



LEGAL SERVICES CORPORATION

Office of Program Performance

***FINAL
PROGRAM QUALITY REPORT***

FOR

***Legal Aid of East Tennessee
Recipient Number: 643020***

March 1 – 5, 2010

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INTRODUCTION

Background.

The Legal Services Corporation (LSC) Office of Program Performance (OPP) conducted a program quality visit to Legal Aid of East Tennessee (LAET) from March 1 – 5, 2010. The visit team included Tillie Lacayo, program counsel and team leader, Willie Abrams, program counsel, and Nancy Glickman, LSC consultant.

OPP seeks to ensure that all recipients of LSC funds are providing high quality, efficient, and effective legal services to eligible clients. The overall purpose of program quality visits is to assess the quality of legal services provided to eligible clients, including a program's engagement with and service to the low-income community; the effectiveness of its legal representation and other program activities; and its leadership, management, and administration. In conducting its assessment, the team carefully reviewed documents LSC has received from the program, including its LSC grant application for 2008 and grant renewal applications for 2009 and 2010, its case service reports (CSRs), its other service reports (OSRs), and numerous documents the program submitted in advance of the visit.

In conducting this evaluation, OPP relied on the LSC Act and regulations, the LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The evaluation 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, strategic planning, resource development, and coordination within the delivery system.

The team visited three of the program's offices – Knoxville, Chattanooga, and Johnson City.¹

Program overview.

LAET resulted from the merger in January of 2002 of Legal Services of Upper East Tennessee and the Knoxville Legal Aid Society, which then changed its name to Legal Aid of East Tennessee. Contemporaneously with the merger, Legal Aid of East

¹ The program has three small (one or two-advocate) offices, located in Cleveland, Maryville, and Morristown. In addition the Central Region also has an attorney and paralegal located at the Knoxville Family Justice Center, a comprehensive support center for domestic violence and sexual assault victims.

Tennessee assumed the service area covered by former LSC grantee, Southeast Tennessee Legal Services.²

The LAET service area encompasses 26 counties across 9,658 square miles. The poverty population of the service area at the time of the 2000 U.S. Census was 236,913. The service area is a mixture of small urban and rural – the former consisting of the cities of Knoxville and Chattanooga. The rural area includes Appalachian mountain country and the Sequatchie Valley. The most significant changes in the client population in recent years relate to the influx of Hispanics in the services area and the effects of the economic downturn on the population in general, including the newly poor.

During 2010, LAET will receive \$2,500,113 in Basic Field funding from the Legal Services Corporation. The program expects to receive approximately \$2,480,505 from non-LSC funding sources this year.

SUMMARY OF FINDINGS

Legal Aid of East Tennessee has a dedicated staff of managers, advocates and support personnel. Its executive director is hard-working, focused, and committed to legal services. He is an active participant in the state and national legal services community and has engaged in tireless fundraising efforts in recent years. He has a capable management team consisting of the program's three associate directors, its three pro bono coordinators, the managing attorney, the chief financial officer, the director of technology, the human resources director, and the development director.

The associate directors, overall, employ management and supervision practices that ensure effective, efficient, and timely legal work. Advocates are provided adequate state, national, and local trainings from a variety of sources. Staff regularly attend the annual statewide legal services conference sponsored by the Tennessee Alliance for Legal Services (TALS). LAET has taken several significant steps to enhance language access for the linguistic minority populations in the service area, including hiring a Spanish-speaking intake coordinator for Latino applicants for services who are not proficient in English, and seeking special funding to enhance its outreach to Spanish-speakers. LAET works collaboratively with other legal services programs and works with numerous state and local delivery system partners serving the low-income population.

The program is divided into three geographical regions for administrative and management purposes: the Central Region (served by the Knoxville and Maryville offices and by advocates at the Knoxville Family Justice Center), the Southern Region (served by the Chattanooga and Cleveland offices), and the Northern Region (served by the Johnson City and Morristown offices). Each region includes a larger main office and a smaller satellite office.

² Southeast Tennessee Legal Services is still in existence and operates as a non-LSC funded organization in Chattanooga.

Program intake, though not centralized, is conducted with the goal of increased accessibility. The majority of LAET's intake occurs by telephone. The program has a variety of intake portals in addition to telephone intake including walk-in intake at direct service offices; outreach intake at nursing homes, hospitals, housing projects, health fairs, senior centers, juvenile detention centers, and courthouses; and intake conducted during its "Saturday Bar" clinics. The program's intake procedures are largely informal and vary among the three regions, though there are some similarities. Intakes for persons needing advice only are handled expeditiously and decisions on extended service intakes are made reasonably promptly. The program has an intake manual; however, the manual primarily addresses eligibility and compliance issues.

LAET has a strong Pro Bono Project. It provides varied opportunities to attorneys to participate in program work throughout the service area. Participants in the Pro Bono Project include solo practitioners and attorneys with law firms, paralegals, paralegal and law students, independent mediators, stenographers, psychologists, real estate agents, bankers, auto mechanics, and building contractors. The recruitment, retention, support, oversight and recognition elements of the Pro Bono Project are all quite good.

LAET's board of directors, composed of 24 members who are geographically representative of the service area, provide appropriate program oversight, and actively engage in LAET's pro bono and fundraising endeavors.

LAET's advocates are a good mix of seasoned and newer attorneys and paralegals. Much of the program's advocacy is tied to specific grants and the vast majority of extended service casework is the area of family law. The program has the capacity to engage in advocacy with a broader impact for the client community; however, this is occurring less often than it could at LAET.

The program has a comprehensive resource development plan. LAET has had solid resource development successes, despite its location in an area of the country that is relatively resource poor and notwithstanding the challenges presented by the current economic climate. New funding has permitted the program to expand its staff of advocates over the past year.

DISCUSSION OF FINDINGS

PERFORMANCE AREA ONE. *Effectiveness in identifying needs of low-income people in the service area and targeting resources to meet those needs.*

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

Finding 1: LAET has conducted a comprehensive assessment of legal needs within the past five years and has begun planning for an updated needs assessment.

The program most recently conducted a comprehensive legal needs assessment in 2006, using a written survey disseminated to appropriate partner organizations and individuals. The survey was supplemented by the convening of focus groups of hard-to-reach populations, such as the homeless and Hispanic persons. Rural populations were included in the process through the program's contacts with rural economic development projects, including the Community Economic Development Network of East Tennessee (CEDnet). The process was guided by a committee composed of both LAET board members and program staff. Written surveys were sent to members of the client community, social service organizations, members of the judiciary and the private bar, and LAET board and staff.

The needs assessment also included an analysis of the written report of the legal needs survey commissioned in 2003 by the Tennessee Alliance for Legal Services and the LSC-funded legal aid programs in Tennessee.³

The program has recently initiated the planning process for an updated needs assessment and has contacted Carson-Newman College, the University of Tennessee (Knoxville), East Tennessee State University (Johnson City), and the University of Tennessee at Chattanooga, to discuss their possible involvement in the process. LAET states that it would like to include additional focus groups in its 2010 needs assessment.

Recommendation 1.1.1⁴ LSC commends the program on the initiation of an updated comprehensive legal needs assessment. LAET should continue its work on developing and conducting a new legal needs assessment in 2010.

Criteria 2, 3 and 4. Setting goals and objectives, implementation of goals, and evaluation and adjustment.

Finding 2: LAET sets and implements priorities, goals and objectives based upon assessed legal needs of the client population; the priorities are regularly reviewed and adjusted based upon the changing legal needs and nature of the client population.

LAET's priorities are broad enough to encompass the major areas of poverty law and include the following: income maintenance and preservation; consumer protection;

³ TALS contracted with the University of Tennessee College of Social Work to conduct a statewide assessment of the civil legal needs of Tennessee's low-income population and to provide separate regional analyses of the findings from the statewide survey. The results were published in January 2004. An independent regional report for the LAET service area, requested and funded by LAET, was published in September of 2004.

⁴ Recommendations in this report will have three numbers. The first corresponds to the LSC Performance Criteria Area, the second to the finding, and the third to the recommendation. Recommendation I-1-1 is therefore the first Recommendation under Performance Area I, Finding 1.

health; shelter/housing/home preservation; support for families; and the legal needs of populations with special vulnerabilities.

The program's priorities are reviewed annually. Adjustments are made in outreach and advocacy to adapt to changing needs of the client population. For example, to better meet the needs of the growing Latino population in eastern Tennessee, LAET created the position of Hispanic coordinator and obtained a grant to conduct increased outreach in the Latino community. To address the needs of the newly unemployed the program increased its capacity to handle unemployment compensation cases by obtaining a grant for that purpose from a local foundation.

Finding 3. LAET evaluates program work and the allocation of resources on a regular basis; outcomes are tracked by the program.

LAET evaluates its work and adjusts the allocation of program resources accordingly, using the more traditional methods such as review of CSR and intake data. In addition, the program tracks and reports outcomes for most of its funders. LAET appreciates the significance of outcomes measurements to overall organizational planning. The program's associate director for the Central Region was a presenter at an Equal Justice Conference workshop in 2004 on outcomes. She recognizes that outcomes measurements can be a powerful tool for programs to examine how clients' lives can improve as the result of successful representation by legal services programs. Effective April 1, 2010 tracking outcomes at LAET became a required – as opposed to an optional – field when closing a case in Legal Server, the program's Case Management System.

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

Criterion 1. Dignity and sensitivity.

Finding 4. LAET maintains six offices in its service area, maximizing access of the client population to legal services.

The program is divided into three geographical regions for administrative and management purposes: the Central Region (served by the Knoxville and Maryville offices), the Southern Region (served by the Chattanooga and Cleveland offices), and the Northern Region (served by the Johnson City and Morristown offices). Each region includes a larger main office and a smaller satellite office. The regions correspond to the previous service areas of the three predecessor LSC-funded programs. During the reconfiguration process, the program determined that it was imperative that it maintain as many of the former offices as possible, to maximize access for clients in its large and partially mountainous service area. The local communities had been very supportive of the former programs and retaining offices in the same locations as before maintained close community ties developed by the former programs.⁵ The executive director and

⁵ Only one office, in Kingsport, had to be closed as a result of reconfiguration.

his administrative staff are located in the Knoxville office. The program owns two of its office buildings — the Johnson City office and the Morristown office. Both were acquired in the early 1980s with LSC funds.

The location of LAET's offices, and the number and composition of staff in offices are appropriate for the program's service area, size and financial resources.

Finding 5: LAET conducts its work in a culturally and linguistically sensitive manner; the program has taken significant steps in recent years to reach out to the major non-English speaking client population in the service area.

LAET is sensitive to non-English speakers seeking legal services. The program sought and obtained a grant for increased education and outreach on behalf of the Hispanic population in the service area. Yearly diversity training for staff is a program requirement. The program's written LEP policy addresses the major elements of LSC's Program Letter on serving LEP populations. Its program website contains Spanish-language content.

To help reach the growing Latino population in the service area, LAET hired an Hispanic coordinator to conduct Spanish-language intake and outreach. The Hispanic coordinator is originally from Peru, is fluent in Spanish and English, has a master's degree in education, and is a former bilingual middle school teacher. She is highly integrated into the Latino community, is currently the board chair of Centro Hispano of East Tennessee and is a member of the area's Latino Task Force. The program has Spanish-speakers on staff in each of its three regions.

In addition to her intake and outreach responsibilities, the Hispanic coordinator has translated many of the program's informational brochures and pamphlets into Spanish, translates letters from advocates to their clients, and assists attorneys throughout the program with community education presentations.

Clients speaking other languages are served through Language Line Services telephone interpreters. Program staff interviewed were familiar with the service and reported having used it successfully in the past.

Criterion 2. Engagement with the low-income population.

Finding 6. LAET staff is engaged and visible in the client community.

LAET staff are involved in their communities. Many staff do volunteer work on their own time and several expressed the desire to "give something back to the community" and to "make a difference" in the lives of clients.

The program has a community economic development (CED) specialist located in its Knoxville office, who works with interns from the University of Tennessee Graduate School of Social Work and in partnership with community organizations in east

Tennessee. The program's CED specialist has provided assistance to the Rural Sustainable and Equitable Agricultural Development Task Force in its efforts to establish markets for the produce of small farmers in the region and has worked with Latino leaders in the Knoxville area in planning for a multi-purpose center to serve the Hispanic community.

The program's continued support for its Community Education Project solidifies its community ties, helps strengthen the communities themselves, and reflects a commitment to helping the client population in a way that can have lasting results.

Program staff work collaboratively with several community and human services organizations, and governmental agencies that serve the low-income population. For example, it collaborates closely with the Family Justice Center and its partner organizations in Knoxville, which provides victims of domestic violence with access to advocacy and other supportive services.

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

Finding 7. LAET is assessing program intake with a view to making improvements in the system. With the purchase and installation of a new phone system, LAET is poised to achieve greater efficiencies in the intake process.

The program's intake is conducted with the goal of increased accessibility. The majority of LAET's intake occurs by telephone. The program has a variety of intake portals including telephone and walk-in intake; outreach intake at nursing homes, hospitals, housing projects, health fairs, senior centers, juvenile detention centers, and courthouses; and intake during its "Saturday Bar" clinics, staffed primarily by pro bono attorneys. Increased interest in and demand for on-line intake has led the program to begin exploring expansion into this emerging area. Telephone intake hours vary among the three regions, with the Central and the Southern Regions' hours being similar and more expansive (from 8:30 AM to 5:00 PM, Monday through Friday) and the Northern Region's being fairly limited (from 9:00 AM to 11:00 AM, Monday through Thursday). Walk-in intake is unrestricted and mirrors office hours in all three regions (8:30 AM to 5:00 PM).

The program has an intake manual which primarily addresses eligibility and compliance issues. The program's intake procedures are largely informal. Procedures vary among the regions, with some similarities. For all three regions, a preliminary screening is done by the receptionist at the time of initial contact. All three regions utilize a call-back system, with a detailed intake being conducted – usually by a paralegal – during the call-back. Some program paralegals have dual roles in that they both conduct intake and carry individual caseloads. Spanish-speakers who contact the program are referred to the Hispanic coordinator for an intake.⁶

⁶ As the Hispanic coordinator is a part-time employee who also conducts outreach, her intakes are usually conducted after contacting clients who have left phone messages for her.

Despite the use of call-backs for telephone intake, there do not appear to be inordinate delays in the process. Intakes are handled expeditiously and case assignments are made reasonably promptly. Emergencies are dealt with right away. For cases requiring telephone advice only, the advice is usually provided on the day of initial contact or the following work day. Follow-up advice letters are sent to clients in all cases.

In two of the three regions of LAET (Central and Southern), intakes appearing to require more than simple advice are referred to an experienced advocate who decides what further action, if any, should be taken on the case and either keeps the case or assigns it to a less experienced advocate. Not all case acceptances are reviewed with the region's associate director. The third region (Northern) holds case acceptance meetings during which decisions about case disposition are made.

The program recently purchased a new phone system, installed shortly before the visit. Some of the kinks in the new system were still being worked-out at the time of the visit. The new system has Automated Call Distribution. The call reporting feature (which will allow the program to obtain data on the number of calls, dropped calls, and wait times) had not yet been installed at the time of the LSC visit. The purchase and installation of the new phone system, which interconnects program offices, is saving LAET a fair amount of money on long-distance calls, and should lead to increased efficiencies in intake and staff communications.

LAET has established an internal committee to examine the intake system and determine ways in which it can be improved. The committee has already begun looking at how telephone intake is conducted in other programs with well-established systems that have been in operation for some time.

Recommendation II.7.2: The program should establish written intake policies that are applicable to all offices and regions. Parameters, norms and guidelines concerning intake that apply throughout the entire service area should be established, to ensure that clients have equal access and receive the same level of intake service no matter where they live. It is also recommended that the program adopt case acceptance guidelines for each region, with office variations as appropriate. LSC's Intake Focus Group serves as a resource for LSC-funded programs and provides technical assistance and consultation in a variety of intake-related areas, including the development of written intake policies and procedures and on-line intake. LAET may wish to contact LSC's Intake Focus Group for technical assistance.

Recommendation II.7.3: For those regions where experienced attorneys make the case acceptance/rejection decisions, a system should be implemented by LAET for prompt review by the associate directors (or by the managing attorney, in the Morristown office) of the case acceptance decisions made by individual advocates. This will both ensure that appropriate decisions have been made concerning case disposition, consistency in case acceptance practices, and that the associate directors have up-to-date knowledge of the office's caseload composition and work flow.

Recommendation II.7.4: For paralegals who both conduct intake and carry individual caseloads, the program should ensure that these paralegals have sufficient time to fulfill their case handling responsibilities. LSC suggests, as a best practice, that LAET include a policy in its intake manual to address this potential tension between intake and case handling responsibilities.

Recommendation II.7.5: The program should expand the telephone intake hours for its Johnson City office, so that persons residing in the Northern Region of LAET's service area have access to intake that is the same as that enjoyed by individuals who live in the other regions of the service area. LAET should also review the practice of holding weekly case acceptance meetings, with a view toward ensuring that it does not result in delays in case acceptance or require excessive advocate time.

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 - Staffing of Offices, Staff Experience, and Staff Recruitment and Retention.

Finding 8: The program has a good complement of experienced and newer staff.

The main offices of the program contain a good complement of very experienced and newer staff. The main offices each have five to six attorneys and an equal number of paralegals, with a full-time paralegal in two of the three smaller offices.

The smaller offices have one or two attorneys, with all but one - the Cleveland Office - having attorneys with experience levels in excess of 20 years. The sole attorney in Cleveland has less than a year of experience, but receives close supervision from the associate director for the Southern Region as well as support and assistance from his colleagues in the Chattanooga office.

The program's three associate directors each have over twenty years of experience in the legal profession, and two have handled a large number of both routine and complex cases across the range of legal services priority areas.

LAET has successfully retained a number of highly experienced staff. An influx of new grant money has led to a number of recent hires, many of whom came with prior experience. Noteworthy in one region was the hiring of a twenty-year veteran attorney with extensive litigation experience.

Legal Representation - Legal Work Management and Supervision

Finding 9: The practices and procedures at LAET form a satisfactory general supervisory framework for the program.

The associate directors supervise the staff within their respective regions. Associate directors, overall, employ management and supervision practices that ensure effective, efficient, and timely legal work. There is some variance in supervisory practices among offices based upon the experience level of staff in the individual offices. Standard supervision tools include periodic case reviews, review of all closed cases, and yearly performance evaluations of staff. The practices and procedures, in general, form a satisfactory supervisory framework for the program. Staff appear to have manageable caseloads, considering the experience level and expertise of the individual advocate.

New attorneys initially shadow more experienced colleagues to hearings and during client interviews and are accompanied to court during initial court appearances. Significant written work of newer advocates is reviewed by their associate director, the managing attorney, or other experienced staff in the office. Even experienced advocates indicated during interviews that they often give their non-routine written work to colleagues to look over prior to submission. However, a review by the visit team of writing samples submitted reflected that there was significant variance in both the quality and complexity of the samples. Overall, the quality of the writing samples was mixed, with some being quite good and others in need of additional review and proofing.

Though some written legal work management and supervision policies exist at LAET, there is no legal work/advocacy manual for the program. LAET has begun the process of developing a legal work management and supervision manual.

Advocates use computer tickler systems and hard-copy calendars to insure that deadlines, hearings, and other important dates are not missed. The Central Region recently instituted the use of case status reports. The reports contain a brief summary of the status/stage of the case (under investigation, preparing to file action, administrative complaint filed, court action filed, in discovery, set for trial or administrative hearing, appeal pending, ready to close, etc.) the next steps to be taken in the case by the advocate, and the target date or deadline for completion of the next steps.

Recommendation III.9.6: LSC commends the program for its initial steps toward the development of a legal work management and supervision manual. We recommend that LAET prioritize the development of the manual and that it address, at a minimum, the following areas: training and professional development, performance evaluations, caseloads and case assignment, case planning requirements for extended service cases, mechanisms to ensure the timely and effective handling of cases, client participation in their cases, uniform file maintenance procedures in both the case management system and the hard copy file, written case handling protocols for specific substantive law areas where applicable, and procedures to ensure that staff are aware of priorities and LSC restrictions. LSC also recommends that the manual include the newly-instituted practice in the Central Region of submission to the regional director of case status reports. These reports are a best practice that LAET is encouraged to adopt program-wide⁷.

⁷ The LSC Resource Information Library, at www.lri.lsc.gov, contains information that LAET may wish to review before beginning to develop its legal work management and supervision manual. The Management section of the LRI website contains supervision guidelines, attorney performance and professional

Recommendation III.9.7: To ensure a more uniformly polished written product, LAET should implement a more formalized procedure for review of advocates' written legal work

Recommendation III.9.8: The program should consider, as a best practice, having managers observe advocates at administrative hearings and in court, as part of the advocate's annual performance evaluation.

Legal Representation - Advocacy and Quality of Work.

Finding 10: The program has the capacity to engage in advocacy with a broad impact for the client community; however, this is occurring less often than it could.

Onsite interviews and documentation obtained in advance of the LSC visit reflect that program advocates are capable of producing quality work and employing a systemic approach to advocacy. One case currently pending in the Tennessee Court of Appeals challenges a Green County Circuit Court judge's practice of taxing court costs to petitioners after denying their requests for Orders of Protection. Another, a federal district court case from the program's Central Region, successfully challenged the Maryville Housing Authority's Section 8 voucher termination procedures in a §1983 action. An attorney in the program's Northern Region litigated a case that resulted in five additional counties being covered by Tennessee's Uniform Residential Landlord and Tenant Act. The program is currently co-counseling a recently filed case in federal court with the Legal Aid Society of Middle Tennessee and the Cumberland on behalf of disabled persons. The lawsuit raises claims under the Americans with Disabilities Act and challenges proposed reductions by the State in home health care services for disabled individuals receiving TennCare, the state's Medicaid program.

The program's community economic development efforts have helped community organizations develop, become stronger internally, and establish ties to sister organizations with common goals.⁸ The program has a broad view of CED work that encompasses many community-building activities, such as board development for nonprofits, assistance to organizations with strategic planning and fundraising, facilitating the establishment of a microloan program, and fostering the development of a CED regional network. A current CED project involves legal assistance to a community group with the purchase of commercial property for its conversion into a community service center.

development standards, minimum staff and program standards, and legal work management and supervision manuals from other LSC-funded programs.

⁸ The program secured a grant to support its work with the Community Economic Development Network of East Tennessee (CEDnet), a diverse network of grassroots organizations in low and moderate income communities in east Tennessee. CEDnet focuses on strategies to address issues facing its member organizations and the communities in which they exist through sharing resources and ideas, receiving training, and collaborating on joint projects and issues.

The complexity and nature of legal work performed in program cases varies, based upon grant restrictions and in some instances, the individual proclivities of the advocate. For example, the elder grant in Knoxville only allows for billing two hours per case, whereas there is no similar restriction on the Chattanooga elder grant. Also, though many LAET attorneys, as a general rule, are in court fairly often, there are other attorneys who rarely go to court, despite a high level of experience.

Although there have been cases brought by LAET in recent years that have successfully tackled broader issues, much program casework appears to be fairly routine in nature. The program has recently formed advocacy groups in the areas of housing/consumer, benefits/elder, and family/juvenile law. The advocacy groups are led by the three associate directors. The newly-formed advocacy groups hold the promise of increasing LAET's focus on systemic issues and producing a greater amount of complex litigation.

Some staff expressed a desire to expand their caseloads to other substantive areas of law, but felt constrained by grant restrictions. The dearth of extended representation in consumer matters was noted by both the visit team and LAET staff.

The knowledge level of attorneys within designated specialty areas – as reflected by both the writing samples and on-site interviews with advocates – was impressive. Judges interviewed were highly complimentary concerning the legal work of program advocates and viewed them as well-prepared, professional, and zealous in their representation of clients.

There was some concern by the LSC team that, without greater cross-pollination of ideas within the program, holistic issue spotting could be hindered in some offices. The Southern Region holds attorney meetings regularly, which appear to provide an excellent venue for advocates to share strategies and discuss issues that impact the client community.

Recommendation III.10.9: LSC recommends that the program encourage experienced attorneys to take on more ground-breaking work, so that they may serve as role models for the newer attorneys and fully exercise their potential as seasoned attorneys. This may be accomplished by increasing training opportunities, establishing systems that foster more collaborative efforts among staff, and seeking ways to increase exposure to other substantive law areas, perhaps through work on special projects.

Legal Representation - Access to Legal Expertise/Other Resources.

Finding 11: Program advocates have sufficient access to legal expertise, both within and outside LAET, to support quality legal work on behalf of the poor.

Program advocates have access to Westlaw for on-line legal research. Office libraries include current Tennessee law and practice manuals. Most staff are well-aware of the state and program experts in various legal areas and have no reluctance to seek assistance

– including from nationally-recognized experts – when needed. Many staff persons are participating members of statewide task forces.

LAET recently launched three internal advocacy groups, each led by one of the three associate directors: Consumer/Housing, Family Law, and Public Benefits/Elder Law. Advocacy groups meet monthly via conference call and each advocate in the program is a member of one of the groups.

Recommendation III.11.10: LSC commends LAET for instituting the advocacy groups and encourages their use for sharing trends in the law, discussing systemic issues, staffing unusual and complex cases, and highlighting training opportunities. The program should consider appointing a second leader for each group, as a vehicle to promote leadership development and expand program expertise in substantive law areas.

Recommendation III.11.11: The program should ensure that sufficient expertise is developed in all areas of practice in each of the three main regional offices. In order to promote further diversification of casework and ensure sufficient supervision in all practice areas. Associate directors should be encouraged to participate in two of the program advocacy groups.

Legal Representation - Training

Finding 12: LAET provides its staff with sufficient training opportunities to foster competent, quality representation.

Program staff regularly attend the statewide legal services conference sponsored by the Tennessee Alliance for Legal Services and held in the fall of each year. LAET staff have also participated in the TALS conference as presenters or facilitators. Upper-level managers have attended the NLADA Annual Conference, the ABA Equal Justice Conference, the Southeast Project Directors Association (SEPDA) annual conference, and Management Information Exchange trainings. All program advocates attend trainings in the areas of substantive law in which they focus. Advocates have also attended national trainings in their specialty areas, such as National Housing Law Project trainings, Violence Against Women Act trainings, National Institute of Trial Advocacy trainings, and the National Organization of Social Security Claims Representatives Conference. Attorneys also attend Continuing Legal Education (CLE) seminars regularly. In addition, advocates attend trainings sponsored throughout the year by the statewide task forces to which they belong. Staff have also participated in webinar trainings. Support staff is offered reasonable training opportunities.

The Chattanooga office of LAET recently sponsored a noteworthy inter-office training for newer advocates in the Southern Region. The training was provided by two experienced trial attorneys in the Chattanooga office, one of whom is a retired volunteer lawyer with the program. The newer attorneys observed a jury trial by the LAET staff attorney, followed by a debriefing presentation and discussion of all aspects of trial preparation.

Staff expressed general satisfaction with the training opportunities provided by the program. A few newer staff members were unaware of available national conferences and trainings and one staff person expressed concern that some of the more costly trainings might only be an option if written into the specific grant that funded their legal work. The program is currently developing a comprehensive training plan that should address staff concerns.

Recommendation III.12.12: LSC encourages LAET to continue its work on development of its comprehensive training plan and to increase training opportunities for staff beyond their grant-funded areas and ensure that they are made aware of available trainings..

Legal Representation - Quantity and Focus of Legal Work

Finding 13: Case closings have decreased at LAET in recent years.

LAET's LSC reported case closings decreased during 2008 (from 5,305 to 4,780) but remained fairly steady during 2009, showing only a slight drop last year (4,766). Advocate staffing levels have increased at the program since 2007. However, LAET experienced significant turnover during 2008 (14 staff positions, six of which were attorneys or paralegals) and 2009 (six staff positions, four of which were attorneys). This turnover could account for some of the decrease in case closings. It is also possible that eventual improvements to the program's intake system might lead to greater efficiencies and produce a corresponding rise in the number of cases the program is able to close.

Finding 14: LAET's advocacy is centered upon the specific-purpose grants it receives; the majority of its extended service case work occurs in the area of family law.

LAET's priorities are fairly diverse and encompass the range of legal issues that confront the poor. The program's CSRs for 2009 reflect that 16% of the cases closed were in the area of consumer law, 36% in family law, 6.6% in health, 22% in housing, and 12.3% in income maintenance. While this distribution of cases suggests the program is devoting significant amounts of time to all major substantive areas of poverty law, a closer examination of the CSRs shows that much of the program's extended service casework occurred in the family law category.

Much of the advocacy at LAET is tied to specific grants. Several staff persons at LAET, including some management staff, referred to the program as being funding-driven.

Recommendation III.14.13: LSC recognizes that additional sources of revenue and diversification of funding are important for a program. However, the LSC grant may be used to support legal work in a wide range of poverty law areas. LAET should seek to better diversify its extended services cases. Advocates should be encouraged to attend general poverty law conferences and trainings that focus on non-family practice areas.

The program should also consider giving the attorneys working in the area of family law and domestic violence greater exposure to other areas of law, through co-counseling with other attorneys in the program and participation in Consumer/Housing and Public Benefits/Elder Law advocacy groups and in statewide task forces in areas other than family law.

Criterion 2: Private attorney involvement (PAI)

Finding 15: LAET effectively integrates private attorneys into its legal representation and client services; Pro bono is an area in which the program excels.

LAET has a comprehensive PAI plan and Pro Bono Project Manual. Its PAI Plan addresses the various ways private attorneys may participate, the project's structure and staffing, pro bono collaborations and partnerships, recruitment and retention, quality control, consultation with the legal and client community about the Plan, and areas for future PAI development. On-site interviews reflect that the program provides oversight, assistance, feedback, and recognition to participating attorneys. Oversight of PAI includes, but is not limited to, verification of client contact following initial referral of cases, periodic case status reviews, closing reports when a case is completed, client satisfaction surveys, and a client grievance procedure.

Each region has a PAI Coordinator, two whom are attorneys⁹. The PAI coordinators are supervised by the executive director, in consultation with the associate directors for each region. The PAI program appears to run smoothly and the staff dedicated to PAI seem capable. LAET has effectively integrated PAI into the three regions of its service area. The PAI programs in the Central and Southern Regions have high visibility in the community and strong relationships with the private bar. PAI presents more of a challenge in the twelve counties that comprise the Northern Region, only two of which have organized bar associations.

LAET has broad-based participation in its pro bono initiatives, extending far beyond private attorney involvement. Participants and volunteers include attorneys from local law firms and solo practitioners, stenographers, paralegals, paralegal students, law students, independent mediators, psychologists, real estate agents, bankers, auto mechanics, and building contractors.

PAI opportunities are varied and include participation in several LAET-sponsored clinics including "Saturday Bar" advice clinics; brief services and self-help clinics in the areas of domestic violence, divorce, eviction prevention, and advance directives; and debt-relief educational clinics on alternatives to bankruptcy and how to deal with creditors.

Members of the private bar also assist in conducting client intake at LAET branch offices. If volunteers cannot resolve clients' problems with advice, they obtain additional facts

⁹ The PAI coordinator for the Southern Region of LAET was hired shortly before the LSC visit. She is an attorney and will divide her time between PAI and casework.

necessary for extended representation by program staff or by a pro bono attorney. LAET also has a Law Firm Project through which the PAI coordinators work with large firms in the region to urge them to adopt a pro bono policy that encourages participation by all lawyers in the firm. Pro bono attorneys also accept cases from LAET for individual representation and serve as mentors to less experienced pro bono volunteers or LAET staff. PAI attorneys have on occasion co-counseled cases with program staff.

PAI volunteers conduct CLE for LAET staff as well as workshops for clients and staff of social service agencies. PAI volunteers have also helped prepare brochures for clients explaining their legal rights.

Incentives for private attorneys participating in PAI include CLE credit for work on cases, professional liability insurance, use of the program's library (including Westlaw and the TALS brief bank), research assistance by law clerks and legal interns, and tuition waivers at LAET-sponsored CLE seminars.

The number of attorneys agreeing to participate in the Pro Bono Project, the cases referred to attorneys, and the PAI case closings all showed steady increases from 2007 through 2009.

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

Finding 16: LAET participates in a wide range of services and activities that benefit the client population.

Many program advocates participate in community education events such as Hispanic outreach, senior fairs, visits to domestic violence shelters, and educational presentations and workshops in a variety of legal areas such as domestic violence, fair housing, consumer fraud, guardian ad litem law, food stamps, unemployment compensation, advance directives and family law. The program also conducts numerous pro se divorce clinics.

The program has also instituted the "Legal Aid of East Tennessee Speakers Bureau" to educate the client population concerning the services it offers and to provide substantive presentations in its priority areas. The Speakers Bureau is publicized through brochures distributed throughout the service area and on the program's website.

LAET publishes a quarterly community newsletter for clients that helps publicize the availability of program services and contains informative articles on a variety of topics of interest to the client community such as identity theft, consumer fraud, Food Stamp eligibility, TennCare/Medicaid eligibility, child support and the Earned Income Tax Credit. The newsletter is circulated in the client community and is also available online. The program has numerous brochures and pamphlets to educate clients concerning their legal rights. Several of the brochures are available in both Spanish and English.

The program's executive director is working on establishment of a Medical-Legal Partnership between LAET and Erlanger Medical Center in Chattanooga.

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

Criterion 1: Board Governance.

Finding 17: The LAET board provides appropriate policy and program oversight; the board participates heavily in pro bono efforts and the LAET annual campaign.

LAET is governed by a twenty-four member board that meets quarterly. The board's composition is appropriately diverse and members are representative of the various geographical areas and low-income populations served by the program.

The board provides appropriate policy and program oversight. Both client and attorney board members are actively engaged in activities that benefit LAET. Attorney members accept cases for pro bono representation, participate in Saturday Bar clinics, and assist in recruiting other members of the private bar to do pro bono work. They are also heavily involved in the program's Annual Campaign and have on occasion served as regional chairs for the campaign.

The work of the Board is accomplished primarily through standing committees. All board members are expected to serve on a committee. The executive director is an ex-officio member of all board committees. The standing committees of the LAET Board are: the Executive Committee, the Governance/Nominating Committee, the Finance/Audit Committee, the Human Resources Committee, the Development Committee, the Priorities Committee, the Needs Assessment Committee, the Public Relations Committee, and the Grievance Committee.

The Finance/Audit Committee oversees development of the budget and ensures accurate monitoring and accountability of LAET funds and investments. It is responsible for implementing appropriate financial controls and for reviewing all major grants. The board treasurer is required to be a member of this committee and the program's CFO is an ex-officio member as well.

The executive director and other central office administrative staff provide the board with appropriate written information and materials sufficiently in advance of board meetings for the members to review them thoroughly and make informed decisions.

The board recently evaluated the executive director, which it does annually. He received high praise from board members as well as from members of the judiciary and the private bar.

The board and board committee minutes are written in a terse, cryptic style that does not provide much detail to the reader. The minutes may not adequately reflect the extent of

the board's deliberations and discussion when addressing important issues at its quarterly meetings.

Recommendation IV.17.14: LAET should work to enhance the detail contained in its board and board committee minutes. The minutes should at least be sufficiently detailed to demonstrate to program funders the extent of the body's oversight of the program and its deliberations with regard to significant issues under consideration by the board.

Criteria 2 and 3: Program Leadership and Overall Management and Administration.

Finding 18: Program leadership at LAET is capable, competent, and experienced; overall management of the program seems effective.

The executive director began his career as a legal services attorney in eastern Michigan. He directed a legal services program in northwest Indiana before becoming the executive director of Legal Aid of East Tennessee. Through the executive director's leadership, LAET has transitioned from three separate programs serving a larger area to a fully integrated single entity. The program has maintained stable overall funding in the face of a severe economic downturn. The executive director's management team consists of the three associate directors, the three pro bono coordinators, the managing attorney, the chief financial officer, the director of technology, the human resources director, and the development director. The management team meets every other month, with various members of the team conferring often between meetings. Overall, program leadership and the management team seem capable, experienced, and effective. Lines of authority and communication are clear.

Finding 18: LAET devotes appropriate resources to establish and maintain its technological infrastructure and has a capable director of technology.

LAET has a qualified and skilled director of technology who has been with the program since 2006. He previously worked as manager of the P.C. Support Department of DeRoyal Technologies, a medical products manufacturer. He develops a proposed technology budget each year, which he then presents to the CFO and executive director for their consideration.

LAET has a thoughtfully prepared technology plan, developed by the program's technology committee, with representation from each of the program's three regions. The plan primarily addresses LSC's baseline technologies chart.

The program purchased a new phone system to address three perceived program deficiencies in its baseline technologies – the lack of office interconnectedness, the lack of automated call back technology, and the absence of a system for collecting call data, including statistics on dropped calls and wait times. The director of technology estimates that the new phone system is saving the program \$463.00 per month, not including savings attributable to more efficient use of staff time. In September of 2009 the

program upgraded its case management system, Legal Server. LAET upgraded one of its primary servers earlier that same year.

The program has developed a disaster response plan that addresses office evacuation and data storage and recovery. The program has a draft continuity of operations plan that is a work in progress. LAET recently redesigned, enhanced and improved its website. The program has begun exploring Internet intake, an emerging area of increasing interest to the client community.

The program has been the recipient of past Technology Initiatives Grants (TIGs) from LSC. It has two currently active TIGs, one of which seeks to utilize A2J and Hot Docs to implement document assembly in the program's self-help divorce clinics. The second is for the purpose of developing technological enhancements to Geographic Information System (GIS) mapping.

Criteria 4 and 5: Financial and Human Resources Administration.

Finding 19. LAET has sufficient and capable staff dedicated to financial administration and human resources.

LAET's chief financial officer (CFO) has thirty-three years of experience in her current position. The CFO initiates the annual budget planning process. She develops the budget together with the director and solicits input from the associate directors and the director of technology in the process. The management team then meets to review and fine-tune the proposed budget before it is submitted to the board for its approval. The program prepares two-year budgets.

The CFO provides detailed financial information to the board of directors and the management team regularly. She emails financial reports to the board treasurer on a monthly basis. She attends the quarterly meetings of the board and its executive and finance committees. She has participated in several MIE trainings for administrators and technology professionals - most recently in December of 2008 - and has been a presenter at a training sponsored by a national accounting software company.

The CFO uses Sage MIP accounting software, which is integrated with the case management system, to capture timekeeping for the program's various grants. She states that bank reconciliations are performed monthly. All past program audits have been clean.

Program purchases of more than \$5,000 require advance approval from the board or - where the expenditure is required before a regularly scheduled meeting - from the board's finance/audit committee. The program has two credit cards, one of which is kept by the CFO and the other by the director of technology.

LAET has a human resources director with thirty-seven years of experience. The program regularly adheres to its policy of conducting annual performance evaluations for all staff.

The program has a 403(b) plan to which it contributes 5%. The human resources director indicated that eighty-five percent of all staff participate in the plan.

The program also benefits from significant in-kind resources, including the services of a highly experienced Chattanooga litigation attorney who is now retired. The attorney's pro bono contributions to the program include carrying a full caseload and serving as a mentor to the younger lawyers. His efforts were instrumental in securing the Tennessee Access to Justice Commission's proposal of Rule 50A, allowing retired attorneys to participate in Tennessee's Emeritus Attorney Pro Bono Program.

On July 1, 2009, the program raised the salaries of all LAET staff. This increase included bringing parity to the salaries of the associate directors and recognizing their responsibilities as managers and their experience levels. During the on-site visit some staff expressed concerns about a perceived disparity between the salaries of program advocates and associate directors that appeared to affect morale within the program.

Criterion 6: Internal Communication.

Finding 20: LAET maintains regular communication within the program.

Staff in branch offices stated that they feel part of a single program. The executive director visits the regional offices regularly. The program publishes a monthly internal newsletter for staff, which includes general information and updates of interest to staff, advocacy efforts and other news from the program's three regions, staff news, and health information for employees (i.e. ways to reduce stress, setting up an ergonomic work station, and exercise tips).

Staff within the program and within offices work well together and morale seems generally good, with the one exception noted above.

Criterion 7: General Resource Development and Maintenance.

Finding 21: LAET's resource development efforts are noteworthy and have allowed the program to increase its number of advocates over the past year.

The program has an experienced and energetic director of development who has been with LAET since November of 2005. Her educational and work background prior to coming to LAET were initially in the areas of communications and public relations. She transitioned to fund-raising while employed at the Muscular Dystrophy Association. She is the past president of the Association of Fundraising Professionals. She also serves with the executive director on the TALS *Cy Pres* Committee. She recognizes that "fundraising is about [cultivating] relationships" and that resource development is a joint effort among staff. She states that additional funding secured by the program has led to the hiring of five additional attorneys since the fall of last year.

Her resource development responsibilities also include coordination of LAET's Annual Campaign for Equal Justice and grant-writing and preparation. Additional responsibilities include the development and posting of new content for the program's website.

The program has over 30 funding sources. In addition to its LSC grant the program receives funding from a variety of sources including Tennessee's Administrative Office of the Courts (from filing fees, traffic tickets, and a surcharge on bail bonds), federal agencies such as the U.S. Department of Housing and Urban Development and the Department of Justice, the Tennessee Commission on Aging, the Tennessee Department of Children's Services, the Tennessee Office of Justice, several United Ways, and local foundations. Grants obtained by the program more recently include stimulus funding from the cities of Chattanooga and Knoxville through the Homelessness Prevention and Rapid Re-Housing program, and grants from the Jane L. Pettway Foundation (to assist with domestic violence representation) and the Benwood Foundation (to represent clients in unemployment claims).

LAET has a comprehensive resource development plan, formulated with the assistance of an outside consulting firm, Asen Strategic Advertising and Marketing. Components of the plan include target audiences for the program's goals, effective messaging keyed to target audiences, and strategies to achieve funding objectives. Fundraising strategies focus not only on LAET's Annual Campaign, but the Fifty-Fifty Plan¹⁰, the Community Leaders Campaign, an Endowment Fund, a *cy pres* strategy, planned giving, and special events fundraisers. The program has had solid resource development successes, despite its location in an area of the country that is comparatively resource poor. LAET has made a commitment to increasing resources, which has led to additional funding despite the challenges presented by the economic downturn.

The executive director is an active participant in LAET's resource development efforts, including cultivation of business community leaders outside the legal community. His efforts in the area of resource development are commendable.

The program has an Annual Campaign in all three regions. The campaign is strongest in the Central Region, but the other regions are making progress with the development of their own campaigns. The program produces an annual report that is used for fundraising. Approximately 45% of LAET's funding came from non-LSC Sources during 2009.¹¹

Criteria 8 and 9: Coherent and Comprehensive Delivery Structure and Participation in an Integrated Legal Services Delivery System.

Finding 22: The program is an active participant in the state and regional legal services delivery system and works closely with other entities serving the same client population.

¹⁰ The Fifty-Fifty Plan calls upon all attorneys to donate at least 50 hours of pro bono service per year and to contribute up to \$50.00 per month to their local legal aid program.

¹¹ This does not include in-kind or donated services.

The program is an active participant in the state and regional legal services delivery system. There is a high level of LAET staff involvement in state and local bar associations, including serving in leadership positions. Staff are participants on TALS statewide task forces, regional housing, homelessness, and domestic violence coalitions, the Tennessee Bar Association Access to Justice Committee, task forces and organizations that work with and on behalf of the Hispanic community and memberships on numerous boards of directors of nonprofit organizations that work on behalf of the low-income population.¹²

The executive director served as the president of the Southeast Project Directors Association (SEPDA) during 2009, and helped coordinate and plan the SEPDA summer 2009 conference. He is also on the TALS Board of Directors, the Lincoln Memorial University Duncan School of Law Advisory Board and the Knoxville Family Justice Center Board. The associate director for the Northern Region chairs the Subcommittee on Pro Bono of the Access to Justice Committee of the Tennessee Bar Association. The associate director of the Central Region serves on the TALS Board of Directors and is the immediate past chair of the State Bar Access to Justice Committee.

¹² Some of the organizations, coalitions, and task forces that count on LAET staff participating are Centro Hispano, the Chattanooga Homeless Coalition, the Community Coalition of Family Violence, the Bradley County Health Counsel, the Family Violence Program, Head Start, the Equality Coalition for Housing Opportunities, the Knoxville Housing Partnership, Community Shares, the Tennessee Health Care Campaign, the Bradley County Human Rights and Community Advisory Boards, the Community and Economic Development Network of East Tennessee, the Loudon County Inter-Agency Council, the Chattanooga Housing Roundtable, and the statewide legal services family, consumer, housing, health, benefits, juvenile, and immigration law task forces.