



Legal Services Corporation  
Office of Program Performance

## Final Report

From the

Program Quality Visit

to

**Neighborhood Legal Services, Inc.**  
Recipient No. 233047

July 30 – August 3, 2012

### LSC Review Team

Cheryl Nolan, Program Counsel (Team Leader)  
David Bonebrake, Program Counsel  
Bristow Hardin, Program Analyst  
Mytrang Nguyen, Program Counsel  
Alex Gulotta, OPP Temporary Employee  
John Johnson, OPP Temporary Employee

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## **INTRODUCTION**

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit to the Neighborhood Legal Services, Inc. (NLS) from July 30 to August 3, 2012. The team members were Cheryl Nolan, Team Leader and Program Counsel, David Bonebrake and Mytrang Nguyen, Program Counsel, Bristow Hardin, Program Analyst, and OPP Temporary Employees Alex Gulotta and John Johnson.

Program quality visits are designed to ensure that LSC grantees are providing the highest quality legal services to eligible clients. In conducting its assessment, the team carefully reviewed the documents LSC has from the program including its grant application and renewal narratives for 2010, 2011 and 2012, its case service reports (CSRs) and other service reports (OSRs) for 2010 to 2012, the numerous documents the program submitted in advance of the visit including advocates' writing samples and an electronic survey of NLS staff. On site, the team visited the Buffalo, Niagara and Batavia offices. In addition to speaking to most of the NLS staff members, the team conducted telephone interviews or met in-person with representatives from the NLS board, judges, local attorneys and community organizations.

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.

## **OVERVIEW OF PROGRAM AND SERVICE AREA**

NLS provides a full range of legal services to eligible low-income people in the five counties located in the northwestern region of New York from three offices – Buffalo, the main office, and the Niagara and Batavia branch offices. The program employs 67 staff working throughout its service area. In 2012, NLS received \$1,266,453 in basic field LSC funding and approximately \$3,117,012.00 from non-LSC sources.

The NLS service area covers 3,055 square miles and has a poverty population of 168,320<sup>1</sup>, which is 13.5% of its overall population. The ethnicity of the poverty population in the service area is approximately 55.4% white – non-Hispanic, 28.5% African American, 9.9% Hispanic, 1.2% Native American, 3.4% Asian/Pacific Islander, and 7% other or two or more races. The primary language of a significant portion of the limited-English proficient (LEP) population is Spanish.

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<sup>1</sup> S1701. Poverty Status in the Past 12 months, 2006-2010 American Community Survey 5-year estimates, "Below Poverty Level."

The program's legal work is centered on advice and counsel, limited service, pro se/self-help and representation in housing, welfare/public benefits, Social Security Disability and SSI, disability rights, family, some consumer law, employment, special education and student loan matters. NLS operates specialized units serving cancer patients, and persons affected by HIV/AIDS. It operates a statewide Assistive Technology Project. It is developing a medical-legal partnership (MLP) with Jericho Road Ministries and Jericho Road Family Medicine. At the time of the visit, NLS was working on expanding its MLP to two other Federally Qualified Health Centers serving the increasing numbers of immigrants and refugees. NLS operates a private attorney involvement program with a subgrant to the Erie County Bar Association Volunteer Lawyer Project.

## **SUMMARY OF FINDINGS**

NLS has a dedicated, hard-working and experienced management team and board of directors. The program has a group of talented lawyers, paralegals and support staff. NLS has created an excellent reputation with other legal services stakeholders, judges, bar officials and private attorneys.

While the program is providing valuable and quality services to low-income clients, there is a need to increase programwide unification and coordination in litigation, advocacy and intake. The program should evaluate its overall advocacy efforts and consider whether to dedicate resources to a director of advocacy position that would coordinate its advocacy and focus more on work that would have greater impact on the client community.

NLS conducted its last comprehensive needs assessment in 2007; the next needs assessment is scheduled for fall 2012. NLS has effectively sought special grants consistent with its priorities and addresses many priority areas with the support of specialized funding. NLS does not collect information or analyze the effectiveness of its work regularly, except as required for special grants. NLS provides quality service to the clients it represents. The program assesses clients' satisfaction with its services for the Cancer Legal Services Project, the Family Justice Center, the Disability Advocacy Project, the Protection and Advocacy Project and Protection and Advocacy Project for Individuals with Mental Illness.

Intake is not coordinated programwide. Local offices handle their own intake and supervision is dispersed. Intake screening is staffed by support staff, paralegals and attorneys; callbacks for advice and counsel are handled by advocates. There is a high demand for services. NLS does not have call management software to report on the volume of calls for intake at its offices. Staff report that the slots open for intake are frequently taken by mid-morning each day. A dedicated supervisor for a programwide unified and coordinated system of intake could make a positive difference in seeking new efficiencies and improving access.

The program is engaged with its local communities. Its three offices, specialized units and advocate outreach provide access to program services for many low-income clients in its service area. Its work with the Family Justice Center is one example of its engagement with the community where it pools resources and coordinates services targeted to vulnerable victims of domestic violence. Other community engagement is seen in its regular meetings with local Department of Social Services staff to improve the public benefits system for clients. NLS is well-respected by the judiciary and its community partners. The executive director is dedicated and committed. NLS also provides pro se assistance to eligible clients, community education and legal information.

The NLS management and administration staff is skilled, experienced and dedicated. Supervising attorneys oversee the work of the substantive law practice units. NLS does not have a director of litigation and advocacy and there is a need for uniform and coordinated legal work management and supervision. NLS would also benefit from programwide coordination of impactful advocacy.

The board is appropriately involved in overseeing the work of the program. Board members are conversant with the major issues facing the program and show a deep understanding of the mission and role of the organization. Board members demonstrated a working knowledge of the budget and were appropriately concerned with maintaining a fiscally sound program. The firm's financial management staff is experienced, although in transition as the result of the retirement of the long term fiscal manager. The board is also involved with resource development.

NLS has made progress in diversifying its funding. Management staff has been successful with grant writing.

The program's private attorney involvement strategy complements the program's direct services. NLS subgrants its pro bono work to the Erie County Bar Association Volunteer Lawyer Project (VLP). The PAI effort includes a traditional panel of pro bono attorneys to whom cases are referred and several clinic type initiatives. Referrals are made in a variety of areas, including evictions, bankruptcies, and family cases.

NLS is actively involved in statewide efforts to improve access to justice. NLS coordinates with other providers, the bar, law schools and other relevant entities in seeking to ensure support is provided to advocates and managers, including training, dissemination and exchange of information, and communication and coordination among practitioners in key areas of law and practice.

## **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: NLS last conducted a comprehensive assessment of legal needs in 2007; a new needs assessment is planned for fall 2012. Program priorities are significantly grant driven.**

NLS's most recent needs assessment occurred in 2007. The needs assessment was limited to a narrow range of sources: a survey of clients and community groups and some input from staff. Community surveys were not translated into other languages to reach individuals with limited English proficiency (LEP). The next comprehensive needs assessment is planned for the fall of 2012.

NLS assesses changing and emerging needs through an annual review of intake patterns by unit supervisors and staff. Ongoing advocacy work, partnerships with the community, and training activities also allow NLS to periodically evaluate need. Overall, the effectiveness of NLS's efforts to identify and respond to emerging needs is limited because it does not routinely analyze case service requests for matters it does not accept. The analyses conducted by unit supervisors and staff are shaped and limited by the priorities for the work NLS is already conducting. Notwithstanding these challenges, NLS did identify a long-standing need related to the Niagara County Department of Social Services' routine failure to comply with federal and state regulations relating to eligibility for public benefits. The program began implementing a strategy to address this need. Notwithstanding this notable work, the overall effectiveness of NLS's efforts to identify and respond to emerging needs is limited because it does not have a programwide strategy for analyzing data such as client demographics, and legal problems beyond the work already being done by the program.

**Finding 2: NLS priorities are significantly grant-driven.**

In determining its program priorities, NLS used the results of its 2007 needs assessment. The top categories of need identified through the NLS survey were: Social Security Disability, SSI, helping the disabled achieve independence, welfare/public assistance, Medicaid, child support, domestic violence, child custody and visitation, housing discrimination, and achieving self-sufficiency. The NLS program priorities generally follow the established needs. They are distributed with some variance among the offices and further differentiated by assistance levels to guide case acceptance decisions. The NLS priorities are public benefits, housing, family, disability rights and advocacy, community education, bankruptcy and some consumer.

To meet these needs and priorities, NLS designed substantive law units for public benefits, housing, family law and disability rights. Emerging needs are seen in mortgage foreclosures, an increase in homelessness, and an influx of immigrant and resettlement populations. Adjustments to some services have been made according to grant changes in subsequent years. Special grants have supported many of the program priorities, such as the Homelessness Prevention and Rapid Re-Housing grant and the program's work developing its medical legal partnership with Jericho Road Ministries and Jericho Road Family Medicine. Consumer law would benefit from additional resources as the need in

this area is primarily covered by the private attorney component and the 2011 case service data shows it is one of the lowest areas served with a total of 180 cases, 85 of which were served with counsel and advice. (See NLS's response letter dated February 4, 2012 regarding the program's additional work in the area of consumer law.)

NLS has successfully sought special grants consistent with its priorities and addresses most priority areas with the support of specialized grant funds. Examples of the special grant projects include the National Assistive Technology Project, the New York State Quality of Care Grants and the New York State Department of Health Cancer Grant. Assistance in the substantive priority areas is initially funded by specific grants. However, the LSC funding application narrative, other program documentation and interviews with staff during the visit evidence that the program's work is significantly grant driven.

The LSC funding narrative notes that "the program's service priorities are a reflection both of client needs, and of all the additional 'core' and 'project' funding we can otherwise make available by our successful grant writing to meet those needs." The NLS 2012 statement of priorities states that "priorities and staff assignments are influenced by more than forty separate funding streams." Some managers and other staff reported this grant-driven dynamic had diverted the program's focus and resources away from its core mission of addressing the most pressing legal needs of the client population. In addition, priorities and cases handled by the Batavia office are not directly related to the analysis of the legal needs of the clients in the areas it serves. The 2012 case closings from the Batavia office show the heaviest focus on housing and family law, with the majority of housing matters served with counsel and advice. (See NLS's response letter dated February 4, 2012 regarding the Batavia office case work for the last twelve months.)

**Finding 3: The NLS strategic plan was adopted in 2004 to guide the newly merged program and is now outdated.**

The last programwide strategic plan occurred in 2004 pursuant to the merger of Neighborhood Legal Services with two other legal services programs: Niagara County Legal Aid Society in Niagara Falls and serving Niagara County and Oak Orchard Legal Services in Batavia and serving Orleans, Genesee and Wyoming Counties. NLS operates the offices in Niagara Falls and Batavia as divisions of Neighborhood Legal Services under their premerger identities.

The 2004 strategic plan identified goals for the period from 2005 to 2007. Several goals remain relevant today. The plan aimed to:

1. Strengthen the intake system in light of the 'new' organization;
2. Integrate case management and supervision;
3. Strengthen collaboration on expertise and information within the agency;
4. Increase program resources to expand services and improve staff salaries and benefits;

5. Engage in policy advocacy to achieve favorable results for a substantial number of clients;
6. Unify staff and have fun;
7. Establish priorities across the ‘new’ region;
8. Develop a high-performing Board; and
9. Develop external marketing strategy.

The PQV team found that most goals identified in the strategic plan had yet to be fully achieved. This contributes to a range of organizational weaknesses including a lack of organizational cohesion, limited access and efficiencies with intake, and low morale.

**Finding 4: NLS does not regularly assess the quality of its work or analyze the overall impact of its work on behalf of the client community.**

The LSC funding application narrative and interviews with staff do not demonstrate regular assessment of the overall impact of the program’s work tied to program priorities except in the context of its reporting to funders. In this regard, NLS largely focuses on program work in terms of cases closed, persons referred, and outcomes achieved in individual cases or benefits obtained. For example, NLS provides the New York State Interest on Lawyers Account (IOLA) data on the benefits provided in terms of case outcomes such as the prevention of evictions, and the dollars saved in terms of the value of SSI benefits, but does not appear to use this data as a tool in the overall assessment of the impact of the program’s work.

NLS, however, does not have a deliberate system for evaluating the effectiveness of its legal work at a programwide level. The visit provided no indication that NLS employs other assessments of other data to systematically analyze and evaluate the program’s overall effectiveness or to develop strategies for increasing the program’s benefits to clients or its organizational effectiveness and efficiency. The program does not evaluate the effectiveness of the individual units and offices, or how well the work of the offices and units is integrated and complementary of the other program components.

**Recommendations:**

**I.1.1.1.\*<sup>2</sup>** For its next comprehensive needs assessment, NLS should plan for a variety of methods for meaningful input from stakeholders and the community, e.g., staff, board, client and community groups, organizations serving limited English Proficient (LEP)

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



populations and others with access challenges, the judiciary and private bar, and research groups with knowledge of the community. NLS should consider methods such as surveys, in-person interviews, and focus groups. The needs assessment should also incorporate information based on the analysis of internal data, such as case management service data and intake data for cases accepted and not accepted. NLS should incorporate the most recent Census data, and other available data from public entities, universities and private research groups.

**I.2.1.2.** NLS should establish and implement systems to ensure that it continues to identify and respond to client needs that emerge between periods of formal comprehensive assessment.

**I.2.1.3.\*** NLS should develop and implement systems for evaluating the effectiveness and accomplishments of its advocacy in each priority area, for individual offices and for the program overall to identify and implement appropriate strategies to improve the quality and impact of this work. These systems should (1) include a variety of evaluation methods and (2) enable the program to identify and assess the effectiveness of its work, as well as value and benefits to clients and the stakeholder community. Methods such as, programwide and regional staff meetings should be implemented to meaningfully engage staff in its evaluation and advocacy planning process.

**I.3.3.1.\*** NLS should plan for a programwide strategic planning process to include active participation of staff and board. The new strategic planning should identify and articulate the program's core goals and mission, strategies for achieving those goals, and methods to evaluate its work. It should also have a mechanism to identify the program's success in achieving those goals and make appropriate adjustments in its goals and strategies.

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

**Criterion 1. Dignity and sensitivity.**

**Finding 5: NLS treats the clients it serves with dignity and respect.**

NLS staff understands the importance of client dignity. Consistent with the applicable rules of professional conduct and funding requirements, and within the limits of the legal assistance that NLS has agreed to provide a client, NLS identifies and attempts to achieve each client's objectives. NLS provides excellent services to the clients it represents.

The program assesses clients' reactions to its services by surveying the clients at case closure for its work with the Cancer Legal Services Project, the Family Justice Center, the Disability Advocacy Project, the Protection and Advocacy Project and the Protection and Advocacy Project for Individuals with Mental Illness. These surveys are

varied for each project. They contain questions related to how clients are treated by staff, whether the services were of value to the client and the level of satisfaction with different aspects of service delivery and representation. NLS does not have a survey specifically geared toward intake or advice.

The service providers in NLS's service area, including social services and community partners, collaborate with NLS to refer applicants to the appropriate resource. There is a solid network of providers in the region. Program services, communications and activities are conducted in a culturally and linguistically competent fashion, and reach the significant low-income population segments, due in part to the program's explicit goals and objectives and allocation of available resources. This is especially seen in its services to the homeless and the many projects for the disabled.

### **Limited English Proficiency (LEP)**

**Finding 6: NLS's efforts on behalf of clients with limited English proficiency are adequate. The service area is experiencing an increase in immigrant and refugee populations that would benefit from a renewed commitment to LEP efforts.**

In NLS's service area, there are approximately 9,581 linguistically isolated households with 34,411 individuals with limited English proficiency. One-third of LEP individuals are Spanish-speakers and 36% of those households are comprised of Spanish-speakers. The NLS service area has experienced a large increase in immigrant and refugee populations over the last decade with approximately 2,000 - 2,500 new refugees being resettled in the service area each year. In addition to the sizeable Spanish-speaking population, local refugees speak diverse languages such as Karen, Farsi, and Arabic and they face significant language and cultural barriers to service.

NLS's language access efforts for Spanish-speaking people appear adequate. The waiting rooms feature legal educational materials in English and Spanish. NLS' Buffalo office has four Spanish-speaking staff; one receptionist and three paralegals. The Niagara Falls office has one Spanish-speaking paralegal. There is no bilingual staff in the Batavia office. Bilingual staff helps with Spanish-language intake and translation for staff when necessary. Staff relies on Language Line for telephone interpretation and on local interpreters for in-person assistance but interviews with intake staff indicated that the Language Line was not frequently used and presented challenges because of NLS' extremely high volume call triage, discussed elsewhere in this report. In addition, the program involves staff in some outreach activities to targeted populations. Since January 2012, a public benefits paralegal conducts outreach each Tuesday to the HOPE Center serving immigrants and refugees and twice per week at the two Jericho Road Family Practice offices. In the entrance and exit conferences, NLS management and advocates indicated an interest and commitment to improving NLS services to the limited English speaking community, particularly in Buffalo where the population is more densely settled, where there is a network of service providers with whom to partner. (See NLS's response letter dated February 4, 2012 regarding staff training and cultural sensitivity.)

The program's LEP plan, submitted in preparation for this visit, was not dated but referenced 2000 and 2003 Census data. In the plan, NLS explicitly discourages reliance on family and acquaintances for interpretation and states that NLS will contract with the International Institute and community interpreters to better serve the limited-English speaking population. It was not clear whether NLS advocates were aware of and made use of this LEP policy. The NLS website, <http://www.nls.org> is not translated into other languages. However, the website contains legal information in consumer law and public benefits matters in Spanish and the program offices have brochures in Spanish as well as English. The website is not linked to <http://www.lawhelp.org/NY/> which features numerous substantive law materials translatable into several languages.

### **Recommendations:**

**II.1.6.1.\*** NLS should renew and update its commitment to effectively reach and represent eligible populations that face language and cultural barriers to service. NLS should create a staff committee to identify community resources and best practices for improving access for the diverse limited English speaking populations in the service area. It should also train all staff on the NLS LEP policy and on effective, ethical representation of limited English speaking people. The program should also consider designating a staff person to be the LEP coordinator for the program to lead this effort and to plan for regular and periodic updates of the NLS LEP Plan.

**II.1.6.3.\*** NLS should update its website so it may be translated into languages other than English. NLS should increase the client materials available in Spanish to cover all areas of law handled by NLS. It should also link the site to <http://www.lawhelp.org/NY/>.

### **Intake**

#### **Finding 7: The NLS intake policy and procedure does not reflect a concern for the client's needs consistent with the core values of the program.**

NLS has designed an intake system to serve as part of a broader system of limited and brief service delivery. A core value of NLS intake is its cost-effectiveness. However, NLS's intake does not result in quality access for applicants and intake procedures sensitive to clients' circumstances. Ultimately, screening procedures are not achieving the broadest possible access and utilization by clients. Client access at NLS is in effect a lottery system of getting through before limited slots are taken. (See NLS's response letter dated February 4, 2012 regarding intake.)

Screening is staffed by receptionists who prescreen incoming applicants, and paralegals who conduct the eligibility screening, review the legal problem, and gather demographic and other relevant information regarding the legal problem(s). The intake paralegals review new applications with an attorney as assigned and follow up with advice or brief services, or schedule an appointment for further review. Intake advocates also handle the brief services, and other case handling duties and some administrative fair

hearings. NLS reports it uses volunteers and law students along with staff for some off-site intake.

Intake varies among offices and among substantive units. The units offer intake by telephone, walk-ins to offices, direct agency referrals, in person at the Family Justice Center and the Attorney of the Morning Program in the Buffalo housing court and through outreach at other community partner agencies. The hours and availability of intake varies among the units and projects from being open all day to having limited hours and days, or limited slots of appointments. In addition, the number of cases accepted each week varies.

For example, Buffalo's housing intake begins at 9:00 a.m. and closes when the unit fills the pre-designated number of intake slots each day; it has 10 slots available four days a week. In addition to the 40 weekly slots, NLS processes emergencies Monday through Friday. Other units vary from 15 to 5 intake slots per day with varying days being open depending on available staff. The Buffalo disability unit generally accepts 12 new intakes a week; the public benefits unit handles 20 new intakes per week in addition to emergencies. NLS reports that intake hours have been limited because of budget cuts.

NLS uses voice mailboxes where callers respond to prompts, leave messages and wait for a return call by a screener. Callers are pre-screened for basic eligibility usually by a receptionist before leaving messages for the substantive unit. Screeners call back applicants in the order the messages are received.

In Buffalo, walk-ins are handled for emergencies related to food, utility shut-offs or housing matters. Otherwise intake services are provided over the phone or by appointment. Walk-ins and emergencies are handled more broadly in the smaller Niagara Falls and Batavia offices. Staff will arrange for applicants with special access barriers such as phone service or homelessness.

Intake is based on a system of balancing walk-ins and the callbacks from messages left in the voice mailboxes. The high volume is controlled by limiting the number of callers passed through by receptionists to leave messages in voice mail boxes. Callers frequently get a busy signal when calling during office hours and as early as the start of the business day. Applicants are instructed by front desk and other support staff to walk in to offices to apply for services. New applicants are prioritized for emergency matters to triage the volume. It is a likely result of the inability to reach NLS screening that a high amount of the intakes handled are emergency matters.

**Finding 8: Intake at NLS is not coordinated. Training for intake staff is lacking. The intake manual lacks guidance on policy and procedure for screening.**

NLS does not have a unified vision for intake. Although attorneys are assigned to supervise paralegals on case acceptance from intake, there is no coordinated supervision for the core function of screening. There is no dedicated plan for training intake staff. NLS does not use scripts or checklists for screening questions. The program's Intake

Procedures Manual describes the screening and case acceptance criteria of each unit and grant, but does not include instructions on performing intake duties and related policies and procedures that would guide staff and maintain quality at intake.

NLS's telephone technology does not have call queuing features or automatic distribution. Precise data on calls such as volume and wait times is unavailable. NLS does not conduct client satisfaction surveys to gauge the experience with intake. The program has not evaluated its intake system or considered enhancements that would increase cost-effectiveness and benefit clients.

### **Recommendations:**

**II.1.8.1\*** As part of its strategic planning process, NLS should plan for programwide coordination of intake through the creation of a committee comprising staff at all levels and with varying degrees of experience, who are interested and involved in the program's intake work.

**II.1.8.2\*** The program should review the various best practices for screening and intake utilized by other multi-office legal services programs and adopt uniform best practices to be implemented programwide. Intake and screening staff should be involved in this review.

**II.1.8.3** NLS should evaluate the volume of intake at its offices, and where appropriate, consider increasing resources devoted to telephone intake and improving access by phone to cut back on the reliance on callbacks and alleviate some walk-ins.

**II.1.8.4** The NLS intake committee should develop written scripts of screening questions which could support intake for training and quality control. It can review those found at other legal services programs for model written scripts and checklists.

**II.1.8.5\*** NLS should update its Intake Procedures to serve as a comprehensive manual of its case acceptance and case handling guidelines. This manual should be published electronically and used to inform staff of changes in the program's practices and services provided. NLS might consider the benefits and efficiencies of a staff wiki to house intake materials and manuals used by staff.

**II.1.8.6\*** NLS should consider online intake as a means of pre-screening and screening out ineligible applicants, and alleviating the high volume of callbacks.

**II.1.8.7** To the extent funding is available, NLS should upgrade its telephone system to provide queue features and call statistics reporting and call management functions.

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

**Finding 9: NLS is engaged and visible in the client community.**

The program's staff members are well connected with the service provider networks in their respective communities. The program has notable ties to the client community in Erie. NLS works with a variety of community agencies including Project Homeless Connect, the International Institute, Journey's End Refugee Services, and Jericho Road. It has a strong presence in the local veteran's community and participates in the annual Erie County Veterans' Stand Down event. NLS participates in the Homeless Alliance of Western New York, and the Western New York Coalition for the Homeless, Erie County Fair Housing Partnership, and the Erie County Domestic Violence Coalition and the local HUD Continuum of Care. NLS is involved with other laudable efforts attending to its community ties. Examples are the Dandelion Project and the How to Help Yourself Video on public benefits eligibility and rights developed to be shown to persons in community organization waiting rooms and welfare offices.

Aside from the initiative in Niagara to address the DSS practices and its work with Niagara homeless services, there is less evidence of staff engagement with the client community in the geographic areas served by the Niagara and Batavia offices. (See NLS's response letter dated February 4, 2012 regarding Niagara and Batavia community engagement.)

**Recommendation:**

**II.2.9.1.\*** NLS should initiate steps to increase its engagement with clients, advocacy and community groups and agencies serving low-income people in the areas served by the Niagara and Batavia offices.

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

**Finding 10: NLS's office locations and hours achieve the broadest possible access to clients. The program's website has legal information for clients and links to community resources.**

The location of NLS's offices, office hours, its relationships with community partners are all reasonably calculated to achieve the broadest possible utilization by clients, including populations with traditional access difficulties. NLS serves its five-county region through the main office in downtown Buffalo, and the two divisions known by their premerger identities as Niagara County Legal Aid Society Service and Oak Orchard Legal Services in Niagara Falls and Batavia respectively. NLS reports that it plans to review the local identities of the programs in its upcoming strategic planning to be branded as NLS programwide. The plan is that they will no longer be known as their premerger identities.

The three office locations are in proximity to the courts, administrative agencies and other social services providers and are geographically accessible to all diverse populations by all of the main public transportation system routes in the counties served. Educational materials covering a wide variety of subjects in English and Spanish are available in waiting rooms. NLS's outreach throughout the service area and efforts to

accommodate applicants with special needs, including off-site and after-hours intake, demonstrate its availability to the client community. NLS's website provides links to frequently asked questions for clients in the areas of law it serves and links to other legal and community resources. As previously noted, the website does not link to <http://www.lawhelp.org/NY/>.

Several factors impede the client community's access to and use of the program's services. The team observed the lobby in the Buffalo office was small, and not as inviting or comfortable as typically expected for a legal services program. Due to the volume of walk-ins at intake and clients seen by appointment, staff reported the lobby is frequently at capacity with clients waiting for extended periods. In addition, staff enters and exits the main office through the front lobby. This leads to some discomfort for staff during lunch and break periods. Some staff also shared that they are pulled aside by clients inquiring about their legal issue or status of the wait. Overall, staff noted this undermined the dignity of clients. Staff also reported specific instances where the waiting room presented safety issues for staff. (See NLS's response letter dated February 4, 2012 regarding the conditions of the Buffalo office lobby).

The Niagara office front reception area is unusually smaller than most legal aid office waiting areas used for clients. Because it is in a courthouse, clients are processed through a metal detector before arriving at the NLS Niagara office. Staff reported that the location of the Niagara office in the courthouse leads some clients to think the program is part of county government, the same entity that denies or compromises clients' legal rights. Similarly, the name Niagara County Legal Aid Society Service leads some clients to think the office is part of the county government. The team observed that the Batavia office had poor signage.<sup>3</sup>

There is no indication that NLS analyzes the extent to which service delivery is consistent and proportional to the relative poverty population, demographic characteristics, and other relevant client data for each office's locale. This makes it more difficult to identify and respond to potential gaps, access barriers or unmet legal needs.

## **Recommendations:**

**II.2.10.1.** NLS should improve the size and conditions of the waiting areas in its Buffalo and Niagara offices.

**II.2.10.2.** NLS should consider whether moving its Niagara office out of the county court building would increase clients' access to and use of the program's services. In the meantime and as an alternative, NLS should consider how client outreach and community education can help overcome some of the misconceptions about the relationship of the Niagara office to the courthouse and county government.

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<sup>3</sup> Subsequent to the visit and prior to the writing of this report, NLS reported it moved its Niagara branch office to a newly renovated and ADA compliant private office building and that the signage will be branded, Neighborhood Legal Services, Inc.

**II.2.10.3.\*** The program should analyze data to ascertain whether different client groups or clients in particular geographic areas are receiving the volume and type of services warranted given their case activity, access challenges and related factors.

**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.**

**Finding 11: NLS has a corps of highly competent and experienced legal work management staff and case handlers. They understand the key issues in their substantive areas of practice.**

NLS's legal management and supervisory staff includes the executive director, a managing attorney in the Niagara and Batavia offices, and four supervising attorneys for the Family Law/Disability Advocacy Project, Housing Law Unit, Public Benefits Unit and the Disability Law Unit. The Public Benefits Unit also has an Assistant Supervising Attorney. NLS does not have a director of litigation and advocacy. At the time of the visit, NLS had 27 attorneys and 23 paralegals on staff. Although the executive director is not an attorney, he has over thirty years of experience in legal services primarily in the field of disability law and public benefits and 14 years as executive director.

NLS has a very experienced and tenured staff. The least experienced of the supervisory staff have a minimum of 20 years' experience in their substantive area of expertise. The most experienced have practiced law for over 30 years. 2011 staffing data reveals that over one-third of staff members have 20 years or more of experience. NLS has a significant percentage of experienced advocates with expertise in the priority areas of family law, housing, public benefits, and the rights of the disabled.

NLS has a history of complex litigation. However, most current attorneys infrequently engage in written discovery, motions accompanied by written memoranda and appeals to the appellate courts. Several NLS staff members provide training on a national level, and have both authored articles and lectured in their respective areas of expertise. They have developed an extraordinary expertise and relationships in the public benefits and disability rights areas, and are highly regarded as both advocates and a valuable resource. The paralegals are highly versatile, functioning as both legal assistants and advocates. Most represent clients at administrative hearings and negotiate settlements on cases where fair hearings are pending.

**Finding 12: The absence of a director of litigation and advocacy, inconsistent legal work supervision and the lack of written case file maintenance protocols contribute to a lack of legal work coordination among NLS's offices.**

NLS does not have a director of litigation and advocacy. There are no unified systems or written policies regarding case file maintenance standards which allows for



differences among units. Although the case management system includes a tickler system, it is not uniformly used by staff. Staff likewise does not follow a uniform electronic system for the court calendar, and other deadlines and follow-up dates. Tickling and calendaring systems vary by office and advocate; the primary system in most circumstances involves manual entries on paper systems. Staff use of ticklers also varies based on personal preferences. Each specialty unit maintains its own court and hearing calendar.

The amount and scope of legal work supervision and evaluation, and the extent to which staff find it useful, varies among units and offices. Several advocates reported that their immediate supervisor has an “open door policy”, and that regular, open case reviews are rare or non-existent. NLS does not perform regular docket reviews and it does not use a regular, periodic annual performance evaluation process. Most advocates acknowledge the program’s written case handling standards, but no one reported relying on them when working on a file. Most supervisors reported a sense that the advocates are experienced, and do not need much supervision. Some reported being too busy handling administrative functions to regularly review files.

Advocates have access to online research and NLS maintains a law library of secondary and specialty resources. Advocates also have access to statewide listservs and participate in statewide task forces. Legal work is supported by several administrative and internal systems; however, direct litigation expenses included in the budget are low.

**Finding 13: Specialization by the program in public benefits, housing, family and disability rights and the lack of coordination among the offices inhibits staff members from identifying and addressing systemic issues and emerging trends.**

Case acceptance procedures and case assignment procedures vary by substantive area and by office. This hodge-podge seems based on historical precedents, outdated merger agreements and past practices. Intake and case acceptance policies do not describe the roles of each staff person, nor are they designed to encourage the exploration of issues beyond the problem identified by the client. Some attorneys practice holistically, while others are singularly focused on their particular area of expertise. In some circumstances, a weekly case review or case acceptance meeting is conducted with some subset of relevant staff. However, usually the staff attorney is allowed to accept or reject the case. A review of these processes from a client centered perspective may provide valuable insight to avenues for improvement.

NLS is not practicing programwide identification of systemic issues or strategic planning for advocacy. However, in 2009, NLS engaged in focused strategic advocacy aimed at the failure of the Niagara County of Department of Social Services to comply with state and federal laws and regulations regarding eligibility for benefits. The planning process included an effective analysis of the dimensions of the legal problems confronting clients, identified appropriate strategies and set forth future plans and assessment measures. The strategic advocacy planning process was appropriate given the focus and scope of this initiative.

**Finding 14: NLS advocates are providing quality legal services to their clients.**

Once cases are assigned, the legal work appears to be performed at a high quality despite the lack of programwide or regular system for supervisory oversight. The judges surveyed spoke highly of the quality of legal work performed by NLS advocates. Advocates were reported to be prepared, professional and capable. A review of the written legal work representing a variety of forums, including briefs, administrative appeals and disability letters, and legal advice letters, further evidenced quality.

The majority of clients who seek and obtain assistance from NLS seek help with public assistance, disability benefits, family law or eviction matters. The goals are appropriately narrowed to obtaining public benefits, a divorce or custody, defending against a public housing eviction, or requesting additional time to move in an eviction process. These results are usually achieved. The cases accepted - and the work performed on them - are familiar to staff and allow the increasingly experienced advocates to provide high quality representation. Advocates are learned in the laws and policies applicable to their clients' situations, and often engage in a comprehensive effort to gather facts and reports in pursuit of successful outcomes.

**Finding 15: NLS's case service reporting demonstrates a highly productive program.**

The total number of cases closed by NLS in 2011 was 7,510 or 517 cases per 10,000 people in poverty, roughly double the national median of 263 and the national average of 254. The total number of extended cases in 2011 was 2,350, 2,047 of which were contested matters. The program's extended services total of 434 per 10,000 poor persons far exceeds the national median of 235. Attorney and paralegal caseloads and cases closed per year seem to vary substantially.

**Finding 16: Advocate training at NLS is not coordinated programwide and does not appear to be a high program priority.**

The NLS training policy assigns programwide responsibility for facilitating and sharing training event and conference registration information to a training coordinator. This responsibility is currently distributed among the office administrator, supervising attorneys and the executive director. The visit team found that there was a lack of programwide coordination for training throughout the program. Attorney training occurs primarily as a result of continuing legal education requirements. Most training, especially for paralegals, occurs on an "as-requested" basis. In addition, staff does not have individual professional development work plans. NLS staff regularly uses the support available from state and national disability advocacy and information organizations.

Although there are specialty units, there does not appear to be a coordinated and integrated system for sharing in-house expertise. The units rarely meet, and when they

do, many advocates from Niagara and Batavia are not included. Some newer staff is not fully aware of the program's activities. There are no organized legal management meetings designed to coordinate activities and the delivery of legal services. There is a shared legal work drive, although it is not utilized uniformly. NLS does not have a brief bank.

**Recommendations:**

**III.1.12.1.** As resources allow, NLS should hire a full-time director of advocacy and litigation to increase the program's strategic advocacy, focus on the professional development of case handling staff, improve legal practice management systems, and re-establish programwide expertise in complex litigation.

**III.1.12.3.** As resources allow, NLS should budget additional funds to support litigation expenses and engage in internal training on the effective use of such resources (e.g. depositions, expert witness, and mental health evaluations).

**III.1.12.4.** NLS should explore best practices within the program as regards electronic calendaring and tickling and should develop and follow a uniform electronic system of calendaring and tickling cases (manual systems may still serve as redundant back-up systems).

**III.1.13.2.\*** To help plan strategically and address areas of unmet need, NLS should regularly analyze reports of the casework to assess outcomes achieved and the overall impact achieved for the client community.

**III.1.13.3.\*** The NLS strategic plan should consider methods and legal representation designed to more significantly and positively impact the larger client population.

**Criterion 2. Private Attorney Involvement (PAI).**

**Finding 17: NLS integrates private attorneys into its legal representation and client services.**

NLS's PAI effort is well-integrated into the program's priorities and is designed to expand, both numerically and substantively, the services available to clients. The PAI effort has an excellent reputation among the members of the bar and the bench. NLS's private attorney involvement effort is based on its subgrant to the Erie County Bar Association Volunteer Lawyers Project, Inc. (VLP). In 2012, the VLP received \$90,000 from NLS. NLS has a compensated PAI program for Orleans, Genesee and Wyoming counties with private law firms and solo practitioners. Because New York State affords assigned counsel in many matters, most small firm and solo attorneys participate in state and county funded assigned counsel work in family law cases; custody, visitation, abuse and neglect, among others. However, NLS has found in recent years, and perhaps due to the economy, much less participation in its compensated PAI program in the rural counties.

Earlier this year, Chief Judge Jonathon Lippman of the New York Court of Appeals announced a new rule designed to increase pro bono participation. Beginning January 1, 2013, all law students must perform 50 hours of pro bono work between the first year of law school and the time they apply for their license to practice in New York State. NLS has begun planning with its local and state partners for integrating this new resource into its PAI activities.

The VLP pro bono provider is exceptionally strong. The VLP annually refers approximately 800 extended cases to pro bono attorneys. The VLP is staffed with 11 attorneys providing services in immigration, HIV, unemployment, family law, tax, and consumer/bankruptcy. It also has five non-attorneys on staff. Immigration is the VLP's largest practice area and the program plans to expand work in this area to serve the rural areas and the growing refugee population with funding from the New York State Unified Court System led by Chief Judge Jonathon Lippman of the New York Court of Appeals.

Through its board structure, the VLP has involved the local larger firms along with lawyers from other practice settings in their work. Training and support is provided to attorneys involved in the project. The VLP is certified to provide accredited CLE programs, providing an incentive to take pro bono cases. The program has an excellent reputation throughout the legal community and is fully integrated into the legal services delivery system. Approximately 14% of the Erie County Bar association are enrolled with the VLP and about 6% are engaged in pro bono projects.

Individual advocates identify potential cases for referral to the VLP, which are reviewed by a supervising attorney prior to referral. Sometimes an advocate may call the VLP to ask if they are accepting cases in a certain area. Referrals to the VLP are made by a written form indicating the client's name, phone number and legal problem. The VLP staff conducts a screening and intake for all PAI cases it handles. The VLP also provides the training and support to volunteer attorneys.

The program allocates most NLS subgrant resources to its pro bono bankruptcy and housing work and cases with the VLP. The VLP and NLS collaborate closely on the attorney of the morning program in housing court. NLS takes on the more complicated housing cases with pro bono attorneys and referrals available for the other matters. Volunteer attorneys are also involved in cases with the NLS Assistive Technology Project, focusing on improper denials of insurance coverage for assistive technology equipment and tools used by disabled clients. NLS also participates with the recently established New York State Unified Court System and the Office of Court Administration *Attorney Emeritus* program (AEP). The New York State Unified Court System established a new *Attorney Emeritus* status for attorneys in good standing, who are at least 55 years old, with a minimum of 10 years experience. The AEP involves partnerships among the courts, legal services providers, bar associations, and law schools. Emeritus attorneys volunteer with approved pro bono legal service programs and assist, in myriad ways, to help meet the needs of growing numbers of New Yorkers who cannot afford counsel.

The VLP executive director and NLS executive director meet quarterly to review cases and CSRs for LSC compliance. The two programs make regular referrals of cases within each organization's priority areas.

NLS and the VLP make use of law student volunteers from The University at Buffalo Law School to assist attorneys and paralegals with screening and follow-up with clients. NLS does not appear to regularly incorporate pro bono attorneys into its case representation through co-counsel relationships, although one veteran attorney noted he brought in pro bono attorneys to incorporate the Family Justice Center at its founding. The VLP has brought in pro bono attorneys to assist other legal aid organizations with impact litigation, recently working with the Western New York Law Center on a large and complex mortgage and tax foreclosure case. The VLP handled the tax foreclosure issue, two issues which are significant in this service area.

In 2011, NLS reported 1,199 PAI cases. Pro bono cases in the areas served by the Niagara and Batavia offices are comparatively low. Case service data and geographic data mapping reflect the challenges of pro bono participation in these regions.

**Recommendations:**

**III.2.17.1.\*** To the extent it is not already doing so, NLS should work with the VLP on electronic referrals of new applications.

**III.2.17.2.\*** The Niagara Falls and Batavia offices should review pro bono case services data and productivity in private attorney involvement to increase client services in the rural, less populated regions. It should consider how the new pro bono rule for law students might help its reach to clients in these areas.

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

NLS staff holds key roles in numerous community initiatives and advocacy coalitions. NLS staff holds monthly policy dialogue meetings with community agency advocates and the senior policy staff at the Department of Social Services in Buffalo. They have provided training on substantive law and client rights for both clients, and the advocacy staff for several community agencies. NLS and the VLP collaborate to provide daily tenant representation coverage in the Lawyer in the Morning Project each day in Buffalo City Court. The Family Justice Center of Buffalo (FJC) is an example of NLS collaborating with the County of Erie, the United Way and 32 other community agencies to address domestic violence issues in their community.

In 2011, NLS held numerous community education training seminars (including PowerPoint presentations and training manuals) on topics such as landlord-tenant, public utilities, public benefits and foreclosure for clients and special populations (e.g., senior

citizens, cancer and HIV victims and persons with disabilities). Collaborating agencies included Winthrop Hospital, the Suffolk County Bar Association, and Catholic Charities.

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

**Criterion 1. Board governance.**

**Finding 18: The NLS board is dedicated and committed to the program and its service goals.**

As a whole, the NLS board represents the geographical areas and low-income populations served by the program. The board comprises 14 directors committed to the program and its mission. At the time of the visit, there was one board vacancy. The board holds regularly scheduled monthly meetings. Meeting minutes and interviews with board member evidence a thorough discussion of the issues presented for review and action. The board has recently restructured, in part, to increase board member participation. One board member opined that board engagement might be improved if the board met less often but with an increased commitment to in-person participation. Some members of the board have experience with the provision of civil legal services and volunteer attorney programs. Members are knowledgeable about the activities of the organization and the overall legal services delivery system.

The board is involved in major policy decisions, aware of issues in and performance of the program while leaving day to day management of program operations to program management personnel. The board demonstrates that it exercises judgment independent of management, where appropriate. The board exercises its fiduciary and oversight responsibilities. The board appears to exercise appropriate oversight of fiscal and compliance activities of the program. Substantial board meeting time is spent on fiscal oversight. A Finance/Audit Committee oversees and implements recommendations from the annual audit. The board adopts governance policies and other policies required for compliance with LSC Regulations. The board gains knowledge of program activities through periodic staff presentations. Board members interviewed encouraged continuation of this practice regularly.

The board and the executive director have developed effective channels of communication. The executive director and chair of the board of directors communicate regularly in person, by email or telephone to discuss current developments within the program and possibilities for future adjustments or projects. However, the board of directors has not conducted a regular performance evaluation of the executive director since June 2000. The program does not have a written leadership succession plan.

NLS provides an orientation for new members of the board of directors and has board member orientation materials. New board members are provided a board of director's manual along with other orientation materials. A special board member retreat

was conducted several years ago. There was some sentiment among the board members interviewed that the time is right for another board retreat. As previously noted, the NLS board has not engaged the program in a recent strategic planning process, but it plans to begin formal planning shortly. The board recently established a committee to structure a strategic planning process.

The NLS board of directors has engaged in some limited fundraising initiatives. Board members interviewed expressed a desire to look for opportunities to increase board fundraising activities and effectiveness.

**Recommendations:**

**IV.1.18.1.** The practice of regular staff presentations at board meetings should be formalized.

**IV.1.18.2.\*** The board should evaluate the executive director in the next 12 months and thereafter on a regular periodic basis.

**IV.1.18.3.\*** The board should develop a written leadership succession plan.

**IV.1.18.5.\*** The board should revitalize its fundraising committee consistent with the outcome of the strategic planning process.

**Criterion 2. Leadership.**

**Finding 19: Leadership at NLS is centered on the executive director, who is widely seen as dedicated and committed. Communication among leadership and staff is inadequate to foster program cohesion.**

The NLS management staff is comprised of the executive director, four supervising attorneys, two branch office managing attorneys, a fiscal administrator, an assistant financial administrator and an office manager/secretarial supervisor. NLS recently experienced the retirement of its fiscal administrator with 33 years at NLS and the administrative assistant with 40 years with the program. These two individuals were credited by current staff for their significant contributions to the program's leadership and management functions. Despite having dealt with succession planning for the two recent retirements in administration, NLS has not adopted a succession plan for its key management staff.

Programwide leadership of NLS is primarily centered on the executive director, with periodic involvement from the substantive law supervising attorneys and the managing attorneys. The executive director is considered to be committed and dedicated. Managers meet infrequently but not regularly. Management discussions do not extend to program strategy or programwide planning. Overall, the team found that communication between the executive director, the leadership team and staff is inadequate to foster a strong feeling of membership in an integrated, cohesive law firm.

Comments from the staff survey distributed by LSC in advance of the visit are noteworthy for the distinctiveness of staff responses compared to other program visits. A significant theme centered on a desire for and need for stronger leadership.

**Recommendations:**

**IV.2.19.1.\*** NLS should adopt a leadership team model of program management that includes all key management positions, meets regularly (one or two times per month), considers agenda items offered by staff, and regularly reports a written summary of results back to the staff.

**IV.2.19.2.\*** NLS should consider a one or two day retreat in the near future for the leadership group to formulate a new management dynamic and a preliminary program vision (with the management dynamic and program vision to be more fully defined as part of the strategic planning process).

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

**Finding 20: NLS's programmatic administration recently underwent significant change. Management of the program is grounded in its grants.**

The NLS administrative team and management capacity underwent a significant transition with the departure of the longtime fiscal administrator, the hire of a new assistant fiscal administrator, and the hire of a new office administrator who replaced an over 40 year veteran of the organization. The new hires are qualified people with years of experience in the private sector. However, this change in key staff has increased the challenges experienced by the overall management and administration. For example, because of their departure, supervising attorneys have become more involved with grant writing and reports to funders.

NLS devotes relatively limited resources to management. Management is relatively lean given the size of the program and the complexity of reporting requirements to a myriad of funding sources. NLS staff has referenced in written materials and during interviews that the program's management has grown more complex over the last ten years. They point to funders frequently restricting the grant funds allocable to administration while simultaneously increasing the data collection, reporting and compliance requirements at all levels of the program. The executive director expressed an interest in learning how organizations with a comparable size, number of grants and funding complexity are staffed to support efficient and effective administration.

The executive director, managers and staff often describe the program's work in terms of grants and available funding. There was less discussion about work which is grounded in a clearly stated mission or the evolving needs of low-income people and communities in the service area. The strategic planning process could help to clarify an



articulated sense of purpose, longer term direction and mission for the organization outside of grant or funder requirements.

Further capacity to simplify and systemize the grant reporting process would benefit the program. The management of grants has taken a toll on the entire program structure; the method by which staff is allocated to grants has created a Balkanization of program services. Many staff, when asked “what do you do” responded with a reply such as “I am X% grant A and Y% grant B”, rather than responding with an identification of one’s work such as “I handle disability and housing cases,” or responding based on the overall mission of improving the quality of client’s lives or fighting poverty. This fractionalized structure stifles creativity and leads to staff isolation. It can also easily overwhelm staff, since a daily or weekly workload is not apportioned into percentages. A rethinking of grant allocations tying the whole office or unit to a grant might increase the flexibility, and affect staff camaraderie, in meeting grant deliverables. Double or triple entry of grant information, in multiple systems, often by attorney or paralegal staff members, is inefficient and cost ineffective.

The NLS management structure does not appear to effectively use middle managers. Although unit managers and managing attorneys exercise varying levels of responsibility for funding and managing their respective units and offices, this energy seems largely confined to their respective silos.

### **Recommendations:**

**IV.3.20.1.\*** As part of the strategic planning process, NLS should develop a process for addressing the succession of key leadership and administrative staff. The plan should not only address process, but strategic vision.

**IV.3.20.1.\*** Newer hires or management and administration staff in relatively new roles should receive periodic and continued training, including peer support in nonprofit management and legal services administration.

**IV.3.20.3.\*** NLS should explore the possibility of revising its system for grant expense allocations to increase flexibility in meeting grant deliverables. Grant deliverables and expense allocations should be structured to maximize the program’s ability to use a flexible mix of office or unit staff.

**IV.3.20.4.\*** NLS should explore the possibility of building an electronic bridge(s) or transfer protocol(s) between the TIME system (or its successor) and funder-required grant reporting systems to reduce the need to enter information multiple times.

### **Technology**

**Finding 21: The NLS technology infrastructure is supported by an established service provider. The Niagara and Batavia offices require upgrades to some IT functions and equipment replacement.**

The program maintains an adequate IT infrastructure in its Buffalo office, but struggles to provide sufficient technology to staff in the branch offices, especially in Niagara. NLS outsources most of its IT functions to an established managed service provider in the region, Synchronet, and appears to have a good relationship with the vendor. Staff in the Buffalo office reported that the internal network and Internet were both reliable and reasonably fast. Help requests are handled relatively quickly. Several workstations in the Buffalo office are in need of replacement.

Technology in the Niagara office needs improvement. In addition, the technology in the Batavia office should be evaluated for upgrade needs. The program utilizes slow DSL connections in both locations. The 786 kbps connection in the ten person Niagara office cannot support the staff's Internet usage -- including online legal research. Staff reported that help requests in these offices were not always responded to in a timely fashion. Finally, most staff workstations in Niagara and Batavia are in need of replacement.

NLS uses the TIME case management system (CMS). TIME is a programwide system that captures and retains appropriate client data and allows the program to conduct proper eligibility screening. However, the program does not appear to be using TIME to improve grant reporting capacity. One staff member described a long, difficult process for transferring TIME data into Microsoft Excel so it could be properly organized for a grant report. Nationally, many legal aid providers have developed customized reports in their CMS or in an integrated specialized reporting application, such as Crystal Reports. These custom data presentations automatically provide administrative staff with the data for funders' reports, reducing administrative time significantly.

The NLS website features significant content, including many resources targeted to the client community. The site lacks some key website functionality, including a standard, top-level navigation menu and proper separation of content libraries targeted to the client and advocate communities. The site will benefit significantly from NLS's planned redesign.

### **Recommendations:**

**IV.3.21.1.\*** NLS should develop and implement a plan to improve information technology (including tech support) in its Niagara and Batavia offices. Specifically, NLS should upgrade its Internet bandwidth in both locations. Bandwidth costs have decreased over the past few years, and new options such as business-class offerings from cable providers can increase connection speeds without additional costs. LSC is available to provide technical assistance with technology issues.

**IV.3.21.2.\*** NLS should establish a workstation replacement policy so outdated computers are steadily cycled out over the next two years.

**IV.3.21.3.\*** The program should work with WNYLC to develop customized reports for specific grants within TIME or to integrate a specialized reporting application like Crystal Reports for that purpose. Developing customized data presentations should reduce the administrative time to prepare grant reports, hopefully substantially.

**IV.3.21.4.\*** NLS should proceed with its planned redesign of its program website. This redesign should focus on improving site navigation, content organization, and overall site look and feel. NLS should also link more to relevant automated documents and other resources on the LawHelp/NY statewide website.

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

**Finding 22: The program has sufficient, capable, trained staff dedicated to financial administration<sup>4</sup> and human resources. Staff evaluations are not occurring timely.**

The program has sufficient and capable staff dedicated to financial administration and human resources. Training is provided to administrative staff. The fiscal administrator has over 29 years' experience in finance. She served as the NLS assistant fiscal administrator before being promoted to her current position this year. She is supported by an assistant fiscal administrator, who is experienced, competent and committed to the program's mission. Program management responsibly handles income and expense projections.

The program does not have a staff person dedicated to human resources. These duties are divided among the executive director, financial administrative staff and supervising attorneys. NLS has emergency contact lists and protocols for responding to certain types of emergencies in the office. The protocols prioritize staff safety, but the program lacks a comprehensive plan for establishing continuity of operations (including continuity of service delivery to clients) if a disaster occurs.

NLS does not provide meaningful new employee orientation. New employees are unaware of the program's mission or vision. As previously noted, there are infrequent programwide meetings and management decisions are communicated infrequently. Thus, staff does not feel fully informed. Many staff members feel that program leadership does not value their opinion. Staff evaluations are not timely conducted.

Staff morale at NLS is an issue requiring attention. Staff responses to the LSC survey and interviews with staff demonstrated the low morale. For example, the survey responses highlighted a need for more institutional recognition of staff accomplishments and hard work; 51% disagreed or strongly disagreed with the statement, "Our program recognizes and promotes the accomplishments of its staff."

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<sup>4</sup> This visit was conducted by the Office of Program Performance (OPP) for the purposes set forth in the Introduction. OPP findings and recommendations under this criterion are limited to staffing, organization, and general functions. Assessment of fiscal operations is conducted by other offices at LSC.

## **Recommendations:**

**IV.5.22.1.\*** NLS should develop a comprehensive new employee orientation designed to provide new staff with LSC/NLS history, mission, vision, values, policies, procedures, and organizational structure.

**IV.5.22.2.\*** NLS should develop a more substantial disaster plan that develops approaches and safeguards to ensure that, when possible under the circumstances, services are offered and work functions continue in the event of a disaster.

**IV.5.22.3.\*** Staff evaluations for all employees should occur regularly and on time.

**IV.5.22.4.\*** NLS should consider best practices from other legal services programs of acknowledging staff for their hard work and accomplishments.

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

**Finding 23: NLS does not have a resource development director. Grant writing and other resource development is primarily handled by the executive director and management staff.**

Grant research and writing is generally handled by the executive director with the assistance of his supervising attorneys and administrative staff. The program does not have dedicated development staff, and it does not have a defined development strategy or plan. In addition, it does not have a public relations or marketing strategy or plan.

NLS has developed grant sources and has raised significant funds through aggressive and successful grant fundraising. The program has over 40 grant sources. In light of its other shrinking resources, these grants have protected the funded services for clients and helped NLS protect staff positions from loss or elimination. Many of these grants are highly regulated government grants that drive program decisions by limiting service types, populations served, service areas, personnel employed, and the resources provided. The grants all have independent reporting requirements, some requiring the collection of new data and using funder-sponsored data collection systems not integrated into NLS's primary case management system.

NLS has limited resources from private donors and other less restricted sources. NLS coordinates a limited private donor fundraising campaign that raises less than \$20,000 per year, primarily from attorney donors. Although there is evidence of private foundation fundraising, it is meager in relation to the entire program budget.

Program promotion and marketing is limited. It also is hindered by the continued maintenance of multiple, premerger identities. Program successes are not uniformly promoted via press releases, web postings or social media. As noted above, NLS plans to address the issues of its premerger identities in its upcoming strategic planning.

**Recommendations:**

**IV.7.23.1.** As part of strategic planning, NLS should develop a plan to increase revenues from the bar, private donors and other less restricted sources.

**IV.7.23.2.\*** As part of the strategic planning process, NLS should consider a marketing and branding initiative to raise the program's public profile including a final transition to the NLS name, programwide. A focused campaign to re-brand and market the organization could be conducted to allow all boats to rise. The disparate parts of NLS could each benefit from the successes of their colleagues.

**IV.7.23.3.\*** NLS should develop a sense of shared mission and program ownership in each employee, equip them with necessary goals and data, encourage them to be ambassadors to the community, and empower them to look for potential sources of funds, gifts, donors, volunteers, and other opportunities.

**IV.7.23.4.** In furtherance of creating a successful giving campaign, NLS should consider working with a local marketing firm, MBA program, Association of Legal Marketing members, or similar marketing professionals. Besides its enhanced Internet marketing, NLS should consider social networking opportunities, endorsement videos for its website and You Tube and similar outlets, and other productive techniques to educate the general population and its potential service population.

**IV.7.23.5.** As resources permit, NLS should prioritize the hiring of a development coordinator to identify new sources of funds, collaborate with the executive director, management team, staff and board, draft proposals and contracts, handle grant renewals, among other related development activities. The development coordinator could also develop private funding sources, annual giving programs, other means of increasing private funds including personal trusts and planned giving, and implement a sophisticated tracking system for donors' gifts.

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

The staff and leaders of multiple community agencies noted that the NLS -- *in Buffalo* -- was well connected to the community, was well respected, coordinated their work, and conducted high quality work. The visit team found no evidence of work with agencies and community groups in Niagara. The Batavia office's connections to community were likewise limited.

**Recommendation:**

**IV.7.24.1.** NLS should evaluate its community collaborations with providers in areas served by Batavia and Niagara and identify strategies to increase them.