



Legal Services Corporation
Office of Program Performance

Final Report

From the

Program Quality Visit

to

Legal Advice and Referral Center, Inc.
Recipient No. 130010

October 1 – 5, 2012

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Table of Contents

| | |
|--|-----------|
| INTRODUCTION..... | 1 |
| PROGRAM OVERVIEW AND SERVICE AREA | 1 |
| SUMMARY OF FINDINGS | 2 |
| 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..... | 4 |
| PERFORMANCE AREA TWO. Effectiveness in engaging and serving the low-income population throughout the service area..... | 6 |
| Criterion 1. Dignity and sensitivity..... | 6 |
| Criterion 2. Engagement with the low-income population..... | 13 |
| Criterion 3. Access and utilization by the low-income population..... | 15 |
| PERFORMANCE AREA THREE. Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area..... | 16 |
| Criterion 1. Legal representation | 16 |
| Criterion 2. Private attorney involvement (PAI)..... | 20 |
| Criteria 3 and 4. Other program services to the eligible client population. Other program activities on behalf of the eligible client population..... | 21 |
| PERFORMANCE AREA FOUR. Effectiveness of governance, leadership and administration..... | 22 |
| Criterion 1. Board governance..... | 22 |
| Criteria 2 and 3. Leadership. Overall management and administration..... | 24 |
| Criteria 4, 5 and 6. Financial Administration. Human Resources Administration. Internal Communications..... | 26 |
| Criterion 7. General resource development and maintenance..... | 27 |
| Criteria 8 and 9. Coherent and comprehensive delivery structure. Participation in integrated legal services delivery system..... | 28 |

INTRODUCTION

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit to the Legal Advice and Referral Center, Inc. (LARC) from October 1-5, 2012. The team members were OPP Program Counsel Cheryl Nolan, team leader, and John Eidleman; OPP Temporary Employees Alex Gulotta and Andrew Scherer, and College of Law and Practice Management Fellow J. Larry Green.

Program quality visits are designed to examine the quality of the program's legal services and service delivery system and evaluate whether the grantee is providing the highest quality legal services to eligible clients. In conducting its assessment, the team reviewed the documents LSC received from the program, including its grant application narratives and renewals for 2010, 2011, and 2012; its case service reports (CSRs) and other service reports (OSRs); documents the program submitted in advance of the visit; advocates' writing samples; and an on-line survey of LARC staff. On site, the team visited the program's office in Concord. In addition to speaking to all of the LARC staff members and the executive directors of its partners, the team conducted telephone interviews or met in-person with a large sample of representatives from LARC's board, representatives of the bar, and community organizations. The team interviewed three judges.

In performing its evaluation of the grantee's delivery system, OPP relies on the LSC Act and regulations, LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The evaluation is organized according to the four LSC Performance Areas that cover needs assessment and priority setting; engagement with the low income community; legal work management and the legal work produced; and program management including board governance, leadership, strategic planning, resource development, and coordination within the delivery system.

PROGRAM OVERVIEW

LARC was incorporated in 1996 and provides advice and counsel, brief services, and referrals as part of a planned statewide network with two other legal aid providers, New Hampshire Legal Assistance (NHLA) and the Pro Bono Program of the New Hampshire Bar Association (PBP). Each program provides a unique set of regional or functional services. LARC focuses its brief services on housing and family law, and provides outreach and referrals for the other areas of law. As the referring partner of NHLA and the PBP, LARC's case acceptance standards are also guided by the case priorities of its legal services partners. NHLA provides a full range of legal services for clients statewide in the areas of public benefits, children's health, domestic violence, housing, immigrants' rights, inmate representation, seniors, and youth law. The PBP handles a variety of matters requiring representation, including domestic violence, family law, private landlord/tenant evictions, foreclosure, bankruptcy and debt collection, estate planning, assistance to non-profits, and income tax disputes.

LARC has one office located in Concord. At the time of the visit, LARC was staffed with 11.62 full time equivalent (FTE) staff persons, including the management team,

intake and advocates, and administrative staff. In 2012, LARC received \$674,842 in LSC basic field funding and \$196,158 from non-LSC sources.

The LARC service area covers 8,992 square miles and has a population of 99,527 (7.8% of the overall population) living below the Federal poverty level.¹ The ethnicity of the poverty population in the service area is approximately 87.5% white non-Hispanic, 3.14% African American, 6.08% Hispanic, 0.4% Native American, 2.53% Asian, 2.43% mixed, and 2.26% other.² The primary language of over a quarter (28.9%) of the limited-English proficient (LEP) population is Spanish.³

SUMMARY OF FINDINGS

LARC recently participated in a comprehensive needs assessment and strategic planning process. In coordination with NHLA, it used the results of the needs assessment to guide strategic planning. In addition to this process, LARC uses the data on incoming requests for assistance to maintain its awareness of legal needs. However, the program does not have a process for assessing the outcomes of its services, including the referrals of cases to NHLA and the PBP. The assessment of outcomes could help the program with future planning.

LARC has a strong reputation among the client community, as does its partners NHLA and the PBP. LARC is sensitive to clients' needs and strives to address each client's individual problems to the fullest extent, given the limited nature of LARC's services. LARC's efforts to reach out to and serve the limited English-proficient community have been extensive. Much of this is credited to a grant for outreach to librarians and a Low Income Taxpayer Clinic (LITC) Grant. The program's use of online intake has steadily increased and opened a new avenue of access for clients. Current data indicates approximately 30% of intakes are online applications. LARC's telephone intake system is in need of an upgrade, primarily to provide the program relevant data on volume and call flow. However, the phone system has queues for substantive law and Spanish callers, which can improve the client experience. The improved staffing of intake with the use of additional screeners has also helped increase access. The program's upgraded website and Legal Help Finder are useful tools for the client community. Client

¹ S1701. Poverty Status in the Past 12 months, 2007-2011 American Community Survey 5-year estimates, "Below Poverty Level."

² Census data for ethnicity exceeds 100 percent due to the methodology for Hispanic responses. Census 2000 allowed respondents to report two or more races and asked separate questions for race and Hispanic origin. "Because Hispanics may be any race, data in this report for Hispanics overlap with data for racial groups." U. S. Census Bureau. (December 2004). *We the People: Hispanics in the United States. Understanding Data On Race and Hispanic Origin from Census 2000*. Retrieved February 2, 2010, from <http://www.census.gov/prod/2004pubs/censr-18.pdf>.

³ B16002. Household Language by Households in Which No One 14 and Over Speaks English Only or Speaks a Language Other than English at Home and Speaks English "Very Well", 2007-2011 American Community Survey 5-year estimates, "No one 14 and over speaks English only or speaks English 'very well.'"

satisfaction surveys are made available on the program's website and as part of the online intake system.

The program's leadership and management are experienced. LARC's advocates are aware of key issues in their substantive areas of practice. Management staff oversees the quality and quantity of legal work. LARC maintains high standards and expectations regarding the service it provides its clients. Advocates receive feedback on casework through peer review of their closed cases and in discussions with the deputy director. The program lacks substantive law scripts and case handling protocols necessary to ensure its maximum effectiveness. Training is primarily obtained through CLE events. The quantity of legal work shows the program's focus on high-volume access to services. When compared to other limited services programs, LARC's total cases closed per 10,000 poor persons rank among the highest.

LARC implements private attorney involvement in a two-fold approach. It has a relationship with the Pro Bono Program of the New Hampshire Bar Association and uses contract and volunteer attorneys in house. There is a recent history of difficulties with case referrals to the PBP and the types and quantity of cases being handled by the PBP. However, a great amount of attention is currently being devoted to improving and strengthening the communications and operations with the PBP to improve these aspects of LARC's pro bono services. In 2011, extended cases closed by PAI per 10,000 poor persons were well above the national averages for extended services and contested cases. Much of this is due to the high proportion of family law and other full service cases handled by the PBP. Moreover, these numbers do not include an account of the numbers of cases referred and outstanding, as well as the hours of service donated by the private bar.

LARC's board demonstrates effective oversight and is actively engaged in decision making. The board is dedicated and committed to the program and its service goals. The NHLA board is structured so that 18 of its 25 members constitute the LARC board. An advisory board was created in 2010, but it does not appear that much work has been done through this effort thus far.

The executive director and the deputy director are credited with a sincere concern for the welfare of clients and staff. The program's leadership has provided opportunities for the advocate and intake staff to interact outside of the program environment with outreach activities to the client community.

LARC's disaster plan is a good foundation, but is lacking in some key areas such as identifying individual tasks and responsibilities. Technology planning is incorporated into statewide planning with its partner legal services providers. LARC's technological infrastructure has the main components necessitated by a telephone-based program. The program's website has been upgraded to integrate with client delivery with added features such as the Legal Help Finder, along with the client materials and resources. LARC's case management system (CMS) and telephone Voice Over Internet Protocol (VOIP)

system meet the needs of the program, with the exception of an ability to provide reports on call data that would allow for better management of the quality of services.

LARC has capable and trained staff dedicated to financial administration, as well as a highly qualified and committed audit committee chair. Resource development incorporates the work of the LARC management staff, the NHLA development director, and the statewide Annual Campaign for Legal Services. Human resources and internal communications at LARC are sufficient for the needs of this program. Staff evaluations are delayed and would benefit from incorporating staff work plans.

LARC is an active participant in the statewide delivery system. New Hampshire has a small, close-knit legal community, and much of the leadership of the legal profession in the state who were interviewed for this visit expressed concern with the delivery of legal services to the poor.

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.

Finding 1: In 2012, LARC completed a deliberative comprehensive needs assessment.

In 2010, LARC, in collaboration with the New Hampshire Access to Justice Commission, sponsored a comprehensive study of the low-income population conducted in consultation with the Rockefeller Center for Public Policy and the Social Sciences at Dartmouth College. The report, *The Justice Gap: A Study of the Legal Needs of Low Income People in New Hampshire*, was completed in 2012. The study employed a multi-dimensional approach and evidences a thoughtful process.

The study included interviews with social services providers, an analysis of legal services data, and surveys of judges, clerks, and administrators in the New Hampshire Circuit and Superior court systems in both rural and urban areas. There were also interviews of representatives from five of the six Community Action Program (CAP) agencies in New Hampshire. Four focus groups comprised of approximately 40 funders, senior leaders of service provision agencies, and advocacy groups and policy decision-makers convened to discuss the needs of the low income community as a whole, as well as the services of NHLA and LARC.

LARC and NHLA staff conducted telephone interviews with approximately 75 former NHLA and LARC clients focusing on the legal and other related needs of low-income people in the service area. The needs assessment surveyed LARC and NHLA staff, as well as client board members, for their perspective of clients' legal needs. The needs assessment likewise sought input from pro bono attorneys and staff at the PBP, as well as community members. Finally, the analysis of legal needs included a review of needs assessments from other states and public data sources including the U.S. Census.

Finding 2: LARC keeps informed of the ongoing and current legal needs of clients by reviewing the reports of incoming requests for assistance.

LARC uses the requests for services it receives from its intake line as one barometer of ongoing legal needs and emerging trends in the low-income community. To the extent the program's intake line is generally limited to screening for incoming calls with legal problems involving housing, family law, public benefits, and some senior issues, the program does not routinely deal with the full panoply of legal needs of the low-income community. In this regard, its relationships with its partners and its communications with them are all the more important. The visit team found that LARC engages with community organizations, such as local welfare offices and its partner legal services organizations, to maintain its read on the current needs of clients.

Finding 3: LARC engaged in recent and meaningful strategic planning focused on the future directions of the program. Its program priorities are integrated with the priorities of its partners NHLA and the PBP.

LARC began a thorough strategic planning process in the fall of 2010 with active collaboration of NHLA. The entire staff and board of both programs participated in the retreat in November 2010. After the retreat, the two programs suspended strategic planning in the face of funding reductions and the uncertainty of future funding. In 2012, the strategic planning process was reactivated and the two programs held a retreat. Small work groups convened to focus on specific areas of the strategic plan. One of the results of this process is the consideration by LARC and NHLA of a combined intake system.

LARC's priorities are to provide advice and brief services in the areas of family law, wills and estates, elder issues, housing, and income maintenance/public benefits. LARC provides screening and referral to NHLA and the PBP in these areas and the additional areas of law they serve. NHLA's general program priorities are public benefits, children's health, domestic violence, housing, immigrants' rights, inmate representation, seniors and youth law. The PBP accepts referrals for family law, including domestic violence, private landlord/tenant evictions, foreclosure, bankruptcy and debt collection, estate planning, assistance to non-profits and income tax disputes.

Finding 4: LARC does not have an ongoing process for evaluating the effectiveness of its services.

LARC measures its performance based on cases closed and the volume of clients served. These measures are discussed at staff meetings. It recently began conducting client satisfaction surveys via postcards and online surveys. In addition, LARC conducted an internal evaluation of its systems within the last two years and made changes to increase efficiencies and handle the incoming volume of services.

As a companion piece to its statewide needs assessment, LARC retained the Nelson A. Rockefeller Center at Dartmouth College Policy Research Shop to evaluate the Best VOIP daily call data during a week in October 2011, and to compare similar practices in other legal services call centers. The findings and recommendations of that focused study provided guidance on improving intake and call performance.

LARC does not have a formal, ongoing procedure to evaluate the effectiveness of its delivery strategies and work. LARC does not capture outcomes for clients to whom it provides advice and brief service, or those it refers to its partners for representation. On occasion, NHLA will inform LARC of the resolution of a referral that resulted in major litigation. Further analysis and evaluation of outcomes achieved would be helpful to make appropriate changes in its goals, objectives, strategies and legal assistance activity. LARC has adjusted some of its work based on the information garnered from applicants' calls, its outreach, and interaction with the legal and client community. An example of this is the creation of new projects such as its financial literacy classes and its Low Income Taxpayer Clinic.

Recommendations:

I.4.4.1.*⁴ LARC should determine the most feasible method to measure the results achieved for clients, including of the referrals made to its partners, and should employ the chosen method for doing so on a regular basis.

I.4.4.2. It would be useful for the program to make greater efforts to track the outcomes of the matters for which it provides advice and referral. Information on referred matters could be captured by follow up with the organization or attorney to whom the case was referred. It would be particularly easy to capture through the shared case management system with NHLA. This would also apply once the PBP transitions to Legal Server. For limited service matters closed by LARC, law students or other volunteers could conduct periodic follow up on outcomes. To the extent the program is not already doing so, it could use the online client surveys to report and track service outcomes.

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

Criterion 1. Dignity and sensitivity--Intake.

Finding 5: LARC is sensitive and responsive to individual clients' circumstances and is culturally and linguistically competent. Access to services is enhanced through a

⁴ Recommendations in this report will have a Roman Numeral to identify the Performance Area, followed by three numbers identifying, respectively, the Criterion addressed by the recommendation, the number of the finding and a number designating whether it is the first, second, third, etc., recommendation under that finding. For example, III.2.14.3 designates Performance Area III, Criterion 2, finding 14, and third recommendation under finding 14. There are two levels of recommendations in this report: Tier One and Tier Two. Recommendations that are indicated with an asterisk are Tier One recommendations and are seen as having a greater impact on program quality and/or program performance. In its next Application or Renewal, the program will be asked to report on its implementation of Tier One recommendations.

coordinated system of intake. Though some problems with the referrals of cases are still being resolved, intake is generally effective.

The LARC staff is reasonably diverse and reflects the diversity of the community served. During interviews, LARC staff demonstrated cultural sensitivity toward their clients. Interviews with community partners validated LARC's reputation for treating clients with respect and courtesy.

Intake

– Hours, Procedures, Staffing

LARC's intake policy and procedures reflect an overall concern for the client's needs. Office hours and intake hours are convenient. Telephone intake is open from 9:00 a.m. to 4:00 p.m. Monday, Tuesday, Thursday and Friday, and on Wednesday from 9:00 a.m. to 1:00 p.m. People may apply in person 9:00 a.m. to 5:00 p.m. Monday through Friday. For those who work, appointments for return calls and online application are available options.

Telephone intake is processed through several queues. The system has three legal assistance queues for family law, housing, and other legal issues. Queues are limited to three calls. When the queue is full, callers hear a message telling them that no one is currently available to take their call and asking them to call back. The system offers callers the option to listen to legal information in separate queues concerning public benefits, parental rights, divorce, child support, modification of parenting plans, security deposits, tenants' rights, rent increases and breaking a lease. Voice mail boxes are designated for the LITC project, Spanish-speakers, and deaf or hard of hearing callers.

LARC telephone services are provided by an attorney deputy director/hotline supervisor, an attorney hotline supervisor/co-director of outreach and multilingual services, two hotline paralegals, one attorney intake specialist, two non-attorney intake specialists, and a part-time contract attorney, and a paralegal co-director of outreach and multilingual education services. In the past, LARC had up to four part-time contract attorneys on staff. This staffing was reduced due to funding. When available, screening is supported by law students earning work study credits from the University of New Hampshire Law School. The intake screeners have an average of 3 years' experience with LARC. One intake screener, hired in 2011, is an attorney previously admitted to practice in New Hampshire and Massachusetts.

Intake specialists screen callers for conflicts, financial eligibility, citizenship, and problem type. They set up callbacks for advocates based on legal problem and the caller's language. Paralegal advocates and attorneys provide legal advice over the telephone under the supervision of the attorney hotline supervisors. Intake staff enters data contemporaneously into the case management system.

Applicants are screened by the intake workers at the time of their initial call. Online applications are reviewed each day by intake staff. The office screens walk-in applicants at the earliest convenient time after they arrive at the office. If the legal issue raised is an emergency or time-sensitive, the applicant will be seen by an advocate. If an advocate is not available, she will be given an appointment for a call back or may wait to see an advocate. Slots for these emergency call back appointments are reserved each day. Over the past several years, LARC has reported relatively few walk-ins; the monthly average for the last several years is two walk-ins per month.

The program's policy is for advocates to talk to applicants within 48 hours of the initial screening. These substantive interviews are scheduled by appointment for a callback by an advocate. This is the same process used for online applicants. There are approximately six appointments scheduled each day for each advocate. Clients are told they will be called within a three hour window. If clients are missed at the time of the callback, a message is left instructing them to call back to the main number or to submit a new online intake.

If representation is limited or denied, clients are informed by letter or by telephone at the time of the initial call and/or eligibility determination. LARC provides referral information to clients who are denied service or given limited assistance. LARC has appropriate notifications of the grievance procedure.

– Case Acceptance and Referral

Case acceptance determinations are made at the time of the substantive interview, unless the case is forwarded for further review by the PBP or NHLA. NHLA makes case acceptance decisions at weekly case review meetings. The PBP case acceptance procedures are dependent on volunteer attorney availability. There may be some duplication of services as cases referred to the PBP are often subjected to additional assessment and screening via callbacks before a final case acceptance determination.

Overall, the program's case acceptance policies outlined in LARC's Screening Intake Manual and Telephone Screening Protocols, which are largely impacted by the referral protocols of NHLA and the PBP, are well-defined. Up to the time of the visit, referrals to the PBP presented challenges. The programs experienced communication difficulties. The process was inefficient, and referrals were often substantially delayed. Some placements took months and some never occurred at all. This caused serious problems for both staff and clients, particularly in family cases, which made up the majority of cases referred to the PBP. Subsequent to the visit, the programs agreed upon a new system for coordinating referrals to the PBP. The newly agreed upon system outlines how the programs will handle the exchange of information among the programs, priority guidelines and eligibility, intake protocols, and manage the referral process. Another problem, the PBP's use of a different case management system, will be resolved as it transitions to the same CMS as LARC's.

The area's legal services providers, including NHLA, the Disabilities Rights Center, and the PBP, have referral protocols that aim to minimize the number of times a client is referred from one provider to another. LARC facilitates referrals to other non-LSC providers by direct referrals and through the use of its website and the new Legal Help Finder, based on the A2J Author[®] module. This will soon be integrated into Legal Server for greater efficiency.

Because LARC is a limited service program, it does not typically handle cases for lengthy periods of time. However, LARC accepts calls from previous clients seeking additional advice or inquiring about the status of their cases referred to PBP and NHLA. In some cases with PBP referrals, LARC advocates become involved with ongoing or continuing advice to clients waiting assignment to a pro bono attorney. This can persist over lengthy periods of time – sometimes months. LARC staff stays in contact with its partner programs on the status of these referrals.

Recommendations:

II.1.5.1.* LARC should ensure that its new system for developing case handling procedures with the PBP is given the utmost attention and priority it deserves to strengthen the relationships among the programs.

II.1.5.2.* LARC and PBP should evaluate the waiting periods for referrals, as well as the volume of callers returning to LARC for additional service, to determine what changes should be made to case handling protocols.

II.1.5.3.* LARC should consider alternatives to relying entirely on callbacks for advocates to provide advice and limited services. The program might experiment with scheduled callbacks, a dedicated direct dial extension for pre-screened applicants to use, or directing a majority or high percentage of callers straight to an advocate rather than setting them up for a callback.

II.1.5.4.* In view of the inefficiencies of callback systems, LARC should consider future modifications to its internal operations that would allow for the provision of legal advice, in some defined types of cases, at the time of the initial call.

Finding 6: LARC has implemented website and online intake technologies to increase access and efficiency.

As previously noted, LARC recently launched a coordinated website and legal resource portal – <http://www.nhlegalaid.org/>. The site targets the low-income community, advocates and the private bar. This project is self-funded, and its development and implementation is credited to the expertise volunteered by the website project coordinator for <http://www.masslegalhelp.org/> at the Massachusetts Law Reform Institute. The new website increases access to legal services by coordinating legal information, pro se, and other resources. It helps users access benefits, locate free legal services, and understand their critical legal issues. The site features links to specific legal information, self-help

guides, court forms, videos, referral information, and other substantive information. It is provided in Spanish as a mirror site to the primary website. The program reports its next step is to translate the website into French. It also offers a link for a user survey regarding the quality of services at intake and of the assistance provided.

In addition to upgrading its website, LARC began conducting online intake in September 2010 in part due to problems with the telephone system. The project began with a rudimentary application form that evolved to different forms for specific substantive areas of law. LARC engaged in a process of reviewing user and staff feedback about the system to make changes and improvements. Improving online intake was also addressed by a committee comprised of NHLA and LARC staff convened in 2011.

LARC routinely assesses feedback from clients and service providers about the system. The program reports approximately 30% of its intake arrives via online applications. From September 2010 to August 2011, it received 1367 online applications resulting in 703 opened files. From September 2011 to August 2012, it received 2487 online applications resulting in 2407 opened files.

LARC staff report that approximately one-third of online intakes are returned to clients due to incomplete information. If an email address is provided, LARC staff sends an email to the applicant noting the missing information, and contacts them by telephone to complete the intake. If no email address is provided, LARC sends the request by regular mail. In some situations, they include legal information brochures with the letter. In some circumstances, the client must start the online submission from the beginning, since there is no way for the client to electronically update the previously submitted information.

At the time of the visit, the online intake system was not connected directly to the Legal Server case management system, so information submitted online required manual entry into Legal Server. The program intends to upgrade to the A2J Author[®] software tool, which will allow for the automatic transfer of applicant information to the case management system after a review of eligibility. It will also improve the client experience and minimize erroneous or incomplete submissions.

Finding 7: The current phone system is not user-friendly.

LARC does not have call management software to capture wait times or abandoned call data. The program reported anecdotally that callers usually wait 15-20 minutes, although an intake study found average wait times of 28 minutes. (*See Finding 8, below, for more information on call data.*)

During the visit, team members listened to the outgoing messaging and queue system for LARC's legal assistance line (LAL) and found it to be confusing, unclear, and not user friendly. Upon first entering the LAL queue, callers listen to a lengthy pre-recorded message that provides many instructions. The queue does indicate the estimate wait time or number of callers holding. Callers are told their calls are taken in the order received.

In addition, the LAL queue message does not specify at the outset, or near the beginning, the priority areas handled by the program. Likewise, it does not state the areas of law not handled by LARC.

The first information the caller hears is basic information about the eligibility screening process. If they are unable to hold, they are then given the program's website url for legal information and to apply for assistance online. The url is spelled out multiple times. The queue recording advises callers that staff tries to speak to everyone that calls, but that is not always possible, and that if the lines are full, they will be instructed to call back later. The recording informs callers that staying on hold is the best way to reach a staff person, but that if they cannot hold, they can listen to a variety of legal information recordings the caller can access by pressing the number assigned to a series of specific legal problems. However, the visit team found that once the caller selects this option, they lose their place in the screening line and must initiate a new call to LARC for screening and to speak to an advocate. In fact, a caller is unable to exit the information boxes and return to the receptionist or other entry point of contact.

In addition to the above issues, the system is burdened in other ways. Advocates frequently leave messages for prescreened applicants when they are unavailable for the call, which directs them to call the main number. This places previously screened callers in the same frontline queue with first-time callers, many of whom are ineligible for services. This factor increases the volume of calls and overall wait times in that queue. Online intake applicants are likewise directed to call the main telephone line for the initial contact.

Recommendations:

II.1.7.1.* LARC should review its telephone message system to ensure that priority and non-priority areas are clearly defined and communicated early to callers upon entering the phone system. The review should also ensure that the process for accessing assistance in priority area legal matters is clear and efficient. LARC should review its systems from the perspective of clients returning for follow-up advice and determine if there are more efficient ways to reconnect those clients with the appropriate substantive advocate (e.g. a direct extension for this purpose with direct call-back by the advocate, and/or a specialized, streamlined queue).

II.1.7.2.* LARC should investigate whether it is feasible to make changes to the phone queues to allow callers to divert themselves back to the substantive law queue, or to provide instructions on the limitations of the phone system.

II.1.7.3.* LARC should consider revising procedures that necessitate applicants to return calls by calling the main number or starting over in the online intake system. Applicants who have passed the initial screening phase should be given direct access to advocates in their attempts to return messages left by LARC. LARC should consider providing these applicants a direct number to bypass the initial LAL queuing system and/or avoid a

repeated online submission. This avoids another wait in queue with the other holding calls and duplicative efforts.

Finding 8: Call data is limited due to the telephone technology used by the program. LARC's telephone system is scheduled for an upgrade to a different VOIP in two years.

Call data typically requested when reviewing a hotline program is limited at LARC due to the lack of call reporting technology. However, the executive director has consistently focused on the volume of requests and increasing the efficiency and overall services at LARC since she was hired.

Interviews and basic call data point to a high volume of traffic to LARC's intake line and a high percentage of repeat callers. Some staff noted a high number of callbacks. LARC has been using BestVOIP for its phone system since the summer of 2010. They have since decided to upgrade the phone system within the next two years for greater efficiency and to meet their data and management needs. The program selected BestVOIP with the understanding that it would provide the requisite call data reporting to manage the quality of services. They learned after its launch that they were unable to access these reports in a meaningful way. The limited data produced is unintelligible and unable to be compiled into general reports. The program has been unable to convert the data, despite bringing in the outside assistance of experts in information technology, data mining, and data analysis.⁵ In 2011, LARC retained the Nelson A. Rockefeller Center at Dartmouth College Policy Research Shop, which was also involved in the LARC needs assessment, to evaluate the BestVOIP daily call data during a week long period in October 2011, and to compare similar practices in other legal services call centers. The Dartmouth study findings are summarized in a PowerPoint slide deck provided to the LSC team prior to the visit. The Dartmouth study recommended addressing the callers who hang up while waiting in queue through its use of the online intake system, which can provide another avenue of applying for services if a caller is unable to wait on hold. The study also recommended providing more legal information in the pre-recorded messages and "frontloading staff" to increase staffing at the initial point of intake for prescreening.

During the evaluation week in October 2011, 1192 calls were made to LARC; 602, or 51% were one-time callers and 49% were multiple callers. The study showed that the most highly accessed legal information message box was the one designated for modification of parenting plans (child custody), which received 94 calls. The after-hours message box received 177 calls. The average wait time for the queues was 28 minutes and the average time spent per call was 12 minutes.⁶ Finally, the study showed that 39% of calls went through to the queues and 61% of callers hung up.

⁵ LARC's new telephone technology is also referenced in Performance Area 4.

⁶ It was not stated in the study report provided to the LSC visit team whether the 12 minute average time per call is attributed to the main incoming phone line or to the combination of the three substantive law queues. However, the study reported that average wait times for callers was 28 minutes.

Recommendations:

II.1.8.1. To the extent funding becomes available, LARC should prioritize the purchase and installation of call management software to report on call data including volume, wait times, abandoned calls and call times.

II.1.8.2. As resources permit, LARC should consider the benefits of an automatic callback feature added to the VOIP.

II.1.8.3.* LARC should plan for regular evaluation of call data to improve the quality of services and access for clients.

II.1.8.4.* As resources and technology allow, the online intake system should be modified to allow clients to update and supplement incomplete applications without having to start from scratch.

II.1.8.5.* LARC's online intake system should be employed to alleviate the volume of incoming calls holding in queue by offering callers the option to apply online via prerecorded messages played in the queues. Callers who wish to apply online could be directed to community resources, such as libraries and community organizations, for free or assisted Internet access.

Criterion 2. Engagement with the low-income population.

Finding 9: LARC is engaged with the client eligible population, including the major and distinct segments of that population. It has engaged in effective outreach through local libraries and its integrated website.

LARC, NHLA and the PBP are well known and respected among the low income population and its major segments throughout the service area. NHLA conducts meetings with leaders of major organizations in the communities served, such as groups of parents, the families of the disabled, mental health consumers, service providers, and similar entities. LARC has legal information materials and other outreach materials available on its website, including materials translated in Spanish.

LARC staff has conducted several outreach and training events, and has attended community resource fairs. LARC staff has made presentations to key stakeholders such as the local welfare offices, the local Section 8 Housing Authority, and the unit in the State Department of Education that manages ESL services.

Outreach is also provided to community groups including the Way Home, the New American Africans, and the Homeless Resource Center. The program connects with the community college system in New Hampshire to inform students of the services available and key legal issues handled by the network of programs.

LARC's Low Income Taxpayer Clinic allows staff to conduct many financial and tax literacy classes for segments of the client population, including the LEP students at community colleges. LARC also received a \$100,000 grant from the *Pro Hac Vice* Fund to conduct outreach at local public libraries statewide to introduce library staff to LARC electronic resources on its coordinated website, <http://www.nhlegalaid.org/>, and to the services provided by LARC and its partners.

Staff members attend meetings or other gatherings of community organizations in the communities they serve. In reciprocation these organizations refer clients directly to LARC, by giving telephone numbers to clients or making the calls themselves. These organizations also use LARC's website to find information and materials and at times help applicants fill out online intake forms.

Language Access

Finding 10: LARC's dedication to its LEP clients is evident in its intake and advice services as well as its outreach and community engagement activities.

In LARC's service area, there are approximately 7,447 linguistically isolated households with 30,367 individuals with limited English proficiency. Nearly one-third (31%) of LEP individuals are Spanish-speakers and 29% of the linguistically isolated households are comprised of Spanish-speakers.

LARC staff demonstrated an understanding of how to work with low-literacy persons of any language. Forms, community education materials, letters to clients and other communications are written at a level that marginally literate persons can understand. To increase access for clients with limited English proficiency, the program uses Language Line translation services and bilingual staff. LARC has a Spanish-speaking attorney and an outreach specialist with Spanish, French, Italian, Portuguese and Swedish capabilities.

The Spanish-speaking attorney returns all family law and tax calls for Spanish-speaking clients. LARC's outreach specialist returns all housing and benefits calls and interprets the calls in Spanish or French. Program materials, including the website are translated into Spanish. For Spanish-speaking clients, LARC reports that it closed 76 cases in 2011 and 61 in 2012, excluding those cases it referred without providing advice. LARC reports that Language Line is required only a few times a year.

LARC does not have a formal LEP Plan. The document submitted by LARC as the LEP plan is comprised of its responses to the LSC grant application inquiries concerning LEP components. These responses show a general protocol for handling LEP applicants, working with translators, and an annual review of the plan.

LARC also submitted a copy of its *Outreach and Marketing Plan with 2010 Updates Pertaining to LARC & LITC Target Markets* prepared by the LARC outreach specialist. The *Outreach and Marketing Plan* ("LITC Plan") is a highly comprehensive and multidimensional report of the program's activities and outreach for its 2009-2012 Low

Income Taxpayer Clinic. This documents its impressive work with the LITC and a high level of attention to data from several factors intersecting with the LEP community in New Hampshire. For example, it provides data on where target populations reside and states the program's goal to "continue to update and broaden our outreach efforts as this segment of the population shifts and grows." The *LITC Plan* further reported "a per annum increase of approximately 1% in the total population from 2000 to present for refugees, immigrants, as well as unauthorized immigrants [in the state of New Hampshire]."

The LARC *LITC Plan* also cites other studies indicating the level of awareness among the LEP community regarding outreach and education services and highlights the other opportunities for outreach given increased resources. During its grant term of 2009-2011, the LITC team provided instruction to students from 15 different European countries, 4 Caribbean countries, 5 Middle Eastern countries, 10 South American countries speaking 9 different Spanish dialects, 18 Asian countries speaking 13 different dialects, and 16 African nations who speak 9 different dialects. The LITC curricula was tailored to meet the unique needs of each culture and the differing levels of English proficiency, including consideration of how the curricula aligned with the ESL teachers' educational objectives and the cultural considerations of the differing students.

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

Finding 11: LARC is actively engaged and visible in the client community.

Community members interviewed during the visit reported that access to and utilization of the program by people who traditionally have had difficulties in getting access to or utilizing civil legal assistance is accomplished primarily through the telephone by referrals. In some cases, where applicants are able to access and use the Internet, community service providers are referring them to the online intake system.

LARC management and staff are aware of the specific factors that affect particular populations' access to and utilization of the program, such as local transportation, particular cultural or linguistic barriers, and low literacy. LARC management and staff make deliberate and informed decisions regarding outreach to isolated population segments. This is seen in the Library Grant and the LITC project described above.

Finding 12: Overall, LARC is accessible to persons eligible to be clients.

The visit team evaluated the office setting and office hours, and it observed telephone and in-person reception and the intake systems. LARC's office is easy to find and clearly marked. It is accessible to public transportation and is located on a main street in Concord. Accessible parking is provided and the facilities are accessible to disabled persons. Overall, LARC's office location, the locations of its partners' offices, the office and intake hours, screening procedures, language capabilities of staff, and procedures for communicating with LEP people are calculated to achieve access by clients, including populations with traditional access difficulties. Applicants who walk in to the office of a partner are able to connect with LARC by telephone at that office or online. However,

there has been no measurement by LARC of its effectiveness in this regard. LARC reports future plans to move its office. The planned move provides the program with the opportunity to assess the anticipated effectiveness of its access and how the new location may enhance access.

From observations of LARC facilities, the assessment team found that the front area waiting room is clean and comfortable. Educational materials are available in the front lobby area. Privacy is provided for in-person interviews through use of a conference room. Most calls are taken in shared office space, so in some cases, noise is a factor for telephone intake and advice.

Access could be enhanced by generating and reviewing data comparing service area demographics to program case statistics. LARC does not regularly assess whether anomalies exist between caseload and service area demographics that may suggest access barriers. However, LARC sets goals for its outreach in the LITC project and for its handling of incoming calls and requests for services.

Recommendation:

II.3.12.1. LARC should regularly assess whether anomalies between caseload and service area demographics exist that suggest access barriers and address them accordingly. The proposed move of its office is an opportune time to incorporate this assessment.

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.

A. Staffing and Expertise

Finding 13: LARC's legal staff is dedicated and has sufficient experience, expertise, and access to resources to carry out its mission.

In addition to the intake staff, LARC's legal staff is comprised of the executive director, an attorney deputy director/hotline supervisor, an attorney hotline supervisor/co-director of outreach and multilingual services, two hotline paralegals, a part-time contract attorney, a part-time private attorney involvement coordinator, and a paralegal co-director of outreach and multilingual education services. The executive director has served in this capacity for over three years, beginning on an interim and part-time basis and becoming full-time in February 2010.⁷ She previously served on the LARC board of directors as a member from 1999 to 2009 and as board president from 2007 to 2009. She has a background as a private practitioner and in alternative dispute resolution and periodically handles mediation cases with the authorization of the executive committee of the board of

⁷ In June 2009, NHLA and LARC contemplated merger of the two programs. At that time, the reason for the interim status of the LARC executive director's position was to maintain a status quo with limited administrative duties.

directors. She reports that she takes the mediation cases to maintain her skills, maintain public visibility with the bar association for fundraising, and to raise awareness of LARC's services. She is active with local and state bar associations, including the New Hampshire Women's Bar Association, and the New England Project Directors.

LARC's advocates have varied levels of experience. The two hotline supervisors each have nearly 20 years' legal experience. The deputy director/hotline supervisor has been with LARC since its inception. In 1998 she served on the adjunct faculty at the Hesser College Paralegal Studies Program focusing on family law. The second hotline supervisor joined LARC in 1998 and has an extensive background in providing legal services to Spanish-speakers, translation services, and teaching English as a second language (ESL). The three remaining advocacy staff members have an average of 8 years' experience, all of it at LARC.

The attorneys and paralegals specialize in one or two areas. LARC staff does not participate in task forces or practice groups beyond the particular areas of law in which they have expertise. NHLA advocates support the substantive legal work and make themselves available to LARC for training, mentoring, and guidance on specific matters as needed. Case review meetings conducted by NHLA provide some of the benefits of task force participation. As part of the LARC/NHLA strategic planning, the two organizations have recently revived regular priorities review meetings with attendance of LARC advocates and New Hampshire Bar Association representatives.

B. Training, Support, Systems

Finding 14: Advocates receive feedback on casework from peer review of their closed cases and in discussions with the deputy director. Training is primarily obtained through CLE events. Advocates have access to the necessary research materials and technological tools. The LARC staff maintains its awareness of changes in the law.

LARC attorneys attend CLE training in appropriate areas of practice such as family law and housing. They must have at least 12 credits each year as part of the license requirement. LARC also sends paralegals to the CLE trainings. The team did not hear about training of other staff including intake workers.

The staff members make appropriate efforts to stay current on developments in the law by attending training events, consulting supervisors and experts in collaborating organizations, and reading materials on development in the law. They were not only aware of developments in the law, they were aware of and concerned with the broad implications of changes in law, such as the recent dramatic reduction in the statutory minimal time a landlord must retain an evicted tenant's property before it can be disposed.

The staff appears to have access to sufficient materials for primary legal research, including Casemaker, an online research tool. They also have online access to federal and state statutes and federal reporters. The physical library includes practice manuals

and CLE materials in areas such as housing and family law. Due to the limited nature of the services LARC provides, it does not maintain a brief bank. Staff has various manuals, lists, web sites, and other materials to rely upon. LARC's hotline supervisors are members of the state bar association's family law listserv which they utilize as a means of communication. LARC does not use uniform substantive scripts or checklists although some staff members have generated their own. There is no central repository for this information. However, staff reported that there is a shared drive for some blank motions and other pro se materials they mail to clients when appropriate.

LARC uses Legal Server as its case management system (CMS), as does NHLA. The PBP is planning to transition its case management system to Legal Server in the near future. LARC advocates are trained to use the CMS and are able to secure additional training, if needed. The shared CMS will facilitate the referral of matters among the programs.

All of the case handlers interviewed by members of the team demonstrated a commitment to their work. LARC staff and management are able to articulate specific substantive issues that affect particular isolated populations in the program's service area. However, many staff limited their comments on these substantive issues to their own practice areas.

During the course of the visit it became clear that the need for extended family law representation, within the parameters of the currently defined priorities, clearly outstrips the existing resources to meet those needs. This was evident from talking with staff at the PBP when describing their attempts to place contested family matters with pro bono attorneys. It also was made evident from interviews with LARC staff about lengthy intakes and the resources and time spent guiding clients through the family law process. There was a strong sense that a certain subset of clients simply could not "go it alone" with regard to pro se assistance.

C. Quality and Quantity of Legal Work

Finding 15: LARC maintains high standards and expectations regarding the services it provides its clients.

LARC is based on an advice and brief service model that operates as part of an integrated system including NHLA, the PBP, and other providers to provide a full range of services and representation. Limited assistance by LARC is primarily provided in the areas of family law, housing and public benefits.

Because LARC is a limited service program, it would not be customary to find highly detailed written legal work or case handling procedures. However, a review of the writing samples submitted for this visit revealed well written motions and pleadings drafted for pro se assistance in subsidized housing and family law matters. Other writing samples evidencing high quality work include a detailed client advice letter, a substantive law memo to advocates on the Fair Debt Collections Practices Act as a tool in evictions, a client success story used in grant applications, and outreach materials for the Taxpayer Clinic.

LARC's legal work supervision policies and procedures are not as extensive as would be found in a full service delivery program. However, the policies set out an explicit expectation that advocates "provide the highest level of service practical for the delivery model at LARC." The expectation is that service is responsive to the individual needs of the client and "sensitive to the client's circumstances."

In many programs similar to LARC, legal work management systems include intake and screening manuals, scripted information to guide advocates on the specific advice and information provided, as well as case handling protocols to clearly delineate the level of service for new applications and direction for referrals. LARC has written guidelines for eligibility, creating records in the case management system, screening protocols for new applicants, and scripted responses to basic eligibility screening for the online intake system. It also has case specific checklists for questions to ask in determining how the case will be handled and the level of service provided. LARC developed canned responses for ineligible applicants in the online intake system. LARC does not have advice scripts guiding advocates on the advice to provide callers.

LARC has a well-developed system of internal oversight and case review. Supervisors review all cases for proper eligibility and substantive handling. They periodically review cases for regulatory compliance. Staff receives feedback on the substantive and statistical outcomes of their work and handling of cases.

The program and its work are respected throughout its service area. Given the limited services provided by LARC advocates, the feedback the team received from the judges and other court and bar personnel was primarily focused on the program's commitment to service, the way it conducts its operations, and its focus on efficiencies, instead of the manner in which individual cases are handled.

Recommendation:

III.1.15.1.* LARC should develop written scripts for legal advice and information to help with the training of new staff, contract and volunteer attorneys, and law students. Such scripts are an additional quality control and guide advocates in determining the appropriate level of service and advice.

Finding 16: LARC handled a high volume of advice cases in 2011. However, 2012 showed a decline in cases, consistent with other LSC-funded limited services programs.

LARC's 2011 case closings were well-above national medians for all LSC grantees, including those that provided extended services. The program closed 3,073 cases or 397 cases per 10,000 poor persons in its service area. This compares to the national median of 263 cases closed per 10,000 poor. For limited services programs in 2011, the average total case closure rate per 10,000 poor persons is 357. In 2011, LARC reported closing 2,892 limited service cases (94.1% of the total cases). It closed 181 extended service cases (5.9% of the total cases). This compares to a national extended service average of

22.3%. The lower extended service ratio is attributable to the fact that LARC is designed to be a limited service program that provides advice, brief service and referral to NHLA and the PBP.

LARC's 2012 case closings declined significantly. It should be noted that all LSC funded hotline programs showed a decline in total cases closed and cases per 10,000 poor persons in 2012. In 2012, LARC closed 2,113 cases, or 273 cases per 10,000 poor persons. LARC closed 272 limited services cases per 10,000 poor persons. For limited services programs, the 2012 national median for total closed cases per 10,000 poor persons is 245 and 173 for limited services cases. Therefore, LARC maintained a higher median of limited services cases closed per 10,000 poor persons when compared to other limited services programs, despite the overall decline in total cases closed. The primary reason for the 2012 decline is the program's reduction of its part-time contract attorneys from four to one.

Criterion 2. Private attorney involvement (PAI).

Finding 17: LARC's approach to pro bono involvement consists of a formal agreement with the PBP and the use of volunteers in house. The numbers of cases closed demonstrate LARC's focus on increasing pro bono.

LARC has a multi-dimensional approach to the provision of services using private volunteer attorneys and law students. The PBP matches lawyers to the cases that LARC sends after intake screening and initial advice. Most of the cases the PBP refers to private lawyers are the complicated domestic family law cases. The PBP executive director also oversees the reduced-fee panel and the lawyer referral service. LARC has maintained a sub-grant with the New Hampshire Bar Association PBP, since its inception. However, at this time, there is no sub-grant with the PBP. For 2012, the two programs operated under a Memorandum of Understanding that featured a shared staff attorney to oversee the referrals between the programs and placing cases with pro bono attorneys. She was paid by LARC as a part-time employee and worked many of her hours at the PBP offices. At the end of 2012, this shared staff attorney position ceased.

Last year, LARC began making direct referrals to volunteers on cases that would not fall under the criteria for the PBP. The cases handled by the volunteers include evictions, consumer, foreclosure and bankruptcy, family law, and some specialized family law issues for veterans. Coming into 2012, LARC had three contract lawyers, each providing approximately 15 hours of assistance per week. These contract attorneys handled family law calls. However, due to funding reductions, the program reduced this effort to one contract attorney working 15 hours per week.

The number of PAI case closings demonstrates LARC's continued focus on improving pro bono effectiveness of the program. In 2011, LARC closed 212 PAI cases of which 80% constituted extended case services. LARC's PAI cases closed in 2011 per 10,000 poor persons are in line with the national medians for overall closure. However, the 2011 extended cases per 10,000 poor persons are well-above the national averages for

extended services and contested cases. Much of this is due to the high proportion of family law and other full service cases handled by the PBP. Moreover, these numbers do not include an account of the numbers of cases referred and outstanding, as well as the hours of service donated by the private bar.

At the time of the visit, LARC had already closed 245 PAI cases, more than had been closed in 2011. For that same reporting period, 59.4% of the 212 cases were family law matters. At the end of 2012, LARC had significantly increased its PAI cases to 681 cases closed or 87.9 per 10,000 poor persons. This places LARC as one of the highest programs for PAI case closings for 2012 nationwide. One factor is LARC's own recruitment of PAI attorneys to handle calls for LARC. In addition, the PBP places full-service cases in housing, consumer, and estate planning and bankruptcy cases. During the visit, the PBP reported that in addition to the cases it receives from LARC, it closes between 800-900 cases per year.

Interviews with staff indicated that approximately 40% of the cases referred by LARC to the PBP were successfully placed; the balance were either rejected outright or returned to LARC for additional limited services. Due to the nature of their symbiotic relationship, changes in the policies, practices or procedures at one organization directly impact the operations of the other organization. In addition, strains caused by limited resources places pressure and stress on legal services organizations. Therefore, at an operational level, LARC and the PBP can best benefit from the open and fluid communication necessary to collaboratively respond to emerging client needs and shifting resources. As previously discussed, LARC and the PBP developed a comprehensive Resolution Plan for the type of communication and interactions that would continue on a regular and frequent basis to appropriately serve clients and the volunteers that assist them.

Recommendation:

III.2.17.1.* LARC should make quarterly reports to LSC on its progress with the LARC/PBP Resolution Plan, including benefits and outcomes gained for clients and overall service delivery.

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

Finding 18: LARC provides services in addition to direct client representation that benefit its clients and the client community.

Because LARC is a hotline program, it engages in a limited amount of other program services to the client population. Advocates routinely provide pro se assistance to litigants on subjects such as drafting motions and appearing in court. As discussed above, LARC has provided extensive financial literacy training in Spanish and English at community organizations and libraries, and it has several legal information brochures that it distributes. LARC's newly expanded website and Legal Help Finder using the A2J Author[®] module provides legal information and referral to clients.

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

Criterion 1. Board governance.

Finding 19: LARC's board demonstrates effective oversight and is actively engaged in decision making. The board is dedicated and committed to the program and its service goals.

The LARC board is an overlapping board with NHLA. The 2012 board membership indicates there are 25 members on NHLA's board, 18 of whom also serve on the LARC board. The overlapping structure has been in place since 2000. The LARC Bylaws provide written policies addressing conflicts of interest for overlapping board members of the NHLA board. The shared committees are Finance and Long-Range Planning, Personnel, Board Development, Audit, and the Strategic Planning Task Force. A joint board member serves on the statewide Annual Campaign Steering Committee.

In 2010, LARC began developing an advisory board to further enhance support in the legal community for legal services and encourage more involvement and support from the private bar. LARC reports that the advisory board generally serves as ambassadors in a variety of ways, including assisting with resource development and grant proposals, providing a regional understanding and conducting outreach, and serving as legal advisors to the NHLA and LARC board on matters such as personnel. Some advisory board members are former LARC/NHLA board members. The concept is that advisory board members can serve as windows into communities LARC would like to better reach. They also serve to raise the profile of the need for legal services by connecting with influential individuals. Advisory board members are primarily recruited by the LARC executive director and there is support for her efforts among this new group. At the time of the visit, the membership and meeting schedule was not yet formalized and meetings have been infrequent.

As a whole, the shared LARC/NHLA board represents the geographical areas and low-income populations served by the program. The board holds regularly scheduled monthly meetings. Meeting minutes and interviews with board members evidence a thorough discussion of the issues presented for review and action. Members are knowledgeable about the activities of the organization and the overall legal services delivery system.

The program's board members are active in and well informed about the program, its services, issues, and challenges. They appropriately support the program and its efforts to effectively and efficiently serve the client population. It was evident to the visit team that the board realizes such support is a necessary and significant factor in insuring the program's success. The board is involved in major policy decisions and is aware of program issues and performance, while leaving day-to-day management to program

management personnel. The board demonstrates that it exercises judgment independent of management, where appropriate. The board exercises its fiduciary and oversight responsibilities. Substantial board meeting time is spent on fiscal oversight. The Audit Committee oversees and implements recommendations from the annual audit. There is also a Finance/Long-Range Planning Committee. The LARC board adopts governance policies and other policies required for compliance with LSC Regulations. The board gains knowledge of program activities through periodic staff reports.

The board and the executive director have developed effective channels of communication. The executive director and board chair communicate regularly in person, by email, or by telephone to discuss current developments in the program and possibilities for future adjustments or projects. The board last conducted a performance evaluation of the executive director in the fall of 2010 using a 360 degree process, which involved confidential, anonymous feedback from the staff at all levels who work around the executive director. The board has not indicated when it will conduct the next executive director evaluation. The program does not have a written leadership succession plan.

New board members receive an orientation to the program, training as to their obligations, and a binder with materials relevant to their tenure on the board. This includes by-laws, program description, and policies and procedures. There are six members of community agencies on the LARC board. Client board members are treated with dignity and respect, and their opinion is valued by the other board members. The director of LARC is available to answer questions prior to board meetings and explains what will transpire at board meetings. The board agenda and minutes from the prior meeting are sent to the board members by mail or email approximately one week prior to the meeting and within sufficient time for review by the board members.

There is no requirement that board members contribute financially to the program. Board member involvement with resource development is incorporated into the statewide Campaign for Legal Services. Client members of the overlapping boards of LARC and NHLA now make annual individual contributions to the Campaign, and those annual contributions have risen from approximately \$12,000 three years ago to \$20,000 this past year.

Recommendations:

IV.1.19.1. LARC and NHLA should take advantage of the benefits of having an advisory board by coordinating a regular meeting schedule and providing members with a specific role and purpose that is clearly understood.

IV.1.19.2.* To the extent it has not already planned to do so, the LARC board should conduct a regular evaluation of the executive director at least once every two years.

Criteria 2 and 3. Leadership. Overall management and administration.

Finding 20: Program leadership is concentrated in the executive director and deputy director.

The management team is comprised of the executive director, a deputy director, a program administrator, an executive secretary, and a bookkeeper. The new executive director and her deputy director are seen as responsive partners by the other members of the Network and are respected in the New Hampshire legal community. Many interviewees reported that LARC is a better place, better organized, and more effective, since the coming of the new executive director. This view was expressed by people with whom there are recognized organizational tensions, as well as those with whom she gets along well. The staff of LARC uniformly praised her leadership. The New Hampshire Women's Bar Association presented her with the 2012 Marilla M. Ricker Achievement Award, which is "presented to an outstanding woman lawyer in New Hampshire who has achieved professional excellence or paved the way to success for other women lawyers, advanced opportunities for women in the profession, or performed exemplary public service on behalf of women."

LARC's executive director and the deputy director have played a significant and necessary role in developing a sense of program ownership in each employee by clarifying program goals, making performance expectations known, providing appropriate and timely information and feedback, and encouraging candid comments and new ideas.

The program's leadership has encouraged teambuilding through the above as well as providing opportunities for the entire program staff to interact outside of the program environment in informal activities, including off-site after hours activities and periodic retreats.

Finding 21: LARC is a small program that is well-managed with clear communication among staff. Disaster planning could be strengthened.

LARC has sufficient resources allocated to management and administration. LARC is a small office that appears to be well-managed. There are clear lines of authority for administrative and legal work, office systems work smoothly, and communication within the office functions well. The staff members appear to get along well and respect and appreciate the efforts of their supervisors

Disaster Planning

Overall, LARC's disaster plan has a good structure and indicates the critical tasks that must be undertaken. It states that a first step in preparation is to locate certain critical information, including an inventory of technology equipment, vendor contracts, internal revenue determination letters, financial statements, and insurance policies, but does not indicate that this has now been completed.

While the document the team received is a good foundation for a disaster plan, and contains a section on specific data/technology disasters and what to do in those situations, it does not assign responsibility for the critical tasks identified. Too many of the decisions fall upon the executive director to be made at the time of the disaster. While it states there should be ongoing testing of the plan, there is no indication that that has been done.

The LARC technology plan is a model for the level of detail that should be in the disaster plan. The chair of the board's audit committee is cognizant of and quite conversant in the need for, and development of, disaster preparedness planning. Currently, the audit committee chair is working with the executive director on disaster planning and plans to have a complete disaster preparedness plan by EOY 2013.

Recommendation:

IV.3.21.1. LARC should review the disaster planning materials provided by the American Bar Association. *Surviving a Disaster: A Lawyers Guide to Disaster Planning* <http://www.americanbar.org/groups/committees/disaster.html>. This tool should be used as a guide to prepare a business disaster plan that fits LARC's needs.

Finding 22: LARC has devoted adequate resources to its current technological structure as required for a primarily telephone-based delivery program.

Technology planning is incorporated into statewide planning with its partner legal services providers. LARC's technological infrastructure has the main components necessitated by a telephone-based program. The program's website has been upgraded to integrate with client delivery with added features such as the Legal Help Finder, along with the client materials and resources. LARC's CMS and VOIP system meet the needs of the program, with the exception of the call reporting issues addressed elsewhere in this report.

The program has a technology plan that outlines the chief components of its technology and describes a back-up system for the CMS Legal Server CMS, the computer network, and other technologies. LARC retained a local consultant, Mainstay Technologies, to conduct an audit of its technology in 2010. They found "the network (server, configuration, workstations, etc.) to be in good condition and show[ed] evidence of good engineering and proper maintenance." The auditor recommended the program consider a better and upgraded telephone system, better integration with NHLA, and a replacement of the Internet service provider.

In 2010, LARC upgraded its phone system to achieve better functionality of its VOIP features. The new system has greater capacity for outgoing message boxes where callers may listen to a variety of legal information. The new system also allows callers to wait in different queues programmable in different ways, for more intake staff to take calls off the queues, for the voicemail message to be programmed into Spanish, and for staff to access the line remotely which has permitted us to use volunteers from outside the office

who can use the service at no charge to themselves and to make calls anonymously, among other positive features. LARC reports that the new system is less expensive than the prior telephone system. One deficiency in the VOIP system is the lack of reporting functions on calls. LARC cannot readily determine call wait times, call durations, and call volume among other similar data. LARC reports that they researched adding reporting functions and found that they did not have the funding to purchase this upgrade.

The most recent technology developments at LARC are the upgrade to its website <http://www.nhlegalaid.org/> and the Legal Help Finder (LHF), an online referral program. The LHF is based on the A2J Author[®] structure and was created with the volunteer services of the website coordinator from MassLegalHelp.org. The LHF contains computer safety instructions and guides users to the appropriate legal resource for their legal problem. The LHF creates an online entry point for individuals seeking legal services. This will be followed by the program's upgrade of its online intake to the A2J Author[®] platform. The new website is user-friendly and much improved from the prior version.

Criteria 4, 5, and 6. Financial Administration.⁸ Human Resources Administration. Internal Communications.

Finding 23: The program has sufficient resources for financial administration.

The program has sufficient resources dedicated to its financial administration, and is fortunate in having a highly qualified and committed audit committee chair. Accordingly, the chair reports that annual audits are routinely insignificant, primarily because the program's accounting procedures and internal controls are well developed and strictly followed. The audit committee meets regularly, six times per year (or more if working on a special project), to review finances, the annual 990 form, or unusual or unexpected matters. The audit committee chair has documented his management practices and procedures to provide for a smooth transition when he is succeeded.

LARC has a part-time in house bookkeeper. In addition, the program maintains a contract with a comptroller who spends on average 15 hours per month overseeing the work of LARC's bookkeeper, preparing financial reports, and creating prospective budgets. Payroll is paid via a payroll service. On a quarterly basis, the comptroller allocates expenses based on time entries logged by staff. He does not regularly participate in Board meetings or in program planning activities. The comptroller assists the bookkeeper with year-end closing and sends the detailed trial balance to the auditor.

The program's accounting practices are somewhat complicated by the fact that the program is on an October 1 fiscal year while most of its grants are on a calendar year cycle. This requires the temporary restriction and subsequent release of substantial

⁸ This visit was conducted by the Office of Program Performance (OPP) for the purposes set forth in the Introduction. OPP findings and recommendations under this criterion are limited to staffing, organization, and general functions. Assessment of fiscal operations is conducted by other offices at LSC.

portions of the program's revenue, making the entry and reporting of revenue more complicated than otherwise would be the case.

Recommendation:

IV.4.23.1. LARC should consider the pros and cons of changing its fiscal year to January 1.

Finding 24: LARC does not have a human resources director. Staff evaluations are delayed. Internal communication among staff is clear and frequent.

LARC does not have a full-time staff person dedicated to human resources. Currently, human resources duties are shared by the executive director and the office manager. The office manager maintains personnel files in a locked cabinet in her office.

Salaries and benefits are reviewed annually with the anniversary of the benefits programs and with the annual budget. The board finance committee participates in the analysis together with the board personnel committee. The executive director leads the effort of conducting annual evaluations of the staff that include both a self-evaluation and evaluation by management. The self-evaluation component had been completed, but the management component was remaining at the time of the visit. The evaluation forms do not contain a work planning component.

The program's leadership is concerned with and has made major accomplishments in building a cohesive, loyal team working in a mission-driven environment with an equal focus on developing and maintaining the organization's tight collegial culture. Leadership and staff uniformly reported regular and timely exchanges of information. More importantly, staff reported "being in the loop" and "knowing what's happening" both within the program and outside the program. One interviewee reported that "leadership is honest with us."

Recommendation:

IV.5.24.1.* LARC should consider having staff members prepare annual work plans in conjunction with the evaluation process. Work plans can then become a benchmark for the coming year and a vehicle to strengthen the evaluation process.

Criterion 7. General resource development and maintenance.

Finding 25: LARC does not have a resource development director. Grant writing and other resource development is shared between LARC management and the development director at NHLA.

The program does not employ a resource development director. Resource development is currently handled by the development director at NHLA and the LARC executive director. LARC participates with NHLA and the PBP in a joint fundraising campaign

called the New Hampshire Campaign for Legal Services (the Campaign). All funds raised and expenses incurred in the Campaign are shared through a formula: LARC's share is 21.5%, the PBP share is 15%, and NHLA is 63.5%. Expenses are resolved first and proceeds are distributed according to the formula. In addition, The Campaign primarily targets law firms and individual lawyers. The Campaign has a pacesetter level for \$500 donations from lawyers in law firms, which is substantial. More recently, there has been a concerted push to expand the Campaign into the business community. The Campaign is working to coordinate its activities with the fundraising efforts of the New Hampshire Bar Foundation. The Campaign raised over \$200,000 in 2010 and nearly \$325,000 in 2011. In 2011, LARC received \$46,576.63, and in 2012 it received \$35,050.74 from the Campaign.

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

Finding 26: LARC is an active participant in the overall statewide delivery system.

New Hampshire has a small group of statewide organizations, including LARC, that are dedicated to delivering civil legal services to the state's low-income population, and those organizations see themselves, appropriately, as components of a single comprehensive statewide delivery system.

The generally accepted view in the legal community in New Hampshire is that LARC functions as the hotline/intake/brief advice provider, NHLA functions as the provider of direct full client representation and activities subject to the LSC regulations, and Pro Bono coordinates pro bono delivery of services. To some degree, the Disability Rights Center participates in the delivery system as well by providing legal assistance to disabled persons.

A remarkable amount of collaborative work goes on between the three main legal services providers in New Hampshire. They engage in joint private fundraising through the Campaign for Legal Services; they work collaboratively on grant proposals for IOLTA and other funding, including a current collaborative application for foreclosure prevention funds; they work together, particularly at the staff level, on a daily basis to refer clients for appropriate services; and they engage in joint training and other efforts to enhance the quality of client services throughout the state.

New Hampshire has a small, close-knit legal community, and much of the leadership of the legal profession in the state appears to be concerned with delivery of legal services to the poor. Many members of that leadership group are actively engaged with the provider organizations through financial support, board membership, and pro bono assistance to clients in the course of their professional lives.

LARC and NHLA, which have overlapping boards and were intentionally designed when LARC was created in 1996 to complement one another, work extremely well together. They communicate about all matters of concern regarding operations and client services

on a daily basis, have a smooth referral system, and collaborate on intake decisions and issues facing clients. The relationship between these two organizations and the PBP, on the other hand, has been strained over the previous few years. The organizations have made two attempts to mediate their disputes and their difficulties in communication.

Despite the past tensions within the New Hampshire integrated legal services delivery system, there is no question that LARC is an active, enthusiastic, and key player in that system. The LARC executive director is actively involved in the leadership of the Statewide Campaign for Legal Services, deeply engaged in strategic planning with NHLA and their overlapping boards of directors, and regularly collaborates with her colleagues on new projects and approaches to service delivery, such as the current effort to secure funding for foreclosure prevention.