



Legal Services Corporation
Office of Program Performance

FINAL
Program Quality Visit Report

For

Legal Services Corporation of Delaware

Recipient Number: 308010

June 22 - 25, 2010

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Table of Contents

INTRODUCTION	1
Background on the Program Quality Visit	1
Program and Service Area Overview	1
Summary of Findings	3
FINDINGS AND RECOMMENDATIONS	4
PERFORMANCE AREA ONE. Effectiveness in identifying the most pressing civil legal needs of low- income people in the service area and targeting resources to address those needs.	4
PERFORMANCE AREA TWO. Effectiveness in engaging and serving the low-income population throughout the service area.	5
Dignity and Sensitivity	5
Intake	6
PERFORMANCE AREA THREE. Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area. ...	6
Legal representation	6
Supervision, legal work management and oversight	8
Private Attorney Involvement	10
PERFORMANCE AREA FOUR. Effectiveness of governance, leadership and administration.	11
Board governance and leadership	11
Management and administration	12
CONCLUSION	14

INTRODUCTION

Background on the Program Quality Visit

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a Program quality visit to the Legal Services Corporation of Delaware (LSCD) on July 22 – 25, 2010. The team members were OPP Program Counsel, Mytrang Nguyen (team leader) and consultant Nancy Glickman. Renee Hatcher, a third-year law student and LSC's Helaine Barnett Fellow also joined the team to observe the visit.

Program Quality Visits are designed to evaluate whether LSC grantees are providing the highest quality legal services to eligible clients. In conducting its assessment, the team fully reviewed the documents LSC received from the program including: the competitive grant application to LSC in 2009 and renewals in 2010 and 2011, including budgets, technology and PAI plans, workforce analysis charts, case service reports, and other service reports. The team also reviewed the documents requested from the program which were submitted in advance of the visit including documents relating to the program's intake, legal work, and case management policies and systems, advocates' writing samples and the results of an online staff survey. On site, the team visited both the Wilmington and the Dover offices and spoke with the entire LSCD staff. The team also had the opportunity to meet with selected board members, judges and hearing officers, representatives from government agencies, members of the bar, and representatives from community organizations.

In performing this evaluation of LSCD's delivery system, OPP and the team rely 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 and this report is organized according to the four LSC performance areas that cover: 1) legal needs assessment and priority setting; 2) engagement with the low income community; 3) legal work management and the legal work produced; and 4) organizational leadership and management including board governance, administration, planning, resource development and coordination within the delivery system.

Program and Service Area Overview

Legal Services Corporation of Delaware serves the entire, three-county state of Delaware which consists of New Castle, Kent, and Sussex Counties. The program was established in 1996 to be the recipient of LSC funds and to coordinate its services with the other two legal services providers in the state, Community Legal Aid Society, Inc. (CLASI) and Delaware Volunteer Legal Services (DVLS).¹ Doug Canfield is LSCD's current executive director and has been serving in this capacity since it was established.

LSCD's main office is in Wilmington, the major city in Delaware, which is located in New Castle County, a largely urban and suburban area. The branch office is located in the state capitol of Dover, in Kent County, which is home to government offices, Dover Air Force Base, as well as surrounding rural areas. LSCD does not have an office in Sussex County, the

¹ Before 1996, CLASI had been the recipient of LSC funds in Delaware.

southernmost county in the state, which is largely rural and includes resort areas near the Atlantic shore. Delaware is unique and well-known as a state with laws that are favorable for business. This has resulted in a 'business friendly' culture with many corporations, banks and credit card companies incorporated and located in the state. Increasingly and because the state is a corporate hub, more national and global law firms have established offices in the state.

Based on the 2000 U.S. Census, the population of Delaware was 783,600 with the low income population at 69,901. The 2006 Current Population Survey (CPS) - Annual Social and Economic Supplement (ASEC), a joint effort by the U. S. Department of Labor Statistics and the U.S. Census Bureau, put the Delaware poverty population at 80,000 and based on the 2006 CPS/ASEC figures, the number of Delawareans eligible for LSCD services under the basic LSC and IOLTA eligibility guidelines (125% of federal poverty level) is approximately 98,000 people.

Currently, LSCD operates with an annual budget of approximately \$1 million and a total of twelve staff people, which includes an executive director, six attorneys and three paralegals. In 2009, LSCD unexpectedly learned that its grant from the state IOLTA foundation was going to be nearly \$300,000 less than their original award for the year. This drastic reduction represented a one-third cut in LSCD's total budget and within two weeks, the executive director and board had to reduce the LSCD staff by four people: a full-time attorney, a full-time technology position, a part time file clerk and a part-time paralegal in Dover.

Delaware is a small state and, with one of the lowest bar admissions rates in the country, the legal community is also small. Veteran attorneys in Delaware have varied experiences during their careers including political office, law enforcement, government agencies, courts, legal services, and private practice, all of which contributes to a tight-knit culture where each sector of the legal community is valued. From this also emerges a justice community and program which is unique in several respects. First, the three major legal services providers closely coordinate on service delivery with the division of substantive areas between the providers very specifically and somewhat rigidly delineated, without apparent overlap or duplication. A second unique characteristic of the Delaware justice community is the statewide bar campaign, the Combined Campaign for Justice, which enjoys the highest participation levels in the country with significant support from the Delaware State Bar and Supreme Court of Delaware. A final distinguishing characteristic of LSCD, which could be partly reflective of the Delaware bar overall, is the significant experience their attorneys gained from outside the legal aid program.

LSCD provides a full range of service in their core area of substantive focus as defined by agreement and collaboration with CLASI and DVLS. These areas are income maintenance (unemployment compensation), housing (private landlord-tenant, foreclosure), and consumer including bankruptcies, collections, unfair sales. Each of the three Delaware legal aid organizations conducts its own intake, but they are all part of the coordinated Legal Help Link of Delaware which is a toll-free number for the entire state that allows clients to access the three legal service providers through one number. The Legal Help Line is part of DVLS and operates out of the Widener Law School's civil clinic where DVLS is located and where DVLS staff oversee the effort.

Summary of Findings

While relatively small in size and budget, the Legal Services Corporation of Delaware is an exceptional legal aid program in many important respects. At LSCD's core is a competent, dedicated and experienced staff with attorneys coming to the program with varied backgrounds and an average 20 years legal experience which enhances the caliber of their individual services provided for clients. The non-attorney staff were also observed to be conscientious, professional, and dedicated to client service. And while the dramatic funding cut and layoffs which LSCD experienced in 2009 could significantly set back an organization's effectiveness and morale, the LSCD staff uniformly adopted a "step up to the plate" attitude, maintaining their focus, morale, and quality services for clients through the funding and staffing changes.

LSCD's executive director and staff take tremendous pride in delivering high-quality legal representation for clients. Each of their six staff attorneys functions as a generalist in the program's core areas and in 2009 they closed over a hundred actively litigated cases. The attorneys described examples of cases where they assertively pursued claims against predatory lenders and unscrupulous landlords, in many cases obtaining notable monetary sums in back rent and rent abatements for their clients. Largely as a result of their consistent and high-quality legal work, LSCD also enjoys a strong and positive reputation in the community. Judges, members of the bar, community service providers, and representatives from government agencies all praised the competence of the LSCD staff. Interviewees also noted the executive director's participation in community coalitions and outreach events.

LSCD also places a high value on maintaining a smooth-functioning, client-centered intake system with every staff person treating intake as a core part of LSCD's services. All of the staff interviewed approach intake with a genuine sense of interest and a desire to meaningfully provide help to applicants. The program's protocol is that clients are screened within an hour of their call and speak with a paralegal and/or an attorney within 24 hours of their initial contact with the program. This standard is consistently honored, which again, is a notable achievement. In most instances, clients speak with both the paralegal and a staff attorney on the same day of their call. LSCD rightly takes pride in their timely handling of intake and advice and the fact that they have never had to shut intake down.

In addition to finding notable strengths, the team identified and makes recommendations in key areas where the program can consider strengthening their capacity. First, the executive director has pursued a decade-long strategy of keeping LSCD's administrative operations "lean and non-bureaucratic" in order to direct the greatest amount of their funding towards direct services. He is supported in his administrative responsibilities by an executive assistant, a part-time bookkeeper, and an on-call technology consultant. While LSCD has managed very effectively and efficiently with such a small administrative staff, the extremely 'lean' approach to administration creates a tremendous workload for the executive director which prevents him from fully developing areas which make the highest and best use of his role, skills, and experience in areas such as resource and board development and community collaboration. It also creates limitations in the program's overall litigation strategy, legal work management, and supervision.

Despite having an experienced and dedicated staff, LSCD could also do more to intentionally and fully leverage the collective wisdom and experience of its people. The program's staff is clearly collegial and supportive of one another, and meets informally on a near-daily basis to discuss their work and case developments. The program would benefit from additional and more formal intra and interoffice meetings and collaboration to maximize their cohesion and effectiveness as an organization.

Finally, while LSCD and the executive director have participated in statewide strategic planning and legal needs assessment processes, it could benefit from strategic or long range planning which engages the full board and staff and includes multiyear budgeting and staffing plans for LSCD to provide a road map for building administrative and organizational capacity to support its work. This type of long range planning will be essential for the continued strength and stewardship of LSCD particularly given the current economic environment which continues to create new pressures on low-income communities and the nonprofits that serve them.

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. LSCD participated in a comprehensive statewide legal needs assessment process in 2003 and maintains current and relevant data in its core areas of service.

LSCD has participated in and benefited from the state's joint legal needs assessment process which was led and funded in part by the other legal aid providers, CLASI and DVLS. The most recent statewide legal needs assessment of this nature was conducted by researchers and faculty from the University of Delaware's Graduate School of Urban Affairs and Public Policy in 2003. The process involved community surveys, focus groups and meetings with stakeholders from across the state and most relevant to LSCD, confirmed the prevalence of low-income renters in New Castle and Kent Counties. Following the statewide needs assessment and through most of 2006, the Delaware legal aid providers engaged in a shared strategic planning process which, at its conclusion, yielded a more specific plan for CLASI. In 2009, the Delaware Supreme Court convened a task force to study the needs of self-represented litigants in Delaware and LSCD provided input during community stakeholder interviews and meetings, and also uses the findings to inform its work. The state justice community has not engaged in a comprehensive legal needs assessment since 2003 and the current economic recession.

To supplement and update the more general statewide assessment and strategic planning efforts, LSCD also reviews and maintains additional "priority determination data" which includes Census updates, county-specific data, and data and statistics from the FDIC, Bankruptcy Court, Federal Reserve Bank of Philadelphia, U.S. Bureau of Labor Statistics, and RealtyTrac. Much of this data confirms LSCD's priorities within its core service areas of housing, consumer and income maintenance.

Consistent with the informal culture at LSCD and partially due to their fairly focused priority areas, the program has not conducted nor has it received either formal or informal evaluations on any of its key processes or areas of service. Again, as part of strategic planning, the program could benefit from a more regular and complete process of considering, as a full organization, the effectiveness of their delivery strategies and approach.

Recommendation I.1.1: As time and resources permit, LSCD should engage DVLS and CLASI in planning for the next statewide comprehensive legal needs assessment.

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

Dignity and Sensitivity

Finding 2. LSCD has accessible and professional office space and is exploring ways to work more closely with community groups, the eligible Sussex county population, and the growing Hispanic population in the state.

LSCD has clean and professional offices in Dover and Wilmington which are easy to find and accessible by public transportation. The Wilmington office is located downtown in the Community Service Building, a newly renovated office space which houses over 70 nonprofit tenants. The Dover office is a three room space, with attorneys using their individual offices for meetings with clients. LSCD's written materials are well-organized in reception areas and, within days of the visit, LSCD launched a new, revamped web site with updated information and materials. LSCD ensures that it has Spanish speaking staff in each office, so Spanish speaking clients can readily access their services.

The program primarily functions from an individual case service model, though LSCD does provide community legal education seminars to various client groups and service providers with whom they have extensive contact. After laying-off the only staff attorney who had been developing offsite intake with local service providers, LSCD experienced a setback in their efforts to increase their engagement with the low-income community. In Sussex County, the program does not have an office or a regular presence and uses reduced fee attorneys and the Dover office as a means to deliver services to the area. The program is exploring ways to create a presence in low-income communities through efforts like offsite intake and education workshops, all efforts which can be accomplished with their existing staff. LSCD has also shown a continuing interest in serving the growing Latino community in the state through direct partnerships with organizations such as the Latin American Community Center and with continued efforts to work with churches and housing developments in Claymont and Elsemere where LSCD made past efforts to work with large numbers of low-income, Latino tenants.

Because of their smaller staff and more limited resource, the program chooses to participate with and leverage other providers to engage in group work, clinics, and other collaborative projects. The executive director noted how he recently spent significant time participating in the development of a foreclosure mediation program and he is interested in engaging in more dialogue about future opportunities.

Intake

Finding 3. Intake is a key part of LSCD's continuum of service and the program operates a well-functioning, client-centered system.

As a small and more specialized program, intake is treated as an important part of LSCD's service delivery with every paralegal and attorney rotating intake responsibilities each week. In describing their approach to intake, staff exhibited a genuine sense of interest and desire to fully ascertain information to meaningfully help each applicant.

The Legal Help Link of Delaware is a valuable resource in the community, allowing clients to access the three legal service providers through a single toll free number from which helpline staff can immediately transfer calls to any of the legal service providers after initial screening of the caller's issue. The Legal Help Line operates out of Widener Law School in Wilmington with DVLS staff attorneys overseeing the effort year-round, with paid and volunteer law students.

LSCD's bilingual intake specialist/receptionist, who is backed up by the executive assistant, serves as the single point of entry for the Wilmington and Dover offices. The program's protocol is that the initial eligibility screening is conducted by the intake specialist with all applicants and immediately referred out or to an intake paralegal through Legal Files for a more in depth interview which usually occurs within an hour of the initial call. After obtaining more information, the paralegal then sends the case to the intake attorney in Legal Files, at which point the attorney will ask the paralegal to provide advice and draft a letter or obtain additional information and facts. In some instances and when it is apparent that the case will or could be accepted for representation, the intake attorney will call the applicant for a further interview and provision of advice, if appropriate. In most instances, applicants speak with the paralegal and/or a staff attorney on the same day of their initial call and as appropriate. In order to ensure all callers who leave messages receive follow-up, LSCD has created an Access database to track contact with applicants who leave messages. This database is also integrated with the Legal Files system. Paralegals described how staff attorneys prefer speaking with applicants directly and providing a high level of service in the intake process. Within 24 hours of the initial call, attorneys or paralegals inform clients, by phone or letter, of a referral, denial of services, or the need for additional information and an appointment. LSCD takes pride in their timely handling of intake and advice and the fact that they "have never shut intake down."

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

Legal representation

Finding 4. LSCD has a very experienced and dedicated staff who provide high quality legal representation for clients.

LSCD has a small, dedicated and experienced staff. The attorneys come with varied experience including private practice, the Attorney General's office, the Dupont Corporation, the state

insurance commissioner's office, United Auto Workers Legal Services, and other legal services providers. The average legal experience of LSCD attorneys is 20 years and all of the attorneys share a common interest in leveraging their experience and skills to provide the best possible representation for clients. This is reflected in the quality of the individual services provided for their clients who receive first-rate and assertive representation. The non-attorney staff were observed by the team to be conscientious, professional and dedicated to client service. With the layoff of four positions one year ago, the experience and professional maturity of the staff becomes apparent with LSCD employees uniformly adopting a "step up to the plate" attitude, maintaining their focus, morale, and quality services for clients. The experience and commitment of their staff was particularly apparent in two areas which emerged in the course of the visit.

High quality legal representation for clients: Before and through their recent layoffs, LSCD's executive director and staff have placed a premium on providing the highest-quality, individual representation for clients. Each of their six staff attorneys functions as a generalist in their core areas of income maintenance (unemployment compensation), housing (private landlord-tenant, foreclosure), and consumer (bankruptcies, collections, unfair sales) and together they closed over 100 actively litigated cases in 2009. The number of cases handled by LSCD annually appears appropriate based on their three areas of practice, staff size and the relationship with CLASI.

Through visit documents and in interviews, LSCD attorneys described complex individual cases which produced excellent results for the clients including: an adversarial proceeding and trial in Bankruptcy Court involving equity skimming from a client who was induced to fraudulently transfer title to her home; litigation against a pastor and his wife who engaged in multiple foreclosure rescue scams which led to the involvement of the Delaware Attorney General's Office; numerous private landlord-tenant actions where LSCD attorneys obtained notable monetary sums in back rent and rent abatements for their clients.

Actively litigating their individual cases is part of LSCD's strategy to address broader issues, particularly in housing. In Delaware, the majority of low-income people are renters in the private housing market and there is a very low vacancy rate on all low-cost housing. According to LSCD's executive director, this results in many landlords who are quick to evict tenants and who have little incentive to provide anything other than substandard housing. LSCD's approach to addressing this challenge is "to make offensive use of Landlord Tenant Code" and to use their representation of clients in eviction defense actions as a means to protect client's rights and ensure they receive the full value of their rental. By vigorously defending evictions and asserting habitability claims, "we *create* the market incentive for landlords to improve their housing conditions," says the executive director. Over time and with consistency, this approach appears to be having an effect in the community, which was noted by housing inspectors and Justice of the Peace Court judges. The judges interviewed also noted that LSCD attorneys come to court well-prepared, behave ethically and professionally with opposing counsel and clients, and work hard to resolve cases where appropriate.

LSCD shows an interest in continuing to take advantage of opportunities to represent tenant groups in larger housing developments and, as mentioned, has made efforts to work with low-income, Latino tenants in larger housing developments in Claymont and Elsmere.

Strong reputation in Delaware: LSCD enjoys a positive reputation in the community as a result of their quality individual legal work. One judge commented how much “fun” it was to watch opposing counsel “underestimate” LSCD attorneys, who consistently obtain favorable outcomes for their clients. A housing inspector commented how impressed she was with their work and noted, “I’m extremely glad I’m not a landlord who has to deal with them.” A social service provider remarked how she felt that LSCD “worked a miracle” in a housing case that she referred to them. Other interviewees noted staff’s participation in training events, and the executive director’s participation in community coalitions and outreach events. Judges, members of the bar, community service providers, and representatives from government agencies all spoke highly of the program, specifically naming members of LSCD’s staff and the executive director.

Supervision, legal work management and oversight

Finding 5. LSCD staff receive basic supervision of their work. The staff does not regularly participate in formal meetings about legal work and is developing systems to more fully coordinate its legal resources. This creates limits on the program’s cohesion with respect to legal work.

As discussed above, LSCD provides solid services and very strong individual case representation. It could benefit from additional capacity to support broader litigation strategy, legal work management and supervision, all responsibilities which currently fall on the executive director. The executive director is very busy and the full staff only meets on an ad hoc basis. The Dover staff meets weekly for case review, but the Wilmington staff meets less formally. Staff attorneys are supposed to meet every other month, but have not been doing so, and the non-attorney staff meet regularly as a group with the executive assistant. The lack of regular, scheduled meetings, in and of itself, does not create challenges for LSCD which has a collegial and informal culture and makes effective use of the Legal Files system to manage and move their cases. With an experienced and dedicated staff, however, LSCD could do more to fully leverage the collective wisdom and experience of its people. The team observed a lack of planned communication and cohesion on legal work and organization-wide concerns, and the following examples which emerged during the visit have an effect on LSCD’s work and are illustrative of the need for additional capacity for supervision and legal work oversight.

Case acceptance policies and rationale: While the program has written case acceptance policies and procedures for their priority areas, the case acceptance process is somewhat decentralized with Wilmington attorneys, on the most part, individually determining which cases to accept on their intake days and the Dover staff meeting weekly for case review and acceptance. This practice is supplemented by the executive director’s regular review of cases through the Legal Files system and ongoing conversation with individual attorneys on their cases. Because the program accepts cases in very clearly delineated substantive areas, this informal and somewhat individual-based approach to case acceptance has been workable, particularly given the experience-level of LSCD attorneys. Periodic case review meetings can be valuable, however, by creating efficiencies and shared knowledge which allows all LSCD staff to see and contribute to the program’s case acceptance rationale as a whole and as it evolves.

Litigation strategy: The program's litigation strategy is informal and emerges from a combination of hands-on experience, coordination with CLASI and DVLS, direction from the executive director, and impromptu discussions among LSCD's attorneys. While LSCD has maintained very high-quality services for individual clients, this informal approach to litigation strategy and legal work does not allow the entire organization to consider broader issues and approaches to effectively serve clients, nor does it allow for the efficient sharing of useful information throughout the program. The program is building a shared brief and pleadings bank on the advocate side of their new web site, so attorneys will not have to individually contact or know to contact one another for such resources. The recent elimination of LSC's restriction on claiming attorney's fees also presented an opportunity for LSCD to formally and collectively develop strategies and internal systems for claiming attorney's fees in their cases, particularly given their substantive focus in consumer and housing matters which allow for these claims. Judges interviewed indicated that they are open to considering awarding fees in LSCD cases and LSCD's executive director and attorneys are still in the process of determining how to implement fee claims in their cases and overall legal work. Regular meetings to discuss legal work and developments could address this opportunity.

Legal work oversight: The executive director is the only person responsible for supervising the legal work of six staff attorneys and he appears to have carved enough time to attend to the basic aspects of legal work management and supervision, such as reviewing case loads, length of time cases are open, reviewing actions on certain cases in Legal Files, and sharing information about available trainings and CLEs. The staff attorneys operate collaboratively and engage in constant and informal dialogue with the executive director and each other on their cases, but they also work with limited formal substantive oversight, feedback or direction on their case strategy and legal writing. While less frequent, the attorney's more complex legal writing, such as briefs are all reviewed by the executive director and, time-permitting, other attorneys. Again, at LSCD this practice is feasible largely because of the high average years of experience of the attorneys, but the program should assess how this practice affects newer staff and thoughtfully support the continuous improvement and professional development of all staff with appropriate substantive feedback and coaching on their work.

Non-attorney staff supervision and training: The executive assistant is responsible for supervising the receptionist and convenes regular meetings with non-attorney staff. Each paralegal is assigned to work with two attorneys and each attorney is responsible for the oversight and quality of a paralegal's work on his or her cases. A two supervisor structure, without clear lines of authority or accountability can inadvertently create issues when and if there are competing deadlines or workload issues. LSCD's executive assistant and experienced attorneys, one of whom teaches at the University of Delaware, share responsibility for different elements of new staff and paralegal training.

Dover office integration: The Dover office is staffed with a paralegal/office manager and two attorneys who are more recently Delaware barred (between four - five years out of law school). The Dover staff attorneys are new to that office and have been building the office back up to the capacity after it lost its two veteran LSCD staff attorneys to private practice and a transfer to Wilmington office, and its half-time time paralegal in the layoff. In addition, the office recently

began covering Sussex County after the end of a cooperative grant. The Dover staff is enthusiastic, collegial and appears to work very well as a team. They speak regularly, albeit on an ad hoc basis, with the Wilmington staff and meet several times a month with the executive director by phone or in person. Again, without planned and sustained communication between Dover and Wilmington, there are missed opportunities for efficiency and information sharing between the offices. This is particularly important as the Dover office strengthens its capacity to serve more clients.

Recommendation III.5.1: As resources permit, LSCD should consider creating an advocacy or litigation director position to oversee and enhance the quality and impact of their legal work.

Recommendation III.5.2: LSCD should engage in regular intra and interoffice collaboration and meetings on legal work and on office-wide concerns.

Recommendation III.5.3: The executive director should have regular meetings with the Dover office, including more formal check-ins, supervision and support to manage the office.

Private Attorney Involvement

Finding 6. LSCD's private attorney involvement (PAI) effort involves the use of reduced-fee attorneys for extended representation cases, particularly in Sussex County where the program does not have staff.

LSCD operates a reduced-fee PAI program. Their panel of reduced-fee attorneys accepts extended representation cases from the program in bankruptcy and landlord-tenant matters. The PAI attorneys, like LSCD staff, are very experienced in these areas and are well-known in the legal community for their pro bono efforts, with staff at both LSCD and DVLS acknowledging that the active reduced fee and pro bono attorneys in the state were the same.

LSCD focuses the use of their PAI attorneys on more complex bankruptcy matters and cases which come from Sussex County where LSCD does not have an office. The executive assistant coordinates the logistics on PAI cases, sending out reminders and providing quarterly case status lists for the executive director's review. Individual staff attorneys and the executive director oversee the quality issues on their PAI referrals with the executive director having ultimate responsibility for reviewing the quality of the work and outcomes.

Within the state justice community, LSCD contributes by participating in events to support more pro bono engagement and DVLS' efforts, including participating in an annual law firm reception in Wilmington. LSCD also runs the state's highly-regarded bankruptcy listserv which it also uses as a recruiting vehicle for PAI. Currently, it does not appear that LSCD has explored how to fully leverage pro bono resources in its work. LSCD is encouraged to work more closely with DVLS to do so, particularly in light of their recent layoffs where volunteer attorneys and law students could assist with their lost staffing capacity or expansion into new areas. LSCD has worked very effectively with volunteers from the University of Delaware's IT degree program, who have been providing technology and web support to the program on a pro bono basis.

Recommendation III.6.1: As resources permit, LSCD should consider how it can engage pro bono attorneys and law students to expand its capacity.

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

Board governance and leadership

Finding 7. The board of directors is engaged, supportive, and fulfilling their governance responsibilities for LSCD.

The board of directors of LSCD is very supportive of LSCD, its mission, and the executive director. The board chair has been with the program since its inception and since the current executive director was hired. He works closely with the executive director and also serves as a functional treasurer for the board. The board meetings are regular and each meeting includes board review of LSCD’s financial statements and updates from the executive director. Client community board members expressed their feeling that they had a voice on the board level and had opportunities to provide input to the executive director on community needs and questions which pertain to their clients or community issues. A client community representative also spoke of her participation in the NLADA trainings which she attended and found to be very valuable.

The board members interviewed spoke warmly and fondly of the executive director and admired his dedication, kindness, and commitment to equity in all of his personal and professional interactions. Board members also expressed their interest in finding ways to relieve the executive director of so many administrative responsibilities and to increase his and staff salaries “to avoid burnout.”

LSCD recently brought on a new board member who is also the current vice president of the Delaware State Bar Association and former board member of a Philadelphia legal aid program. A second newer board member, a Catholic nun, manages an affordable housing complex for seniors and brings experience with government funding and management. LSCD is encouraged to continue to diversify the background and experience of their board members, and to leverage the board’s collective wisdom to gain new insights on its work and strategic direction. With the Chair also serving the board Treasurer’s role, the organization should consider how to best segregate or rotate board responsibilities and duties to maintain or improve upon their governance role and systems for fiscal oversight and accountability.

Recommendation IV.7.1: The LSCD board is encouraged to continue fully leveraging their relationships and experience to support the program. As resources permit, the LSCD board should consider how it can maintain or strengthen their oversight responsibilities, including the segregation or rotation of board responsibilities and duties.

Finding 8. LSCD has not engaged in comprehensive and formal long range planning to map its current and future strategic direction.

As discussed in the “Program and Service Area Overview” and “Performance Area One,” LSCD is part of a strong, positive, and influential collaboration with CLASI and DVLS. At times, this collaboration is extremely beneficial to LSCD, particularly in light of its limited administrative capacity, and recent examples include the collaborative effort to establish a mortgage foreclosure mediation program in the state and the joint VAWA grant. The programs also jointly participated in a legal needs assessment in 2003 and in a subsequent strategic planning process for CLASI. While the collaboration is clearly beneficial to the state and delivery system as a whole, this relationship can also create limitations on how LSCD conducts its work and perceives what it “should be doing” to advance its mission.

LSCD should engage in longer range planning which will allow LSCD to engage its staff, board and other stakeholders in broadly questioning their work, approaches, core strengths, and potential opportunities to shape the focus and impact of the program. Long range planning also provides an opportunity for a more current needs assessment and, in light of the discussion on organizational cohesion in *Finding #5*, it provides an important, structured setting for staff to contribute their perspective and experience on broader issues in the community and for the organization.

Recommendation IV.8.1: LSCD should consider engaging in independent strategic or long range planning. As part of this process, LSCD should look at collecting meaningful community input on needs, multiyear budgeting, and staffing plans which provide a long range road map for building administrative and organizational capacity.

Management and administration

Finding 9. LSCD’s executive director is very hard-working and effectively oversees myriad responsibilities with limited resources. The organization would benefit from additional capacity for management and administration.

LSCD’s executive director has myriad responsibilities for the program, including litigation strategy, legal work management and supervision, technology (now even more significant with layoff of their full-time IT person), budgeting and finance, fundraising, and human resources. This stems from the executive director’s strong predisposition against investing in administrative or operational capacity and a decade-long strategy of keeping LSCD’s administrative staff extremely ‘lean and non-bureaucratic’ in order to direct the greatest amount of funding towards direct services. The executive director is supported in his administrative and management responsibilities by the executive assistant, a part-time bookkeeper, and an on-call technology consultant.

The benefit of this “lean” approach is that the advocates are uniformly and almost exclusively focused on providing the best possible service for clients. It also consistently places accountability for LSCD’s grant and regulatory requirements at the highest level in the organization with the executive director personally taking time and interest in ensuring the entire program operates within appropriate fiscal, regulatory, grant, and audit requirements. While LSCD has managed very effectively and efficiently with a small staff, building efficient operational support is essential for the long term strength and stewardship of the program.

The executive director is very hard working and effective in managing the organization. With so many diverse responsibilities, he also carries a tremendous workload which can prevent him from fully developing or focusing on areas which make the highest and best use of his role, skills, and experience as a chief executive. With continued funding uncertainties facing many nonprofits, LSCD would benefit from freeing the executive director's time to allow for his sustained and thoughtful consideration of long term strategy, resource and board development, and collaborative partnerships which can enhance community visibility and open new revenue opportunities for LSCD.

Finding 10. Within its staffing and resource limitations, LSCD is making effective use of technology and maintains basic and well-functioning finance and human resource systems.

Technology: LSCD staff uniformly spoke highly of the technology systems in the office. Staff use the Legal Files system fully to actively manage case flow and to document and review activities on their work. Several staff commented on their recently improved bankruptcy software program as well. The program has a newer server and regularly scheduled upgrades to its computer equipment. Because the executive director has a strong foundation and facility in technology, the organization functions well on a day-to-day basis and the staff all find the executive director to be very knowledgeable and effective in providing helpdesk coverage. The executive assistant has also provided support as the office webmaster and at the time of the visit, had put a significant amount of time in the revamp of the LSCD website.

Finance systems: The executive director works with a part-time bookkeeper and is responsible for developing the annual budget and all of the financial reports for the quarterly board meetings. He understands the organization's finances well and uses the part-time bookkeeper to manage their day-to-day needs. The program has received clean audits for the last several years with the executive director commenting that their auditors have been very pleased with their fiscal systems. When LSCD learned of the mid-year funding cut from IOLTA, the executive director was able to assess their financial position quickly, brief the board of directors, and come to a decision on layoffs within days. As stated in Recommendation IV.7.1, with the Chair also serving the board Treasurer role, LSCD should consider how to best segregate or rotate board responsibilities and duties to maintain or improve upon their systems for fiscal oversight and accountability.

Human resources: LSCD appears to have a well-functioning human resource capacity, with the executive assistant serving an important role in allowing for some delegation of human resource duties from the executive director. She maintains overall benefits administration, timekeeping and leave requests, coordinates and participates in the hiring and orientation process of new staff, and is responsible for maintaining personnel records. LSCD offers a compensation package which appears to address the basic needs of its staff.

LSCD provides a complete administrative orientation for new staff with the executive assistant coordinating a significant amount of training on employee benefits and office systems, such as Legal Files, and other organizational policies. Before the funding cut, the program also regularly sent their staff to the National Consumer Law Center's annual conference, Delaware CLE

courses, and other trainings relevant to their work. The executive director continues to look for resources that offer free or low-cost trainings or CLEs for staff. LSCD is considering how to develop “no cost” opportunities to train and develop staff by allowing them to take on new or different areas of responsibility as part of a broader and deliberate approach to supervision and professional development.

Finding 11. LSCD’s executive director is seeking to bring in new revenue to the program.

The three key areas for LSCD funding are LSC, the Delaware IOLTA and their Combined Campaign for Justice which is the statewide private bar campaign for the three legal service providers. The coordinated IOLTA and private bar fundraising efforts in Delaware allows for a high level of participation from members of the bar and judiciary and is a unique model for a private bar campaign. As illustrated with the dramatic, unexpected IOLTA funding cuts, however, LSCD’s funds fluctuate largely at the fortunes of these few funders. The program’s executive director plans to engage the board in considering other revenue sources which the program can apply for independently or to lead with DVLS and/or CLASI. The executive director has interest in further exploring these options and LSCD can do so in the course of strategic or long-range planning.

CONCLUSION

As LSCD approaches its 15th Anniversary, it should celebrate its strengths and accomplishments as an organization and in the justice community. The program has been built around an experienced staff, committed to quality and assertive legal representation for clients. LSCD enjoys a positive reputation in the community, and has a depth of experience in substantive areas that are critical to low-income people in the current economic environment. Looking forward, LSCD should continue to maintain its focus on quality services, while building its long-term capacity to further expand its reach and impact in low-income communities.