



Legal Services Corporation
Office of Program Performance

FINAL

Report
from the
Program Quality Visit
to
Philadelphia Legal Assistance Center
Recipient No. 339000

May 3-7, 2010

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**Office of Program Performance
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PHILADELPHIA LEGAL ASSISTANCE CENTER #339000
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INTRODUCTION

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit to Philadelphia Legal Assistance Center (PLA) from May 3 to May 7, 2010. The team members were OPP program counsels John Eidleman, (team leader), Evora Thomas, Cynthia Schneider, Deputy Director, OPP, Sheldon Roodman, Consultant, and John Kirk, College of Law Practice Management Fellow.

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 2010, its case service reports (CSRs), other services reports (OSRs), the numerous documents the program submitted in advance of the visit along with advocates' writing samples, and the results of a survey of PLA staff conducted by LSC.

In addition to interviewing substantially all of PLA staff members the team interviewed in person with or had telephone conversations with a number of PLA board members, judges, representatives of local government agencies, and community organization members.

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.

OVERVIEW OF SERVICE AREA AND PROGRAM

PLA serves the city and county of Philadelphia with one office in the center of the city. Philadelphia is the largest city in Pennsylvania and the sixth-most populous city in the United States. It is the county seat of Philadelphia County.

PLA was established in January 1996 by the leaders of the Philadelphia legal community with the goal of serving as a superlative provider of legal services to the low-income population of the city. PLA was designated to apply for and obtain funding from LSC. Community Legal Services (CLS), the previous LSC recipient, had determined that it could no longer receive LSC funds because its ability to represent its clients would be too limited by the new statutes and regulations controlling recipients of LSC funds.

PLA is a non-profit civil legal services program that has a service area of 135 square miles. According to the U.S. Census Bureau (2000), there are 1,468,404 individuals living in the service area with 336,177 (22.89% of the entire population)

living below the poverty level. There is significant diversity in the service area. The poverty population for the area is 27.45% White, 55.89% African American and 15.77% Hispanic. The client population served in 2009 by PLA was 17.9% White, 57.7% African American and 13.4% Hispanic.

PLA provides services through a staff of 44 that includes 14 attorneys and 21 paralegals. The program has five substantive law units that include the Migrant Unit, Family Law Unit, Public Benefits Unit, Consumer/Housing Unit and the Save Your Home Philly Hotline (SYHP). PLA also has an Intake Unit. The management team includes the executive director, a finance director and a managing attorney.

The migrant unit, Pennsylvania Farmworker Project, (PFP) has a supervising attorney and a paralegal. The family law unit has a supervising attorney, three attorneys and four paralegals. The public benefit unit has a supervising attorney, two staff attorneys and four paralegals. The consumer/housing unit has a supervising attorney, four staff attorneys, one of whom supervises the SYHP, and seven paralegals. Six of the paralegals staff the Save Your Home Philly Hotline. The intake unit has a supervisor and three paralegals.

In 2010, PLA received an LSC basic field grant for \$3,533,573 and a \$190,820 migrant grant. In addition in 2010, PLA received funding totaling \$627,433 from other sources.

PLA's case closing patterns for basic field have fluctuated for the last three years. In 2007, PLA reported 4,950 closed cases. Of these cases, 89.5% were limited service and 10.5% were extended. Of the cases closed in 2007, 40.3% were family law cases, 17.1% were housing, 14% were consumer, and 19.7% were income maintenance cases. In 2008, PLA reported 3,677 closed cases. Of these cases, 88.5% were limited service and 11.5% were extended. Of the cases closed in 2008, 49.9% were family law cases, 3.57% were housing 17.5% were consumer cases and 19.1% were income maintenance cases. In 2009, PLA reported 5,545 closed cases. Of these cases, 88.3% were limited service and 11.7% were extended. Of the cases closed in 2009, 28.5% were family law cases, 32.4% were housing, 12.9% were consumer cases and 19.6% were income maintenance cases. The increase in housing cases closed in 2009 is probably a reflection of the activity on the Save Your Home Philly Hotline.

The migrant program closed 57 cases in 2007. Of the cases closed in 2007, 2.7% were family law cases, 5.4 were housing, 2.9% were consumer, 42.2% were employment and 18.8% were income maintenance cases. The migrant program again closed 57 cases in 2008. Of the cases closed in 2008, 2.5% were family law cases, 3.4% were housing, 2.4% were consumer, 46.6% were employment and 18% were income maintenance cases. The migrant program closed 41 cases in 2009. Of the cases closed in 2009, 2.1% were family law cases, 5.2% were housing, 2.3% were consumer, 41.2% were employment and 25.9% were income maintenance cases.

The LSC Office of Compliance and Enforcement conducted a Case Service Report/Case Management System (CSR/CMS) visit from September 21 to September 25, 2009. OCE issued its draft report (DR) on January 12, 2010. PLA submitted comments to the DR on April 19, 2010 and the final report was issued on May 21, 2010.

PLA views itself as a law firm that seeks to help as many eligible persons as possible with high quality legal services and to give each applicant some help with the legal problem presented.

SUMMARY OF FINDINGS

Philadelphia Legal Assistance Center is comprised of very experienced advocates and staff who are dedicated to their clients, their work and access to justice for the low-income population of the service area. The experienced staff and the PLA board leaders have deep roots in the community, making the program part of the fabric of that community. The program and its leadership are highly respected by judges, other stakeholders and peers and perceived as leaders in the legal community. The judges remarked on the advocates' high level of professionalism, their preparation and the quality of the advocates' work in the representation of clients.

The number of cases the program closes per 10,000 poor persons by the basic field program is less than one half of the national median and the number of cases closed on extended service is also below the national average. In 2009 PLA closed 165 cases per 10,000 poor persons. The national median in 2009 was 265 cases per poor person. The program closed 88.3% of its 2009 cases as brief service while the national median was 78.9%.

The number of cases closed per 10,000 poor persons by the migrant program is in line with the national median. In 2009, PLA closed 22 cases per 10,000 poor persons. The national median in 2009 was also 22 cases per poor person. The migrant program closed 90.2% of its 2009 cases as brief service while the national median was 68%.

The program is engaged in a comprehensive strategic planning process along with a sister program, Community Legal Services (CLS), in order to coordinate and cooperate more fully and improve the legal services delivery system for clients.

PLA conducted its last needs assessment in 2005. It is currently in the process of conducting a comprehensive needs assessment in conjunction with CLS in 2010. PLA annually reviews and adopts program priorities. PLA sets explicit goals, outcomes and strategies, expressed as cases and other services to achieve its objectives in the form of its priorities. The program does not engage in an ongoing explicit analysis process for evaluating the effectiveness of the delivery strategies and work for the entire program.

With an emphasis on providing some help and service for each applicant and client, PLA is effective in serving the client community with dignity and sensitivity using a telephone intake system, operating an office that is, on the whole, convenient and

accessible, and by engaging closely with the community stakeholders that serve the client community.

The overall intake system is complex and is accessible only on certain days and hours for particular legal problems. Different units conduct their own intake. For applicants facing foreclosure, PLA has an excellent housing hotline intake system that uses sophisticated technology and is the backbone of the city's nationally recognized mortgage foreclosure diversion project.

The program serves diverse populations that speak a number of languages other than English as their first language. PLA has a sufficient number of staff members fluent in the most common languages spoken by clients.¹

PLA is actively engaged with the low-income population through its numerous partnerships with organizations and agencies that serve the client population. The client eligible board members are actively engaged at board meetings, which supplements the voice of the community heard from other stakeholders.

PLA's advocates have an impressive breath of legal experience and a general breath of knowledge about the programs affecting their clients. PLA lacks formal periodic systems for evaluating the effectiveness of the program's legal work, its projects, the work of each of its units and the staff. There is little ongoing supervision of legal work by the unit supervisor. The supervising attorneys have "open door" policies as a part of the supervision system.

PLA's private attorney involvement consists of sub-grant agreements with three well-established prominent pro bono referral agencies that have offices in the same building as PLA. PLA supports the Philadelphia Volunteers for the Indigent Program (VIP), Consumer Bankruptcy Assistance Project (CBAP) and the Homeless Advocacy Project (HAP) with in-kind contributions including reception service, intake, training, telephone, postage, copying, computer support, space, and utilities.

The PLA's board of directors is actively involved in the critical policy decisions and works closely with the management of the program on governance issues, strategic planning and addressing LSC compliance issues. Board members are knowledgeable and dedicated to ensuring high quality legal services for eligible clients in Philadelphia.

The executive director has been with the program for 15 years and is supported by the board and staff. She is devoted to the program and has a clear vision of its mission. She is recognized as a strong leader and serves as an integral component of the legal services community. Each member of the program's management team brings decades of experience to his or her position.

¹ Fourteen staff members are fluent in Spanish and English.

PLA's fiscal department consists of a Finance Director who is supported by the office/payroll manager. The separation of duties does not conform to best practices. PLA does not have a separate human resources department.

PLA has a reasonable and effective overall delivery system and it is an active participant in the regional and statewide justice community and legal services delivery system.

FINDINGS, RECOMMENDATIONS AND ITEMS FOR ACTION

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

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

Finding 1: PLA conducted a periodic comprehensive assessment in 2005 and is in the process of preparing to conduct an assessment along with CLS in 2010.

PLA conducted its last needs assessment in 2005. It is currently in the process of conducting a comprehensive needs assessment in 2010. It will be joined by CLS in conducting the assessment. The process has already begun. In April 2010, all walk-in clients at PLA and the two CLS offices were asked to fill out a one-page questionnaire. The questionnaire consisted of four questions, which asked the participants to determine the most critical legal issues facing themselves and the community. Later in the spring, a link to an on-line survey will be sent to legal services providers, social services providers, staff of PLA & CLS and board members. The five questions on the survey will solicit these respondents' opinions of the most critical legal needs facing the client community. This information will be compiled and then analyzed by a committee conducting the survey. The program will use its strong connections with many service organizations to determine what they perceive as pressing client legal needs. Additional information from the programs' database, the census, other surveys and other relevant information will be gathered as part of the process. PLA plans to present the results of the needs assessment to the board in the fall of 2010. The Board's *ad hoc* priority setting committee and the PLA staff will engage in an analysis of the results of the needs assessment to determine the priorities.

The migrant program needs assessment will be conducted in a manner similar to the basic field assessment. Materials will be translated into Spanish. The assessment will be conducted during outreach in the summer of 2010 and results will be compiled after the basic field assessment is completed.

Recommendation:

I.1.1.² PLA should proceed with its 2010 needs assessment and complete it in the proposed time frame.

Criteria 2 and 3. Setting goals and objectives, allocating resources, developing strategies, and implementing processes to achieve goals.

Finding 2: PLA annually sets goals and objectives and develops strategies to achieve them based on available resources, and regularly assesses its delivery strategies and work.

PLA annually reviews and adopts program priorities. PLA has set explicit goals, outcomes and strategies, expressed as cases and other services to achieve its objectives in the form of its priorities. Those priorities are described in the context of PLA's units, and encompass preserving income, family law and preserving home ownership.

PLA's migrant program has set specific priorities and developed strategies and goals to address those priorities. The program concentrates its efforts on the most pressing legal issues facing the migrant population. These include wage issues, violation of laws protecting migrant workers, evictions, conditions in labor camps, health and safety violations administrative law issues, unemployment and filling out tax returns.

Criterion 4. Evaluation and adjustment.

Finding 3: PLA does not engage in a formal evaluation of the outcomes of its advocacy and other services to the client community to make adjustments to its priorities and delivery system.

The program does not engage in an ongoing explicit analysis process for evaluating the effectiveness of the delivery strategies and work for the entire program. This analysis may be occurring in the SYHP project. In 2008, a consultant was hired to review the project and many of the recommendations were implemented. It does not appear that the program evaluates the delivery system on an ongoing basis and does not make adjustments based on its findings and conclusions.

Finding 4: PLA is engaging in strategic planning with CLS.

PLA and CLS are involved in strategic planning to develop a system for future collaboration. The strategic planning focuses on how best to serve clients and how to structure an optimum legal service delivery system in the city of Philadelphia. PLA concentrates on direct individual client services and CLS focuses on impact as well as

² Recommendations in this report will have three numbers and will immediately follow findings. The Roman numeral references the Performance Area, the second number corresponds to the finding, and the third number is that of the recommendation.

individual case work. PLA intake includes walk-in, telephone and outreach while CLS continues with primarily walk-in intake and some limited telephone intake for landlord tenant cases. While both programs currently coordinate to provide optimum service to clients, they believe that they could provide service more efficiently. Both executive directors have a similar basic vision of the attributes of an excellent legal services program. Both programs believe that now is the time to review their relationship and determine if there are more strategic and efficient systems for serving clients by improving coordination and collaboration.

The programs seek to improve accountability between executive directors, boards and community. As a step in this planning the two programs adopted board structures consisting of overlapping members in all but three positions. The programs will continue the strategic planning throughout 2010.

This endeavor and the needs assessment is a tremendous opportunity for the program to engage in a self-evaluation and recognize its achievements while observing the areas in which change is appropriate.

Recommendations:

I.4.2. PLA should continue its strategic planning and use the process as an opportunity to assess the effectiveness of its advocacy and other services to the client community and to make adjustments to its delivery system.

I.4.3. PLA and CLS should periodically review the board structures to evaluate if these structures are operating to accomplish the desire to improve accountability between executive directors, boards and community.

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

Criterion 1. Dignity and sensitivity.

Finding 4: PLA conducts its work in a way that affirms the dignity of clients and is culturally and linguistically competent.

Philadelphia has a diverse population and the client community communicates in a variety of languages. PLA has policies in place to address the needs of clients with limited English proficiency. PLA has fourteen staff members that are bilingual in Spanish and English. They include five attorneys and eight paralegals as well as the receptionist. Other staff members speak Portuguese, Korean, Nepali, Hindi, and Urdu. One uses American Sign Language. Language Line is used to supplement staff when a caller speaks any other language. Intake staff members understand the LEP policy and know how to use Language Line if necessary. The staff reflects the diversity of the community served and is sensitive to the cultural diversity of the client community.

Interviews with staff members disclosed a programmatic policy of keeping clients informed of the status of their case and concern for clients' well being. The interviews with community agencies, judges and other service providers revealed that PLA treats clients with dignity and sensitivity.

Intake

Finding 5: PLA uses a combined walk-in/telephone intake system as its primary client access point.

PLA has several intake portals that include walk-in, telephone, referral from other organizations and outreach. Applicants may get access to intake by walking into the PLA office Monday and Wednesday between 9:00 a.m. and 11:30 a.m. for general intake. General intake includes those seeking help with public benefits, unemployment compensation, consumer, some housing and other miscellaneous priority issues that may be referred to one of the Private Attorney Involvement (PAI) subgrantees. General telephone intake is Tuesdays and Thursdays, 9:30 a.m. to 12:00 p.m. Family law intake and screening is conducted by telephone only on Monday, Wednesday and Friday, 10:00 a.m. to 12:00 p.m. The Consumer-housing intake system, Save Your Home Philly Hotline, is open twenty-four hours a day, seven days a week.

General Intake

The general intake unit staff interviews all applicants that come into the office Monday and Wednesday and who call Tuesday and Thursday during intake hours. When an applicant first arrives she receives a copy of a one page document titled *Welcome to Philadelphia Legal Assistance* that explains what the program does, the intake process, legal problems it handles and the potential waiting time prior to an interview. The applicant also receives an intake questionnaire requesting eligibility and case type information.³ The receptionist has all the applicants sign in and records their time of arrival and time they are seen by a paralegal. On an intake day when we were on site, the first three applicants were interviewed a few minutes after they arrived. The wait time then increased and varied but averaged about 30 minutes. Twenty-nine new applicants were interviewed.

On Tuesday and Thursday, the applicant calls between 9:30 a.m. and 12 p.m., leaves call back information and the intake staff returns the call. There is no immediate contact with the intake staff and the applicant at the time of the initial call.

The general intake unit serves a significant intake function for VIP and CBAP. Cases marked for referral to the PAI subgrantees are reviewed by the managing attorney prior to referral.

³ Both the Welcome to Philadelphia Legal Assistance and the questionnaire are available in Spanish.

Family Law Intake

Applicants to the family law telephone intake will hear prompts for divorce, support, custody and protection from abuse. They leave relevant information and receive a return call within two days from a paralegal to conduct an eligibility interview and gather information for a weekly case assignment meeting at which time cases will be assigned to a PLA family attorney for representation, advice and brief service, or the Custody and Support Assistance Clinic (CASAC) volunteer,⁴ for *pro se* assistance or referred to other organizations including the VIP. It appears that the paralegals at times give advice under the supervision of an attorney to the applicants during the intake calls.⁵

Public Benefits Intake

The public benefits unit participates in the telephone and walk-in general intake process. A public benefits unit paralegal is available to interview walk-in applicants on Monday and Wednesday and to interview telephone applicants on Tuesday and Thursday. CLS refers some SSI cases to this unit, which the supervising attorney assigns to the staff attorneys. The unit also receives some welfare cases from the CLS welfare line and two days a week participates in the hotline by making call-backs to applicants. The two experienced paralegals that specialize in unemployment cases are assigned cases by the applicant's zip code. Advocates are assigned cases according to their area of expertise.

Save Your Home Philly Hotline Intake

The SYHP Hotline has six full-time paralegals. Two are bilingual in English/Spanish and one is fluent in Hindi, French and Urdu. The SYHP Hotline is always open to receive calls twenty-four hours a day, seven days a week. Paralegal staff members are available to receive calls between 8:00 a.m. and 6:00 p.m., Monday-Friday, and on Saturdays during the hours that coincide with the City's mortgage foreclosure diversion project door-to-door outreach effort.

When an applicant calls the hotline a paralegal collects eligibility information and enters it along with demographic and case-specific information into PLA's case management system and schedules an appointment with a housing counselor who work at different organizations.⁶ The hotline staff must be knowledgeable about the mortgage foreclosure process, the programs available to help clients and which cases are most appropriate for referral to PLA, CLS, Philly VIP or the Philadelphia Bar Association.

⁴ The Custody and Support Assistance Clinic (CASAC), is an independent project operated by law students attending the University of Pennsylvania School of Law and housed at PLA. CASAC assists people to prepare basic and complex motions and pleadings. Clients contacting PLA are referred to CASAC when students are available. PLA staff provides training and oversight of the students.

⁵ At time of heavy intake staff attorneys also return intake calls.

⁶ An applicant that qualifies for the SYHP program will be referred to a housing counseling agency as part of the city's mortgage diversion program.

The hotline makes excellent use of technology. The hotline administrator has been instrumental in developing creative uses of technology to improve the hotline. A WIKI was created to house a detailed description of how the hotline staff is to handle calls. It is an invaluable resource to that staff. It uses Google Calendars to keep the schedule for referring applicants to the outside housing counselors. The phone system has been improved to enable applicants to leave a voice mail message if they wait eight minutes in the queue.

Migrant Intake

The migrant program intake system includes outreach at various labor camps, referrals from migrant service providers, walk-in intake conducted by the program's paralegal at Kennett Square, one day a week from 2 p.m.- 6 p.m. and telephone intake on a toll-free line that is open 24 hours a day seven days a week with call backs from the advocates.

A planning committee of PLA and CLS, working with a consultant, has developed an evaluation plan for the intake systems at both agencies. The evaluation includes interviews with identified internal and external stakeholders to elicit information to complete a strategic plan for intake.

While the management at PLA states that the intake system is clear and understood by the applicants, the leaders of stakeholders whom we interviewed felt they were uncertain of how intake worked and confusing for clients to navigate.

Recommendations:

II.5.4. As PLA continues its strategic planning, it should analyze the strengths and weakness of the intake systems, determine if technologies used in the SYHP hotline can apply to the other intake systems, and broaden intake hours so that there is greater access for clients.

II.5.5. PLA should evaluate the ease or difficulty clients encounter in navigating the intake system and if the multitude of intake portals result in inequality of access/treatment for applicants.

Criterion 2. Engagement with the low-income population (client and community relations, work with community groups and organizations.).

Finding 6: PLA is involved with organizations providing services to the low-income community in its service area.

PLA's staff works collaboratively with a number of human services organizations, client-centered groups, and governmental agencies that serve the low-

income population.⁷ That involvement includes attending meetings, conducting outreach, and educational programs and clinics, and accepting referrals of eligible clients. Staff members also serve on the boards of local community agencies or coalitions.

PLA has excellent contacts in the Latino community and is very engaged with this significant and growing client population. The family law unit is extensively engaged in outreach and conducts numerous trainings for advocates and social workers on family law issues and domestic violence.

The migrant staff conducts community education programs as part of its taxpayer program during tax season.

Interviews with representatives of community organizations and with staff and board members confirm that the program is engaged with the low-income population and with organizations and agencies that serve the poor.

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

Finding 7: PLA services are conveniently located and accessible to the client community, and the office environment is professional.

PLA has one office in Philadelphia in a professional office building. It is close to the courthouse, other government offices and service providers. There is public transportation that clients can take to reach the office. Telephone intake is open two mornings a week for applicants who prefer not to go to the office to apply for services. The office is clean and professional in appearance. There was an adequate reception area with adequate seating, educational materials available, informational brochures and toys for children. A computer terminal is available in the waiting room for clients to search for information. Interview rooms provide confidentiality.

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

Criterion 1. Legal representation.

Experience of Staff

Finding 8: PLA has very highly experienced advocates.

PLA has a number of highly experienced advocates who are very knowledgeable in their area of practice. They have an impressive breadth of legal experience and a general breadth of knowledge about the programs affecting their clients. Overall most

⁷ These organizations include housing counseling networks, the Philadelphia Unemployment Project, Department of Housing and Urban Development, CEIBA, Congreso de Latinos Unidos, domestic violence organizations and shelters, Women Against Abuse, crime victims support groups, housing authorities, child advocacy groups, consumer and credit counseling groups.

remain very enthusiastic about their work and are willing to learn new areas of the law and ways to help clients. A few appear to be engaged in case handling that is not commensurate with their experience and hand handling cases that could be adequately accomplished by advocates with much less experience.

The program's executive director has 21 years of legal experience. The managing attorney has 37 years experience and the three unit supervisors have 39, 34 and 12 years experience. The average number of years of experience for staff attorneys is more than 13. The average number of years of experience of the paralegals is over 22 years. The advocates are highly dedicated in their representation and strive to ensure that each client receives some legal help from PLA.

The migrant unit supervising attorney has 12 years experience in the migrant law area and a total of 14 years experience.

Legal Work Management and Supervision

Finding 9: PLA falls short of meeting LSC Performance Criteria, Performance Area Three in a number of respects.

PLA lacks formal periodic systems for evaluating the effectiveness of the program's legal work, its projects, the work of each of its units and the staff. There is little routine and ongoing supervision of legal work by the unit supervisors.

The Collective Bargaining Agreement calls for periodic case reviews, review of written work, accompanying advocates to court or hearings and co-counseling unless inappropriate. It appears that new advocates receive significant mentoring by supervisors including review of written work, observations of interviews, observations of court or administrative hearings and frequent meetings, often weekly, to discuss cases. However, once the advocate has some experience the unit managers usually meet to supervise legal work only when the supervisee requests a meeting. The length of the supervision by the supervisor varies with the unit supervisor. The units attempt to meet every week or so to assign new cases. Some are more successful at adhering to this schedule than others.

The unit supervisors have "open door" policies and hope that the experienced staff will bring cases and issues that warrant supervision to them as needed.

The managing attorney does not meet with the unit supervisors to discuss cases, legal work, and supervision of staff or the overall work of any of the units. The supervising attorneys and the managing attorney do not meet with the executive director on legal work management issues, the work of the units or to evaluate the unit's accomplishments. There is no supervision of the supervising attorneys' work by the managing attorney or the executive director.

Systems do not appear to be in place for noting and meeting deadlines. A number of the advocates, including supervisors, had hundreds of open cases. We were told that in

some situations supervisors were named as the advocate for cases that paralegals and other attorneys were working on. In other situations, advocates did not close cases at an appropriate time.

The Pennsylvania Farmworker Project supervisor does not conduct regular unit meetings. Her open door policy requires the paralegal to initiate meetings on cases. She does conduct periodic case reviews. The executive director is the supervisor of the migrant unit supervisor. There are no formal regularly scheduled meetings between the two.

PLA does not routinely conduct periodic evaluations of staff. Some staff members were evaluated recently but most have not been evaluated in years.

Recommendations:

III.9.6. Before the end of 2010 PLA should review the LSC Performance Criteria, Performance Area Three-Criterion 1 b, conduct an assessment of its systems, approaches, and techniques used to carry out its representation, and implement changes in its practice that follow the indicators listed in the Performance Criteria. In particular, PLA should develop and follow clear systems for supervision of legal work that include regular affirmative supervisory review of cases.

III.9.7. PLA should conduct periodic reviews of open cases and develop and use performance standards for all staff.

III.9.8. PLA should conduct annual evaluations of staff.

Quality of Legal Work

Finding 10: **The program's advocacy in all substantive areas is very good to excellent.**

PLA advocates have extensive, thorough and impressive breadth of knowledge about the complex problems affecting their clients. Interviews with judges before whom PLA advocates practice, on-site interviews with staff and a review of the writing samples submitted reflect that the program is doing solid legal work and that advocates are providing competent and professional representation to clients. Judges told the LSC team that PLA attorneys are doing exemplary work and that the PLA attorneys are always timely, generally well prepared, and very professional, have appropriate demeanor, know their cases and present them well.

The writing samples from PLA exhibited predominantly well-researched and persuasive legal writing, involving creative and challenging issues. The writing samples for the PFP were not as strong as those of the basic field program and did not deal with complex legal issues.

Based on all of these factors we concluded that overall the legal staff provides quality legal services to clients.

Quantity of Legal Work

Finding 11: The program closes a comparatively low number of cases compared to other legal services programs. A significant number of these are closed with brief service.

The number of cases closed per 10,000 poor persons in 2008 and 2009 is lower than the national median for closed cases/10,000 poor persons. In 2008, the national median for closed cases/10,000 poor persons was 254 and the actual closed cases/10,000 poor persons for PLA was 109. In 2009, the national median for closed cases/10,000 poor persons was 265 and the actual closed cases/10,000 poor persons for PLA was 165. The program's percentage of cases closed as extended service is lower than the national average. In 2008, the national average for case closed on extended service was 20.9% of all closed cases. PLA closed 11.5% of its cases as extended service. In 2009, the national average for case closed on extended service was 21.1% of all closed cases. PLA closed 11.7% of its cases as extended service.

We did not conduct in-depth analysis of the cause of low case closing figures. There may be a number of reasons for these comparatively low case closings. At least one key advocate was on leave for part of 2009. Complex extended service cases take more time and resources than limited service cases. But while the mortgage foreclosure cases can be intricate and time consuming, most of PLA closings are for cases with limited service. OCE in its report, found a number of dormant or untimely cases that could not be counted for CSR purposes. Supervisors do not routinely monitor the advocates' open cases. Many advocates we interviewed had hundreds of open cases.

While we were on-site the migrant supervisor had 14 open cases and the migrant paralegal had nine open cases.

The number of cases closed per 10,000 poor persons by the migrant unit in 2008 and 2009 is comparable to national median for closed cases/10,000 poor persons. In 2008, the national median for closed cases/10,000 poor persons was 35 and the actual closed cases/10,000 poor persons for PLA migrant was 31. In 2009, the national median for closed cases/10,000 poor persons was 22 and the actual closed cases/10,000 poor persons for PLA was 22. The program's percentage of cases closed migrant cases as extended service is lower than the national average. In 2008, the national average for cases closed on extended service was 39.1% of all closed cases. PLA closed 7% of its migrant cases as extended service. In 2009, the national average for case closed on extended service was 32% of all closed cases. PLA closed 9.8% of its migrant cases as extended service.

Recommendation:

III.11.9. Management should require the supervisors to review all of the advocates' open cases. All cases that are completed should be closed. Management should then conduct an analysis of staff productivity to determine the reason for the low case closings. PLA should report its preliminary findings to LSC by November 1, 2010. The final findings should be report to LSC by December 31, 2010

Staff Training - Access to Legal Expertise

Finding 12: PLA staff members are offered the opportunity to attend a variety of city, regional, state and national trainings. Both substantive and skills trainings are provided.

The staff takes advantage of the training opportunities that are available. PLA advocates have attended a variety of substantive law and skills trainings, including the annual Pennsylvania Legal Assistance Network training. Pennsylvania has a mandatory continuing legal education requirement of twelve hours per year. Staff has attended training provided by the Philadelphia Bar, Pennsylvania Bar Institute and some have attended NITA training and NLADA substantive law training. Supervisors have attended MIE Legal Work Supervision training. Staff has attended trainings in connection with areas of concentration including SSL, food stamps, social security disability, unemployment insurance and Medicare. The family law unit has a training manual for new staff. It does not appear that the paralegal staff takes advantage of available trainings with the same frequency as the attorney staff.

The PLA advocates also engage with experts at CLS to share expertise and knowledge across programs.

Recommendation:

III.12.10. PLA management should review the training of all staff and ensure that the paralegal staff is aware of and has the opportunity to attend trainings.

Criterion 2. Private attorney involvement.

Finding 13: PLA's private attorney involvement consists of sub-grant agreements with three well-established prominent pro bono referral agencies.

Since it was founded in 1996, PLA has supported the Philadelphia Volunteers for the Indigent Program (VIP), Consumer Bankruptcy Assistance Project (CBAP) and the Homeless Advocacy Project (HAP) with in-kind contributions of reception service, intake, training, telephone, postage, copying, computer support, space, and utilities. All three organizations are in the same building as PLA on a floor removed from the PLA offices. Prior to 2009, PLA's in-kind contribution to the three pro bono referral agencies was not formalized in a written agreement. On December 29, 2009, LSC's Office of

Compliance and Enforcement (OCE) approved sub-grant agreements between PLA and VIP, CBAP and HAP for the period January 1, 2010 to June 30, 2010, contingent on PLA's successful completion of corrective actions specified by OCE. On June 14, 2010, OCE approved the extension of all three subgrant agreements to December 31, 2010.

Philadelphia Volunteers for the Indigent Program

VIP was founded in 1981. VIP receives referrals from PLA, CLS and approximately 23 other organizations. VIP has 11 full time staff and three part time staff. PLA intake staff interview applicants, and after a review by the intake manager, appropriate cases are referred in hard copy to VIP. There is no ability to electronically transfer cases from PLA to VIP. VIP has a 36 person Board, including the executive directors of PLA and CLS. The 2010 subgrant amount is \$204,289.

In the course of PLA's intake system, PLA staff members screen eligible applicants that present priority legal issues in which PLA does not have the resources or expertise to provide adequate representation. After a thorough screening for eligibility, and review by the intake supervisor the intake staff refers those applicants to VIP, CBAP and on a few rare occasions to HAP for representation.

Currently, most of the cases handled by the VIP volunteer attorneys are in the areas of mortgage foreclosure, consumer litigation, family law, tangled title and transactional small business and nonprofit cases. VIP has five staff attorneys and 352 volunteer lawyers available to take cases. In 2008 and 2009 VIP helped over 4,000 clients with legal issues. This included both brief and extended service. In 2009 VIP referred the following 985 cases to private attorneys: 400 mortgage foreclosures, 128 family law cases; 100-tangled title cases; 100 wills and 110 cases involving nonprofit law.

The Consumer Bankruptcy Assistance Project

CBAP was created by consumer and business bankruptcy lawyers, member of the Eastern District of Pennsylvania Bankruptcy Conference, Community Legal Services, Inc., and the Philadelphia BAR Association's VIP. The CBAP has 39 Board members. Attorneys, paralegals, and law students volunteer through CBAP's Fresh Start Clinic to provide direct, pro bono legal representation to the indigent seeking to obtain the protection of Bankruptcy Court. CBAP trains attorneys, law students, and paralegals who provide direct representation to clients in chapter 7 bankruptcy. Volunteers handle their case from the initial interview to the final discharge.

CBAP does not do direct intake. PLA, CLS and others refer clients. Some PLA paralegals do bankruptcy intake and refer clients to CBAP. At the time of our visit, the CBAP program had 169 open cases referred to it by PLA.

PLA pays for rent, telephone service, technology support, and a receptionist, and does not give money directly to CBAP. CBAP closed 240 cases in 2009. The 2010 PLA total subgrant is \$122,723.

Homeless Advocacy Project

The mission of the HAP is to provide direct civil legal services to homeless families and individuals in Philadelphia. It has a legal staff of ten, and relies on approximately 300 volunteer lawyers, paralegals, and law students. In 2009, HAP opened a total of 1,298 cases. Staff handled 416 cases and the volunteers handled 882 cases. In addition there were 1,709 information/advice instances where no case was opened.

HAP conducts outreach to the homeless community by conducting legal clinics at 25 shelters and soup kitchens located throughout Philadelphia. It receives virtually all of its clients through its outreach. The 2010 subgrant amount is \$81,816.

OCE's final CSR/CMS report found that PLA was not providing oversight of PAI case files and was out of compliance with 45 C.F.R. 1614. PLA submitted a plan to OCE to provide the necessary oversight. OCE plans to conduct future follow-up to assess the sufficiency of the corrective actions taken.

Recommendation:

III.13.11. PLA should comply with the corrective action requirements set out in the OCE final report of May 21, 2010 including creating a procedure requiring PLA to review actual PAI case files.

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

Criterion 1. Board governance.

Finding 14: The PLA board of directors demonstrates a commitment to the program and its mission, is appropriately involved in major policy decisions and is asserting effective oversight.

PLA has a diverse 26-person board composed of twenty attorneys, four client members and two community representatives. There are 15 men and 11 women. Eight members are African-Americans, two are Latinos, two are Asian and 14 are Caucasians.

The board meets six times a year, usually receives financial and other written materials from the executive director in advance of each meeting, and appears to be fulfilling its policy and oversight functions.

Board minutes from the past year reviewed by the team and interviews with board members indicate that the majority of members attend meetings and that these members appear to have reviewed issues and to be making informed decisions. Board members are involved in major policy decisions. The board has been extensively involved in the strategic planning process, including the adoption of the Principles of Cooperation and implementation of the joint board structure in January of 2008.

The board has a number of functioning committees including the executive, finance and audit, nominating and board development, PAI and LSC compliance committees. The bylaws indicate that the committees are to take minutes of their meetings and make them available to the full board. This does not appear to be the practice.

The board has never evaluated the executive director. The board does not conduct evaluations of the administrative operations of the program.

Board members receive training from the executive director that includes training on the LSC regulations, compliance issues and resource and board development. The board chair communicates weekly with the executive director. The executive committee meets with the executive director twice a month by telephone. The finance and audit committee meet in conjunction with the board meetings.

The PLA board was very engaged in the program's response to the January 2010 OCE draft report on its 2009 CSR/CMS visit.

Recommendations:

IV.14.12. Consistent with the by-laws, PLA should generate minutes of the board committee meetings.

IV.14.13. The board should evaluate the executive director by the end of 2010.

Criterion 2. Leadership.

Finding 15: PLA has an experienced team of leaders who work well together and the executive director provides direction and stability to the program.

The executive director has twenty-one years of legal experience and has been the executive of PLA almost since its creation.⁸ She has shown forceful leadership in addressing issues of concern for the program, such as the program's relationship with CLS, and in dealing with compliance issues raised by LSC's Office of Compliance and Enforcement. The creation of PLA and staffing it with former CLS employees, while enabling the program to find its own voice and place as a first class legal service provider in Philadelphia, presented a challenge. Many stakeholders continued to equate legal services with CLS as a result of its long history and excellent reputation. PLA had to

⁸ PLA opened its doors in January of 1996 and she became director in May of that year.

prove itself to the legal, social services and client community to become an equally respected provider. The executive director provided the leadership to help PLA find its position in the legal services community.

The executive director is supported by a dedicated and experienced staff. She is recognized as an effective leader and recognized as the program's leader. Her visibility in the community enhances the esteem of PLA. Stakeholders and judges recognize her as a leader. She is active in the Philadelphia Bar Association's Delivery of Legal Services Committee. She served on the Association's Chancellor's Task Force on Civil Gideon, where she chairs the Housing Working Group. She is also active in the Pennsylvania Project Directors Association.

Criterion 3. Overall management and administration.

Finding 16: PLA management is in the hands of a small management team.

The program has an experienced management team that includes the executive director, managing attorney, finance director and intake supervisor. They have all been with PLA since its inception and with CLS prior to their employment at PLA. They bring significant experience and knowledge of the service area to their positions. The management team appears to make the decisions, after limited input from the staff. The management team meets as needed without any regularly scheduled management meetings. The job duties of the finance director are well defined. The managing attorney functions as the trouble shooter and ultimate supervisor of the general intake system, taking cases he chooses when necessary and reviewing cases sent to the PAI programs. He does not manage the work of the supervising attorneys. The current plan is for him to reduce the time spent in his current activities and manage compliance and oversight issues for the PAI programs. The intake supervisor runs the day-to-day operations of the intake system, ensuring coverage and consulting with and advising staff on appropriate response to intake issues. The program does not conduct periodic evaluations of administrative operations.

Recommendation:

IV.16.14. PLA should conduct at least annual evaluation of its administrative operations.

Technology

Finding 17: The program's technology is very good to excellent.

Program staff is comfortable with technology and uses it to help them to perform their job functions with increased efficiency. All staff has reasonably up-to-date computers, on-line research capacity, internal and external email and Internet access.

The program has two IT specialists assigned to technology and the Hotline Administrator is also very knowledgeable in this area. The SYHP hotline technology is innovative and impressive.

PLA has an Inter-Organizational Technology Committee that meets on a quarterly schedule and is comprised of staff from VIP, CBAC and HAP and PLA's IT director to discuss the technology needs of the PAI programs. PLA also has a computer committee comprised of advocates, the executive director and IT staff that meet on a quarterly basis to discuss technology needs of the staff, how to better use technology to benefit clients and advocates and determine how to best achieve these goals.

Criterion 4. Financial Administration.

Finding 18: The program's financial policies, procedures could be improved.

PLA's fiscal department consists of a finance director who is supported by the office/payroll manager. LSC appreciates what the program has accomplished in the financial area with limited resources. PLA does not have adequate segregation of duties and internal controls. The Finance Director, the Executive Director, and three additional staff, two of whom are support staff, all have authorization to sign checks.

The Finance Director has too many responsibilities. These include responsibility for the accounting system, human resources, approvals of salary advances, performance of bank reconciliations, preparation of checks for payment, signing checks, mailing or distributing checks, and posting entries to the check disbursement journal. The finance director also maintains control of blank checks, receives cash and checks, posts to the cash receipt journal, endorses checks for deposit, and receives duplicate cash receipts.

It does not appear that monthly financial statements are prepared and distributed to the finance committee and to the executive director.

PLA's comments to the draft report state that financial statements are prepared for Board meetings, meetings of the Audit and Finance Committee and regularly for the Executive Director. See Attachment at page 20.

PLA has an accounting procedures manual that follows standard procedures and was reviewed by the assessment team. The assessment team has a concern over the lack of segregation of duties. There are too many opportunities for simple mistakes caused by one person wearing too many hats.

The team found that there is a failure to segregate duties, particularly in the areas of accounts payable and accounts receivable. There is some segregation of duties in other areas. The office manager submits timekeeping records and conducts the bank reconciliations. Contractual payments (e.g., rent, utilities) are processed in the normal course and do not require multiple levels of review. Requisition of any payment for supplies requires review and no one person can initiate, take delivery of and/or pay for

supplies/equipment. Instances in which the petty cash fund can be used are very limited. Nearly all significant reimbursement requests are processed as expense reports.

In an effort to ensure additional checks and balances, the PLA Board has a Finance and Audit Committee, which meets prior to each Board meeting. PLA has also made it a practice to inform the Board of any significant expenditure that may or may not have been budgeted (an example of an unbudgeted purchase would be an unanticipated replacement of a major piece of equipment).

The executive director reported that the program staff had participated in a fraud training seminar conducted by the LSC Office of Inspector General. In addition, the program is presently recruiting for a part-time assistant who will work with the finance director. The draft job description that the review team was provided is more directed to benefits administration. The duties listed are appropriate, but perhaps some can be assigned to another PLA staff member, such as the office manager.

Support Staff Training

It appears that key staff members have access to outside information, such as the Management Information Exchange (“MIE”) list serve, as well as electronic newsletters from law firms and benefits consultants. The training needs tend to be satisfied on an ad hoc basis, by using local consultants and/or members of the Board of Directors.

While the staff appears to be sensitive to what is needed to “get the job done,” there is a struggle or tension between a formal, outside training program on key areas such as finance and HR, and having the time and funds available for such programming.

PLA’s comments to the draft report state that the staff feels that they have access to training in key areas such as finance and HR and that the program commits any appropriate resources. See Attachment at page 21.

Recommendations:

IV.18.15. PLA should re-visit the job duties for the planned part-time assistant for the finance director, to address the segregation of duties in the A/P and A/R areas.

IV.18.16. PLA should enlist the outside accounting firm to conduct periodic reviews of the payroll and IOLTA trust accounts as an informal, mid-year review, or “roll-forward” analysis.

PLA’s comments to the draft report state that PLA uses an outside accounting firm to conduct a pre-audit accounting of its book and records each year. See attachment at page 21.

IV.18.17. PLA should investigate more formal outside training on key areas of finance and HR/benefits administration. Perhaps this can be done in conjunction with the Bar Foundation and other grantee agencies.

IV.18.18. PLA should adopt internal controls that require a segregation of duties that ensure no one employee can initiate, execute and record a transaction without a second independent individual being involved in the process.

Criterion 5. Human Resources Administration.

Finding 19: PLA does not have a separate human resources department.

The human resources duties are concentrated in management and usually the executive director and finance director. The finance director and office/payroll manager administer the employee benefits such as salary, healthcare, and 403(b) plans. During 2009, PLA hired a third party administrator to administer its 403(b) plan. Salary and benefits are reviewed on a regular basis as part of the periodic labor negotiation process. The finance director has over 30 years of experience. She receives periodic training on human resources issues such as benefits and is on a number of listservs that continue to inform her of changes in the human resource area.

Criterion 6. Internal communication.

Finding 20: PLA uses meetings and technology for its internal communication.

To ensure internal communication PLA management uses an open-door policy encouraging staff to meet with managers, e-mail to staff, "mail groups," working committee meetings, and unit meetings. It appears there is a policy to hold quarterly staff meetings. We were informed by a number of staff that there are no regularly scheduled staff meetings. Meetings are held when there are major announcements or policy changes that the entire staff needs to know about.

Recommendation:

IV.20.19. PLA should follow its policy and hold quarterly staff meetings.

Criterion 7. General resource development and maintenance.

Finding 21: PLA has improved its resource development efforts and needs to continue those efforts.

When PLA started in 1996, CLS was well known and had robust fundraising efforts. It was the general belief in the legal services community that as much money as possible for delivery of legal services should be unrestricted. There was no desire for the two organizations to compete for the same finite funds. Over the past few years, PLA has sought and obtained funds for discrete projects such as foreclosure counseling, the SYHP Hotline, a Low Income Tax Clinic and a Volunteer Income Tax Assistance (VITA) clinic. The funds are from Neighborworks, the IRS, IOLTA, the William Penn

Foundation, Independence Foundation, the Philadelphia Bar Foundation and the Office of Housing and Community Development.

Recommendation:

IV.21.20. Now that there are overlapping boards for PLA and CLS the board should ensure that both programs benefit equally from fundraising efforts.

Criterion 8. Coherent and comprehensive delivery structure.

Finding 22: The program has a reasonable and effective overall delivery system. Its choices on the allocation of resources to competing activities appear balanced and consistent with its mission.

Philadelphia is fortunate to have many legal resources available to low-income clients. However, all of those resources are still insufficient to adequately address the legal needs of the eligible community. The program's priorities take into account the other resources available and address the fundamental legal needs of the client-eligible population. Its delivery system, overall, is reasonable, sound and effective. In addition to direct legal services, the program's services encompass community education, pro se activities, collaboration with local, regional, state and national partners and private attorney involvement.

The program's strategic planning process with CLS is an invaluable opportunity to enhance its overall understanding of its accomplishments and give it guidance for addressing any necessary changes in the delivery system.

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

Finding 23. PLA works actively with its equal justice partners throughout the region and state to strengthen Pennsylvania's legal services delivery system.

PLA is an active participant in the regional and statewide justice community and legal services delivery system. The program has provided leadership in the area of mortgage foreclosure diversion by coordinating with Community Legal Services and the court in establishing the SYHP hotline. A number of other counties throughout the state have looked to the Philadelphia experience when establishing similar diversion projects. PLA partnered with Southeastern Pennsylvania Legal Services in promoting the I-Can E-file project in the Philadelphia area.

The executive director is an active member of the state Project Directors of Pennsylvania and many of the program advocates serve on statewide taskforces. A core function of the Project Directors' meetings is to discuss and improve the statewide delivery system. PLA's executive director is active on the Philadelphia Bar Association Delivery of Legal Services Committee. The goals of the committee include expanding legal services for the poor, improving the quality of those services, and leveraging the work of public interest law firms by forging partnerships with the private bar to expand delivery of legal services to those in need.