violence shelters. WTLS provides extensive assistance to victims of crimes, including victims of domestic violence. The program also conducted outreach during the Goodyear Plant closing in 2011.

WTLS staff members serve on a variety of boards, state and local bar associations, and committees that support the delivery of civil legal services to low-income people. For example, the executive director is a member of the TALS Board of Directors and is also on the M.I.E. Board. The general counsel is on the Jackson Madison County Domestic Violence Task Force and is a past director of the Madison Jackson County Bar Association. She has also been appointed to the Mayor's Council on Domestic and Sexual Violence. The program's Housing Counseling Project Administrator is the treasurer of the TALS Board. The controller is on the M.I.E. Finance Steering Committee. The PAI Coordinator is on the Tennessee Bar Association Access to Justice Committee, the A.T.J. Pro Bono Committee, and the Tennessee Faith-Based Initiative Committee. The program's benefits attorney is a board member and newsletter editor of the Tennessee Lawyers Association for Women, on the Executive Council of the TBA's Disability Law Section, and a member of the awards committee of the National Organization of Social Security Claimants Representatives.

The program's general counsel is on a committee that works with the Tennessee Supreme Court to develop on-line family law forms for self-represented litigants. The program's work in the area of *pro se* beyond the development of forms, such as assisted *pro se* clinics, seems fairly limited.

WTLS received a TIG in 2011 to create a model library partnership and develop an Internet-based portal that will allow the state's public libraries to advance access to justice for low-income Tennesseans. As a result of a partnership with the National Association of Social Workers Tennessee Chapter and TALS, the Legal Information for Tennesseans (LIFT) web portal was created. It provides Tennesseans with relevant legal information on the most frequently used civil legal topics such as divorce, bankruptcy, etc.

WTLS also has a unique role as a national funding intermediary for HUD and NeighborWorks America, through which it has established partnership networks with a number of legal services programs throughout the country that provide direct services to low-income persons in the areas of housing, fair housing and foreclosure. WTLS has created partnership networks consisting of numerous other LSC-funded programs. In addition, it has created or helped secure funding for the creation of new fair housing organizations in various legal services programs.<sup>14</sup> It has also established numerous regional and local partnerships. The program has been instrumental in obtaining over \$22,000,000 in pass-through funding over the years.

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<sup>14</sup> WTLS has 7 Fair Housing partners, 18 Housing Counseling partners, and 9 NeighborWorks partners.

## **Performance Area Four. Effectiveness of governance, leadership and administration.**

### **Board governance**

#### **Finding 15: WTLS appears to have effective board oversight and active board involvement in major policy decisions.**

The WTLS board has twelve members. It is composed of many long term members who are involved in setting policy, reviewing finances and overseeing the operations of the organization. Minutes from committee meetings and interviews with board members reflect that the Executive/Finance Committee exercises diligence in its monthly telephone conference calls to review the program's financial reports and to hear reports of other matters involving WTLS. The board as a whole meets four times a year. In the months in which the board does not meet, the Executive/Finance Committee meets by conference call to review financials, any grant requests or awards, and when applicable to discuss any issues that may have arisen within the program. So that board members may learn more about staff's efforts on behalf of the poor, approximately 30 minutes before each board meeting is devoted to a staff presentation about one of WTLS' special projects.

All Board members interviewed expressed strong commitment to the mission of WTLS. This was most recently evidenced by the close participation of board members in the strategic planning process. Both the board president and the board treasurer are non-attorney members. The board president, who has served in that capacity for ten years and works with the Army National Guard, was instrumental in bringing the Supportive Services for Veteran Families (SSVF) grant to the attention of the program and encouraging WTLS to apply for the grant, which it ultimately received.<sup>15</sup> He has, on occasion, met with client groups to discuss WTLS and to obtain feedback about the work of the program.

While WTLS does provide new board members with a rather comprehensive manual of information about the program, including a list of current grants and budgets and a complete list of the LSC Regulations, at least one board member interviewed expressed a desire to have a face to face orientation with staff or experienced board members to obtain a more thorough understand the operations of WTLS.

Board members interviewed expressed a high degree of satisfaction with the executive director. While the board has formally evaluated the executive director in the past, such evaluations do not seem to be a regular part of an annual or bi-annual process.

***Recommendation IV.1.15.1\*:*** The Board of Directors should conduct scheduled, regular formal evaluations of the executive director – either annually or bi-annually.

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<sup>15</sup> WTLS sub-grants its SSVF grant to an organization called Tennessee Homeless Solutions, which provides intake screening and case management. WTLS handles legal advocacy under the grant and did not close any SSVF cases during 2013. As of August 19, 2014, the program handled 39 SSVF cases 32 of which had been closed and 7 of which remained open. Of the 32 cases closed, 29 were closed after the provision of counsel and advice, 2 were closed in the limited action category and 1 was closed after an administrative agency decision.

**Recommendation IV.1.15.2:** The program should supplement its orientation manual with a face-to-face orientation for new board members or members desiring refresher orientation. This will help ensure that the new member is able to participate meaningful in the deliberations of the board.

## **Leadership**

**Finding 16: WTLS has firm leadership. Its executive director has developed a well-earned national reputation as an energetic, talented and prodigious fund-raiser and a capable grants administrator.**

The executive director has served in that capacity since 1985. He has been the primary force in shaping West Tennessee Legal Services as an organization during his long tenure. He has done an outstanding job of developing the program's funding and enhancing its national reputation as the hub of a housing, fair housing, and housing counseling partnership network of legal services providers. The executive director has inspired the confidence of many federal, state, and local agency funders over the years. He has also been an active participant and presenter at workshops and rural delivery conferences

He is appreciated by his staff, who view him as a leader, who places confidence in a highly capable staff and allows them to do their job with minimal interference. He is also supportive of staff professional development interests. One of the program's newer attorneys commented on the executive director's encouragement in her desire to pursue special education cases, a particular interest to her.

Both the board members interviewed and the executive director have a shared understanding of the mission of WTLS, the areas in which it is strong and the areas in which it needs improvements. Interviews with board members during the PQV reflect that the executive director interacts well with and is held in high regard by the board of directors.

An emergency succession plan, in the event of unexpected loss or incapacity of the executive director has been developed by WTLS. The development and implementation of a more comprehensive succession plan that addresses potential changes in key leadership positions at WTLS in the coming years – including but not limited to the position of executive director - is a major focus of the program's updated strategic planning process. The strategic planning consultant has suggested development of more detailed plans that encompass not only a process for the selection of a successor to the executive director, when and if that become necessary, but a process for identifying and mentoring potential successors for critical staff positions within the organization and has made detailed recommendations with regard to the process.

**Recommendation IV.2.16.1:** WTLS should refine the recommendations concerning succession planning contained in the consultant's strategic plan report and in development its implementing document.

## **Overall management and administration**

### **Management and Administration**

**Finding 17: WTLS' administrative structure is effective and efficient. The structure is able to meet the needs of the program and its funders.**

The 2005 team that visited WTLS found that the program had an experienced team of managers and administrators who were highly skilled and competent and who worked well together. The management team is largely unchanged since that time and LSC's assessment remains essential the same as it was 8 ½ years ago.

The management team consists of the executive director, the general counsel, the controller, the technology manager, and the managers of the various projects/grants. The program's general counsel can step in for the executive director during his absence. She is also responsible for compliance and overall supervision of case management; supervision of and various administrative tasks in the Jackson office; direct client representation for family law, domestic violence, juvenile court cases, co-counseling in special education and other education-related cases, and project manager for the program's domestic violence project. Management team members confer and communicate with each other on a regular basis and meet in person at the program's all-staff meetings, which occur three or four times a year, and meet in between on an as-needed basis.

## **Technology**

**Finding 18: The program's technology infrastructure, including its network, work stations, security, and backup system, is stable and kept up to date to support the delivery system and program administration. Its website is currently being updated.**

The program's network administrator has a long history of overseeing the technology infrastructure of WTLS. She is assisted by an outside contractor specializing in supporting law firms' technology. In addition to planning improvements, the network administrator keeps the infrastructure up and fixes problems as necessary. Staff members interviewed praised her work and her responsiveness to occasional issues that arise.

Staff members have access to the appropriate tools, including up to date work stations, all of which exceed the K form requirements, legal research, and remote access to email and the Case Management System ("CMS").

The program has purchased new desktops for staff (as well as laptops for some staff), and is in the process of switching staff over to the new systems. One-on-one assistance is being provided to staff in transitioning to the new Windows 8.1 operating system.

The CMS, PIKA, is hosted off-site and backed up by the vendor. It is capable of creating automated forms and pleadings. Staff keep cases notes in the PIKA case management system. The system allows supervisors to remotely review cases of staff they oversee. Documents can be uploaded and attached to case files. The program also uses the central file server to store documents by substantive area and client name.

Internet bandwidth is appropriate in the Jackson and Huntingdon offices. It has been a challenge to find cost effective, reliable Internet connections in one of its rural offices.

The program has an appropriate computer use policy. Users are currently forced to change their passwords annually.

A number of the program's servers will be in need of regular replacement in the coming year or two, but are currently stable and running without issues.

The program has a website which is currently undergoing redesign and updating.

**Recommendation IV.3.18.2:** The program should identify ways to make use of technology for providing legal information and services to the client community – possibly through low-cost video-conferencing and text messaging. The program should continue to expand efforts to use social media and the soon-to-be redesigned website for outreach and providing information to the community. Among ideas it might consider is having links to self-help resources and use of the CMS's automated forms to generate some of the most commonly used forms and pleadings.

**Recommendation IV.3.18.3:** The program should consider requiring that passwords be changed every six months for better security.

## **Disaster Planning and Preparedness**

### **Finding 19: The program has a written disaster/continuity of operations plan.**

The program has a written disaster plan. The program has strong network security and firewalls in place. There is a strong backup system for the program's technology, with disaster recovery replication to an offsite, SAAS 70 level certified data center. The program's CMS and website are both hosted offsite and backed-up by vendors.

## **Financial Administration**<sup>16</sup>

### **Finding 20: WTLS' systems for financial administration appear sound.**

The financial administration of the program seems good. OCE's review of WTLS' internal control policies and procedures conducted during its March 2012 CSR-CMS review demonstrated that the program's policies and procedures compared favorably to the relevant chapter of LSC's Accounting Guide for LSC Recipients and LSC Program Letter 10-2. Its most recent audit disclosed no instances of noncompliance or other matters required to be disclosed under government auditing standards.

The WTLS controller attends all board meetings and all audit-finance committee meetings, and presents updated financial information at every board meeting. Board members receive fiscal information in advance of the board meeting.

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<sup>16</sup> This visit was conducted by the Office of Program Performance for the purposes set forth in the Introduction. OPP findings and recommendations under this criterion are limited to staffing, organization, and general functions. Assessment of fiscal operations is conducted by other offices at LSC.

The program's current financial software is outdated. Because it lacks the ability to produce a compact financial report of all funding sources on a single page or two, board financial reports are often forty-five pages long. The controller has identified new software which will meet the financial and reporting requirements of WTLS more effectively.

***Recommendation IV.4.20.1:***\* The program's purchase of more sophisticated financial software which can more effectively meet the needs of WTLS should be made as soon as feasible.

### **Human Resources Administration**

**Finding 21: The program's human resource administration is largely outsourced, with roughly one quarter of the H.R. work handled in-house.**

WTLS has allocated roughly 0.25 FTEs to the human resources administration effort. By aligning with the State of Tennessee for health care and contracting with a local benefits consulting firm, WTLS has outsourced many benefits-related claims and concerns. Additionally, WTLS contracted with a human resource employment law firm that performs an audit each year on the personnel files and policies. Through those consultations/audits, WTLS has remained up to date on human resources efforts. The human resources functions that remain in-house are handled by the executive director, controller, and financial assistant.

The program has detailed procedures for conducting formal performance evaluations of staff. However, though performance evaluations have been conducted for some staff within the past year or two, several interviews reflected that staff persons had not been receiving regular performance evaluations.

***Recommendations:*** See Recommendation III.1.9.2, above.

### **Internal communication**

**Finding 22: WTLS has generally good communication within the program.**

There is generally good communication throughout the program. Nearly all program staff is located in the Jackson office. The intake paralegals in the small offices are in regular communication with Jackson office staff and have weekly telephone meetings to discuss intake.

No major communication issues were noted during the program visit. However, there was some mention in the staff survey of the need to strengthen communication and the strategic planning process reflected that, though communication has greatly improved at WTLS over the past five years, there was room for additional improvement. A minority of staff felt that they were not always aware of when grant-funded projects expired and when newly funded projects had begun.

The program's general counsel has initiated monthly luncheons in the Jackson office so that advocates may discuss their legal work and experiences in their cases.

Morale at the program was described by staff interviewed as good to excellent.

**Recommendation IV.6.22.1:** The executive director should consider issuing regular email updates to staff on matters of general concern to staff throughout the program. The executive director is encouraged to send regular written updates concerning, among other things, grant and funding changes that are likely to occur in the near future that will affect staff's job responsibilities. This will be especially important, once implementation of the strategic plan begins. We likewise encourage leadership to continue the practice at the all-staff meetings and otherwise, of having offices share information about their advocacy efforts.

### **General resource development and maintenance**

**Finding 23: WTLS has strong resource development and funding activities and has excelled at obtaining funding from numerous governmental entities.**

As LSC stated in its report from the 2005 joint visit, fundraising at WTLS is not the responsibility of only one person but is a joint effort involving the active participation of many staff – administrators, project managers, financial staff, and support staff. However, because there is no designated resource development director, much of the responsibility and credit for the program's accomplishments in this area lies with the executive director.

WTLS has done an outstanding job in developing additional resources from a number of sources for its work. It has also been able to maintain these resources over several years. The executive director, staff, and board take justifiable pride in the program's fundraising accomplishments and expertise in administering the grants. The program has facilitated new HUD funding for many other legal aid programs throughout the country. It has excelled at maintaining a diverse funding base and managing and coordinating varied projects under the WTLS umbrella. However, rather than seeking funding to meet the most critical legal needs of the client population in the service area, the program has, at times, appeared to seek funding to maintain the organization and then adapts the work of the program to match its current funding. Provided WTLS' role as an incubator for other legal services programs to obtain funds from HUD for Fair Housing and housing counseling does not diminish WTLS' provision of critical legal services to low-income people in west Tennessee, it is a commendable achievement. The program has been instrumental in obtaining over \$22,000,000 in pass-through funding since the mid-1990s.

WTLS received roughly 29% of its funding (excluding funds received and passed through to other organizations) from LSC during 2013. During 2013, just over \$1,312,300 of the program's total funding of \$5,955,433 passed through to other organizations. The program also receives funding from a variety of sources including federal, state and local governments and agencies, including funding for housing, foreclosure and fair housing assistance; outreach and screening for SNAP (Food Stamp) benefits; outreach, case management, housing and prevention activities for the HIV/AIDS population; assistance to victims of sexual and domestic violence; assistance to clients with TennCare and SSI benefits; and funding to help seniors, including long-term care ombudsman work.

The program is producing an annual report for the 2013 year. WTLS is also in the process of revising its website to make it more user-friendly. WTLS has spent some effort to develop a new logo, signage and business cards to provide its materials with a similar look and feel to help their efforts to enhance their identity both within and outside of the program.

***Recommendation IV.7.23.1:*** The program’s achievements in the area of funding and resource development have been remarkable. However, the WTLS should make certain that this this does not distract the program from its primary purpose – providing critical legal services to low-income people in west Tennessee. WTLS should ensure that it maintains a strong focus on its core mission, rather than take on additional related work that may consume time necessary to address the critical legal needs of the poor in west Tennessee. In this vein, the program may wish to consider whether some of its projects could be placed with another nonprofit organization.

### **Coherent and Comprehensive Delivery System**

See Summary section, above.

### **Participation in an integrated legal services delivery system**

**Finding 24: WTLS is a participant in state and regional legal assistance delivery efforts to achieve equal justice and to meet the civil legal needs of low-income persons in Tennessee.**

The program has served for two decades as a national housing intermediary and has worked with a number of LSC-funded legal services programs throughout the country as a pass-through funder and trainer in the area of housing. The program has established numerous partnerships, including the following: with TALS for a TIG library grant; with a west Tennessee Domestic violence service provider, with legal aid programs in other states to assist them in establishing fair housing, foreclosure prevention and housing counseling projects. The program also secured funding and worked with local organizations to serve homeless veterans in west Tennessee.

WTLS board and staff are involved with TALS, serve on TALS-coordinated statewide taskforces, and as members of the TALS Board of Directors.

WTLS board and staff are also on committees of the Tennessee Bar Association and the Tennessee Supreme Court’s Access to Justice Commission.

## **CONCLUSION**

The program’s strategic plan’s implementation should establish a framework for developing a prioritized and detailed blue print for moving ahead. The recommendations in this report should provide guidance as the program moves forward and gives life to its strategic plan.