



LEGAL SERVICES CORPORATION

Office of Program Performance

FINAL PROGRAM QUALITY REPORT

FOR

Bay Area Legal Aid

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Bay Area Legal Aid
Final Program Quality Report

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INTRODUCTION

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit to Bay Area Legal Aid (BayLegal) from February 28 – March 4, 2011. The team members were team leader Chuck Greenfield (Program Counsel), Cynthia Schneider (Deputy Director, Office of Program Performance), Christy Fisher (Program Counsel), Cesar Britos (OPP Temporary Employee), Catherine Carr (OPP Temporary Employee) and John Johnson (OPP Temporary Employee.)

Program quality visits are designed to ensure that LSC grantees provide the highest quality legal services to eligible clients. In conducting its assessment, the team carefully reviewed the documents LSC received from the program, including its LSC grant application for 2011 funding, 2010 case service reports (CSRs), 2010 other service reports (OSRs), the numerous documents the program submitted in advance of the visit along with advocates' writing samples, and a survey of BayLegal staff conducted by LSC.

On site, the team visited BayLegal offices in Oakland (central and regional offices), San Francisco, Redwood City, San Jose and Richmond. In addition to speaking to many BayLegal staff members, the team met or had telephone conversations with a number of BayLegal board members, judges, representatives of local government agencies, and representatives of community organizations.

In performing its evaluation of the grantee's delivery system, OPP relies on the LSC Act and regulations, LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. This evaluation is organized according to the four LSC Performance Areas that cover: (1) needs assessment, priority setting, and strategic planning; (2) engagement of the low income community; (3) legal work management and the legal work produced; and (4) program management including board governance, leadership, resource development, and coordination within the delivery system.

Following the visit, a draft report was sent to the program. BayLegal responded to the draft report in a letter dated June 9, 2011. The letter is attached to this report.

Program Overview

BayLegal is headquartered in Oakland and has regional offices in Oakland, San Francisco, Redwood City, San Jose, San Rafael, and Richmond.

The program has a vast service area that includes the San Francisco Bay Area counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara and the City and County of San Francisco. The program provides a full range of services to a very diverse population. According to the 2000 Census, BayLegal's service area has 499,832 persons living in poverty.

The program has a delivery system consisting of limited service, pro se assistance, and full representation. BayLegal has a total staff of 88 employees, including 49 attorneys

and 14 paralegal advocates. Ramon Arias has been executive director of BayLegal since the formation of the organization in 2000.

BayLegal's total 2011 projected budget was \$9,523,379, including revenue of \$4,952,559 from LSC. Non-LSC funding totaled \$4,570,820, or 48% of the program's total revenue. As consequence of recent congressional budgetary action, the program's 2011 LSC grant was reduced by \$197,601 to a total of \$4,747,831.

In 2010, the majority of the program's 7,693 total closed cases were in housing (48.8%), income maintenance (22.4%), family (14.9%) and health (7.7%.)

Summary of Findings

BayLegal engages in high-quality legal work. It is led by a strong, visionary and thoughtful executive director and active board of directors who are fully committed to the program's mission. The program utilizes systems, approaches, and techniques sufficient to ensure that legal assistance is carried out effectively and at a high level of quality. The program has attorneys, advocates and support staff who are qualified to do the work assigned, have necessary expertise in the legal areas in which the program works, and have the commitment, cultural competency, language capacity, skill and preparation necessary to carry out their responsibilities. BayLegal's services, communications and activities are conducted in a culturally and linguistically competent fashion, and reach significant segments of the low-income population.

The program is actively engaged with low-income communities in its service area. BayLegal conducts periodic comprehensive assessments of the most pressing legal needs in its service area. The program annually reviews its priorities and has systems and approaches reasonably calculated to identify new pressing issues and legal needs. The program has established specific goals and objectives and developed specific strategies for achieving desired outcomes. Even though the program has not engaged in formal strategic planning, it timely and strategically analyzes and acts upon challenges and opportunities. While the program engages in some consumer work, BayLegal should consider handling additional consumer cases given the need for this legal assistance in the service area.

BayLegal seeks to ensure that potential clients have access to its services through a variety of portals. The primary portal for service is the Legal Advice Line (LAL) – a highly efficient telephone advice system that is the only one of its kind in Northern California. The program should continue evaluating its intake system and should examine additional measures it could take – increase of intake hours, development of on-line intake, etc. - to ensure access and utilization by all members of the client community. The program should consider giving LAL attorneys and advocates the opportunity to accompany other program attorneys and advocates to court or administrative hearings. As a training tool for LAL staff, BayLegal should consider whether LAL staff would benefit from learning how a case that was referred to a local office progressed.

BayLegal provides a variety of other services to the low-income community, including offering community legal education, participating in courthouse-based clinics, and providing pro se assistance. The program also engages in a variety of strategic activities designed to have a beneficial effect on systemic legal problems and economic opportunities of the eligible client population.

The program offers pro bono attorneys a variety of volunteer opportunities. The goal of BayLegal's private attorney involvement (PAI) program is to maximize PAI resources by focusing on areas of greatest need.

The program should institute an office-wide approach to the calendaring of all critical case-handling dates and deadlines to ensure back up to the calendar of each attorney and advocate in case they are unexpectedly absent from the office. The program should systematize procedures for translating correspondence to minimize use of attorney time.

BayLegal has up-to-date equipment and technology, including a remotely accessible case management system, a brief and information bank, and the ability to update much of its software remotely. The program is encouraged to implement its plan to extend remote accessibility, including making its intranet remotely accessible and utilizing air cards on laptops for connectivity to the Internet. As resources become available, the program should consider hiring an additional employee to help with IT.

BayLegal's Board of Directors is highly effective, involved in major policy decisions, aware of the issues in the program, and exercises effective financial oversight. The program's senior level management is strong. BayLegal values management and has recruited, hired and retained highly-qualified managers for the offices. The program should continue its efforts to develop a comprehensive disaster recovery plan.

The program has an experienced and well-staffed finance department which provides monthly financial reports showing actual income and expenses, budgeted amounts, variances and cash flow. The reports are shared with the executive director, the board's audit and finance committee and the board. BayLegal's human resources staffing is in a period of transition. The program should continue to consider possible increases in attorney salaries in order to help retain staff.

BayLegal maintains effective communications between staff as well as management and staff. The program should consider periodically holding a program-wide meeting or retreat so that all employees in the program have the opportunity to interact and discuss issues relevant to the program.

BayLegal is strategic in its fundraising efforts. It has a well trained and effective staff which brings in funds, handles public relations and handles reporting and tracking of donations, grants, contracts and audits.

The program is actively involved in regional, statewide and national efforts to improve access to justice.

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: BayLegal conducts periodic comprehensive assessments of the most pressing legal needs in its service area.

The program last completed a comprehensive needs assessment in 2008 and currently is in the process of conducting another needs assessment. Methods to determine needs include surveys and focus groups of low-income residents, and surveys and meetings of community organizations, social services organizations, courts, and other legal services providers, and meetings of the staff and board. The program analyzes census data, other legal needs studies, governmental data, case information, data on rejected cases, and information concerning where their clients live. As part of the assessment, the program analyzes other providers and resources in the service area that can help meet the identified needs and considers the relative impact on eligible clients of addressing or not addressing the identified needs.

BayLegal also receives feedback from clients and the client community on the services they provide. Staff members conduct annual focus groups to ascertain clients' opinion of the services they receive after the matters have been closed. In San Mateo, domestic violence restraining order applicants are given a survey as part of their initial packet, so that the services can be assessed on the day they are received.

FINDING 2: The program annually reviews its priorities and has systems and approaches reasonably calculated to identify new pressing issues and legal needs.

BayLegal's Board of Directors annually reviews and determines the program's priorities. The program uses strategies to determine needs of individuals and the client community as a whole, including continuing engagement with and input from the low-income population, regular review of intake and case information, monitoring of local, state, and national legal developments, and other approaches.

The San Francisco Bay Area is fortunate to have a number of other legal services and public interest providers in each of its counties, all doing different types and varieties of work. This poses a challenge for BayLegal to take special care in determining its priority areas. The program analyzes what is being done in different substantive areas and for different populations. It then determines which work makes sense for them to perform. The decisions are based both on the changing needs of clients and the availability of alternative resources.

The program has not hesitated to move into new areas (such as its new juvenile justice program and the legal barriers to employment project), as well as to use its strong existing expertise in traditional areas of need. The program focuses much of its resources on housing, a huge area of need in the Bay Area, and on domestic violence and public benefits. The program is good at identifying other non-profit advocates with whom to collaborate and cooperate. It trains and assists them in developing additional capacity where necessary, as in the use of the housing rights group in San Francisco and the domestic violence advocacy group Next Door in San Jose.

Criteria 2 and 3. Setting goals and objectives, developing strategies, allocating resources and their implementation.

FINDING 3: The program has established specific goals and objectives and developed specific strategies for achieving desired outcomes.

Following its comprehensive needs assessment, the program established the priority areas of: (1) domestic violence related family law, immigration and sexual assault; (2) access to quality health care; (3) economic security; and (4) preserving homes by maintaining the supply of decent, safe, and affordable housing. Specific goals, objectives and desired outcomes have been set for each priority area. After considering possible forums, the program selected advocacy approaches and other available methods of achieving the desired outcomes, in light of what is appropriate, likely to succeed, and cost-effective. While the program has recently hired an attorney to handle domestic violence related consumer cases, the program overall is doing very little consumer work. A previous legal needs study found a significant need for assistance in consumer cases. Comments made to team members by others, including one judge, also indicated that there are unmet needs in the consumer area.

Implementation of the priority areas is achieved through a variety of mechanisms, including very clear case acceptance policies, the use of regional counsel in certain substantive areas, coordination by the director of advocacy and training, case review meetings with office managing attorneys and review of case statistics.

The team was impressed by the offices, units and individuals that developed written work plans establishing specific goals and objectives.

The program has not engaged in overall strategic planning for some time. While BayLegal clearly thinks carefully and strategically about issues as they develop, and conducts annual priority reviews, the program does not have a strategic plan nor have they specifically designed a strategic plan for the next three, five or ten years.

RECOMMENDATION I.2.3.1¹: The program should develop a strategic plan.

¹ Recommendations in this report will have a Roman Numeral to identify the Performance Area, followed by three numbers indentifying, 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.

RECOMMENDATION I.2.3.2*: The program should consider handling some additional consumer cases given the need for consumer legal assistance in the service area.²

Criterion 4. Evaluation and adjustment.

FINDING 4: BayLegal engages in ongoing evaluation of the effectiveness of its delivery strategies and work, and makes changes in program goals, objectives, and strategies where indicated by such internal or other external evaluations.

The program employs a variety of outcome measurements to evaluate the services it provides. BayLegal utilizes specific systems to monitor success under each of its priority areas, including breaking down cases by type; individual case goals; action steps for winning a favorable outcome; and a primary main benefit code. The program's systems also contain fields for main benefit, recovery and outcome protocols which describe in detail the type of benefits achieved for clients, including monetary, in each priority area. For example, for housing cases the program's systems capture the following main benefits: obtained/preserved public/subsidized housing; obtained/preserved other housing; enforced housing anti-discrimination laws; enforced tenant housing rights; enforced tenants or homeowners procedural rights; obtained advice, brief service, or referral on a housing matter. Recovery fields include: type of case, benefit received, dollar value of benefit received; and justification for calculation.

BayLegal measures its performance against desired outcomes as identified in its program priorities through its client management database, Prime. When closing a case, staff are required to enter the outcome of the case (e.g. favorable, not favorable, mixed result, won, lost), and the main benefit achieved for the client (e.g. prevented homelessness, increased access to public benefits, etc.) Case outcomes are analyzed on an ongoing basis for grant reporting and other internal program analyses.

For example, III.2.14.3 designates Performance Area III, Criterion 2, finding 14, 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 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, your program will be required to report what it has done in response to Tier One Recommendations instead of submitting a full narrative.

² Tier One recommendation.

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

Criterion 1. Dignity and sensitivity.

FINDING 5: BayLegal’s services, communications and activities are conducted in a culturally and linguistically competent fashion, and reach significant segments of the low-income population.

The population in BayLegal’s service area is diverse. According to the American Community Survey published by the U.S. Census (2006-2008), 46% of residents in its area are White; 22% Asian/Pacific Islander; 22% Latino; 7% African American; and 3% identifying as some other race or two or more races. Approximately 61% of households speak English only and 39% speak some other language, with Spanish and Asian dialects being most common. The program serves a multitude of ethnic groups. BayLegal is especially sensitive to the cultural differences among these groups. Staff receives training on working with specific ethnic groups.

The program’s policy is “to provide persons with limited English proficiency (LEP) the same access to the BayLegal’s services as all other persons and, where feasible, to use bilingual attorneys and advocates proficient in the client’s language to form the attorney client relationship and provide legal assistance to LEP clients.” The program’s LEP policy sets forth affirmative steps to implement the policy, including the creation of a Language Access Committee to advise the executive director.

Over 45 different languages are spoken by BayLegal’s client community. Other than English, Spanish and Cantonese are the most common languages spoken by clients. BayLegal’s language capacity includes Spanish, Cantonese, Mandarin, Vietnamese, Tagalog, Farsi, French, Russian, Japanese and Korean. It is clear that the program works hard to meet the needs of its diverse population, making use of a multi-lingual staff, Language Line, volunteer interpreters, etc. It has made all its materials available in numerous languages. BayLegal has aimed to situate itself in locations that are easily accessible – both geographically (in neighborhoods where the clients live, near the courthouses, etc.) and architecturally (elevators, ground floor offices, etc.)

The program has multiple employees who are fully bilingual and bi-cultural in Spanish and other languages, including several of its attorneys and advocates, and practically its entire support staff. Its staff is ethnically and culturally diverse; the program is commended for its efforts to hire and promote an ethnically diverse staff. BayLegal has a staff diversity committee which has the goal of identifying staff diversity needs and recommending approaches to address those needs. One need the staff diversity committee has identified is the need to attract more African American attorneys and advocates.

RECOMMENDATION II.1.1.1: The program should continue its efforts to recruit a diverse work force, including the recruitment of African American attorneys and advocates.

Criterion 2. Engagement with the low-income population.

FINDING 6: BayLegal is actively engaged with low-income communities in its service area.

BayLegal uses a variety of approaches to connect with low-income communities, including clinics, outreach activities at large community fairs, small group sessions at domestic violence shelters and health centers, and train-the-trainer events.

The program appears to enjoy a solid reputation throughout the Bay Area. For example, in San Mateo, BayLegal is regarded as an essential voice for survivors of domestic violence. In collaboration with other organizations, it plays a critical role in helping families escape the violence.

Staff members appear to be engaged in their local communities and involved in local and statewide organizations. For example, the managing attorney in San Mateo, upon hearing of the Elkins Family Law Task Force, applied for a position after realizing it would be important for the voice of her low income domestic violence clients to be heard. Only this BayLegal employee and another legal services attorney from the Los Angeles area formally represented such constituencies.

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

FINDING 7: BayLegal seeks to ensure that potential clients have access to its services through a variety of portals. The primary portal for service is the Legal Advice Line – a highly efficient telephone intake and advice system.

BayLegal seeks to ensure that potential clients have access to its services through a variety of portals that affirm and reinforce the dignity of its clients; is sensitive to the client's individual circumstances; is responsive to the client's individual problem; and is culturally and linguistically competent. The primary portal for service is the Legal Advice Line (LAL), which is based in the Oakland office and staffed by a managing attorney, four attorneys and two advocates. In addition, an advocate in the San Mateo office and an advocate in the San Francisco office take LAL calls remotely from their office one day a week. The program estimates that 80% of all requests for service come through the LAL, and that 60% of all its open cases originated with the LAL. In 2010 the LAL closed 45.5% of the program's cases.

The LAL takes calls Monday, Tuesday and Thursday from 9:30am to 3:00pm and on Wednesday from 9:30 am to 1:00pm, with additional hours for calls regarding domestic violence on Wednesday between 1:00pm to 3:00pm. Callers are given the option for an immediate call back without losing their place in the queue but are not given the option of leaving a voice message. Even though no more calls are taken after the time indicated, all calls in the queue are answered. As a result, it is common for LAL attorneys and advocates to be working on the line well after the LAL officially closes for the day. The LAL staff is all bi-lingual – Spanish, Mandarin, Cantonese, as well as English, and its services are supplemented by Language Line. The LAL goal is to have all calls received during the week

screened, referred, or closed by the close of business on Friday. While the LAL sets numeric goals for its staff on the number of calls to be referred to the local offices each day, the primary focus is on the quality of the work performed.

The LAL is a highly efficient system. Its policies and procedures are well documented in an Intake Manual. Its employees are well trained. New LAL staff receives extensive training before taking LAL calls. LAL staff periodically attends in-house trainings on substantive law issues. LAL supervision is constant. The LAL managing attorney monitors all incoming calls and, from her desk, can control the number of calls in a queue. Staff can email questions to her while they are on a call. She, with the assistance of a former BayLegal staff attorney now working on a part-time basis, reviews all closed cases for thoroughness of the case notes, quality of the advice given, and accuracy of the eligibility screening and closing code.

Eligible applicants needing more than advice are immediately scheduled for an appointment with a local office advocate anywhere from one day to four weeks after the initial call. The program's comprehensive Case Acceptance Guidelines provide clear guidance to LAL staff on scheduling appointments. During LSC interviews, local office staff uniformly recognized the high quality of referrals from the LAL.

LAL staff typically handles 15 – 20 calls a day. Employees have access electronically to a referral manual that is periodically updated. Staff also may send callers legal informational material that is available on a wide variety of subjects. The LAL is constantly being evaluated for areas of improvement and higher efficiency. The program plans to purchase a new telephone system which will provide the LAL with more call data and allow it to change its recorded message to better inform callers about access to the program's services. The new phone system will give callers the opportunity to immediately record their opinion about services received through the LAL.

LAL employees meet weekly. Factual trends may be discussed during these meetings and referred, as appropriate, to a substantive work group.

Clients also access program services through walking in to local offices, being referred by a community partner, and through a variety of clinics or special off-site projects. The program has a written protocol on how it will handle non-LAL applications including emergency calls and persons walking into the local offices. BayLegal does not allow applicants to apply for assistance on-line.

RECOMMENDATION II.3.7.1: The program should continue evaluating its intake system and should examine additional measures it could take – increase of intake hours, development of on-line intake, etc. - to ensure access and utilization by all members of the client community.

RECOMMENDATION II.3.7.2: The program should consider giving LAL attorneys and advocates the opportunity to accompany other program attorneys and advocates to court or

administrative hearings. Information gained from these experiences may help LAL advocates in the quality of advice they give.

RECOMMENDATION II.3.7.3: As a training tool for LAL staff, BayLegal should consider whether LAL staff would benefit from learning how a case that was referred to a local office progressed. Local office case handlers could periodically report at LAL staff meetings on how a case developed, legal strategy considerations, and results obtained for the client.

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

Criterion 1. Legal representation.

FINDING 8: The program has case handlers and support staff who are qualified to do the work assigned, have necessary expertise in the legal areas in which the program works, and have the commitment, cultural competency, language capacity, skill and preparation necessary to carry out their responsibilities.

BayLegal has hired highly qualified and committed people who bring talent and expertise in poverty law to the program. Employees care about client objectives and focus on achieving clients' goals. The attorneys and advocates use individual cases and the information they glean from them to try to help other low income people similarly situated and the eligible population as a whole. The non-intake staff works with the LAL to learn about patterns of problems in the intake calls and considers addressing them through systemic work.

The program has consciously worked to bring in bilingual staff of a variety of ethnic and racial backgrounds and its success in doing so is visible. It has attracted fellows through the Skadden and Equal Justice Works programs and managed to retain a number of the fellows. The high quality and dedication of the staff is one of the program's many assets.

The program has placed expert attorneys into central positions where they can be used to help support program needs. Each office has a managing attorney with significant experience. The litigation director, regional counsel for family law, regional counsel for immigration and domestic violence, SSI regional coordinator, director of law and technology, fair housing coordinator, and other experienced staff are relied on and called upon frequently by less experienced staff.

The program thinks strategically about the impact and effectiveness of the cases it handles. This is done by management and by staff at unit meetings, individual office meetings, quarterly regional substantive law meetings, and at the case handler level. The culture is one where staff understands that its work should meet client needs in an effective fashion. High quality legal work is clearly valued, even at the expense of handling a higher quantity of work. The managing attorneys own the job of assuring high quality practice, and

oversee their staffs with that goal in mind, evaluating the work of staff members both constantly and informally, as well as doing so periodically in a formal fashion.

FINDING 9: BayLegal engages in high-quality legal work. The program utilizes systems, approaches, and techniques sufficient to ensure that legal assistance is carried out effectively.

BayLegal engages in high-quality legal work. A review of writing samples submitted by attorneys and advocates showed that the written advocacy is good. Attorneys and advocates also appear able to make appropriate problem diagnosis and definition, elicit pertinent facts, identify relevant legal issues and apprise the client of likely next steps to be expected. Advocates use a variety of fora, appear at hearings and are involved in appeals. Staff routinely consults with other Bay Area and California specialists, frequently working as co-counsel with the Western Center on Law and Poverty and other providers. According to client satisfaction surveys, clients seem pleased with their services.

Starting with intake through the completion of cases, BayLegal uses systems and approaches to ensure that legal assistance is carried out effectively. Intake systems and case acceptance procedures follow program priorities. While the program has six offices, it practices as one law firm with practice groups in housing, family, immigration, health care and public benefits. Each practice group set up case acceptance guidelines which are used by the Legal Advice Line (LAL) as well as by each office. LAL is well trained in exploring the clients' problems beyond what they present. The case acceptance guidelines clearly describe the appropriate roles for both intake and case handling staff, adequately capture relevant information and encourage exploration of appropriate issues beyond the problem identified by the client. The program has an advocacy manual, which has been updated several times since 2000.

The program is conscious of controlling caseload size of its attorneys and advocates. Newer employees have fewer cases. More experienced advocates have caseloads adjusted to allow them to take on projects beyond individual casework. Caseload adjustments are made when a case handler is overwhelmed. When staff size is reduced, case acceptance guidelines are adjusted if necessary to control the volume of new cases. The program has minimal support staff by design, which results in attorneys and advocates doing more administrative work and decreased time for legal work. One issue identified during the visit is apparently some attorneys spent considerable time translating correspondence.

At BayLegal, supervision of legal work includes regular review of both open and closed cases by the managing attorney of each office. Managing attorneys formally supervise but substantive experts in each practice group also review the work of case handlers. Regular case review meetings are held. To a certain extent, the system relies on good case handlers flagging problem cases and discussing them at unit or practice group meetings. This system seems to work well. Individual attorneys and advocates calendar court dates, but there appears to be no office-wide calendaring of all critical case-handling dates and deadlines. Most attorneys keep these dates on personal calendars.

Attorneys receive regular training. Many employees mentioned attending training sponsored by the Benchmark Institute, the Legal Assistance Association of California, and the National Institute of Trial Advocacy. The program also holds internal training events for staff, including regularly scheduled litigation trainings held every one to two months and trainings offered by local law firms for BayLegal staff, such as an intensive multi-session training on depositions. The program provides funds for depositions and other litigation expenses. Employees use listservs and meetings with other practitioners outside of the program to obtain additional information and assistance.

In 2010, BayLegal closed 165 cases per 10,000 poor persons, compared with the national average of 262 cases. Of the program's 7,693 closed cases in 2010, 27% involved extended services and 73% were limited services. Nationally, in 2010 LSC-funded programs closed 22% of their cases as extended services and 78% as limited services. The program closed 44 extended service cases per 10,000 poor persons compared to the national average of 57 extended service cases per 10,000 poor. Extended service cases often involve more extensive time commitment for the attorneys and advocates. Extended service cases include cases settled with litigation, settled without litigation, agency decisions, court decisions, court appeals and other extensive services. Since 2005, the program has doubled the number of extended service cases per 10,000 poor persons it completes each year.

BayLegal's 2010 case closing data is not a concern given the exceptional involvement of staff in complex case work, other advocacy efforts, and community work. Examples of significant extended service cases handled by BayLegal over the last several years that benefited the program's client communities include a case involving General Assistance in Contra Costa County. BayLegal brought suit on behalf of six clients challenging significant delays in obtaining benefits. The case settled favorably with the county required to process applications within 30 days, the elimination of pre-eligibility requirements and retroactive payments for the time applicants wait for a favorable decision. In another case, as a result of a successful appeal filed by BayLegal and co-counsel, the U.S. Department of Health & Human Services reversed its previous denial of federal funding to reimburse Medi-Cal recipients who had been forced to pay out-of-pocket expenses, often as a result of an incorrect denial of eligibility, for critical Medi-Cal covered benefits while their eligibility is established. As a result, California will have a procedure to reimburse these monies which can be used to pay for necessities such as shelter, food and clothing.

RECOMMENDATION III.1.9.1: The program should institute an office-wide approach to the calendaring of all critical case-handling dates and deadlines to ensure back up to the calendar of each attorney and advocate in case they are unexpectedly absent from the office.

RECOMMENDATION III.1.9.2: The program should systematize procedures for translating correspondence to minimize use of attorney time.

FINDING 10: BayLegal has up-to-date equipment and technology, including a remotely accessible case management system, a brief bank, and the ability to update much of its software remotely.

BayLegal uses Prime, a case management system that is accessible from all offices, outreach sites and from other locations where there is access to the Internet. Employees have access to the Internet and use Lexis for legal research. The program is able to remotely update much of its software located on desktops. Laptops are used during outreach, however they are not directly connected to the Internet through an air card or similar device. The staff consistently reported that it has the equipment and technology that it needs to do high quality work.

The program has an intranet site that contains a brief and document bank with folders for each practice area. Specific advocates have been charged with thinking about the shared documents and making the system work for their substantive areas. The intranet is used by attorneys and advocates who see it as a useful resource. The intranet is not remotely accessible.

BayLegal has a very experienced attorney who is the director of law and technology. He brings a unique combination of IT and advocacy expertise to the program. He is active on legal services technology issues nationally and with other California legal aid IT directors. There are no other employees in the IT department. Each office has a computer responsible person to assist with some technology issues within the office. Each computer responsible person is employed full time in another capacity with the program. The program has a contract with an outside computer consultant.

The program has a technology plan with provisions describing the technology planning process, technology personnel, management of client and case data, production and supervision of legal work, intake and telephone advice, direct assistance to low-income persons, support for use of private attorneys, security, planned equipment upgrades and administration.

RECOMMENDATION III.1.10.1: The program is encouraged to implement its plan to extend remote accessibility, including making its intranet remotely accessible and utilizing air cards on laptops for connectivity to the Internet.

RECOMMENDATION III.1.10.2: As resources become available, the program should consider hiring an additional employee to help with IT.

Criterion 2. Private attorney involvement (PAI).

FINDING 11: The PAI program's goal is to maximize PAI resources by focusing on areas of greatest need. It offers pro bono attorneys a variety of volunteer opportunities.

Subject to availability, BayLegal utilizes private attorneys in a full range of program activities, including direct representation (both full and limited), counsel or support in major

and complex litigation, transactional work, and assistance to *pro se* parties (including clinics). In the last several years the program has taken advantage of law firms' deferred associate programs. This has resulted in the placement of deferred associates in local offices. BayLegal uses private attorney volunteers in a variety of projects throughout its service area focusing on the greatest needs.

Due to the services offered by the Volunteer Lawyers Services Program (VLSP) of the San Francisco Bar (in operation since 1977), BayLegal does limited work recruiting attorneys and placing cases in San Francisco. However, the LAL screens cases for VLSP and refers appropriate cases to it electronically for placement with a volunteer attorney. VLSP reports that it is unable to place very few of the BayLegal referred cases.

A full time PAI coordinator coordinates the program's PAI work. She is responsible for implementing the program's PAI plan that includes the placement of cases with volunteer attorneys. Other program employees have varying degrees of PAI responsibilities. The PAI coordinator recruits attorneys utilizing several methods including holding six sessions of a family law training workshop in Contra Costa and Alameda counties. Private attorneys who attend these sessions agree to take two pro bono cases.

Overall, BayLegal's PAI program is thoughtful and strategic. It uses systems to ensure proper oversight of PAI cases and provides volunteers the necessary support to facilitate their effort. This includes having experienced staff mentor young volunteers.

Criteria 3 and 4. Other program services and activities provided to the eligible client population.

FINDING 12: BayLegal provides a variety of other services to the low-income community, including offering community legal education, participating in courthouse-based clinics, and providing pro se assistance. The program also engages in other activities on behalf of its eligible client community that have a beneficial effect on systemic legal problems and economic opportunities of the eligible client population.

BayLegal utilizes alternative and innovative means of providing assistance to low-income people. It effectively utilizes courthouse-based clinics to disseminate information and assist people in filling out forms in housing and domestic violence matters. The visit team commends BayLegal for the efficiency and effectiveness of the Pittsburg clinic.

The program's community legal education efforts include training staff and advocates of local community-based organizations. Many of the trainings are targeted to educate other legal aid providers, for example: BayLegal's regional fair housing trainings conducted twice a year; its monthly litigation training series; its family law trainings; and its public benefits trainings. BayLegal also conducts community legal education for non-legal aid organizations. The purpose of these trainings is to educate advocates who also serve BayLegal's target population about how to identify possible legal issues and refer those cases to BayLegal.

The program works with many different entities - from other agencies, to law and college students, to volunteer lawyers - to achieve its mission. Bay Legal successfully collaborates with many other service providers. In San Mateo, it shares a DOJ grant with CORA (a domestic violence program and shelter) and other local agencies including the County of San Mateo to expand on the awareness of domestic violence issues and the responses that can be achieved. In San Francisco, BayLegal is an important partner in the Eviction Defense Collaborative. The program works together with others who are providing brief service, such as the help desk at the Santa Clara County Courthouse in San Jose.

BayLegal has strong relationships with the judiciary, government agencies, the organized bar (through committees), social service agencies, state and national legal advocacy agencies and a wide range of local and California public interest law providers. Staff meets with other local providers quarterly on particular legal issues. It has credibility with the judiciary and other service providers, and its reputation is one of high quality services.

The team was impressed by the public policy work performed by the program on behalf of eligible clients. Examples include moving the TRO filings to Pittsburg and combating the delay in general assistance application approvals.

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

Criterion 1. Board governance.

FINDING 13: BayLegal's board is highly effective, involved in major policy decisions, aware of the issues in the program, and exercises effective financial oversight.

BayLegal's 33-member board of directors meets quarterly and is actively involved in making major policy decisions for the program. During the financial crisis of 2010, the board was timely apprised of the program's situation and was prepared to address the difficult decision of laying off staff. The board was very involved in the decision to purchase the Oakland and Richmond buildings.

The board has the following committees: executive committee; development committee; audit finance committee; labor management committee; recruitment, nomination and evaluation committee; client grievance committee; executive director evaluation committee; and priorities review committee. BayLegal is one of the few programs among LSC funded providers that has a board committee devoted exclusively to board recruitment and evaluation.

The board receives timely and adequate financial information on the operations of the program. The audit and finance committee meets monthly and receives monthly financial statements from the program showing actual income and expenses, budgeted amounts, variances, projections and cash flow. They meet before each board meeting or by telephone

during months when no board meeting is held. They have a separate meeting to discuss the budget. The audit and finance committee gives a report at each board meeting.

The entire board receives by mail a board packet one week before the meetings. Materials include the executive director's report, the latest monthly financial report and materials generated by the committees. There are staff presentations at board meetings. The board and staff interact at board meetings, where a number of staff attend, and at donor events.

The board as a whole is committed to the program and its mission. The board is viewed as highly effective and very strong. The president has held office since the program's creation in 2000, and chaired the board of a predecessor program. Client board members are active in board and committee meetings. However, several client board member positions are vacant. The executive director meets with client eligible members one-half hour before board meetings when there are major issues scheduled for consideration.

The board seeks well-connected attorneys for membership, and particularly attorneys who can help with resource development. While diversity remains an important criterion in the selection process, the primary objective of the committee is to recruit and retain a strong fund raising board.

The board effectively develops additional resources for the program. Individual board members contributed more than \$84,000 in 2010. The board chair and development committee chair matched each dollar by which any director increased his or her contribution. The firm in which one director is a partner matched each dollar by which any director increased their contribution; another member's firm matched each dollar contributed during a specific year. The relationships of certain board members with the private bar have allowed the program to secure significant cy pres awards.

Criterion 2. Leadership.

FINDING 14: BayLegal has strong, visionary and experienced leadership.

The executive director is a strong, visionary and thoughtful leader. He has a clear vision for the program that is driven by the desire to provide high quality services and to be responsive to client needs. This approach results in the delivery of excellent services. He communicates this vision to staff and board alike. He is described as "a marvelous director" and an inspirational person. He has built a program which is self-reflective and conscious of its work and objectives, and is client-centered. He has brought in other leaders who share his vision and can make it real. They have attracted and kept excellent staff, and inspire them to do high quality and thoughtful work, achieving good results for clients. The executive director is trusted and staff is loyal, even if they have an occasional disagreement. Staff is energetic and committed and reflects the executive director's passion. Employees feel like they have opportunities for growth and advancement, if not for actual promotion.

The program recently developed a succession plan. While it would certainly feel the effect of the executive director leaving, there is a depth of leadership which would keep the organization operating well even in his absence, as was visible when he took a sabbatical leave.

Criterion 3. Overall management and administration.

FINDING 15: BayLegal values management and has recruited, hired and retained highly-qualified managers for the offices.

In addition to the executive director, the program has a director of advocacy and training, director of finance and administration, director of law and technology and a managing attorney for each office. The managers are experienced and come from diverse backgrounds with diverse skills. Managers get the training they need. They feel supported. Despite having dozens of funding sources, management is able to administer grants well and meet the huge variety of funder requirements. Administrators are high performing and function with excellence. They are periodically evaluated.

Management views staff in a positive and constructive way, seeing its job as providing staff the tools they need to effectively serve clients.

The program has not yet developed a comprehensive disaster recovery plan, but is in the process of developing one. A technology disaster plan has been developed.

RECOMMENDATION IV.3.15.1*: The program should continue its efforts to develop a comprehensive disaster recovery plan.³

Criterion 4. Financial administration.

FINDING 16: BayLegal has an experienced and well-staffed finance department which provides monthly financial reports showing actual income and expenses, budgeted amounts, variances and cash flow. The reports are shared with the executive director, the board's audit and finance committee and the full board.

The program's director of finance and administration has over 20 years of experience in finance with non-profits. In addition to the director of finance and administration, the finance department has three other employees: (1) an accounting manager who manages grants, produces invoices, is involved with reimbursable contracts, and prepares proposed budgets for grants; (2) a senior accountant who does month-end reconciliations, general ledger and data entry; and (3) an accountant who handles accounts payable and payroll, which is done internally.

The program prepares a budget on an annual basis for each fiscal year (January 1 – December 31.) The proposed budget is drafted by the chief fiscal officer and executive director, with input from the managing attorneys. The draft budget is then provided to the

³ Tier One recommendation.

board's audit and finance committee for approval before it is presented to the full board for a discussion and vote. BayLegal usually budgets a deficit, which they normally make up during the year with cy pres awards and other revenue. Income from cy pres awards has averaged approximately \$420,000 per year over the last four years (2007-2010.) In May 2010 the program noticed that deficit projections were increasing instead of decreasing. Based on past experience, they would have assumed the deficit projections to be decreasing as the year progressed. This was the first year that the deficit was not decreasing as the year progressed. Working with the board of directors, management decided to lay off five employees (two attorneys and three paralegals) in August 2010. In the 2011 budget the program budgeted \$600,000 from carryover funds to prevent layoffs. BayLegal entered calendar year 2011 with a carryover balance of \$2.8 million, which provides the program with some flexibility to address unanticipated decreases in revenue.

The director of finance and administration prepares monthly financial reports showing actual income and expenses, budgeted amounts, variances and cash flow. The reports are shared with the executive director and the board audit and finance committee.

BayLegal uses MIP accounting software with modules for accounts payable, general ledger, budget, administration and payroll, with various permission levels for accounting staff. The program revised its accounting manual in November 2010 to conform to the 2010 version of the LSC's Accounting Guide for LSC Recipients.

Criterion 5. Human resources administration.

FINDING 17: BayLegal's human resources staffing is in a period of transition.

The program has an experienced human resources manager who handles all personnel issues, maintains personnel files, helps with payroll (timesheets), handles insurance claims, handles the program's flexible spending account, assists the director of finance and administration with budgets, orders supplies, assists with support staff training and handles all benefits. There are no other HR employees. The director of HR, a position in addition to the human resources manager, was laid off in 2009. The program is currently seeking to hire a director of HR with expanded duties.

Employees are regularly evaluated, well-trained and supported.

BayLegal appears to operate with little inter-personnel rancor or stress. Employees think and speak highly of each other, feel like all are pulling their own weight and work well with each other. There is remarkable respect for each other, even across office lines and across job descriptions. As one staff person put it, "this is an office without drama."

The board of directors, the executive director, and staff have concerns about low attorney salaries. BayLegal's current starting salary for a staff attorney is \$46,000 per year and increases to \$76,000 based on experience. The salary scale had been increased to those levels three years ago. The program developed a plan to increase starting attorney salaries to \$50,000 per year. However, this plan to increase salaries did not go into effect due to

financial difficulties resulting in layoffs in 2010. It appears that it is stressful to staff to live with current salaries, and that some employees have left over the years because of low salaries. The board and management of the program indicated that they are committed to raising salaries. BayLegal recognizes that retention leads to quality work. Management stated that its commitment to raising salaries is driven not solely by staff concerns but primarily by a commitment to quality work.

Staff committees in (1) diversity; (2) language access; and (3) fellowship positions, assist with some HR functions. The staff diversity committee directs the program's policies in regards to the retention and recruitment of staff. Available positions are posted on Craigslist and with law schools and minority bar associations. In an effort to retain staff, BayLegal offers an impressive list of benefits including, but not limited to: medical; dental; life insurance; sick, vacation and personal leave; 401(k); repayment of student loans; loan repayment assistance program (up to \$3,000 per year); paid bar leave (20 days to take the California bar exam); and an Flexible Spending Account for medical, child care, transit and parking expenses.

RECOMMENDATION IV.5.17.1: BayLegal should continue its efforts to increase staff salaries.

Criterion 6. Internal communication.

FINDING 18: BayLegal maintains effective communications between staff and between management and staff.

The program's senior staff meets weekly. Managing attorneys of each office meet regularly with office staff. Practice groups meet quarterly. Each practice group has a folder on the intranet for information and briefs. The intranet also has personnel policies, events, news, web links, advocacy and policy forms and the advocacy manual.

The program primarily utilizes email for other communications between staff and between management and staff. There is no internal newsletter. The program has not held a program-wide retreat since 2003. With the exception of the annual picnic and holiday party, opportunities for employees of one office to interact with employees of another office are usually limited to employees who are in the same practice group or who attend the same training event.

The executive director is clearly an excellent communicator. He makes himself accessible to others and listens and responds. He trusts his staff and it shows. There appears to be minimal labor-management stress as a result of management's transparency and communication. Staff feels that they are part of a cohesive law firm. Board members pointed out that the executive director reports issues early and appropriately to the board.

RECOMMENDATION IV.6.18.1: BayLegal should consider periodically holding a program-wide meeting or retreat so that all employees in the program have the opportunity to interact and discuss issues relevant to the program.

Criterion 7. General resource development and maintenance.

FINDING 19: BayLegal is strategic in its fundraising efforts. It has a well-trained and effective staff which brings in funds, handles reporting and tracking of donations, grants, contracts and audits.

The program raises funds from private fundraising, grants and contracts. Private fundraising is coordinated by a development director who is assisted by a part-time employee. The development director works closely with the board's development committee and the executive director in developing fundraising efforts. Program attorneys and advocates also cooperate with the development staff, as does the director of pro bono.

BayLegal's fundraising efforts have been outstanding. The program's Partners in Justice campaign raised \$741,315 in 2010, from law firms, individuals, corporations, vendors and board members. Another \$397,042 was raised in 2010 in cy pres awards, which were coordinated by the cy pres subcommittee of the board's development committee. Over the past four years, the program has averaged over \$730,000 a year in donations from the Partners in Justice campaign.

BayLegal holds an annual Partners in Justice thank you reception with staff in attendance. About 125 people attended the most recent reception. The program announces firm contributions at the event. It takes out a full-page ad in the legal newspaper thanking firms the week of the reception. The program also uses its website to acknowledge and thank donors.

The program uses eTapestry software for donations. The development director prepares BayLegal's annual report and manages the program's website.

The coordination of grants and contracts is handled by BayLegal's grants/contracts director, a grants coordinator and a grants/contracts associate. The grants/contract director's duties include: (1) reporting and compliance on 42 grants totaling \$6.7 million; (2) monitoring current funders – engaging in significant funder stewardship; and (3) prospecting and researching new sources of funding. The program raises substantial non-LSC funds through grants and contracts. In 2011, non-LSC funding is projected to total \$4,570,820, or 48% of the program's total revenue.

Criterion 8. Coherent and comprehensive delivery structure.

(This section is covered throughout this report.)

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

FINDING 20: BayLegal is actively involved in regional, statewide and national efforts to improve access to justice.

Program attorneys are actively involved with regional, statewide and national legal services providers, including the Legal Aid Associations of California (LAAC), regional and countywide meetings of providers, trainings and listservs. BayLegal successfully advocated for LAAC to conduct a statewide study on recruitment and retention of legal aid staff, which was completed in 2010. (See *Effective Recruitment and Retention of Civil Legal Aid Attorneys in California*, Kelly Carmody, April 2010.)

Program attorneys are also involved with courts and other entities in efforts to increase access to justice for BayLegal's client communities.

The executive director is active in the California project directors group, which meets every three to four months. He is also a past chair of the Board of Directors of the National Legal Aid and Defender Association.



BAY AREA LEGAL AID

WORKING TOGETHER FOR JUSTICE

June 9, 2011

Chuck Greenfield
Program Counsel
Office of Program Performance
Legal Services Corporation
3333 K St. NW
Washington, D.C.20007

Re: **LSC Program Quality Visit: February 28 – March 4, 2011**
Bay Area Legal Aid - Recipient Number 805270

Dear Mr. Greenfield,

I am writing in response to the *Draft Program Quality Report* issued by the Legal Services Corporation's Office of Program Performance in connection with its quality visit to Bay Area Legal Aid from February 28 - March 4, 2011.

I first want to thank you and the other members of the OPP team for the professional and courteous manner in which it conducted its visit, and for its thoughtful and thorough examination of our firm.

Regarding the *Draft Report*, we are extremely pleased with the findings. BayLegal invests a great deal of time, energy, and resources into providing quality, effective services to clients. To have a third-party review confirm that our investment has produced the desired result is reassuring and a testament to the benefits of strategic, deliberate action.

The *Report's* recommendations address many of the tasks and issues we are currently grappling with. The OPP team recognized that despite our many accomplishments we can continue to improve our performance. We agree. It is this recognition and our commitment to clients that drives us to succeed.

Sincerely,

Ramón Arias
Executive Director

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