



LEGAL SERVICES CORPORATION

Office of Program Performance

Final Report

For

Program Quality Visit

To

ESSEX NEWARK LEGAL SERVICES PROJECT, INC.

Recipient Number: 331060

Dates of Visit: August 18-21, 2014

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Essex-Newark Legal Services Project, Inc. - #331060
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INTRODUCTION

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a Program Quality Visit (PQV) to Essex-Newark Legal Services Project, Inc. (ENLSP) from August 18-21, 2014. Office of Program Performance team members included John Eidleman, Senior Program Counsel; Janet LaBella, Director; Joyce McGee and Lewis Creekmore, Program Counsel, and John Johnson, LSC temporary employee.

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; strategic planning; access to services and engagement with the low-income community; legal work management and the legal work produced; and program management, including board governance, leadership, resource development, and coordination within the delivery system.

Team members reviewed documents provided by ENLSP to LSC, including recent competitive grant applications and PAI, technology, and disaster plans; workforce analysis charts; case services reports, and other services 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. Onsite, the team interviewed board members, the executive director, members of the leadership team, fiscal and development staff, technology staff, pro bono and communications staff, supervising attorneys, staff attorneys, paralegals, intake and administrative staff, and other support staff. The team also interviewed community representatives, leaders in the state justice community and state bar association, and several judges. Due to scheduling and time constraints, some interviews were conducted by telephone.

OVERVIEW OF PROGRAM AND SERVICE AREA

Essex-Newark Legal Services Project is a single-office program located in downtown Newark, NJ that provides a full range of legal services. The program's attorneys handle a high volume of cases and have established extraordinarily strong ties with the client community, private bar, social service organizations, community organizations and state/local governmental entities. The program is very client-oriented. According to the United States Census Bureau, the area that ENLSP serves has a total population of 789,565, of which 16.6% are living in poverty, compared to 10.4% for the state. Of those living below the poverty level, 58.61% are African American; 12.70% identify as some other race; 11.64% are White; 4.21% are two or more races; 2.17% are Asian; and the remainder are American Indian, Native Hawaiian and Other Pacific Islander. When considering the entire population of the service area, the Hispanic or Latino population is 21.7% (18.9% statewide) and the African American population comprises 41.9%, compared to 14.7% statewide. The median household income for the

service area is \$55,095 compared to \$71,629 for the state. The majority of the population in the area Essex-Newark serves speaks English only (about 66%). However, the population is very diverse and many different languages are spoken in the service area.

The number of evictions filed annually has remained constant over the last six years at over 40,000 a year. In 2013, the program closed 3,528 cases, and 935 or 26.5% were housing cases.

A fundamental philosophy of ENLSP is that every applicant receive some form of assistance ranging from referral to full representation. A second deep-seated conviction is that the program's services are best rendered in person, not by telephone or electronically.

Since 2008, New Jersey programs have faced significant funding cuts, dropping from roughly \$72 million in 2008 to just over \$40 million by the end of 2012. For ENLSP, funding declined from almost \$6 million to a little over \$3 million. In 2013, ENLSP received \$2,121,198 in non-LSC funding and \$932,510 in funds from LSC, which equates to 30% of its total funding. For FY 2014, ENLSP is receiving \$814,678 in funds from LSC. Essex-Newark Legal Services Project's percentage reliance on LSC-funds is 30.5% (of its total funding), compared to the national average of 42%.

With the approval of the ENLSP board, the executive director instituted several steps to mitigate funding losses, all of which were grounded in the desire to avoid layoffs of any staff. The program has avoided layoffs by reducing employee salaries and benefits. ENLSP leadership deems this to be the fairest way to respond to funding cuts. In 2012, ENLSP instituted salary cuts across the board with a greater percentage of cuts for staff with higher salaries and ceased contributing any funds to employee retirement accounts. In May 2013, ENLSP reduced its workweek to four days by closing its doors every Friday, a decision deemed necessary to sustain the office. The entire staff is on unpaid leave each Friday, which equates to a 20 percent cut in salary across the board. The shortened workweek was expected to be a stopgap measure through the fall of 2013; however, the policy remains in effect today. At the beginning of 2014, ENLSP opened for a handful of Fridays through a grant received from the local bar association. The program may open for additional Fridays in 2014 pending receipt of special funding requested.

Due to significant attrition, ENLSP's staff has maintained a steady decline since 2009, when the program had 60 staff members. As of August 2014, ENLSP had 41 staff members. From 2009 to 2014, the number of staff attorneys dropped from 31 to 20, paralegals dropped from 10 to seven and other staff (which includes 11 secretaries, who average 24.5 years of service) dropped from 19 to 18.

In an attempt to continue to provide the maximum legal services possible, ENLSP instituted cost cutting measures that have taken a toll on services to clients. The executive director reported in his May 29, 2014 board report that in 2013 the elderly law unit and consumer law unit closed on several occasions totaling 20 business days, and the SSI and

income maintenance intake closed for four weeks each. Expungement closed for a total of 100 business days and a waiting list was created.

ENLSP has also experienced a corresponding decline in total cases closed over the course of the last five years. In 2009, ENLSP closed 6,193 cases compared to 3,528 in 2013. In 2010, after a comprehensive needs assessment, ENLSP limited its priorities to accommodate limited resources. Those priorities, Housing, Public Benefits, Consumer matters, and Domestic Violence, remain in effect today.

For six years, the New Jersey legislature has considered a filing fee bill designed to create additional funding for legal services. On August 11, 2014, the New Jersey Bail Reform Act was signed into law by Governor Christie, which increases filing fees to reform the bail system and an estimated \$10 million is earmarked to fund legal services programs in the state. The filing fee is estimated to result in a \$1.2 million dollar gain annually to the program.

SUMMARY OF FINDINGS

ENLSP conducted a comprehensive legal needs assessment in 2009-2010 grounded in data collected through phone and in-person interviews, with stakeholders and low-income residents, client surveys, focus groups, and other meetings. In addition, ENLSP used census data, legal needs studies, intake data on cases not accepted, and Case Management System (CMS) data. The program conducted an all-day staff and board retreat in August 2010 to use this information to create a strategic priority setting initiative, which remains in effect today. The program's plan to engage in a needs assessment in 2015 is expected to be delayed due to other pressing financial priorities.

The 2010 strategic priority setting initiative sets case priorities to meet its client's most pressing needs, however the program has not engaged in a comprehensive strategic planning process to adopt strategies for its delivery approaches and advocacy that are calculated to achieve specified goals and objectives. In addition, ENLSP has not developed goals and objectives for finance, human resources, technology or administration.

ENLSP's intake system is inefficient and creates unnecessary delays for persons seeking services. ENLSP's technology hampers the intake system and the LegalServer Case Management System and telephone system pose significant challenges to conducting effective and efficient intake for applicants.

ENLSP staff engages in extensive outreach to the community. Staff members attend meetings with senior groups and make presentations at senior housing developments. The staff is engaged with homeless shelters, domestic violence organizations, and services organizations for families.

The area ENLSP serves includes a variety of different populations and many of its residents have limited English proficiency. ENLSP is accessible to clients within the

region and provides appropriate language access services adhering to its current board-adopted language access policy.

ENLSP has an experienced, dedicated, compassionate, and highly competent staff that provides high quality legal services to clients. The program and its work are well respected by the judiciary, the private bar, and social service community throughout the service area.

At the time of the PQV, ENLSP had five substantive law units with 16 staff attorneys, five with more than 30 years of experience. Overall, the program performs high quality legal work. ENLSP uses a range of advocacy tools to meet their clients' needs. The work ranges from advice to full representation to appeals in state courts. Judges reported that advocates were well-prepared, provided energetic representation, were sensitive to client needs, and presented well in the forum. Advocates also seem to be well-respected among their peers. Advocates' writing samples were of high quality, persuasively argued and well-written. The significant loss of funds over the last few years challenges the staff's ability to provide high quality and quantity of casework.

While the program has excellent detailed Standards Related to Client Relations (Standards) that address administrative and advocacy policies and procedures and cover treatment of clients, the supervision section of the Standards is vague and does not clearly set out the responsibilities of the supervisor and supervisee. The overall supervision of advocates is inconsistent and lacking in areas. Supervision varies by unit and is largely informal, although the executive director often reviews significant written work.

ENLSP faces several challenges in its PAI program. While there are a significant number of attorneys in the service area eligible to participate in the ENLSP pro bono program, the participation rate is relatively low. The Volunteer Lawyers for Justice (VLJ) program in Newark and the pro bono efforts of Legal Services of New Jersey (LSNJ) often seek the same participants as ENLSP. ENLSP gives its volunteers a limited number of opportunities to fulfill their pro bono obligation. The program does not aggressively market its PAI program either with the private bar or its staff.

ENLSP's board demonstrates appropriate program oversight and is committed to the program, its mission, and is knowledgeable about the service area. The board has been actively engaged in addressing major policy decisions and approving the executive director's decisions to institute a no-layoff policy and close the office one day a week. In recent years, discussions at board meetings usually center on the program's financial crisis and how to improve resources in the future.

The management team consists of the executive director, the comptroller, the human resources director, the director of client services and the managing attorneys. The departure of the deputy director and consolidation of substantive law units has concentrated greater decision-making authority in the executive director. The executive director is a thoughtful and deliberate leader with strong beliefs in providing some legal services to every person that accesses the program's services.

ENLSP's technology systems are administered by LSNJ. LSNJ provides ENLSP with computer hardware and software, network capabilities, and website and telephone systems, and is responsible for technology planning, systems maintenance and technical support. Currently, the technology is in dire need of an upgrade.

LSNJ leads many of the statewide resource development efforts, including the LSNJ annual Campaign for Justice. ENLSP participates in the Campaign for Justice and benefits from it. The Campaign for Justice concentrates on lawyers and law firms, and all of the New Jersey legal services programs are encouraged not to compete with LSNJ's statewide resource development efforts. The program does not have a resource development plan, nor has it been successful in acquiring additional revenue sources outside of its local funding.

ENLSP is part of an integrated statewide legal services delivery system that includes five other regional LSC-funded programs and LSNJ. The program's staff collaborates with the staff of these other legal services programs on substantive legal issues through task forces, email groups, statewide meetings, statewide trainings, and policy meetings. The program enjoys strong relationships with community groups, government agencies, and nonprofit organizations.

FINDINGS AND RECOMMENDATIONS

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

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

Finding 1: ENLSP conducts periodic assessments of legal needs and uses the results in conjunction with its priority setting.

ENLSP conducted a comprehensive legal needs assessment in 2009-2010. The assessment was based on data collected through phone and in-person interviews, including input from 29 community-based organizations servicing Essex County's low-income residents, client surveys, focus groups, and meetings. In addition, the program used census data, legal needs studies, intake data on cases not accepted, and case management system (CMS) data. At an all-day retreat in August 2010, the ENLSP board and staff gathered to review assessment data and develop new priorities. As a result, ENLSP created a document referred to as its strategic priority setting initiative, which remains in effect today. Through the process of developing the initiative, the program eliminated employment law as one of its eight substantive units, significantly reduced intake in education law, and limited priorities in all other substantive areas to cases that reflect the most pressing needs of its clients. The program planned to engage in a needs assessment in 2015. However, because

of other pressing issues caused by the continuing economic downturn, it will delay the assessment until a later time.

Recommendation:

I.1.1.1¹ When resources permit, ENLSP should conduct a comprehensive needs assessment.

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

Strategic Planning

Finding 2: ENLSP has not engaged in a formal program-wide strategic planning process.

While ENLSP developed its 2010 strategic priority setting initiative to determine case priorities to meet its client's most pressing needs, the process and resulting document do not reflect a comprehensive program-wide strategic planning process; which involves close analysis of all aspects of the organization with the ultimate goal of establishing its mission and maintaining long-term sustainability. The overarching goals of the needs assessment and strategic priority setting initiative are limited to changes the program should make to its service plan and case acceptance policies. Program-wide strategic planning generally involves setting goals, determining actions to achieve those goals, and mobilizing resources to execute the actions. A strategic plan describes how the ends (goals) will be achieved by the means (resources). A strategic planning process looks at the overall health of an organization and sets short-and long-term goals to improve quality, efficiency and effectiveness in all areas within a program. ENLSP does express its objectives in terms of desired outcomes for individual clients and the low-income population as a whole in general terms, but fails to list desired outcomes in quantitative terms. The program has not adopted strategies for its delivery approaches and its representation and advocacy that are calculated to achieve specified goals and objectives, nor has it developed strategies to address resource development, the allocation of resources, human resources, technology, and overall administration.

The steady attrition rate over the past five years at ENLSP has resulted in a disproportionate number of secretaries compared to attorneys. With a no-layoff policy in effect for years, the program has had the number of attorneys decline from 31 to 20 while the number of secretaries has remained virtually unchanged at 11. While some advocates

¹ Recommendations in this report will have a Roman Numeral to identify 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, and third recommendation under finding 14. There are two levels of recommendations in this report: Tier One and Tier Two. Recommendations that are indicated with an asterisk are Tier One recommendations and are seen as having a greater impact on program quality and/or program performance. In its next Application or Renewal, the program will be asked to report on its implementation of Tier One recommendations.

still rely heavily on secretaries for support on their written work, others produce the majority of their documents independently on their computers. The number of secretaries is out of proportion with the number of advocates, and secretaries are not being used to their full capacity.

Recommendations:

I.2.2.1*: ENLSP should engage in a program-wide strategic planning process over the next year that addresses delivering high quality legal services with a smaller staff and expands the reach of the program at the same time. The strategic planning process should include input from management, board and all staff. The term “strategic planning” does not presume that ENLSP hire a consultant or spend a significant amount of resources to complete a strategic planning process. The plan should address long-term sustainability in a more proactive and efficient manner through short-and long-term goal setting for all departments within the program, including substantive law units, administration, human resources, finance, professional development, training, resource development, and technology.

I.2.2.2*: As part of the strategic planning process, ENLSP should examine the proportionality of support staff to advocates.

Criterion 4. Evaluation and adjustment.

Finding 3: ENLSP does not regularly evaluate its delivery system to find better ways to serve clients.

It appears that ENLSP does capture outcomes for its legal work. However, ENLSP does not have a methodology in place for measuring the overall outcomes of its work. As such, ENLSP does not submit to a rigorous evaluation or measurement of its work, nor does it have a procedure in place to periodically analyze and evaluate the effectiveness of its delivery strategies and work. ENLSP does not compare the results actually achieved with the outcomes originally intended, and does not routinely make appropriate changes in its goals, objectives, strategies and legal assistance activity.

Recommendation:

I.3.3.1*: ENLSP should, for each program priority, set goals that include desired outcomes and utilize the actual outcomes to compare and analyze the effectiveness of its work.

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

Criterion 1. Dignity and sensitivity. (Intake)

Finding 4. ENLSP’s intake system is inefficient and it creates unnecessary delays for persons seeking services.

The intake system presents an array of challenges for an applicant. The majority of intake at ENLSP is initiated with an applicant walking into the program's office. Every person that makes it to intake gets some form of help, even if it is merely a referral or information about why help cannot be provided. Under the current intake system, an applicant may have to travel a distance and arrive early in the morning in inclement weather, wait several hours to be informed they cannot receive representation or to receive advice they could receive by telephone or from a client-friendly Internet web site. There is very little telephone intake. The exceptions are applicants with emergencies, the elderly and disabled people that cannot get to the office.

Applicants begin the intake process by arriving at the office as early as 7:00 a.m. and by signing in with the guard on duty at the entrance to the building. At approximately 8:00 a.m., all waiting applicants are escorted to the main reception area on the second floor and are screened by the intake supervisor to determine if they have a case that falls within the program's priorities. Applicants with a case that is clearly outside priorities (e.g., criminal, tort, or otherwise prohibited by LSC regulations) are turned away, with a referral to another resource when possible. If the applicant has a case that appears to be a priority, their name is put on a second list and they wait until they can be interviewed by one of the two intake paralegals who determines financial eligibility, checks for conflicts, and gathers more facts about the case. The intake worker usually enters the information into LegalServer, the case management system (CMS). When this is complete, the intake form is given back to the intake supervisor who creates a hard copy file that is then put into a box in the reception area. The box is for advocates in the Housing Unit (which is also on the second floor with reception) and an advocate will then interview the applicant. The applicants who have other legal issues carry the file to the units (family, elderly, income maintenance, and consumer) located on the third and fourth floors. Applicants will wait until an attorney can interview them.

ENLSP does not keep records capturing the wait time between the first steps of intake and the applicant's interview with an advocate. Several staff stated that applicants can wait hours before seeing an attorney and the LSC team observed clients sitting in the waiting room at nine o'clock a.m. who were still there after one o'clock p.m., many of whom started the process before 8:00 a.m. During the interview with the advocate, the applicant may have her case rejected, receive advice, be referred to another resource, be told there is a need for further information or investigation, or learn that the case will be opened and representation provided. It is ENLSP's policy that it is preferable to conduct intake in-person and not to conduct intake by telephone or online and that every person that makes it to intake gets some form of help, even if it is merely a referral or information about why help cannot be provided.

The limited number of telephone calls that result in intake applications are directed to the substantive law units where the unit's staff briefly interview the applicant for eligibility, gather facts, prepare an intake sheet and take the intake back to the intake paralegals for a call-back. If the substantive law unit determines that the matter is not an emergency and has available intake days, the applicants are told to visit the office on the day the unit is open for intake. The majority of these calls are from seniors who are

transferred to the Elder unit, where a secretary conducts a limited intake. Following the secretary's intake, the case is sent back to the intake unit for an in-depth eligibility screening and the applicant is scheduled for a full intake and interview. Other than this limited situation, secretaries are not used in the intake system. The secretaries are not fully utilized, and appear to have time on their hands.

ENSLP receives few intake referrals from the LSNJ hotline. The program does not keep a record of the number of calls received from the hotline and staff told the LSC team that they receive a few referrals a month per substantive law unit. Those referrals generally go directly to the substantive law unit for a brief interview and, if an emergency, an appointment is scheduled. However, routinely the referral applicant is told to visit the office during intake hours. ENSLP staff sometimes hears complaints from applicants that are referred to the LSNJ hotline that there are long wait times before they speak with an intake worker.

Each substantive law unit conducts intake only a few days a week and sets the number of applicants they will interview each day. Often, the limit is met shortly after the applicants enter the reception area at 8:00 AM. If the quota for the day is met, emergency cases beyond the quota are sent directly to the substantive law units without eligibility screening and completing an intake form. Applicants are screened in the substantive unit and sent back to the intake workers for a full screening if the attorney plans to take the emergency case.

Applicants are forced to wait at several points in the process. A potential client may have to go through three or more separate interviews (intake supervisor – intake worker – substantive unit advocate) before a decision on their case is made and/or any advice is received. While awaiting any of these steps, applicants may abandon the effort and currently there is no mechanism in place to track how many clients are lost in the process.

ENLSP's technology hampers the intake system due to problems reported by staff with the telephones that cause calls to be lost or misdirected. The LSC team heard from numerous staff that the telephone system is dropping calls, not allowing them to put people on hold, and sending calls to different extensions than were dialed.

LegalServer does not appear to be customized for optimum use in intake. A few staff members received training at LSNJ and an LSNJ trainer spent one day at ENSLP working with staff individually and in small group sessions. Most of the staff reported to the LSC team that they need more training on LegalServer and that they are not adequately trained to understand its capabilities. Most staff reported that it is a cumbersome program and they are frustrated using it.

Recommendations:

II.1.4.1.* ENSLP should proceed with all deliberate speed to evaluate its intake system with a view to making it more efficient. This process should include an analysis of the

current ENLSP intake processes, telephone infrastructure, and options for improving them.

II.1.4.2* ENLSP should consider the option of telephone and online intake systems similar to those used in other legal services programs.

II.1.4.3* ENLSP should revise its procedures to reduce wait times for applicants, eliminate the need for applicants to come into the office in most situations, and provide, at a minimum, some level of information or assistance to applicants at the first point of contact.

II.1.4.4.* ENLSP should consider training some of its secretarial staff to conduct intake and reposition them to conduct telephone intake in a pilot program.

II.1.4.5.* ENLSP should consider modifying the current model of transferring some emergency calls directly to the substantive law units for intake review so that the secretaries conduct a full intake and not transfer cases back to the intake unit.

II.1.4.6.* ENLSP should consider using the modified intake model suggested in recommendation **II.1.4.5** as a possible model to expand for all types of telephone intake.

Criteria 2. and 3. Engagement with, and Access and Utilization by the Low-Income Population.

Finding 5. ENLSP staff members are engaged in their communities and the program strives to reach client populations that may face unique access barriers.

ENLSP's office is well known, appears convenient for clients and is handicapped accessible. While the main reception area is equipped with various legal education materials, the waiting area was not professional in appearance, nor did it offer applicants a pleasant and comfortable environment.

Mindful that it may be difficult for all clients to reach their offices, the staff conducts outreach for applicants that cannot get to the office. Staff members are highly engaged in the communities they serve. They work closely with various local organizations including those assisting victims of domestic violence, the homeless, the disabled, veterans, and low-income tenants. They attend human service collaborative meetings and various other community gatherings throughout their individual service areas.

ENLSP staff engages in extensive outreach to the community. Staff members attend meetings with senior groups and make presentations at senior housing. They are engaged with homeless shelters and domestic violence organizations, such as the Partners for Women and Justice and the Family Justice Center. Staff discussed with the LSC team their outreach efforts to organizations such as Interfaith Hospitality Network (a faith based coalition) and the Comprehensive Emergency Assistance Services (CEAS), an

outgrowth of the local Continuum of Care, which direct their services to the placement of homeless families and individuals; BRIDGES, a service agency for families; Senior Wellness Day; and coordinated efforts at periodic homeless count, among others.

The Elder unit staff does outreach at senior centers on a regular basis. ENLSP staff attends an annual outreach event for persons seeking expungement of criminal records. This year, it will be a two-part event, with the second session helping people complete appropriate forms. It does not appear that the staff engaged in these outreach efforts conducts any intake during outreach.

Finding 6. ENLSP has the capacity to appropriately serve clients in the service area including those with limited-English proficiency (LEP).

The area ENLSP serves includes a variety of different populations and many of its residents have limited English proficiency. ENLSP is accessible to clients within the region and provides appropriate language access services and the board has adopted its current language access policy. The policy mirrors the program's commitment to deliver high-quality legal services to its clients regardless of language, cultural background or national origin. Several ENLSP staff members speak Spanish, the language spoken by the majority of non-English speakers in the service area, and Portuguese, another common language of non-English speaking clients. ENLSP has numerous staff members who are bi-or tri-lingual and staff that speak Spanish, French, Creole, and Portuguese are in the intake unit and substantive law units. Key written correspondence is translated into the primary language of the client, and bilingual staff is available to translate as needed.

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

Criterion 1. Legal representation.

Experience of Staff

Finding 7: ENLSP's advocacy staff is a significant program strength.

The program has an experienced, dedicated, compassionate, and highly competent advocacy staff that provides high quality legal services to their clients. The program and its work are well respected by the judiciary, the private bar, and social service community throughout its service area.

At the time of the PQV, ENLSP had 16 staff attorneys and the executive director, who is also an attorney. One attorney is the Private Attorney Involvement (PAI) coordinator and one is an Equal Justice Fellow. Five of the attorneys have more than 30 years' experience. Six have between 10 and 20 years' experience and five have from two (Equal Justice Fellow) to nine years' experience. There are two managing attorneys. Together, the staff attorneys in the program average 19 years of experience and the two managers average 23 years of experience. The paralegal in the housing unit has 36 years

of experience. Unfortunately, because of funding losses, many experienced and newer staff left the program. In general, the attorneys are very enthusiastic about their work, are willing to learn new areas of the law, and find different ways to help clients.

There are five substantive law units: Housing-Government Benefits, Family, Consumer, Elder and Health. Each unit usually consists of two or three attorneys and some units have paralegals (family). The Bankruptcy/Consumer Unit has four attorneys. The Family Unit has two attorneys and a paralegal. The Income Maintenance Unit has three attorneys and the Housing Unit has three attorneys. There is one part-time attorney who handles expungements.

Quality of Legal Work

Finding 8: Overall the program performs high quality legal work.

ENLSP uses a range of advocacy tools, from negotiation to full representation, to meet their clients' needs. The work ranges from advice to full representation to appeals in state courts. The attorneys participate in statewide task forces and email groups in their area of concentration. The program's capacity to provide the most effective and efficient legal services to clients is challenged by the low quality of the program's technology coupled with some advocates' lack of understanding how to best use it.

The program looks for innovative ways to meet the low-income population's legal needs. In particular, ENLSP offers clients one-on-one instructions on how to proceed *pro se* in court with the intention of the resulting favorable outcome creating better case law for future clients. The program's litigation docket reflects significant legal work and lasting results achieved for individual clients, and the client population as a whole. The team was presented with pleadings and case lists that cover a number of matters tried on appeal in the New Jersey appellate courts concerning tenants in subsidized housing, Section 8, rent controlled housing, and termination of public benefits. Cases covered terminations for actions of non-resident family members and guests as well as failures to provide due process. Judges and other community representatives were very favorable about the program's work, although some noted the decrease in presence due to the financial crisis.

Judges generally reported that advocates were well-prepared, provided energetic representation, were sensitive to client needs, and presented well in the forum. Advocates also seem to be well-respected among their peers. Team members reviewed written work for all of the advocates. They included pleadings and briefs in the Superior Court of New Jersey; the Superior Court of New Jersey, Appellate Division; Federal Bankruptcy Court; and administrative forums. The topics covered housing, consumer, domestic violence, support, and public benefits, among other issues. The LSC team members described the documents as well-written and making cogent, logical and persuasive arguments. The facts were clearly stated and the advocates clearly knew the law and the legal standards that applied to the cases. Some attorneys did not provide writing samples as the type of work was more form driven, such as bankruptcy.

Much of the legal work reviewed by the team was routine. Focus is generally on individual client service and, for the most part, not on big picture problem-solving. The program's fundamental policy is to focus on the individual client and heavy caseloads constrain the advocate's ability to address systemic issues. For example, ENLS continues to struggle with the extensive need for legal services in eviction cases. However, it has not explored the possibility of creating a lawyer of the day program using pro bono attorneys or law students, which has been successful in Boston and many other jurisdictions as a way of providing additional legal services to clients.

With the departure of the deputy director in May 2014, the executive director has taken on more responsibility for the legal work of the program. In addition to his obligations as executive director, he serves as a supervisor of legal work and is deeply involved in decision-making on individual cases. He demands high quality legal work from staff and staff appears to respond accordingly. Unfortunately, it also means there is no one person to concentrate fully on the legal work of the program.

Caseloads are generally too high. Caseloads for advocates vary greatly and some have open caseloads of more than 150. Managers have very high caseloads that may challenge their ability to supervise the legal work of others. However, some attorneys have many cases that are dormant or completed and need to be closed. In these cases, advocates noted that they have not had time to do so. The caseloads of attorneys within the Bankruptcy/consumer range between under 20 to more than 150. It does not appear that the program has set a goal of reasonable open caseloads for advocates.

Units do not appear to coordinate with each other on a regular basis. Some clients have cases in multiple units and there is no systematic collaboration for those cases. Several staff commented that cross training would be a benefit, particularly with regard to those units/practice areas that have one or two advocates to ensure continuation of expertise and also to broaden the knowledge base of staff.

Recommendations:

III.1.8.1.* As funding permits, ENLSP should hire a deputy director/advocacy director who can assume primary responsibility for supervision of the program's advocacy.

III.1.8.2.* All staff attorneys should be encouraged to regularly review their open caseloads and files and close out all completed cases in a timely manner.

III.1.8.3.* All caseloads should be reviewed to ensure that each case handler has a caseload that does not adversely impact their ability to fully represent clients.

III.1.8.4. Substantive law units should break out of their silos and meet to discuss issues that cross over the various substantive law units and begin engaging in cross training.

III.1.8.5. ENLSP should consider consolidating some of the small substantive law units.

Finding 9: The program continues to close a comparatively high number of cases and a significant number are extended service cases.

Due to significant funding cuts over the last five years, ENLSP continues to struggle to meet the legal demands of its client community. Since March 2013, ENLSP has been closing its offices on Fridays, which has resulted in a significant drop in overall cases handled by the program.

ENLSP's total closed cases have been on a steady decline over the past five years. Despite the significant decline, ENLSP has managed to stay above the national median for total cases closed. In 2013, ENLSP closed 3,528 cases, down from 4,672 in 2012. ENLSP's cases per 10,000 poverty population are 299, compared to the national median of 212. ENLSP's extended cases per 10,000-poverty population are 56, compared to the national median of 47. For contested cases, ENLSP's cases per 10,000 poverty population are 18, compared to the national median of 26.

Finding 10: There is a lack of uniform legal work management and supervision policies.

The program has excellent detailed Standards Related to Client Relations (Standards). The Standards address administrative and advocacy policies and procedures, policies for the treatment of clients, and specific standards for file maintenance and practice. While all advocates may not recall that the Standards exist, they have been inculcated into the advocates' efforts to achieve the program's standard for excellence and on the whole the advocates follow the policies and procedures contained in the Standards.

A weakness of the Standards is the supervision section. This section is vague and fails to articulate the responsibilities of the supervisor and supervisee. The overall supervision of advocates is inconsistent and lacking in areas. As a practical matter, supervisors have large caseloads and for many the casework takes precedence over supervision. Supervision varies by unit and is largely informal, although the executive director often reviews significant written work. The "open door" policy is prevalent. The units are small and supervisors and staff expressed the belief that the daily interaction was sufficient supervision. Supervisors rarely use LegalServer as a vehicle for the review of case lists, case notes, caseloads, and other information.

There does not appear to be a consistent approach to calendaring or tickling. Many advocates use a paper calendar, while others use Outlook or another electronic calendar. With few exceptions, there were not unit-wide calendars, although some units had a joint court date calendar.

The lack of uniform supervision by supervisors is a concern of the LSC team. With the departure of the deputy director, the executive director has taken on the responsibility of directly supervising the managing attorneys and staff, and has created an "open door policy" to answer questions or concerns. In some cases, the staff is not sure

who supervises them and presume it is the executive director. In addition, there is no regular case review or oversight of substantive legal work.

Recommendations:

III.1.10.1:* The program should determine how the current lack of structured supervision affects managers, experienced and newer staff, and ensure that there is appropriate oversight and support.

III.1.10.2:* ENLSP should develop clear supervision protocols and ensure that they are uniformly followed throughout the program. Tools to consider include periodic scheduled individual meetings with advocates (frequency depending on experience, case type, and complexity) and annual in-person hands-on full case review.

III.1.10.3:* ENLSP should review and update its case handling procedures, including use of LegalServer, unit calendars and tickler systems, and train staff on such procedures and ensure consistency of implementation through supervision.

Finding 11. ENLSP staff has access to training opportunities.

In the past, extensive new lawyer training was provided by LSNJ. It has been some time since ENLSP hired new staff and it is unclear if new hires would receive similar training. ENLSP does not have a formal training program and attorneys are mentored by experienced advocates. ENLSP does not appear to use professional development plans or assess factors to determine the need for ongoing substantive and skills training. Instead, staff attorneys regularly assess the available external resources to determine their training needs.

LSNJ supplies training and support that adequately sustains the legal work of the program, and advocates have access to a variety of training and professional development opportunities throughout the year. Because of reduced funding, training opportunities outside of those sponsored by LSNJ are severely limited.

LSNJ provided staff with training in the LegalServer case management system when it was newly installed. Staff appears to be at various comfort levels with this system, and many have found the system frustrating and given up on it as a supportive tool for their work. It appears that the initial training on LegalServer was insufficient.

The program has not provided cultural competency training for the staff.

Recommendation:

III.1.11.1: ENLSP should survey all staff to assess training needs.

Criterion 2. Private attorney involvement.

Finding 12. ENLSP faces several challenges in its PAI program.

While there are a significant number of attorneys in the service area eligible to participate in the ENLSP pro bono program, the participation rate is relatively low. One reason for this is that many attorneys participate in the Volunteer Lawyers for Justice (VLJ) pro bono program in Newark, which was created in 2001 to provide direct legal representation to residents of Essex County. VLJ has a strong relationship with the Essex County Bar Association and several signature projects that draw participation to numerous opportunities in addition to traditional one-on-one representation. These include a bankruptcy clinic, divorce clinic, family law clinic, consumer clinic, and military/veterans project; disaster response program; and a reentry project offering low-income persons advice, instructions on proceeding pro se and limited representation. In addition, VLJ has a direct referral program matching individual clients with pro bono attorneys.

ENLSP was involved in establishing the VLJ program. Both programs sought a relationship of coordination that would allow referral of clients between the programs and expansion of services for the low-income population of Essex County. That relationship did not mature and the programs do not currently collaborate on maximizing pro bono resources. ENLSP focuses on direct one-on-one pro bono representation while VLJ provides significant short-term pro bono experience with its clinics in addition to more extended service. VLJ's successful fund raising efforts have diverted resources from ENLSP and caused tension between the programs.

ENLSP's 2014 Private Attorney Involvement (PAI) Plan focuses on recruiting a panel of private attorneys who agree to provide direct pro bono legal representation in cases within the program's priorities of evictions, public assistance benefits, Social Security appeals, family law, consumer law, expungements, and elder law cases. One of the major thrusts of the plan for 2014 is to recruit new attorneys by focusing on networking with large firms with a local presence in Essex County and surrounding areas. It appears from interviews that the program had limited success in this effort. In addition, ENLSP's plan to involve private attorneys in handling tenancy appeals at the State Appellate Division did not appear to have come to fruition. ENLSP's executive director explained that many attorneys are with law firms that have a more national, if not, international focus and others cite conflicts when approached to handle consumer matters.

ENLSP has an excellent long-term relationship with Lowenstein Sandler, a New Jersey law firm with a statewide public interest focus. Each year, three Lowenstein Sandler associates rotate through the program for a four-month fellowship in ENLSP's Housing Unit; these attorneys are part of ENLSP's pro bono efforts. The firm also places its summer associates at ENLSP for two-weeks.

ENLSP also has several unemployed attorneys volunteering part-time handling cases within one of the program's substantive law units. The number of volunteers at any one time remains fluid. It appears that some volunteers are supervised by the pro bono coordinator and others by the substantive law unit attorneys, but it was unclear how many

volunteers the organization had at the time of the visit, or who was responsible for oversight of their work and accomplishments.

ENLSP works closely with the Rutgers-Newark Law School and refers Social Security and other cases to its legal clinic.

It does not appear that ENLSP aggressively markets its PAI program either with the private bar or within ENLSP. At the time of the visit, ENLSP had a full-time pro bono coordinator who recruits volunteers and manages the PAI program. However, that position is currently part-time at two days per week. While the pro bono coordinator does reach out to the private bar seeking participants, the efforts appear limited, perhaps due to the competition from VLJ and ENLSP's emphasis on using volunteers in-house to supplement staff in the substantive law units. The pro bono coordinator manages case referrals on an ad hoc basis. It appears she asks for cases in groups to refer to a panel of volunteer attorneys.

The pro bono coordinator manages a list of about 80 volunteers and has a separate list for bankruptcies, with an unknown number. It does not appear that the staff attorneys are aware of the type of cases the coordinator seeks to refer under the PAI program; they are not actively referring cases to the coordinator for placement. Very few cases are referred to the coordinator through intake. Most of her cases come from the units and the cases are usually ones that the staff attorneys don't want to work on and they are therefore difficult to place. There is only periodic follow-up with volunteer attorneys after cases are assigned to them and it does not appear to be consistent or frequent, occurring only twice a year.

The pro bono program does not use technology proficiently to enhance the program. The pro bono coordinator tracks cases assigned to the PAI attorneys through an Excel sheet. The pro bono coordinator does not use LegalServer to track cases or run reports because she doesn't know how to use its capabilities. She received very little training on using LegalServer and finds it quite cumbersome to use.

The PAI program is below the national median in total and extended closed cases per 10,000 poor persons. In 2013, ENLSP closed 14 PAI cases per 10,000 poor persons compared to the national median of 21 cases per 10,000 poor persons. For extended cases, the national median is seven cases per 10,000 poor persons and ENLSP closed six PAI cases per 10,000 poor persons. The national median for contested PAI cases is two and ENLSP closed two contested PAI cases in 2013.

Recommendations:

III.2.12.1*. ENLSP should continue to explore ways to effectively involve volunteers in the provision of services to clients and expand the opportunities for PAI attorneys to participate in pro bono activities; including, clinics, provision of telephone advice at the point of intake, representation in bankruptcy cases, large firm engagement, and co-counseling in complex cases.

III.2.12.2. ENLSP should seek to improve its relationship with Volunteer Lawyers for Justice in an effort collaborate and refer clients to its program.

III.2.12.3. ENLSP should make its PAI case priorities clear and ensure that all staff members are informed and knowledgeable of the type of cases to refer to the PAI coordinator for placement with volunteer PAI participants.

III.2.12.4. ENLSP should make better use of its technology by expanding its use of LegalServer to include placing and tracking cases in the PAI program.

III.2.12.5. ENLSP should improve its oversight of placed cases by contacting volunteer attorneys more frequently throughout the case to determine status and to develop strong relationships with volunteer attorneys in an effort to influence them to continue participation in the PAI program.

III.2.12.6. ENLSP should look at the LSC Resource Information (LSC) website at www.lri.lsc.gov/legal-representation/private-attorney-involvement and review the resources available to help improve its PAI program using technology and outreach to the bar as well as methods of recruitment, case placement, follow-up and expanded pro bono opportunities for participants to make volunteering more attractive.

III.2.12.7. ENLSP should look at the LSC recording of the Panel *The Impact of Pro Bono Lawyers on the Justice Gap* held at the LSC 40th anniversary on September 16, 2014, where attorneys from large national and international firms describe the extensive pro bono services they provide.

Criteria 3. and 4. Other services and activities to and on behalf of eligible client population.

Finding 13: ENLSP advocates and staff maintain a high level of engagement with the communities they serve by conducting a wide range of community education and other programs for consumers and participating on boards and committees of stakeholder organizations.

ENLSP is involved in numerous community education and outreach efforts throughout the service area. Staff has been active in a variety of areas including: homelessness, housing, eviction prevention, family, domestic violence, elderly, consumer debt, recovery from Hurricane Sandy and guardianship matters. In these areas, staff and volunteer attorneys have prepared pamphlets, instruction booklets, and other materials to share with participants. Involvement varies among staff.

ENLSP provides one-on-one *pro-se* individual assistance to tenants to enable them to effectively defend themselves in court. A housing staff attorney advises the client on what documents are to be filed the court, helps prepare the documents, and explains the procedure and how to present the case before the judge. If the tenant is unsuccessful, they are told to return to ENLSP. The trial tapes of the proceeding are reviewed and,

where appropriate, ENLSP will represent the client in reconsideration or a stay pending appeal. ENLSP believes this process allows the program to help more clients while it focuses on more complicated cases.

Another area where ENLSP employs *pro-se* assistance involves defending against collection actions where the client is advised as to court procedures or helped in drafting an answer or responses to a creditor's information subpoena.

ENLSP also assists *pro-se* litigants obtain waiver of court fees. Persons wishing to file small claims complaints for the return of a rental security deposit are also assisted. ENLSP operates a very successful *pro-se* divorce clinic.

PERFORMANCE AREA FOUR: Effectiveness of Governance, Leadership, Administration.

Criterion 1. Board governance.

Finding 14. ENLSP's board demonstrates appropriate program oversight.

The ENLSP board is a supportive body committed to the program and its mission and is knowledgeable about the communities it serves. It has been actively engaged in addressing major policy decisions and approving the executive director's decisions to institute a no-layoff policy and closing the office one day a week. The discussions at board meetings usually center on the program's financial crisis and how to improve resources in the future. The board meets four times a year and consistently has a quorum. The agenda usually consists of reports from the President, Executive Director and Finance Committee. ENLSP management and non-management staff usually attend the meetings. A review of minutes from 2012, 2013 and 2014 reveal that the Board reviews the programs financial status at each meeting, and appropriately approves the annual budget, budget amendments and annual financial audits. There are no known conflicts. The board meeting minutes are maintained and contain a succinct synopsis of the discussions and action(s) taken.

ENLSP has a diverse board with 13 of 15 positions filled. There are five men and eight women. Two of the board members are Hispanic and five are African Americans. The five client-eligible board members are active participants and are keenly aware of the program's services, and provide the executive director with valuable information about the needs of the client community and trends that demand the attention of service providers.

The board has four active committees – Finance, Client Grievance, Personnel and Strategic Planning. There is no Executive Committee. The board finance committee meets prior to each board meeting and recommends action on all financial matters, including budgets and the program's fiscal direction. Although the board treasurer meets with the program's controller on a monthly basis to review financial reports and discuss the program's fiscal status, other board members usually receive financial data at or before each Board meeting, or on an "as-needed" basis. The Strategic Planning

committee appears to recommend the annual priorities, while Client Grievance and Personnel seem to be dormant. Some board members were not aware of their respective committee assignment(s).

The Personnel Committee is charged with the responsibility of evaluating the executive director, but has not done so in several years. Documents indicate that the last evaluation was conducted in 2008.

There has been no recent board training on fiduciary responsibilities, nor are there any board materials provided to new members outside of a brief review of duties. Although ENLSP has a Board of Directors Manual, no board member knew where it could be found. There is no new member orientation, or on-going training regarding their duties and responsibilities as board members.

The Board is not significantly involved in any aspect of resource development. In fact, some members think that LSNJ prohibits them from engaging in any fundraising activities. At the time of the visit, the program was facing a severe cash flow problem within the next 90 days, but each Board member interviewed was aware of the issue and seemed prepared to discuss and deal with solutions at their September 2014 meeting.

Recommendations:

IV.1.14.1.* ENLSP should provide new Board members with an appropriate orientation (including LSC regulations), and develop a continuing training protocol for all board members regarding their duties, and fiscal and fiduciary responsibilities.

IV.1.14.2. ENLSP should consider providing Board members with financial data on a monthly basis.

IV.1.14.3. The Budget and Compensation Committee should receive monthly financial reports and should meet before each full board meeting.

IV.1.14.4.* The ENLSP Board of Trustees should conduct performance evaluations for the Executive Director and Controller as soon as possible.

IV.1.14.5.* The ENLSP Board of Trustees should take a more active role in developing the program's resources.

Criteria 2. and 3. Leadership; Management and Administration.

Finding 15. ENLSP leadership is concentrated in the executive director.

The executive director and the controller are the most prominent leaders of the program. The executive director has been with the program for 25 years and the controller for 13 years. The executive director is a thoughtful and deliberate leader with strong beliefs in providing some legal services to every person that accesses the program for assistance. He joined ENLSP in 1989 when the program was in turmoil and has built

a strong program devoted to helping clients. He carefully thought out how to guide the program during the current financial difficulties. He instituted policies, such as the no-layoff policy, as a touchstone to help the program survive and continue to engage in high quality legal work. While not all staff agrees with his decisions, they respect his leadership. Staff, board members, community leaders, and judges stated that the executive director provides leadership and has helped the program in many areas, including improving relationships with providers of client services. He is hands-on and very involved in the daily operation of the program and the legal work.

As resources diminish, and the needs increase, the executive director takes more responsibility on himself and is spread too thinly. He does not delegate responsibility easily and with the departure of the deputy director he has assumed additional responsibilities. ENLSP needs a deputy director to share some of the management obligations. The program does not have a leadership succession plan.

Recommendations:

IV.2.15.1.* ENLSP should hire a deputy director as soon as possible.

IV.2.15.2.* ENLSP should develop a leadership succession plan.

Finding 16. The program's overall management structure does not make sufficient use of the middle managers.

The management team consists of the executive director, the controller, the human resources director, the director of client services and the managing attorneys. The departure of the deputy director and consolidation of substantive law units concentrated greater decision-making authority in the executive director. The executive director now supervises more of the units, and the managing attorneys express frustration over having greater caseloads and less time to supervise. The human resources director and client services director serve very important support roles for the program and enable it to function. However, decision-making is concentrated in the executive director, with input from the controller.

Technology

Finding 17. ENLSP's technology systems are administered by LSNJ.

LSNJ, which has an experienced and responsive IT staff, provides ENLSP with computer hardware and software, network capabilities, and website and telephone systems, and is responsible for technology planning, systems maintenance and technical support. An ENLSP staff member serves as its contact person with LSNJ on technology issues.

ENLSP and all the other LSC-funded programs in New Jersey, are connected through a single phone system and share a statewide intranet. While this system is

beneficial to the programs in the state, there are significant problems with the telephone system and periodically the technology fails and the phones go down.

In 2012, LSNJ converted from Kemps Clients for Windows to the LegalServer case management system. This change was designed to assist in the electronic storage of documents and the sharing of client information between programs. ENLSP underwent the conversion in mid-October 2012, shortly after Hurricane Sandy. LSNJ provided ENLSP's staff with LegalServer training when the system was first installed. According to virtually all staff, there was not enough training and most staff reported frustration with the system.

The LSC team heard many complaints regarding LegalServer's efficiency. Some of the issues appear to be based on lack of familiarity with the system, as staff members appear to be at various comfort levels with LegalServer and many have not yet fully explored what it can offer. However, the LSC team also heard repeated concerns about the system's lack of speed; the difficulties encountered in inputting information; the problems with moving from screens; its lack of spell check; etc. Several staff mentioned that periodically the system fails and the server goes down.

The program's technology is in dire need of an upgrade. Virtually, every person the LSC team interviewed stated that their computers were slow; that they crashed frequently, that they had trouble booting up in the morning; that the computers could not run specific software needed for their work, such as bankruptcy and mortgage foreclosure; and, that generally, technology was outdated. The predominant operating system on staff computers is Windows XP, for which Microsoft has not provided any support in six months, leaving the program's intranet vulnerable to crashes and viruses. The program has one scanner and it does not appear to function adequately. It was clear from the LSC team interviews that the staff does not know how to use the LegalServer case management system to its fullest capacity. The staff does not know how to upload client documents into LegalServer, nor did most supervisors know how to run reports.

During the week of the visit, ENLSP received notice that LSNJ will be upgrading computer equipment and many systems. The operating system will be upgraded to Windows 7, which will have the effect of making the entire system faster, including printing from LegalServer. However, it appears that the upgrade may not occur until the spring of 2015.

Many staff are "technology challenged". Many attorneys hand write letters, pleadings, and other correspondence for secretaries to type. They do not appear to be familiar with the capacities of LegalServer, nor other technologies that would bring efficiencies to their practice. Many of the secretaries also have not received adequate training in LegalServer and other technologies such as Excel. Many form letters and simple pleadings are done individually and technologies that would simplify this process are not used. Many records are made on paper and then transferred into LegalServer, which duplicates time required to make the entries twice and bypasses a streamlined electronic system.

The phone system is not scheduled for upgrade and has some quirks that adversely affect efficiencies. When a call is placed from the office, it will send a random unit number, which if called back, means that the call is not directed to the original caller. This results in confusion and a lot of transferring of calls.

Some staff do not forward voice mail when they are out of the office. This presents a challenge if a unit phone voice mail is not forwarded and there is a long absence.

ENLSP does not have a website or a webpage on the LSNJ website. The program has Wi-Fi, but it has not been made available. Some staff indicated that additional automatic feed scanners were needed.

Recommendations:

IV.2.17.1.* When resources permit, ENLSP should have a professional audit of all aspects of its technology structure and capacity, and engage LSNJ about potential improvements that would increase efficiencies.

IV.2.17.2.* ENLSP should incorporate technology needs and planning in their strategic planning process, and in their budgeting.

IV.2.17.3.* ENLSP staff should receive training on how to expand its use of LegalServer, its capacities, and report functions; ENLSP should urge LSNJ to provide such training.

IV.2.17.4.* Trainings should be made available for other technologies such as Excel, particularly for the secretaries.

IV.2.17.5.* Trainings should be provided on the phone system capacity, use of the phones, and protocols for forwarding of voice mail during absences should be implemented.

IV.2.17.6.* ENLSP should develop a website/webpage that provides information about the services it provides, and links to the LawHelp.org statewide website.

IV.2.17.7.* ENLSP should determine its capacity for handling more telephone intake, including the use of queues and call distribution.

IV.2.17.8.* ENLSP should consider obtaining and using document assembly, such as Hot Docs, for form letters and pleadings to improve efficiencies.

Disaster planning

Finding 18: ENLSP's Disaster Plan of 2010 covers all elements that are crucial to a basic disaster plan.

The ENLSP disaster plan addresses the fundamentals of a continuity of operation plan. It addresses the safety of staff, identifies key disaster team members (Disaster Recovery Team) and their responsibilities, sets out lines of communication, and mentions the concept of having an alternative workspace and the backup of data. The roles of the Disaster Recovery Team are defined in three stages: preparation for disaster, action during the disaster, and follow-up after the disaster. An important component of the plan that would benefit from more attention is the action to take to restore client services.

The plan does not identify who would serve in certain crucial roles if the designated person is unavailable to carry out that responsibility, and does not specify an alternate workspace should the ENLSP offices be unusable. Addressing these issues prior to a disaster can save critical time. The plan states that the deputy director will act in place of the executive director if he cannot act and then the obligation passes to the next person on the list of team members. However, no person is listed to take the critical tasks of the controller, HR, or other key personnel if they cannot act.

Recommendations:

IV.2.18.1. ENLSP should revise its draft disaster plan to identify who would serve in critical roles if the designated person(s) cannot serve.

IV.3.18.2. ENLSP should revise its disaster plan to address where affected staff would work if the ENLSP office is damaged and unusable.

Criterion 4. Financial administration.

Finding 19. ENLSP's financial operations are administered by experienced and skilled financial staff.²

The program's experienced financial staff consists of the controller and his assistant. The controller, hired in 1991, has a total of 35 years of experience and his expertise is highly valued by the board and executive director. The controller has a Bachelor's Degree in business and his assistant attended Berkley and Anthem Colleges in New Jersey, and was hired by the ENLSP in 2007.

The controller prepares monthly financial reports that are reviewed by both the executive director and the board's treasurer. The Board of Trustees Finance Committee meets quarterly to review financial statements, budgets and prepare recommendations for the full board. Board members receive financial reports shortly before or at board meetings and Finance Committee reports are introduced and discussed at each board meeting.

The board approves all financial decisions. The external financial audits for 2011 and 2012 found no accounting errors, exceptions nor needed corrections of the program's

² The Office of Program Performance (OPP) conducted this visit for the purposes set forth in the Introduction. OPP findings and recommendations under this criterion are limited to staffing, organization, and general administrative functions. Assessment of fiscal operations is conducted by other offices at LSC.

fiscal policies and/or procedures.

ENLSP does not engage in financial planning beyond the current fiscal year. The program uses MIP accounting software on computers that are four or five years old and crash frequently. ENLSP has a financial policies and procedure manual that has been updated.

The program is facing a potential cash flow issue and the controller is proactively seeking solutions and remedies.

Recommendations:

IV.4.19.1.* ENLSP should consider preparing a budget that reflects anticipated revenue and expenses for at least two fiscal years.

IV.4.19.2.* ENLSP should provide monthly financial reports to all board members.

Criterion 5. Human resources administration.

Finding 20. ENLSP has a designated human resources administrator.

The human resources specialist has been in her position for 15 years and has a total of 35 years with the program. She is responsible for maintaining all personnel records and record-keeping (*e.g.*, leave time, etc.), intercedes on the employee's behalf with insurance providers when there is a dispute concerning health care coverage, maintains time and leave records, and supports in the processing of payroll. She is responsible for new employee orientation, personnel records, benefits, claims and staff time-keeping records. Employee records are kept in a locked, secured room.

As a result of budget cuts, ENLSP staff has not received any salary increases for five years. Hiring is frozen. Since March 2013, the office closes each Friday and management and staff endured a salary cut. Company pension contributions were eliminated. In the interim, ENLSP lost a number of staff, including the deputy director, since they could not make ends meet.

While ENLSP sent the LSC team a copy of a structured comprehensive evaluation system, the program has not conducted evaluations in years. A few staff stated they have never been evaluated. Several staff stated that they would like to be evaluated so they know what they do well and what needs improvement. The director clearly stated that he believes an evaluation system should not be linked to salary but emphasize improving skills.

As noted earlier, ENLSP currently has 41 staff members, including 20 staff attorneys, seven paralegals, 11 secretaries, and three others. While some of the advocates still rely heavily on secretaries for support on their written work, others produce the majority of their documents on their computers. The number of secretaries is out of proportion with the number of advocates and secretaries are not used to their fullest

capacity.

Recommendations:

IV.5.20.1.* ENLSP management should conduct regular ongoing evaluations of all staff.

IV.5.20.2.* ENLSP should restore any pay and benefits cuts as soon as possible.

Criterion 6. Internal communication.

Finding 21. ENLSP primarily relies on informal means of internal communications.

The program schedules periodic staff meetings. However, most communication between management and staff takes place in short ad hoc meetings called by the executive director. These meetings are frequent during the last few years of funding challenges. The executive director finds that with heavy case loads, high volumes of legal work and many emergencies facing the program, formal staff meetings of one hour are too stressful. In addition, in-person one-on-one meetings with the director, small group meetings, unit meetings and emails are used to communicate with and between staff.

Interviews and responses to the pre-visit confidential staff survey indicate that the staff of ENLSP believes that on the whole they are informed concerning the major issues facing the program. However, a number of staff did not know for some time that the deputy director had left the program. In addition, a number of staff informed the LSC team that they were not sure who now supervises their work in the absence of the deputy director.

Recommendation:

IV.6.21.1. ENLSP should establish regular and consistent efforts to communicate clearly and completely with the staff.

Criterion 7. General resource development and maintenance.

Finding 22: LSNJ is responsible for much of the program's resource development, including the Campaign for Justice.

ENLSP is part of the statewide "Campaign for Justice" that LSNJ administers annually. Like other New Jersey programs, ENLSP has benefitted from the strong efforts of LSNJ building the IOLTA program and obtaining state funds to support legal services to the poor. The funds LSNJ raises are distributed based on the poverty population in a program's service area. ENLSP does not have an extensive resource development plan and it has had difficulty in acquiring additional revenue sources outside of local funding. The Campaign for Justice concentrates on lawyers and law firms and New Jersey legal services programs are encouraged not to compete with LSNJ's statewide resource development efforts. Individual board members may contribute to ENLSP, but they are not affirmatively encouraged to do so.

ENLSP has successfully sought and acquired funds from local sources. It receives funds for homeless prevention and Title III funds from the Essex County Division of Senior Services, and, for the first time, funds from the Essex County Legal Services Foundation.

Recommendations:

IV.7.22.1.* ENLSP should continue to seek local funds and look to other funding from federal sources and foundations.

IV.7.22.2.* ENLSP should make hiring a resource development officer a priority when funding permits, to concentrate on increasing contributions and finding other sources of funds.

IV.7.22.3.* ENLSP should consider developing a plan to seek attorneys' fees. The plan should include training for advocacy staff about the types of litigation that can generate fees. This has the potential to bring in additional resources and it can be extremely useful as a litigation/advocacy tool to convince adversaries to settle.

IV.7.22.4.* Board members should be encouraged to contribute financially to the program an amount that is reasonable and within their ability to do so. This will be beneficial in funding requests to foundations and other grantors.

Criteria 8. and 9. Coherent and comprehensive delivery structure; Participation in an integrated legal services delivery system.

Finding: 23 The program is fairly active in statewide legal services efforts.

ENLSP is part of an integrated statewide legal services delivery system that includes five other regional LSC-funded programs and LSNJ. LSNJ coordinates technology, training, task forces, and funding for all six programs. ENLSP staff collaborates with the staff of these other legal services programs on substantive legal issues. ENLSP enjoys strong relationships with community groups, government agencies, and nonprofit organizations; these relationships have allowed it to continue to provide quality legal services to clients while enduring significant loss of funds.