



LEGAL SERVICES CORPORATION
Office of Program Performance

Final
Program Quality Report

For

Neighborhood Legal Services Association
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Visit Background

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit to Neighborhood Legal Services Association (NLSA) from February 25 to March 1, 2013. The team members on the visit were OPP program counsel John Eidleman (team leader) and Cheryl Nolan, and temporary employees Carolyn Worrell, Andrew Scherer, and John Johnson.

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

The team reviewed the documents provided by the program, including recent grant applications to LSC, technology and PAI plans, workforce analysis charts, case reports, and other service reports. The team also reviewed materials requested in advance of the visit, including documents relating to the program's intake, legal work, and case management policies and systems, advocates' writing samples, and the results of an online staff survey. While on site, the team visited all of the NLSA offices and interviewed program leadership and administration, along with all attorneys that were not on leave, paralegals, and support staff. The team also met in person or by phone with the program's board chair and several board members, as well as judges and other members of the state justice community, including the Director of the Pennsylvania Legal Aid Network, various pro bono entities, and other state and local community organizations.

Program Overview

Neighborhood Legal Services Association (NLSA) serves four counties in western Pennsylvania with four offices, one in each county.¹ The main office, which also houses the administrative staff, is in Pittsburgh. NLSA was originally incorporated in 1966 to provide legal assistance to the poor in the Pittsburgh area. In 1974, NLSA expanded its service area to include Beaver, Butler, and Lawrence Counties. It celebrated its 45th anniversary on May 15, 2011.

In 1997, Southwestern Pennsylvania Legal Services Consortium (the Consortium) was established. NLSA became part of the Consortium, an association of three regional programs in the southwestern part of the state, which also includes Laurel Legal Services (LLS) and Southwestern Pennsylvania Legal Services, Inc. (SPLAS). The three

¹ Pittsburgh (Allegheny County), Butler (Butler County), Bridgewater (Beaver County) and New Castle (Lawrence County).

programs combine the talents of their staffs and work collaboratively on legal and managerial issues. The three neighboring programs serve 14 counties.

NLSA's service area has one major city and a number of small towns that were once vibrant industrial and manufacturing areas. Pittsburgh is the second largest city in the state. Two counties are largely urban and two are mixed rural and urban communities. The service area covers 2,313 square miles. There are 1,684,264 individuals living in the service area and 182,505 (10.84% of the entire population) living below the poverty level. According to the most recent census, the four county area has lost 8.7% of its population while the state has had an increase of 3.4% overall.

There is limited diversity in the service area. The poverty population for the area is 66.8% White, 28.1% African American, and 1.3% Hispanic. The client population served in 2012 by NLSA was 56.3% White, 40.5% African American, and .9% Hispanic.

NLSA provides services through a staff of 49 that includes 18 attorneys, five managing attorneys, three paralegals, and a social worker, in four offices. The Pittsburgh office has 37 employees including the executive director, a comptroller, an accountant, accounting clerk, administrative assistant, computer operator, three managing attorneys, a director of performance and compliance, director of litigation, technology manager, director of fund development, assistant director, social worker, two intake specialists, two secretaries, an executive secretary, and 13 attorneys, two of whom are on the Helpline. The Butler office has a managing attorney, two staff attorneys, and two secretaries. The Beaver office has a managing attorney, 1.6 FTE staff attorneys, and two secretaries. The New Castle office is managed by the Butler managing attorney and has two attorneys, a secretary, and a paralegal.

In 2012, NLSA received an LSC Basic Field Grant for \$1,565,552 and received \$2,961,907 from other sources.

Neighborhood Legal Services Association articulates its mission as using effective legal representation and education to meet the civil legal needs of the poor and vulnerable in its community. NLSA strives to be a vibrant, sustainable and highly respected nonprofit law firm providing essential civil legal services to the poor and vulnerable in its service area.

While morale in the program remains high, the loss of staff and growing needs of the client population has put significant stress on the advocacy at NLSA, as it has throughout the country, causing one advocate to describe the program as "an emergency room for legal problems."

Summary of Findings

NLSA's structured coordination with Consortium partners to enhance services to clients improves the programs individually and collectively by sharing the strengths of each partner. NLSA is persistently taking the pulse of client needs with recurring needs

assessments that address both the needs of clients in all fourteen counties of the Consortium while also assessing the unique client needs in each partner's service area.

In its efforts to improve client services, NLSA constantly evaluates its performance and recognizes its successes and challenges.

In addition, the program recently conducted a sophisticated planning process that resulted in its recognition of critical areas for concentration in the next few years. NLSA has already addressed several of those areas, including succession planning, resource development, and branding.

In 2012, NLSA made a major move to a coordinated intake system that has the potential to improve intake and client services by making it more user friendly and making service more efficient and uniform throughout the program.

Overall, the number of staff that is significantly engaged and works collaboratively with human services organizations, client-centered groups, and governmental agencies that serve the low-income population is limited to staff that concentrate in the elder-law, medical-legal, and domestic violence substantive areas.

The program has procedures for communicating with non-English speaking people and makes reasonable accommodation for their special needs. However, while the program is committed to maintaining, expanding, and improving its capacity to serve people with limited English proficiency, the LEP plan written in 2005 needs to be reviewed and updated.

NLSA's staff is significant program strength. The program has a very experienced, diverse, dedicated, compassionate, and highly competent staff that provides high quality legal services to their clients. The program and its work are well respected by the judiciary, private bar, and social service community throughout its service area. NLSA uses the full range of advocacy tools from negotiation to aggressive representation to meet their clients' needs. The work ranges from advice to full representation to appeals in state and federal courts. Overall, NLSA provides high quality representation for a significant number of low-income persons.

The program has six substantive work groups focusing on the critical poverty law areas of areas of family, consumer, housing, employment, disability, and public benefits. While the program looks for innovative ways to meet the low-income population's legal needs, such as the legal-medical collaborative and the addition of a social worker to the staff, much of the legal work seems routine, and the focus is on individual client service and not big-picture problem solving.

Supervision of legal work includes review of all open cases twice a year in addition to ongoing discussion of legal work between staff and supervisors. Opening memos are written in extended service cases when appropriate, and advocates adhere to appropriate file maintenance protocols. A supervisor reviews all files before they are

closed. The director of performance and compliance is relentless in insisting that cases are closed timely. The program lacks an adequate program tickler system. Advocates generally have their individual systems for reminding them of critical deadlines, including post-it notes on hard copy files as well as notes in their personal calendars.

The Pittsburgh Pro Bono Partnership (PBP), which was initiated by NLSA, is a highly effective vehicle for engaging the Allegheny County bar in the pro bono delivery of legal services. It serves as an excellent example of a successful pro bono program. It has won several awards, including the ABA John Minor Wisdom Award in 2009.

NLSA has an excellent website that provides an extensive array of pro se materials. The site also has numerous links to legal resources, including PALawHelp <http://www.palawhelp.org/>, other legal services programs, and brochures created by NLSA and other organizations. The site has many impressive professional videos discussing the program and showing testimonials from clients.

The NLSA board of directors demonstrates a commitment to the program and its mission, is appropriately involved in major policy decisions, and is asserting effective oversight. Board members are knowledgeable of the issues facing the program and the client community as well as the fiscal and substantive operation of NLSA. The client members make significant contributions to board discussions and are active participants at the meetings.

One of the exceptional strengths of NLSA is the excellent leadership of the executive director and the management team. The executive director is a noted leader in the legal community locally as well as in the state. A combination of the extensive experience of leaders, solid systems, clear direction from management, and collegiality set the atmosphere for an efficient and effective program.

The program's budget planning process is designed to meet the program's articulated priorities and operational goals. The executive director and board of directors are integrally involved in both budget planning and oversight to ensure appropriate resource allocation.

NLSA has increased its resource development efforts. Its board is in the midst of a concerted effort to increase the board's involvement with and effectiveness in assisting the program with fundraising. NLSA recently hired its first full-time in-house development director.

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. Needs assessment and priorities.

Finding 1: NLSA regularly assesses client needs and program priorities.

NLSA, with its Consortium partners, conducted a comprehensive needs assessment in 2001-2002, that resulted in a 2003 report. In 2006, the Consortium carried out a formal inclusive review of priorities to update the 2003 comprehensive legal needs assessment that covered the 14-county service area. The Consortium hired *The Resource for Great Programs, Inc.* (The Resource), which had assisted in the 2001-2003 needs assessment process. The Resource designed and executed a course of action that engaged stakeholders in a review of the legal needs of eligible low-income people in the service area. The Resource also assisted the Consortium in collecting and analyzing the results of the assessment and facilitated conversations among the leadership and stakeholder groups of the Consortium to develop strategic initiatives. This included a review of program priorities to adjust for new needs that the assessment revealed.

In 2011, Neighborhood Legal Services Association along with the other Consortium partners, LLS and SPLAS, hired the Resource to conduct a priorities update. The process included a scan of census data, demographic analysis, interviews with staff leaders, Web surveys of the staff and board, and a survey of the client community. NLSA distributed 800 client surveys through 13 partner agencies. For the entire consortium service area, 1,800 surveys were distributed and 205 were returned. In addition, a staff work session was conducted in March 2010 to discuss the preliminary findings.

While the needs assessment covered the entire Consortium area, the results were analyzed for each program's service area. As a result, in addition to a series of Consortium-wide priorities, each program has priorities tailored to the needs of the low-income population in its area, allowing each program to place greater emphasis on certain types of cases. The most pressing legal needs continue to be emergency cases in the substantive areas of family, unemployment, housing, disability, consumer, and welfare. NLSA has three priorities: protecting the safety of individuals and the stability and health of families; preserving housing; and economic stability. The program – because of financial limitations – continues to make incremental adjustments to its priorities by handling fewer cases and not eliminating priority cases. Although closed cases increased between 2006 and 2011 from 7,151 to 8,471, they declined in 2012 to 7,040. However, from 2011 to 2012, the percentage of cases closed as extended service increased from 36.3% to 39.1%.

As a result of the staff and board survey, NLSA found that there were a number of opportunities available to adjust its delivery system to address the compelling legal needs of clients. Highest on the priority list was to develop partnerships with courts to provide staffed self-help centers. The second-highest opportunity was to negotiate with funders

for more discretion with funds.² The third was to seek out new technologies. The fourth was to invest in infrastructure.

The diligence shown by NLSA and the Consortium in regularly assessing the needs of the client community is exemplary.

Recommendation I.1.1.1³

NLSA should continue to use the results as a guide in setting its priorities.

Criteria 2 and 3. Setting goals and objectives, allocating resources, developing strategies, and implementing processes to achieve goals.

Strategic Planning

Finding 2: In February 2010, Neighborhood Legal Services engaged in a strategic planning process to determine the program's goals and objectives for the next few years.

In 2010, NLSA determined that it was imperative that the organization face several major issues and engage in strategic planning, to address its future. It hired a consultant to guide the strategic planning process. Over 4,000 stakeholders were surveyed and responses were received from board, staff, funders, attorneys, collaborators, bar leaders, and court personnel. In addition, responses were received from former or current program clients. The consultant also interviewed approximately 20 people. The strategic planning process pointed out the strengths of the program. These include the commitment of its staff, NLSA's good relationships with other organizations, skillful representation in substantive legal areas such as domestic violence Protection From Abuse (PFA) cases, and a high level of appreciation by the clients it serves. The process also pointed out areas that needed improvement such as increasing fundraising and awareness of the program by clients, funders, and the general community. In addition, it was learned that the bar associations' member attorneys did not understand the comprehensive breadth and depth of the services that the program provides to clients. The survey found that there was a need for better awareness of pro bono resources as well as a need for additional staff. Succession planning was highlighted as a crucial area for the program.

² The program's funding for its Protection from Abuse (PFA) cases is not limited to poverty eligibility guidelines. Many staff would like to restrict representation under the grant to the low-income population and negotiate with the grantor on this requirement.

³ 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.

As a result of the surveys and analysis of data obtained, NLSA developed its strategic plan for 2011 through 2014. The strategic plan sets short-term goals to be accomplished in 2012 and long-term goals for 2014. NLSA's long-term goals for 2014 - 2015 include planning and launching a comprehensive capital campaign that fully funds priority projects, establishes operating reserves, and grows the endowment fund. A second goal is to grow the Equal Justice Campaign by at least 5% each year. NLSA will also implement signature special events to introduce new audiences to the mission of the program.

As a result of the strategic planning process, the program has moved forward on a number of its goals including more aggressive fundraising, hiring a resource development staff member, better branding, creating a succession plan, and training board members to be better fundraisers.

Recommendation I.2.2.1

NLSA is encouraged to continue to achieve the excellent specific goals it has set through the strategic planning process and to allocate program resources to those issues to the extent possible.

Criterion 4. Evaluation and adjustment.

Finding 3: NLSA, in conjunction with the other Consortium partners, engages in a formal evaluation of the outcomes of its advocacy and other services, and makes adjustments to its priorities and delivery system as needed.

Both individually and in consort with each other, the Consortium partners engage in internal evaluation of the effectiveness of delivery strategies and representation. Each program reviews client outcomes entered into the Kemps PRIME case management system (CMS) to analyze success in reaching desired outcomes. The Consortium partners meet regularly to discuss the findings and make suggestions for improving performance approaches. Client Satisfaction Statements are distributed to clients, and the results are used to evaluate program performance. Client input is also derived from the Consortium's Regional Client Council, which provided its opinion on services as an additional source of information to consider in evaluating delivery strategies.

In the area of substantive delivery, NLSA has also adjusted to the needs of the client community. This includes recognizing the need for additional representation in mortgage foreclosure issues and helping the Beaver County Court develop a mortgage foreclosure mitigation program similar to the programs in Allegheny and Butler Counties.

The program, when faced with the reality of closing down its evening pro se Family Law Clinic, approached the Family Law Section Committee of the Allegheny County Bar Association to increase its pro bono help. This effort resulted in a process where pro bono attorneys began taking six cases each week to provide telephone advice

to clients that would have attended the clinic, resulting in even more clients receiving legal help than in the clinic program.

Finding 4: NLSA regularly evaluates its delivery system to find better ways to serve clients.

NLSA periodically conducts an internal self-evaluation of its efficacy by having the entire staff rate the program's work using the LSC Performance Criteria as the standard. Management sends staff a document asking the staff to complete a self-evaluation form and rate the program from excellent to poor on the Performance Criteria. The PQV team reviewed a copy of the 2010 survey and results that indicated that most staff believed NLSA's performance compared favorably to the Performance Criteria overall. Opinions varied between the central office and branch offices. The intake system was noted as an area needing improvement. Another survey using the same methodology will be conducted in 2013.

The program conducted a managers' retreat in 2008. The Director of Clinical Programs at the University of Pennsylvania, who was the former Director of Community Legal Services in Philadelphia, facilitated the process by conducting a dialogue with the managers to analyze the supervision system, and their roles as managers in light of the management structure. As a result of the retreat, specific goals and tasks were established and the program has continued to attempt to address the issues highlighted at the retreat and achieve those goals.

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

Criterion 1. Dignity and sensitivity.

Finding 5: NLSA treats clients with dignity and sensitivity.

NLSA seeks to maximize access to its services for the low-income community with office locations that are easily accessible and which are also close to the courts and state agencies. NLSA has an office in all of the counties in its service area. Applicants can access a local office by telephone.

Members of the assessment team visited all of the NLSA offices. They were easy to find and clearly marked. Each office is located in the county seat (or in the case of Beaver, near the county seat) and is close to the courthouse and government offices. The offices had adequate parking available near the offices. They were clean and professional in appearance. There were adequate reception areas with adequate sufficient seating, educational materials available, and informational brochures. The offices were accessible to disabled persons. Interview rooms provide confidentiality.

The team uniformly heard from stakeholders that the staff treats clients with dignity, sensitivity, and respect. This was revealed in interviews with community

agencies, judges, and other service providers. The staff was described as professional, caring, respectful, and culturally sensitive.

Intake

Finding 6: NLSA recently moved to a proficient Centralized Intake Unit as its primary client access point.

In late 2012, NLSA created a Centralized Intake Unit (CIU) that allows applicants from the entire service area to call one number and receive advice, brief service, and referral, or they are scheduled for an appointment with an advocate. Intake specialists from each office participate in answering calls and an applicant that need only advice is sent to an attorney staffed Helpline where they receive prompt help. NLSA's movement to a CIU and its attitude toward creating a client-friendly intake procedure reflect an overall concern for the client's needs. The CIU has been in operation for approximately five months and is off to an encouraging start. The program is poised to implement further changes to improve access at intake. Prior to implementing the CIU, NLSA sought technical assistance from LSC on coordinated intake. The program previously had four intake screeners conducting telephone intake for Allegheny County, while the three branch offices conducted intake for their service area using support staff as screeners and assigning cases to the office advocates. Due to the financial downturn, two of the telephone screeners were laid off. The program used this unfortunate situation to improve its intake by establishing a CIU and bringing telephone intake for the Butler and Beaver offices into a coordinated distributed intake system. Those offices each have two secretaries; one from each office participates on the CIU when it is open. The Lawrence County office, where there is only one secretary, is not yet part of the CIU. However, the secretary is in training to join the CIU.

The program uses call management software that reports current wait times and abandoned call data,⁴ as well as the other data typically required to manage quality of the caller's experience. The phone system does not have an automatic callback (IVR) system. Call data is not being shared with CIU staff on a regular basis.

Telephone intake is conducted through the use of a queue. Callers can exit the queue and leave a voice message if they decide not to wait on hold. The intake specialists located in all of NLSA's offices take applicant calls from the queue and make appointments for callbacks for advice or further review by an advocate. A telephone applicant from any part of the service area calls one toll free number and is interviewed by the intake screener for any of the three offices who is next in line to receive the call. The intake specialist has the option of scheduling the applicant for an appointment, assigning them to a Helpline attorney, assigning them to a full service attorney, putting them on a waiting list, putting them on a pro bono referral list, assigning them to a clinic or referring them to another organization. This system gives greater continuity and uniformity to intake.

⁴ Average wait time is five minutes 27 seconds and the average time an applicant waits before abandoning a call is five minutes 11 seconds.

The general process for telephone intake is that applicants are screened by an intake specialist at the time of their initial call, and then scheduled for a callback by a Helpline advocate, or an attorney or paralegal, depending on the legal problem. The screener can send the eligible applicant to the Helpline or make an appointment on the calendar of an advocate in the appropriate office most convenient for the applicant. The Helpline and the offices all have a set schedule showing availability for the advocates. However, the intake specialists make appointments for applicant interviews for the attorneys in the Butler, Beaver, and Lawrence offices, but not for attorneys in Pittsburgh, who make their own appointments. The attorneys are on a rotating intake list by subject area to receive cases after intake. The program has developed a detailed intake chart to guide the intake staff about where to send the applicant. The program is considering ways to automate the charts and make them more user-friendly.

The program's policy is that advocates talk to applicants within two business days of the initial screening. Substantive interviews are scheduled by appointment for callback by an advocate. The intake specialists tell the callers to expect a callback within two business days.

The CIU is open from 9:00 a.m.-12:00 p.m. and 1:00-2:30 p.m., Monday through Friday. On Monday and Wednesday they are also open from 5:00 to 8:00 p.m. When the CIU is closed, intake specialists take care of callbacks to callers who have left voice messages, draft letters to Helpline clients, and perform other administrative duties. In the Pittsburgh office they also help with the PFA cases. The administrative duties can vary by office location.

New applications needing advice are sent to Helpline staff by email and assigned on a rotating basis. They are also saved in a file on the shared drive named New Intakes. The CIU is paperless and all information and notes are entered contemporaneously into the Prime CMS. The CIU staff members also are in constant communication with each other using a chat feature called Spark to communicate about screening questions and cases and to ensure that intakes are addressed properly.

The Helpline has two full-time attorneys to serve clients that need advice and not full representation. For callbacks, the Helpline advocates try twice to reach the applicant before sending a letter notifying the applicant that they could not reach them. These applicants have 7 to 10 days to respond. When dealing with repeat callers, advocates can research other files for additional contact information. Helpline advocates determine the facts of the case, give advice, may send materials (pamphlets or brochures), and send a closing letter to every caller. The letter reiterates the advice given by phone, advises the client of grievance rights, and tells the client that the case will be closed or gives them further instructions if necessary. Some of the letters can contain a significant amount of material.

The Helpline advocates are provided training by Continuing Legal Education courses, the Pennsylvania Legal Aid Network, and the Consortium. There does not appear to be a written plan for training the intake staff.

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. NLSA has appropriate notifications of the grievance procedure. NLSA intake specialists and advocates provide referral information to clients who are denied service or given limited assistance.

There is a wait list for public benefits and employment-related legal problems that the program reports are due to limited attorney staff for these legal issues. Wait listed clients are given three callbacks. If the wait list client cannot be reached no message is left by the intake specialist. If clients are missed after the three calls, they are told by letter to call back on the regular number within 10 days or their name will be removed from the wait list.

NLSA gauges client satisfaction with its services at the closing of each case, but the survey does not inquire about satisfaction with intake services or how intake staff treated them.

There is no overall manager of the CIU. Oversight of the CIU is dispersed among management staff (office managers) for each office. The managing attorneys help with calls when the queue is overwhelmed with calls. The Director of Technology oversees the telephone technology and call management reporting.

Applicants may also access intake by walking into a NLSA office. Some intake in Allegheny County is at outreach sites for the elderly and at the University of Pittsburgh Medical Center McKeesport Hospital as part of a Medical-Legal Collaborative. The walk-in clients who show up at a NLSA office are provided an office and telephone to call in to the CIU. If the walk-in arrives after the CIU is closed, the staff will determine if the matter is an emergency or time-sensitive. If so, the client will be seen. If not, the client will be directed to callback during intake hours.

There is no online intake system; however, the program is beginning to think about online intake and how it can improve access.

Overall, the members of the CIU and advocates who were skeptical about the new system agree that it is an improvement and working well.

Recommendation II.1.6.1:*

NLSA should appoint a dedicated supervisor or non-management point person to lead the CIU's ongoing development toward program wide coordination.

Recommendation II.1.6.2:

NLSA should also design an intake committee led by the point person and comprised of intake staff and other NLSA staff who are involved with intake, such as technology staff and relevant managers. The intake committee would be charged to implement the ongoing enhancements to intake and to assess its performance.

Recommendation II.1.6.3:*

The intake committee should study model online intake systems in programs similarly situated as NLSA and should consider online intake for alleviating volume at the CIU.

Recommendation II.1.6.4:

NLSA should consider, for clients with an email address, sending letters and client materials via email.

Recommendation II.1.6.5:

NLSA should examine the wait lists and consider a different way to deal with these types of matters.

Recommendation II.1.6.6:*

NLSA should add inquiries to its client survey to assess the quality of services at the CIU.

Recommendation II.1.6.7:

The client survey should be added to the website. If online intake is added, the client survey should be included at the end of the intake application.

Recommendation II.1.6.8:

Management should share all data reports with CIU staff.

Recommendation II.1.6.9:

CIU staff should receive regular, formal feedback about their performance.

Recommendation II.1.6.10:*

Training for intake and Helpline staff should be scheduled on a regular basis, with special attention given to topics that apply to the unique features of service delivery by telephone.

Criteria 2 & 3. Engagement with the low-income population and access and utilization by the low-income population.

Finding 7: Although outreach is somewhat limited, NLSA is sufficiently engaged with the low-income population and offers sufficient opportunities for access and utilization by that population.

Overall, the number of staff that is significantly engaged and working collaboratively with human services organizations, client-centered groups, and

governmental agencies that serve the low-income population is limited. That involvement includes attending meetings; conducting outreach, intake, and educational programs and clinics; and accepting referrals of eligible clients. Only a few staff members conduct outreach. These efforts mostly concern seniors, victims of domestic violence, and presentations involving the medical-legal partnership program. Staff members do not routinely conduct outreach to vulnerable populations such as the homeless, disabled persons, veterans, and ex-offenders. However, staff members do on occasion attend veterans' stand down and other events in which vulnerable populations participate. A staff attorney travels once a month to McKeesport and to the Employment, Advancement and Retention Network (EARN) Program, a job-readiness program, to discuss NLSA's programs that may benefit the EARN participants.⁵

The program does produce numerous written materials for clients and makes them available in offices and as part of the packets sent by the Helpline.

The program has a very good website with extensive material and links to materials that benefit clients. The program conducts hundreds of Older & Wiser seminars to elderly individuals on elder law topics.

Recommendation II.2.7.1:

The program should consider whether the advocates could engage in more outreach.

Finding 8: NLSA is committed to serving a diverse group of clients in the service area, including those with limited-English proficiency (LEP).

Limited-English Proficiency

The program has procedures for communicating with non-English speaking people and makes reasonable accommodation for their special needs. NLSA provides the services of Language Line for those who speak languages other than English.

NLSA has a LEP Plan that was written in 2005. It is in need of revision and updating. For example, the program exclusively relies upon its own case management system data to determine language need. The U.S. Census Bureau can provide more accurate information. The Census Bureau shows that in Allegheny County 10% of the population speaks a language other than English, 3.3% in Butler, 3% in Lawrence, and 4% in Beaver County. According to the American Community Survey, 1.3% of all persons in Allegheny County speak Spanish as a first language; this amounts to 15,500 people.

The LEP Plan complies, but only minimally, with the spirit and letter of the 2004 LSC program letter, *Services to Client Eligible Individuals with Limited English Proficiency*. Program Letter 04-2, <http://grants.lsc.gov/rin/grantee-guidance/program->

⁵ The program was created to address the needs of welfare recipients with barriers to employment and to better coordinate the existing employment and training programs available for them.

[letters/current-program-letters](#). In addition, the plan does not adequately address training, translations, and outreach.

NLSA clients speak Spanish, French, Russian, Bosnian and various Asian dialects (e.g., Chinese, Vietnamese, Cambodian, Hmong, Tagalog, and Mandarin). However, only a small percentage of NLSA clients (less than 1%), cannot speak English.

It does not appear that NLSA has any contact with LEP communities. It has no staff with foreign language skills. One person speaks Spanish but she stated that she is not sufficiently proficient to serve as a resource to the program to provide translation or interpretation services.

NLSA has not conducted, and does not have any plans to conduct, staff cultural competency training.

Based on conversations with the executive director, the program is committed to maintaining, expanding, and improving its capacity to serve people with limited English proficiency.

Recommendation II.3.8.1:*

NLSA should review and update its LEP plan. In doing so it should assess the needs of its current and potential clients for language assistance in order to create a plan that will provide the most meaningful LEP access within the limits of the program's personnel and its fiscal capability.

Recommendation II.3.8.2:*

NLSA should seek to hire staff with non-English language skills, particularly in Spanish, the language most used by its LEP clients.

Recommendation II.3.8.3:

NLSA should conduct cultural competency training for all staff

Recommendation II.3.8.4:

NLSA should make efforts to reach out to non-English speaking client communities.

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.

Experience of Staff

Finding 9: NLSA's advocacy staff is a significant program strength.

The program has a very experienced, diverse, dedicated, compassionate, and highly competent staff that provides high quality legal services to their clients. The

program and its work are well respected by the judiciary, the private bar, and social service community throughout its service area.

At the time of the program quality visit, NLSA had 27 attorneys. Three are in positions without case loads. NLSA has many very experienced attorneys. Nine attorneys have more than 30 years' experience while another seven have more than 20 years' experience and five have between 10 and 20 years' experience. Only four have fewer than 10 years' experience. The executive director and one manager have 40 years' experience. The director of litigation has 32 years' experience. Together the staff attorneys in the program average 20 years of experience and the five managers 35 years of experience. In general, the attorneys are very enthusiastic about their work and are willing to learn new areas of the law and different ways to help clients.

Quality of Legal Work

Finding 10: Overall the program performs high quality legal work.

NLSA uses the full range of advocacy tools, from negotiation to aggressive representation, to meet their clients' needs. The work ranges from advice to full representation to appeals in state and federal courts. Caseloads for advocates average about 35 open cases and appear to range between 30 and 70 depending on case type. It also appears that the program has set a goal of no more than six new cases a week per advocate in many substantive areas. NLSA enjoys an outstanding reputation with the bench, the bar, and its community partners.

The program looks for innovative ways to meet the low income population's legal needs such as the medical-legal collaborative project and the addition of a social worker to the staff. However, much of the legal work seems routine and boilerplate, and there's a common attitude that the cases and work are simple; focus is generally on individual client service and, for the most part, not on big picture problem solving.

The program may be missing some opportunities to address issues more systemically. For example, the program handles many collection cases where the plaintiff creditor cannot establish that it has purchased and owns the debt it is attempting to collect. The advocates are successful in these cases and have them dismissed. However, they may be missing an opportunity to pursue litigation under the Fair Debt Collection Practices Act in which both damages for clients and attorneys' fees for the program can be awarded if the litigation is successful.

Recommendation III.1.10.1:*

The program should look for opportunities to bring more cases that can have a broad impact on clients' rights and the policies and practices that affect them. For example, the program might consider litigation under the Fair Debt Collection Practices Act that could not only help an individual client but could also punish third party debt collectors financially (with an award of damages for client and attorneys' fees) so that they stop their illegal practices.

See the program's comments about this finding at page 7 of the attachment and the Addendum provided by NLS.

Recommendation III.1.10.2:*

The program should consider conveying a clearer message to advocacy staff about expectations regarding legal work and its impact. This could be done through the management structure by having a Director of Litigation with direct supervisory authority, or in some other way, but the program should figure out how to accomplish this.

Legal work management and supervision

Finding 11: Overall the program has the elements of a solid system for the management of its legal work.

NLSA has written case handling procedures that the advocates follow. The advocates virtually always confirm advice in writing, and the open case files are reviewed at least twice a year and more frequently if necessary. Opening memos are written in extended service cases when appropriate, and advocates adhere to file maintenance protocols. A supervisor reviews all files before they are closed. The director of performance and compliance is relentless in insisting that cases are closed timely.

Overall, the case handling staff makes good use of the case management system and record their case notes in Prime. However, many of the more experienced advocates are resistant to the system and want to only keep notes, handwritten, in the hard copy file.

There is inconsistent use of the Outlook calendar for appointments. While some staff members are very good about using Outlook, some of the more experienced attorneys tend to keep a personal calendar on their wall or desk rather than using Outlook.

The program lacks an adequate program tickler system. Advocates generally have their individual systems for reminding them of critical deadlines, including post-it notes on hard copy files and notes in their personal calendars. No one else knows what the deadlines may be. A few use Outlook or Prime to generate reminder emails. The lack of an adequate system may not meet the requirements of most malpractice insurance policies.

The program has six substantive work groups focusing on the critical poverty law areas of family, consumer, housing, employment, disability, and public benefits. Advocates concentrate in more than one of the substantive areas and therefore participate on multiple task forces. There are managers for each floor in Pittsburgh to whom the staff report for administrative issues. There are also managers for substantive law issues. In many situations, the managers for substantive law issues handled in the office are actually located another offices. For example, the manager of the Butler and New Castle offices does the open case reviews for all the Social Security cases handled throughout the program.

Very often an advocate will go to another experienced attorney in the same office or, in Pittsburgh, on the same floor for advice or consultation on a case rather than the manager of the substantive legal area. In addition advocates may have multiple supervisors when handling a variety of types of cases. The advocates interviewed uniformly denied any confusion in understanding who is their ultimate supervisor or shopping for the advice they sought. The attorney in the medical-legal program has four different supervisors she confers with on her cases because of varied legal issues she must address for her clients.

The program has a highly qualified director of litigation who is the president of the union and not a manager. Advocates are expected to seek her help on issues of complex litigation or appeals. While this can be enormously helpful to advocates who choose to use her, she is a colleague and has no authority to require advocates to follow her advice. Advocates state that they understand the proper occasions on which to seek out her advice and do follow it because she is respected by the staff members and has extensive legal experience and skills.

Another factor complicating supervision of legal work is that the program, based on the advice of their labor counsel, does not conduct regular or annual evaluations of the advocates. Managers do review all of the advocates' files twice a year and review files at closing, both of which give them insight into the quality of the legal work being performed. Some managers meet with the advocates in their substantive areas on a regular basis. In addition to the formal supervision structure, there is a rich culture of supervisors having an open door policy and case discussions among colleagues.

Managers also state that they review files electronically by looking at the case information entered into the Prime CMS. While this is a good supervision technique, not all advocates enter their notes into Prime so the review may give an incomplete picture of the case status.

On average the writing samples reviewed by the review team were good. However, they ranged from excellent to "needs improvement." Even some that were high quality in substance and persuasion had several typos. A spell checking utility or a review by another set of eyes should have caught many of the mistakes.

Recommendation III.1.11.1:*

The program should ensure that it has a tickler system that is adequate to meet the requirements of its malpractice insurance policy.

Recommendation III.1.11.2:

The program should consider requiring a review by someone in addition to the case handler before briefs, pleadings, motions, and other court documents are submitted.

Recommendation III.1.11.3:

The program should consider having work groups of advocates who practice in the program's substantive areas hold periodic meetings to share and develop strategies for addressing client issues.

Quantity of Legal Work

Finding 12: The program closes a comparatively high number of cases and a significant number are extended service cases.

NLSA appears to be a very productive program. In 2012, it closed 7,040 cases of which 28.2% were extended cases. Its extended closed cases per 10,000 poor people (101) were more than triple the national median (28) for LSC-funded programs. Its total cases closed per 10,000 poverty population were 394 compared to the national median of 245. The types of cases handled are also well dispersed among the program's priority areas. In 2012, the majority of closed cases were in the areas of family (41.9%), housing (28.8%), income maintenance (11.9%), and consumer (10.6%).

Staff Training

Finding 13: New hires receive training and mentoring, but the opportunities for ongoing training are not used to the fullest potential.

New attorneys receive an orientation to the program and are mentored by an experienced manager or staff attorney. Files are reviewed once a week until the supervisor believes the attorney no longer requires this oversight. There are ample opportunities to attend CLE trainings and the annual Pennsylvania Legal Aid Network (PLAN) training.⁶ The Consortium holds meetings for all case handlers at the University of Pittsburgh law school once a year, at which advocates meet with colleagues in their substantive areas. Attendance at these events is mandatory. Advocates participate in statewide and consortium electronic mailing lists in substantive areas. Many of the attorneys are active participants on statewide and national substantive electronic mailing lists. Many attorneys use the National Consumer Law Center (NCLC) and National Housing Law Center extensively to increase their knowledge and seek advice. Attorneys specializing in benefit cases attend public benefits training sponsored by PLAN every eighteen months. On occasion, there is local training on topics, such as Medicare.

Although sufficient mentoring and training opportunities exist for routine, individual cases, supervision and training does not appear to be geared to systemic problem solving. It does not appear that newer attorneys are challenged to take on cases or approach their existing cases with an eye toward broader problem solving and

⁶ Pennsylvania Legal Aid Network, Inc. is the umbrella organization that provides leadership, funding, and support to improve the availability and quality of civil legal aid in Pennsylvania.

advocacy. Training and CLE is handled by each individual attorney and there are no training or professional development plans.

Although substantive legal work groups meet periodically at the Consortium level, there do not appear to be meetings of those groups at the program level. Several staff thought it would be very helpful for their work to have periodic meetings of the program groups in order to better spot trends and to see if issues could be addressed more effectively. Without that kind of connection, advocates can sometimes feel like solo practitioners and the potential to have greater impact on clients' issues can be lost.

Recommendation III.1.13.1:*

The program should consider trying to obtain special funding, perhaps from a law firm, to send attorneys to national substantive training events such as the NCLC and medical-legal partnership annual conferences.

Recommendation III.1.13.2:*

The program should consider establishing periodic meetings of all the internal program legal work groups.

Criterion 2. Private attorney involvement.

Finding 14: NLSA has an active, effective, and multi-faceted approach to private attorney involvement.

NLSA has a productive PAI program. In 2012, it closed 1,229 PAI cases of which 70.4% were extended cases. Its extended closed cases per 10,000 poor people (48) were much higher than the national median (8) for LSC-funded programs. Its total cases closed per 10,000 poverty population, was 68 compared to the national median of 22. The types of cases handled are also well-dispersed among the program's priority areas. In 2012, the majority of closed cases were in the areas of family (77%), consumer (13.3%), income maintenance (9.1%), and housing (.4%).

The PAI participants have a number of opportunities to volunteer their services in addition to direct representation, including clinics, community education events, staff mentoring/training, and co-counseling. Volunteers participate in the debt advice clinic in the "Older & Wiser ®" educational outreach series. They provide advice in custody cases by telephone. They take referrals from NLSA for representation in the areas of domestic violence, unemployment compensation, social security and SSI termination, bankruptcy, adult guardianship, and the settlement of estates with limited assets for the elderly.

Each office has its own PAI project. No single person in the program is responsible for the program's pro bono activity. Each PAI project has similar procedures for identifying the appropriate cases and referring them, but each operates differently. Usually the case is recognized during the intake process and referred to a manager who makes the decision on referral.

The program uses students in the Summer Intern Program to represent clients before the Magisterial District Judge in Landlord Tenant cases and uses law students throughout the year in providing advice on the Helpline.

The Pittsburgh Pro Bono Partnership (PBP), which was initiated by NLSA, is a highly effective vehicle for engaging the Allegheny County bar in the pro bono delivery of legal services. It serves as an excellent example of successful pro bono work. It has won several awards including the ABA John Minor Wisdom Award in 2009. An unincorporated board that has representation from law firms and legal departments of corporations manages the PBP. Its current chair is also the current NLSA board treasurer. Through a combination of signature (community based legal clinics or issue oriented projects) and issue-oriented services, PBP matches attorneys and law firms with clients identified by NLSA who have particular needs that have been targeted by PBP projects. NLSA is the largest source of referrals to the PBP.

NLSA also works closely with the Pro Bono Center of the Allegheny County Bar Association, which has one full-time and one part-time staff member and acts as a clearinghouse to place pro bono cases.

There appears to be almost no pro bono activity in Beaver County. There are approximately 185 members of the county bar and perhaps four or five provide pro bono assistance. The Lawrence County office has developed a pro bono living will and power of attorney project that has involved many of the attorneys in the county. The office also organizes and works with the county bar association on a reduced fee pro bono consultation referral service for individuals who are not income eligible for NLSA's services, but are not able to afford private counsel.

There are two PAI programs in the Butler office. The first is a pro bono program for placing cases that the program cannot take because of staff capacity. The second is a reduced fee panel similar to the panel organized in Lawrence County. Pro bono attorneys in Butler County conduct community legal education twice a month in a clinic that deals with mortgage foreclosure and credit card conciliation.

Recommendation III.2.14.1:*

The evaluation team recognizes the difficulties in securing pro bono help in counties that have few members of the bar and little or no history of pro bono work. To address this, NLSA should consider trying to recruit people who live in those counties but who work in Pittsburgh. The program should also consider working with the Allegheny County bar association and the PBP to see if Pittsburgh-based attorneys would be willing to engage in pro bono work in the outer counties.

Recommendation III.2.14.2:*

The program should consider having a single person responsible for coordinating and tracking pro bono in the program. This pro bono point person (or coordinator or whatever title the program chooses) would be able to promote pro bono, track the

program's pro bono activity, liaison with bar associations and other relevant players, and coordinate pro bono efforts with development efforts.

Technology for Legal Work

Finding 15: NLSA's technology needs are capably administered.

NLSA made a very good decision to bring technology administration in-house and provide appropriate staffing. NLSA has made an investment in technology for the program, and has created a model system for its technology infrastructure, including reliability, security, back-up systems, disaster planning, and the integration of their case management system and financial systems. NLSA makes excellent use of its video conferencing that allows the managers and staff from the branch offices communicate without traveling to the Pittsburgh office.

Since the creation of the Consortium in 1997, the partners have undertaken a number of collaborative technology projects. These efforts will continue during 2012-2013. The Consortium-wide area network (WAN), implemented in 1998, will be expanded and more resources will be available for the Consortium to share.

The Consortium and the WAN have increased the program's efficiency and reduced its administrative costs. Staff members can access their email remotely, but only a limited number of the staff can access their case work and files when out of the office. This has caused some challenges to staff productivity when there is a need to work on weekends or evenings.

Recommendation III.2.15.1:

The program should consider providing remote network access for additional staff. They could also use remote access to conduct mobile intake at clinics.

Criteria 3 and 4. Other program services and activities on behalf of the low income population.

Finding 16: NLSA provides a number of client services in addition to direct representation that enhance the low-income population's ability to address their legal needs.

NLSA has an excellent website that provides an extensive array of pro se materials. The substantive legal areas addressed are consumer, housing, and employment. Under each are materials explaining the law and how to obtain the relief sought. For example, the site has extensive materials on how to expunge a criminal record in Allegheny County, which include an explanation of the process, citations to the applicable statutes, and a sample petition for expungement. There are similar materials dealing with preventing utility shut offs, making a wage claim, defending a collection action, appealing an eviction, returning a security deposit, and others. The materials are well written and clear. The program has not tested the reading level of the documents so

it is unclear if they can be readily understood by clients. In addition, the sample pleadings and forms are not electronically fillable from the web page other than the Civil Cover Sheet for the Supreme Court of Pennsylvania, which is a court-developed form. The web page also has a section for veterans stating that although it does not provide assistance with veterans' benefits, it provides eligible veterans' services in cases that are in its priorities. The page does not reference Stateside Legal, <http://statesidelegal.org/>, the web page that contains extensive materials concerning veterans' legal issues.

The site also has numerous links to legal resources, including PALawHelp <http://www.palawhelp.org/>, other legal services programs, and brochures created by NLSA and other organizations. The site has many impressive professional videos discussing the program and showing testimonials from clients.

The program conducts a pro se clinic for debtors in Allegheny County two Wednesday evenings per month from 5:30 until 7:30 p.m. The Butler and Lawrence County offices conduct custody clinics. A number of NLSA attorneys are very active in the county bar associations and some have served as county bar president in their counties. One serves on the Ethics Committee, another on the LGBT committee, and another on the Public Service Committee of the Allegheny County Bar Association (ACBA). The program staff in Butler County worked with the local court on setting up the foreclosures conciliation project. One attorney is a member of the Homer S. Brown Bar Association and is a member of the association's Social Security Section.⁷

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

Criterion 1. Board governance.

Finding 17: The NLSA board of directors demonstrates a commitment to the program and its mission, is appropriately involved in major policy decisions, and is conducting effective oversight.

NLSA has a 38-person board composed of members who are from the four counties comprising the service area. There are 17 men and 21 women. They include four African American men, seven African American women and one Hispanic woman. As a whole, the board is appropriately diverse and representative of the various geographical areas and low-income populations served by the program.

The board is scheduled to meet quarterly, or more often if necessary. Directors receive financial and other written materials from the executive director sufficiently in advance of each meeting, and based on materials and minutes reviewed along with interviews of board members, they appear to be fulfilling their policy and oversight functions. They are knowledgeable about the issues facing the program and client community as well as the fiscal and substantive operation of NLSA.

⁷ The Homer S. Brown Bar Association was the African American bar association in Allegheny County. It is now a Division of the ACBA.

The client board members are treated with dignity and respect by all board members, and they meet with the executive director and program leadership prior to board meetings to ensure awareness of the issues that will be discussed at the meetings. The client members make significant contributions to board discussions and are active participants at the meetings. The Client Council reports are an important addition to the board meetings.

Board minutes from the past year and interviews with board members indicate that the majority of members attend meetings and that these members appear to have reviewed issues and to be making informed decisions. Many of the directors are involved extensively with the program on a number of issues, including its financial well-being, strategic planning, succession planning, and enhancing pro bono work. Board members are involved in major policy decisions. The board evaluates the executive director at two-year intervals; the last evaluation was in December 2012.

There are nine board committees. They include: the executive committee, the audit committee, the budget committee, the client grievance committee, the personnel committee, the development and planning committee, the nominating committee, the pro bono committee, and the priorities and regulations committee. The board exercises effective financial oversight by regularly receiving, reviewing, and approving the program's annual budget and audit. Budget adjustments are made as needed.

The committees do not keep minutes of the meetings. Reports at the board meetings are oral; not written. The executive director usually attends the committee meetings by phone, and a program staff member usually keeps notes of what transpired.

New board members receive training, an orientation, and a board book setting out information about the program, including its by-laws, *NLSA In A Nutshell*, a NLSA staff roster with telephone extensions, the Legal Services Corporation Performance Criteria, a Pennsylvania IOLTA Board Member List, a list of the Pennsylvania Legal Aid Network (PLAN) Board of Directors, the NLSA Priorities, NLSA's Eligibility Guidelines/Asset Ceiling, and the Southwestern Pennsylvania Consortium map, among other documents. The board book is updated regularly and board members can assess the information on a restricted login section of NLSA's website. The board book does not deal with the members' fiduciary duties, which are discussed by management as part of the orientation.

Client board members receive additional training at the Consortium's Client Council meetings, which are held quarterly. Client board members attend numerous national and state trainings.

Board members recently attended a fund-raising training, in which they received valuable information on how to "sell" and "put a face" on the program. Board members expressed enthusiasm about their new skills and now recognize their obligation to raise money for the program. Board members are becoming very supportive in resource development.

Over the last few years, the program has faced increasing challenges involving program finances, layoffs, and fund raising. The NLSA board continues to work diligently to address the many difficult decisions that must be addressed to keep the program stable.

Recommendation IV.1.17.1:*

The board should continue with its efforts at fund raising and executing the Strategic Plan.

Criterion 2. Leadership.

Finding 18: NLSA has strong leadership.

The executive director has 42 years of legal experience, including thirty-three years as the executive director of NLSA. He shows excellent leadership in addressing issues of concern to the program. He also leads by bringing the management team to consensus. He is well known and respected by staff and the legal services community at both the local and the state level. He has been President of the Allegheny County Bar Association and was a candidate for the presidency of the Pennsylvania State Bar Association. His presence in the bar has been very useful for elevating the profile of the program. He is a respected advisor and counselor to other directors in the state legal service community.

Criterion 3. Overall management and administration.

Findings 19: The management team is a strength of the program.

NLSA has a solid management team comprised of individuals who have a great deal of experience and who are highly committed to the success of the organization. The executive director, assistant director, director of performance and compliance, and five managing attorneys constitute the management team. This team, which has, for the most part, been working together for many years, has successfully adapted to changing conditions in funding and regulatory requirements.

Office operations and systems are well developed and appear to be well understood and followed. No doubt, the inclusion of a compliance and performance director as part of the management team helps the organization keep up with its multiple obligations.

Many of the staff have worked for NLSA for many years, and the program has a close family-like relationship among staff. As admirable as this is, the close-knit nature of the staff and the loyalty that they have to one another may have fostered an excessive willingness to accommodate the lack of skills and limitations of staff in ways that may be affecting client services, the reputation of the program, and the ability of program to

optimally develop the skills of the newer attorneys and students who intern for the program.

NLSA's Disaster Plan meets the minimum requirements of a business continuity plan. The plan appears to be posted in each office as called for in the plan. The plan advises staff to keep areas clean and free of obstructions and fire hazards. It advises that filing paper files in metal cabinets at the end of the day can reduce losses due to fire. The team noticed that in some offices obstructions on the floors could hamper leaving the office, and paper files and documents are on desks where they could be destroyed in a fire.

Recommendation IV.3.19.1:*

NLSA should consider whether longevity of service and the program's loyalty to particular individuals affects its ability to further its mission. While compassion and personal history are important factors in the effective management of a legal services program, particularly in light of the social justice mission of legal services, these values should not be permitted to jeopardize the program's ability to provide the highest quality and most effective services to clients.

Recommendation IV.3.19.2:*

NLSA should ensure that its disaster plan is followed; each office and common area should be cleared of hazards and files should be placed in protective metal cabinets.

Criterion 4. Financial administration.⁸

Finding 20: NLSA conducts effective budget planning and oversight.

NLSA has capable, trained staff dedicated to financial administration. Five staff members are involved in the financial administration of the program.⁹ This number may be more than adequate in a program of this size.

The comptroller has more than 55 years of accounting and financial experience. He has spent more than 40 years with NLSA, and supervises three other staff members.

The program accountant, hired in 1989, ably assists the comptroller and is primarily responsible for accounts payable, accounts receivable, all cash accounts, funding reports, and budget projections and preparation. Three other staff members assist the comptroller and accountant, and are responsible for data entry and payroll.

All fiscal staff members have received training for use of technology (e.g., accounting software and Excel) and the LSC regulations.

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.

⁹ Comptroller, accountant, accounting clerk, data entry clerk and executive secretary.

NLSA has and follows written financial policies, procedures, and practices that comport with applicable requirements of the American Institute of Certified Public Accountants; federal, state, and local government; and the program's funding sources. The program uses a Financial Policies and Procedure Manual that is based on LSC regulations and was updated in 2012.

The program's budget planning process is designed to meet its articulated priorities and operational goals. Budgets are prepared in a timely fashion and include a one-year projection beyond the current fiscal year.

The executive director, key management members and the board of directors are integrally involved in both budget planning and oversight to ensure appropriate resource allocation. Budget adjustments are implemented, as needed (usually twice per fiscal year). Financial statements are prepared and discussed with program leadership on a monthly basis.

Revenue and expense statements are given to the board's Budget Committee on a bi-monthly basis, and are discussed by the budget committee prior to each board of directors meeting. The board's Budget Committee provides a report at every meeting.

Recommendation IV.4.20.1:*

NLSA should reconsider the number of staff assigned to handle the financial administration of the program.

Recommendation IV.4.20.2:*

The program should consider including two-year projections beyond the current fiscal year when adopting its budget. While projections for the out years, particularly the third year, are unreliable, they give the board and management information about which grants are expiring and what the fiscal staff and management's best estimate is for changes in funding. They also provide a useful, albeit rough idea of what the financial outlook is for the program that can be very helpful for program planning.

Criterion 5. Human resources administration.

Finding 21: NLSA maintains and follows clear, uniform, and consistent personnel practices, based on written policies.

NLSA's assistant director is in charge of the program's human resource administration. She has been with the program for more than 40 years and has a bachelor's degree in Business Administration. She also provides leadership with the program's Collective Bargaining Agreement ("CBA") negotiations' serves as the facility manager for the program's main office, and supervises all support staff not engaged in the direct delivery of legal services.

NLSA has a relatively diverse staff which reflects the diversity of the service area. Thirty-five of the 50 staff members, or 70%, are female. Twelve of the 50 staff members

are African-American; this is almost one-quarter of the staff. However, retrenchment has taken a toll. In 2011, 22 of the 69 staff members, or almost 32%, were African-American. The African-American attorney percentage only changed slightly following the cutbacks. Four of the current 26 attorneys are African-American (15.4%), compared with six of 36 (16.6%) in 2011. Only somewhat more than six percent of the population in the service area is African-American. However, almost 39% of the clients served in 2011 were African-American.

NLSA has 11 managers: Seven are female (63%); three, or 27%, are African-American. It must be noted that two of the three are in key management positions (Comptroller and Assistant Director). No members of the staff are disabled.

The program's hiring, supervision, compensation, and termination policies comply with applicable laws and the terms of the CBA. The program recently agreed to a two-year CBA and, during the negotiation process, assessed all salaries and benefits.

Although the program conducts performance evaluations for new and probationary employees, subsequent performance evaluations are non-existent. This is pursuant to the advice of labor counsel. Consequently, the program has failed to construct a comprehensive personal development strategy.

NLSA has done an excellent job in recruiting and retaining quality staff and, notwithstanding retrenchment due to dwindling financial resources, avoids undesirable rates of turnover. This is remarkable given the fact that there are no real opportunities for promotions. Many staff members have been employed for more than 30 years. When positions become available, the program solicits at area law schools, and makes a special effort to attract minority professionals by reaching out to special bar associations and organizations.

Staff relationships are professional and collegial. Consequently, the program does not have any serious intra-staff problems and enjoys high staff morale. Staff grievances are few (one to two per year), and are usually resolved by a six-person Labor-Management Committee.

Non-Lawyer Staff Development

NLSA does not have a written plan for non-lawyer staff development, nor are there performance evaluations that establish and track development goals. However, non-lawyers have received training to help them achieve success in carrying out their assigned duties. Paralegals assigned to substantive areas regularly attend PLAN and PBI trainings in areas such as bankruptcy, unemployment, domestic violence, and consumer.

Support staff participate in "Lunch & Learn" sessions, that are designed as a training tool to keep the entire staff informed about service delivery and other areas of interest. The theory is that all staff need to learn about the program's priority areas, and have basic knowledge of how to assess the clients' problems and offer basic, information

and non-legal advice. One session (“How to Deal with Difficult People”) was conducted by Mercy Behavioral Health.¹⁰ Other sessions have dealt with subjects such as mental health, and physical and mental abuse.

Recommendation IV.5.21.1:

NLSA should conduct annual performance evaluations designed to assess work performance, skill level, and professional development goals.

Criterion 6. Internal communication.

Finding 22: NLSA has systems and procedures for ensuring regular communication among all staff.

The executive director communicates directly with staff by email. Information on funding, regulatory changes affecting the program, and communications from LSC and other funders are distributed when received. NLSA has program-wide staff meetings once a year. Management meetings occur monthly with additional meetings scheduled, if necessary. The branch offices hold staff meetings every 5-6 weeks. The executive staff attempts to visit all the branch offices quarterly. After the CIU was introduced into the branch offices, the director of performance and compliance visited those offices to solicit the intake staff’s opinion on its operation. The staff in the branch offices also meets with leadership by conference calls and video conferencing.

NLSA has an unusually high level of esprit de corps and camaraderie among the staff. A good example of this is the soup and salad club, which meets 30-35 times a year to eat a meal (either soup or salad, depending on the season) that is prepared by one of the club members. This club is good for team building and fosters collegiality for its voluntary participants.

Employee successes are regularly communicated to the staff via e-mails. The program does not have an intranet or internal newsletter.

The evaluation team heard some concern that the executive director is so focused on his external role that he doesn’t engage enough and set expectations for staff of the program, particularly advocacy staff.

Criterion 7. General resource development and maintenance.

Finding 23: NLSA has increased its resource development efforts.

NLSA’s board is in the midst of a concerted effort to increase the board’s involvement with and effectiveness in assisting the program with fundraising. This effort has been supported by a capacity-building grant from a local foundation. The board recently had one session of a two-part training series to develop its skills and help

¹⁰ Mercy Behavioral Health is a holistic health care provider that is part of the Pittsburgh Mercy Health System.

transform its board culture, and to help the organization re-brand itself to make its work more attractive to a broader range of donors.

The NLSA board of directors' current focus on expanding its capacity to assist the program with fundraising is a wise decision, particularly in light of declining and erratic public revenue. Board leadership is well aware of the importance of this effort and has characterized the funding situation as creating an existential threat to the program, and it has thus given this effort top organizational priority.

The Equal Justice Campaign, through which members of the Alleghany County Bar Association are solicited annually for donations to support NLSA's work, has historically been a very effective fundraising effort, garnering \$2-300,000 per year. However, fewer than 9% of the attorneys in Alleghany County contribute to the Equal Justice Campaign, and the NLSA board would like to see that figure double.

NLSA recently hired its first full-time in-house development director, whose mandate is to expand upon old approaches and develop new approaches to fundraising for the program. She has embarked upon a concerted effort to change the program's message to donors and to concentrate less on the program's history and case statistics, and more on the effectiveness of their work.

NLSA has a written fund development plan, which contains both short-term (2013) and long-term (2014-2015) goals. The plan includes the development of a "Gift Acceptance Policy," upgrading the program's database, and publishing a newsletter for distribution to current and prospective donors.

On April 9, 2013, the program will have its first sports-oriented event, which is designed to attract new donors who otherwise might not be aware of or donate to the program. The event theme was chosen because of the major role played by sports in the local culture and economy and will bring together representatives from Pittsburgh's professional football, baseball and hockey teams to discuss the teams' current and upcoming seasons.

NLSA has been very creative in its fundraising. For example, when the Alleghany County Bar Association had some surplus funds, NLSA was able to work out a multi-year grant from the ACBA to support NLSA's only social worker and to keep that position in spite of funding losses.

NLSA has not taken advantage of the change in LSC regulations that now permits the program to seek attorneys' fees.

The program has a very active summer volunteer law student intern program. Many of the students come with their own funding. The program interviews the students at the end of the summer to determine how the program can improve. The work of the students expands the resources available to represent the clients.

Recommendation IV.7.23.1:*

The board deserves credit for its work on building its capacity to assist with fundraising and should continue to work on transforming its own culture so that it can more effectively help the program and should consider how, within the LSC regulatory requirements, it might attract new board members who will be in a position to “give and get” significant financial support for the program.

Recommendation IV.7.23.2:*

The board should also consider contacting other legal services organizations around the country, like Atlanta Legal Aid Society, that have been highly successful in using their boards for private fundraising.

Recommendation IV.7.23.3:*

The program should consider developing a plan to seek attorneys’ fees. The plan should include training for advocacy staff about the types of litigation that can generate fees. This has the potential to bring in additional resources, and it can be extremely useful as a litigation/advocacy tool to convince adversaries to settle.

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

Findings 24: NLSA is an active participant in an integrated legal services delivery system.

NLSA, as a member of the Southwestern Pennsylvania Legal Services Consortium, has a close working relationship with its partner programs. NLSA functions as an integral part of the Consortium, coordinating activities on a regional scale to maximize its services to clients in common endeavors, while acting autonomously on issues unique to its client population. It effectively conducts comprehensive needs assessments that use numerous techniques to determine the regional and legal needs of the low-income community.

NLSA contributes to expanding high quality legal services throughout the state through its participation in the Consortium and statewide collaborations on issues of substantive law, resource development, intake, training, technology, and delivery systems. The NLSA executive director is an active partner with the other executive directors on all of these issues. Staff is active in many of the Consortium law groups.

NLSA participates in the projects initiated by its Consortium partners, such as the Mortgage Foreclosure Prevention Project and the Fair Housing Initiative, among other projects. It also initiated projects in which its partners participate, such as the “Older & Wiser” Project (recipient of the American Academy of Trial Lawyer’s 2012 Emil Gumpert Award) providing seminars on issues crucial to the elderly.