



Legal Services Corporation  
**Office of Program Performance**

Program Quality Report  
for  
Utah Legal Services  
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## INTRODUCTION

### **Background on the Visit.**

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit to *Utah Legal Services (ULS)* between October 22 and October 26, 2012. The team included Program Counsel from the Office of Program Performance, Evora Thomas (team leader) Stephanie Edelstein and Glenn Rawdon; and, Cesar Britos and Alex Gulotta, Temporary Employees ("the team").

Program quality visits are designed to ensure that LSC programs are providing the highest quality legal services to eligible clients. The evaluation examines the effectiveness of legal assistance and representation provided to eligible clients, including a program's engagement with the low-income community; and the efficiency of its leadership, management, and administration.

In conducting this evaluation, OPP relied on the LSC Act and regulations, the LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The evaluation is organized consistent with the four Performance Areas of the LSC Performance Criteria, which cover needs assessment and priority setting; engagement with the low-income community; legal work management and delivery; and program management including board governance, leadership, administration, resource development, and coordination within the delivery system.

The team reviewed documents and information that LSC receives from the program in the routine course of business, such as grant application information, case service reports (CSRs), and other service reports (OSRs). The team also reviewed documents and information the program submitted in advance of the visit, including advocates' writing samples and an on-line survey of *ULS* staff. On site, the team visited the program's three branch offices and also met with the staff from the two satellite offices. The team interviewed attorneys, managers, administrative personnel, the executive team, and support staff. In addition to speaking to most of the *ULS* staff members, the team met with – or interviewed by phone – a sample of board members, judges, and representatives of local agencies and community organizations.

### **Program Overview.**

The *ULS* service area is mixed urban/rural. While 86.2% of the population lives within 50 miles of a *ULS* office, the remainder of Utah contains large areas with less than 1 person per square mile creating many service delivery challenges. About 70% of the population is located along the Wasatch Range where offices are located in Salt Lake City, Ogden, and Provo. A fourth office is located in St. George in southwestern Utah.

*ULS* provides a full range of legal services to three major constituencies: low-income resident Utahans, migrant farmworkers and Native Americans. The program strives to avoid duplication of services to clients through the collaborative efforts of Utah's civil legal service providers by addressing family law services with *The Legal Aid Society of Salt Lake*, protective orders with pro bono programs in Summit and Davis counties and services to migrant farm

workers with *Holy Cross Ministries* and *Catholic Community Services*. *ULS* provides legal services through a model of three specialized statewide law units called “task forces” that handle legal issues involving domestic relations (family), housing, public benefits, consumer, elder and employment law. The task forces focus on day-to-day client services and some impact and appellate litigation. Attorneys chairing the task forces average 15 years of employment with *ULS*.

*ULS* uses a combined service delivery model that primarily utilizes staff for direct services in the urban centers, supplemented by pro bono and contract services from the private bar in rural areas. Similarly, community outreach/education is conducted collaboratively with these staff and private bar relationships. A series of monthly outreach clinics gives *ULS* a visible statewide presence in addition to a virtual presence through reliance on technology.

In 2003, several legal services providers including *ULS*, *The Multi-Cultural Legal Center*, *The Legal Aid Society of Salt Lake*, *The Disability Law Center* along with *And Justice For All* (“*AJFA*”) joined together to create a one-stop-shop co-location center for low-income clients in Salt Lake City that was named “*The Community Legal Center*.”

*ULS* has faced declining revenues for the past three years, including losses due to reduced LSC funding, and to weak IOLTA revenues. For 2012, *ULS* was awarded a basic field grant from LSC in the amount of \$1,733,785 for service area UT-1, \$63,890 for service area MUT, and \$77,485 for service area NUT-1, resulting in a 14.6% reduction from the previous year. In 2011 *ULS* had received \$2,197,482 in total grant awards from LSC and non-LSC funding in the amount of \$1,888,509. Between 2010 and 2012, total revenue is projected to have fallen from \$4,492,867 to \$3,058,027.73.<sup>1</sup> *ULS* underwent staff lay-offs in 2011 when the program experienced revenue reductions, resulting in the net loss of one attorney, two paralegals and three support staff. The implications of this loss are discussed more fully in this report.

### **SUMMARY OF FINDINGS**

- In 2007, *ULS* conducted a comprehensive needs assessment that resulted in the adoption of program priorities. To facilitate the review of priorities, *ULS* developed a five year plan identifying the information to be reviewed by the board in establishing annual priorities. In 2010, *ULS* adopted a second five year plan that continues the legal needs and priority review activities for each of the next five years.
- *ULS* has conducted activities to plan for the future, but has not engaged in a formal strategic planning process. Although these activities are valuable tools for program assessment and planning, they are not an adequate substitute for a periodic strategic planning process designed to examine, question, challenge and adjust the program’s service delivery systems. Although *ULS* has designed a system to evaluate its priorities and measure outcomes, it is not fully implemented or uniformly used.

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<sup>1</sup> Projections are based on the 2012 budget approved by the board of directors.

- Through its Statewide Intake Unit, housed in Salt Lake City, *ULS* has designed a robust intake system that provides eligibility screening and advice, affording reasonable access to the state’s low-income population. *ULS* recently launched an online intake portal designed to increase access to and the efficiency of the intake process. Further, in an effort to improve efficiency and consistency, *ULS* implemented new intake procedures using the Access to Justice Author (“A2J”) platform to generate an online script that is used by all intake workers. While most of the intake is integrated into the centralized queuing system, the *Senior HelpLine*, which serves the elderly, relies on callbacks.
- *ULS* has situated its offices and deployed its staff in a configuration that promotes client access to the organization’s services and resources. *ULS* experienced staff lay-offs in 2011 due to revenue reductions, resulting in the net loss of one attorney, two paralegals and three support staff. *ULS* has a diverse, capable, and culturally competent staff with varying degrees of experience.
- In collaboration with an array of community partners *ULS* uses a number of clinical models to increase prospective client and community access to legal services. *ULS* instituted the use of SKYPE to facilitate greater client access to legal assistance and resources.
- *ULS* appears to accommodate clients with limited English proficiency. *ULS* has adopted the Limited English Proficiency Policy and Language Access Plan which provides for the accommodation of those requiring interpretation and/or translation assistance. *ULS* established an LEP committee to review compliance, the resources required to provide LEP assistance and to set priorities for providing translation and other language assistance.
- *ULS* has experienced advocates with expertise in the priority areas of family law, public benefits, housing, and the rights of seniors; and provides sufficient resources to advocates to carry out its work. *ULS* advocates are assigned to work through three collaborative statewide task forces, defined by substantive areas of law: Domestic, Public Benefits, and Housing/Consumer.
- The allocation of program resources to the various priority areas under resources the housing and consumer practice areas. Given the downturns in funding and the increased demand for resolution of consumer issues, it does not appear that the program has allocated sufficient resources to address this new priority area or to provide extended work in housing law.
- *ULS* utilizes innovative systems, approaches, and techniques to promote the maximum effectiveness of representation, although additional systems are warranted. There are a variety of systems in place at *ULS* to promote achievement of high quality legal services. For example, weekly case review task force meetings are conducted telephonically across offices; *Graphical Advocate Analysis* (GAA), the metric system created for comparing data related to case performance; and, “*First Tuesday*” the statewide, monthly staff

meeting that is a forum for training, discussion of management and administrative topics, and task force meetings. In general, *ULS* does not have established written standards and policies to guide the supervision of legal work. Advocates' writing samples revealed a dramatic range in the quality and caliber of the written work. Apart from the computer-based review of case data at closing, substantive review of closed cases by supervisors is not a uniform practice.

- *ULS* closes a significant number of cases that benefit clients, although the program's resources have not kept pace with the demand for services.
- *ULS* conducts significant outreach to migrant farm workers throughout Utah. The Migrant Farm Worker Unit delivers high quality legal assistance to migrant farmworkers, yet overall, the bulk of the advocacy is focused on immigration issues. The Migrant unit emphasizes immigration cases in which it has extensive expertise, but does not appear to address the traditional employment issues experienced by farmworkers.
- *ULS* provides legal representation to the low-income Native American population in a manner that achieves as much as is reasonably attainable within its resource capacity. In addition to representation, the Native American Program (NAP) also provides community legal education and outreach several times each month on topics such as tribal jurisdiction, domestic violence and VAWA.
- *ULS* effectively integrates private attorneys into its work to supplement its representation and other services, and to achieve its goals and objectives. *ULS* is a key player in the new statewide pro bono initiative that includes the creation of a state Pro Bono Commission accompanied by Pro Bono Committees in each of the eight judicial districts.
- *ULS* has developed a number of initiatives that maximize the use of resources for the benefit of clients, including the myriad of clinics the program supports.
- The *ULS* board promotes its commitment to the mission of the program through effective governance and oversight, although *ULS* reports having difficulty recruiting and then retaining committed client-eligible members. *ULS* has developed an effective leadership model that promotes excellence in achieving the mission of the program. *ULS* devotes adequate resources for management and administration of the organization. *ULS* has made a concerted effort to update its technology.
- *ULS* has an experienced financial management team, sound human resources administration, and effective communication channels.
- *ULS* has suffered significant reductions in funding from state and federal sources. As a result, it has reduced staff size and adjusted services to clients.

## **DISCUSSION OF FINDINGS and RECOMMENDATIONS**

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

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

**FINDING 1: *ULS* conducted a comprehensive needs assessment in 2007 that resulted in the adoption of program priorities.**

In 2007 a comprehensive study was conducted by *ULS* entitled “The Justice Gap: The Unmet Legal Needs of Low-Income Utahans.”<sup>2</sup> The study was based on in person surveys of 1,185 low-income persons throughout Utah that documented, identified and tracked the responses of 16 distinct demographic groups<sup>3</sup>. The surveys were designed to garner specific information for each demographic group to determine distinctive problems and barriers they might encounter. From this and other survey data, the *ULS* board of directors established the case service priorities for the program. Since then, the program has reviewed and adjusted these priorities annually. To facilitate the review of priorities, *ULS* developed a five year plan identifying the information needed for the board’s use. The review involves a comparison of legal work produced by *ULS* against the averages of all LSC-funded providers reported in the annual LSC Fact Book. The results of client satisfaction surveys that are regularly distributed to clients at the conclusion of a case are also reviewed.

In 2010, *ULS* adopted a second five year plan that continues the legal needs and priority review activities for each of the next five years. The reviews include: (1) community surveys of the legal services provided by the program as well as the unmet legal needs they identify; (2) review of census data for the low-income population; (3) surveys of special populations; (4) surveys of attorneys and judges; and, (5) additional information from the low-income population through the use of focus groups. This information is presented to the board at its yearly retreat along with recommendations from management. The board discusses the data and then decides on any changes to priorities. For example, during the 2007 priority setting process, the *ULS* board expanded its priorities to include consumer and employment law practice areas but, as a result of the annual review, employment law cases were changed to a second tier priority in 2011. The board also directed the program to study whether the private bar would be an available referral resource for social security disability cases. In addition, *ULS* limited its family

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<sup>2</sup> The study reported that, “Legal issues span a range of problems with the most common being family law (20.5%), employment (12.3%), housing disputes (12.1%), and consumer issues (9.8%). The occurrence of other common legal issues are government services (7.2%), health (5.7%), public benefits (5%), trusts and estates (4.2%), immigration (3.1%), adult care abuse (2.7%), Native American (2.2%), institutions (2.2%), education (2.1%), other civil rights (1.9%), disability rights (0.9%), taxes (0.8%) migrant workers (0.3%), and other (6.9%).

<sup>3</sup> The groups are: African American; agricultural workers; Asian/Pacific Islanders; at risk children or youth; domestic violence survivors; Latinos (all); Latinos (not including agricultural workers); homeless; immigrants and refugees; individuals transitioning from welfare to self-sufficiency; persons with mental and developmental disabilities; Native Americans living on or near a reservation; Native Americans living off reservations; non-English speaking; persons with physical disabilities; and vulnerable seniors.

law case acceptance guidelines to instances where domestic abuse occurred during the immediate past six months, which resulted in a drastic reduction in family law volumes.

#### ***RECOMMENDATIONS:***<sup>4</sup>

***I.1.1.1. ULS should consider incorporating additional empirical data and new legislative and regulatory changes that impact the low-income community into its annual evaluation.***

***I.1.1.2. ULS should plan to conduct a comprehensive legal needs assessment at the conclusion of the current five year priorities review plan in 2016.***

#### **Criteria 2 and 3. Setting goals and objectives, developing strategies and allocating resources; Implementation**

**FINDING 2: ULS has conducted activities to plan for the future, but has not engaged in a formal strategic planning process.**

Current *ULS* priorities include a three tiered hierarchy of most to least important case services, each defined by principal considerations.<sup>5</sup> A comprehensive list of case types was developed for each priority level. *ULS* also adopted distinct priorities for its migrant farmworker, Native American, seniors/elder law and pro bono programs.

Activities associated with planning for the future at *ULS* emanate from three separate events. These regularly occurring activities help to focus and shape the work of the program. First, there is an annual or bi-annual staff retreat with predetermined areas or issues of focus. The staff retreat involves substantive training and targeted planning by each work group. New goals and action steps may be developed. The work group planning sessions often result in changes to the program's processes, procedures, and case acceptance guidelines. The second event is an annual board retreat, during which staff members make substantive presentations to the board of directors, providing information about the status of casework including the number of closed cases, the types and numbers of cases that were rejected, and staffing levels and funding. The board then reviews the current priorities and determines the need for prospective changes in priorities. Third, *ULS* management reviews program-wide performance evaluations of

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<sup>4</sup> Recommendations in this report will have a Roman Numeral to identify the Performance Area, followed by three numbers identifying, respectively, the Criterion addressed by the recommendation, the number of the finding, and a number designating whether it is the first, second, third, etc., recommendation under that finding. For example, III.2.14.3 designates Performance Area III, Criterion 2, Finding 14, third recommendation under finding 14. There are two tiers (levels) of Recommendations in this report. Recommendations marked 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 your next grant renewal application or competitive grant application, your program will be required to report what it has done in response to Tier One Recommendations instead of submitting a full narrative.

<sup>5</sup> The principal considerations for the first priority level are "Meeting the prospective client's immediate need for food, shelter, health care, protection from consumer fraud, ability to be and stay employed and freedom from physical harm." The principal considerations for the second priority level are "To prevent further degradation or seek long-term improvement of prospective clients' standards of living where immediate legal intervention is less decisive." The principal considerations for the third priority level state that "While important legal concerns are listed here, generally lacks the staff to handle them."



all staff during a two-day management team retreat. Along with the program's new metrics system for on-going performance evaluation, the information gathered via this process is translated into goals and strategies to improve systems and program as well as individual performance.

Although all three of these activities are valuable tools for program assessment and planning, they are not an adequate substitute for a periodic strategic planning process designed to examine, question, challenge and adjust the program's service delivery systems. Staff reductions have put an increased strain on the program. This militates in favor of a strategic planning process designed to articulate core values and to assess and decide upon prospective delivery structures. Both staff and board members identified this as an area worthy of systematic reflection.<sup>6</sup> *ULS* also has identified that shrinking resources have increased the difficulty of balancing between advice and brief services and high quality, impactful extended representation. Strategic planning could assist *ULS* in addressing all of these challenges in creative, progressive, proactive ways.

#### ***RECOMMENDATIONS:***

***1.2.2.1. ULS should engage in a forward thinking, "blank-slate," strategic planning process that articulates core values and questions and challenges the program's service delivery systems so as to provide a roadmap for program development over the next 5 years.***

#### **Criterion 4. Evaluation and Adjustment**

**FINDING 3: *ULS* has designed a system to evaluate its priorities and measure outcomes that is not fully implemented or uniformly used.**

Apart from the annual review of priorities described above in Finding 1, *ULS* uses a system of outcomes measurement for required reporting on a number of grant-related projects through its case management system. These outcome measures provide powerful data about the value and impact of the program's work. *ULS* is aware that this system is not fully implemented for all cases or utilized by all staff and that it may need to be modified and enforced. The program has set a goal of revising and improving the outcome reporting system over the next 12 months. *ULS* would like to create a "dashboard" to capture some of the data they are amassing with the recently developed metrics evaluation system.<sup>7</sup> They anticipate that it could be monitored on an ongoing basis and regularly shared with the staff and the Board.

#### ***RECOMMENDATIONS:***

***1.4.3.1. ULS should follow through on the existing plan to implement a comprehensive system of outcome measures over the next 12 months.***

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<sup>6</sup> *ULS* reports that it "plan(s) to undertake a strategic planning process involving Board and staff focusing on the allocation of resources to best meet client needs. We [*ULS*] will begin that process at our annual Board retreat and review of program priorities in September 2013."

<sup>7</sup> The metrics evaluation system is described more fully elsewhere in this report and was developed with a TIG awarded by LSC.

**PERFORMANCE AREA TWO. Effectiveness in engaging and serving the low-income population throughout the service area**  
**Criterion 1. Dignity and sensitivity**

**Intake--**

**FINDING 4: ULS has designed a robust intake system that provides eligibility screening and advice, affording reasonable access to the state’s low-income population.<sup>8</sup>**

The core of ULS’s access to services is through its Statewide Intake Unit, housed in Salt Lake City. The unit is primarily a centralized telephone intake system, although there are a few exceptions including the implementation of a new online intake process developed to accommodate applicants that had difficulty accessing intake previously because of hours, distance and call wait times. ULS surmises that the online intake will increase efficiency because it will focus staff resources more on applicants who are actually eligible. ULS uses Access to Justice Author (“A2J”) guided interviews for its online intake system. The program reports that approximately 85% of the online applicants deemed to be eligible by the A2J guided interview system are determined to be financially eligible after staff has spoken to them. Approximately 45% of telephone applicants are determined to be eligible after undergoing a full eligibility screen. The pre-screening accomplished through the online A2J process saves a significant amount of intake worker staff time.

The intake unit consists of one managing attorney and five intake workers, four of whom are bilingual Spanish speakers. Intake is conducted by telephone, chat,<sup>9</sup> or online (combined with a follow-up telephone call or chat). The program reports that 93-95% of intake is conducted by telephone and approximately 5% is processed through the online application. Walk-in applicants are invited to call into the unit from a telephone in the waiting area. Intake hours are from 9 AM - 2 PM on Monday through Friday. Prior to the implementation of the online system ULS relied upon volunteers to expand the intake hours from 8:00 AM to 7:30 PM.

Intake workers screen applicants for eligibility, entering information directly into the case management system (CMS), *Kemps Clients for Windows, CFW2000*, (“CFW”). Coordination with other ULS staff is facilitated by an internal “instant messaging” (IM) system. Except for a few specialized areas, like the *Senior Law Project*,<sup>10</sup> *Native American Project* (NAP),<sup>11</sup> *Migrant Farm Worker Program* (MFWP),<sup>12</sup> pro bono referrals, and consumer or bankruptcy problems, ULS does not use callbacks generally, because their past experience revealed that they lose

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<sup>8</sup> During the period that the PQV was conducted, LSC’s Office of Compliance and Enforcement (OCE) also conducted a review of ULS’s intake process, including its online application system. OCE issued a draft report on December 20, 2012.

<sup>9</sup> A “chat” is an informal exchange of messages by computer in real time with other computer users. The use of “chats” accommodates the hearing impaired applicants.

<sup>10</sup> The *Senior Law Project* includes the Utah Senior Helpline that offers advice and brief service only.

<sup>11</sup> At times, NAP conducts intake screening during some of the outreach conducted by its tribal court advocate.

<sup>12</sup> The MFWP outreach coordinator hands out flyers with ULS’s toll-free telephone number. There is no dedicated telephone number for farmworkers. The MFWP staff reports that sometimes callers lose patience or are unable to follow the directions of the automated calling tree; they prefer to speak directly with the unit’s paralegal.

callers that way. The intake staff is required to contact online applicants to review the information provided and expand the inquiry for eligibility.

Intake interviews previously relied upon a written script that was not followed consistently by the intake workers. *ULS* recently implemented new intake procedures using the Access to Justice Author (“A2J”) platform to generate an online script that is used by all intake workers. This system does not allow users to skip any questions or ask questions not in the script. While some liked the flexibility of the former written script, the managing attorney and majority of the unit find this new method to be an improvement as it ensures a more consistent and thorough assessment of each applicant.

Since much of the intake eligibility assessment is built into the A2J based system, the unit’s managing attorney relies on spot checks and the intake workers’ peer review to monitor the work produced by the unit. The managing attorney also reviews reports of call volume, duration, etc. from the telephone system; and can review queue activity in real time. He meets with the intake workers daily, usually before intake begins, and confers with them individually to resolve intake concerns. Additional evaluation of the quality of the intake system occurs when the information in the CMS is accessed by the “advocate of the day” and later, when substantive advice is reviewed by the task force chairs.

The intake worker performs a conflicts check at the start of the eligibility screening process. However, for online intake, financial eligibility information may be viewed by staff before it is determined there is no conflict.<sup>13</sup>

Intake workers perform financial screening before they determine the applicant’s legal problem. Callers first hear a recording that briefly outlines the types of services provided at *ULS* and can terminate the call if they realize their legal problem is not handled by *ULS*. Otherwise, they may unnecessarily go through financial eligibility screening, only to be told later that they have a problem that can’t be addressed by the program. The recorded message also advises callers of the availability of online intake.

Once it is determined that an applicant is financially eligible, the intake worker ascertains the legal problem. However, the intake workers are not permitted to “issue spot.” If the legal problem is within the *ULS* priorities, the applicant is accepted as a client and placed into one of three substantive queues, where the call is seamlessly transferred to an “advocate of the day,” who could be in any *ULS* office in the state to continue with the call. These calls usually remain in queue for no more than 5 minutes. Otherwise, the applicant is given an opportunity to set up an appointment for a follow-up call.

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<sup>13</sup> Subsequent to the visit, *ULS* advised that “(W)hile the A2J interview information is not commingled with active data in our case management system unless and until the intake worker determines no conflict exists, it is true that currently the intake worker can view financial information before making that decision. We will make the financial information invisible until the worker runs the conflicts checking routine and then checks a “No conflicts” box. That checkmark will trigger the visibility of the financial information.

The substantive queues correspond with the three task forces that provide the legal assistance for the three main priorities - domestic, public benefits, and housing. For each of the areas there are two advocates designated each day to handle intakes that are deemed to be within priorities. These advocates log into the queues for their areas and calls are routed to them. Most are closed with advice only, but, should more assistance be required on a particular case, decisions on extended representation are made by the task force leaders or the task force as a whole. For example, the domestic task force meets every Friday afternoon after the close of intake to make such determinations during its second weekly session. This process makes it possible to let applicants know if they will be afforded extended representation within one week of the initial call. Intake advice is reviewed by the substantive task force leaders.

The *Senior HelpLine*, which serves the elderly, is not integrated into the telephone queuing system to provide advice on the first call but rather relies on callbacks. Utilization of the existing queuing system for the *Senior HelpLine* (at least in some limited fashion) may improve the quality of services for those clients. Similarly, the nascent consumer unit performs intake by callback. This process would be improved if these calls were also moved to the queuing system as the resources of the unit are developed.

When the legal problems are outside of priorities, applicants are told that their case cannot be handled by the program and, then given referrals to other agencies or to materials on the *ULS* website. *ULS* has many educational handbooks, flyers and self-help packets addressing priority areas. These referrals are handled as “other services” reported to LSC.

In interviews conducted by the PQV team, some community partners expressed an interest in learning more about the intake and referral systems so that they could assist applicants to complete online applications and to make appropriate referrals to *ULS* clinics.

#### ***RECOMMENDATIONS:***

***II.1.4.1. Intake staff should determine, at least preliminarily, the applicant’s legal problem before doing financial eligibility screening to avoid expenditure of unnecessary staff and applicant time.***

***II.1.4.2.\* Data from the online intake system should be kept in a holding tank until after a conflict check is concluded.***

***II.1.4.3. ULS should consider reinstating expanded intake before or after normal business hours, to increase access for working clients.***

***II.1.4.4\* ULS should evaluate the integration of the Senior HelpLine into the telephone intake queuing system so that advice may be provided at the time of the initial call. As the consumer unit is developed, similar integration should be considered.***

***II.1.4.5. ULS should provide training for its community partners about appropriate referrals and how to use the online intake system, affording them the ability to support their patrons in applying for legal assistance.***

**Criterion 2. Engagement with the low-income population; Access and utilization by the low-income population**

**Office location, staffing and environment --**

**FINDING 5: *ULS has situated its offices and deployed its staff in a configuration that promotes client access to the organization's services and resources.***

The main *ULS* office is located in Salt Lake City where the legal advocates and support staff serving basic field clients are housed along with the State Support Unit, Statewide Intake Unit, specialty units<sup>14</sup> and the Pro Bono Unit. *ULS* office locations were determined to have the highest concentrations of poverty population in the state. The main office and three branch offices are situated on main thoroughfares in locations that are reasonably accessible for clients where there is significant population, are maintained to promote a professional, client-centered atmosphere, and display clear signage enabling the public to easily identify their location.

At the time of the visit there were 29 staff members working in Salt Lake City. There were also six staff members in Ogden, nine in Provo, and two in St. George. Several staff members are less than full-time. *ULS* employs a contract attorney to serve clients in the southeastern Utah counties of San Juan and Grand, the areas most distant from any program offices.

*ULS* experienced staff lay-offs in 2011 due to revenue reductions, resulting in the net loss of one attorney, two paralegals and three support staff. However, the overall impact was felt most dramatically in the Salt Lake City Office where the only remaining administrative support staff members are the intake workers. Some of the advocates have expressed a concern that they have insufficient clerical support as a result of the staff layoffs and attrition. At the same time, intake workers in the Statewide Intake Unit have expressed an interest in taking on additional assignments if there is time remaining once they have completed all of their daily work attendant to intake.

**RECOMMENDATION**

**II.2.5.1. *ULS should explore the increased use of existing (intake) staff and technology solutions to offset the reduction in clerical and other support to the legal advocates.***

**FINDING 6: *ULS has a diverse, capable, and culturally competent staff with varying degrees of experience.***

*ULS* has attracted staff members who reflect diversity in gender, age, national or state origin, educational backgrounds and marital status. Women are regularly appointed to positions of leadership in the program. Utah is not significantly diverse ethnically, yet *ULS* has achieved significant ethnic diversity within its staff. This has resulted in increased capacity to serve the Native American and Hispanic populations, including migrant farmworkers within the state.

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<sup>14</sup> Specialty units include NAP, MFWP, and Senior Law Project.

Additionally, *ULS* recruits and employs a number of Spanish-speaking staff members who are strategically positioned to serve persons with limited English proficiency (LEP).

**FINDING 7: *ULS* conducts a variety of clinics and has explored new strategies to increase client access to its services.**

*ULS* uses a number of clinical models to increase prospective client and community access to legal services. An array of community partners including the courts, bar associations, law schools, domestic violence shelters, community services organizations, community centers and tribal entities, participate in the development, coordination and conduct of the clinics. The staff and volunteer attorneys provide community outreach, community legal education, pro se and limited legal assistance. The Statewide Intake Unit refers clients that have been through the intake eligibility screening process to the clinics, as appropriate. Other participants are either screened as walk-ins using paper applications at clinics or, are counted as “other services.”<sup>15</sup>

Recently, *ULS* instituted the use of SKYPE<sup>16</sup> to facilitate greater client access to legal assistance and resources. In particular, *ULS* is developing opportunities to conduct its clinics by SKYPE. This has involved providing training to community partners. SKYPE is used to conduct individual client interviews in domestic violence shelters such as the Richfield Clinic and the Safe Harbor Clinic in Kaysville.<sup>17</sup> In Park City and Moab<sup>18</sup>, *ULS* is using SKYPE for clinics held in collaboration with two law schools where staff and pro bono attorneys provide one-on-one assistance to participants. Another example is the clinic at the *Seekhaven Family Crisis and Resource Center* that uses SKYPE to allow attorneys in Provo to communicate with people in Moab. A staff member at the shelter schedules appointments and sets up the SKYPE interview.

**Limited English Proficiency --**

**FINDING 8: *ULS* appears to accommodate clients with limited English proficiency.**

To accommodate the challenges of access to legal services presented by persons with limited English language proficiency (LEP), *ULS* has adopted the Limited English Proficiency

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<sup>15</sup> The aforementioned OCE draft report issued on December 20, 2012 addresses compliance concerns about the conduct of the clinics. Pursuant to Rule 6.5 of the Utah Code of Professional Conduct, unless there is a known conflict of interest, the requirement for performing a conflict of interest check is inapplicable when, “(A) lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter . . . .”

<sup>16</sup> SKYPE is a proprietary voice-over-Internet Protocol (VoIP) service and software application. The service allows users to communicate with peers by voice using a microphone, video by using a webcam, and instant messaging over the Internet. Phone calls may be placed to recipients on the traditional telephone networks. Calls to other users within the SKYPE service are free of charge, while calls to landline telephones and mobile phones are charged via a debit-based user account system. SKYPE has also become popular for its additional features, including file transfer, and videoconferencing.

<sup>17</sup> It was pointed out that the time at which the access is provided is inconvenient for some working clients.

Policy and Language Access Plan which provides for the accommodation of those requiring interpretation and/or translation assistance. At present, the intake unit has four bilingual (English/Spanish) speakers and, for other languages, they use *Ethnic Bridge*, which provides interpreter services over the telephone. Oversight of LEP activity is the responsibility of the Statewide Support Unit, although *ULS* established an LEP committee which meets at least yearly to review compliance, the resources required to provide LEP assistance and to set priorities for providing translation and other language assistance.

Most of the text of the statewide website has been translated into Spanish, the only major LEP group identified by the program. The program currently has a link to *Google Translate* on the site so that other language groups can obtain translations of any of the text on the site (though not secondary resources such as those in PDF or WORD). The next largest (LEP) group is comprised of diverse Asian language speakers. *ULS* has partnered with the *Asian Association of Utah* to provide assistance on translations for these individuals.

Apart from foreign language impediments to accessing legal assistance, some clients have limited literacy capability. The *ULS* staff members who administer the website have received training on the use of plain language and try to review the materials posted on the website to provide easy readability and comprehension. As yet, training has not been provided to all program staff to improve communications with clients.

#### ***RECOMMENDATIONS:***

***II.2.8.1. ULS should review the preformatted materials on the website to prioritize their translations to Spanish and other languages as needed.***

***II.2.8.2. ULS should provide training to staff on how to write and speak plainly for direct communications with clients.***

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

#### **Criterion 1. Legal representation**

**Capacity –**

**FINDING 9: ULS has experienced advocates with expertise in the priority areas of family law, public benefits, housing, and the rights of seniors; and provides sufficient resources to advocates to carry out its work.**

At the time of the visit, *ULS* had 18 attorneys on staff, including the executive director who does not carry a caseload, and 17 paralegals. The ratio of advocates to poor persons within Utah is one per 11,149 poor persons<sup>19</sup>. The years of experience in their respective professions

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<sup>19</sup> According to the U.S. Census Bureau, American Community Survey 5-year estimates, Table S1701, (2006-2010), the poverty population of Utah is 390,224 persons living below 125% of the federal poverty level.

range from less than one year<sup>20</sup> up to 36 years of experience with the program. *ULS* has a significant percentage of experienced advocates with expertise in the priority areas of family law, public benefits, housing, and the rights of seniors.

To maximize the efficiency of the legal staff, *ULS* advocates are assigned to work through three collaborative statewide task forces, defined by substantive areas of law: Domestic, Public Benefits, and Housing/Consumer. Each task force may also include cases related to employment issues. With the exception of the Consumer/Seniors work,<sup>21</sup> each task force is led by a task force chairperson. The task forces meet regularly, playing substantial roles in intake, advocacy, legal work management, program cohesiveness and staff development.

*ULS* advocates have access to online research tools and *ULS* maintains a reasonable library of secondary and specialty resources. *ULS* subscribes to *Westlaw* on-line for legal research and provides Internet access to staff. The program also acquires publications in relevant substantive practice areas and/or litigation skills development. Advocates also have access to statewide written materials. In addition, offices are located in close proximity to law schools and law libraries. *ULS* has developed an online “wiki” drawn from the program’s domestic relations manual. Along with forms, cases, statutory citations, practice tips and cross-references, the wiki includes video clips on domestic violence and protective order practice that was made available to program advocates and pro bono attorneys.

The program’s technology usage is high quality. The computers are part of an integrated law firm network and staff members use a highly-modified and greatly enhanced version of *CFW*, program wide. This system provides powerful tools for the supervision and support of legal advocacy. Volunteer attorneys also have limited access to *CFW*. The paralegals are very versatile, functioning as both legal paraprofessionals and advocates. Some paralegals represent clients at administrative hearings and negotiate settlements in cases where fair hearings are pending.

**Finding 10: The allocation of program resources to the various priority areas seems imbalanced, with housing and consumer areas being under-resourced.**

*ULS*’s articulated priorities are family law, public benefits, elder advocacy, housing law - and more recently, as a result of the 2007 needs assessment, consumer and employment. These additional areas have been allocated very limited resources.<sup>22</sup> Given the downturns in funding and the increased demand for resolution of consumer issues, it does not appear that the program has allocated sufficient resources to address this new priority area.

What is most troubling is the level of resources committed to extended work in housing law which has been a “First Priority” since *ULS* concluded its legal needs study in 2007. In 2011, *ULS* closed 1,326 housing cases, representing 21.8% of the total closed cases for that year,

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<sup>20</sup> A new paralegal was hired in September 2012 to work with the Senior Helpline.

<sup>21</sup> The Public Benefits Task Force Chairman is also a consumer advocate; and, the consumer work has usually involved private attorneys.

<sup>22</sup> In 2011, following its annual review of priorities, the board of directors relegated employment law cases to a second tier priority.



of which 95.5% were limited services. This compares to twenty-six percent of the total cases closed by LSC grant recipients nationally,<sup>23</sup> of which 81.7% were limited service cases.

*ULS* has had housing law as a stated priority on an ongoing basis. Nevertheless, currently the housing unit has only 2 attorneys and 2 paralegals statewide. One of those attorneys is a deputy director and technology specialist with responsibility for the CMS and data analysis, and for other technology acquisition and maintenance, along with substantial program-wide administrative responsibilities. The second housing attorney is the housing task force (unit) chair, who also serves as the managing attorney of the program's largest office, Salt Lake City. Essentially, the task force chair is the only staff person, statewide, that regularly provides in-court or administrative hearing representation in housing cases. In addition, *ULS* elected not to redirect resources to address the home foreclosure crisis.

### ***RECOMMENDATIONS:***

***III.1.10.1.\* ULS should use its sophisticated data tracking and collection system to analyze the allocation of program resources dedicated to the various priority areas and work toward a plan to balance resources with client needs.***

***III.1.10.2\* At a minimum, as resources can be reallocated or increased, every ULS office should have staff that are knowledgeable in housing law and are routinely engaging in extended representation of clients in high priority housing cases.***

### **Systems --**

**FINDING 11: *ULS* utilizes innovative systems, approaches, and techniques to promote the maximum effectiveness of representation, although additional systems are warranted.**

There are a variety of systems in place at *ULS* to promote achievement of high quality legal services. *ULS* has a high percentage of experienced advocates which has contributed to the quality of the program's legal practice. The CMS has been customized with numerous features that help monitor case status and activity. However, in general, *ULS* does not have established written standards and policies to guide the supervision of legal work. During managers' orientation, they are provided with an overview of legal work oversight. The content provided during the orientation promotes values but lacks specific requirements such as caseload limits, or the factors to analyze in establishing equitable assignment of cases. Similarly, policies and procedures guiding how cases should be handled appear to be expressed in job descriptions, but *ULS* lacks formal written policies universally applicable throughout the program. *ULS* does not have a system for reviewing written work submitted by advocates to the various forums before which they practice. The use of managing attorneys in the *Senior HelpLine* and the consumer unit to perform call backs at the point of intake to provide advice limits the amount of time available for provision of extended services.

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<sup>23</sup> Legal Services Corporation Fact Book 2011, issued, June, 2012.

The team review of the writing samples submitted to LSC by all advocates in preparation for the PQV revealed a dramatic range in the quality and caliber of the written work. Many submissions were routine pleadings filed in the district courts on family law issues or filed with administrative agencies regarding SSI, others included typographical and grammatical errors, and still others were form letters. There is room for improvement.

In preparation for the weekly case review task force meetings which are conducted telephonically across offices, the *ULS* task force chairs review cases in the CMS that may be appropriate for extended representation following intake and preliminary advice. During the case review meetings, decisions regarding further representation and case assignment are made. Cases are then assigned to an advocate in the most appropriate local office. A number of supervisors also perform periodic in-person case file reviews with the advocates under their supervision. This is not done universally; and, apart from the computer-based review of case data at closing, substantive review of closed cases by supervisors is not a uniform practice.

*Graphical Advocate Analysis (GAA)*, the metric system created by *ULS* is a powerful tool for comparing data related to case performance. For each of the program's advocates, including both attorneys and paralegals within prescribed comparison groups,<sup>24</sup> the GAA compares the number of closed cases, number of hours attributed to the casework, frequency or lack of case activities for each case, and the percentage of time attributable to casework or special projects. The data is analyzed for time frames equivalent to 6 consecutive pay periods. Although data can only provide part of the story regarding the value of the legal work performed by a particular advocate or program the GAA system does provide a wealth of useful data for managing program services.

In addition to sharing the in-house expertise of advocates through regular task force meetings, *ULS* has established periodic case review conference calls, a family law wiki, and a *HotDocs* project that is currently under development. A hallmark of the value *ULS* places on training is demonstrated by "*First Tuesday*" the statewide, monthly staff meetings. This session is a forum for discussion of management and administrative topics, task force meetings, office meetings and substantive legal training in the afternoon session that is qualified for continuing legal education (CLE) and open to the private bar. Some sessions are conducted in person, while others are by conference call. The annual schedule of the session dates and content are prepared by the deputy director for administration.

At the time of the PQV, there was limited evidence of co-counseling of cases among attorneys. Co-counseling can provide a valuable tool to train new lawyers, to build camaraderie between offices and task forces, and to create the capacity to handle more complex impact advocacy. *ULS* does not have a formal new attorney training protocol. In the past, advocates have participated in bar sponsored trainings, along with national trainings sponsored by NITA, MIE and NLADA. The *ULS* 2012 operating budget included \$92,000 for travel/training. For 2013, *ULS* has projected an expense of \$9,870 for staff training.<sup>25</sup>

## ***RECOMMENDATIONS:***

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<sup>24</sup> An advocate may be assigned to multiple groups, depending on the case types regularly handled by the advocate.

<sup>25</sup> GAR Form D-12, Projected Expenses. Submitted June 1, 2012.

**III.1.11.2\*** *ULS should develop a system to ensure that case files are reviewed for substance at the time the case is closed.*

**III.1.11.3\*** *ULS should develop a system for review of written work (content & proofing) and should provide periodic training in written legal advocacy for program staff.*

**III.1.11.4** *ULS should seek out opportunities for program advocates to co-counsel on new, unique or impact advocacy cases.*

**III.1.11.5\*** *ULS should develop a new attorney training protocol.*

**III.1.11.6\*** *As part of a strategic planning process, ULS should evaluate the manner in which it provides advice in routine cases and consider alternatives whereby provision of pro forma advice, currently provided by advocates during intake, could be delivered by the website, pamphlet, recording or otherwise, freeing advocate time for more extended and impactful representation.*

#### **Quantity, Quality and Outcomes --**

**FINDING 12: ULS closes a significant number of cases that benefit clients, although the program's resources have not kept pace with the demand for services.**

*ULS* has provided legal assistance for clients at a level of closed cases comparable to the overall national productivity. In 2011, *ULS* closed a total of 6,090 cases for the entire program, including 1,441 extended service cases (23.7%), slightly above the national ratio of 22.5%. *ULS* closed 5,993 basic field general cases, representing 301 closed cases per 10,000 poor persons, which is moderately higher than the national median and average of 263 and 254 respectively.<sup>26</sup> Extended cases (1,377) represented 23% of all cases closed, which is essentially equivalent to the national median of 22.7% and national average of 22.3%. Despite the high rates of productivity *ULS* acknowledges the difficulty in balancing the provision of advice and limited services against the provision of extended representation. As staff resources have contracted, the flow of requests for assistance has increased simultaneously. The result is that *ULS* has fewer opportunities to undertake resource intensive legal work.

In 2011, *ULS* closed 92% of its total cases in the priority areas. Substantively, the program closed cases in consumer (15.9%), family [domestic] (40%), and income maintenance [public benefits] (14%) at higher than national levels. While the percentage of housing cases (22.1%) was not significantly below the national level of 26.4%, the percentage of housing cases that received extended representation (4.5%) is far less than the comparable national percentage (18.2%) in 2011.

Notwithstanding the number of extended cases closed, there were few writing sample submissions from advocates related to appellate work, or to cases resulting in systemic change. However, *ULS* successfully conducted a campaign to improve the statewide administrative

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<sup>26</sup> This performance rate is 14.4% higher.

practices in Medicaid Review hearings. The campaign was conducted in conjunction with other community partners and resulted in significant improvement in the practices and procedures for determining eligibility for this critical governmental benefit.

*ULS* acknowledges the difficulty in balancing complex legal work and work that results in systemic change with the pressing needs for individual clients, but recognizes the critical importance of being effective advocates in both arenas. The use of creative, impactful advocacy benefits the entire client community and further benefits *ULS* and its staff by increasing the development of new skills and enhancing job satisfaction. Potential issues for protracted advocacy under consideration, include: collection abuses by constables; treble damages in landlord tenant cases; seizure of client personal property in satisfaction of judgment, etc.

*ULS* does not have a Director of Advocacy. Currently, the function of legal work management is a primary responsibility of the deputy director who is also responsible for program administration and other executive activities. While he has undertaken the function consistently, responsibly and effectively, the constant evolution of legal assistance demands compels the need for even more resources dedicated to legal work management.

### ***RECOMMENDATIONS:***

***III.1.12.1\* ULS should explore a combination of strategies to provide advocates with opportunities to do more complex work and to produce lasting results for the client community.***

***III.1.12.2. As resources can be reallocated or increased ULS should evaluate the value of creating a Director of Advocacy position to coordinate the program's advocacy and to lead ULS's initiative to increase extended, impactful representation.***

## **MIGRANT FARM WORKER PROGRAM**

**FINDING 13: *ULS* conducts significant outreach to migrant farm workers throughout Utah.**

The bilingual, English/Spanish Migrant Farm Worker Program (“Migrant Unit”) is centrally located in Salt Lake City and comprised of a part-time attorney, a part-time outreach worker (20 hours per week), and a full-time paralegal, all of whom are Spanish speaking. The full-time paralegal is a native of Mexico who joined *ULS* 12 years ago. She devotes the great majority of her time to family related immigration issues, such as work permits, visas, expired green cards, and family petitions. She has her own caseload, occasionally consulting with the managing attorney. The managing attorney accompanies clients to interviews with immigration authorities.

The outreach worker, also a Mexican native, is methodical and organized in his work, mapping out the location of workers, activities, and planned outreach on large maps displayed on the wall in the Salt Lake City office. He reported doing outreach to workers hired to work on turkey farms, watermelon and vegetable farms; and to those hired to work as cherry pickers,

forestry workers, and Peruvian sheep herders. He relies heavily upon “coaliciones” that are service providers to farmworkers who share information.

The team observed that his enthusiasm, knowledge and work productivity are impressive. The outreach worker collaborates with migrant education and migrant health outreach workers to locate farm workers and be alerted to possible problems. The outreach worker, paralegal, and attorney make periodic informational presentations to migrant families at *Headstart* gatherings. Printed materials disseminated to workers during outreach are comprehensive and appropriate.

The Migrant Unit reports that there are in excess of 15,000 migrant farmworkers in Utah and estimate that 70% have legal immigration status. However, *ULS* has focused its Migrant Unit efforts largely on representation of H2-A workers, whose numbers in the state remain uncertain. It is assumed by the staff that they are a percentage of “clearance orders”<sup>27</sup> totaling 2,500 workers.<sup>28</sup>

**FINDING 14: The Migrant Farm Worker Unit delivers high quality legal assistance to migrant farmworkers, yet overall, the bulk of the advocacy is focused on immigration issues.**

The Migrant Unit closed 73 cases in 2011 at the rate of 100 cases per 10,000 poor persons, continuing a recent decline since 2008, yet, exceeding the national average of 40 cases and national median of 33 cases. Even more impressive, 68.5% of the total cases closed by the Migrant Unit were extended representation, compared to the national average percentage of 40%.

The Migrant unit’s H2-A work is limited to immigration matters, mostly helping victims of human trafficking to obtain “T visas”<sup>29</sup> and, later, permanent residency. Previously, in 2007 *ULS* represented 65 H2-A workers from Thailand in a trafficking case. Its role was limited to investigation, referral to federal authorities, and subsequent representation in helping the workers obtain T visas. Of the 73 closed cases in 2011, 49 were immigration and 15 were human trafficking cases.<sup>30</sup> During the first half of 2012, the Migrant Unit closed 28 immigration cases and seven human trafficking cases.

Even though there is comprehensive outreach and the outreach worker and the paralegal appear to be working very hard, overall the Migrant Unit seems to view their engagement with farmworkers myopically. Although agricultural workers were included in the 2007 legal needs assessment described in Finding 1, above, there has been no recent assessment of the legal needs

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<sup>27</sup> Department of Labor, Employment & Training Administration, Form 790.

<sup>28</sup> In an article written by Dennis Rombo, reported in the *Deseret Times*, May 30, 2011, he states that “(T)he U.S. Department of Labor has statistics showing Utah farms and ranches requested H2-A visas for more than 2,500 workers in 2009. How many of them actually came to the state isn't clear. In the past year (2010), 91 farms and ranches made requests for foreign workers, ranging from two to more than 50, according to the Labor Department. The Utah Department of Workforce Services estimates there are 3,000 seasonal farm workers in the state legally based on self-declarations.” <http://www.ksl.com/index>. January 16, 2013.

<sup>29</sup> A “T visa” is a type of visa allowing certain victims of human trafficking and immediate family members to remain and work temporarily in the United States if they agree to assist law enforcement in testifying against the perpetrators.

<sup>30</sup> The remaining 2011 closed cases were employment (7 cases), adoption (one case) and social security (one case).

of farmworkers in the service area, which would help to shed light on other existing, new and/or emerging legal needs. Moreover, the Migrant Unit has not adapted its legal services delivery focus or taken into account information acquired during outreach.

There has been minimal activity in advocacy surrounding traditional farmworker legal representation, such as cases based on violations of the Agricultural Worker Protection Act (AWPA) and the Fair Labor Standards Act (FLSA). The Migrant unit also devotes significant time to outreach to sheep herders from Peru. Their legal problems range from inadequate housing to physical abuse. Housing issues are usually handled by the Utah Labor Department or cases are referred to *ULS*' consumer task force.

The managing attorney, who splits his time in the Salt Lake City office handling SSI cases for basic field general clients, reported that the Migrant unit has filed five affirmative lawsuits during his tenure<sup>31</sup>, which began in 2007. There is collaboration with other migrant legal services programs, namely Colorado, Idaho and California, mostly to survey and coordinate efforts surrounding sheep herders. The Migrant Unit also has worked with Southern Migrant Legal Services in Tennessee on an Agricultural Worker Protection Act (AWPA) case. The Migrant Unit has taken advantage of the opportunity to co-counsel with a private attorney in New York.

Weighing the totality of the Migrant Unit's activity, as noted above, the Migrant unit emphasizes immigration cases in which it has extensive expertise, but does not appear to address the traditional employment issues experienced by farmworkers.

## **RECOMMENDATIONS:**

**III.1.14.1.\* *ULS should perform a needs assessment of farmworkers in its service area with the aim of expanding its practice to serve non-H2-A LSC eligible farmworkers in traditional farmworker issues, such as wage and hour matters, field sanitation, and unsafe housing.***

### **NATIVE AMERICAN PROGRAM**

**FINDING 15: *ULS provides legal representation to the low-income Native American population in a manner that achieves as much as is reasonably attainable within its resource capacity.***

Through the Native American Program (NAP), located in Salt Lake City *ULS* provides legal assistance to eligible Native Americans in Utah. *ULS* reports that its first tier priorities for NAP include assistance on: tribal rights, tribal courts and government, tribal housing, juvenile representation, Indian rights in government programs, Indian Child Welfare Act (ICWA), Health services and issues, benefits, access to education, and domestic violence. *ULS* staff will not represent an individual tribal member against another or against a tribe unless 1) both parties

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<sup>31</sup> These lawsuits include 2 Fair Labor Standards Act (FLSA) cases and 1 Agricultural Workers Protection Act (AWPA) lawsuit

agree to *ULS* mediation in the dispute or 2) the opposing tribal member has private counsel, *and* 3) *ULS*' Director has reviewed the case and permits a special waiver.

There is one full-time tribal court advocate in NAP that is an enrolled member of the Navajo Nation and admitted to the Tribal Courts of the Ute and Confederated Tribes of the Goshute Indians<sup>32</sup>. She travels to the Ute Tribal Court on Tuesdays. While there, applicants are also screened for intake eligibility so that she can assist them with pro se pleadings. Another tribal court advocate is under contract with *ULS* to assist in the Ute Tribal Court. She is located on the Reservation.

The Tribal Court Advocate handles juvenile delinquency cases, guardian ad litem cases and assists in preparing pro se documents for name changes, petitions for guardianship, and divorces unless the opposing party is represented. In other areas of domestic violence work, NAP has reduced its participation because the Ute Tribe elected to take over the work. The concern is that the advocates who have replaced NAP tribal court advocates are domestic violence advocates and not qualified as tribal court advocates. This means that the clients, many of whom are very intimidated by the adverse party, are unrepresented in tribal court where advocates must be admitted to practice.

When necessary, NAP finds pro bono attorneys to assist its clients. During the summer of 2012, NAP had a student intern to help for 15 hours per week to scan documents for the *Guardian ad Litem* files and provide other clerical work. She also conducted interviews for GAL's and helped with pro se documents.

The NAP caseload has dropped dramatically. In 2010, NAP closed 81 cases and in 2011, only 24 cases were reported to LSC. Several causes explain this situation. The Ute Tribe has hired someone to handle guardian ad litem cases, formerly handled by NAP;<sup>33</sup> and, for various reasons, cases that could have been counted as NAP cases were closed as basic field cases. In 2011, the number of NAP closed cases actually went up to 124 cases, *not* 24. However, *ULS* also had funds from NARF<sup>34</sup> and BIA to do work in the tribal courts. Accordingly, *ULS* charged those cases to BIA and NARF first to ensure that they exhausted all of that funding; and, then reported those cases to LSC Basic Field rather than to the NUT-1 grant. The net result is the same amount of total cases closed, but NAP case activity is under-reported and basic field is over-reported by 100 cases.<sup>35</sup>

An emerging legal need has arisen as a result of a new policy in Utah that requires applicants who want a driver's license to produce a birth certificate. Some Native Americans do not have a birth certificate. With sufficient other documentation, the tribal court advocate can help them to get a delayed birth certificate. There are numerous challenges associated with this issue because the records are maintained poorly, birth names and commonly used names are not the same, etc. The Bureau of Indian Affairs (BIA) issues a certificate of tribal membership that

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<sup>32</sup> The tribal court advocate is also a law school graduate.

<sup>33</sup> A former tribal court advocate that recently passed the Utah State Bar was hired by the Ute Tribe.

<sup>34</sup> Native American Rights Fund.

<sup>35</sup> It also appears that cases may not have been counted from the St. Georges Office that would have been appropriate for NAP credit.

can be used, but many people no longer have that with them. Clients have to go to the closest BIA office to secure the documents, which is also a challenge by lack of transportation.

In addition to representation, NAP also provides community legal education and outreach several times each month on topics such as tribal jurisdiction, domestic violence and VAWA. The reservation is experiencing more drug cases and increased domestic violence with younger people –i.e. school age (under 18 years). In response, the NAP tribal advocates have been trying to work in the schools to establish domestic violence counseling in collaboration with the guidance counselors.

Volunteer attorneys assist with outreach and clinics held at the *Indian Walk-in Center* in Salt Lake City. NAP reports that more staff is needed to maintain the aggressive schedule of outreach and community education. NAP also participates in the Child Welfare Tribal Collaboration Committee that involves state court judges, social workers and administrators to address child welfare issues in Indian country.

## RECOMMENDATIONS

**III.1.15.1.** *ULS should evaluate its current priorities for the NAP to assess the necessity for adjustments in light of emerging legal needs.*

**III.1.15.2.** *ULS should review its cases at closing to ensure that cases involving Native American clients are properly allocated to the Native American grant or other funding sources.*

### **Criterion 2. Private Attorney Involvement**

**FINDING 16:** *ULS effectively integrates private attorneys into its work to supplement its representation and other services, and to achieve its goals and objectives.*

*ULS* leadership strongly supports the involvement of private attorneys in the work of the program. Its pro bono program is in transition pending the roll-out of a new statewide system, described more fully in Finding 17, below.

The program adopts an annual Private Attorney Involvement (PAI) Plan that is shared with state and local bar associations. The Plan describes a variety of opportunities for private bar involvement in *ULS*'s work. It includes procedures for recruiting volunteers, for placing and following up on cases, and for recognizing volunteers, such as the *Pro Bono Honor Roll*.<sup>36</sup>

The PAI Plan relies primarily on pro bono legal assistance, although in rural areas, some attorneys take cases on a reduced fee contract basis. PAI activities are designed to supplement those of other entities such as the state bar association's military service member, elder law, and

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<sup>36</sup> During the week of PQV, on October 22<sup>nd</sup> through 26<sup>th</sup> *ULS* participated in the "Utah Celebrates Pro Bono 2012" observance of National Pro Bono. The event was jointly sponsored by the Utah State Bar, the *Pro Bono Initiative*, the *S.J. Quinney College of Law at the University of Utah* and *ULS*.



other pro bono projects. *ULS* has for years recognized the value of using retired attorney volunteers, and more recently has tapped the energies and skills of younger lawyers who are not currently practicing. *ULS* has plans to increase the use of technology in addition to email and recruitment and case placement, and also in support of pro bono activities generally, including enhancements to its website.

Private attorneys participate in unbundled legal services at numerous limited service clinics, in-house activities such as staffing the bankruptcy hotline, and more traditional models of extended services in individual cases such as protective order hearings. Current volunteer opportunities also include serving as presenters at relevant CLE's.

In 2011, *ULS* closed 567 PAI cases. Of note, 63.1% of the PAI cases (358) were in consumer law; and, 26.3% (149) were in family law. Of the cases closed in 2011, 81% were limited services. *ULS*'s PAI total of 28 case closings per 10,000 poor persons is slightly below the national average of 30 cases and slightly above the national median of 26 cases. However, there were only 5 extended cases closed per 10,000 poor persons in contrast with the national median of 9 cases and national average of 10 cases. The number of contested closed cases equals the national average of 4 cases per 10,000 poor persons.

PAI staffing appears to be sufficient. A full-time attorney in the Salt Lake City office directs PAI activities program-wide. Staff also includes a paralegal (80%)<sup>37</sup> in Salt Lake City, and one part-time administrative support staff person (6 hours per week) and a part-time attorney (6 hours per week) in Provo. The Provo attorney is on the faculty of *BYU Law School* and is a former *ULS* staff attorney. The PAI staff members are experienced and enthusiastic, and have strong connections to the legal and non-profit community. The pro bono director has attended EJC and PBI national conferences. Referrals and follow up procedures for extended services cases handled one-on-one by individual attorneys appear to be effective.

Volunteers receive support in the form of malpractice coverage, access to law student researchers, and to research material, sample pleadings and other documents including the OCAP court forms, and CLEs. *ULS* invites volunteer attorneys to attend its "Poverty Law Series" during the *First Tuesday* sessions. Volunteers also receive recognition individually, in bar publications, and at events such as the pro bono week ceremonies.

At the state level, the Utah Supreme Court has demonstrated support for legal services and for pro bono, most recently through the creation of the Pro Bono Commission. The Utah Supreme Court previously adopted Model Rule 6.1 setting an expectation for pro bono service, and there is an *emeritus rule* allowing retired or inactive Utah licensed lawyers to perform pro bono legal services.

**FINDING 17: *ULS* is a key player in the new statewide pro bono initiative that includes the creation of a state Pro Bono Commission accompanied by Pro Bono Committees in each of the eight judicial districts.**

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<sup>37</sup> The paralegal splits her time between PAI and senior citizen issues.

The Utah State Bar (“USB”) has developed a new initiative, led by a Pro Bono Commission, to increase participation in the delivery of legal services through the participation of volunteer attorneys. The Commission has developed a statewide model to be coordinated through pro bono committees in each of the eight judicial districts. These committees will also help to place cases.

The initiative has the active support of the bar and the judiciary. Judges were members of the Planning Committee, are on the Commission, and are currently serving as co-chairs of the judicial district committees. Justice Christine Durham, a member of the Utah Supreme Court, is a strong supporter and serves on the board. The new initiative will include a database shared by ULS and other non-profits in the state, to facilitate recruitment of attorneys and placement of cases. The database will be administered by the USB, which has hired an attorney to help with the screening and placement of cases. Judges who serve on judicial district committees will help to place cases by sending emails to attorneys in their judicial districts, asking them to take a particular case. While not fully implemented yet, this project has the potential to invigorate pro bono statewide, and has already had results. A “Check Yes” Campaign that asked lawyers to check yes to taking a pro bono case, has generated additional support – approximately 700 responses had been provided at the time of the PQV. As a result, the backlog of cases waiting for placement has been cleared.

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

**FINDING 18: ULS has developed a number of initiatives that maximize the use of resources for the benefit of clients, including the myriad of clinics the program supports.**

Clinics are operated by ULS staff and the law schools. The program is proficient in the use of volunteer attorneys to provide additional services to clients through this approach which regularly pairs PAI with staff activity. Participants are provided legal information, advice, and document preparation.<sup>38</sup> The ULS website lists volunteer opportunities with 13 distinct recurring clinics held throughout the year.<sup>39</sup> ULS’s strong partnerships with the law schools in Utah have been instrumental to their success in offering clinics. ULS also depends upon collaboration with the courts and with multiple non-profit organizations that serve as host sites, including schools, libraries, multi-service centers, and with bar associations and local attorneys. The clinics also involve some ULS board members. ULS’s service area covers the Wasatch Front where lawyers are more plentiful, as well as very rural communities where there are few if any lawyers. The availability of clinics in rural areas has increased with the use of video technology. The program began using Skype to conduct clinics in Park City and Moab.

The *Timpanogos Legal Center* is a recent and innovative clinic model that is the result of the joint efforts of *J. Reuben Clark Law Society, And Justice for All (“AJFA”), Central Utah Bar*

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<sup>38</sup> In light of the recent 2012 OCE visit, ULS is working with OCE on eligibility screening and reporting of services provided at these clinics.

<sup>39</sup> Family Clinic, Street Law Clinic, Debtor’s Counseling Clinic, Bankruptcy Hotline, Rainbow Law Clinic, Immigration Clinic, Medical/Legal Clinic, Employment Clinic, American Indian Clinic, Park City Clinic, Domestic Document Clinic, Layton Clinic and Cedar City Clinic.

*Association (“CUBA”), Utah Valley University Legal Studies Program (“UVU”), Brigham Young University (“BYU”) Law School and ULS to provide pro bono legal assistance through clinics staffed by law students and held at the Food and Care Coalition facility in Provo. ULS also collaborated with the Southern Utah Bar Association (“SUBA”) to create the Southern Utah Community Legal Center, another innovative clinic located in St. George.*

In 2011, ULS reported that 7,326 individuals participated in its workshops or clinics. While those activities that qualified were reported to LSC as cases in the annual Case Services Report (“CSR”), discussed in Finding 16, above, most of this activity was reported to LSC as “other services.” Other activities for or on behalf of clients are discussed throughout this report, including community legal education; training of community partners; involvement in various bar activities including serving as instructors in CLE training sessions; trainers for social services agencies; and participation in community activities such as agency fairs designed to assist the low income population. Many staff attorneys participate in meetings of social service agencies and community organizations. Some participate on state and local bar association committees and on local boards and committees.

With the increased use of technology, ULS provides other services in addition to clinics that are also designed to help low-income people address their legal needs and problems. ULS reports that in 2011 the total number of legal education materials that were down-loaded from their website was 100,094.

#### **RECOMMENDATIONS:**

**III.2.18.1.** *ULS should consider expanding pro bono opportunities for law students and/or attorneys by providing ways in which they can assist in intake screening and advice.*

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

##### **Criterion 1. Board governance**

**FINDING 19: The ULS board promotes its commitment to the mission of the program through effective governance and oversight.**

ULS is governed by a board of trustees that meets quarterly and functions efficiently through a structure comprised of several committees, including: executive, administration, development, finance, nominating and compliance/service delivery. The executive committee meets, as needed, but in 2012 it was agreed that all committees would convene and produce a report on what they need to do for the future. This will be a chance to assess and if necessary, to also reconstitute the committees; and, to assign tasks.

Meetings are held in Salt Lake City, and members are permitted to participate telephonically. There are four officers of the board: president, vice-president, secretary and treasurer. The office of president is filled by succession of the vice-president at the end of the

term of office. The current treasurer is a certified public accountant that is well-known and respected by the members of the board.

*ULS*'s current by-laws articulate a composition for the board of trustees that is consistent with LSC Regulations, although there have been a substantial number of vacancies in the past. In response to this challenge, on July 31, 2012, the by-laws of the *ULS* board of directors were amended to reduce the number of trustees from 25 to 20 members. The impetus was also to address attendance problems and the ability to recruit committed members. According to the by-laws, one third of the board must be client-eligible at the time of appointment. *ULS* reports having difficulty recruiting and then retaining committed client-eligible members. The program has developed a board mentoring system as a strategy to get the client-eligible members more involved in board activities. *ULS* continues to seek other ways to improve client engagement. The board appointed three law students to fill long vacant client eligible positions. The other four client eligible positions are filled by more traditional client members. Overall, the current roster of members are engaged and committed to the program and its mission. Numerous board members have significant knowledge about the delivery of civil legal services, including experience as legal services staff and/or volunteer attorneys.

*ULS* has provided some training for board members about the program and board. This training has been provided by the executive director and deputy director as part of new members' orientation before candidates attend their first meeting. Information is made available to the board through a variety of ways, including: board packets prepared and delivered to members in advance of full board meetings<sup>40</sup>; written minutes of each full board meeting; and written reports from the executive director and other management staff. At all meetings, at least one staff member gives a presentation on current activities and projects. There is also an off-site annual board retreat that includes a strategic planning component and further education about the services provided during the year. This has been an opportunity for new members to ask questions about the program activities.

The board exercises financial oversight of the program through the finance committee. The treasurer serves as chairman of the finance committee and presents financial report to the full board during the quarterly meetings. The minutes reflect that his presentations invite animated discussions prior to approval or other decisions are made. For example, when a substantial grant was not renewed the board had to consider whether to spend down the program's \$1 million reserve. After a substantial discussion, the decision was made to spend down the reserve cautiously while, at the same time, making a slight reduction in force. The treasurer, who is a CPA and the Controller who has an MBA, reported to the team that they have close, ongoing communication to discuss monthly financial updates.

Regarding the annual audit, *ULS* has employed the same accounting firm for many years and the program reports that the practice of regular rotation of audit firm partners has not been in effect for several years. *ULS* unsuccessfully solicited bids for the audit work, only receiving one new proposal that was too expensive. The current audit procedure provides for the treasurer to

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<sup>40</sup> The board packets are sent out at least a week in advance of meetings.

meet with the auditor following preparation of the audit report, before they both meet with the Executive Committee in executive session, followed by a meeting with the full board.

The board last conducted a comprehensive priorities setting process in 2008. It reviews priorities on an annual basis, and recently revised the priorities to relegate employment matters to second tier. There is no formal Strategic Plan. *ULS* explained that its ongoing discussions among staff at the task force level and its board priority setting process constitute its Strategic Plan.

The board engages in evaluation of the executive leadership and program performance annually. The evaluation process is a 360° evaluation that includes feedback from staff about executive program leaders. This information is considered by the board in evaluating leadership performance. The Personnel Committee evaluates the members of the State Support Unit annually. They are considering new forms and techniques or the need to tweak the current process. The board also evaluates overall program performance by conducting an annual comparison of *ULS* performance compared to national averages reported in the LSC Fact Book.

## ***RECOMMENDATIONS***

***IV.1.19.1. ULS should continue to search for board members among its traditional client population.***

***IV.1.19.2.\* Recognizing that finding specialized audit services in the geographic area may be challenging, ULS should reinstate the practice of having its auditing firm periodically rotate partners performing the ULS audit within the firm.***

***IV.1.19.3.\* To the extent resources permit, the board of directors should undertake a new strategic planning process to address ongoing and emerging challenges related to its funding and other changes in laws and emerging client needs.***

***IV.1.19.4. ULS should develop new member orientation to cover information on fiduciary responsibility.***

***IV.1.19.5. ULS should consider opportunities for client eligible members to become more involved in promoting the program within the client community.***

## **Criterion 2. Leadership**

**Finding 20: *ULS* has developed an effective leadership model that promotes excellence in achieving the mission of the program.**

The executive director of *ULS* has been employed by the program since 1977, becoming its executive director in 1985. She is highly respected by the board, the legal and non-profit communities, and by staff. She is among the founders of And Justice For All, (AJFA) and encouraged creative community collaborations. In addition to the executive director, the executive leadership team includes the two deputy directors. Each member of the team brings

different skills and strengths to management of the program. There are clear lines of responsibility assigned to each. The executive director has overall responsibility for the daily activities of *ULS* and primarily focuses on funding, board governance, community collaboration and public relations. One deputy director is responsible for program administration, legal work management and staff development; and the other deputy director is responsible for integrating and managing technology in program management, along with maintaining a caseload from the housing task force. Each of these leaders also has supervisory responsibilities. Staff appears aware of the areas of responsibility for which each program leader is responsible and universally report easy access when needed.

*ULS* has not adopted a formal, written leadership succession plan. When the second deputy director position was established, the executive director discussed the need for succession planning. Board members currently acknowledge this need. Although they do not have a written succession plan, the deputy director has been cross-trained to perform many of the duties previously performed by the executive director, along with introducing him to key stakeholders in the state bar, legislature, and other sectors of the donor communities. Board members interface well with him. In an effort to cultivate new leadership, during the statewide retreats staff members lead discussion groups. In prior years, some staff members have attended leadership training at MIE “Managers in the Middle” conference.

#### ***RECOMMENDATIONS:***

***IV.2.20.1. The ULS board of directors should develop a leadership succession plan that articulates the requirements for each leadership position; outlines a process for identification and selection of future leaders; and provides for the coaching and mentoring of existing staff with potential to assume a leadership position. SC’s LRI website (lri.lsc.gov) contains several examples of succession plans and other resources.***

#### **Criterion 3. Overall management and administration**

**FINDING 21: *ULS* devotes adequate resources for management and administration of the organization.**

The state support unit (“SSU”) consists of the executive leadership of the program described in Finding 20, above, along with the comptroller and administrative assistant. Their respective roles are sufficiently clear for staff to understand who is responsible for the development and implementation of activities within each sphere of responsibility. The capacity of the SSU is enhanced by middle managers that include managing attorneys in each office, legal work task force chairs and managers of specialty units, including intake, migrant farmworker, Native American and pro bono services.

There are regular bi-monthly meetings of the leadership and managers to discuss emerging issues, implementation of new initiatives, modifications of existing systems and procedure, staffing developments and other relevant business. Task force chairs conduct weekly and/or semi-weekly case review meetings telephonically with advocates of their respective units to discuss new intakes, case work planning, challenges in existing cases and training needs. On a

quarterly basis, statewide staff meetings are held, either in person, or more recently by teleconference where all staff members are afforded an opportunity to be updated on recent developments.

*ULS* appropriately adopts policies and procedures for the program and preserves them through an efficient system that is maintained electronically by the organization. *ULS* has a Personnel Policies and Procedures Manual along with a variety of other program policies and procedures related to the practice of law, funding regulations, and other requirements. These documents are available to staff electronically.

*ULS* relies upon managing attorneys to ensure that its policies and procedures are properly implemented and enforced. Each office has an office manager who is responsible for the administrative functions of the office. Managing attorneys may assume responsibility for developing strong connections to the local community and bar associations. The managing attorneys maintain an active caseload, but do not have overall responsibility for the office's legal work, except on an informal basis. They participate in the evaluation of staff in their offices as part of the annual evaluation process. Managing attorneys are supervised by the deputy director, who also evaluates their performance.

*ULS* has conducted evaluations of some, but not all aspects of program administration. The *ULS* annual statewide retreat is the opportunity for program evaluation and strategic planning. Topics are suggested by managers; and, from that, discussion groups are formed for the retreat. They try to get staff other than those who are managers to lead the discussions. From there, goals and objectives are developed. The board does an annual comparison of *ULS* performance compared to national averages reported in the LSC Fact Book. *ULS* has developed a performance assessment tool, known as the "Graphical Advocate Analysis" which contains a set of metrics used for a comparative analysis of staff in similar positions. *ULS* has not fully developed how it will use the data; and, would like to create a "dashboard" to capture some of the data they are amassing with the metrics. Following trainings on new policies or procedures *ULS* tracks how well employees adhere to the practices.

*ULS* has adopted a disaster plan for 2012 containing guidelines that include the creation of an emergency disaster committee. The plan was developed to allow *ULS* to maintain operations and minimize disruption in the event of an emergency. The program plan and branch office plans will be located on the organization's website, along with staff emergency contact information. The plan includes a means for providing services for existing and new clients in the event of an emergency, but it does not address all the common consequences of a disaster. Apart from major disasters, *ULS* does not appear to have in place a local office safety plan, particularly important to staff that are engaged in legal assistance to victims of domestic violence.

## ***RECOMMENDATIONS:***

***IV.3.21.1. ULS should engage an experienced safety expert to assess the security of its program offices and adopt a safety plan and appropriate equipment to afford reasonable safety to all staff.***

### **Technology--**

**FINDING 22: ULS has made a concerted effort to update its technology.**

All workstations are more than adequate to support staff work. *ULS* uses a *Microsoft Office* platform with an Exchange Server for email and has a highly customized version of *Kemps Clients for Windows* (“*CFW*”) for automated case management. *Microsoft Office* and *CFW* are delivered locally in Salt Lake City, using the Remote Desktop feature of Terminal Server. The configuration appears to be working well and staff has not reported problems. The modifications to the *CFW* program have made it an essential part of the delivery model. It has even been modified to be used by the accounting department and it was reported that these modifications had enabled the program to eliminate a bookkeeping position. The “next steps” feature on the cases portions of the software was well used and relied upon by both advocates and management. Even board members reported that much useful information was provided to them from *CFW*. *ULS* is diligent about making backups of the program’s data and report that these are regularly tested to be sure they are working.

*ULS* recently installed a new VoIP phone system and staff members are all now accessible by merely calling a four digit extension. There were some initial problems but staff report those have been resolved. Extra bandwidth was provided through T-1 lines to all offices and no connectivity problems were reported.

Intake staff and others were aware of the information for clients posted on the statewide website and reported they often referred clients there. The Family Law wiki was well used and all reported they were aware of the staff procedures manual being available online.

The two main technology support staff members have substantial management duties so are not devoted full time for technology. One of the part-time program staff also has responsibilities for the website. Under a TIG the program has begun the automation of forms for family law cases, but has not fully employed all the efficiencies and other benefits of automating form pleadings and letters.

Staff members report that technology decisions are made primarily by the executive team and technology staff without input from program staff.

***RECOMMENDATIONS:***

***IV.3.22.1.\**** *Since the program depends so much on CFW which is highly customized and supported by one staff person, ULS should ensure that all changes are well documented so as to provide continuity in circumstances when the current technology responsible staff is not available.*

***IV.3.22.2.*** *The program should implement an automated system for tracking technology support requests from staff, and the solutions to the requests should be compiled into an FAQ to provide easy access to staff that will help reduce reliance on the tech support staff.*

***IV.3.22.3.*** *More of the routine pleadings and letters used by the program should be automated using HotDocs and LawHelp Interactive.*



**IV.3.22.4. *The program should adopt procedures to survey the needs of staff and allow them meaningful input into the selection and implementation of new systems.***

**Criterion 4, 5 and 6. Financial administration; Human resources administration; Internal communication.**

**FINDING 23: *ULS has an experienced financial management team,<sup>41</sup> sound human resources administration, and effective communication channels.***

Financial management is the responsibility of the controller, who is experienced and very capable. She obtained an MBA by age 22, and worked in the administration of four Utah governors prior to joining *ULS*. She provides the financial data submitted to funders in grant reporting, and prepares payroll. Bookkeeping is largely an automated process. *ULS* utilizes a commercial accounting program, *MIP/Sage 100* for fund accounting. *ULS* engages in multi-year budget planning and produces useful and timely financial reports. It has written policies, control systems and procedures in place. The controller developed a “What if ...” electronic financial tool that allows her to easily run different financial scenarios in forecasting budget projections. The controller works very closely with the Board Treasurer. In furtherance of maintaining internal controls to avoid risk, one of the deputy directors opens bank statements; and check writing requires more than one signature. The imprest account has a balance of \$1000, which is restored by the controller as it is depleted. Audit reports have found no significant errors or irregularities.

One of the two deputy directors is charged with oversight of human resources functions, which he carries out in collaboration with the controller. *ULS* has a comprehensive and adequate benefits package, including medical, retirement, and leave time that promotes the retention of staff. A salary scale has been developed with clear guidance on reaching appropriate salary levels taking into account performance ratings for merit compensation, longevity and tiered raises. Training for staff and staff development is a priority demonstrated by the frequency that in-house training is offered to the staff. Funds are budgeted to meet the CLE requirements of the staff attorneys. The program conducts annual evaluations of its entire staff that include separate tools for employee self-evaluation and the opportunity to provide feedback about one’s manager. *ULS* has restructured the evaluation system to incorporate periodic review of data from the *GAA* (metric system)<sup>42</sup>, along with the managers’ annual discussion to evaluate each individual staff member’s performance. This change to the annual evaluation process permits

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<sup>41</sup> This visit was conducted by the Office of Program Performance for the purposes set forth in the Introduction. OPP findings and recommendations under this criterion are limited to staffing, organization, and general functions. Assessment of fiscal operations is conducted by other offices at LSC.

<sup>42</sup> The TIG project goal that led to creation of the metric system was to improve staff supervision and performance by developing and deploying a performance evaluation tool that integrated data from the case management, timekeeping and other related systems. The system displays specific statistical information about similarly-situated staff members in graphical form. The data currently chosen for display includes: case closure information (number, average hours spent, average number of weeks open) separated into “short” and “extended service” categories; ratio of time spent on casework to time spent on projects; number of cases on each advocate’s case list which have no new text entries for 30, 60 or 90+ days on the date of the snapshot.

*ULS* to establish goals and objectives based on these metrics. The system will allow the program to track those goals more objectively and show improvements over the coming years.

The PQV Team detected a serious morale issue in one of the offices. The problem has pervaded the entire staff and is affecting client service. Employees reported having discussions with the managing attorney to no avail, then speaking directly with the deputy director in charge of human resources. At the time of the PQV, the issue had continued without resolution.

*ULS* maintains effective internal communications and relations among its staff. The program provides several means for internal communications including instant messaging, telephone, email and website. Staff felt that they had been well trained in the use of these technologies and that they were serving their needs well. Regular meetings of staff groupings compliment these methods. Staff felt that management was responsive to their requests and accessible to them.

### ***RECOMMENDATIONS:***

***IV.4.23.1. ULS is urged to establish and enforce systems to address personnel related issues.***

***IV.4.23.2. ULS should provide training for managers with supervisory responsibilities to ensure they can properly address and be held accountable for personnel related issues that arise in the normal course of doing business.***

### **Criterion 7. General resource development and maintenance**

**FINDING 24: *ULS* has suffered significant reductions in funding from state and federal sources. As a result, it has reduced staff size and adjusted services to clients.**

Like other legal services providers, *ULS* has experienced reductions in revenue during the past few years. In addition to reductions in LSC funding, described in the Introduction<sup>43</sup>, above, the program also experienced reductions in funding from Title XX, VAWA, Older Americans Act, and other federal grants. Revenue from IOLTA and foundation grants was also reduced. The 2012 *ULS* budget contemplated \$3,058,027.73 in revenue. At the time of the PQV, *ULS* reported deficit spending of approximately \$90,000; and, anticipated a \$150,000 shortfall for 2013. *ULS* recognizes the need for diversification of funding and understands that it is very difficult to forecast accurately in a volatile economic climate, particularly when short-term grants make forecasting difficult. *ULS* has successfully secured grant awards from a variety of funding sources that prescribe the scope and type of work to be performed. These restrictions unfortunately impede the discretionary uses of new revenue to support pre-existing delivery services.

*ULS* had a cash reserve in excess of \$900,000 at the time of the visit. During the recent financial crisis, the board had a healthy discussion about spending down the reserve. A short-

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<sup>43</sup> As reported in the 2012 GAR Forms D-3 and D-14 submitted by *ULS*, LSC funding support fell from \$2,421,041 in 2011 to the projected amount of approximately \$1,838,286 for 2013. During the same period, non-LSC funding support is projected to fall from \$1,888,509 to \$1,644,935

term solution led to a reduction in workforce. While some board members wanted to use the reserve for delivering client services; they were cautioned against spending down the reserve by other members.

The primary fundraising strategy of *ULS* is to work collaboratively with “And Justice for All” (AJFA), a non-profit organization that helps to increase access to justice for Utah's most vulnerable citizens by supporting free civil legal aid programs. *ULS*'s board does not have a separate plan or committee, but members contribute to AJFA initiatives. Several board members serve on the AJFA board, consistent with its by-laws. In 2011, AJFA raised \$941,311 and *ULS*, the largest beneficiary of the campaign, received \$253,620 directly and \$30,089 additionally to support the Southern Utah Community Legal Center in St. George. AJFA also applies for and oversees a contract funded by the Utah State Legislature to provide legal assistance to low-income Utahans with family law and domestic abuse cases. The annual legislative funding was increased to \$400,000, effective July 2012. This funding is apportioned with the Legal Aid Society on the basis of poverty population, *ULS* receiving 62% pursuant to a Memorandum of Understanding. A major new focus of AJFA is the “Justice Rising Breakfast,” a fundraising event that focuses on lawyer participation.

*ULS* is also able to leverage its resources by collaborating with AJFA, which developed the co-location center where the program's Salt Lake City offices are housed. AJFA also contributed a significant amount of revenue to the joint purchase of a telephone system.

#### ***RECOMMENDATIONS:***

***IV.7.24.1. ULS should develop an overall policy and strategy for fundraising consistent with its mission as part of its strategic planning process.***

#### **Criterion 9. Participation in an integrated legal services delivery system**

**FINDING 25: *ULS* plays an essential role within the coordinated, statewide legal services delivery system in Utah.**

*ULS* plays primary role in statewide efforts to provide equal access to a full range of legal services through its collaboration with other legal services providers in Utah, and with the Utah State Bar and numerous local bar associations. The executive director has served on various committees of the state bar, community organizations and advisory board, as well as trustee for one of the state's law schools. One of the two deputy directors has begun shadowing her in some activities and developing relationships with legal services partners. *ULS* leaders are prominent supporters of AJFA, sharing through formal presentations in the need for law firms to provide both pro bono and funding support for legal services delivery. In addition to statewide legal services delivery planning and resource development, the program sponsors and provides trainers for CLEs; and, engages in efforts to increase volunteers and in-kind resources through legislative advocacy, collaborations with state and local bar associations, private attorneys and community organizations.

Staff members of *ULS* have served on influential committees of the Utah State Bar where they contribute valuable perspectives and information to deliberations on providing access to the courts and provision of civil legal assistance to low-income clients. Staff members have shared their expertise in various aspects of poverty law by providing training for bar associations, volunteer attorneys, agencies and community organizations. *ULS* has been a core partner in the expansion of pro bono delivery of legal services in Utah. The program is also responsible for the content and maintenance of the statewide website initiative, [www.utahlegalservices.org](http://www.utahlegalservices.org).