



Legal Services Corporation
Office of Program Performance

Final Report

Program Quality Visit
to

Nevada Legal Services, Inc.
Recipient No. 829050

April 23 – April 27, 2012

LSC Review Team

Tim Watson, Program Counsel (Team Leader)
Janet LaBella, Director of OPP
Stephanie Edelstein, Program Counsel
Alan Lieberman, Temporary Employee

Nevada Legal Services
Recipient No. 829050

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Attachment - Response from Nevada Legal Services (2 pages).

INTRODUCTION

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a Program Quality Visit to Nevada Legal Services (NLS) April 23-27, 2012. Team members included OPP Program Counsel Stephanie Edelstein and Tim Watson (team leader), OPP Director Janet LaBella, and LSC temporary employee Alan Lieberman.

Program Quality Visits are designed to evaluate whether LSC grantees are providing the highest quality legal services to eligible clients. In conducting the evaluation, OPP relies on the LSC Act and regulations, the LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The evaluation was organized to follow the four Performance Areas of the LSC Performance Criteria, which cover needs assessment and priority setting; engagement with 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.

The team reviewed documents routinely provided by the program, including recent grant applications to LSC, technology and PAI plans, workforce analysis charts, case reports, and other service reports. The team also reviewed materials requested in advance of the visit, including documents relating to the program's intake, legal work, and case management policies and systems, advocates' writing samples, and the results of an online staff survey. While on site, the team visited the Reno and Las Vegas offices. The team interviewed program leadership and administration, along with most attorneys, paralegals, and administrative and support staff. The team also met in person or by phone with the program's board chair and several board members, judges and other members of the state justice community, and representatives of non-LSC funded legal services and pro bono entities, as well as other community organizations.

PROGRAM OVERVIEW

NLS is a statewide program receiving Basic Field and Native American grants to provide legal services to a mixed urban-rural-frontier geographical area with an increasingly diverse population. The program receives \$1,788,006 for basic field representation and \$125,240 for Native American work. A migrant service area was eliminated in 2010, and the small grant was folded into the basic field amount. NLS has two service offices – Las Vegas and Reno – having 21 and 13 staff members respectively. The Reno office includes staff members from the Carson City office, which was closed in 2011 to conserve resources. A receptionist/intake worker staffs a satellite office in Elko, which is located in the Great Basin in northeast Nevada. The Las Vegas facility is the program's main office. Las Vegas is in Clark County, which has 80% of the state's population. NLS also staffs the Clark County Family Law Self-Help Center with a supervisor and three customer service representatives. There are five other legal services delivery organizations in Nevada.

NLS relinquished its LSC grant in 2008 as a result of serious instances of non-compliance, and was put on restricted funding with special grant conditions. Several board members left and a new executive director was hired.

SUMMARY OF FINDINGS

NLS is an effective and respected provider of legal services that has laid to rest the issues that led to relinquishment of its funding in 2008. While there are some aspects of service delivery and management that can be improved, the program is a well-established and valued participant in Nevada's civil justice system.

NLS effectively identifies client needs and is vigilant concerning emergent issues. Its deployment of resources is consistent with identified needs and with its approved priorities in housing, public benefits, consumer, and family matters. It recognizes changes in client needs and adjusts its services to address them.

The program respects the dignity of its clients and is highly engaged with the service area's low-income population. Although clients and potential clients generally have sufficient access to NLS offices and staff, the intake process needs to be evaluated. It is somewhat inefficient, and its capacity for handling calls needs to be improved.

NLS' talented advocates are committed to the program's work, have the skills to effectively represent clients, and achieve meaningful results for them in both basic field and Native American advocacy. They are supported with good legal research capability, a new case management system, and sufficient training. The amount of extended casework is somewhat low compared to the national norm, but it is increasing. The advocacy staff is handling challenging legal issues in a variety of forums, including appellate and federal courts, but hopes to handle more cases that can benefit large numbers of the low-income population. The program's advocacy could be improved with joint casework and increased communications between the advocate staffs of the two offices. In addition to direct advocacy, the program has a strong pro se component in the Clark County Family Law Self-Help Center located in the Family Court Building in Las Vegas.

The program effectively integrates private attorneys into its work and provides them with support and recognition for their service. It has a mixed model that primarily relies on recruited pro bono volunteers, but also includes a small judicare panel for compensated work in remote areas. From the time when the program converted its PAI component to use in-house coordinators, it has easily met or exceeded its PAI requirement.

The NLS board of directors provides effective oversight of the program. One member is both an attorney and a CPA and is an asset in the board's continued involvement in maintaining the program's financial integrity and viability. The board has recognized the need for improved fundraising and plans to focus on this responsibility.

The executive director and board have demonstrated considerable leadership in guiding the program to its current status. Management is effective overall, but strategies for increased and consistent communication between the director and management staff and between managers and staff should yield improvements. The executive director should delegate more work and allocate authority to her management team to get it done.

NLS has some difficult challenges regarding staff compensation and benefits. Health benefits for dependents is not provided, and salaries are the lowest of all legal services providers in Nevada. Staff turnover is not significant, but attorneys have been known to leave for better pay. Potential new sources of income may help the program with this issue.

LSC funding is approximately 69% of the NLS 2012 budget. The program has no dedicated development staff and competes for funding with five other legal aid providers in the state. Given this environment, NLS has done a good job of obtaining funding and maintaining services.

DISCUSSION OF FINDINGS

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

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

Finding 1: NLS effectively identifies client needs.

NLS participated in a thorough statewide needs assessment in 2008. The assessment was conducted by the state Access to Justice Committee and employed a variety of methods to collect data from relevant groups, including clients, the bench and bar, staff, and other service providers. In the spring (April-June) of 2011, NLS conducted another assessment. It employed in-person and phone interviews, surveys, and focus groups to gather information from low-income persons, community and social services organizations, courts, the bar, other legal services programs, and the NLS staff and board. The data from the 2011 assessment has not yet been fully analyzed and thus has yet to be presented to the board. Primary areas of need identified by the program as most critical are housing, consumer/finance, and all types of public benefits.

Criteria 2-3. Setting goals and objectives, developing strategies, allocation of resources, and implementation.

Finding 2: NLS effectively allocates resources and sets goals to meet client needs.

The board reviews NLS priorities on a quarterly basis. It balances the client needs identified in its assessments against program resources and other resources in the service area. The priorities themselves are broadly drawn, but they contain clearly identified goals and strategies, as well as effective measures for assessing accomplishments. NLS's four priority areas are housing, public benefits, consumer, and family matters. The program's resource allocations and strategies reflect services provided by other organizations in the state. For example, NLS has only a limited family law practice – mainly through pro bono initiatives and the pro se family court project – because other non-LSC legal services programs handle domestic violence and other family law matters. Similarly, certain types of consumer cases are handled by non-LSC providers. NLS advocates can therefore handle the consumer matters left unaddressed.

Criterion 4. Evaluation and adjustment.

Finding 3: NLS recognizes changes in client needs and deploys its resources effectively to address them.

Between formal needs assessments the board and staff are vigilant concerning evolving client needs and emergent issues. Directing attorneys conduct annual goal-setting and strategy meetings, and they present litigation reports to the board twice a year. Offices identify intake trends in case acceptance meetings. Information from other service providers and local news services also assist in the identification of emerging issues. Recently identified issues include increased mortgage foreclosures and their impact on homeowners and renters, reductions in benefits due to state funding cuts, unemployment denials, housing authority consolidation, and garnishment of exempt funds in bank accounts.

In response to the rise in consumer issues wrought in part by the economic recession, attorneys began to take bankruptcy cases, NLS obtained funding to support mortgage foreclosure work, and the program recruited private attorneys to assist with other consumer cases. In response to an increased need for information about the legal system, the offices have enhanced their community education efforts.

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

Criterion 1. Dignity and sensitivity.

Finding 4: The NLS staff respects the dignity of clients and is sensitive to their needs.

Interviews and staff survey comments revealed a staff that is highly attuned to the needs of their clients and strives to meet their needs. To engage with Nevada's mixed English and Hispanic population, NLS has several staff who are bi-lingual in Spanish and English. This includes the receptionists in both Reno and Las Vegas, the intake specialist, and several paralegals and attorneys. Letters are translated into Spanish, phone recordings have a Spanish option, and many brochures are in Spanish. Language Line is used for other languages, although friends that accompany applicants or clients can also be used. Some classes, including the foreclosure class, are presented in Spanish. The website does not have a Spanish version. The offices are adequate in appearance and function. However, the Las Vegas office does have a curious design flaw; the public bathroom also functions as a connecting hallway for two sections of the building.

Recommendations:¹

II.1.4.1. NLS should consider creating a Spanish version of its website when resources permit.

II.1.4.2.* As soon as the budget permits NLS should modify the layout of its Nevada office to ensure that the bathroom designated for clients and guests provides sufficient privacy and that the bathroom is not used as a thruway for staff.

Finding 5: The intake component of NLS has excellent staff but suffers from an inefficient process and lack of resources.

NLS receptionists, intake specialists, and advocates are experienced, highly skilled, and dedicated to providing high quality intake assistance to clients. NLS adopted a statewide centralized telephone intake system in 2007, but abandoned it due to various logistical problems. Intake now is conducted separately in the two staffed offices, in the Elko outreach office, and at other outreach sites. The offices are generally open for intake Monday through Friday during business hours, except for the lunch hour.

Most intake in the Las Vegas office is handled in person; clients are walk-ins or have telephoned and have been asked to come into the office. In the Reno office, about half of the intake is conducted over the phone and half in the office. Intake for applicants in rural areas is generally conducted over the phone. The telephone lines in Las Vegas are often overwhelmed; many callers leave messages that are a challenge to return with existing staff capacity.

In Las Vegas, walk-in applicants are asked to complete a form that includes contact information, financial eligibility questions, a brief description of the problem, conflict identification, and an attached citizenship declaration. This form is not used in Reno. The information on the written form is verified or corrected by an intake specialist in the Las Vegas office who then determines financial eligibility and whether the case is within priorities. The intake information is then entered into the LegalServer case management system (CMS). Staff reported that the intake form is often confusing to the applicants and that financial information entered is frequently incorrect.

In Reno, the receptionist completes the eligibility determination and obtains a description of the facts of the case for telephone and walk-in intake. Now that Carson City calls come into the Reno office, the volume has increased and is challenging the capacity of the receptionist.

¹ Recommendations in this report will be identified by a Roman Numeral cross-referenced to the Performance Area, followed by three numbers identifying, respectively, the Criterion addressed by the recommendation, the number of the finding, and a number designating whether it is the first, second, third, etc., recommendation under that finding. For example, III.2.14.3 designates Performance Area III, Criterion 2, Finding 14, third recommendation under finding 14. There are two tiers (levels) of recommendations in this report. Recommendations marked with an asterisk are Tier One Recommendations and are intended to have a direct and major impact on program quality and/or program performance. **In your next grant renewal application or competitive grant application, instead of submitting a full narrative, your program will be required to report what it has done in response to Tier One Recommendations.**

Case acceptance meetings (CAMs) are held weekly in Reno and twice each week in Las Vegas. The intake specialists, attorneys, and paralegals all attend, and all cases are discussed. In Las Vegas, CAMs generally last about an hour. In Reno, they last one to 1½ hours. Case assignments are made, and level of service is determined in many cases. Some cases are opened for further investigation. A significant portion of the CAMs is spent briefly reviewing counsel and advice cases. There are separate CAMs for pro bono cases, foreclosure cases, and Low Income Taxpayer Clinic (LITC) cases.

Cases that are identified to receive counsel and advice are assigned to an advocate or an extern to contact the client and prepare a counsel and advice letter. These letters generally set forth the client's facts, applicable law, and, in some instances, recommendations for further action that the client can take. Some of the letters reviewed were lengthy (up to three pages) and included statements of law and legal citations clearly far beyond the comprehension of most lay persons.

Each counsel and advice letter includes a paragraph asking the client to complete a client satisfaction survey and mail it back to the office in a self-addressed stamped envelope, a paragraph informing the client that she can file a grievance, and a footnote informing the client that her case file will be destroyed after seven years on a specified date. NLS states that it receives very few responses to the client satisfaction surveys, and did not tabulate or otherwise present to the assessment team the results of surveys it did receive. NLS is required by several funders to send client satisfaction inquiries at the close of routine cases, including those that were resolved through counsel and advice.

Recommendations:

II.1.5.1.* NLS should examine how intake is conducted throughout the program with a view toward making it more efficient for both applicants and for staff. The program should look closely at redesigning its systems so that more clients can receive prompt assistance by telephone and that written forms promote efficiency. The intake structure should be examined to ensure that there is enough capacity to answer the calls and to conduct the intakes that come in to the office. NLS should also consider adding on-line intake to its intake system to expand access to the program.

II.1.5.2.* NLS should reduce the number of questions on the forms used in Las Vegas as their use does not appear to save time.

II.1.5.3.* NLS should review the effectiveness of its CAMs with a view toward making the most efficient use of advocates' time. Cases which are likely not going to require extended representation need not be reviewed at the CAMs. Those decisions should be made by the senior attorney or directing attorney prior to the CAM.

II.1.5.4. NLS should consider whether it should discontinue sending closing letters in simple counsel and advice cases and limit them to situations where it appears that such letters are necessary and will benefit the client.

II.1.5.5. NLS should consider simplifying closing letters in counsel and advice cases and writing them in plain language.

II.1.5.6. The CMS's document assembly function should be used for routine documents such as standard client letters - rejection, acceptance, closure.

II.1.5.7. Except as required by other funders, NLS should discontinue the practice of sending client satisfaction surveys to all clients who have received counsel and advice. Instead, NLS could adopt a system to sample limited assistance cases during a set period of time, such as a two month period.

Criterion 2. Engagement with the Low-income Population.

Finding 6: NLS is highly engaged with the service area's population of clients and potential clients.

Public awareness of legal rights and of NLS' services is an important goal at NLS. The program employs an outreach coordinator to assure a high level of engagement on many fronts, including the Internet, radio, and traditional site meetings. NLS has a Facebook page that announces upcoming events and activities.

NLS conducts an impressive number of clinics throughout the state. A typical monthly schedule includes clinics on small claims, family law, self-help forms, homeowner assistance, sealing records, bankruptcy, low income tax credits, and foreclosure. Clinics are regularly held in Reno, Las Vegas, Carson City, Elko, and various rural county sites. Locations include community fairs, libraries, social service agencies, domestic violence shelters, homeless shelters, senior citizen centers, Indian reservations, and veterans' sites.

The program broadcasts a weekly call-in radio program in which legal issues are discussed. It is currently on the AM dial and is aired at 4:00 p.m. and repeated in the evening. NLS staff also appear on other radio stations. The program is configuring a new statewide web site that will be more attractive and will have more functionality.

NLS' foreclosure unit employs a particularly innovative approach to outreach; it obtains the daily list of home loans in default from a title company and sends out notices announcing the schedule for foreclosure modification and mediation classes.

Recommendation:

II.2.6.1. - Now that many courts require e-filing, NLS should consider conducting a clinic on that subject.

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

Finding 7: Clients have sufficient access to NLS offices and staff.

The program's offices are located near courts and agencies. They are on public transportation routes where those services are available. Clients are able to make contact by phone or walk-in. Toll-free phone lines provide access for remote clients.

Client access was affected by the closing of the Carson City office in 2011 in order to conserve resources. Nevertheless, the program has taken care to ensure continued client access.

Reno staff are available at an alternate location in Carson City all day on Tuesdays and Thursdays. The Carson City client community was alerted to the imminent closure of the office through mass mailings.

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.

Finding 8: NLS' legal staff has sufficient capacity to effectively represent clients, and it employs systems and procedures to support its work.

NLS' staff of 39 includes 15 attorneys and four paralegals. The attorneys consist of three directing attorneys (DA's), one supervising attorney,² three senior attorneys, and eight staff attorneys. The attorneys are generalists, but have developed expertise in such areas as housing, employment, and Indian law. Writing samples submitted to the review team were generally above average – some significantly so – and revealed substantial capacity for representation. While several attorneys have 5 or more years of experience with NLS or other legal services programs, some attorneys are relatively inexperienced and have had little involvement in cases requiring extended litigation skills, such as discovery. The directing attorney of the Las Vegas office has over 20 years of experience and serves as a mentor to some of the younger attorneys in the program. To a lesser degree, he also acts as a mentor to the Reno office's two directing attorneys, one of whom was the DA of the Carson City office prior to its closure and now serves as the director of the Reno office's Indian Law unit.

Directing attorneys are responsible for managing offices and supervising the legal work. Though some interviews suggested that DA's have not regularly reviewed the work of staff attorneys in their charge, the assessment team's general impression was that these reviews are sufficiently frequent and regular. The DA's review briefs and conduct quarterly case reviews, reviewing the status of open cases in the CMS and discussing and memorializing plans for further action. Interviews indicate that there is open communication among the attorneys and with the DA in each office on cases and legal issues, including at the case acceptance meetings. However, communication and work between the two offices' advocacy staffs appears to be limited. NLS does not have substantive law task forces.

Case-loads are managed through case review in the CMS and by case assignment at the CAMs. The number of advocates' open cases appears to be reasonable. A *Case Management and Litigation Manual* sets forth the standards and rules employed by the program for case acceptance, case planning, litigation, caseloads, file maintenance, and case administration.

Advocates generally feel that they have all necessary tools and support to conduct their work. All advocacy staff members have accounts for electronic research. Briefs and forms are

² This attorney supervises the work of three customer service representatives at the Clark County Family Law Self-Help Center in Las Vegas.

available on the network. Both offices have access to publications specific to their work, such as the Indian Law Reporter and the National Consumer Law Center Practice Series. Local law libraries are accessible in both locations.

The LegalServer CMS is another part of the system that supports the work of the advocates. Notes are entered in the CMS regularly, interview questions are accessible for intake, and timekeeping is maintained. Some staff scan documents into the CMS, although this is not done consistently. Staff appear to use the calendaring system to note court appearances and other times they are not available. Staff were involved in the selection and customization of the CMS and are generally quite pleased with it. Other technology also supports the legal work. The program's veteran IT manager uses remote diagnostics to solve problems. Dockable workstations are used for distant work such as outreach and intake. Video conferencing is used between offices and has impressive sound and video fidelity.

While budget cuts have limited training opportunities in recent times, advocates continue to receive sufficient training to meet CLE requirements. Sometimes more high-level training is available, depending on available general funding or funds from specific sources. The program sent staff to a recent affirmative litigation training. Staff involved in foreclosure work, HUD counseling, and the low-income taxpayer work have attended training events. Staff are able to attend local CLE events, and the program provides many in-house trainings or informal "brown bag" lunch discussions. Some newer advocates expressed a desire for skills training.

Recommendation:

III.1.8.1.* *Advocates in the two offices should be encouraged by NLS leadership to seek cases on which they can co-counsel and issues on which the two offices can work jointly, for the purposes of sharing knowledge of new developments, improving opportunities for complex litigation, enhancing skills, and augmenting communication, all of which could be significantly enhanced by a litigation director if or when resources permit.*

Finding 9: Although the number of extended case closures is lower than national norms, NLS's high quality legal work achieves meaningful benefits for clients.

NLS closed cases on behalf of 6,206 LSC-eligible clients in 2011. The program closed 299 cases per 10,000 poor, exceeding the national median of 263 by 14%. Housing cases accounted for more than 73% of case closures. Income maintenance cases were the second highest case type at 9.7%, and family was third at 5.3%. This somewhat unusual case-type profile (family cases represent 35% of case closures nationally) is explained by the presence of other providers in the state that handle most of the family issues, leaving NLS free to handle other matters that often are eclipsed by the pressure of serving domestic relations clients.

Comparisons to the national profile on case disposition (reasons for case closure) show that NLS' extended casework is lower than national norms. Nationally, 78% of cases closed were limited service cases, and 22% were extended service cases. NLS figures for these categories were, respectively, 87% and 13%. NLS closed only 38 extended cases per 10,000 poverty population as opposed to the national median of 61. Measuring the number of *contested* cases against the national median gave a similar result. It should be noted, however, that extended

numbers have been increasing and that low numbers in the past are attributable in great measure to the turmoil experienced by the program in 2008.

Although more extended case work would improve the program's standing against national norms, the quality of the staff's legal work is high. Attorney writing samples were well written, presented legal issues and facts in a persuasive manner, and covered a variety of legal issues and substantive areas, including international custody (Hague Convention law), housing issues, unemployment appeals, and foreclosure. A judge praised the program's work highly and stated that the written work was so impressive that she keeps copies of the NLS attorneys' documents as a resource.³ The writing samples from 14 attorneys included work in administrative settings, state district courts, two cases in the Nevada Supreme Court, and a case in the federal district court.

The program's work in foreclosure matters is impressive. NLS conducts regular foreclosure mediation classes and represents clients in the loan modification process and at mediations. Many of these have successfully prevented foreclosure or loss of the client's home.

The NLS *Case Management and Litigation Manual* specifically sets forth certain preferred cases for acceptance (at p. 14) and includes among them cases "that offer the possibility of addressing a practice of law, or problem which affects a large number of people generally served by NLS." Interviews indicated that the advocacy staff is sensitive to broader issues that could have a greater impact on the client community and would like to do more such work. The Las Vegas office conducts an annual strategic planning meeting at which potential impact work is identified and discussed. Although the press of ongoing case work makes it difficult for staff to gear up for such work, staff members feel that the possibility of taking such cases will increase as the effects of past problems subside.

Recommendations:

III.1.9.1.* NLS should establish a program goal of identifying and handling cases that can have an effect on large numbers of the clients NLS generally serves, and it should support efforts of staff to engage in such work.

III.1.9.2. NLS should continue to increase the number of extended cases it closes per year and the number closed per 10,000 poor.

Finding 10: NLS provides effective representation to Native Americans in Nevada, given the limited resources available.

NLS receives \$125,240 from LSC for Native American work. Nevada has 27 Native American reservations or "colonies." Many reservations are very poor; those with casinos have to compete with the large professional non-Indian casinos in the state.

³ Only one judge was interviewed on this visit. Although a higher number is routinely interviewed on quality assessment visits, the program was unable to arrange interviews with other judges in the state.

Much of the work of the four Native American law attorneys housed in Reno focuses on tribal jurisdiction. Cases are handled in both state and tribal court. The writing samples included an outstanding brief in the Nevada Supreme Court regarding tribal versus state court jurisdiction. Other work on behalf of Native Americans includes custody, DUI, assaults, misdemeanors, debt collection, and employment. The Native American component maintains a presence with the reservations through frequent visits for intake and outreach. The unit conducts a case acceptance meeting weekly. Much of its work is funded from sources other than LSC, including the Department of Justice and the tribes themselves.

Criterion 2. Private attorney involvement.

Finding 11: NLS effectively integrates private attorneys into its work and provides them with support and recognition for their service.

During the past four years, the program's PAI component has improved significantly. It has grown from having virtually no reportable PAI, no designated staff, and no program support, to a well-staffed, fully functioning statewide system. In the past NLS had difficulty fulfilling its PAI allocation requirement.⁴ With the revised in-house system it now employs, the program easily meets or exceeds its PAI allocation requirement. The PAI component closed 133 cases in 2011, primarily in family and consumer issues.

The PAI component is a mixed approach. Though NLS primarily employs a traditional model of recruiting pro bono volunteers, the PAI effort includes a small judicare panel for compensated work in remote, sparsely populated areas in the northern part of Nevada. NLS has obtained funding from the courts for videoconferencing equipment that allows attorneys to appear in rural courts from a remote location. One goal of that initiative is to increase the involvement of pro bono attorneys serving rural and frontier communities.

NLS has two full time PAI coordinators – one in each service office – who are experienced and have connections to the legal community and other providers. Attorneys are recruited for extended services in individual cases and to engage in limited service opportunities such as consumer education programs, clinics, and on-site programs such as the hotline and the Tenant's Rights Center. Pro bono attorneys have co-counseled with staff on some difficult cases involving landlord tenant issues and unemployment appeals. NLS sponsors CLE programs for pro bono attorneys.

Volunteers receive support in the form of malpractice coverage, research material, mentoring, and sample pleadings. One volunteer attorney said that the support she received from NLS was "outstanding." Referrals and follow-up procedures appear to be effective. The intake manual includes a PAI component for intake, case oversight, and follow-up. Volunteers receive recognition for their work in bar publications and at the annual Champions of Justice Luncheons in Reno and Las Vegas.

⁴ Approximately \$224,000 for 2012.

NLS strives to coordinate its work with the state's other pro bono programs to avoid duplication and enhance involvement. It issued sub-grants in 2011 to two volunteer programs, one of which was a long-time sub-grant recipient. This cooperative effort met with the approval of the Access to Justice Commission and other state justice leaders. However, these contracts did not generate the number of cases or the level of allocation that NLS needed, so they were not renewed. Nevertheless NLS is continuing to work with those other programs to preserve the benefits of cooperation, such as holding joint CLE events. Recruitment of attorneys in the south is generally ceded to a non-LSC organization, but NLS is open to volunteers who approach it directly.

Recommendation:

III.2.11.1. *NLS is encouraged to continue to provide private attorneys with a range of opportunities to become involved in its work, and in so doing, to collaborate with other providers to the extent useful and practical.*

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

Finding 12: NLS's Family Law Self-Help Center provides valuable assistance to self-represented litigants.

In addition to the efforts described in Performance Area Two, Criterion 2, NLS provides significant assistance to the low-income population in the Las Vegas area with the Family Law Self-Help Center, which is located in the courthouse and staffed by three customer service representatives, a NLS supervisor, and a court employee who is an attorney.

Customers get a number at the information desk of the Family Court. The numbers are tracked automatically by the "Q-matic" system, which counts the number of tickets issued, not the number of people. This results in an undercount of persons served; groups that are issued a ticket are counted as an individual when several people may be in the group. Prior to Q-matic, each staff person kept a hand count of the number of customers served.

Self-help packets may be purchased for \$5 or downloaded free of charge from the website. The court is working on converting the forms to hot docs. The Center's customer service representatives provide "information," not advice. They sell packets, answer questions, notarize forms, and review them for completeness. They do not assist with filling in the forms. The forms are not in Spanish. Some brochures are in Spanish, as is the website and phone recording. All of the NLS staff at the Center speak Spanish, but the director does not. The Center is not planning to translate the forms, but may look into translating the instructions.

In addition to the window service, the customer service representatives answer questions over the phone. Q-matic keeps track of the number of calls that come in but not the number that is answered. The staff estimate that only about 50% of the telephone calls are answered due to staffing capacity.

Recommendations:

III.3.12.1. NLS should encourage the court information desk to give numbers to each individual seeking assistance rather than to each group to ensure more accurate statistics.

III.3.12.2. The Center should consider translating the forms into Spanish—so that a litigant has a Spanish copy of the form even if it was not filed with court.

III.3.12.3. As resources permit, NLS should expand the center’s telephone capacity so that it can answer more calls directly.

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

Criterion 1. Board governance.

Finding 13: The NLS board of directors provides effective oversight of the program.

During the past four years, the board has devoted much of its time to rehabilitating the program and restoring its image as a credible, collaborative leader in the legal community. The board recently added three members, changing its total membership from nine to twelve. This was done to help ease the burden of the board’s work on existing members and to make it easier for the board to achieve a quorum at its meetings. The board’s twelve members include eight attorney positions and four client member positions. One attorney member is a retired Supreme Court Justice, and one is Native American. There is one client member vacancy. Client members of the board share in board deliberations, and their insights and perspectives are considered in board decisions. The board secretary is a client representative member.

The board meets monthly by telephone or videoconference, and twice a year in person. While there is not always a quorum at the monthly meetings, board members see value in sharing information on this frequent basis.

In addition to an executive committee, there are fiscal, staff grievance, and client grievance committees. The PAI, fundraising, and priority setting committees are comprised of the board sitting as a whole.

Board members receive essential information prior to meetings, and the executive director and fiscal manager provide reports, including a funding status report, at each meeting. Directing attorneys and PAI coordinators sometimes also provide reports.

Since 2008, the NLS board has included one member who is both an attorney and a CPA. The current member who has this dual capacity serves as treasurer, chairs the fiscal committee, and works closely with program staff to provide oversight of fiscal operations. The fiscal committee meets monthly. The board worked diligently to guide the program through funding cuts. It prepared various scenarios and adopted a three-tiered strategy, the implementation of which would depend on the actual reductions.

Training for new board members is informal. The executive director meets with each new board member to explain LSC regulations and the member's expected role and responsibilities. New members receive a binder containing the regulations, the bylaws, and a fiscal responsibilities handbook. Client board members have attended NLADA board leadership trainings.

While the board recognizes the need for resource development, and recently undertook an innovative project to obtain office supplies from local law firms, it has not been as proactive regarding fundraising as it could be.

The board conducted a review of the performance of the executive director during the year prior to the assessment visit.

Recommendations:

IV.1.13.1. NLS Board and staff should take greater advantage of the willingness of Board members to assist the program in fundraising, private attorney involvement, and other areas.

IV.1.13.2. NLS should conduct more formal Board training designed, in part, to identify ways that Board members can further assist the program and to affirm the Board's fiduciary responsibilities.

Criteria 2-3. Leadership and management.

Finding 14: Although some improvements can be made, NLS benefits from effective leadership and management.

The executive director has demonstrated her energy and commitment to the program by steering it over the last four years to a position of relative stability and strength. Other members of the management team have considerable skills and experience, and they are dedicated to the program's mission and goals. The smooth merger of the Carson and Reno staffs into the Reno office is a credit to the program's managers and staff. The executive director and senior staff have an open door approach, which is appreciated by staff. The management team meets quarterly and holds ad hoc meetings as necessary.

Some staff members with management responsibilities expressed frustration about not having been kept fully informed concerning changes affecting previous decisions. Other management members indicated that they were uncertain concerning whether they could take the initiative on projects and service delivery issues. The impression of the assessment team was that the executive director's job would be more manageable if she were to delegate more work to other members of management, make certain they have sufficient authority to carry out their work, and hold more frequent management meetings.

Recommendations:

IV.3.14.1. The executive director should give directing attorneys sufficient authority for assuming more responsibilities and easing some of the burden currently on her.

IV.3.14.2. The executive director should delegate more responsibilities concerning program management to other members of the management team.

IV.3.14.3. The management team should consider holding regular meetings more frequently in order to ensure consistency in communications among management staff.

Criterion 4. Financial administration.⁵

Finding 15: NLS appears to have vigilant and capable overseers of financial administration.

The NLS fiscal manager has been in his position four years and has been employed in non-profit financial administration since the mid-1980's. He is supervisor to a fiscal assistant and the benefits administrator. The fiscal assistant handles accounts payable, billings, and deposits. The benefits administrator handles HR functions and also assists the fiscal department with payroll, petty cash, and assistance with the monthly statements that the fiscal manager gives to the board.

Interviews depict a system of financial administration in which the staff and board interact on a continuous basis to monitor the program's financial standing. Financial statements are provided monthly to the board. Variances of more than 5% from budget are noted and discussed. Grants are actively monitored for depletion. The fiscal manager indicates that the accounting manual was substantially revised four years ago upon his arrival and has been continuously updated since that time.

A board member on the fiscal committee is both an attorney and a CPA. His comments portrayed vigilance by board and staff concerning fiscal operations, and he commended both for the methodical approach that was employed to meet the challenge of funding losses.

Criterion 5. Human resources administration.

Finding 16: NLS has been hard pressed to provide a competitive salary and benefits package for its staff.

As indicated above, the administration of human resources is primarily the responsibility of the benefits administrator, who is part of the fiscal management unit. NLS offers a benefits package that includes vacation and sick leave, other forms of leave, health insurance, life insurance, and a non-contributory 403(b) plan. The work week is 37.5 hours. Health insurance

⁵ This visit was conducted by the Office of Program Performance for the purposes set forth in the Introduction. OPP findings and recommendations under this criterion are limited to staffing, organization, and general functions. Assessment of fiscal operations is conducted by other offices at LSC.

administration has been a difficult issue. NLS pays the premiums for employees, but not for their dependents. NLS has looked into the possibility of dependent coverage but has found it to be too expensive. This is partly attributable to the manner in which health insurance is provided in Nevada. NLS cannot receive health coverage from one company, but would have to seek coverage from two different companies – one in the north and one in the south.

NLS has the lowest attorney salaries of all the legal services programs in the state. This inequity is somewhat offset by work schedule flexibility and the program's sensitivity to family responsibilities. Although staff turnover is not viewed as significant overall, some attorneys do leave for higher salaries. The program hopes to give raises to staff if it receives an expected increase in its share of LSC funding as a result of population shifts. The only loan repayment available for young lawyers is through LSC. One NLS attorney receives this benefit.

Each employee is evaluated on her or his anniversary date. Performance evaluations include corrective action plans when necessary. Some staff members interviewed were under the impression that evaluations were not being conducted for 2012 because salary increases were frozen. Executive staff indicated that evaluations were still being conducted for 2012.

Criterion 6. Internal communication.

Finding 17: Although internal communication has improved in recent years, NLS still experiences some communications challenges.

NLS has some challenges regarding internal communication. Certainly it has improved when compared to the turmoil leading up to 2008 when funding was restricted as a result of serious program deficits. However, some difficulties remain. Many staff, particularly in the Las Vegas office, commented on the need for improved communications. Staff reported that the management team often does not communicate a consistent message and that it is often unclear who is making the decisions. Several stated that decisions by one manager are sometimes contradicted by another one, leading to confusion.

The program has acted to ameliorate communications problems by holding monthly staff meetings via video conferencing connecting staff in all offices. While these meetings are helpful, some staff felt that they were not a forum for open communication and that some decisions were not discussed sufficiently at these meetings.

NLS has held annual program wide meetings in the past, but canceled this year's meeting due to funding cuts. Some staff felt that this hurt program communications.

Some staff also expressed concerns or distrust about the resource allocation between the north and south offices. Others commented that they do not know what other units or offices are doing.

Recommendations:

IV.6.17.1. *The program should consider setting up an intranet to improve communications and facilitate access to routine administrative documents.*

IV.6.17.2.* *NLS' management team should examine its communication strategies to ensure that a consistent message is delivered to staff. Managers should not contradict each other if at all possible and should promptly correct any miscommunications.*

IV.6.17.3.* *NLS should examine its resource allocation and delivery strategies in the north and south offices to determine whether the client population is equitably served to the extent possible, considering local and other grants. This process should be transparent to staff.*

Criterion 7. General resource development and maintenance.

Finding 18: Given the strictures of its funding environment, NLS has done a good job of resource development.

LSC funding is approximately 69% of the NLS 2012 budget. Other funding sources include the Nevada Law Foundation, state filing fees, federal grants for housing and domestic violence, and the Clark County Family Law Self-help Center. By statute, the state filing fee funds are generated and paid out at the county level for services to the indigent and aging.

NLS has dealt with recent funding cuts commensurate with those experienced by other LSC-funded legal services providers. A well-reasoned plan for dealing with the cuts was approved by the board and executed by the program to the degree necessary. The program competes for funding with five other legal aid providers in the state and has no dedicated development staff. Given this environment, NLS has done a good job of maintaining its vigilance for funding sources and retaining staff. Development consultants sometimes volunteer their time to the program, and the executive director is proactive in her fundraising efforts. A likely source of much-needed additional funding may be the nationwide foreclosure settlement, which could produce funding for several positions, including four attorneys.

NLS does not produce an annual report, but it does publicize its activities, successes, and donations in local media, the bar newsletter, and other forums. The "Champions of Justice" events in Reno and Las Vegas have the two-fold purpose of honoring private attorney volunteers and fundraising.

Recommendation:

IV.7.18.1. *As funding permits, NLS should consider hiring a part-time development director or a consultant.*

IV.7.18.2. *NLS is urged to consider producing an annual report for public dissemination when resources permit.*

Criteria 8-9. Coherent and comprehensive delivery structure, and participation in an integrated legal services delivery system.

Finding 19: NLS has a cohesive delivery structure that provides effective client service and is well-integrated in the delivery system.

Although there are some aspects of service delivery and management that can be improved, NLS is a respected and effective provider of legal services. It is accessible to clients, actively works to solve their problems in the legal system, and allocates its resources in a manner that assures sustained effectiveness.

LSC recognizes the challenges faced by NLS in the Nevada legal aid environment. Other service providers compete for resources and influence funders' decisions concerning their allocation. NLS has done a good job of navigating in this difficult environment. The program actively coordinates its efforts with Nevada's five other legal services providers. The six executive directors meet quarterly. The NLS executive director and other staff are active in state and local bar associations. This participation encourages awareness of the program's work and promotes private bar involvement. NLS engages in a wide variety of work on behalf of its client community with state and local service organizations.

Recommendation:

IV.9.19.1 NLS' executive director should continue to be assertive to ensure that NLS receives its fair share of available funding and that services are best made available to low-income Nevadans.