



# **LEGAL SERVICES CORPORATION**

**Office of Program Performance**

***FINAL  
PROGRAM QUALITY REPORT***

***FOR***

***Legal Services of Northern California***

Recipient Number: 805240

July 26-30, 2010

***Team Members:***

Chuck Greenfield, Program Counsel (Team Leader)

Evora Thomas, Program Counsel

Reginald Haley, Program Analyst

Alex Gulotta, Consultant

Nancy Glickman, Consultant

**Legal Services of Northern California  
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**Draft Program Quality Report**

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## **INTRODUCTION**

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit to Legal Services of Northern California (LSNC) from June 26-30, 2010. The team members were team leader Chuck Greenfield (Program Counsel), Evora Thomas (Program Counsel), Reginald Haley (Program Analyst), Nancy Glickman (consultant) and Alex Gulotta (consultant.)

Program quality visits are designed to ensure that LSC grantees provide the highest quality legal services to eligible clients. In conducting its assessment, the team carefully reviewed the documents LSC received from the program, including its LSC grant application for 2011 funding, 2009 case service reports (CSRs), 2009 other service reports (OSRs), the numerous documents the program submitted in advance of the visit along with advocates' writing samples, and a survey of LSNC staff conducted by LSC.

On site, the team visited the LSNC's executive office, seven regional offices, and several partner community agencies. In addition to speaking to many LSNC staff members, the team met with or had telephone conversations with a number of LSNC board members, judges, representatives of local government agencies, and representatives of community organizations.

In performing its evaluation of the grantee's delivery system, OPP relies on the LSC Act and regulations, LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. This evaluation is organized according to the four LSC Performance Areas that cover: (1) needs assessment, priority setting, and strategic planning; (2) engagement of the low income community; (3) legal work management and the legal work produced; and (4) program management including board governance, leadership, resource development, and coordination within the delivery system.

### **Program Overview**

LSNC provides limited service, pro se assistance, and full representation to low-income residents of 23 counties in Northern California. Services are provided from nine regional offices, which are located in Vallejo, Woodland, Sacramento, Auburn, Nevada City, Chico, Redding, Eureka, and Ukiah. Five of the regional offices operate self-help clinics in cooperation with local courts. The program also operates the following five special projects: the Senior Legal Hotline; the Health Rights Hotline; the Ombudsman Services of Northern California; the Health Insurance Counseling and Advocacy Program; and the Voluntary Legal Services Program.

The service area is predominately rural with some urban areas and consists of 44,744 square miles, which is roughly the size of Ohio. The population is diverse: 40% White, 20% Hispanic, 10% Asian/Pacific Islander, 9% African-American, 3% Native American and 17% Other/Multi Racial. According to the 2000 Census, the service area has 420,466 persons living in poverty.

LSNC has a staff of 128, including 48 attorneys and 23 paralegals. Gary Smith has been the program's executive director for the past 11 years. The program's executive office, with 12 employees, is located in Sacramento. The executive office houses the executive director, deputy director, director of finance, IT manager, development coordinator, six accountants, two bookkeepers, executive secretary, IT employee and an employee in human resources. LSNC has three experienced attorneys employed as regional counsels. Each of the regional offices has a managing attorney.

LSNC's total 2009 budget was \$11,759,001, including \$3,890,801 from LSC. Non-LSC funding totaled \$7,509,700 in 2009, or 63.9% of the program's total revenue.

In 2009, the majority of LSNC cases closed were in housing (37.2%), family (17.1%), miscellaneous (15.8%), consumer/finance (8.9%) and health (8.6%).

### **Summary of Findings**

LSNC conducts direct legal representation, in both full and more limited forms, in an effective and high-quality fashion. The program is involved in advocacy efforts that make a difference to a substantial number of persons in its client communities. The program utilizes a community lawyering approach with the goal of empowering the poor to identify and defeat the causes and effects of poverty. The program provides a range of services, including advice and counsel, limited service, representation, and administrative and legislative advocacy to carry out its priorities.

The program provides services in addition to direct client representation that are designed to help low-income people address their legal needs and problems. Such services include, but are not limited to, community legal education assistance in self-help activities and pro per appearances, community economic development and other available approaches. The program continually seeks to find innovative ways to deliver services and meet client needs.

The program is effectively engaged with the eligible population, including major and distinct segments of that population, and where appropriate and feasible, incorporates perspectives from that population and its major segments in its work and operations.

LSNC is accessible to and facilitates effective utilization by the low-income population, including segments of that population who traditionally have had difficulties accessing or utilizing civil legal assistance.

Clients are treated with dignity and respect. Program staff reasonably reflects the diversity of the service area and members are culturally and linguistically competent. Intake procedures vary by office resulting in dissimilar client access to services.

LSNC regularly engages in a comprehensive assessment of legal needs in its service area. The program annually evaluates its priorities, develops strategies and allocates

resources based on those priorities. The program regularly evaluates and analyzes the effectiveness of its delivery system and overall work.

LSNC has a sophisticated and well thought out technology infrastructure that allows advocates easy access to a content rich environment and state-of-the-art applications. The program does an outstanding job of connecting technology to its advocacy efforts.

The program effectively integrates private attorneys in its work in order to supplement the amount and effectiveness of its representation and other services and achieve its goals and objectives.

LSNC has effective board oversight. The board is involved in major policy decisions. Board members are committed to the program and its mission. The board holds program management accountable for effective performance.

The program has effective leadership which establishes and maintains a shared sense of vision and mission, and emphasizes excellence, innovation, and achievement of goals, and objectives.

The program appears well managed and administered including: an effective management structure; processes and systems to ensure compliance; a capacity to address problems quickly and effectively; effective utilization of technology; effective administrative procedures; competent personnel; allocation of appropriate resources to management functions; and periodic evaluations of administrative operations.

LSNC has and follows financial policies, procedures and practices that appear to comport with applicable requirements, and conducts effective budget planning and oversight.

The program maintains effective human resources administration, including compliance with all applicable laws.

The program maintains effective intra-staff and staff management communications and relations.

LSNC has a diverse funding base with over 100 different sources of funding.

The program participates in, and seeks to expand and improve, statewide and national legal assistance delivery systems to achieve equal access to justice and to meet the civil legal needs for low-income persons in the state.

**PERFORMANCE AREA ONE: Effectiveness in identifying the most pressing civil legal needs of low-income people in the service area and targeting resources to address those needs.**

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

**FINDING 1: LSNC regularly engages in a comprehensive assessment of legal needs in its service area.**

LSNC conducts a comprehensive assessment of legal needs in its service area every three years. The last assessment was completed in 2007. In mid-2010, the Board of Directors approved a needs assessment procedure for 2010, which includes seeking input from clients, community organizations and agencies, board members, judges and staff. Each LSNC office will survey judges, community organizations and agencies in their areas through in-person or telephone interviews. Once the data is obtained, a team comprised of the executive director, board members and the regional counsels will review the information, consider program case data, current priorities, staffing, the LSC sample priorities, and other information to develop a set of recommended priorities. The recommended priorities will be submitted to the managers and then to the LSNC Board of Directors for approval.

LSNC makes adjustments between legal needs assessments on an ongoing basis to reflect changes in their service area. As an example, the program has in recent times modified its staffing, training and priorities based on an increased need for foreclosure assistance, food stamp cases and unemployment appeals.

**Criterion 2. Setting goals and objectives, developing strategies and allocating resources**

**FINDING 2: The program annually evaluates its priorities, develops strategies and allocates resources based on those priorities.**

The program evaluates its priorities each year using a process that begins with an annual 3-day manager's conference. The managers discuss case data and other information they obtain from their local communities. Recommendations are made by the managers which are later analyzed by the regional counsels and the executive director. Recommendations are made each year to the board of directors for approval. The program allocates resources based on approved priorities.

LSNC has set six priority goals for its program: (1) support for families; (2) preservation of housing; (3) enhancing economic stability; (4) family safety and stability; (5) health care; and (6) civil rights. Specific goals, strategies and desired outcomes have been developed for each goal.

The program allocates supportive resources for the priority areas of housing and public benefits through continuing training, task force meetings three times a year,

designated regional counsel, and the program's web portal. The program's Senior and Health Law task forces also meet regularly. LSNC maintains an "experts list" that provides the names for LSNC staff available on an on-going basis for the purpose of consulting on various substantive areas of law. Those "experts" are participants in state and national advocate groups that keep them apprised of developments in those areas of law and permit cooperative work and co-counseling where appropriate. However, the program has not provided designated regional counsel or established specialized practice groups for the education and consumer rights priority areas.

**RECOMMENDATION 1.2.1<sup>1</sup>:** The program may want to consider, if resources allow, providing supportive assistance such as continuing training, task force meetings and a designated regional counsel for other substantive priority areas, including education and consumer rights.

### **Criterion 3. Implementation**

**FINDING 3: The program provides a range of services, including advice and counsel, limited service, extended representation, and administrative and legislative advocacy to carry out its priorities.**

LSNC provides advice and counsel, limited service, extended representation, administrative and legislative advocacy in its priority areas. In 2009 the program closed 15,314 cases, more total cases than any other LSC-funded program in California even though the program ranks seventh in LSC funding for the 11 LSC-funded programs in California. The program made a conscious decision to provide limited services, including pro per assistance to a significant number of clients. As a result, of the 15,314 cases closed, 96% were limited service cases. The program has also decided to focus on providing extensive representation in some cases in certain priority areas in order to achieve maximum results for the client community.

**RECOMMENDATION 1.3.1:** LSNC may want to explore whether court representation, in a broader range of individual cases, can also be utilized to effectively implement the program's priorities.

### **Criterion 4. Evaluation and adjustment**

**FINDING 4: The program regularly evaluates and analyzes the effectiveness of its delivery system and overall work.**

Each LNSC office annually engages in an office-wide planning process. The staff reviews the priorities of each local service area, identifies goals and advocacy strategies,

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<sup>1 1</sup> 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 1-1-1 is therefore the first Recommendation (in this instance the only one) under Performance Area 1, Finding 1.

decides which advocates would work on certain strategies, and sets time frames. Each office develops a work plan. Employees also develop work plans. An annual three-day manager's conference is held during which an evaluation of the program's work occurs. In addition, the regional counsels and the executive director regularly analyze the program's work, and annually review substantive outcomes. The program makes adjustments based on its evaluations.

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

**Criterion 1. Dignity and sensitivity**

**FINDING 5: Clients are treated with dignity and respect. Program staff reasonably reflects the diversity of the service area and members are culturally and linguistically competent.**

It appears clear that LSNC treats its clients with dignity and sensitivity. Judges and community organizations report that the program cares about clients and treats them with dignity and respect. LSNC conducts a random sample of clients by phone to assess their satisfaction with the services provided.

The program's staff is multilingual and reflects the diversity of the service area. Bilingual staff is available in all offices for LEP clients. LSNC has substantial language capacity and uses Language Line when necessary. The program's recruitment and retention efforts foster staff diversity. Employees participate in trainings that help ensure awareness and appreciation of the culture of the client community. Board members reflect the diversity of the client community. For example, the board chair is Hispanic; other board members are Asian American, African American and White.

It was observed that in some LSNC offices reception areas may not provide sufficient privacy for gathering confidential intake information.

**FINDING 6: Intake procedures vary by office resulting in dissimilar client access to services.**

LSNC conducts intake of new clients at each of the nine regional offices and outreach sites. Potential clients contact the program by office walk-ins, telephone, e-mail, and visits to various outreach centers. The program does not have a program-wide centralized hotline for intake calls, but rather receives intake calls at each of the offices.

The program's intake procedures differ by office. Intakes per day are limited in some offices and in the Sacramento regional office daily slots are sometimes filled before 9:00 a.m. with applicants being told to call or come back the following morning. While most offices are open for intake from 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m., some of the offices lock their doors at 3:00 p.m. and/or lock them on Fridays. Usually, an intake paralegal will conduct the intake interview, verify financial eligibility and make initial decisions

regarding advice and/or referral. Managing attorneys supervise the intake paralegals and review completed intakes on at least a weekly basis. All offices accommodate emergencies. Intake paralegals do not routinely meet program-wide to share ideas and concerns.

In its response to the draft report, LSNC states that the variations in its intake procedures “are based upon differences in local service area characteristics, such as client population size, client transportation opportunities, local office staffing levels, and the historical office access patterns of the local client communities.” The program further states that “these differences are *deliberate* accommodations to the different intake needs of the local service area.” In addition, “LSNC *continually* reviews its intake process in *every* office, and makes frequent adjustments to its local intake systems.” (See LSNC’s Response to Draft Program Quality Report, November 2, 2010, which is attached.)

**RECOMMENDATION 2.6.1:** The program should continue to review the various modes of intake utilized throughout the program and adopt uniform best practices to be implemented program wide. Intake staff should be involved in this review. The program is encouraged to contact the LSC Intake Focus Group for technical assistance on intake issues and challenges.

**RECOMMENDATION 2.6.2:** The program should make every effort to ensure that applicants and clients are provided sufficient privacy when offering confidential intake information.

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

**FINDING 7: The program is effectively engaged with the eligible population, including major and distinct segments of that population and incorporates perspectives from that population and its major segments in its work and operations.**

LSNC is widely known to members of the low income population. The representatives of social services organizations, community groups and others talked to indicated that the program was actively engaged in the community. Examples of some of the community organizations that praised LSNC for its sensitivity to the client community include Loaves and Fishes, Asian Resources, Inc., Mutual Assistance Network, and Faith in Action. LSNC advocates are members of many community organizations; several are on boards; and several attend social services network organizations. LSNC regularly conducts outreach in many rural areas, including appearing at senior centers, outreach events, non-profit organization fairs, and court-sponsored workshops.

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

**FINDING 8: The program is accessible to and facilitates effective utilization by the low-income population, including segments of that population who traditionally have had difficulties accessing or utilizing civil legal assistance.**

LSNC has nine regional offices located in the most heavily populated cities and counties of the service area. All offices are accessible for disabled clients. The large size of

the program's service area makes it difficult for some clients and potential clients to visit the offices. To help address this problem, many offices have a separate toll-free telephone number allowing for access to services by telephone. In addition, home visits are made to persons who are confined to their home or are institutionalized.

The offices are dignified. The waiting rooms have materials for clients to read and appropriate notices. Offices are adequately staffed with administrative support, an office manager, advocate staff, and appropriate attorney supervision by a managing attorney. The program engages in numerous outreach efforts throughout its service area which is a very rural, sparsely populated service area.

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

**Criterion 1. Legal Representation**

**FINDING 9: The program conducts direct legal representation, in both full and more limited forms, in an effective and high-quality fashion. The program utilizes a community lawyering approach with the goal of empowering the poor to identify and defeat the causes and effects of poverty.**

LSNC's advocacy staff engages in a wide array of legal delivery approaches, including individual advice, limited service, pro per clinics, individual case extended representation, group representation, and legislative/administrative advocacy pursuant to 45 C.F.R. 1612. The program has a dedicated and highly competent advocacy staff. The written legal work reviewed was of high quality. Open case statistics reflect appropriate size case loads. Advocacy staff is actively involved in various community economic development activities. The program actively encourages advocate involvement in the community and development of special projects to address community needs. The program effectively uses substantive task forces to share ideas, train staff, and identify issues. The program appears to have achieved its goal of community lawyering. For example, each attorney is expected to engage in community work, legislative advocacy (consistent with LSC regulations), community economic development, and client legal education. New attorneys are required to spend their first 6 months spending at least 4 hours per week out of the office to meet and work with various sectors of the community and get a feel for the various issues and problems they face. The program enjoys a very favorable reputation among the bar, judiciary, community groups and social service agencies and organizations.

LSNC has experienced legal work managers, supervisors, and mentors. The program engages in various legal work management procedures to insure appropriate supervision of staff work and decision making: open door policies, mentors, review of initial intake decisions, group case acceptance meetings, opening memos, case reviews by managing attorneys and regional counsel, case management system (PIKA) reviews, review of closed cases, and yearly evaluations. The program's individual and office work plans ensure not only ongoing development of staff but measurable goals for effective representation.

The program has a comprehensive orientation and training schedule for new attorneys and paralegals. For example, new attorneys and paralegals spend three days in Sacramento for initial orientation training and often attend an intensive subject matter training conducted later by the Benchmark Institute. Ongoing training is routinely available to all staff. Staff has also attended National Institute of Trial Advocacy (NITA) trainings.

The program encourages and provides necessary support to engage in litigation that will affirmatively impact the client population and has enjoyed considerable success in that arena. An example is the program's recent litigation against the County of Sacramento for its attempts to severely cut back the medically indigent health care program to low-income county residents. The program obtained a temporary restraining order on July 1, 2010 preventing the proposed reductions, which benefited approximately 22,000 recipients of the medically indigent program.

Numerous resources, both human and technological, are routinely available to staff. The program incorporates data analysis in the provision of legal services by relying upon technology such as GIS mapping which allows advocates to more fully understand the demographics of the client communities. Offices routinely use volunteers, student interns, and summer law students to assist in the delivery of legal services.

Case Service Report (CSR) data reflects that the program closed 15,314 cases in 2009. The program closed 388 cases per 10,000 poor persons in its service area in 2009, markedly above the national average of 259 closed cases per 10,000 poor persons. Overall, the number of cases closed in 2009 as extended services cases (604) is very low compared to national averages. In 2009 3.9% of the program's closed cases were extended service cases as compared to a national average of 21.1%. This equals a case closing rate of 14 cases closed per 10,000 poor persons as extended service cases as compared to a national median of 57. In addition, while there are a significant number of cases closed as a result of agency decisions, there are a very limited number of cases closed as court decisions. The program's decision to provide pro se assistance to clients in a substantial number of housing eviction and family law cases plays a significant role in the number of cases closed as extended services as well as the number closed as court decisions.

LSNC's closed case numbers do not adequately capture the results of the program's advocacy. Many employees are involved in advocacy efforts that affect more than one client. At times, case representation has resulted in significant benefits for the client community, as noted above in the County of Sacramento case.

In its response to the draft report, the program points out that reliance on Case Service Report data alone does not adequately reflect the breadth and impact of LSNC's advocacy efforts, nor the success of that advocacy. (See LSNC's Response to Draft Program Quality Report, November 2, 2010.) LSC agrees that the CSR numbers alone do not adequately tell the story of the program's advocacy efforts. However, the team is concerned about how the low-income population obtains representation in court or before agencies as necessary in such cases as non-failure to pay rent public housing evictions, predatory lending or foreclosure cases. We recognize that LSNC does represent some clients in these areas.

**RECOMMENDATION 3.9.1:** Although clinics and pro per packets provide a valuable service to clients who would not otherwise be assisted, every effort should be made to identify those cases where more extended services would be appropriate.

**RECOMMENDATION 3.9.2:** The program should conduct regular evaluations of the effectiveness of its provision of limited services on the underlying legal program faced by those persons assisted to see whether clients were able to successfully follow through on the advice given. If the evaluation shows a poor success rate, the program should reconsider the amount of limited services it provides as an advocacy strategy.

**RECOMMENDATION 3.9.3:** The program may want to enhance new attorney skills and provide additional services by exploring opportunities for increased motions and trial practice.

**FINDING 10: LSNC has a sophisticated and well thought out technology infrastructure that allows advocates easy access to a content rich environment and state-of-the-art applications. The program does an outstanding job of connecting technology to its advocacy efforts.**

The program maintains a sophisticated yet accessible technological infrastructure. All offices are connected to the program's network and employees have remote access to email, calendars, the case management system, document banks and other materials. The program uses Google applications for email, calendar, documents and sites. The LSNC portal site, a single point of entry, is a model for other programs. It allows employees to easily access the PIKA case management system, Google applications, document banks, blogs in substantive areas of practice, and a variety of other content. There is an outstanding search feature, developed as part of a 2007 TIG grant for the "findability project" that allows an advocate to easily search for any stored information.

The program has made a conscious effort to connect its technology to its advocacy. One example is the sophisticated GIS mapping efforts the program undertakes to fully understand how a community is affected by a particular issue or a combination of issues. Another example is the LSNC's California Food Stamp Guide, accessible at [www.foodstampguide.org](http://www.foodstampguide.org), which had over 980,000 page views in 2009.

The recently installed VOIP telephone system allows for four digit dialing between offices, voice messaging directly as an email attachment, caller ID, and other features that greatly expand the telecommunication capacity of the program. The program has no video technology in place.

**RECOMMENDATION 3.10.1:** Given the number of offices and the distances between offices, LSNC should consider whether it could obtain program-wide video conferencing capability.

**RECOMMENDATION 3.11.2:** The program should consider using the broad range of features of its new telephone system and provide additional training to staff as needed on those features.

### **Criterion 2. Private Attorney Involvement**

**FINDING 11: The program effectively integrates private attorneys in its work in order to supplement the amount and effectiveness of its representation and other services, and to achieve its goals and objectives.**

The program has adopted a private attorney involvement program and PAI plan that seeks to fully involve private attorneys in the program's delivery of legal services to eligible clients, through distinct models in each of its regional offices. The program includes effective recruitment, training, referral, support, oversight and evaluation. LSNC's most extensive PAI program is administered by the Voluntary Legal Services Program (VLSP), which is funded by LSNC and is a joint project of LSNC and the Sacramento County Bar Association. VLSP has a staff of ten employees, supervised by the VSLP managing attorney. VLSP has successfully recruited volunteer attorneys to provide pro bono legal services.

VLSP covers Sacramento County and has a managing attorney. PAI activities in the program's other counties are primarily overseen by staff in the nearest office. There is no LSNC employee who is the program-wide PAI coordinator who coordinates the program's entire pro bono efforts. LSNC's PAI program provides malpractice coverage, MCLE credit and other training, form pleadings, practice manuals, and costs. The program has a dynamic private attorney involvement component that is available in most regions of the service area. PAI is achieved through collaboration with the organized bar and individual attorneys. The program provides oversight of cases in the PAI component and requires accountability for activities associated with case referrals. The program relies heavily upon volunteer attorneys to staff clinics, especially for the Debt Collection Defense/Bankruptcy, Employment, Expungement and Housing Clinics. The program relies on private attorneys to assist in providing direct representation, pro se assistance, co-counseling and community education. The sole PAI component in the Ukiah office is contracting with a highly experienced attorney in Lake County.

**RECOMMENDATION 3.11.1:** The program should consider creating a program-wide position to coordinate and enhance PAI activities.

### **Criterion 3. Other program services to the eligible client population**

**FINDING 12: The program provides services in addition to direct client representation that are designed to help low-income people address their legal needs and problems. Such services include, but are not limited to, community legal education assistance in self-help activities and pro per appearances, community economic development and other available approaches. The program continually seeks to find innovative ways to deliver services and meet client needs.**

LSNC provides a substantial number of services in addition to direct representation. In 2009 the program made presentations to community groups with a total of 25,520 in attendance, provided legal education brochures to 27,349 persons, and provided legal education materials online to 946,620 persons. In addition, the program provided self-help materials to 129,357 individuals online last year.

The program has developed multiple websites targeted to different groups and types of users. In addition to home site, LSNC has sites targeted for clients with health services and health insurance issues, abuse and neglect of long-term care patients, seniors, and volunteer lawyers.

#### **Criterion 4. Other program activities on behalf of the eligible client population**

#### **FINDING 13: The program engages in other activities on behalf of its eligible client community that have a beneficial effect on systemic legal problems and economic opportunities of the eligible client population.**

The program advocates on behalf of clients through participation with state and national organizations, committees, task forces and other advocacy groups that assess the effect of emerging developments on clients. The program staff works within the state bar to achieve greater efficiency in the justice system that facilitates access to courts. Program input is routinely solicited by state and local officials in effectuating services to the poor. The program routinely engages in community economic development projects with various groups throughout their service area.

Examples of the program's activities in this area include LSNC's Race Equity Project and the Administrative Advocacy Committee of the California Access to Justice Committee. The Race Equity Project seeks to encourage and coordinate advocacy which examines the intersection of race and poverty by legal services attorneys nationally. Program attorneys have collaborated with legal aid advocates and public interest lawyers across California and the nation and have provided training at national events on the use of tools such as GIS and community framing techniques to enforce anti-discrimination rights for low-income minority clients. The Administrative Advocacy Committee, established in part by a LSNC regional counsel, is comprised of legal aid attorneys, welfare agency representatives and administrative law judges. The Committee is examining barriers encountered by unrepresented claimants in adjudicative proceeding conducted by state and local administrative agencies, identifying best practices and developing minimum due process standards.

## **PERFORMANCE AREA FOUR: Effectiveness of governance, leadership and administration**

### **Criterion 1. Board governance**

**FINDING 14: The program has effective board oversight. The board is involved in major policy decisions. Board members are committed to the program and its mission. The board holds program management accountable for effective performance.**

The 37-member board of directors is comprised of attorneys and client eligible members that embrace and encourage achievement of the program's mission. The program offers comprehensive orientation to new members. Members of the board are diverse and dynamic. Client board members are active in committee and board meetings. The board is engaged in providing financial oversight to the program, primarily through the Finance-Audit Committee. The board annually reviews and approves the budget, program priorities, confirmation of LSC regulatory compliance, affirmative action plan compliance and the annual audit report. The board recognizes the need for aggressive fundraising and is considering opportunities to increase revenue. Within the past two years, the board developed and adopted a conflict of interest policy and a whistleblower policy.

The board chairman and executive director routinely communicate to remain informed and accountable regarding the activities of the organization. The board chair was integrally involved in the creation of LSNC's Race Equity Project. The board of directors last conducted an evaluation of the performance of the executive director in 2009.

### **Criterion 2. Leadership**

**FINDING 15: The program has effective leadership which establishes and maintains a shared sense of vision and mission, and emphasizes excellence, innovation, and achievement of goals, and objectives.**

The executive director, Gary Smith, has served in the position for the past 11 years and has worked for the program for the past 22 years. He teaches public interest law at the University of California at Davis School of Law and the University of Pacific McGeorge School of Law and is a past president of the Legal Aid Association of California. He is a strong leader surrounded by a highly competent management team. The addition of the deputy director in 2008 has been well received and has resulted in increased management capacity.

As a team, management inspires high levels of trust, confidence and loyalty. Program leadership has a vision for the program, that is understood and shared by the board, and is effectively communicated to program staff. This vision inspires the program's advocacy. The program has begun the process of succession planning and is mindful of the critical need to instill program values in a new generation of leaders. Further development of leadership

opportunities for mid-range staff will further this end. Program leadership makes a concerted effort to make all offices feel a part of one larger program.

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

**FINDING 16: The program appears well managed and administered including: an effective management structure; processes and systems to ensure compliance; a capacity to address problems quickly and effectively; effective utilization of technology; effective administrative procedures; competent personnel; allocation of appropriate resources to management functions; and periodic evaluations of administrative operations.**

LSNC has experienced managing attorneys in each of its nine regional offices. There are also program managers of the offices and special programs who are not attorneys. In addition to supervising the regional office, managing attorneys also have program-wide management responsibilities. The program also has three very experienced attorneys who work as regional counsels. One of the regional counsels coordinates a substantive work group in public benefits and another regional counsel coordinates a work group in housing, as well as other special projects. The third regional counsel primarily focuses on the intersection of technology and advocacy.

Program decisions appear to be made in a thoughtful, inclusive and timely fashion. The management team meets on a regular basis and provides input on key program decisions. The program conducts a program-wide meeting bi-annually where the major work of the program is discussed and new initiatives are examined, with plans for implementation. The program also holds annual three-day managers' retreats. Board members do not generally attend staff retreats. An emergency/disaster plan is in place and appears to be updated periodically. The plan was effectively used to continue operations when the Ukiah office had a fire in 2009 making the space unusable.

The evaluation of program staff, program management and program operations occurs on a periodic basis. Some staff and manager evaluations are overdue which deprives both the program and the employee of critical feedback.

**RECOMMENDATION 4.16.1:** The program should give priority to the completion of all staff evaluations on a timely basis.

**RECOMMENDATION 4.16.2:** The program should consider inviting board members to attend some portion of the annual manager and bi-annual employee retreats.

### **Criterion 4. Financial administration**

**FINDING 17: The program has and follows financial policies, procedures and practices that appear to comport with applicable requirements and conducts effective budget planning and oversight.**

The director of finance is competent, tenured and manages a staff of nine comprised of accountants, bookkeepers, other appropriate fiscal staff. The accounting and budgeting applications are integrated and comprehensive. Each of the branch offices has a specific member of the fiscal office assigned to it to respond to requests for assistance. Past audits and outside reports and evaluations do not reveal fiscal issues. The program employs detailed operating budgets and quarterly financial reviews for effective financial management and oversight. The program's accounting manual was last updated in June 2010. Additional updates are in the process in accordance with the recently published 2010 LSC Accounting Guide.

The program's operational goals and priorities drive the budget planning process. Each regional office is responsible for developing that office's proposed non-personnel budget, in consultation with the director of finance and the executive director. The director of finance and executive director, in consultation with the managing attorneys, develop the proposed personnel budget. Office managers, managing attorneys, the director of finance, regional counsels, and executive management are all involved in the budget formulation process. Budgets are developed on a two-year basis. The finance committee reviews, provides input, and approves the proposed budget. The budget is then approved by the board.

LSNC provides security for its budget and accounting data. The entire system is backed-up daily by IT and budget data is backed up twice each week by fiscal staff. The backup files are maintained offsite.

The program prepares planned and actual income and expense reports monthly for each office and the entire program, showing variances between planned and actual income and expenses. Additionally, branch offices submit quarterly status of funds reviews. Regional offices are provided a 5-year detailed expense history to inform the budget planning process. The program prepares separate budgets for program-wide initiatives to ensure that program objectives and goals are achieved.

The program's audit firm provides training to the board finance committee. The audit firm and lead auditor have been consecutively employed by LSNC for the past four years.

#### **Criterion 5. Human resources administration**

#### **FINDING 18: The program maintains effective human resources administration, including compliance with all applicable laws.**

The deputy director has the responsibility for human resource administration of the program. She has been the deputy director for two years and was previously a managing attorney with the program for seven years. She is assisted by a human resources coordinator, who devotes the majority of her time to human resources activities. Managing attorneys and office managers in the regional offices share responsibility for human resource functions as well.

LSNC's staff is unionized and periodic review of personnel policies, salaries and benefits occurs during the collective bargaining process. The program maintains comprehensive personnel policies on its intranet, ensuring that the program's policies are immediately available to all staff. Personnel records are maintained manually. While the program has many very experienced attorneys, there has been significant employee turnover during the past three years. Some of the turnover was unavoidable because of grant and contractual funding arrangements.

In its response to the draft report, the program states that it "proactively, continually, and carefully assesses the basis and experience of core staff turnover in order to develop strategies to preserve its investment in personnel." (internal quotations omitted) (See LSNC's Response to Draft Program Quality Report, November 2, 2010.)

**RECOMMENDATION 4.18.1:** LSNC should assess the basis and expense of turnover of staff attorneys not funded under provisional grants in order to develop strategies to preserve its investment in personnel.

**RECOMMENDATION 4.18.2:** The program could benefit from digitizing the paper personnel records and begin transitioning to automated forms which will increase efficiency, improve security and save office space.

**RECOMMENDATION 4.18.3:** The program should assess whether the current level of HR staffing is appropriate given the needs of the program.

#### **Criterion 6. Internal communication**

**FINDING 19: The program maintains effective intra-staff and staff management communications and relations.**

Each office has a weekly or biweekly staff meeting. The management team participates in a monthly conference call, as well as periodic in-person meetings as needed. A three-day manager's conference is held in June of each year. An all-staff conference is held every other year. Task forces, regional counsels, workgroups, and list serves encourage and facilitate communications and the qualities of a unified law firm. The LSNC excellent intranet portal performs a critical role in internal program discussions.

The executive director visits each regional office at least one per year. He publicizes significant staff accomplishments through circulars and emails to all staff. The program's open door policy also facilitates communications.

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

**FINDING 20: LSNC has a diverse funding base with over 100 different sources of funding.**

LSNC has a development coordinator who works with volunteers, staff, managers and board members to raise funds. Funding comes from an extraordinary variety of diverse sources that are consistent with the programs' strategic vision and direction. The program has over 100 different funding sources. LSNC sponsors an annual "Race for Justice" fundraising event and mails out a solicitation letter twice each year. Approximately \$200,000 is raised each year from these and other efforts. In addition, the program received over \$600,000 in cy pres awards in 2009. Each office also engages in fundraising efforts in their communities, including seeking local grants and sponsoring fundraising events. Procedures are in place to insure that funding opportunities are fiscally prudent and consistent with the program's mission and strategic vision.

The program is exploring the expansion of private attorney and other private donor fundraising with leadership from the board. The board plans to undertake a major fundraising campaign in 2011, with a focus on local law firms. The use of an advisory council to include non-attorney philanthropists from local communities may enhance the ultimate success of this endeavor.

**RECOMMENDATION 4.20.1:** Given the size of the program, as new resources are available, the program should consider adding another resource development specialist with substantial non-profit, private-donor, fundraising experience.

**Criterion 8. Coherent and comprehensive delivery structure**

[Discussed in other criteria]

**Criterion 9. Participation in an integrated legal services delivery system**

**FINDING 21: The program actively participates in, and seeks to expand and improve, statewide and national legal assistance delivery systems to achieve equal access to justice and to meet the civil legal needs for low-income persons in the state.**

The program actively participates in statewide efforts to provide low-income persons in the state with equal access to a full range of civil legal assistance services in all forums. LSNC employees are active in the California Access to Justice Commission, Legal Aid Association of California (LAAC) and bar committees. Examples of this participation include: the executive director is a member of both the Funding Committee and the Task Force on Rural Delivery of the Access to Justice Commission; the executive director and the board president are both members of the state bar's Commission on Voluntary Lawyer Contributions; a managing attorney is co-chair of the Directors of Litigation Association; a staff attorney serves on the LAAC board; the deputy director and a regional counsel are members of the state bar's Standing Committee on the Delivery of Legal Services; a managing attorney serves on the state bar's Committee on Professional Ethics; and a regional counsel is on the board of the Public Interest Law Project. In addition, five employees were recently involved in training at the NLADA substantive law/litigation directors' conference held in July 2010.

Another example of the program's involvement in seeking to expand and improve access to justice for low-income California residents is the executive director's efforts to support the enactment of a civil Gideon statute in California. This support helped lead to the enactment in 2009 of the Sargent Shriver Civil Counsel Act (AB 590), a pilot project establishing a civil Gideon representation component in court-based projects, to be jointly administered by legal services programs and the judiciary.

The program coordinates with other providers, the bar, law schools, and other relevant entities in seeking to ensure that support is provided to advocates and managers, including training, dissemination and exchange of information, and communication and coordination among practitioners in key areas of law and practice. The program participates in statewide planning and oversight activities to achieve an integrated statewide delivery system, and coordinates and collaborates with other civil legal aid providers, private attorneys, government and corporate attorneys, the organized bar, courts and court personnel, law schools, and other public and private entities that provide legal and other social services to low-income persons.