



# **LEGAL SERVICES CORPORATION**

**Office of Program Performance**

***FINAL  
PROGRAM QUALITY REPORT***

***FOR***

***Southern Arizona Legal Aid***

Recipient Number: 703050

March 1-5, 2010

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**Southern Arizona Legal Aid  
Recipient # 703050**

**Final Program Quality Report**

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*Attachment - Response from SALA (4 pages).*

## **INTRODUCTION**

The Legal Services Corporation's Office of Program Performance (OPP) conducted a program quality visit to Southern Arizona Legal Aid (SALA) on March 1-5, 2010. The team members were program counsel Tim Watson as team leader, program analyst Althea Hayward, and program counsels Stephanie Edelstein, Evora Thomas, and Cheryl Nolan.

Program quality visits are designed to ensure that LSC grantees are providing the highest quality legal services to eligible clients. In conducting its assessment, the team carefully reviewed the documents LSC has received from the program including its renewal narrative for 2009, its case service reports (CSRs), other service reports (OSRs), and documents the program submitted in advance of the visit, including advocates' writing samples. The team also reviewed a survey of SALA staff conducted on the Internet. On site, the team visited all seven program offices. In addition to speaking to most of the SALA staff members, the team met with — or had phone conversations with — a sample of board members, judges, representatives of local agencies and 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. Its evaluation is organized according to the four LSC Performance Areas that cover needs assessment and priority setting; engagement of the low income community; legal work management and the legal work produced; and program management including board governance, leadership, strategic planning, resource development, and coordination within the delivery system.

### **Program Overview**

SALA incorporated in 1951. Over the years several of the area's small legal aid providers merged with the program, which retained the staff and local office names.<sup>1</sup> SALA has a unionized staff of 66, including 24 attorneys and 15 paralegals. The main office is in Tucson. The program has outer offices in Bisbee, Nogales, Casa Grande, Sacaton, Whiteriver, and Lakeside. These offices have from three to five staff members each. The greatest one-way travel time from the main office to an outer office (the Lakeside office in Navajo County) is 2.5 to 3 hours. LSC provides \$2,163,181 in basic field funding and \$734,407 in Native American funding. The total yearly LSC grant (\$2,897,588) makes up about 61% of the SALA budget. SALA's 2010 operating budget is \$4.7 million.

The AZ-5 / NAZ-6 service areas cover 9 counties, almost all of which is desert country. The northern parts of Navajo and Apache counties are served by the DNA program. The population in the area is rising at one of the fastest rates in the U.S. The area experiences significant unemployment (12.4%), high foreclosures, and rampant

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<sup>1</sup> White Mountain Legal Aid, Four Rivers Indian Legal Services, White Mountain Apache Legal Services, Tohono O'odham Legal Services (formerly known as Papago Legal Services).

consumer scams. The poverty population is 41% white, 31% Latino/Hispanic, and 21% Native American.

The Native American component serves several tribes over a substantial range. The largest single tribe is the Tohono O’odham reservation, which has a land area the size of Connecticut and 20,000 enrolled members, many of whom live in conditions described by the program as “third world poverty.”

Compared to the national profile, SALA’s number of 2009 closed cases per 10,000 poor slightly exceeds the national median, its extended closed cases per 10,000 poor is less than half the national median, and the percentage of closed family cases is high. Significant characteristics of SALA’s service delivery are its immigration work, criminal and misdemeanor services to Native Americans, a self-service center at the courts, and a prominent volunteer lawyer component.

### **Summary of Findings**

SALA has done a good job of identifying client needs, using its resources to address those needs, and evaluating its effectiveness. The program has recognized the necessity for a new assessment of legal needs. Clients are treated with dignity and sensitivity. Although SALA experiences challenges in reaching some remote locations in its service area, on the whole it is sufficiently engaged with the service area’s clients and potential clients. Some of its rural offices need improvement and better signage. SALA’s intake system is generally meeting the challenge of serving those who apply for assistance, but certain improvements would make it more efficient and effective.

Representation of clients is effective and respected. Extended case work is lower than might be expected of a program of its caliber, and its advocacy staff is smaller than programs of similar size. Program procedures are inconsistently applied. Case handling procedures should be more fully developed. The program could benefit from hiring a litigation director.

SALA has a highly successful, comprehensive PAI plan that includes a variety of creative models for engaging private attorneys in its work.

SALA benefits from sound leadership and overall management. The board has carried out its oversight function effectively, but experiences challenges with vacancies, meeting attendance, and diversity of composition. SALA needs to centralize its human resources function. Internal communication in the program could be improved.

Overall, SALA has a complete, balanced approach to service delivery and is an important part of the state and regional delivery system.

**PERFORMANCE AREA ONE. Effectiveness in identifying needs and targeting resources to meet those needs.**

**Criterion 1. Assessment of needs.**

**Finding 1: The SALA staff and management are conscientious about client needs and have recognized the necessity for a new assessment of legal needs.**

SALA conducted a thorough assessment of client needs in 2004-5. The assessment included a variety of input methods – interviews, surveys, focus groups – and was conducted at various locations in the service area to assure adequate coverage. The assessment was conducted with substantial assistance and input from the William E. Morris Institute for Justice. It included analysis of census and demographic data, as well as the program’s case statistical reports (CSR’s).

The most critical problems identified by the program for all clients were housing, foreclosures, predatory lending, protection from violence, health coverage and expenses, and access to income and public benefits. For Native American clients the identified needs were enhancement and protection of tribal sovereignty and culture, protection of natural resources, economic stability, protection of individual rights and personal safety, and development of tribal institutions.

The program has plans to conduct a new assessment in the near future and has developed surveys for its next study of needs. Interviews of staff and board revealed a consensus that the area’s rapidly growing population requires continuous vigilance about client needs. Interviews also revealed a widely held concern that rural areas and Native American groups should be heavily emphasized in the next needs assessment. The program hopes to make significant use of its substantial corps of volunteer attorneys in the next assessment.

**Recommendation I-1-1:**<sup>2</sup> LSC encourages SALA to proceed with its plans for an extensive needs assessment that will emphasize coverage of the rural offices, rural clients, and Native American communities.

**Criteria 2-4. Goals, resources, implementation, evaluation, and adjustment.**

**Finding 2: SALA uses its resources to address identified client needs and evaluates its effectiveness in meeting those needs.**

Based on its analysis of client needs, SALA’s basic field priorities are (1) Support for Families and Children; (2) Access to Justice for Vulnerable Populations; (3) Safety, Stability, and Health Care; (4) Preserving the Home and Related Housing Needs; (5) Maintaining and Enhancing Economic Stability; and (6) Delivery of Legal Services.

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<sup>2</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 I-1-1 is therefore the first Recommendation (in this instance the only one) under Performance Area I, Finding 1.

Native American priorities are (1) Tribal Sovereignty; (2) Preservation and Defense of Individual Rights in Tribal Courts; (3) Maintaining and Enhancing Economic Stability; (4) Support for Families and Children; (5) Safety, Stability, and Health Care; (6) Housing; and (7) Delivery of Legal Services.

The priorities are reflected in the program's activities and case closures. The board reviews the priorities annually. On an ongoing basis it evaluates the effectiveness of program activities and resource allocations through the advocacy and financial reports provided at board meeting. Board members who make referrals to the program ask to see how these individual cases were handled. The program also receives constructive input from community agencies about its performance.

Interviews suggested that staff and management are watchful concerning emergent problems or shifts in client needs. In discussing such matters as intake patterns and the program's plans for a new needs assessment, staff and board noted changes wrought by the nationwide financial crisis. They have seen increases in landlord tenant issues, mortgage foreclosures, credit issues, requests for debt relief, and requests for public benefits, including Medicare Part D and SSI/SSDI. Some pointed out that the financial crisis has even indirectly caused increases in divorces and domestic violence. The intake manager monitors rejected cases to help the program refine its approach and assure that resources are devoted to client needs.

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

### **Criterion 1. Dignity and sensitivity.**

#### **Finding 3: SALA clients are served with dignity and sensitivity.**

Interviews demonstrated that program staff members are sensitive to the needs and circumstances of the client population and that clients are accorded dignity and respect. An intake worker noted that the financial crisis has increased the numbers of depressed and dysfunctional clients. Staff members were conversant about the tremendous range of cultures and languages they encounter. In addition to the area's heavy Hispanic population and its variety of Native American tribes and languages, program staff members encounter clients from several African countries, the Mideast, Southeast Asia, Samoa, Russia, Germany, and the Pacific Rim

SALA's staff has considerable ethnic, cultural, and racial diversity and generally reflects the characteristics of the area's population. Comments by staff revealed an understanding of cultural sensitivities in some client groups. For example, some Native Americans are more reticent than the general population to transact significant issues over the phone or execute wills.

The receptionist, all intake paralegals, and a number of other staff members are fluent in Spanish, and several staff members speak the Native American languages of the region. The program uses an outside interpreter service as necessary, and the state court provides Spanish interpreters if properly notified in advance. SALA has a well developed Language Assistance Policy for LEP clients. The policy includes a hiring preference for bi-lingual applicants and a 5% salary premium for target languages.<sup>3</sup>

Interviews suggested that there are some situations that require a higher level of sensitivity than the program has evinced. One of the outer offices lacks restrooms accessible to handicapped clients. Through the summer months an office lacked air conditioning, which was hard on both the staff and the clients.<sup>4</sup> It was suggested that the program did not do a good job of notifying clients about the closure of an office.

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

**Finding 4: SALA experiences challenges in reaching some remote locations in its service area, but on the whole is sufficiently engaged with the service area's clients and potential clients.**

Although members of both the staff and the board worry that the program does not have sufficient presence in some remote locations, it appeared to the LSC team that, within its fiscal parameters, SALA is generally visible and known throughout its service area. Its outreach efforts inform the population of potential clients about their rights and remedies and about program services. These efforts are also aimed at the regional and community agencies that provide services to the same population. Interviews of staff and community representatives detailed a broad range of locations and activities, such as domestic violence coalition conferences, Indian housing authority meetings, self-help clinics, fair housing and foreclosure events, and community workshops. Public service announcements on the radio are frequently employed, and the program's efforts have been featured on National Public Radio (NPR) and public television. SALA contact information is included on state notices denying benefits.

SALA also enhances client engagement with its website at [www.sazlegalaid.org](http://www.sazlegalaid.org). The site gives details concerning services, priorities, and contact information. It provides links to related providers and a copy of its 2008 annual report. The program's Other Services report indicates that the site receives more than a half million hits per year.

**Recommendation II-4-1:** As funding permits, SALA should increase its outreach presence and client representation in remote areas.

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<sup>3</sup> The language of the draft report was modified to conform to information provided by SALA's response (see pg. 2, attached) concerning the salary premium.

<sup>4</sup> See pg. 2 of SALA's response, attached to this final report, for further information concerning the air conditioning problem.



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

**Finding 5: Although SALA is hard pressed to provide equitable access to some client groups in remote areas and on reservations, within the constraints imposed by funding, it provides sufficient access to the service area in general.**

SALA's seven locations are distributed throughout the service area and, within the program's fiscal limitations, appear to provide reasonable access for most clients. Some concerns were expressed by both staff and board that Native Americans and rural clients might not have equitable access to program services. A particular concern noted in interviews was that the closure of the Sells office on the Tohono O'odham Reservation will not allow sufficient access by that large Native American client population. The program and the reservation attempted to negotiate a lease in 2008 to keep the Sells office, but the negotiations failed. Board and management have indicated that they will continue to pursue a goal of re-establishing a SALA office in Sells. At present, SALA serves the reservation out of the Tucson office and is given space two days a week to conduct on-site intake in Sells. Some intake occurs at warehouses and community kitchens. The program also conducts monthly intake and outreach to the Tohono O'odham clients in Gila Bend, which is 150 miles west of Tucson.

Although the closure of the Sells office is a recent event, in the past the program has had to close offices in even more remote locations. Staff members in the remaining offices (both Native American offices and basic field offices) reported that they make extra efforts to engage those remote and isolated populations. They make special trips to meet remote clients and to conduct educational events and intake in those areas. Despite these efforts, the consensus of staff and leadership is that services – especially outreach and community legal education – in the rural sections of the service area need to be increased.

**Recommendation II-5-1:** LSC encourages SALA to continue with its search for a permanent office in Sells.

**Recommendation II-5-2:** SALA should develop a plan to assure relative equity of access to all services in remote and underserved areas.

**Finding 6: Some of SALA's rural offices present difficulties for clients, lack a professional appearance, and are not sufficiently identified.**

While some of the outer offices were professionally decorated and appointed, others – especially the Native American offices – were poorly furnished and equipped. The office in Nogales lacks sufficient space to meet client and staff needs. Some rural offices do not display clear signage that identifies them as legal aid offices and others are not visibly associated with SALA. Not all offices are easily accessible for those with physical impairments (lack of wheelchair access to restrooms). In some instances the deficits identified in these offices are not within SALA's direct control. Adequate office space can be difficult to find in some locations. Real estate is often unavailable on

reservation land. Reservations provide some offices and upkeep is not within SALA's authority.

**Recommendation II-6-1:** SALA should assess the needs of the outer offices and ensure that that the program has used all means at its disposal to make them accessible, more professionally equipped, decently furnished, and welcoming to clients.

**Recommendation II-6-2:** In instances where a remote offices is still using a local office name, LSC recommends that the name of SALA be clearly associated with the local name and that tribes and provider groups be advised in advance in order to allay local concerns.

**Finding 7: Although SALA's intake system is generally meeting the challenge of serving those who apply for assistance, certain improvements would make it more efficient and effective.**

SALA's intake approach generally reflects a concern for SALA clients' needs. Main office intake hours are convenient for clients needs. The local offices limit intake narrowly, but allow for emergencies. Intake workers are all bilingual in English and Spanish, and SALA uses professional services for other language needs and for the hearing impaired. Intake and other program pamphlets are available in English and Spanish. SALA regularly surveys clients about their satisfaction with intake and extended representation. Intake entries are made on the Kemps Prime Case Management System (CMS).

SALA has extensive case acceptance criteria in its Employee Policy and Procedure Manual, and intake workers are generally aware in each office about the problems and fact situations typically addressed by the program. Staff knowledge of the criteria for case acceptance is honed in the case acceptance staff meetings that follow intake.

### **Main Office Intake**

Although the Tucson intake unit periodically handles some of the calls for the program's six outer offices, it does not function as a centralized program-wide intake unit. The unit began as a pilot project for a senior hotline in the 1990's and was designed by the current managing attorney. She supervises a staff of three paralegals, an intake attorney, and a receptionist. She makes a point of answering intake calls periodically to gauge the system's functioning and to get an idea of what cases are being rejected.

The Tucson intake unit processes as many as 50 applicants a day. Walk-ins comprise 40-50% of the applicants. The high number of walk-ins causes significant congestion in the waiting area on high-volume days. Interviews suggest that the program could reduce the number of walk-ins by increasing the staffing of telephone intake since clients reportedly are discouraged by the wait time when calling in.

When clients call in, a recording gives clients the office hours, directions to the office, and information about the website. It tells callers which number they are in the queue, but

does not tell them the wait time. The phone system is a recent purchase, and some of its characteristics have not yet been fully developed, such as the ability to provide clients with educational information while waiting in the queue. SALA has call management software that could display the number of calls on hold, wait times, hang-ups, and other call processing information.<sup>5</sup>

Intake paralegals handle walk-ins at their desk in a semi-open environment. Staff members and other clients are able to hear clients discuss information relating to their eligibility and their cases. Eligibility determinations are made at the time of initial intake. Conflict of interest checks are made by intake paralegals during the initial interview. In most cases clients are notified of the level of services within a reasonable time after the initial application. However, in some cases it can take as much as two weeks. Intake paralegals do not give any legal advice. They develop the files for the attorneys by using scripts to ask questions in the various legal subject areas in which clients are represented. Intake paralegals have not been recently trained in substantive law or client relations.

Approximately 75% of SALA's basic field cases come through the Tucson office. The intake unit is understaffed for the volume of applicants walking in and calling. The system gets overwhelmed when sudden spikes in walk-in traffic diverts resources from phone intake, which can cause even more walk-ins to occur. The unit does not use volunteers. When they did so in the past, using University of Arizona law students as screeners, the system reportedly worked well.

The Tucson intake unit strives to meet on a monthly basis but falls short, owing to the shortage of staff to meet the volume of need. They use the meetings to review new procedures or changes to regulations. These meetings are not routinely used to discuss the system's overall functioning or to strategize concerning improvements. Little or no time is spent on training.

### **Outer Office Intake**

Intake procedures vary among the outer offices based on cultural norms and staffing levels. Many of the communities they serve, including Native American communities, are in extremely remote locations. Staff members often conduct intake at those locations in order to reach groups that can be both geographically and culturally isolated. When the offices are closed, or when intake is temporarily closed, clients are instructed to call the Tucson office. Certain types of problems are also referred to Tucson. All the outer offices have designated intake times and days (usually two days per week) and routine meetings for staffing of new cases. All provide for immediate intake and staffing of emergency cases. They make entries on the Kemps Prime CMS. Interviews suggested that clients are generally notified about case acceptance within a reasonable time after the initial application.

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<sup>5</sup> The program's response, attached, indicates at pg. 2 that it does have this software but has not activated it.

**Recommendation II-7-1:** SALA should add staff to its intake unit at both levels – attorney and paralegal. It might consider using student and attorney volunteers to support the intake paralegal functions.

**Recommendation II-7-2:** SALA should assess the need for training of its intake paralegals regarding substantive knowledge, intake procedures, and client relations.

**Recommendation II-7-3:** Management should consider other ways it might reduce the volume of people in the lobby to the Tucson office. SALA should consider using the VLP clinic class room as a waiting room for clinic participants.

**Recommendation II-7-4:** SALA should provide a private meeting space for staff to work with walk-ins that will assure client confidentiality.

**Recommendation II-7-5:** SALA should upgrade its telephone system to allow call data management and reporting.

**Recommendation II-7-6:** SALA should consider requiring that intake workers check for conflicts of interest at the outset of the intake process or when the applicant first contacts the program.

**Recommendation II-7-7:** SALA should begin long-term planning for expanding Tucson intake to support the telephone intake for its outer offices where needed. This would require that those offices develop written case acceptance guidelines to the extent they have not already done so.

**Recommendation II-7-8:** SALA should consider establishing a program wide intake committee to explore how it can improve intake services and to share expertise and best practices. The committee should include representation from staff at all levels and from offices providing different services including PAI, NA and rural. LSC’s Intake Focus Group is available for technical assistance.

**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 8: SALA advocates engage in effective representation of clients in a variety of forums and are respected by the courts, the bar, and other groups that provide services to the client population.**

Interviews of judges, members of the bar, staff, and community agencies indicate that SALA has a dedicated and capable staff that conducts its case work with a high degree of professionalism. This is consistent with the team’s review of the writing samples submitted by the program attorneys. The program is highly visible in

administrative hearings, state courts, tribal courts, federal court, and the state's appellate system. Some attorneys are primarily engaged in routine matters, while others engage in more difficult representation. Some issues addressed by SALA, such as immigration law, require highly specialized expertise and judgment. As a whole, the program's attorneys provide a full range of representation and do not hesitate to address issues and seek remedies that can have a broad salutary impact on the lives of the client population.

In addition to the case work that is supported by LSC, the program coordinates its work with other advocacy groups and represents eligible clients in work that is funded wholly or in part by other agencies. It represents clients in dependency cases pursuant to a contract with Navajo County. SALA assists clients with tax issues as part of a successful collaboration with Catholic Charities. It has referred a case of non-acquiescence in an administrative decision (obtained by SALA) to the state's Protection and Advocacy unit. The program is engaged in a joint project with other stakeholders to develop the garnishment procedures for child support arrearages in paternity cases. As part of housing counseling program, staff provided input for an agency's workbook regarding fraud and scams.

**Finding 9: SALA's case closures have substantially increased, and the number of cases closed per 10,000 poor persons exceeds the national median, but the number of *extended* cases closed per 10,000 poor persons is substantially less than the national median.**

Total case closures increased from 5,718 in 2008 to 6,666 in 2009 – an increase of almost 17%. Case closures appear to have increased across the board. SALA closed 261 cases per 10,000 poor in 2008, exceeding the national median of 254. Calculations are not yet available for 2009 but there is little doubt that SALA will exceed the national median. On the other hand, SALA's 20 extended cases per 10,000 poor falls substantially below the national median of 56. One factor to consider where programs close a smaller percentage of extended cases than the national norm is that the extended case work may have substantial value to the client population. This appears to be the case with many of the examples encountered by the visit team. The program reports that its extended cases are on the rise.

SALA closed 848 Native American cases in 2009. Of those cases, 220 were in family law, and 335 were Indian/tribal law cases. Over 400 of the Native American cases involved extended service.

In addition to the time devoted to important cases, another factor which could affect extended casework is SALA's overall staff composition. Relative to national norms, SALA has a somewhat undersized advocacy staff. The combined advocacy staff at SALA (attorneys and paralegals) is 59% of the total staff, which places the program under the national figure of 65%. Nationally, attorneys comprise about 47% of the staff of LSC-funded legal service providers. At SALA the attorney staff of 24 is 36% of the program's total staff. While SALA has a higher percentage of paralegals than the national figure (23% of staff as opposed to 17%), some of SALA's 15 paralegals do not

directly handle cases. It is possible that there other allocations of advocates' time that affect the extended case numbers, such as work in the Volunteer Lawyers Program and self-help clinics.

**Recommendation III-9-1:** LSC encourages SALA to analyze the composition and productivity of its advocacy staff to assure that it is adequately staffed in proportion to its eligible client population and that its activities are carried out in the most efficient manner.

**Recommendation III-9-2:** LSC encourages SALA to analyze its use of paralegals to make the best possible use of their time and expertise on behalf of its clients.

**Finding 10: SALA can improve its efficiency by improving, implementing, and creating uniform procedures and tools that support its advocacy work.**

Although SALA's Employee Policy and Procedure Manual (updated January 2010) contains a section regarding advocacy, the section is primarily proscriptive (gifts, class actions, conflicts) and does not set forth procedures relating to case administration such as case reviews, calendaring, case supervision, closure, and other aspects of daily operations of a case handling unit.

Procedures vary with each unit. Supervision of legal work is inconsistent in some units. Case reviews vary from regular, to intermittent, to none at all. Evaluations are performed inconsistently and irregularly. Use of the CMS to calendar cases, examine caseloads, or review individual files varies at each office. Fortunately, in the outer offices the staffs are small enough that supervisors are generally familiar with the matters being handled and the day to day office operations. Case staffing after intake appears to be institutionalized throughout the program, so all units are meeting weekly for this function.

Each outer office has a designated managing attorney. The managing attorney in the Nogales office divides his time between managing the Nogales office and working out of the Tucson office to handle Native American cases arising on the Tohono O'odham reservation. In the main office, a managing attorney supervises a unit that handles consumer, public benefits, and housing issues. The unit consists of three staff attorneys and 1.5 FTE paralegals. The SALA executive director is currently supervising the immigration and domestic relations units, which have six attorneys and two paralegals. He hopes to hire a litigation director who can take over the job of supervising those units and direct litigation operations.

Advocates feel that they are generally supported in their work, but report that there are some aspects of the program that could be improved. Advocates have access to litigation expenses and online legal research services and statutes. The team received inconsistent reports about whether attorneys are using, have access to, or have knowledge of a program repository of briefs, motions, forms, and the like. Reportedly, some forms

and briefs are available on an older network drive, and others are maintained locally by each office.<sup>6</sup> Managers have a separate managers' drive for exchanging information.

Many case handlers do not feel that the program provides sufficient technology to support their work. Several complained of non-functioning equipment, including computers, fax machines, printers, and the network. Others suggested that the program's transition from Outlook to Lotus for email and calendaring was done without staff input and is not working. The program has an IT team, but it had not met for several months at the time of the visit. Tele-conferencing (Go to Meetings) was reportedly once employed but is no longer used. SALA recently upgraded its bandwidth and hopes that teleconferencing will once again be viable.<sup>7</sup> Some staff held the opinion that SALA needs more technology staff. Interviews with SALA's technology staff suggested that the program could benefit from technical assistance, and a visit from LSC's program counsel for technology was arranged.<sup>8</sup>

Advocates participate in statewide task forces on public benefits, housing, and domestic relations. Some advocates use national electronic email groups to stay current on legal developments. Some informal SALA interest groups exist. Several advocates suggested that a Native American task force would be beneficial.

SALA has a written policy that encourages training. Although the policy provides for disseminating information about training opportunities, this does not appear to be taking place.<sup>9</sup> Nevertheless, advocacy staff members by and large receive sufficient training, although resources have restricted the availability of expensive training events. Some staff members have been able to attend national events such as the NCLC and NHELP conferences. The program has an annual program-wide training event, and there are also statewide training events conducted by the William Morris Institute and the state bar. The SALA staff conducts frequent in-house training events and outer office staff can attend by phone or "webinar" technology. Remote users of this technology question its value, indicating that sound quality is not sufficient. Native American unit advocates attend tribal court CLE events. Advocates cited several areas in which they would like to have better or additional training, including housing, consumer, wills, estates, bankruptcy, domestic relations, and leadership.

**Recommendation III-10-1:** When funds are available, SALA should proceed with its plans to employ a litigation director, who can (1) develop a program wide litigation strategy; (2) encourage and supervise interest group formation and participation; (3) more fully implement SALA's training policy; (4) take over supervision of the immigration

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<sup>6</sup> See pg. 2 of SALA's response, attached to this final report, for information concerning the uses of the program's network drives.

<sup>7</sup> See pg. 2 of SALA's response, attached to this final report, for information concerning the program's use of teleconferencing.

<sup>8</sup> During the writing of the draft report the technical assistance visit took place. SALA will receive a separate document regarding that visit.

<sup>9</sup> See pg. 2 of SALA's response, attached to this final report, for information concerning the program's distribution of training information.

and domestic relations units; (5) develop and implement new sections for the program's Employee Policy and Procedure Manual regarding case supervision, case reviews, calendaring, case closure, and other aspects of daily operations of a case handling unit; and (6) provide for uniform storage of forms and briefs.

**Recommendation III-10-2:** SALA should consider establishing a technology advisory group that can assist its IT staff in ensuring that staff members have adequate technology to support their work.<sup>10</sup>

**Criterion 2. Private attorney involvement (PAI).**

**Finding 11: SALA has a highly successful, comprehensive PAI plan that includes a variety of creative models for engaging private attorneys in its work.**

SALA's PAI obligation was \$250,429.00 for 2009. Its obligation is \$270,938.00 for the 2010 year. In 2009, the Volunteer Lawyers Program (VLP) budget was \$436,377.00. Of that amount, \$151,272 was LSC funds. The VLP receives funding from a number of sources, including the Arizona Foundation for Legal Services, the Pima County Superior Court, the Pima County Bar Association, and the Community Foundation of Southern Arizona. The VLP regularly solicits donations for specific events.

The full-time SALA PAI staff includes two attorneys (director and law student coordinator), a program coordinator, and three administrative assistants.

The VLP Advisory Board, composed of lawyers and judges, provides support to staff, helps with fundraising, recruits volunteers, and teaches classes to law student volunteers. It meets four to five times a year. Two of its members are on the SALA board. Some rural branch offices also have VLP advisory councils.

The comprehensive VLP plan includes a variety of creative models for engaging private attorneys in the work of SALA. Recruitment is varied and successful, using CLE events, peer recruitment, and mailings, among other methods. Recently the three VLP programs in the state (SALA, CLS and DNA) collaborated on a statewide recruitment initiative that included personalized letters from judges and calls from advisory board members. Rural recruitment was emphasized and appears to have been successful.

Volunteers receive support (malpractice coverage, case support) and recognition in many forms, such as letters, coffee mugs and other memorabilia, an annual recognition luncheon, and listings in the annual report. Plaques for volunteer of the month and the year are placed in the lobbies of courthouses across the service area. A recent Annual Awards breakfast featured U.S. Supreme Court Justice Breyer as a speaker. SALA staff attorneys are invited to attend all VLP CLE events and awards events.

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<sup>10</sup> See pg. 3 of SALA's response, attached to this final report, for information concerning the program's Technology Team.



VLP efforts have paid off. Of the 3,000 attorneys in the area, 1300 attorneys were on the volunteer panel in 2009, including 92 in the rural service areas. The VLP makes efforts to match client needs with the interests and experiences of the attorneys, which include retired and inactive attorneys. The panel includes a wide variety of attorneys from firms, solo practice, public defenders, court staff, county attorney offices, the US Attorney's office, some corporate counsel, and others.

The VLP makes great use of law students, supervised by volunteer attorneys, in pro se clinics and the court-based service center. Under the practice rule that the VLP promoted, law students in all class-years (not just third year) appear on behalf of clients in court, including in federal bankruptcy court, under the supervision of volunteer attorneys. Law students receive recognition but no academic credit. A judge hosts a very popular annual barbecue for law student volunteers at his house. A total of 57 students are involved in VLP activities.<sup>11</sup>

The VLP publishes a handsome annual report which details its efforts, and recognizes volunteers and funders. The report and other materials generated by the VLP are all high quality publications, but they do not adequately reflect SALA's support and oversight of the program.<sup>12</sup>

The VLP gets cases from SALA intake and from its own outreach and clinics. Staff screen clients for eligibility and prepare cases that will be referred for extended services. The VLP director reviews cases to decide if they should be handled individually or in a clinic. In 2009, the VLP opened 3079 new cases (up 425 from 2008). Just under half were domestic violence cases, and 15% were cases arising in rural areas served by SALA. The executive director's report to the SALA board includes a report on PAI and VLP activities.

The VLP follows up on referred cases with quarterly status updates by email, phone or mail. It actively pursues feedback from both clients and volunteers through surveys and direct monitoring of case outcomes. SALA staff in rural offices noted that it is difficult to get information from the VLP about outcomes of referred cases. In addition they noted that the centralization of PAI activity has increased their sense of isolation and exclusion. The SALA executive director plans to hire a rural coordinator for VLP, which could help with that problem.<sup>13</sup>

**Recommendation III-11-1:** SALA's support and oversight of the VLP program should be more prominent in the VLP materials and reports. Moderate display of the LSC logo is also recommended.

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<sup>11</sup> See pg. 3 of SALA's response, attached to this final report, for information concerning student participation in the VLP program in 2009.

<sup>12</sup> See pg. 3 of SALA's response, attached to this final report, for the program's comment.

<sup>13</sup> See pg. 3 of SALA's response, attached to this final report, for the program's comment concerning rural pro bono coordination.

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

**Finding 12: SALA engages in a wide variety of activities and services that confer substantial benefits to the eligible client population.**

As indicated under Findings 4, 8, and the immediately preceding one, SALA is engaged in an impressive range of non-litigation activities that bring significant benefits to the clients they serve. The program's input is sought by an assortment of community and government agencies on issues affecting specific client groups, such as housing authority rules, garnishment procedures, foreclosure, domestic violence, Native American matters, employment compensation, and consumer issues.

Staff members at SALA assist schools in dealing with domestic violence issues. They contribute to written materials that are used in the work of other groups and speak at workshops in many parts of the service area. Their website provides valuable links to other organizations, including the statewide website ([www.AZLawHelp.org](http://www.AZLawHelp.org)) that posts a substantial variety of educational material.

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

**Criterion 1. Board governance.**

**Finding 13: The SALA board has carried out its oversight function effectively, but has experienced challenges with vacancies, meeting attendance, and diversity of composition.**

SALA by-laws provide for a 27 member board composed of 16 attorney members appointed by bar associations, and 11 community representatives. In practice, these 11 representatives have been apportioned as 10 client members, and one at-large member. Client members are selected from organizations that provide services to SALA's client population. The work of the board is performed by its committees – Executive Committee, Executive Director Evaluation Committee, Priorities Committee, Client Grievance Committee, Audit and Finance Committee, Personnel Committee, Recruitment and Development (formerly Nominating) Committee, and Community Relations and Fundraising Committee. SALA's by-laws provide for staff membership on board committees, including the Executive Director Evaluation Committee.

Interviews of board members depicted a governing body that is committed to the program, involved in major policy decisions, and aware of the program's performance. The board has been proactive in the formation of new policies to improve administration and oversight of the organization, including policies regarding term limits, gift acceptance, conflicts of interest, executive director compensation, and file retention and destruction. It is actively engaged in financial oversight through its audit & finance

committee. When the program experienced an economic crisis, the board formed an *ad hoc* committee that went to great lengths to assist management with the difficult issues of staff reduction. The board evaluates the executive director annually.

SALA's board and committee minutes, as well as interviews of members, indicate that meeting attendance by board members is less than ideal. Meetings are normally set for two hour time slots at noon in Tucson. Members who reside outside the Tucson area must set aside an entire day to attend or else attend by phone. When meetings are held outside of Tucson, the situation does not improve. When the board held a meeting at Casa Grande, attendance in person or by phone was extremely low.

As a whole, the board is not sufficiently diverse and representative of the various geographical areas and low-income populations served by the program. The by-laws provide for an appropriately diverse board composition. However, representatives from rural areas have been difficult to identify and retain, once recruited. The service area's poverty population is 21% Native American, while the current board composition includes only two Native Americans.

The board has difficulty in recruiting client-eligible members. Three of the client positions have been vacant for more than one year. Client-eligible members interviewed during the assessment are actively engaged and believe that their input is respected and valued by other board members.

New members receive a short orientation and a manual. Opinions of board members varied concerning the effectiveness of the orientation although all agree that it is valuable. Orientation is reportedly the same for both attorneys and client-eligible members. The board conducts self-training, usually in a retreat-type format. Subjects have included audit and financial training, fundraising, and strategic planning. At the time of the LSC visit another board retreat was scheduled for April or May 2010. Members reported that board training has become more limited with reductions in funding, which have prevented attendance at national events.

Board members were open and conversant about current challenges that the board wishes to address. The board is aware that it is heavily influenced by the program's main office location in Tucson; it intends to become more visible to the service area's remote communities and improve support for clients and staff in the rural offices. It is interested in improving its fundraising ability and in developing more expertise regarding financial review and fiscal oversight.

**Recommendation IV-13-1:** The SALA board should recruit client-eligible members from community organizations with whom it has collaborated and by asking staff to identify current and former clients that might be good prospects for board positions.

**Recommendation IV-13-2:** As it identifies new members to fill existing and future vacancies, LSC encourages the board to use the opportunity to improve its diversity and financial expertise.

**Recommendation IV-13-3:** LSC encourages the board to engage in strategic planning and, in particular, to include discussion of the program's presence in remote areas and its support for clients and staff in the rural and Native American offices.

**Recommendation IV-13-4:** The board should consider whether reducing its size will improve board functioning and attendance.

**Recommendation IV-13-5:** LSC encourages the board to consider whether it is appropriate to have a staff member on the Executive Director Evaluation Committee.

**Criteria 2 and 3. Leadership, overall management, and administration.**

**Finding 14: SALA benefits from sound leadership, overall management, and administration.**

SALA's executive director, hired in June of 2007, is recognized as the program leader. Although residual morale issues remain from the staff reductions that were brought about by cuts in funding in 2008, he has demonstrated a high degree of leadership aptitude and has gained the confidence of the staff and the board.

The management team, which consists of managing attorneys plus senior management, has regular monthly meetings. Overall management and administration are satisfactory. The visit team had some unresolved questions about a program decision concerning information technology (changing a server and software affecting email and calendaring capability) and arranged for the program to receive an upcoming technical assistance visit from OPP program counsel with expertise in that area.

The visit team noted – and the executive director is aware – that several program executives who rose through the ranks do not have formal credentials for their positions. He is interested in developing a long-term plan for hiring and where possible promoting persons who have the requisite credentials for their tasks and has informed staff of this intention. Managers have been encouraged to attend training to support their professional development. Overall, the program provides opportunities for the development of a diverse group of leaders. The director is in the process of developing a leadership succession plan.

At the moment, the executive director supervises two case handling units. While this is sometimes necessary in smaller programs, no such necessity should exist for SALA. (See Finding 10 and Recommendation III-10-1).

**Criterion 4. Financial administration.**

**Finding 15: SALA appears to satisfy the criterion for financial administration.**

SALA's chief financial officer (CFO) joined SALA 40 years ago, beginning as an intake worker and gradually moving up through the ranks. She does not have an accounting degree, but has taken accounting courses at area colleges, and has attended specific training for legal services programs approximately every three years. She participates in the Management Information Exchange email group. The CFO supervises the accounting unit, which consists of an accountant/bookkeeper and an accounting clerk. The accountant/bookkeeper has also attended specific training for legal services programs as well as other outside accounting training.

The accounting unit prepares budgets and financial reports for management and the board and its audit/finance committee, administers payroll and expenses, assists the auditor and implements audit recommendations, works with the intake unit regarding funding codes, trains the staff on timekeeping, reconciles bank statements, prepares grant billing, and monitors procurement for major expenses. The unit uses the CMS timekeeping sub-program, FundEZ accounting software, and the online PAYCOM payroll system.

For the executive director the unit prepares a monthly statement, a balance sheet, and a comparative budget report of revenue and expenses. The audit committee receives this on a quarterly basis; and, the full board receives the quarterly statement that was reviewed by the audit/finance committee. The comparison is for the period and year-to-date. The statement of revenue and expenses compares the same time frame for the previous year. Audits for the last three years have been satisfactory.

**Criterion 5. Human resources administration.**

**Finding 16: SALA human resources administration suffers from a lack of centralization and training.**

SALA human resources (HR) administration is distributed among the executive offices. The accounting unit maintains the employee personnel files and the plans for health insurance, life insurance, long and short term disability insurance, and the 403(b) deferred compensation program. The chief operations officer is responsible for working with staff on their utilization of the benefits of these plans. The chief administrative officer, who assists the executive director, also helps to manage these functions. The executive director is in the process of reorganizing the HR management functions. Staff members responsible for the program's HR functions have not received adequate training.<sup>14</sup>

Although it offers an acceptable package of benefits, the program has struggled (as do all legal aid providers) with adequate salaries. The director and board evince a

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<sup>14</sup> See pg. 3-4 of SALA's response, attached to this final report, for the program's comment.

genuine concern for the well-being of SALA employees and have recently adjusted the salary scale and have guaranteed an annual cost of living increase. The program is particularly focused on retaining attorneys by providing adequate salaries. A SALA attorney with three years' experience earns \$36,000. Among LSC funded providers, the average salary for attorneys with three years' experience is \$44,258.00.<sup>15</sup>

**Recommendation IV-16-1:** SALA should establish a human resource component separate from the finance office.

**Recommendation IV-16-2:** SALA should ensure that HR administrators have sufficient training.

**Recommendation IV-16-3:** SALA should ensure that the maintenance and control of confidential employee personnel and HIPAA files are secured by the officer who has responsibility for HR functions.

**Recommendation IV-16-4:** SALA should continue to try to bring attorney salaries closer to national norms for legal aid.

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

**Finding 17: Internal communication at SALA, though acceptable, could be improved.**

Although program communications are generally good, SALA could benefit from improved interactions with its outer offices. Legal services programs that cover sparsely populated service areas from urban centers often experience communications problems between the main office and the remote ones. Some of SALA's outer office staff members feel a sense of isolation and a general lack of connection to the program. They would benefit from increased visits from board and management and would like to become more familiar with main office attorneys and administrative staff.

The program uses traditional means such as annual program-wide meetings and invitations to attend in-house training events in person or by phone to facilitate staff communications. Some staff members indicated that the program does not have enough large staff meetings. Both board and management plan to increase their presence in the outer offices. The executive director has been to each of the offices at least once, but the perception among some staff is that he has not done so.

**Recommendation IV-17-1:** The program should consider establishment of a program wiki or intranet and posting the details of major decisions affecting the board, staff, and operation of the program.

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

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<sup>15</sup> LSC Fact Book 2008 (published August 2009); average salary of 284 attorneys with 3 years' experience.

**Finding 18: SALA’s non-LSC funding has been static for several years, but resource development activity has increased significantly and is expected to yield results.**

LSC funding constitutes 61% of the SALA budget. Nationally, LSC funding constitutes approximately 40% of the budgets of its providers. The amount of non-LSC funding at SALA has remained consistent for several years. From 2002-2008 the figure has varied from a low of \$1,527,570 to a high of \$1,797,372; the seven-year average for non-LSC funding at SALA is \$1,700,223. Significant sources of SALA’s non-LSC funding include state and local government grants, contracts with the State Supreme Court and local courts, contracts for services with several Native American tribes, and contributions from the Arizona Equal Justice Foundation and the Arizona Foundation for Legal Services and Education. SALA also recently received a *cy pres* award.

Management and the board all indicate that they are increasingly focused on fundraising. Interviews of board members suggested that the board is aware that it must increase its fundraising activity. The executive director has asked a member of the fundraising committee to attend a forthcoming seminar on organization sustainability.

The director of development, hired February of 2008, is pursuing additional grant income and is crafting creative approaches such as establishment of a SALA Facebook page. She attended a fundraising training event that is tailored to legal services organizations and participates in the Management Information Exchange (MIE) email group. Program fundraising activities are contained in development plan that is reviewed every three months at a management team meeting. The development plan is a product of SALA’s ongoing strategic planning process and was shared with all staff members.

The program produces an attractive annual report, which can be seen on the SALA website.

**Recommendation IV-18-1:** LSC encourages the SALA board to continue with its plan to increase its resource development efforts.

**Criteria 8 and 9. Coherent and comprehensive delivery structure; participation in an integrated delivery system.**

**Finding 19: Overall, SALA has a complete, balanced approach to service delivery and is part of an integrated delivery system.**

SALA has a balanced approach to its mission. Effective representation and other services assure that a broad range of the legal needs of its client populations are being met to the extent possible. Staff, management, and board are conversant about client and program issues and explore new possibilities and opportunities for improving delivery.

The program is an active and respected participant in an integrated delivery system. Its input is sought by other service providers and government agencies on issues affecting

its clients. SALA coordinates its outreach with other advocacy groups at the local and state levels. The quality of its work and its strategic approach to poverty issues are respected by community agencies. SALA attorneys are asked to make training presentations at local and state bar events. Staff members, members of management and board, and its private attorney partners sit on bar committees and advisory boards that comprise the regional and state delivery system.