



# **Legal Services Corporation Office of Program Performance**

## **Final Report from the Program Quality Visit to Mississippi Center for Legal Services**

Recipient No. 625071

September 10 - 14, 2012

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## INTRODUCTION

During the week of September 10 – 14, 2012, the Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted an on-site program quality visit to Mississippi Center for Legal Services (MCLS). The purpose of the visit was to assess the quality of MCLS's legal work, management, and administrative systems. The LSC team consisted of two LSC program counsel and three LSC temporary employees.

Through its program quality visits, OPP seeks to ensure that LSC grantees are providing the highest quality legal services to eligible clients. In performing its evaluation of the grantee's delivery system and operations, 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 team considered MCLS's narrative and grant application documents submitted in the 2011 competition grant cycle, the program's 2012 and 2013 grant renewal documents, and case services and other grant activity reports. As a part of the assessment of program quality, the OPP team reviewed numerous documents submitted by MCLS in advance of the visit, including a survey of staff and writing samples submitted by advocates.

The on-site visit began in the Jackson office with a presentation by the MCLS executive leadership team<sup>1</sup> that consisted of an overview of the program's work, significant accomplishments and challenges. Several managing attorneys of branch offices listened to the program overview presentation by telephone. During the course of the on-site visit, the team interviewed MCLS's executive director of administration, the executive director for state initiatives, the deputy director, the program's legal and non-legal staff, client and attorney board members, representatives and leadership of the Mississippi Volunteer Lawyers Project, representatives and leadership of the Mississippi Center for Justice, representatives and leadership of the Mississippi Access to Justice Commission, and representatives and staff of social service agencies and community organizations.

At the conclusion of the on-site visit, the team conducted an exit conference with the executive directors and the deputy director to share the team's preliminary observations regarding the program's strengths, challenges, and opportunities for improvement. One of the most important observations by the LSC team was the significance of the MCLS strategic plan that is the result of a 2009 process driven by a committee of the board of directors. The program's willingness to extend, update, and expand the expiring strategic plan enhanced the LSC team's confidence that MCLS can be successfully transformed into a highly effective legal services program that embraces constant change, innovation, and experimentation.

Following the visit, OPP provided MCLS with a draft of this report to address any significant factual inaccuracies. MCLS responded in a letter dated March 18, 2013. The program's comments were considered as this report was finalized, and its letter is attached to the final report.

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<sup>1</sup> The program's executive director of administration, the executive director of state initiatives, and the deputy director.

## PROGRAM OVERVIEW AND SERVICE AREA

Chartered in May 2004, MCLS is a 501(c) (3) nonprofit corporation organized to provide free civil legal assistance to low-income and disadvantaged persons in the state of Mississippi who meet LSC eligibility guidelines. In its current organizational form, MCLS is the culmination of a series of mergers of legal aid programs.<sup>2</sup> It is headquartered in the city of Hattiesburg, Mississippi. Since its founding, MCLS has received LSC funding continuously. For the first year of operation post-merger, LSC funding constituted 80.5% of MCLS's annual budget. That year, MCLS's total budget was \$3,715,288—of which \$2,989,946 was LSC funding and \$725,342 was non-LSC funding. Over the eight years since the merger, MCLS's annual budget has fluctuated, reaching a high of \$5,042,348 in 2008 and declining each year thereafter.

The MCLS basic field service area is designated MS-10, and consists of 43 of the state's 82 counties, covering 26,480 square miles of central and south Mississippi. According to the U.S. Census,<sup>3</sup> the service area contains a total population of 1,766,419 and a poverty population of 353,009 persons (20% of the area's total population). In comparison to the 20% poverty rate for the MCLS service area, 21.2% of the state's population lived at or below the poverty line while 13.8% of the national population lived in poverty.

In terms of race and ethnicity, blacks compose 60.9% of the area's poverty population, whites are 33.6%, Hispanics are 3.1%, Native Americans/Alaskan Natives are 0.8%; Asians are 0.7%, and other groups are 1.2%. As a percent of the service area's poverty population, black residents are the predominant poverty group in all but 11 of the service area's 43 counties.

## SUMMARY OF FINDINGS

MCLS provides a full range of legal services in the MS-10 service area and is actively engaged with the state justice community. In 2009, MCLS adopted a very ambitious strategic plan that involved an assessment of the program's vision, mission, and core values. The plan promised a serious examination of the organization's structure as well as having a goal to chart a more bold and dynamic future for the program, its work on behalf of clients, and its collaborations and coordination with strategic partners.<sup>4</sup> In the board's own words, the strategic

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<sup>2</sup>In its most recent strategic plan, MCLS lists the five historic legal aid organizations for which MCLS is now the successor: Central Mississippi Legal Services, Southwest Mississippi Legal Services, East Mississippi Legal Services, South Mississippi Legal Services, and Southeast Mississippi Legal Services Corporation.

<sup>3</sup>U.S. Census Bureau, American Community Survey 5-year estimates, Table S1701 by County (2006-2010).

<sup>4</sup>Mississippi Center for Legal Services Corporation Strategic Plan 2010-2012 ("Protecting People, Preserving Justice") (hereafter, *MCLS Strategic Plan 2010-2012*). The plan contains the following statement of core values:

- Accountability: To be a good steward of funds and resources entrusted to us;
- Accessibility: To be visible and accessible to the community;

plan was designed "for both the immediate future and the long range future." The LSC visit occurred at a time when three months remained for full implementation of the strategic plan, a deadline the program no longer expected to meet.

The vision statement for the program reads: "Any person lacking the ability to afford legal services and unaware of his/her legal rights will be able to receive competent and quality civil legal services with respect and dignity." It is MCLS's mission "to serve eligible persons in the central and southern region of Mississippi who cannot afford legal services by protecting their legal rights and providing competent legal representation in civil matters, counseling, community education, training and partnering with other entities."

The last needs assessment by MCLS and its fellow LSC grantee partner, North Mississippi Rural Legal Services (NMRLS), was completed in 2011. The assessment was a statewide survey by mail that enabled the programs to come to a reasoned identification of the most pressing legal needs in the service area. The programs failed, however, to share the findings of the needs assessment with their strategic partners and develop a comprehensive service delivery plan despite a commitment in the MCLS strategic plan to do so.

MCLS has adopted a set of priorities that are sufficiently broad to address the basic needs of the low-income populations and recurring legal problems. The adopted priorities will be reviewed annually. Family law cases continued to figure prominently in the program's priorities despite the goal stated in the strategic plan to "increase extended representation beyond family law issues" and "increase non-family cases by 15% annually."

The locations of MCLS's five staffed offices are appropriate and strategic. The buildings are all handicap accessible. Only three of the five offices are professional in appearance; the other two are in great need of refurbishing and reorganizing.

Overall, MCLS has a reasonably diverse and experienced staff that comports with the relevant workforce in Mississippi and the southeastern United States. However, the program's diversity in advocate staff does not yield any non-English language abilities to serve the service area's emerging bilingual populations.

MCLS's principal intake portal is a centralized telephone intake call center (TICC), located in Jackson. The TICC is well led and managed with what appears to be a minimally sufficient staff. At present, the program's intake system appears to work; applicants are treated

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- Innovation: To find more unique and meaningful ways to meet the needs of the community we serve-- "think outside of the box;"
  - Client-focused: To serve our clients with purpose and dignity;
  - Excellence: To provide high quality civil legal services;
  - Honesty: To govern and serve with integrity;
  - Diversity: To value all segments of the community, both in governance and service;
  - Education: To make persons aware of their legal rights, remedies and obligations;
  - Staff Support: To provide a working environment that promotes teamwork, creativity, professionalism and personal growth.

with dignity and sensitivity. The TICC has a Spanish-speaking staffer who serves as a part-time intake worker, outreach worker, and paralegal. The program uses Language Line for telephone interpretation and local agency contacts with individuals who are available to provide in-person interpretation. After cases are sent to the branch offices for extended services, reasonably prompt decisions on case acceptance and level of assistance are made.

At present, MCLS's outreach and engagement efforts are limited. While the program works with a variety of groups in the community, it recognizes in its strategic plan that increased "community education and outreach to help clients learn how to protect their legal rights" is called for.<sup>5</sup>

While MCLS has the minimum capacity and resources to provide a full range of services for a portion of the low-income population, there is much room for improvement, both in the short term and long term. The strategic plan sets a very high bar, aspiring to, among other things, "lead policy and law reform initiatives that improve outcomes for clients." MCLS has a detailed case handler manual that covers case handling procedures from initial eligibility to appeals. The challenge the program must face now is how to encourage staff's creativity in areas where the program has not done a lot of work in the past and how to manage caseloads to facilitate more complex and time consuming work.

The program's extended and actual contested cases CSRs are below the national median and may suggest a lack of focus by the MCLS and its legal advocates. Quantitatively, the program's legal work is overwhelmingly limited service work and exceedingly heavy family law representation in the state courts. In carrying out this legal work approach, the program's advocates practice in a variety of state court and administrative agencies forums, with little to no federal court work at any level. Virtually all of the program's contested federal court decisions are in bankruptcy court and litigated by PAI attorneys.

The nature of law practice in Mississippi requires far less brief and memorandum writing than the LSC team is used to seeing around the country. The writing samples submitted by MCLS advocates were sparse and, overall, were only of average quality.

Despite the current fiscal constraints, MCLS provides reasonable training to its staff appropriate to their functions and responsibilities.

The program's overall law practice and advocacy, legal work management, and legal work supervision led the LSC team to recommend that MCLS consider establishing a position of director of advocacy. The recommendation is for a skilled attorney who is proactive and understands every form of advocacy—litigation, administrative and agency work, community legal education, community economic development, and public relations.

MCLS is striving to effectively integrate private attorneys in its work in an effort to supplement the amount and effectiveness of the legal aid services offered. The program divides

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<sup>5</sup> *MCLS Strategic Plan 2010-2012*, page 17.

its "private attorney involvement" (PAI) obligation funds between a subgrant agreement with Mississippi Volunteer Lawyers Project (the statewide pro bono program) and reduced fee contracts with a select number of private attorneys (also called "PAI contract attorneys). There is significant tension in the Mississippi state justice community and the LSC grantees over a pure pro bono program and the PAI contract attorney approach where individual private attorneys are paid a reduced fee to handle legal matters. This significant challenge has historic roots that are unlikely to be undone in the near future. However, acknowledging the challenge is a good first step.

All of the MCLS branch offices engage in a limited amount of community legal education activities, especially in counties where program offices were closed. Also, the program is engaged with others whose activities have a significant effect on the low-income populations in the service area, such as the judiciary, the organized bar, government agencies, social service agencies, academic institutions, regional and state legal advocacy organizations, and a variety of other civil legal aid providers. MCLS is an active participant in the newly developing pro se efforts of the Mississippi Access to Justice Commission.

MCLS's 21-member board of directors is striving to provide appropriate oversight, support and leadership. Members are engaged in significant policy decisions. Their 2009 strategic planning activities represented a courageous and impressive first step toward real change. The plan appropriately addresses the program's vision, mission, and core values. In addition, the board is becoming active in fundraising, including personal pledges. The board is appropriately supportive of the program's management.

The MCLS executive director for administration, executive director for state initiatives, and deputy director are all known throughout the state justice community as leaders of the program and helpful partners. They are respected by the board and staff. They are all credited with promoting the program's vision and mission.

MCLS appears to have good administrative systems, procedures and policies. There appears to be appropriate resources devoted to management functions, including human resources and financial administration. Program staff rate internal communication as fair. Staff morale around the program is generally good despite concerns about the program's fiscal health.

MCLS is making progress toward more effective use of technology, including in its telephone intake system and recently for online intake. Along with its partner providers, MCLS is instituting intake file sharing as the next significant advancement of the telephone intake call center.

Within the constraints of current financial and staffing resources, MCLS's delivery structure is reasonably coherent. The program is an active participant in the Mississippi state justice community. Strategic partners like the Access to Justice Commission, Mississippi Center for Justice, and Mississippi Volunteer Lawyers Project express great concern about MCLS's wellbeing and the future of federal support for civil legal aid in the current fiscal climate.



## FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

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

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

**Finding 1: MCLS's most recent needs assessment was completed in 2011. The assessment was a joint venture with North Mississippi Rural Legal Services, the other LSC provider in the state.**

In 2010, MCLS joined with North Mississippi Rural Legal Services in conducting a statewide needs assessment. The assessment was completed in 2011. The programs used three separate survey instruments to obtain input from the non-Hispanic client populations throughout the state, the Spanish speaking population of the state, and other stakeholders, program staff, and board members. The survey distributed to the Hispanic population was in Spanish. Approximately 9,200 surveys were distributed by U.S. mail. The overall response rate for the non-Hispanic clients, stakeholders, program staff, and board members was 8.0 %.<sup>6</sup> No other mode of data collection or analysis was used.

For purposes of analyzing the results from the surveys, the programs divided the state into five regions--North, South, East, West, and the statewide Hispanic community. Overall the surveys reflected that the greatest needs were in the areas of equal employment opportunity, family law, housing, unemployment, health care, individual rights, and income maintenance.

**Finding 2: While the recent needs assessment informs MCLS of the service area's critical legal needs, the program has not yet developed an effective service delivery plan based on the results of the assessment and the goals of the strategic plan.**

The team considered the extent to which the MCLS's use of the results from the needs assessment to establish priorities and case acceptance guidelines is consistent with the strategies and implied allocation of resources suggested by the program's strategic plan for 2010-2012.<sup>7</sup>

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<sup>6</sup> MCLS explains that because the programs could not obtain a reliable list of contact addresses for the Hispanic community, they decided to go to places where the Hispanics community congregates. In two such gatherings the programs collected 96 usable surveys.

<sup>7</sup> In the introduction to the strategic plan, MCLS states that the "plan was created by the Board of Directors utilizing a Strategic Planning Committee to accomplish the following goals:

- To provide a statement of the future direction for MCLSC and a roadmap for how to reach administrative and program goals;
- To express a shared vision and commitment to quality legal services;
- To create a uniform organization that works seamlessly after multiple mergers;
- To build a framework for action- and decision-making by MCLSC board and staff;
- To serve as a tool to help facilitate MCLS's role, services, outreach, and impact."

Goal Statement 2 of the “Need and Access to Legal Services” section of the strategic plan is “to ensure equitable access to legal services by recognizing and responding to the diverse and changing client needs.” To accomplish this goal, MCLS was to, among other things, “establish and implement a comprehensive service delivery plan with strategies and procedures to enhance client access.” The action step for the strategy was to “[d]evelop and implement a comprehensive service delivery plan based on needs assessment data”. The timeline for the action was 2010.<sup>8</sup>

While MCLS readily joined with NMRLS to gather input from various segments of the low-income populations, legal community, and social services in calendar years 2010 and 2011, the two programs never took the next step of meeting with stakeholders and the state justice community to review the findings of the assessment and to formulate a draft service delivery plan. The MCLS strategic plan recognizes the necessity and importance of collaborating and coordinating with strategic partners. Under the “Collaborations and Partnerships” section of the plan, MCLS resolves “to improve programs and service delivery through collaborative partnerships with Mississippi Bar Association, Mississippi Volunteer Lawyers Project, Mississippi Access to Justice Commission and other legal service groups.” The other legal service groups not explicitly cited in the plan include Mississippi Center for Justice and North Mississippi Rural Legal Services. Thus, the named and unnamed organizations are all strategic partners of MCLS.

Sharing the study with the greater legal services community would have facilitated a larger discussion about which pressing legal needs would be addressed; how they would be addressed; by whom they would be addressed; which identified pressing needs cannot be addressed directly because of resources or other limitations; and what other delivery approaches, other legal assistance activity, or collaboration with or referral to strategic partners, might be employed to provide some measure of assistance to affected individuals and communities.

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

**Finding 3: MCLS has adopted legal priorities that, on their face, are sufficiently broad to address the most pressing legal needs of the low-income populations throughout the service area.**

In February 2012, the MCLS board of directors considered the results of the needs assessment and adopted five broad priority categories for the service area as a whole: (1) populations with special vulnerabilities; (2) support for the family; (3) maintaining economic

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CLS Strategic Plan 2010-2012, page 5.

<sup>8</sup> MCLS Strategic Plan 2010-2012, page 8.

stability; (4) preserving the home; and (5) safety, stability and health. In addition, the priority document contains a catch-all provision for "advice and counsel and referral."<sup>9</sup>

The established priorities will be reviewed annually by the board of directors. The existing priorities reflect the availability of other providers and resources available to low-income persons in the service area. Through regular communication with social service agencies, state and local government agencies, the judiciary, the organized bar, and state justice partners, MCLS learns of new and emerging needs.

The MCLS strategic plan adopts some impressive strategies under the "Legal Representation and Advocacy" section, including "[leading] policy and law reform initiatives that improve outcomes for clients" and "[evaluating] and [implementing] innovative legal representation and advocacy service models." An overarching goal of these and other strategies is to "improve representation beyond advice and counsel and increase extended representation beyond family issues" by increasing "non-family cases by 15% annually." Calendar year 2010 was listed as the timeline for making a significant reduction in the number of family law cases handled by the program's advocates. Despite this expressed hope for change, there was an increase of family law cases as a percent of all cases closed by the program: from 57.8% in 2009 to 58.6% in 2010 and 59.1% in 2011. With respect to the actual number of family law cases closed, there was a slight increase in 2010 followed by a slight decrease in 2011—3,866 in 2009 to 3,914 in 2010 and 3,801 in 2011.

As reflected in the strategic plan, the MCLS service area experienced a significant increase in the rate of home foreclosures. In response, MCLS is collaborating with other organizations and has been able to obtain a grant to support two attorney and two clerical positions devoted solely to foreclosure defense. The program's strategic plan also reflects changes in this area. Strategies include educating communities about "unfair housing practices [and] foreclosures" and "[increasing] cases involving...foreclosures and housing discrimination."<sup>10</sup> There was a slight increase in the number of foreclosure cases from 2009 to 2010 and then a very small decrease in 2011. MCLS closed 77 mortgage foreclosure cases (not involving predatory lending) that were reported to LSC in 2009, 104 in 2010, and 100 in 2011. The program closed six mortgage predatory lending cases in 2009; two predatory lending cases in 2010; and one such case in 2011.

***Criteria 3 and 4. Implementation of goals, objectives, and strategies and Evaluation and adjustment of goals, objectives, strategies, and desired outcomes.***

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<sup>9</sup> The provision reads: "Case handlers may provide counsel, advice, and referral pursuant to intake procedures on all cases and matters not specifically prohibited by LSC or Congressional rules, policies, regulations and/or restrictions. The program may modify these priorities from time to time to address cases which arise from a disaster or from compelling or pressing issues identified within the community[,] provided cases not prohibited by LSC or Congressional rules, policies, regulations, and/or restrictions."

<sup>10</sup> *MCLS Strategic Plan 2010-2012*, pages 15-16.

**Finding 4: Following the last needs assessment, MCLS failed to set desired outcomes for individual clients and the service area’s low-income population as a whole and as contemplated by the program’s strategic plan.**

In early 2012, MCLS revised its priorities and case acceptance guidelines following the needs assessment completed in 2011. The revised priorities and case acceptance guidelines did not, however, establish explicit written goals and desired outcomes to address the most critical legal needs of the service area. This result is contrary to the overarching themes expressed throughout the MCLS strategic plan.<sup>11</sup> The visit confirmed that MCLS staff are aware of the program’s broad priorities and the types of cases that can be accepted. Those staff who were familiar with many of the lofty goals, objectives, and strategies stated in the strategic plan recognized that the program does not have the financial resources or sufficient advocate staff to accomplish them. They are encouraged by the recent fundraising efforts launched by the board but the results of those efforts are not yet in.

None of MCLS's funders requires that the program measure outcomes or record the amounts of back awards, monthly benefits and other one-time financial benefits obtained for clients in areas like Social Security, SSI, unemployment compensation, family law, consumer and other cases. As a result, the program does not conduct formal or systemic outcome measuring on its own despite the fact that tracking outcomes was listed in the strategic plan in several instances.<sup>12</sup>

**Finding 5: MCLS does not formally evaluate the effectiveness of its delivery strategies and work. This was one of the significant omissions of the strategic plan.**

The final section of the strategic plan is labeled “Performance Evaluation” and the underlying goal is to “ensure excellent standards through commitment to continuous improvement in systems, skills and practices.” While the MCLS directors are aware of the need to evaluate the effectiveness of the program’s work on a continuing basis and make appropriate adjustments where warranted by the evidence, there is no formal structure for internal evaluation of the program's work and operations. At present, only one of the branch offices examines the outcomes and results of their work on behalf of client populations to determine whether adjustments in goals, objectives, strategies, and legal assistance activities are needed. MCLS has not yet implemented the strategies listed under this section.<sup>13</sup>

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<sup>11</sup> See *MCLS Strategic Plan 2010-2012*, especially pages 10-11, and 26.

<sup>12</sup> See *MCLS Strategic Plan 2010-2012*, pages 8, 25-26.

<sup>13</sup> The listed strategies called for MCLS to perform the following:

- A. Develop an annual operational plan which allocates the work priorities of the strategic plan to Board, administration and staff;
- B. Develop annual measurable benchmarks to evaluate service delivery performance for MCLSC and each office;
- C. Develop a quarterly performance report of attainment of LSC criteria requirements and recommendations for board review and approval;
- D. Produce an annual report inclusive of data, outcomes, special initiatives, outreach and policy reform efforts;
- E. Conduct ongoing assessment of telephone intake unit, service delivery and outreach strategies;

During the visit, MCLS's strategic partners indicated that they had not received a copy of the MCLS strategic plan and were not afforded an opportunity to comment on relevant aspects of the plan before it was finally adopted by the MCLS board. The strategic partners are all interested in helping MCLS refine the strategic plan going forward and revisiting setting more explicit goals, desired outcomes, and implementing strategies to the address the service area's most critical legal problems. And, most importantly, the strategic partners are willing to embrace an appropriate division of labor and avoid duplication of efforts to more fully serve the legal needs of the state's low-income population.

**Recommendation I.1.1.1.<sup>14</sup> In future needs assessments, MCLS should not rely solely on surveys but should explore the use of focus groups, the most recent demographics and employment data for the service area, and case management system's data over at least a three year period.**

**Recommendation I.1.1.2. In future needs assessments, MCLS should explore using technology tools such as SurveyMonkey to facilitate easy compilation of data; especially that obtained from strategic partners, stakeholders, private law firms, and the judiciary.**

**Recommendation I.1.1.3. Following future needs assessments, MCLS should share the findings from the assessment with its strategic partners for their information and appropriate comments.**

**Recommendation I.3.3.3.\* MCLS must make a rigorous effort to diversify the caseloads of its advocates to ensure that the critical legal needs of clients beyond family law issues, particularly divorces, are addressed. As part of this effort, MCLS must make a rigorous effort to allocate additional resources to support program work in non-family law areas, such as housing, foreclosure prevention and consumer debts and finance, in which advocates will be encouraged to pursue. The program's leadership should encourage proactive client representation in these areas, including more complex litigation, and take steps to ensure that all advocates are engaged in this or similar work.**

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- F. Develop annual personnel report of staff attrition, recruitment, retention, relations, training, incentives and performance ; and
  - G. Development a mechanism to track improvement in the uniform standardization of policies, procedures, protocols and practices of MCLSC and all offices by evaluating bi-annually.

*MCLS Strategic Plan 2010-2012, page 26.*

<sup>14</sup>In this report, recommendations are numbered as follows: The Roman numeral references the Performance Area followed by the Criterion number, the finding number, and lastly the recommendation number that pertains to the particular finding. There are two levels of recommendations in this report, Tier Ones and Tier Twos. 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 MCLS's next grant renewal and/or competitive grant application, the program will be required to report what actions or activities, if any, MCLS has undertaken in response to Tier One Recommendations instead of submitting a full grant renewal or competitive grant application narrative.

**Recommendation I.3.4.1.\* MCLS should update its strategic plan with input from its strategic partners and with broader and more intense input and discussion among program staff. The updated strategic plan should include measurable goals and objectives and outcomes; address the allocation of resources to meet adopted goals and objectives; and identify appropriate responsible implementers who will be given the time to actually accomplish the stipulated tasks.**

**Recommendation I.4.5.1. MCLS should explore the development of an internal evaluation policy and procedure to ensure that a comparison of "the results actually achieved with the outcomes originally intended" is a significant element of the program's self-evaluation process.**

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

***Criterion 1. Dignity and sensitivity***

**Finding 6: MCLS is striving to conduct its work in a way that affirms and reinforces the dignity of clients.**

MCLS and its staff have a reputation in the service area and state justice community for treating clients and applicants for services with dignity and sensitivity. The team heard high praise for the staff's commitment to the low-income population. With the exception of blacks and whites, the service area's poverty population is only slightly diverse. Nevertheless, the program strives to conduct its services, communications, and activities in a culturally and linguistically competent fashion. For example, the program's Telephone Intake Call Center (TICC) has a bilingual paralegal, who works on a part-time basis.<sup>15</sup> And, as discussed below, MCLS has a written limited English proficiency policy and procedure.

**Finding 7: MCLS has a written policy and procedure on serving individuals with limited English proficiency.**

English is the predominant language of 96.4% of Mississippi's residents. Spanish is spoken by 1.4%; Vietnamese by 0.4%; Chinese by 0.2%; Asian Indian by 0.2%; and Korean by 0.1%. Nevertheless, MCLS has a written policy on serving limited English proficient (LEP) populations. All of the program's intake staff and advocates are charged with ensuring that the clients' primary language and any need for an interpreter are noted in the case file and that "attorney-client privilege" and the need for confidentiality are thoroughly explained to applicants and clients and interpreters, as well as family members and friends where warranted.

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<sup>15</sup> The Spanish-speaking client population in the service area is increasing. Also, while very small at present, there are pockets of Vietnamese and Chinese-speaking populations along the Mississippi Gulf Coast for which MCLS does not have the language capacity to serve well.

MCLS subscribes to Language Line for telephone interpretation and has local agencies contacts for in-person interpretation when needed. The program's LEP policy explicitly states that "no prior approval shall be required for the procurement of language services for up to one hour duration when needed."

The MCLS plan promises that "[i]nformational materials about MCLS and community education materials produced and/or distributed by MCLSC shall be translated into an English/Spanish version and will be reviewed and revised annually." It goes on to say that "[t]ranslation of informational materials about MCLSC and community education materials produced and/or distributed by MCLSC will be translated into languages other than English in accordance with needs assessments or Special Project needs." The plan does not directly address the program's website,<sup>16</sup> which is not translated into other languages.

**Finding 8: MCLS's principal intake portal is the Telephone Intake Call Center, which is competently staffed and well-supervised by the executive director for state initiatives and an experienced managing attorney. Advice and limited services may be provided at the time of initial contact.**

The program launched the Telephone Intake Call Center (TICC) in 2004 as part of a larger plan by the state justice community to establish a single point of entry for applicants seeking civil legal aid in Mississippi. The original vision for the call center was that it would combine with telephone intake by North Mississippi Rural Legal Services to form the primary portal for accessing legal aid services through a seamless operation of shared technology from locations throughout the state.<sup>17</sup> Originally, it was contemplated that, at the time of initial contact, the TICC would provide advice, counsel, brief services and legal information to callers who would not be referred for more extensive services. Also, the original vision contemplated that the call center would help document the legal needs of low-income individuals, families, and communities throughout the state. The MCLS strategic plan commits the program to fully implementing the TICC by, among other things, "integrating all service areas and utilizing stakeholder focus groups to get performance feedback" and reporting on "activities and outcomes."<sup>18</sup> The TICC covers all 43 counties comprising the MCLS service area. MCLS does receive calls from people who are in the NMRLS service area; such calls can be transferred to NMRLS' intake using four-digit extensions.

Applicants access MCLS's services by calling a toll free number where the caller is greeted by an automated attendant message that provides instructions in both English and Spanish. Callers are placed into an intake queue for the first available intake worker and, while on hold, are provided a variety of legal and social service related information. At present, the

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<sup>16</sup> [www.mscenterforlegalservices.org](http://www.mscenterforlegalservices.org).

<sup>17</sup> At the time of the visit, the Mississippi Volunteer Lawyers Project operated a hotline; it was open for limited hours in the middle of the week and was staffed by volunteers.

<sup>18</sup> *MCLS Strategic Plan 2010-2012*, pages 8-9.

call back option is not activated, so applicants in the queue must hold until they are reached or drop off. The intake workers screen applicants for conflicts, case type, and financial eligibility.<sup>19</sup> Callers who meet the program's eligibility guidelines are transferred to the attorney queue where they wait for the next available TICC attorney<sup>20</sup> (also known as "advice advocates") for counsel, advice, and/or brief services. The advice advocates try to do as much as possible for applicants during the initial call. Sometimes, they may need to review paperwork or to conduct legal research. In such cases, they will call the applicant back as soon as possible. In an emergency, the advice advocates will handle the case the same day or at least by the end of the week. If the advice attorneys determine that extended services are warranted, the case is transferred directly into the CMS for the appropriate MCLS branch office. All but public benefits cases are directed to the regional managing attorneys. Public benefits cases are directed to the branch office's public benefits paralegal.

The TICC is housed in the Jackson office and has a dedicated and competent staff that seems committed to providing high quality services to all callers. There are six intake workers, assisted by a paralegal in the Hattiesburg office who joins the TICC remotely and takes calls from the queue as needed. There are three attorneys, including the managing attorney assigned as advice advocates. Under the supervision of the managing attorney, the TICC paralegal and the Hattiesburg office paralegal provide advice and counsel on public benefits. The executive director of state initiatives, an attorney, assists the TICC on an episodic basis. The executive director of state initiatives periodically reviews cases to ensure that the TICC staff are providing quality advice. When there are hard calls to be made, the staff calls upon the executive director of state initiatives to evaluate the case and review case-related documents.

The TICC is open from 9:30 AM – 3:30 PM, Monday – Thursday and a significant number of calls are received during these hours over 10 lines. The program reports that a number of callers are on hold for a long period; some may be on hold for as long as an hour. While on hold, callers hear a variety of information regarding the program but are not given the option of receiving a call back. When intake closes at 3:30 PM, the TICC staff uses the remainder of the day to handle the calls remaining in the queue.

TICC staff has monthly meetings which allow for the discussion of procedural issues (such as how to make a determination to open a file and what grants the program is currently receiving) as well as substantive issues, including whether new issues are being raised by applicants. These meetings also allow the staff to review any problems they are having and the managing attorney has the opportunity to alert staff of any mistakes she notes. These meetings are regularly attended by the program's executive director of state initiatives.

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<sup>19</sup> MCLS has a written intake manual that provides intake workers with detailed instructions on the Clients for Windows case management system, client financial eligibility guidelines, priorities-case limitations-emergency policy, summary of LSC restrictions, standard questions to determine emergencies and statutes of limitation, standard form letters and other documents, a referral directory, and the LSC CSR handbook.

<sup>20</sup> MCLS's current three TICC attorneys are supplemented by a group of four PAI attorneys.



The state justice partners currently have a task force dealing with intake which includes staff from MCLS and NMRLS, This group deals with items such as changes in the phone messages, as well as the launch of the online intake. Many of the training and other webinars are run through the intake staff.

Technology-wise, the TICC is not without challenges. It appears that the TICC telephone system is hampered by insufficient bandwidth that causes some pending calls to freeze up in the queues. When this happens, the TICC contacts the statewide technology coordinator, who is housed in the North Mississippi program.<sup>21</sup>

When asked what could be done to improve the performance of the TICC, the staff listed increasing the number of full-time intake workers and ensuring that, throughout the service area, low-income people have access to computers, telephones, faxes, and scanners in every county to make it easier to apply for assistance.

The TICC intake is supplemented by branch office walk-ins where intake for emergency cases is conducted or the applicant is connected to the TICC. Non-emergency walk-ins are referred directly to the TICC.

While the MCLS strategic plan promised that the program will “conduct ongoing assessment of [the TICC],” among other things, this does not appear to be the case, at least not in a formal sense.

**Finding 9: MCLS recently instituted online intake to complement the Telephone Intake Call Center.**

Working with North Mississippi Rural Legal Services (NMRLS), MCLS instituted online intake in late August 2012, shortly before the OPP visit. This addition was done quietly. The program published it to the client community by adding a message to the MCLS telephone system’s recording and including a link on the program’s new website page. Applicants have the opportunity to fill out the entire application on line.

The online applications are retrieved and initially reviewed by one of the TICC paralegals or intake workers. At the initial online review stage, only the basic information needed to run a conflict check is accessible. After a conflict check is performed, the remainder of the online application is accessible and the reviewing paralegal determines whether the applicant needs to be contacted to verify income or fill in other details needed to determine eligibility. After the completion of the eligibility screening, the TICC managing attorney accesses the application and contacts the online applicant to conduct a substantive intake interview.

**Finding 10: The intake activities in the branch offices complement the Telephone Intake Call Center.**

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<sup>21</sup> While the technology coordinator is able to clear up the problem of calls freezing up in the queues, the challenge of the TICC is that the manager is forced to maintain constant screen vigilance to watch the queues and ensure that they are not frozen.

Intake activities in the branch offices proceed in the same manner. The regional managing attorney first reviews all referrals from TICC before assigning cases to one or more staff attorneys and a paralegal. The assigned attorney or paralegal gathers any additional information and documents needed – retainers, signed citizenship attestations, and substantive questionnaires. Hard case files are constructed by the legal secretary. The secretary is also responsible for closing the completed cases. The client must return all requested information before any work is done in the case. A tickler is set up, giving the client 10 to 15 days to respond. If no response is received, a letter is sent.

At the time of the visit, there was a freeze on non-emergency intake in the Gulfport office to permit the office to resolve a backlog of cases. The office accepts emergency walk-ins. Applicants who call the office for assistance are told to contact the TICC.

### ***Criterion 2. Engagement with the low-income population***

#### **Finding 11: MCLS's community outreach and engagement efforts by staff advocates are limited.**

The MCLS strategic plan committed the program to "[increasing] community education and outreach to help clients learn how to protect their legal rights."<sup>22</sup> MCLS conducts community education presentations at senior citizen centers, churches, sites operated by social service agencies like the Department of Human Services, and departments of local governments. These partners make referrals and view the program as an important resource for the low-income populations served in common, but are not otherwise actively involved in aiding the program in its efforts to increase its capacity to a larger share of the eligible population.

Community education and outreach are included in MCLS's job descriptions for regional managing attorneys, staff attorneys, paralegals, and the two executive directors. Regional managing attorneys are expected to work with the executive director of administration "to assure the development of sound relationships with local groups and local bar association(s)." It is the

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<sup>22</sup> Under this section of the strategic plan, MCLS indicated that it would accomplish the following:

- A. Develop a community education plan that includes [] county work plans, education materials, brochures, displays, pockets, etc.;
- B. Conduct community education presentations to community based organizations and eligible clients;
- C. Develop community outreach sites at social services agencies and organizations in each county in service area;
- D. Develop self-help guides and informational packets to share in communities;
- E. Conduct Pro Se legal clinics, seminars, workshops and forums to improve awareness, education and outreach;
- F. Research the need and viability of community liaisons to support legal services and clients in rural and remote communities;
- G. Recruit and hire Community Education Coordinator to coordinate community education activities for MSCLSC.

team's conclusion that in all but one branch office, managing attorneys engage in little to no outreach and community education due, in part, to their responsibility for a direct caseload.

Staff attorneys are expected to establish good working relationships with community agencies and local client groups. With the exception of senior centers, it is the conclusion of the team that MCLS's attorneys are engaged in very limited community education and outreach. It is particularly apparent that they do not coordinate closely with community groups and domestic violence shelters. Some staff explained that their office had not conducted any community legal education in a long time.

Paralegals are expected to maintain "good working relationship with community-based organizations" and provide "community education on public assistance benefits...." MCLS's paralegals are frequently paired with attorneys for community education and outreach efforts. Accordingly, like that of the program's attorneys, community education and outreach activities by paralegals are also limited.

The executive director of state initiatives is responsible for identifying "community training and outreach needs" as well as coordinating "community education, trainings and workshops designed to educate and inform partners, legal and client community." While it is not clear the extent to which the executive director of state initiatives plays a significant role, MCLS reported sponsoring or participating in approximately 60 community education/outreach activities over the last 24 months.

The executive director of administration is expected to maintain "the proper public image of the program through public relations activities, i.e. good communication and good relationships with bar associations, courts, legislative bodies, governmental agencies and community organizations." Within the past 24 months, the executive director attended and/or participated in approximately 24 community education and outreach activities, including town hall meetings of the Mississippi Access to Justice Commission, Department of Human Services' home energy assistance program workshops, and presentations on fair housing.

Although community education and outreach are not explicitly included in her job description, the MCLS coordinator of statewide resource development (resource developer) spends considerable time at outreach and community education events. For example, during the period February 2010 through July 2012, the resource developer attended 19 town hall meetings, community education workshops, and social services outreach meetings that appear to take away valuable time needed for unrelenting, creative resource development. MCLS explained that the resource development coordinator "uses these opportunities to network, to educate leaders on the unmet needs and to develop collaborations in order to enhance resource development efforts."

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

**Finding 12: MCLS maintains five staffed locations to afford broad access and utilization by low-income individuals and families.**

MCLS operates from five staffed locations-- a branch office and executive administrative office in the city of Hattiesburg; a branch office, a centralized telephone intake call center, and a central administrative office in the city of Jackson; and branch offices in the cities of McComb Gulfport and Meridian. All of the five office locations are population centers and are reasonably accessible to the low-income population of the service area. MCLS's hours of operation are Mondays through Thursdays, 8:30 a.m. until 5:30 p.m., and Fridays, 8:30 a.m. until 3:00 p.m. All of the program's offices are accessible to the physically handicapped. In terms of their physical structure, with the exception of Hattiesburg and McComb, the program's offices were professional in appearance with physical layouts reasonably designed to preserve client confidentiality.

Each of the MCLS branch offices is led by a regional managing attorney and is staffed by a minimum of one staff attorney, one paralegal, and one legal secretary. At the time of the visit, the Gulfport office was staffed by a regional managing attorney, two staff attorneys, a paralegal, and a legal secretary. This is the same staffing configuration that was in place at the time of LSC's 2006 program quality visit to MCLS.<sup>23</sup> A third staff attorney and a second legal secretary were added later in September 2012 under the National AGs Foreclosure Settlement grant. The staffing of the Gulfport office is complemented by two volunteer attorneys, who contribute approximately two hours each week.

**Recommendation II.1.8.1.\* In extending, updating, and expanding the strategic plan, MCLS should maintain and actually implement the commitment to "conduct ongoing assessment of the telephone intake unit" as well as all other forms of intake and outreach strategies.**

**Recommendation II.1.8.2.\* The TICC managing attorney should periodically review call center data to identify the system's effectiveness, issues concerning access and wait times, and any emerging trends reflected in requests for assistance.**

**Recommendation II.1.8.3.\* MCLS must take all necessary steps to enhance the technology essential for the smooth and seamless operation of the TICC, including but not limited to the operation of the telephone system during inclement weather.**

**Recommendation II.1.9.1. MCLS should evaluate the newly instituted online intake on a regular ongoing basis and make appropriate changes if warranted.**

**Recommendation II.2.11.1.\* MCLS should revisit the "Community Education and Outreach" section of its strategic plan and consult the NLADA paper, "Effective Community Engagement: A Toolkit for Civil Legal Services Programs," for community education and outreach examples that can enhance the program's efforts.**

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<sup>23</sup> At the time of the 2006 program quality visit, MCLS operated a Fair Housing Center (FHC) in the same facility that houses the Gulfport branch office. The FHC's staff at the time consisted of a testing coordinator and a secretary. The FHC has since been disbanded.

**Recommendation II.2.11.2.\* MCLS should take the necessary steps to ensure that its attorneys and paralegals systematically engage in community legal education and increase the amount of community education and outreach activities. The program’s outreach and community education activities should consist of strategic efforts to inform various segments of the low-income community about legal rights in particular topics, the available civil legal aid services, and how and when such services could be helpful to low-income individuals and families.**

**Recommendation II.3.12.1.\* MCLS should take the necessary steps to improve the maintenance and general professional appearance of the Hattiesburg and McComb offices.**

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

***Criterion 1. Legal Representation***

**Finding 13: MCLS's advocate staff is diverse and sufficiently experienced to implement the goals, objectives, and strategies adopted for the program’s casework.**

MCLS has a reasonably diverse and sufficiently experienced staff that mirrors the relevant workforce in the state of Mississippi and the Southeastern region of the nation. They have excellent reputations among the judges, administrative agencies, social service agencies, and community organizations interviewed. They are viewed as committed, caring professionals who value their work and clients.

Excluding the executive directors,<sup>24</sup> MCLS’s attorneys have an average of 18 years of experience in the legal profession and an average of 11.4 years with the program. The 14 attorneys fall in the very experienced category as 10 of them have 12 or more years of legal experience; the remaining four have between five and nine years of experience. Six of the 14 attorneys are managing attorneys. As a group, the managing attorneys have an average of 19.5 years of experience in the legal profession; the overwhelming majority of this experience was in providing legal services to the poor. All but one of the managing attorneys is a woman.

MCLS's attorney staff diversity is reasonable compared to the diversity of the service area. The service area's poverty population mainly consists of blacks (64.7%) and whites (33.2%), with women outnumbering men. Of the program's attorneys (including the two executive directors), 11 are black (61.1%) and seven are white (38.9%), 11 are female (61.1%) and seven are male (38.9%).

MCLS’s paralegals have 21.2 years of experience in the profession and with the program. All but one of the paralegals is a woman. The paralegal staff is divided by job functions—intake paralegals and case handling paralegals. Of the nine paralegals, five are case handlers assigned

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<sup>24</sup> The program’s executive director of administration has 30 years of legal experience and 24 years in Legal Services in Mississippi. The executive director of state initiatives has 23 years of legal experience and 21 in Legal Services in Mississippi. And, the deputy director (a non-attorney) has 38 years of experience with MCLS.

to one of the five branch offices. The paralegals handle the public benefits cases. As a group, they have an average of 20.4 years of experience in the profession. Of MCLS's nine paralegals, seven are black (77.8%), one is white (11.1%), one is Hispanic (11.1%), eight are female (88.9%), and only one is male (11.1%).

An ambitious vision for legal representation and advocacy permeates the MCLS strategic plan.<sup>25</sup> As noted above, the current strategic plan expires at the end of calendar year 2012. In the “Legal Representation and Advocacy” section of the plan, MCLS committed to, among other things, promoting the program’s “leadership role in legal issues affecting [the] client community,” by developing strategies that:

- A. Understand and respond effectively to the legal service needs of client community;
- B. Lead policy and law reform initiatives that improve outcomes for clients;
- C. Promote an understanding of MCLSC’s role in the justice system;
- D. Evaluate and implement innovative legal representation and advocacy service models;
- E. Establish a quick response team of Board and staff charged to:
  - a. Create task forces to begin preliminary planning and blueprint based on past and current crises;
  - b. Define role of administration and staff in leading pressing issues;
  - c. Re-allocate, distribute, prioritize resources to address current issues;
  - d. Develop media campaign, TV, newspaper, radio, newsletter and online publications.

Unfortunately, MCLS lacked the staffing and financial resources to implement these lofty goals.

A second goal in the “Legal Representation and Advocacy” section of the strategic plan committed MCLS to increasing “the number of impact and significant litigation cases annually,” by developing strategies that:<sup>26</sup>

- A. Identify from each office one to three significant impact issues in the service area;
- B. Conduct periodic meetings between offices to compare commonality of issues and help identify clients;
- C. Identify and meet with other legal partners in each service area regarding issues;
- D. Ensure training opportunities are provided in significant issues areas;
- E. Establish incentive and recognition program to reward staff doing impact work.

While the visit confirmed that MCLS meets throughout each year with four major strategic partners<sup>27</sup> and ensures training opportunities in the core poverty law areas, both longstanding practices, there is no evidence that branch offices have identified significant impact

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<sup>25</sup> *MCLS Strategic Plan 2010-2012*, pages 10-11.

<sup>26</sup> *MCLS Strategic Plan 2010-2012*, page 11.

<sup>27</sup> Mississippi Access to Justice Commission, Mississippi Center for Justice, Mississippi Volunteer Lawyers Project, and North Mississippi Rural Legal Services.

issues they intend to address, no meetings between offices on common issues that have occurred, and no incentive and recognition rewards for impact work have been established.

**Finding 14: Oversight of legal work by staff attorneys and paralegals is done by the regional managing attorneys. The established legal work management and supervision policies and procedures are not uniformly followed.**

Oversight of legal work by staff attorneys and paralegals at MCLS is done by the regional managing attorneys. There are written legal work management and supervision policies and procedures that provide guidance from initial eligibility to appeals. These are included in the program's Casehandler Standards and Intake Manual, which are based in part on the *LSC Performance Criteria (2006)* and the ABA's *Standards for the Provision Civil Legal Aid (2006)*. The case handler standards address such items as guidelines for client contact and communications, frequency of contact, opening and closing letters, supervisor's responsibility for monitoring case assignment and work load, client representation skills such as client counseling and advocacy skills, case file maintenance, periodic case status reports, open case file reviews, closed case file reviews, courtroom observations, and in-house observations.

The managing attorneys generally perform their supervisory responsibilities through an open door policy and episodic meetings, reviewing cases through the case management system, and performing the annual performance evaluations. Although program policy calls for quarterly case file reviews and closed case file reviews, these are rarely done. Case files are closed by support staff and managing attorneys generally do not review the files before closing. Paralegals' case files are reviewed once a year as part of their annual evaluation, but there does not appear to be any review by a program attorney at the time of closing. While staff discuss cases informally, any supervision appears to be initiated by the advocate, especially those with several years of experience with the program.

In the Gulfport office, the managing attorney conducts weekly staff meetings where advocates report on the status of their caseloads. The managing attorney runs open case reports for each advocate once a week. Case notes are entered directly into the case management system. Automated ticklers are used as well as internal messages via the case management system. Closing letters are sent in all cases. Case file close-out reports are required. Gulfport is the only office to gather systematically the outcomes achieved for clients upon closure of the case file.

In the Hattiesburg office, there are no regular case or staff meetings. The managing attorney describes her approach as an "open door" policy and represents that "everyone knows about everyone else's cases." She doesn't review the staff attorney's case files upon closing. A contract PAI attorney reviews the paralegal's open cases and closed case files. A case file closure checklist is completed by the legal secretaries upon the closure of cases and reviewed by the managing attorney at a later time. Closing letters are sent in all cases.

In the Jackson branch office, staff meetings for advocates and non-advocates are held quarterly. The managing attorney explained that meetings are held more frequently when the need arises. Closed case files are not reviewed at closure. In the past two years, the managing

attorney has not accompanied one staff attorney to court for supervision purposes due to her extensive experience. The second staff attorney has had several court observations. When their own court work permit, the staff attorneys observe the managing attorney in court.

In the Meridian office, the staff does not hold formal meetings because of the small size of the staff—a managing attorney, a staff attorney, a paralegal, and a legal secretary. Except for the staff attorney, each member of the staff has been with MCLS for at least ten years; the staff attorney has been with the program for five years. The managing attorney receives all of the extended case referrals from the TICC, reviews them, and makes the case assignments to the staff attorney and paralegal or to the contract PAI attorneys.

The McComb office functions like Meridian and is even smaller—having only a managing attorney, a paralegal, a full-time legal secretary, and a part-time secretary.

**Finding 15: At the present time, MCLS does not have a director of advocacy or director of litigation to provide program-wide leadership and coordination of legal work.**

From 2004 to early 2012, MCLS shared a statewide litigation director (the SLD) with NMRLS. The SLD assisted and helped supervise the two program’s complex litigation, serving as co-counsel in some cases.<sup>28</sup> When asked, most MCLS advocates state that the statewide litigation director was a useful resource<sup>29</sup> and that they wish the program could afford a similar or more expanded resource. Given the quality of legal writing and other advocacy discussed below, such a position is urgently needed and would be consistent with the vision expressed in the strategic plan.

**Finding 16: The overall quantity of legal assistance provided by MCLS is mixed. Relative to the service area’s poverty population, the program’s total closed cases are reasonable but its extended representation and contested cases are significantly below the national median.**

In preparation for the program quality visit, MCLS submitted to LSC an open case list for each advocate. LSC received an open case list for 11 attorneys and five paralegals. The combined list shows a total of 693 open cases as of August 8, 2012—571 were being handled by attorneys and 122 by paralegals. The average caseloads for attorneys were 52 and 24 for paralegals. For attorneys, the caseloads were skewed heavily toward family law (68.5%) and overwhelmingly toward Social Security/SSI for paralegals (91.8%).

For individual attorney advocates, caseloads ranged from a low of 25 to a high of 104. A majority of attorney’s caseloads were 55 or below. The caseloads of managing attorneys fell in

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<sup>28</sup> In addition, the SLD was responsible for, among other things, conducting the initial review and recommendation on all appellate and federal court advocacy for the two programs. He also assisted in the development and implementation of professional training for the programs’ lawyers and paralegal.

<sup>29</sup> Staff cited obtaining assistance with drafting pleadings in confusing or difficult cases, obtaining consumer law expertise, receiving training on a variety of subjects, and co-counseling in complex factual or substantive cases.



the low range more so than the high—caseloads of 25, 26, 30, and 52 were reported for four managing attorneys and a caseload of 104 was reported for the fifth managing attorney<sup>30</sup>.

MCLS’s paralegals<sup>31</sup> appear to have relatively low caseloads. The August 8, 2012 open case lists show paralegal caseloads ranging from 7 to 61. Only one of the paralegal advocates had a caseload that exceeded 25.

Open caseloads did not contain many cases not reportable to LSC or factually or procedurally complex cases. Advocate caseloads warrant further scrutiny by regional managing attorneys, the program’s executive leadership, and, as contemplated by the program’s expiring strategic plan, by the board of directors when it revisits “legal representation and advocacy” during the new strategic planning process to ascertain relative evenness in work load distribution, diversity of case loads, complexity of legal work and effectiveness of legal representation.

For 2011, MCLS reported closing 6,430 LSC eligible cases, which is slightly less than the number of eligible cases closed by the program in 2009 and 2010. This performance amounts to 198 closed cases per 10,000 poor persons for the service area (hereafter, per 10K poverty population) compared to the national median of 263.<sup>32</sup> MCLS’s total closed cases per 10K poverty population is 75.3% of the national median and does not present any significant concerns at this level.

MCLS’s extended closed cases per 10K poverty population is 38 compared to the national median of 61, which represents 62.3% of the national median. MCLS’s actual contested closed cases per 10K poverty population is 12 compared to the national median of 31. The achievement here is only 38.7%. Due to the relatively low case closures for extended and contested cases, MCLS is encouraged to evaluate its operations and work to determine whether it needs to adjust its approaches and strategies in response to new circumstances or insights.

**Finding 17: The diversity of the legal work performed by MCLS is less than the goals established by the program’s board of directors and may not be reasonably related to the most pressing circumstances in the service area.**

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<sup>30</sup> See MCLS response to Draft Program Quality Visit Report.

<sup>31</sup> MCLS’s paralegals fall into two categories: case handling paralegals and intake or TICC paralegals. The caseloads discussed here are for extended representation involving case handling paralegals only.

<sup>32</sup> The number of closed cases per 10K poverty population is one measure of program performance traditionally used by LSC to evaluate productivity on a program-wide basis. The comparison is made to the national median for the particular calendar year in question. Comparing a program’s case closing statistics to the national median may or may not lead to specific conclusions. A program’s case closing statistics can reflect a number of factors, including the inexperience of staff, demographics, the geography of a service area, the program’s legal priorities, the program’s policy on the levels of services provided, and the focus of program resources on work that is not captured in the CSRs, among others. However, as part of a program’s periodic evaluation of its performance, LSC encourages programs to compare their case closing statistics in a variety of categories to the national median, looking for any revelation that may raise a flag that should be examined further.

One of the most timely and ambitious undertakings stated in the MCLS strategic plan is goal three in the “Legal Representation and Advocacy” section. That goal committed the program to improving “representation beyond advice and counsel and [increasing] extended representation beyond family issues,”<sup>33</sup> by developing strategies that:

- A. Increase public awareness promoting non-family related cases;
- B. Increase non-family cases by 15% annually;
- C. Develop partnership with groups and agencies serving non-family issues for purposes of referral.

Over the life of the strategic plan (2010-2012), none of these strategies was successfully accomplished.

The open case lists for attorney advocates submitted to LSC by MCLS in August 2012 show that at that time 68.5% of all cases being handled by attorneys were in the family law area.<sup>34</sup> A look at the caseloads for the five managing attorneys is telling. The open cases for managing attorneys ranged from a low of 68% family law to a high of 96.2%. We note however, that the exceedingly high family law caseload for the one managing attorney is due in large part to the assumption of open cases of staff no longer with the program. Of significance is that these heavily family law caseloads were the state of affairs two and a half years after the MCLS strategic plan committed to “increase extended representation beyond family issues” by, among other things, increasing nonfamily cases by 15% annually. The preponderance of family law casework continued in 2012. In preparation for the visit, MCLS provided closed case data for the first half of 2012. Based on the data provided, family law cases were 58.9% of all cases closed up to June 30, 2012.

As to extended representation beyond family issues, the closed cases data for MCLS’s eligible cases for the 2009, 2010, and 2011 show that on average extended family cases comprised 63.7% of all eligible extended cases closed by the program in those years. Specifically, family law extended cases were 63.6% of all eligible extended cases closed in 2009, 63.1% of those closed in 2010, and 64.3% of those closed in 2011. For the first half of 2012, family law extended cases comprised 62.3% of all eligible extended cases closed up to June 30, 2012.

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<sup>33</sup> *MCLS Strategic Plan 2010-2012*, page 11.

<sup>34</sup> A comparison of MCLS’s 2011 CSR data with national data show the following percentage distribution cases in the four core poverty law substantive areas—consumer, family, housing, and income maintenance (public benefits):

- Consumer cases were 12.3% of all LSC eligible cases closed compared to the national median of 11.3%. Family cases were 59.1% of all LSC eligible cases closed compared to the national median of 36.8%.
- Housing cases were 8.1% of all LSC eligible cases closed compared to the national median of 24.7%.
- Income maintenance cases were 6.8% of all LSC eligible cases closed compared to the national median of 10.4%.

In the final analysis, MCLS did not accomplish the goal of curbing the quantity of family law cases. The program's final CSR submission to LSC for calendar year 2012 shows that family law cases were 59.1% of all cases closed.<sup>35</sup>

**Finding 18: The quality of the legal work performed by MCLS is mixed.**

MCLS's attorneys and paralegals appear competent in and knowledgeable of the areas in which they handle cases. They have good reputations among the judges, attorney board members, other legal services providers, social service agencies, and community organizations the team contacted. Advocates practice in a variety of forums that include the state's trial and appellate courts, as well as various state and federal administrative agencies.

The program's legal representation consists of a mix of limited and extended representation. And, as noted above, the percentages of extended and actual contested representation are below the national median, suggesting a need for further scrutiny.

In preparation for the visit, the LSC team requested a writing sample from each case handling advocate, selected by the advocates as representative of their best work in the last 24 months and reflecting their legal research, analytical, and writing skills. We received 16 responses (several advocates submitted two samples). For those advocates who are new to MCLS, we accepted writing samples from their previous employment. Because of the nature of law practice in the Mississippi trial courts, which requires fewer memoranda and briefs, the writing samples were sparse.

The samples covered the following substantive and procedural areas: consumer, criminal law, family law (adoption, divorce, guardianship of a child, child visitation, and termination of parental rights), Gulf oil spill advice letter, SSI, social security disability, disaster assistance benefits, unemployment benefits, evidence, and trial and appellate practice. They included the following types of legal writings—four appellate briefs (all in the Supreme Court of Mississippi, three divorce cases and one adoption), two trial court briefs or memoranda (circuit courts), five letter briefs to administrative agencies (Appeals Council of the Social Security Administration, the Mississippi Department of Employment Security's Board of Review, and Gulf Coast Claims Facility), and excerpts from civil jury instructions publication (Mississippi Plain Language Model Jury Instructions-Civil 2012), and letter on behalf of client to debt collector. Absent from the sample were writings in cases that are likely to have significant impact well beyond the individual client, significant cases confronting newly emerging issues in the fields of home foreclosures and consumer debt, and individual cases that have or will likely result in extensive monetary benefits for clients.

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<sup>35</sup> In the forward to the strategic plan, the MCLS board chair stated the following: "Putting aside the rhetoric, the challenge for MSCLSC is to not allow our Strategic Plan to become a booklet gathering dust as it sits on the desks of Board members, Administrators and Staff. The Strategic Plan that follows should be a living document that guides each individual involved in our mission at every level. The Strategic Plan should be a point of reference when the Board makes policy decisions, during the day-to-day administration of MCLSC and when individual Staff members provide actual legal services. If the Strategic Plan is truly a living document, then-and-only-then will it be a beacon for providing equal access to justice for all."

With a few exceptions, the writing samples submitted were of average quality and several could have benefited from a second review, including to correct for grammar, typos, and spellings. The appellate briefs were well written. They exhibited the effective communication skills that are essential to competent legal practice; the arguments advanced appear sound. In the letter briefs to administrative agencies, more attention could be paid to the evidentiary support for the facts asserted.

At the time of the visit, MCLS did not maintain a brief bank accessible to staff program-wide. The former statewide director of litigation reported soliciting pleadings and briefs from staff throughout the state to establish a digitized brief bank. He received little response to his request. Some advocates did report keeping copies of frequently used pleadings on computer disks or on their hard drives for their individual use. It appears that attorneys are willing to share their individual work upon request.

**Finding 19: MCLS provides its advocates reasonable training and legal resources to ensure effective legal advocacy.**

All of the advocates interviewed confirmed that MCLS affords staff sufficient opportunities to attend training. Training remains important despite the fiscal constraints the program faces. Staff reported attending a variety of training events including local, state, and national training. Such events included—basic legal advocacy training, fair housing and HUD housing counseling, community lawyering by CLAE, NLADA annual conferences, consumer law training, TANF training, and MIE training.

With NMRLS, MCLS holds an annual statewide conference of legal services workers where a variety of training is offered to staff at all levels. For the attorney staff, some of the training consists of continuing legal education (CLE) programs. Board members from the two programs also attend the statewide training. Historically, staff and board members from the other strategic partners do not attend the statewide training, except as trainers on an irregular basis.

Library resources in the four offices visited seemed sufficient and appropriate given the program's current areas of practice, which include fairly routine matters. The advocates also reported using Lexis for legal research when needed. Although there are listservs in many states and across the nation to provide guidance to advocates in many areas, the program's case handlers reported using only a few.

**Criterion 2. Private Attorney Involvement.**

**Finding 20: Through a Contract Attorney Project and a subgrant agreement with Mississippi Volunteer Lawyers Project, MCLS is striving to make PAI an integral part of the delivery system to provide more high quality legal assistance to eligible clients.**

MCLS satisfies its PAI requirement through an in-house contract attorney project (compensated PAI) and through a pro bono subgrant agreement with one of its strategic partners in the state, Mississippi Volunteer Lawyers Project (MVLP). Both of these efforts are designed

to provide opportunities for busy attorneys to make a difference in their community. Recently, two pro bono attorneys have volunteered to work in the Gulfport office.

A high percentage of MCLS's cases are closed with private attorneys' participation, heavily relying on contract PAI attorneys. For example, of the 6,430 LSC eligible cases closed in 2011, 29.9% were PAI cases.<sup>36</sup> MVLP was responsible for 9.1% of the PAI cases MCLS closed in 2011; they were responsible for 15.4% in 2010; and for 14.7% in 2009. In contrast, the contract PAI attorneys were responsible for 90.9% of MCLS's closed PAI cases in 2011; for 84.6% in 2010; and 85.3% in 2009. In terms of substantive areas, 58.7% of the 2011 PAI cases were in family law; 18.2% were consumer/finance; 7.4% housing; and 3.0% income maintenance. MVLP's pro bono attorneys are overwhelmingly involved in family law area. In contrast, the contract attorneys are overwhelmingly responsible for the consumer/finance and housing cases. As to the level of service, 79.7% of MCLS's 2011 closed PAI cases involved limited service and only 20.3% extended service.

Prior to placement or referral, MCLS's staff screens the cases for merit and financial eligibility. The MCLS executive director of state initiatives is responsible for coordinating PAI for the TICC. PAI for the branch offices is coordinated by the deputy director. The team is satisfied that the program's executive management and managing attorneys are familiar with LSC regulations regarding PAI. The branch office managing attorneys oversee the compensated PAI for their region. Branch offices must end referrals when their allocated budgets have been fully encumbered. We were told that contract PAI attorneys can bill up to \$25,000 annually in some instances. There appears to be adequate oversight of PAI and the referred cases.

MCLS reported sponsoring or participating in approximately 30 CLE programs for private attorneys over the last 24 months. These CLE programs were mainly conducted with one of the program's strategic partners, Mississippi Volunteer Lawyers Project.

MCLS's attorneys' participation in local bar associations is mixed. While MCLS pays state bar dues, local bar dues are not paid and this impacts the willingness of its staff attorneys to actively participate in local bar associations. Low salaries are cited as the main reason.

### **Criteria 3 and 4. Other program services and activities.**

#### **Finding 21: MCLS engages in a small amount of other services for clients, including community legal education, training of community partners, and involvement in various bar, social service, and community activities designed to assist the low income population.**

All of the MCLS branch offices engage in a limited amount of community legal education activities, especially in counties where program offices were closed. The presentations mainly involve senior nutrition centers, local churches, Habitat for Humanity events, and LIHEAP workshops related to funding from the Mississippi Department of Human Services. It

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<sup>36</sup> Of 6,680 LSC eligible cases closed 2010, 24.9% were PAI cases; and of 6,694 cases closed in 2009, 25.4% were PAI cases.

should be noted that MCLS attends and participates in workshops by MVLP throughout the service area—approximately 28 over the last 24 months.

MCLS actively participates in the proceedings of the Mississippi Access to Justice Commission's (MATJC) pro se project. Mississippi is far behind most states in this area, but appears to be making progress. The MATJC has initiated meetings with judges and court clerks to discuss pro se. At the time of the visit, the Mississippi Supreme Court was poised to sanction some basic pro se forms such as motions for contempt and for visitation and child support cases where one of the parties is paying through the Department of Human Services.

The team heard from some staff that their casework doesn't leave sufficient time for community outreach and education events. Some staff offered that it is clear the program's leadership values the casework over community outreach and education.

**Recommendation III.1.16.1.\* MCLS should take prompt action to ensure that managing attorneys comply with program policies requiring quarterly case file reviews and review of closed case files immediately following completion of the case file closure checklist by legal secretaries.**

**Recommendation III.1.16.2.\* MCLS should develop a protocol to provide guidance for supervision of advocates with suggestions of the kind of coaching that may be appropriate in certain circumstances. The protocol should address the requirements for new and inexperienced advocates as well as experienced advocates.**

**Recommendation III.1.16.3.\* MCLS should mandate review of legal briefs and other extended advocacy written work by attorneys and paralegals.**

**Recommendation III.1.17.1.\* When financial resources permit, MCLS should consider hiring a director of advocacy to lead and coordinate the overall legal representation and advocacy.**

**Recommendation III.1.19.1.\* During the very early stages of the extension, update and expansion of the strategic plan, the MCLS board, executive leadership, and staff should discuss the lack of progress in curbing the number of family law cases contemplated under the original strategic plan, discuss adopting more aggressive strategies, and discuss how best to garner the support of leaders in the client communities, social service agencies, the judiciary, the private bar, and the philanthropic community for any approach adopted. Public education must be a core feature of any coherent strategy by MCLS and the state justice community--information and discussion among key partners, supporters, and community representatives/leaders could result in significant progress.**

**Recommendation III.1.19.2. MCLS should take the necessary steps to collaborate with its strategic partners to encourage participation in the annual statewide legal services training conference.**

**Recommendation III.1.20.1.\*** MCLS should undertake discussions with staff about thinking creatively about the problems of the client population and potential advocacy solutions. Thinking about solutions to the recurring critical legal problems of clients in the service area should be an integral part of the program's legal work management, supervision, and training. Staff who have focused exclusively on work for individual clients, should be encouraged and guided in the development of broader-based advocacy strategies to address recurrent or systemic issues.

**Recommendation III.1.20.2:** MCLS should undertake discussions with its strategic partners to activate statewide task forces that have lapsed and maintain active task forces as an integral part of collaboration and coordination.

**Recommendation III.2.22.1.\*** MCLS, along with other strategic partners, should continue to explore meaningful ways in which MVLP can increase the number of recruited attorneys who actually accept at least one pro bono case during the calendar year.

**Recommendation III.2.22.2.** MCLS and MVLP should develop a satisfaction survey instrument to obtain feedback from pro bono attorneys to, among other things, help increase recruitment, case placements, and caseload diversity.

**Recommendation III.2.22.3.\*** MCLS should work closely with MVLP and other strategic partners to address all of the essential components of private attorney involvement during the renewed strategic planning process for MCLS as a whole.

**Recommendation III.2.22.4.\*** MCLS should work with MVLP to evaluate annually the goals, objectives, and outcomes of its overall PAI efforts.

**Recommendation III.2.22.5.\*** MCLS should encourage greater participation by its attorneys with local bar associations and private attorneys generally. MCLS should consider payment of local bar dues for program attorneys.

**PERFORMANCE AREA FOUR.** *Effectiveness of Governance, Leadership and Administration.*

**Criterion 1. Board Governance.**

**Finding 22:** MCLS is governed by an appropriately diverse board of directors that provides appropriate oversight and shares the mission of the program.

MCLS is governed by a 21-member board of directors composed of 14 attorneys and seven client-eligible members, who are diverse in terms of race and gender. Members are appointed to three-year terms and may be reappointed to an unlimited number of consecutive three-year terms. It is common for members to serve consecutive three-year terms as the bylaws permit. Eleven members at any regular or special meeting comprise a quorum. A quorum of members has attended each scheduled board meeting within the last 24 months. The board meets bimonthly and meetings are rotated between Hattiesburg and Jackson.

A core group of the members is very active. The by-laws permit removal of members for three consecutive unexcused absences from board meetings. Board officers are elected to one year terms, which can be renewed. In addition to the executive committee, the board has an audit/compensation committee, as well as client grievances, employee grievance/personnel, policies, nominating, and resource development committees. An Advisory Group was established to aid the board in leveraging additional resources for the program and enhancing public awareness of the need for civil legal aid.

The management staff and board provide an orientation to new board members. Members are given copies of the LSC Act and regulations, and the LSC Performance Criteria. For every two years of service on the board, the program offers to send members to an appropriate training event. Despite the training opportunities afforded, it is the team's conclusion that the MCLS board does not employ leadership development practices. The members interviewed were generally familiar with LSC rules and requirements. They could discuss the program's mission and accomplishments. Client-eligible board members appear to be full participants and feel free to contribute during meetings.

The board has adopted a written policy that addresses conflicts of interest or potential conflicts of interest.

The executive director of administration, executive director of state initiatives, and the chief financial officer report to the board at every meeting. The reports cover new developments from the major funders like LSC, centralized intake activities and performance, and financial and budget matters. As part of its role of oversight, the board evaluates the two executive directors every two years.

**Finding 23: The MCLS strategic plan, the result of a process driven by the MCLS board, commits the program to significant improvement in eight broad operational and programmatic areas.**

Throughout this report, relevant goals and strategies from the MCLS strategic plan have been cited and discussed in conjunction with the various LSC performance areas and underlying performance criteria. In this section, the focus is the "Governance and Administration" section of the strategic plan, where MCLS stated it would employ the following strategies to improve board governance and effectiveness:

- A. Annually review and update bylaws, as needed;
- B. Re-evaluate board committee roles and responsibilities;
- C. Conduct board orientation for new board members with an option for existing board members to attend;
- D. Incorporate board governance training in annual state training;
- E. Review and update policies regarding annual performance evaluations of board, administration, program/services and partner collaborations.

Two and one-half years from adoption of the strategic plan had elapsed at the time of the on-site visit program quality visit and the MCLS board had not conducted a review of the bylaws



for needed changes and updates. Also, the board had not adopted policies for evaluating the board, program administration and services, or partner collaborations.

At the February 12, 2011 meeting, the board voted unanimously to convert the strategic planning committee to an advisory/focus group committee to pursue a robust fundraising/public relations effort. Nevertheless, during the visit, several board members expressed an interest in extending the strategic plan and having the executive directors and staff update the plan with input from strategic partners.

## **Criterion 2. Leadership.**

### **Finding 24: MCLS's leadership is comprised of two executive directors and a deputy director.**

The MCLS leadership consists of two co-executive directors and a deputy director. The two executive directors, both with over 23 years of legal and civil legal aid experience, have separate and distinct job descriptions that provide for a reasonable division of labor. Both executive directors are hired by the board and report directly to the board.

The executive director of administration, based in the Hattiesburg office, oversees the program's financial and administrative operations, legal work and advocacy projects and activities, and the LSC-mandated private attorney involvement activities. This executive director is assisted by the chief financial officer and an accounts payable/payroll specialist, both of whom are also housed in the Hattiesburg office. His legal work responsibility consists primarily of supervising the regional managing attorneys. The managing attorneys confirmed that he evaluates them and visits their offices periodically. He strives to hold telephonic management meetings on a quarterly basis and as needed when major issues and/or new developments need discussion.

The executive director of state initiatives, based in the Jackson office, oversees the program's centralized intake project (Telephone Intake Call Center), initiatives to increase public awareness of program's services, and public relations and education initiatives with local community leaders and organizations and local bar associations throughout the service area. Recently, this executive director has been given responsibility for the program's formal resource development initiative with an advisory committee of the board and non-board members.

The deputy director, also based in the Jackson office, oversees the preparation, implementation and dissemination of program policies, administration of the case statistical reporting system, the administration of branch offices, program technology, and the coordination and monitoring of program compliance.

### **Finding 25: MCLS does not have a leadership succession plan and the board of directors has not yet considered such a plan.**

MCLS's third goal under the "Governance and Administration" section of the strategy plan is "to assess and determine the feasibility of Co-Executive Directors roles and responsibilities" by employing the following strategies:

- A. Establish Personnel Committee to give leadership to assessment of Co-Executive Directors roles and responsibilities and other administrative personnel matters;
- B. Review job descriptions of Co-Executive Directors and compare with current role and responsibilities;
- C. Conduct feasibility study of Co-Executive Directorship roles;
- D. Re-define roles and responsibilities based on feasibility study;
- E. Develop job descriptions and measurable performance standards and expectations of roles and responsibilities;
- F. Create staff development plans to support leadership development and administrative oversight.

The board has not yet acted on the above strategies and action steps. The board should assess the co-directors and leadership structure in conjunction with the development of a succession and leadership development plan.

While there is wide agreement among board members and program staff that the current leadership structure facilitated the effective transition to a unitary program following the 2004 merger, we heard some criticism of the leadership structure from within and outside of MCLS. Therefore, the team thinks that the strategic plan's proposed assessment of the structure is appropriate.

**Criteria 3, 5 and 6. Overall management and administration; human resources administration; internal communication.**

**Finding 26: Overall program management and human resources administration are good.**

The on-site visit did not identify any significant negative concerns regarding the overall management and human resources administration of the program, or related policies, procedures, and practices. The executive directors and other program managers and administrative staff are viewed as striving mightily within the constraints imposed by the program's finances. With the exception of the lack of pay raises, staff and board members who were interviewed did not raise any overall program management and human resources concerns.

**Finding 27: The program's overall technology is mixed, with some lingering challenges that have existed for some time.**

MCLS describes its 2012-2013 technology plan as a "work in progress," designed to, among other things, aid the program in pursuing appropriate and sustainable "technology tools that increase [MCLS's] capacity to educate the public, get vital information to those who need it most, measure and evaluate [the program's] work, enable staff to do their work efficiently, and effectively communicate with [the] community." The program uses technology to support its management and administrative systems, the provision of legal representation and advocacy, and other services to the low income population.

While MCLS has made progress toward more effective use of technology, some nagging problems remain. Staff praised the recent advent of online intake, implementation of the Kemps

Prime CMS as part of a statewide project with all of the civil legal aid providers, and the current plan to implement intake file sharing among all of the providers. There are two areas in which staff are experiencing significant difficulties. The first involves the program's server's ability to track all of the calls that come to the TICC. We were told that the program's vendor has been unable to repair this aspect of the server since December 2011. As a result, the TICC has been unable to monitor the number of dropped calls and count the number of calls that reach the TICC by way of transfers from branch offices.

The program's projected technology budget for 2012 is \$242,224. In conjunction with North Mississippi Rural Legal Services (NMRLS), in 2010 MCLS "conducted an assessment of information technology needs." In 2011, MCLS conducted an electronic survey of its staff using TechAtlas. Annually, MCLS develops a technology plan for submission to LSC in addition to a statewide technology plan with NMRLS.

Under the "Need and Access to Legal Services" section of the strategic plan, Goal Statement 3 committed the program to "[utilizing] technology to improve access and delivery of legal services to clients" through 10 stated strategies.<sup>37</sup> The program implemented five of the 10 strategies listed in this section of the strategic plan--A,C,D,G and I.

**Finding 28: The program's staff-management relations are good. Communication among staff could be improved.**

The MCLS program leadership has good communication and relations with branch office managers and staff through frequent emails, in-person office visits,<sup>38</sup> a biennial statewide legal services conference, and trainings. Apart from the statewide conference, there are no all-program staff meetings. Nevertheless, MCLS appears to be free of any serious morale or other internal personnel problems, which is a significant accomplishment considering the general state of the economy and the specific threats that loom with respect to civil legal aid funding. MCLS staff feel that they belong to a single law firm.

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<sup>37</sup> The 10 strategies stipulated that the program would:

- A. Develop information technology taskforce, inclusive of input from North Mississippi Rural Legal Services;
- B. Assess client computer and technology access;
- C. Develop process for online intake and case management;
- D. Develop customized MCLSC website that is user-friendly and easy to navigate information;
- E. Develop informational CD/DVD to mail to clients about services and contact information;
- F. Develop uniform responses (protocols) for community with clients via technology (Internet, telephone, media);
- G. Upgrade telephone system to provide basic information on common legal services issues;
- H. Implement a monitoring system to track client usage of technology to access MCLSC;
- I. Utilize mainstream technology (TV, radio) to inform and address client needs;
- J. Utilize teleconferencing to host group or community meetings in remote areas.

*MCLS Strategic Plan 2010-2012*, pages 8-9.

<sup>38</sup> For example, the executive director of administration visited the Gulfport office three days a week to help straighten out problems and a backlog of cases left by previous staff. These visits by the executive director contributed greatly to an uptick in the morale of remaining staff and gave new staff confidence in the program's determination to strengthen the office and stand by them.

At the branch office level, regional managing attorneys facilitate reasonably frequent communication among all staff. They all have open and direct communication styles, although there are infrequent staff meetings in the formal sense and input seems to be solicited informally.

All of the branch offices are small, ranging from four to six people, which seems to engender a feeling of family among staff. Collaboration on cases and other matters frequently occur among staff in the same office, but rarely with staff in other offices.

**Criteria 4 and 7. Financial administration; general resource development and maintenance.**

**Finding 29: Neither program staff nor board members expressed any concerns about MCLS's financial administration.<sup>39</sup>**

The executive director of administration is responsible for the program's fiscal affairs. He is assisted by the program's fiscal manager. Staff and board members who were interviewed did not raise any financial administration concerns. The budget process includes active participation by the board, which receives financial reports at each meeting. The board receives a copy of the audited financial statement and a briefing from the independent auditors each year. The financial and related administrative staff appear to be qualified to perform the duties required by MCLS management and board of directors.

**Finding 30: MCLS is struggling to expand its base of funding consistent with its mission. In view of the impoverished condition of the program and the extraordinary needs of the service area, much needs to be done.**

LSC funding accounts for 75.7% of MCLS's annual budget. Other funding sources include Older American Act, Mississippi Supreme Court Pro Hac Vice/Civil Legal Assistance, Area Agencies on Aging, Mississippi Department of Human Services (Low Income Energy Assistance Program), Mississippi Bar Foundation (IOLTA), U.S. Department of HUD (Housing Counseling), and Mississippi Center for Justice (BP Oil Disaster Consortium). MCLS's 2012 and projected 2013 revenue do not contain any amounts for attorney fee awards.

MCLS's resource development team is comprised of the statewide resource development director (development director),<sup>40</sup> who is housed in the Jackson office; the MCLS executive director of administration, housed in the Hattiesburg office; and the MCLS executive director for state initiatives, who is also housed in the Jackson office. The on-site visit confirmed the executive director for state initiative's active involvement and leadership role in the program's

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<sup>39</sup> This visit was conducted by the Office of Program Performance (OPP) for the purposes set forth in the Introduction. OPP findings and recommendations under this criterion are limited to staffing, organization, and general functions. Assessment of fiscal operations is conducted by other offices at LSC.

<sup>40</sup> As the name suggests, the statewide resource development director position is funded jointly by MCLS and NMRLS. The position is supervised by both the MCLS executive director of administration and the NMRLS executive director. The position was developed in 2004.

advisory group fundraising effort. The fundraising goal for calendar year 2012 is \$136,000. The initial focus of the group is on people with affinity. A letter will be sent and then follow-up calls made. In addition, all members of the board and the advisory group are expected to make a contribution.

While MCLS's advisory group effort is ambitious and impressive, the team found that there is a lack of a separate organized effort at foundation fundraising. While there are limited foundation resources in Mississippi, the state's status as one of the poorest in the country, combined with economic disasters in recent years, might well make grant proposals from a nonprofit like MCLS viable with regional or national foundations. With the existence of a dedicated resource development position since 2004 and the additional assistance provided by the executive director for state initiatives, an aggressive foundation fundraising effort seems feasible.

Similarly, funding proposals have not been submitted to the United Ways in the service area, although MCLS's mission overlaps at least in part with United Way's missions. While it is true that getting United Way funding is often a multi-year effort, it can never succeed if the effort never starts. The resource development staff were unaware whether any attorneys, who may well be good ambassadors for MCLSC, sit on the boards of United Ways in the area.

In addition to protecting current program funding, the "Resource Development" section of the 2010-2012 strategic plan promised to "identify new sources of funding to support program services and operations."<sup>41</sup> This was to be accomplished by:

- A. [Engaging] professional fundraiser, if needed, to assist in resource development efforts;
- B. [Developing] a resource development plan,<sup>42</sup> inclusive of annual fundraising goals and giving campaign;
- C. [Conducting] an annual fundraising and/or donor recognition event in support of fundraising goals.

In 2011, the MCLS board began implementing this section of the strategic plan by establishing an advisory group to assist the board "in leveraging additional resources for the program and enhancing public awareness of the [program's] need. The advisory group is composed of both board and non-board members; they plan to seek funding from the bar, other private donors, and corporations. More specifically, the board expects that the advisory group members will:

- Identify and open doors for potential donors.
- Network on behalf of the program and enhance image and public awareness of need.
- Commitment of personal giving and to some level of asking.

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<sup>41</sup> *MCLS Strategic Plan 2010-2012*, page 22. MCLS's Interest on Legal Trust Accounts (IOLTA) funding has fallen dramatically over the last four years from a little more than \$1,000,000 to \$80,000. Recently, all of the civil legal aid providers were unsuccessful in obtaining additional support from the state when court filing fees were increased.

<sup>42</sup> At the time of the on-site visit, MCLS had not developed a formal resource development plan.

- Commitment to participate in meetings in person and by conference calling.

The advisory group is planning to launch an annual fundraising event, which will be a long-term, incremental process.

In 2011, MCLS produced an annual report that highlights staff, volunteers, supporters, and work under several funding grants. In addition to the annual report, there are media reports on the program in relations to funding, disasters, and socio-economic issues impacting civil legal aid in the state.

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

**Finding 31: MCLS maintains a coherent and comprehensive delivery structure.**

Within the limits of available resources and the terms of its funding sources, MCLS maintains a delivery structure and approach that integrates staff, private attorneys, and other components. The program is striving to innovate and embrace creativity in delivery. Through its directors' participation in regional, state, and national affinity groups and conferences, MCLS strives to obtain and consider current information and research concerning civil legal aid and related delivery systems. The program--as evidenced by its strategic plan to be extended, updated and expanded; its centralized telephone intake; and its newly launched resource development—MCLS appears ready to confront the pressing legal needs of the service area.

**Finding 32: MCLS actively participates in the Mississippi state justice community and its two directors are considered leaders in the efforts to achieve equal justice.**

As an active participant in the Mississippi state justice community, MCLS joins with strategic partners like the Mississippi Access to Justice Commission, the Mississippi Center for Justice, North Mississippi Rural Legal Services, and the Mississippi Volunteer Lawyers Project to bring about access to justice and **the change to the civil justice system that is possible.**<sup>43</sup>

MCLS and its strategic partners are moving forward to accomplish change in the area of intake, where the four legal aid providers—MCLS, NMRLS, MVLP, and MCJ—established a file-transfer project to enable all of the programs to transfer intake files seamlessly. This accomplishment means that MCJ can transfer an oil spill intake by email to MCLS's Jackson office without that office's staff having to redo the intake. The accomplishment means that

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<sup>43</sup> For example, in 2009, the Mississippi Access to Justice Commission conducted a strategic planning retreat to identify the Commission's priorities. The resulting top priorities for Commission action included: taking concrete steps to increase the number of pro bono attorneys in every county in the state; launching coordinated efforts to make the courts more receptive to self-represented litigants; building legislative relationships in order to be prepared to move forward to seek increased state funding for civil legal aid when the time is ripe; issuing a report based on the findings of the Access to Justice hearings conducted by the Commission; and using the report strategically to accomplish the Commission's goals. In addition, the plan called for developing local Access to Justice committees or similar entities to develop local initiatives to expand access to civil justice.

MVLP volunteers can download and email intakes that are conducted on laptops at legal clinics out in communities around the state. The file transfer system will significantly enhance MCLS's mortgage foreclosure work in terms of the speed with which intakes and case notes can be delivered to program attorneys assigned to handle the bankruptcy cases generated by the project. As of December 2011, all the Mississippi civil legal aid providers use the same version of the Kemps CMS.

In addition to the four strategic partners above, MCLS coordinates in some instances with social service agencies, community organizations, bar associations, and colleges and universities in an effort to supplement its services throughout the service area. The program's coordination and collaboration with the two law schools in the state<sup>44</sup> is limited.

**Recommendation IV.1.22.1. MCLS should explore the development of board leadership by undertaking specific practices of developing members for board officer positions.**

**Recommendation IV.1.22.2. MCLS should take all necessary steps to provide board members appropriate training regarding resource development, core financial skills, organizational capacity building, and strategic planning.**

**Recommendation IV.1.23.1.\* The MCLS board should reestablish the strategic planning committee to oversee the updating of the plan by program management with significant and broad input from staff and MCLS's strategic partners, including the Mississippi Access to Justice Commission, Mississippi Volunteer Lawyers Project, North Mississippi Rural Legal Services, Mississippi Center for Justice, and the clinical programs at the two law schools in the state.**

**Recommendation IV.2.25.1.\* The MCLS board should mandate the development of a succession and leadership development plan for the top leadership positions in the program.**

**Recommendation IV.2.26.1.\* The executive director of administration and the executive director of state initiatives should consider holding monthly management meetings via telephone conferences and web based tools like "go to meetings" to facilitate discussions of legal advocacy topics of shared concern and major policy items like extending, updating, and expanding the current strategic plan**

**Recommendation IV.3.27.1.\* MCLS should readopt, extend, update, and implement the "Technology" section of the strategic plan over the next two years to ensure that the program is making the highest and best use of affordable technology, including but not limited to computers, printers, copiers and scanners.**

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<sup>44</sup> The University of Mississippi School of Law (Oxford, Mississippi) and Mississippi College of Law (Jackson, Mississippi).

**Recommendation IV.3.27.2.\* MCLS needs to take the necessary steps to retain affordable technology expertise to address the server's ability to track all calls to the TICC and to remedy the rain's impact on the telephone system for centralized intake.**

**Recommendation IV.3.27.3. MCLS should continue its technology collaboration and coordination with state justice partners; take advantage of available outside expertise and resources to assist its technology planning and implementation efforts; ensure that technology decisions are made strategically and will accomplish the desired goals and outcomes; and strive to ensure that changes to technology are implemented in a coordinated manner.**

**Recommendation IV.7.30.1.\* MCLS should extend, update, and expand the "Resource Development" section of the 2010-2012 strategic plan.**

**Recommendation IV.7.30.2.\* MCLS, along with its strategic partners, should explore seeking foundation and United Way funding. MCLS resource development staff should identify state, regional and national foundations that show any history of support for work such as MCLSC's, and develop a detailed schedule for efforts to submit grant proposals.**

**Recommendation IV.7.30.3. With North Mississippi Rural Legal Services, MCLS should explore additional ways to maximize use of the coordinator of statewide resource development for creative fundraising and resource development activities that are strategically designed to yield real results**

**Recommendation IV.7.30.4.\* MCLS, along with its strategic partners, should explore the use of public service announcements (PSAs) in the campaign to enhance the image and increase public awareness of MCLS and the needs of civil legal aid.**

**Recommendation IV.7.30.5. MCLS, along with its strategic partners, should strive to develop and maintain an overall media strategy tied to resource development.**