

NEIGHBORHOOD LEGAL SERVICES PROGRAM

RESPONSE TO OFFICE OF PROGRAM PERFORMANCE

DRAFT PROGRAM QUALITY REPORT

Recipient Number: 309080

April 27-May 1, 2009

Program Overview. The neighborhood offices are also located in areas where the poverty population is great and where there is limited legal representation available (i.e., Southeast Office and Northeast/Rhode Island) or no other legal services provider is conveniently located in that particular geographic area, such as in the Northeast quadrant where the Nannie Helen Burroughs office is located.

The program employs 11 attorneys, one pro bono counsel, one executive staff that also handles cases, an executive director, and 6 administrative staff.

Finding 2: The NLSP board engages in an annual review of its priorities.

In fact, NLSP conscientiously examines all of its operations and services, taking in consideration the services provided by other organizations. For example, NLSP decided to collaborate with the DC Bar Pro Bono Program to establish the Small Claims Resource Center because no other legal services provider would agree to help and the judges really wanted this Project. In some instances, some programs added projects and/or engaged in substantive areas where, previously, NLSP was the sole provider. For example, NLSP was the only provider handling consumer cases and, subsequently, two providers created consumer projects--the DC Bar Pro Bono Program recently opened a Consumer Clinic and Legal Aid Society hired a consumer law expert. Our needs assessment also identified the problems faced by ex-offender trying to re-integrate into their communities as an emerging issue. In response, NLSP created an ongoing collaboration with the DC Public Defender Service office, which is located next to our Rhode Island office to address these issues. Although we no longer have a formal project, due to funding restraints, NLSP still participates in programs with PDS, such as the Ex-Offender Annual Workshop, and accepts cases directly related to ex-offender issues.

NLSP, along with LAS, Bread, and the DC Bar Pro Bono Program, created a workgroup to discuss family law issues. The goal was to attempt to address and resolve the issue of duplication of services. In another attempt at “state planning”, the DC Consortium voted instead to involve planning around family law. All programs that handled family law were invited to attend a state planning meeting. Due to a lot of reasons, including not having a facilitator, the planning failed. The original group has committed to continue the original discussion.

Finding 3: NLSP’s has adopted a Strategic Plan for Years 2006-2009.

NLSP developed a strategic approach to opening the new offices at Rhode Island office and Nannie Helen Burroughs. For an instance, 31% of the residents living within the Northeast/Rhode Island service area and 33% of the residents in close proximity to the Nannie Helen Burroughs office live below the poverty level. Moreover, there are few attorneys actively practicing in the Northeast/Rhode Island area – where our Rhode Island Avenue office is located. This includes only two legal services offices, which provide only disability services and an outreach office serving domestic violence victims. NLSP is the only legal provider – private or non-profit – serving the far NE/SE quadrant.

Finding 6: Intake workers are isolated and do not function as a cohesive unit.

The intake workers in the far Northeast and Southeast are not isolated from intake activities at the main office. Most of the intake workers are team players and, on a daily basis, work collaboratively to ensure the smooth operation of the program and responsiveness to the legal needs of our clients. For example, if one office has too many walk-ins or there is a backlog of telephone intakes, one of the other intake workers from the other offices will step up to assist the impacted office. All of the intake workers are periodically trained. The intake workers have regular meetings with their supervisors.

Finding 7: While the executive director has made an effort to improve NLSP's visibility, the program is still not sufficiently visible in the client community.

It is strongly emphasized by the Executive Director that all attorneys must belong to and actively participate in at least one affinity group and/or a task force. NLSP will monitor this situation to ensure that all attorneys are active participants.

In the absence of a dedicated staffperson to oversee outreach activities, NLSP made the strategic decision to replace that person with a much-needed pro bono counsel. For funding reasons, we have been unable to fill this position.

Finding 8: Serving clients with limited English proficiency (LEP) has not been a priority for the program.

NLSP has the most diverse staff of any of the 28 other legal services providers. Several staff members speak other languages such as Spanish, French, and Creole. Until recently, NLSP had staff attorneys who also spoke Chinese, German, and Arabic.

Until the summer of 2008, NLSP's main office was located in Chinatown. However, due to untenable issues with our previous landlord at that location, including making outrageous demands, summarily taking away part of our space, and charging exorbitant rent, NLSP terminated the lease. NLSP has continued to look for space in the area and one Board member has been in talks with another property owner about the possibility of NLSP obtaining a small space in the area, which is also convenient to the courthouse.

Finding 9: NLSP is accessible to the client community.

For the most part, NLSP flyers and brochures have been dually created in English and Spanish. In consideration of the increasingly diverse population within the metropolitan area, NLSP plans to use its allocation of the Legal Interpreter Bank (which recently added the written component as part of its services) to create more legal materials in Spanish, as well as other languages.

There are two signs strategically placed directly on Rhode Island Avenue—near the entrance closest to the metro and at the far end of the shopping area's parking lot, which advertise the presence of NLSP. However, NLSP is prohibited from adding signage in the middle of the

shopping center near McDonald's, because that area is not owned by our landlord and the owner will only allow commercial advertisement.

Finding 10: NLSP has insufficient systems in place to ensure the provision of quality legal services to the maximum number of clients that resources will allow.

Notably, NLSP has successfully litigated family law cases where opposing counsel is involved, which is often other legal services providers.

Finding 11: NLSP's productivity, as measured by the number of closed cases, is troublesome.

There are a number of explanations concerning the low number of closed cases:

- (1) Using LSC's definition of a case, NLSP cannot count as actual cases some of the assistance given to clients. NLSP is the only DC provider that has extensive eligibility guidelines and includes asset determinations. Therefore, any project based at the Courthouse and is coordinated through the D.C. Program Bar Pro Bono Program will have LSC eligibility issues. For example, the nature of the Small Claims Resource Center does not provide sufficient eligibility guidelines and, therefore, NLSP counts this work under the Other Services report. In 2008, NLSP provided assistance to 945 cases. In addition, the nature of the Court-based Attorney of the Day Project is primarily emergency work. The initial eligibility is done by the DC Bar Pro Bono Program. NLSP conducts an extensive eligibility assessment *only if* extended work will occur beyond the services provided that day. The Court-based cases are not coded as LSC cases until extended work occurs.
- (2) NLSP still has a problem with untimely closing of cases. The new Director of Legal Programs will ensure that this problem is resolved.
- (3) There are a substantial number of open extended service cases.

Finding 13: NLSP partners with Legal Aid Society and Bread for the City to provide assistance for clients in the DC Superior Court Landlord Tenant Resource Center.

The original formation of the Project included the DC Bar Program, which served as the "gatekeeper," i.e., the organization that refers the clients to Legal Aid Society ("LAS"), Bread for the City, or NLSP based upon predetermined dates. The attorneys who were hired to serve in this program were supposed to be inexperienced. NLSP hired one inexperienced attorney and one experienced attorney (14 years). Recently, we discovered that LAS and Bread actually used several attorneys but charged the grant based upon the number of attorneys funded.

In the first year of our participation, LAS also obtained funding for a supervisor. However, after determining that the "supervisor" was actually only a coordinator, NLSP assigned the Director of Litigation to supervise our AOD Project attorneys. In addition, one of the managing attorneys was assigned to assist with supervision of the project. In the second year, Bread asked for and

received a third attorney. As a result, LAS and Bread each have three dedicated attorneys, while NLSP has only received funding for two attorneys.

In February, 2009, LAS and Bread met with the Executive Director to discuss the specifics of the AOD Project. Based upon the conduct of LAS and Bread, the DCBF decided to conduct a peer review of the Project in the fall of 2009. As a result, the three programs were required to prepare and submit joint reports. In addition, the Executive Directors of LAS and NLSP and the Legal Director of Bread began to meet on a regular basis (in addition to the regular casehandlers' meetings). In addition, NLSP sent two supervisors to work on the project.

After the latest conflict, the Executive Director conducted an assessment of the Project and took the following action:

1. The Executive Director met with and responded to the concerns of LAS and Bread. After a review of the casework, the Executive Director discovered that the cases were being appropriately handled by the attorneys. At that time, LAS and Bread's began to express concerns about "confidence" issues.
2. The Executive Director met with the DC Bar Pro Bono Program to discuss the standards of referring cases. There was not any clearly defined standard.
3. NLSP discovered several issues within the Project, including that the supervisors were acting as staff attorneys by handling cases themselves and that one of the programs was receiving cases on NLSP's designated day.
4. Based on a number of issues, NLSP removed the assigned AOD attorneys. The managing attorney was transferred to the AOD project as an attorney, one AOD attorney was assigned to as a generalist, and the other attorney was laid-off because there wasn't a vacancy available.

Finding 14: NLSP integrates private attorneys in its work in order to supplement the amount and effectiveness of its representation and other services and achieves its goals and objectives.

Pro bono counsel provides volunteer attorney training for the Foreclosure Clinic and the Wills/Advance Directives Clinics. Using the case management system as well as an individualized Excel sheet, pro bono counsel tracks the cases in which volunteer attorneys co-counsel for.

Finding 15: NLSP engages in outreach, community education, and other activities on behalf of its clients, but should make certain that these efforts are uniformly applied across the service area to the extent possible.

The Foreclosure Clinic is not an extension of the Wills Clinic.
Advance Directives Clinic is an extension of the Wills Clinic.

A substantial number of staff persons participate in the Small Claims Resource Center. In fact, one of intake workers has begun accompanying the attorney to the SCRC to assist with the intake process and other administrative duties. In 2008, NLSP served over 945 persons.

The Foreclosure Clinic was started in 2008 and its creation was in direct response to the rising number of foreclosures in the D.C. area. At that time, NLSP was the only provider proactively handling foreclosure cases as a major initiative. Since the inception of our clinic, several programs have created foreclosure defense projects. In addition, a foreclosure component was recently added to the Court Based Attorney of the Day Project.

Finding 17: NLSP is not effectively using the Kemps management system.

NLSP has provided extensive and on-going Kemps management training. In 2008, NLSP retained John Kemp to train the entire office. The training was held over a 4 day period and hosted pro bono by Arnold and Porter. Periodically, NLSP provides Kemps updated training and Kemps training for all new hires. In addition, two staff members attended an intensive Kemps training in June, 2009.

Finding 19: NLSP employs a chief executive officer who shares a sense of vision with the legal services community.

Effective January, 2009, the Executive Director's compliance function was transferred to Valerie Scott, who is the Compliance Officer.

NLSP has hired a Director of Legal Programs—Radha Ramanathan, who is currently a member of the executive staff of WEAVE (Women Empowered Against Violence) in the District. She will begin working at NLSP within the next month.

Finding 21: NLSP has taken steps to assess gaps within its current management structure.

See Finding 19.

Finding 22: NLSP outsources its financial and accounting responsibilities.

The LSC Office of Inspector General did not express any “concerns” or “violations”. The IG made recommendations to *strengthen* our systems. NLSP immediately accepted the recommendations.