



Legal Services Corporation

Quality and Equal Justice *The Role of Executive Directors*



November 2008

Overview

For nearly five years, the Legal Services Corporation has focused on the quality of legal assistance provided by federally funded civil legal services programs. Through the LSC Quality Initiative, LSC strives to elevate the importance of quality and to consciously make quality a central and essential part of the national discussion on how best to deliver civil legal assistance to low-income individuals and families.

LSC recognizes that it is not enough for a low-income person to have access to a lawyer if that access does not result in high-quality legal assistance. Access to a lawyer is not, in and of itself, access to justice.

But what is quality legal assistance? What does quality mean in the demanding, often stressful, environment of a legal aid program? How can quality be promoted in the legal aid community?

This summer, LSC brought together executive directors of LSC-funded programs for a conference that included conversations about quality legal aid. At the conference, executive directors defined quality in many ways—as a value, as a vital ingredient to leadership, as essential to the provision of legal services, as the foundation on which they build and expand their programs. Theirs was a rich and diverse discussion that LSC wants to share with the broader legal services community as we all contemplate how to promote quality in our work on behalf of clients.

Prior to the conference, LSC asked the executive directors what they considered to be the single most effective step they had taken to promote quality in their programs. On the conference's last day, David Hall, a law professor at Northeastern University in Boston and LSC board director, led an inspiring discussion on the role of the executive director in promoting quality. He drew the executive directors into a conversation about the natural tension between being a manager and being a leader, using "Mind of a Manager, Soul of a Leader," by Craig Hickman, to make distinctions and develop perspectives on leadership.

In describing what quality means to them, many of the executive directors spoke about the importance of:

Passion. Leaders of legal aid programs should show passion for their mission to assist clients. Program leaders should surround themselves with people who have a passion for helping others, and leaders should regularly praise staff members for the great work they do in providing legal assistance and should strive to link each staff member's passion to the mission and encourage them to fulfill their passion.

Listening. Program leaders can learn by listening. In many instances, staff members know more than their managers. Listen to the non-attorney employees who are often the first persons that clients meet. Take time to listen to clients and learn from the courage they show in confronting their challenges.

Mentoring. Program leaders must serve as role models, share program values, make hard choices, delegate authority, stress training and support those who undertake difficult projects. Most importantly, program leaders promote respect for clients and stress excellence in providing assistance.

As those key points from the conference show, leading, managing, and directing a civil legal services program is simultaneously one of the most rewarding and challenging jobs imaginable. Every day

across the nation, the executive directors effectively respond to the competing and difficult demands placed upon them. By the nature of their positions, executive directors are at the center of program efforts to ensure the delivery of high-quality legal services for low-income communities and millions of eligible clients.

Executive directors are expected to demonstrate the highest ethical and professional standards. They are expected to recruit outstanding attorneys and staff with a passion for their work who are willing to work for less than they could in other positions. They are expected to be fundraising experts, diplomats and visionaries for their programs. They are expected to keep their programs in compliance with laws and regulations, and also develop initiatives and strategic partnerships to better serve clients.

Serving the public is a noble calling, and executive directors are leaders in the legal profession. They are the providers and protectors of equal justice in this country. On a daily basis, they are “Confronting the Justice Gap,” the theme of the June 2008 Executive Directors Conference.

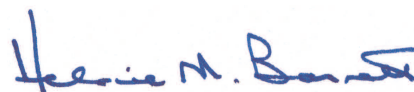
This document summarizes the responses and comments from the 2008 conference, focused on the role of the executive director in promoting quality. Yet it is difficult to adequately convey the spirited discussion, skillfully facilitated by LSC board member David Hall, and the engagement of the executive directors in sharing their very personal perspectives on quality. LSC is grateful for the valuable insights of the executive directors, Professor Hall and the dedicated staff who work at LSC-funded programs.

When discussing quality, it is easy to focus on questions about case management, technology, outcome and performance measurements, peer review, training and other important factors. LSC issued revised Performance Criteria in 2007 that reflect a collective view of best practices to promote the delivery of high-quality legal services. But quality is more than a reflection of workplace systems; it is a value that reinforces professionalism, a guidepost for everyday decisions, and a goal that requires constant striving to reach.

To be sure, as the conference discussions underscored, quality is difficult to achieve and maintain.

One executive director captured the essence of the day in a powerful reminder about why legal aid providers should focus on quality. As this executive director said, when a client asks—“Can you help me?”—it is our obligation to provide not only an affirmative answer but the highest quality legal assistance possible.

That is the heart of the LSC mission.



Helaine M. Barnett, President
Legal Services Corporation
November 2008

Comments From the Executive Directors

No initiative to improve the quality of legal assistance can succeed if attorneys and legal aid providers fail to keep in mind one fundamental value—that persons who seek help must be treated with dignity and respect. While efficient and effective in-take systems and other program operations are building blocks for a quality program, executive directors must model this fundamental value and be the voices for the importance of quality, embedding it in their programs for staff members to embrace.

Against that backdrop, the executive directors were asked two questions as part of the preparation for the June 10-11, 2008 LSC Executive Directors Conference:

- *What do you consider to be the single most effective step you have taken as executive director to promote quality in your program?*
- *What is the single most significant step you plan to take in the near future to promote quality?*

Written responses were received by 114 executive directors from 47 states, the District of Columbia, Guam, Puerto Rico and the Virgin Islands. Many who did not share their views prior to the conference provided their responses at the conference.

In response to the first question, their narratives provided excellent examples of steps being taken by executive directors to promote quality. They include leading by example, treating quality as a value, ensuring accountability, promoting a climate of innovation, fostering equal justice councils and celebrating and recognizing staff contributions.

“Contemplation of quality is an affirmative step which the executive director must take in the midst of reacting to a thousand demands made by other people and by circumstances.”

One executive director said, “The most effective step I can take to promote quality is to set an example in my work and in my attention to the work of others that shows people that I am serious about quality. This means I have to demonstrate in my own work that I am serious about things like language, analysis, thoroughness, clarity, work ethic and particularly the seriousness and importance of our mission.”

In their responses, executive directors said they fill staff positions with a focus on quality, raise salaries when funding permits and offer opportunities for training, mentoring and feedback.

“Hiring quality people is without a doubt the single most effective step,” one executive director said.

Executive directors stressed the importance of hiring a diverse staff, not being afraid to hire more experienced attorneys and recruiting bright, capable and compassionate employees who are dedicated to providing high-quality legal services to clients.

“We’ve tried to establish a workplace that enhances quality and retains staff to assure continuity of experience and a synergistic relationship between young and senior staff. This is only possible when staff believes that they are valued and respected by management,” one director wrote.

Said another: “We look for attorneys who have initiative, creativity, flexibility, judgment, strong client and interpersonal skills, ability to see the big picture, who are from diverse backgrounds and experiences, and who are willing to take risks in aggressive advocacy.”

“Quality can be nurtured.”

Offering opportunities for training, professional development and mentoring are critical, according to the executive directors.

“One of the single most effective steps I have taken as executive director to promote quality in my program is the encouragement of professional development...allowing time and paying the expense of sending both support and professional staff to trainings and conferences, as well as providing in-house trainings,” an executive director wrote.

“The development of written supervision guidelines and a formal orientation and training program for new attorneys to promote their professional development—this promotes quality work for clients,” another executive director said.

Executive directors also said they face challenges, such as finding funds to increase salaries and benefits in order to improve recruitment and retention. “We have too many good young attorneys that we have helped develop and do not want to lose,” one executive director said.

“Raising our attorney salaries over the last two years to achieve parity with the state’s public defender salaries is probably the single most effective step we’ve taken in recent years to promote quality in my program,” another executive director said.

And this example was offered by one executive director: “Between 2005 and 2007, we increased our staff attorney starting salary from \$33,544 to \$45,000, an increase of over 34 percent! We increased the experienced attorneys’ salaries commensurately. In July, we plan to increase our starting salary to \$48,000.”

“Promoting quality in a legal services firm requires constantly taking affirmative steps.”

Executive directors also said they have restructured office operations to promote quality. Those steps include launching “Clients First” campaigns, creating work teams to deal with substantive legal issues, conducting litigation roundtables, issuing written manuals and supervisory guidelines, requiring reports on outcomes of client cases, establishing rapid response teams and using peer assessments and self-evaluations to help manage staff performance.

“Decisions that we would make at the management level, at the case-handling level, at the intake level, at the outreach level and at all other levels, would be made by keeping in mind this question: “How does this decision help the client or client community?”

One executive director plans to improve staff ability “to communicate with and understand clients of different cultures...by participating in a board/staff retreat with an experienced cultural communications facilitator.”

Another executive director also pointed to the rewards that come from “a one-day staff retreat.... At the end of the day, we have made some decisions, identified areas needing more analysis or follow-up and have reinforced our sense of collegiality and shared purpose. The retreat gives us an opportunity to address...concerns about how and which cases we are handling; how the reception area functions for clients; should we try extended intake hours again; is there some emerging need that needs a new approach, etc. We have found that without exception, the time is extremely productive.”

“The definition of high-quality legal services varies from office to office and even person to person. The program will address this problem by engaging in a program performance review....The end result will be a common understanding of what constitutes high-quality legal services and an ability to hold staff accountable for meeting those standards.”

Executive directors also stressed accountability and the importance of feedback from clients and peers.

“The most effective step, in taking over the leadership of a program with a drastic budget deficit and facing personnel cuts, has been instilling a new sense of expectation of accountability in our work ethic and work product,” one executive director said. “We are all in the same boat.... We all have a paddle and we must all paddle if we wish to stay in the boat. If you don’t want to paddle—that’s okay—but you can’t stay in the boat with those who do. [. . . No one gets the luxury of a free ride at everyone else’s expense.... No one gets to ride based solely on past service or retire while still on the payroll.]”

One executive director said, “One of the most important and significant steps we took was to require each attorney, upon completion of a case, to contact clients and have them complete an evaluation form to ascertain quality of services and client satisfaction with services provided.”

“Staff embraced the concept of measuring our work based on the impact it has on clients’ lives, rather than by the effort extended by staff, or other measures,” another executive director noted.

Several executive directors pointed to the importance of manuals and training programs.

“The development of written supervision guidelines and a formal orientation and training program for new attorneys to promote their professional development—this promotes quality work for clients,” one said.

Added another executive director, “The single action which has had the greatest impact on quality within the program has been the promulgation of case-handler and intake manuals.”

One executive director said it is vital to “ensure that staff attorneys have the mentoring and supervision which they need in order to grow professionally and to recognize how to effectively serve their clients.”

In response to the second question, “what is the single most significant step you plan to take in the near future to improve quality,” the executive directors described ambitious goals.

These near-term activities include creating a sense of urgency in their organizations, finding new revenue sources, arranging leadership opportunities for new attorneys and undertaking regional projects.

“Ensuring high-quality legal assistance to people living in poverty...requires constant attention.”

“The single most significant step I plan to take in the future to promote the quality of the work...is to elevate the sense of urgency throughout our program about achieving the highest level of excellence,” the executive director of a large program wrote.

The link between funding and quality cannot be underestimated, some executive directors suggested.

“The key to promoting quality in our program is improving and maintaining staff morale.... I believe that the single most effective step I took was to increase our revenue by obtaining a competitive \$900,000 grant for a four-year period.... This allowed us to maintain the staff we had, raise their salaries, and add more staff...redistribute caseloads and start some specialty projects.”

Executive directors said they plan to emphasize the importance of the LSC Performance Criteria, offer leadership and continuing legal education opportunities to their staffs, and redesign their recruitment and hiring procedures to attract top-notch talent.

In addition, executive directors said they will revamp their office structures to promote quality by stressing better writing, more effective use of technology, partnerships with law schools and development of foreign language skills and cultural sensitivity.

Professor Hall wrapped up the Executive Directors Conference by engaging the directors in a discussion about the importance of being leaders as well as managers. Most executive directors had responded to the LSC pre-session questions from the perspective of managers rather than through the lens of leadership, Professor Hall said. He asked the executive directors to address another question: “From a leadership perspective, how do you embed quality into your organization?”

The question prompted a wide-ranging discussion among the executive directors. Directors said they try to lead by example, promote mentoring and communicate values that instill a sense of mission.

“To think about quality and not to assume it.”

Executive directors pointed out that leaders make hard choices and that others in the organizations need to know they are valued when they engage in a hard choice. Leaders also understand that bureaucratic complexity is a burden on staff, and that staff members need to be shown how their work fits into the broader mission.

The executive directors stressed how critical it is to shape organizations so that staff members embrace the idea of self-evaluation and how their work impacts clients. “It is about the clients,” and executive directors need to listen closely to their staffs and tap into their passion to serve, one executive director said.

As one executive director said, “Your job is to listen. Your other job is to be vigilant.”

After the conference, almost all of the executive directors who provided feedback to LSC praised the session on the role of the executive director in promoting quality that was led by Professor Hall. In summarizing the remarks of the executive directors at the end of the session, Professor Hall pointed out that “managers come from their heads; leaders come from their hearts.”

Serving the Poor

“I often have argued that legal service lawyers and public defenders represent the soul of the legal profession. If the people they represent were not able to secure legal help, then the integrity of our entire legal system would be called into question. A legal system cannot be judged by how it treats the rich and powerful, but by how it treats the poor and powerless.”

“The Spiritual Revitalization of the Legal Profession: A Search for Sacred Rivers,” by David Hall, the Edwin Millen Press, 2005. Mr. Hall is a Northeastern University law professor and member of the Legal Services Corporation Board of Directors.

The LSC Quality Initiative

LSC management and the LSC Board of Directors' Provision for the Delivery of Legal Services Committee launched the Quality Initiative in 2004 to enhance and promote high-quality legal assistance to eligible clients of LSC-funded programs. The initiative serves as LSC's vision for supporting, building and institutionalizing strategies within legal services programs to increase the capacity for the delivery of high-quality legal services.

The centerpiece of the Quality Initiative is the revised LSC Performance Criteria, which reflects a collective view of best practices to promote the delivery of high-quality legal services. The LSC Performance Criteria, the ABA Standards for the Provision of Civil Legal Aid and data from program visits and grantee reports have made it possible to provide more effective and efficient legal services, self-assessments, needs assessments, and strategic planning.

The LSC Performance Criteria challenge LSC-funded programs to identify the most pressing civil legal needs of low-income people in their service areas, to effectively engage and serve those populations, to improve the effectiveness of legal representation and other program activities that benefit low-income individuals and families, and to more effectively evaluate their internal operations, governance and leadership.

Other components of the initiative that promote high-quality legal services include:

- using the LSC groundbreaking study, *“Documenting the Justice Gap in America”* — which found that for every person served, at least one is turned away—to emphasize the need for the delivery of high-quality legal assistance to eligible low-income Americans who desperately need it.
- encouraging and disseminating creative and innovative approaches to engage private attorneys in the delivery of legal services to low-income individuals and families.
- piloting, creating models, and providing guidance for the Leadership Mentoring Pilot Program.
- demonstrating that the pilot Loan Repayment Assistance Program has helped programs strengthen the quality of their legal assistance through effective recruitment and retention of attorneys.
- implementing an improved system of data collection and reporting, in accordance with a revised Case Service Report Handbook, so that LSC and programs better capture the work they do for eligible clients.
- developing a strategic technology plan to increase the efficiency and effectiveness of programs, in part by expanding software “self-help” systems that permit unrepresented litigants to fill out forms and obtain information.