



**Legal Services Corporation
Office of Program Performance**

Draft
Report from the
Program Quality Visit
to
Coast to Coast Legal Aid of South
Florida, Inc.

Recipient No. 610090

October 3 - 7, 2011

LSC Review Team

Willie Abrams, Program Counsel, LSC Office of Program Performance (Team Leader)
Nancy J. Glickman, Esq. (LSC Temporary Employee)
Patrick McIntyre, Esq. (LSC Temporary Employee)
Mytrang Nguyen, Program Counsel, LSC Office of Program Performance

TABLE OF CONTENTS

INTRODUCTION	4
PROGRAM OVERVIEW	4
SUMMARY OF FINDINGS	5
FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS	7
<i>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</i>	7
Criteria 1 and 2. Periodic comprehensive assessment and ongoing consideration of legal needs, setting goals and objectives, developing strategies, and allocating resources	7
Criteria 3 and 4. Implementation, evaluation, and adjustment of the program's work	9
<i>PERFORMANCE AREA TWO. Effectiveness in engaging and serving the low-income population throughout the service area</i>	12
Criterion 1. Dignity and sensitivity	12
Criteria 2 and 3. Engagement with the low-income population; access and utilization by the low-income population	14
<i>PERFORMANCE AREA THREE. Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area</i>	15
Criterion 1. Legal representation	15
Criterion 2. Private attorney involvement	20
Criteria 3 and 4. Other program services and activities	22
<i>PERFORMANCE AREA FOUR. Effectiveness of Governance, Leadership and Administration</i>	23
Criterion 1. Board governance	23
Criterion 2. Leadership	25

Criteria 3, 5 and 6. Overall management and administration; human resources administration; and internal communication	26
Criteria 4 and 7. Financial administration; general resource development and maintenance	28
Criterion 9. Participation in an integrated legal services delivery system	29

INTRODUCTION

During the week of October 3 – 7, 2011, the Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted an on-site program quality visit to Coast to Coast Legal Aid of South Florida, Inc. (CCLA). The purpose of the visit was to assess the quality of CCLA's legal work, management, and administrative systems. In addition, because CCLA does not provide a full range of legal services, the visit included an assessment of CCLA's ongoing collaborations and coordination with Legal Aid Services of Broward County and other relevant partners in the service area to determine whether the combined efforts of all of the providers and partnering organizations constitute a full range of legal services. The LSC team consisted of two LSC OPP program counsel and two LSC temporary employees

Through its program quality visits, OPP seeks to ensure that LSC grantees are providing the highest quality legal services to eligible clients. In performing its evaluation of the grantee's delivery system and operations, 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. The team considered CCLA's narrative and grant application documents submitted in the 2010 competition cycle, the program's 2011 and 2012 grant renewal narratives and documents, and case services and other grant activity reports. As a part of the assessment of program quality, the OPP team reviewed numerous documents submitted by CCLA in advance of the visit, including a survey of staff and writing samples submitted by advocates.

The on-site visit began with a joint presentation by CCLA and LASBC that consisted of an overview of the programs' work, significant accomplishments and challenges. During the course of the on-site visit, the team interviewed CCLA's executive director, the program's legal and non-legal staff, client and attorney board members, LASBC's executive director, select LASBC administrative and management staff, and select representatives of the regional and state justice communities. The team visited CCLA's one staff office in the city of Plantation, LASBC's office in Plantation, and the LASBC office in the city of Naples (Collier County). At the conclusion of the on-site visit, the team conducted an exit conference with the CCLA executive directors and the program's managing attorneys and management staff to share the team's preliminary observations regarding the program's strengths, challenges, and opportunities for improvement.

PROGRAM OVERVIEW

Formed in January 2004, CCLA is a 501(c) (3) nonprofit corporation organized to provide free civil legal assistance to low-income and disadvantaged persons in the state of Florida. It is headquartered in the city of Plantation, Broward County, Florida, and is housed in a centralized location with its legal aid partner, Legal Aid Services of Broward County.

The CCLA service area, FL-18, contains 3,230 square miles and is comprised of Broward and Collier counties in South Florida. Broward is a large urban area and Collier is a mixed area of urban and rural.

Previously, LASBC was the LSC grantee for Broward County and Florida Rural Legal Services (FRLS) was the LSC grantee for Collier County. As part of the reconfiguration of all LSC service areas in Florida in 2004, LASBC became a non-LSC provider for both Broward and Collier Counties¹ and FRLS, which remains an LSC provider, dropped Collier County from its service area.

SUMMARY OF FINDINGS

CCLA does not provide a full range of legal services in the FL-18 service area; instead, the program collaborates with its regional partner, LASBC. The last needs assessment by CCLA and LASBC was completed in 2005. This assessment enabled the programs to come to a reasoned, thorough identification of the most pressing legal needs in the service area and agree on a workable division of labor as to how the identified needs will be addressed. The programs are currently in the process of conducting a needs assessment, which is expected to be completed in early 2012.

For its part, CCLA provides services only in Broward County and only in the areas of family law, health and public benefits, and services for senior citizens in housing, health, consumer, public benefits and naturalization. LASBC provides civil legal aid services in Broward and Collier Counties regarding housing, consumer, immigration, children's advocacy, the homeless, persons with HIV/AIDS, and tax issues. Together, CCLA and LASBC address the basic needs of the low-income population and recurring legal problems that have significant adverse impact. The program's board of directors exercises appropriate oversight of the case service priorities and division of labor between the two organizations. The adopted priorities are reviewed annually.

The location of CCLA's one office in the city of Plantation in Broward County is appropriate and strategically located. The building is handicap accessible, comfortable, clean, and professional in appearance.

Overall, the program has a reasonably diverse and sufficiently experienced staff that mirrors the relevant workforce in South Florida. In addition to experience and diversity, the program's staff have sufficient language abilities to serve the service area's low income population. Seven staff members, including three attorneys and three paralegals, are proficient in Spanish. One attorney and one paralegal are proficient in Creole. And, a paralegal and an administrative assistant are proficient in French.

Intake is structured around the program's three specialized law units—senior, family law, and public benefits. At present, the program's intake system appears to work; applicants are treated with dignity and sensitivity; they are appropriately matched with the services they need; and a reasonably prompt decision on case acceptance and the level of assistance is made.

¹ Subsequently, LASBC assumed operations of both the Collier County Legal Aid Society in Naples, and the Immokalee office of the Florida Immigrant Advocacy Center, creating a new entity: Legal Aid Service of Collier County.

CCLA is engaged effectively with all significant segments of the low-income population. There are strong community connections and outreach, and the program has an excellent reputation among clients and community groups.

The program adheres to practices and procedures that produce effective and high quality advocacy and representation of clients. CCLA provides reasonable training to its staff appropriate to their functions and responsibilities. The program's CSRs are reasonable, particularly when viewed together with case closures by LASBC. CCLA's CSRs have increased over the last three years; a trend in the right direction.

CCLA conducts its legal representation and advocacy in an effective and high quality fashion. The program has written supervision and attorney evaluation guidelines, and adheres to legal work and advocacy practices and procedures consistent with the *LSC Performance Criteria* (2006) and the *ABA Standards for the Provision of Civil Legal Aid* (2006). Advocates' ongoing caseloads are within appropriate limits and generally reflect a wide mix of program priorities. Extended representation exceeds the national average. Advocates practice in a variety of forums, including state trial and appellate courts, federal court, and various administrative tribunals. Reasonable training opportunities are provided to staff appropriate to their functions and responsibilities.

Historically, private attorney involvement (PAI) has been a significant challenge in the service area. CCLA meets its PAI obligation through a subgrant agreement with LASBC, using a pro bono model. There is an appropriate PAI plan covering both Broward and Collier counties, which reasonably accomplishes the goal of supplementing the amount and effectiveness of representation and other services provided to the client-eligible population.

Consistent with its overall goals, objectives, and strategies, CCLA provides a reasonable amount of community legal education and other services in addition to direct legal representation. And, the program is appropriately engaged with others whose activities have a significant effect on the low-income population, such as the judiciary, the organized bar, government agencies, social service agencies, regional and state legal advocacy organizations, and a variety of other civil legal aid providers.

While CCLA and LASBC are and act like separate legal entities, they have boards of directors that overlap one hundred percent. The CCLA board of directors provides appropriate oversight, support and leadership. Board members are actively engaged in significant policy decisions; they understand and share the vision and mission of the program. The board expressed the greatest of confidence in the executive director and the program's advocates.

The CCLA executive director is known in the service area and the state justice community as an effective and committed leader. She is highly respected by the board and staff. The staff also understand and share the program's vision and mission.

CCLA obtains high-quality administrative services from its regional partner, LASBC, under an administrative services contract, with good oversight from the CCLA board of directors.

Within the constraints of the program's current financial and staffing resources, CCLA's delivery structure is reasonably coherent. CCLA is an active and respected leader in the Florida state justice community.

FINDINGS, CONCLUSIONS, 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 address those needs.*

Criteria 1 and 2. Periodic comprehensive assessment and ongoing consideration of legal needs, setting goals and objectives, developing strategies, and allocating resources.

Finding 1: CCLA is thoroughly aware of the service area's critical legal needs and is flexible and responsive to major new needs that emerge or develop between formal needs assessments.

The last needs assessment for the CCLA service area was completed in 2005.² At the time of the on-site visit, CCLA and its regional partner, LASBC, were in the process of a new needs assessment, based on written surveys and focus groups. The programs had already begun the process for Broward County, surveying CCLA and LASBC clients and applicants for service, CCLA and LASBC staff and board members, community organizations and partners, private attorneys, and judges. The survey instrument for clients and applicants has been translated into Spanish and Creole. To facilitate easy compilation, the needs survey was conducted via SurveyMonkey, except for clients, applicants, and judges.³

At the time of the visit, CCLA and its partner had conducted six focus groups involving seniors, the Hispanic community, homeless persons, the African American community, the Haitian community, veterans, and disabled persons.

In addition to the results of the surveys and focus groups, CCLA and its partner will consider the most recent demographic and employment data for the service area, their case management data over the past three years, and knowledge gained from communication and

² The 2005 assessment was begun in 2004 and relied primarily upon a four-page instrument disseminated to members of the judiciary, the private bar, county commissioners, other county government personnel, members of the programs' board of directors, personnel in nearby civil legal aid providers, members of the Coordinating Council of Broward, community-based organizations and social service agencies, CCLA clients and applicants for assistance. The same survey instrument was used for both clients and non-client respondents.

³ Written survey forms were distributed to applicants and clients as they visited the programs' offices and at several outreach sites. Interns were available to assist respondents in completing the surveys.

collaborative work with government agencies, social service agencies, regional and state legal advocacy organizations, and other civil legal aid providers in the state.

The new needs assessment for Collier County will rely on the same methods used for Broward County. The overall needs assessment committee for the two programs includes a staff member from LASBC's Collier County office.

The ongoing needs assessment is expected to be completed in early 2012. Until then, the program will continue to operate under the case service priorities adopted following the 2005 process,⁴ which have been reviewed annually by the board.

CCLA will make adjustments in its delivery strategies, legal advocacy, and collaborations where significant new developments and changes in the needs of the service areas occur. The program's own staff and those of its partners at the local, regional, and state levels are its principal sources of knowledge.

Finding 2: CCLA has adopted legal priorities that are sufficiently broad to address the most pressing legal needs of the low-income population in the service area. When combined with the legal priorities and work of LASBC, a full range of legal services is provided in the service area.

Following the 2005 needs assessment, the CCLA and the LASBC boards adopted ten broad priority categories for the service area as a whole.⁵ Each board established priority setting committees to plan a division of labor for implementation of the broad priority categories to provide a full range of services throughout the service area. Based on this process, the board decided that CCLA would continue to limit its direct provision of services to Broward County and only in the following subject areas for the client population: 1) housing issues for persons 60 and older; 2) health and mental health regardless of age; 3) family law regardless of age; 4) public benefits regardless of age; 5) the rights of the disabled regardless of age; 6) consumer services for persons 60 and older; and 7) naturalization for persons 60 and over. In addition, the board decided that all of the priorities for the service area should be included in the priorities for the service area's pro bono projects, which are implemented under a subgrant agreement with LASBC.

The established priorities are reviewed annually by the board of directors and will be supplanted by the priorities to be identified at the conclusion of the ongoing needs assessment process. The existing priorities reflect the availability of other providers and resources available to low-income persons in the service area. Through regular communication and liaison with service agencies, state and local government agencies, the judiciary, the organized bar, and its

⁴ The results of the needs assessment completed in 2005 were compiled by Florida Atlantic University's Department of Urban and Regional Planning.

⁵ The ten broad priority categories include: housing, health/mental health, family law, public benefits, rights of the disabled, education, consumer services, employment, immigration, and environmental issues.

regional and state justice partners, CCLA receives constant feedback on its delivery strategy and learns of new and emerging needs.

The division of labor between CCLA and LASBC for implementing the adopted priorities is an efficient one that avoids duplication of effort. The division of labor is also consistent with CCLA's continuing obligation to demonstrate to LSC's satisfaction that the program is an active participant in a sustainable delivery system that assures the availability of a full range of legal services to the client eligible population in the service area.

Criteria 3 and 4. Implementation, evaluation, and adjustment of the program's work.

Finding 3: CCLA's allocation of resources is consistent with its current priorities. The program's specialty law units are aware of changes and emerging needs in their respective areas of work, and with the program's management, they evaluate the overall effectiveness of their delivery strategies and work on a continuing basis.

CCLA implements its legal advocacy and representation priorities through three specialty law units—seniors, family law, and public benefits. As discussed in more detail under performance area three below, the staffing of the units is reasonably consistent with the priorities established by the board of directors. The advocate staff are keenly aware of the program's broad priorities, the types of cases and level of services to be provided. The program shares the Florida state justice community's aggressive advocacy philosophy and the specialty law units structure their work to carry out the adopted strategies and to accomplish the goals, objectives, and outcomes articulated for each of the program's priority areas.

Client satisfaction surveys are used by all three specialty law units, albeit each unit uses a different survey form and seeks different feedback. For example, the Public Benefits Unit's survey asks three "scaled" questions. The first asks "how satisfied were you with our overall level of service?" on a scale of one to ten, with one being "very satisfied" and ten being "dissatisfied." The question also permits the client to explain "if dissatisfied." The Senior Citizen Unit uses a post card to ask two unscaled questions: "Were you satisfied with the overall service provided by our staff? What could we do to improve our service?" And the post card permits clients to express "any additional comments." While the first question on the post card solicits a "yes or no" response, the second question and the additional comments request suggest a brief narrative explanation. The Family Unit's survey contains an introductory narrative that states, in pertinent part: "It is our goal to provide a quality service to as many clients as possible. We hope we accomplished that. Please let us know if we did." The survey then goes on to ask clients to rate on a scale of one (worst) to ten (best) four classes of employees⁶ they may have encountered and the program's "facility, location, phone system, [and] parking." To be minimally effective, a program's client satisfaction survey should ask some standardized questions to allow management and supervisors to compare results across the program and between specialty units.

⁶ These include: "Receptionist at front desk; The intake paralegal who did your intake interview; Secretary you worked with; [and] Your attorney." The form asks for the name of each employee, if known.

CCLA periodically adjusts its approach to client service when changes and emerging needs are identified by the specialty units. The program adopts a dynamic vision of its work relative to the specific needs presented and, within the limits of available resources and the terms of its funding, makes adjustments. For example, CCLA adjusted its delivery strategies and work to respond to the housing foreclosure crisis being experienced by seniors. In this regard, the program increased the number of attorneys representing seniors facing foreclosure, increasing the number of seniors represented by 34 percent from the prior year. The increased resources were possible through a foreclosure prevention funding grant from the Office of the Attorney General. The program also pointed to the increased demand for assistance regarding unemployment claims as a result of the current economic downturn. Accordingly, the public benefits unit expanded the number of cases accepted under this priority category. In the area of food stamps, the program cited the work of the public benefits unit that led to a rule change that streamlined the online food stamps application process. The program reported an overall increase of 34 percent in the number of clients assisted with public benefits issues.

CCLA is also funded by the Florida Bar Foundation, which encourages its grantees to keep records of amounts of back awards, monthly benefits and other one-time financial benefits obtained for clients in areas like Social Security, SSI, unemployment compensation, family law, consumer and other cases. Accordingly, the program's case management system, Legal Server, contains a menu for identifying the main benefit obtained for clients. This data is provided by the individual advocates at the close of the case or obtained by the administrative assistant from items in the case file such as court orders and closing letters. There is a separate outcomes menu for the program's foreclosure grant.

While CCLA and its advocate staff appear to have a heightened awareness of the need to evaluate the effectiveness of program's work on a continuing basis and make appropriate adjustments where warranted by the evidence, there is no formal structure for program-wide evaluation across specialty law units. Each specialty law unit examines the outcomes and results of its own work on behalf of the client population and recommends adjustments in goals, objectives, strategies, and legal assistance activities.

In its 2010 competitive grant application to LSC, CCLA explained that the executive director meets on a regular basis with the leaders of the specialty law units, and that "[a]t these meetings, there is always a focus on evaluating our delivery system and looking at what we can do to improve services to our clients. Case statistics for the program, by unit and by advocate, are distributed to the executive director and supervising attorneys on a monthly basis. These reports are used to compare relative caseloads and to review staff productivity. Supervisors can also generate reports to track the progress of a case or to reflect staff resources devoted to a substantive priority area." This was the overarching evaluation and adjustment process at the time of the visit. While CCLA is commended for its impressive collection of outcome data, this approach alone does not effectively compare the results actually achieved in the program's work and the outcomes "originally intended", as recommended by the *LSC Performance Criteria* as a best practice.

Finding 4: The 2007 strategic plan undertaken with its regional partner, Legal Aid Service of Broward County, is now outdated.

With its regional partner, CCLA conducted its first strategic planning in fall 2007. The planning process was a very abbreviated one that resulted in what was termed “five regional priorities: (1) Advocacy/Client Experience; (2) Controlled Growth/Fundraising; (3) Employee Morale; (4) Image and (5) Space.” In the years following the strategic planning process, committees of staff and board members from each program were formed “to develop action plans and goals for each priority” to provide future directions for the programs. Out of necessity, the working relation between the two partnering organizations has changed and completion of the new needs assessment will likely show the extent to which circumstances in the service area and state have changed to warrant an updated strategic plan. CCLA should take advantage of the opportunity to build its strategic planning process on the legal needs assessment currently underway.

In updating the strategic plan, CCLA may want to consider the publication, *Driving Strategic Planning: A Nonprofit Executive’s Guide* by BoardSource.⁷

Recommendation I.4.3.1.⁸ CCLA should explore the development of an internal evaluation policy and procedure to ensure that a comparison of "the results actually achieved with the outcomes originally intended" is a significant element of the program's self-evaluation process.

Recommendation I.4.3.2. CCLA should adopt uniform client satisfaction surveys to obtain a program-wide quality assessment and comparison between specialty law units to confirm that all

⁷ *Driving Strategic Planning* is a practical, easy-to-use guide on how to effectively manage the strategic planning process from start to finish. Among other things, the publication provides:

- A rationale for strategic planning that helps you make the case to others;
- A roadmap to the comprehensive planning process with particular emphasis on the steps to take to optimize contributions from the board of directors;
- Advice about whom to include in the process and why;
- Clarity on each participant’s role;
- Guidance on to structure and manage conversations with key stakeholders;
- Tips on how find the right balance between managing people and processes to foster agreement;
- The components of a strategic plan; and
- Ideas for how to extend the process to include continuous evaluation of how well the organization is staying focused on planning and executing the plan.

Other information on strategic planning can be found on the LSC online library website at www.lri.lsc.gov and on the Management Assistance Program for Non-Profits’ sites at www.mapforprofits.org or www.managementhelp.org.

⁸ In this report, recommendations are numbered as follows: The Roman numeral references the Performance Area followed by the Criterion number, the finding number, and lastly the recommendation number that pertains to the particular finding. 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 CCLA's next grant renewal and/or competitive grant application, the program will be required to report what actions or activities, if any, CCLA has undertaken in response to Tier One Recommendations instead of submitting a full grant renewal or competitive grant application narrative.

clients are treated with dignity and respect, are being kept informed and properly consulted regarding the conduct of the representation, and are satisfied with the outcome in their cases.

Recommendation I.4.4.1. CCLA should take the necessary steps to begin a strategic planning process. The program should ensure that board members and key staff obtain the necessary training and related substantive knowledge before undertaking this planning.

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

Criterion 1. Dignity and sensitivity

Finding 5: There are slight differences in intake procedures among the specialty units, and in some cases within units, depending upon the nature of the assistance sought. Advice and limited services are not provided at the time of initial contact.

CCLA and its staff have a reputation in the service area and state justice community for treating clients and applicants for services with dignity and sensitivity. The team uniformly heard high praise for the staff's commitment to the low-income population. The program's services, communications, and activities are conducted in a culturally and linguistically competent fashion, including extensive language access efforts on behalf of persons with limited English proficiency.

As a general matter, applicants access CCLA's services by telephone or by walking in. CCLA prefers that applicants access the program by telephone to allow the program to reach more clients and provide more timely services. All telephone calls are local and telephone applicants are directed to a specialty unit by an automated message in English, Spanish, or Creole. Telephone intake at CCLA is basically a call back system involving the use of intake paralegals to screen for priority case type, financial eligibility and conflicts, enter completed intakes in the case management system (case file marked "pending for review"), assign pending case files to a specific advocate in accordance with the relevant specialty unit's previously established duty roster, and generate hard copy files for the assigned advocate. The attorney from the relevant specialty law unit calls the applicant within 24 to 48 hours and may provide appropriate legal advice and conduct the program's legal check-up.⁹ If other issues are revealed by the legal check-up queries, the applicant is referred to the appropriate specialty law units at CCLA or to the other legal aid provider in the service area, LASBC. If the call back attorney decides to provide the applicant assistance beyond counsel and advice or other limited action, the

⁹ The Legal Check-Up is a list of 20 questions like the following: "Within the last 6 months, has your husband/wife/boyfriend/girlfriend slapped, punched, shoved or imposed controlling behavior on you? ...Do you want to file for divorce? ...Are you 60 years of age or older? ...Are you behind on your mortgage payments? ...Do you want to file for personal bankruptcy? ...Do you have any problems with paying rent, or other problems with your landlord? ...Do you have a disability for which you believe you are entitled to public benefits? ...Did you or anyone in your household recently become unemployed and/or applied for unemployment compensation benefits? ...Is your child having any of the following problems in school: behavior, suspensions, expulsions, academic, in need of special services or special education?..."

attorney schedules the applicant for an in-office interview and the original intake file is returned to the intake paralegals to generate a full service case file.

The specific process from initial screening to case acceptance varies slightly between units, especially between the family law unit on one hand and the senior and public benefits units on the other. There is a designated telephone number for the family law unit's intake, which is conducted between 9:00am and noon, Monday through Friday. The focus is mainly on full representation of eligible domestic violence (DV) victims. After screening case type, financial eligibility and conflicts, applicants seeking a DV protective order are routed to one of the two DV staff attorneys. These cases are considered emergencies. Non-protective order cases with pending deadlines are routed to the non-DV staff attorneys. And eligible cases with no pending deadlines placed on the Family Law Unit's wait list. Applicants are told that if they receive court papers from a spouse, then their case will be considered immediately. As they reach the top of the wait list, DV divorce applicants are scheduled for in-office appointments for an extensive substantive interview with a family law intake paralegal.

While program policy allows walk-in applicants, intake procedures differ among the specialty law units. The senior and public benefit units allow walk-ins in the broadest sense. In the family law unit, if walk-ins do not present an emergency,¹⁰ they are given the telephone intake number and hours of operation and told to apply by phone.

The mechanism for case acceptance varies among specialty law units. The senior unit meets at least once a week on foreclosure cases. Acceptance of non-foreclosure cases seems to be left to the discretion of individual advocates. The family law unit holds case acceptance meetings informally on a daily basis for DV matters. Acceptance of non-DV cases is left to the discretion of advocates who receive them on a rotating basis. The public benefits unit holds case acceptance meetings twice a week.

Finding 6: CCLA has a written policy on providing services to client eligible individuals with limited English proficiency.

CCLA has a written policy on serving limited English proficient populations and the on-site visit confirms that the program values the dignity of clients and serves them in a culturally competent manner. All of the program's advocates and intake staff are charged with ensuring that the clients' primary language and any need for an interpreter are noted in open case files. After English, the primary languages spoken by significant segments of the client-eligible population are Spanish and Creole. CCLA's client retainers and grievance notice are available in Spanish and Creole.

The program is keenly aware that Broward County, the most populous of the service area's two counties, leads the state in the number of languages spoken by its population. Collier County is among the top 20 counties. At least one intake paralegal in each of the program's specialty law units speaks Spanish. In the senior unit, two of the five attorneys speak Spanish;

¹⁰ Seeking an injunction against a DV perpetrator, a scheduled final hearing for a DV injunction, and having been served with a family law action satisfy the emergency requirement.

and one attorney speaks Creole. In the family law unit, one of the four attorneys speaks Spanish; one paralegal speaks both Spanish and French; and one of the two secretaries speaks Spanish. In the public benefits unit, one of three paralegals speaks Spanish; and one paralegal speaks Creole and French. In addition to its in-house staff, CCLA has access to Language Line and court certified interpreters.

Finding 7: CCLA's one office is reasonably located to achieve broad access and utilization by low-income individuals and families.

CCLA's operation is housed in a single office located in city of Plantation in Broward County, which it shares with its partner organization, LASBC. This single facility houses the program's advocates, administrative and support staff, and executive director. The city of Plantation is a population center that is reasonably accessible to the low-income population of Broward County. In terms of its physical structure, the program's office is accessible to the physically handicapped; it was clean and professional in appearance; its physical layout is reasonably designed to preserve client confidentiality.

CCLA's single office in Plantation is complemented by the office of its regional partner at the same location and by LASBC's office in the city of Naples in Collier County.

Recommendation II.1.5.1. CCLA should fully memorialize the various intake policies of the specialty law units into single policy and procedure document to make them more explicit and accessible for staff and to foster shared ideas on intake and case acceptance decisions across units.

Criteria 2 and 3. Engagement with the low-income population; access and utilization by the low-income population.

Finding 8: CCLA is reasonably engaged with the client population throughout the service area and strives to incorporate their perspectives in the program's work.

CCLA is known in communities throughout the service area. Community organizations and groups, social service agency personnel, domestic violence shelters, and state and local government view the program as an important and critical resource for low-income persons. The program's advocates are respected and have good reputations with the bar and bench.

CCLA staff makes community legal education presentations to address housing, consumer, public benefits, and domestic violence issues in collaboration with a variety of partners. The family unit has extensive involvement in the Broward County DV network; the senior unit has touched many other community organizations with its work against foreclosures; and the public benefits unit has participated in meetings, trainings, and ongoing discussions with many partners to improve services and coordination. The CCLA advocates are active in bar associations and local charities, state and national listservs, and regional and state task forces.

The program coordinates closely with social service organizations, foundations, organized bar associations, members of the private bar, and other institutions to maintain,

improve and supplement its services to the client community. In particular, CCLA has established and cultivated a wide array of other major institutional resources in the service area. These partners are either actively involved in, or have the capacity to provide significant support for, the provision of legal assistance to eligible clients. Thus, they are potentially critical allies in CCLA's efforts to expand program funding. The team was able to confirm that CCLA benefits from highly productive relationships with, among others, the Urban League of Broward County, the Florida Coalition Against Domestic Violence, the Aging and Disability Resource Center of Broward County, Minority Development & Empowerment, Inc., and the Florida Bar Foundation.

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

Criteria 1. Legal Representation.

Finding 9. CCLA's advocate staff is diverse and highly experienced.

Excluding the executive director, the attorney staff constitutes 44.4 percent of all CCLA employees. The 12 attorneys include a good balance of more and less experienced advocates, who are creative and aggressive in representing the client community. Of the 12 attorneys, three are supervising attorneys, or the functional equivalent, and nine are staff attorneys. CCLA's attorney staff is also supported by a director of litigation on the staff of LASBC.

The Public Benefits and Family Units are supervised by supervising attorneys. The Senior Law Unit is supervised by the executive director and by a staff attorney who appears to be the de facto supervising attorney of the housing work of the Senior Law Unit, although she has not been given the title. The supervising attorneys, including the de facto supervising attorney of the Senior Law Unit, have an average of 28.7 years of experience in the legal profession, the majority of which in delivery of legal service to the poor. All of the supervising attorneys are women, with one being Hispanic. They are all specialists in one or more of the subject matter areas handled by their specialty unit--seniors law, family law, and public benefits law respectively.

CCLA has a reasonably diverse and sufficiently experienced staff that mirrors the relevant workforce in South Florida. In addition to experience and diversity, the program's staff have sufficient language abilities to serve the service area's low income population. Seven staff members, including three attorneys and three paralegals, are proficient in Spanish. One attorney and one paralegal are proficient in Creole. And, a paralegal and an administrative assistant are proficient in French.

The program's advocates have an excellent reputation among judges, administrative agencies, community organizations, and state justice community partners. They are viewed as committed, caring professionals who value their work and clients.

Finding 10: The quantity of legal work performed by CCLA is reasonably related to the program's staffing and financial resources. The amount of extended service representation is a significant strength of the program.

For calendar year 2010, CCLA reported closing 2,169 LSC eligible cases, which is greater than the number of cases it closed in 2008 and 2009. The program's closed cases per 10,000 poor people is lower than the national median and the national average.¹¹ This disparity may be the result of a number of factors, most notably CCLA's uniquely shared service area with LABC. If CCLA's 2010 closed case totals are combined with that of LASBC, the closed cases per 10,000 poor people of their combined two counties approaches the national median and average. Additionally, two of CCLA's three units (Senior and Family) receive funds that allow for representation of those over the 125% of poverty level which are not included in CSR data. Of perhaps greater import, CCLA's percentage of closed cases involving extended representation was well above the national average; 37.9% as compared to the national average of 21.7%. Thus, although CCLA may be handling fewer cases, the cases appear to receive a higher level of service.

The largest segment of the program's closed cases are in the income maintenance (public benefits) area, followed by family law and housing. In 2010, the program closed 794 income maintenance/health cases, 525 family law cases, and 456 housing cases. The next highest case types were consumer (162) and individual rights (88), each of which were predominately for seniors. The higher income maintenance figures are a function both the Senior and Public Benefits Units handling such matters. The overall distribution of closed cases appropriately tracks the programs' priorities.

Individual caseloads at the time of the visit reflected a range of 14 to 80 cases. Although wide in scope, the lower figures involved more complex issues and/or additional activities/duties on the part of the case handler with the larger number reflecting more necessarily inactive cases. Advocates appeared to be on top of their cases and cases were generally closed in a timely manner.

Finding 11. The legal work performed by CCLA is of good quality.

Legal representation is effectuated by means of a mix of limited representation and extended representation and, as noted above, the percentage of extended representation far exceeds the national average. Advocates practice in a variety of forums including State Trial and Appellate Courts, Federal Court, and various administrative tribunals.

Although the extended cases focus on individual representation, a number of cases has had impact well beyond the individual. The Public Benefits Unit work plan provided that 50% of their work be systemic in nature. This goal appears to be largely realized. For example, an

¹¹ In 2008, CCLA closed 1,417 LSC eligible cases, amounting to 70 cases per 10,000 poverty population compared to the national median of 254 and the national average of 251 cases per 10,000 poverty population. In 2009, CCLA closed 1,786 LSC eligible cases, amounting to 88 cases per 10,000 poverty population compared to the national median of 265 and the national average of 259 cases per 10,000 poverty population. CCLA's 2,169 closed LSC eligible cases is equivalent to 107 cases per 10,000 poverty population compared to the national median of 284 and the national average of 262 cases per 10,000 poverty population.

individual Medicaid case resulted in a statewide transmittal benefiting all Florida Medicaid recipients who had received SSI benefits cessations. In another case, an individual challenge to the wording of the online food stamp application resulted in a beneficial change for all on line applicants. Similarly, the program's Senior Unit undertook local cases of first impression in the foreclosure and garnishment arenas wherein they received a favorable result that will inure to all similarly situated litigants.

Individual cases have also realized extensive monetary benefits for clients. In 2010 the program secured for clients over \$800,000 in back awards of various public benefits including Social Security and Unemployment Compensation. An additional \$33,000 in back child support was also realized. Of a more lasting nature, successful advocacy on the part of CCLA staff resulted in over \$1.75 million in annualized ongoing monthly income for its clients through both governmental and familial sources.¹²

CCLA advocates are well respected within the legal and client community. Judges interviewed stated that they were "well prepared and professional". Partners in the greater legal services community volunteered that CCLA attorneys had an excellent mind for spotting issues.

Finding 12. CCLA has legal work management, supervision, and related policies, procedures, and systems in place to ensure high quality, effective, and efficient legal representation and advocacy; however the policies are not uniformly followed.

CCLA has established written legal work management and supervision policies, procedures, and systems to ensure that the program's legal work is conducted in an effective and high quality fashion. These are included in a manual titled Supervision and Attorney Evaluation Guidelines, based in part on the *LSC Performance Criteria (2006)* and the ABA's *Standards for the Provision Civil Legal Aid (2006)*. The manual articulates valuable supervisory standards that go to the heart of high quality work from which managers and their supervisees can gain significant benefits. These include monitoring of case assignment and work load; client representation skills such as client counseling and advocacy skills; case file maintenance; periodic case status reports; open case file reviews; closed case file reviews; courtroom observations and in-house observations.

Oversight of legal work performed by staff attorneys and paralegals at CCLA is done by the supervising attorneys of the specialty law units as well as the executive director. Supervisors strive to ensure high quality work through various supervision activities, including advice, periodic case reviews, review of case management information reports, feedback and performance evaluations, unit meetings, and identification of training needs and support. The extent and regularity of such activities differs among supervisors.

¹² CCLA's 2010 Self-Assessment Report to the Florida Bar Foundation reflects back awards of \$510,535 in Social Security, \$342,845 in unemployment, and \$33,045, in other public benefits. The same report showed monthly awards of \$38,789 in Social Security, \$27,385 in unemployment, \$27,385 in other public benefits, \$38949 in child support and \$400 in alimony. The annualized aggregate of these monthly benefits equal \$1,789,548.

The executive director is responsible for the overall substantive legal work of the program, including supervision of the program's specialty law unit leaders (supervising attorneys). Her written job description states that she will also oversee the Senior Unit.

The executive director performs her supervisory responsibilities through monthly management meetings, reviewing cases through the Legal Server case management system, and performing annual staff evaluations of supervising attorneys and the de facto Senior Unit supervisor. In addition to overseeing the work of the attorneys, paralegals, and clerical staff in their specialty unit, supervising attorneys carry a caseload.

The Public Benefits Unit holds weekly meetings wherein they discuss intake, issues, and individual cases. An additional meeting during the week is held if necessary. Cases accepted for extended representation are assigned by the supervisor. While one-on-one case file reviews are not done, monthly case reports are generated for each casehandler for inactivity or need to close. An annual work plan is generated for individual advocates. There is a random check of closed cases. Most extended written products of attorneys are reviewed as well as the writings of paralegals. Members of the unit confirm that the supervisor is very accessible, devotes a significant amount of time to case discussions and strategizing, and accompanies them to some hearings. Annual evaluations of the unit staff are done pursuant to the extensive guidelines. The public benefits supervisor is supervised by the executive director.

The Family Law Unit is split into 2 sections; domestic violence cases and other family law issues for domestic violence victims. There are 2 attorneys in each sub-unit and they each have a procedure for dividing the caseload. While each side of the Family Law Unit routinely discusses cases informally, the unit does not regularly hold general unit meetings for discussions and strategy sessions on the unit's work. The family law supervisor reviews all intakes that come into the unit and signs off on all unit closed case files, whether involving limited or extended service work. Although a sampling of cases is reviewed each month or for the evaluation, there are no full case reviews. Review of written work is self-directed. There are no case handling paralegals in the family law unit. Annual evaluations of the unit staff are done by the supervising attorney. The family law supervisor is supervised by the executive director.

The senior law unit is also somewhat split into subsections; housing/foreclosure and public benefits. The unit as a whole holds general meetings from one to two months at a time with the housing section meeting weekly to discuss and assign cases. Meetings of the public benefits sub-unit are more informal and cases are generally assigned by subject matter. The staff attorney who shares supervision of the unit with the executive director supervises two of the unit's other staff attorneys and one paralegal in the housing/foreclosure areas. The executive director supervises the unit's public benefits attorneys as well as the de-facto supervising attorney. With her current management/leadership responsibilities, it would seem that the executive director would not have sufficient time to undertake the level of supervision required by the program policies. Senior unit staff attorneys supervise the paralegals in the unit.

Supervision activities are varied among the subunits although all supervisees receive an extensive yearly evaluation.

Finding 13. The specialty units essentially operate separately with limited interaction.

At present, it appears that the specialty units do not meet to strategize, share best practices, and/or discuss issues that advocates should be on the lookout for. Typically, program-wide meetings generally surround an administrative issue (insurance-funding-a visit by a funder) and unit supervisors only have management meetings combined with LASBC. During the course of the visit, a number of staff from each of the units mentioned that they were not fully aware of the work of the other units. Given that the three specialty units operate separately, except for an occasional interaction regarding individual case referrals or consultation, this is not surprising. Most staff expressed a desire to not only learn more about the activities of the other units but the different substantive areas of law as well. It was also clear from the advocate interviews that different units utilize different skill sets. For example, the family law unit, although routinely in court, engages in limited written advocacy. Alternatively, the public benefits advocates draft extensive memorandum but rarely appear in court.

Finding 14. CCLA provides its advocates ongoing and comprehensive training to ensure high quality, effective legal advocacy that responds to the critical legal needs of the service area's low-income population.

All of the advocates interviewed confirmed that CCLA affords staff sufficient opportunities to attend training. The program makes generous training available to advocates. In discussing CCLA's strength, the executive director cited the program's legal work and its heavy emphasis on training and professionalism. Training consists of Continuing Legal Education (CLE) programs as well as statewide and national events. The executive director approves all training, with input from unit leaders and others.

Staff reported attending a variety of training events including in-house, local, state, and national training. Such events included --MIE training, affirmative litigation training, basic legal advocacy training, appellate training, NITA training, community lawyering by CLAE and Florida Legal Services, statewide training by Florida Legal Services, DV training at the local court, NLADA annual conferences, Consumer law training by NACA, and TANEF training.

Finding 15. CCLA is in the process of overcoming its computer and other technology challenges.

Through the Internet generally and Westlaw in particular, CCLA advocates have access to a vast array of computer assisted research and ready access to materials such as federal and state statutes, state and federal reporters, law review articles, pertinent treatises, poverty law reporters and other writings on legal issues facing low income persons. Advocates participate in a variety of listserves related to their area of practice.

Hard copy source materials such as poverty law practice manuals from the National Consumer Law Center (NCLC) and the National Housing Law Project (NHLP), and poverty law journals like Clearinghouse Review complement the program's on-line research capabilities.

Technology use varies greatly among the units. For example, the Public Benefits Unit has instituted an E-File pilot project for its advice and limited service cases wherein paper files are no longer necessary. Alternatively, a number of advocates from other units expressed an interest in learning more about available technology beyond word processing and basic case management. The programs recently set up a joint technology committee and, with a CCLA Public Benefits Unit attorney spearheading the group, they hope to address document management systems, telephone skills assessment, use of Hot Docs, and peer training.

Recommendation III.1.12.1.* CCLA should consistently follow the Region 7 Supervision and Evaluation Guidelines, especially regarding initial case assignment and subsequent case reviews involving experienced as well as new advocates..

Recommendation III.1.12.2.* CCLA should consider making the de facto staff attorney supervisor a supervising attorney and leader of the entire Senior Law Unit.

Recommendation III.1.13.1.* CCLA should implement mechanisms that would facilitate a broader sharing of knowledge and services among the three units in an effort to enhance, among other things, collaboration, issue spotting, skill building, professional development, and more systemic approaches to advocacy.

Criterion 2. Private Attorney Involvement.

Finding 16: Through a subgrant agreement with LASBC, CCLA is striving to make PAI an integral part of the delivery system to provide an enhanced quantity of high quality, economical and effective legal assistance to eligible clients.

The program satisfies its PAI requirement through a pro bono subgrant with its regional partner, LASBC, and through an additional collaborative effort with the Broward County Bar Association and the Collier County Bar Association, referred to as Broward Lawyers Care¹³ and Collier Lawyers Care, respectively (hereafter, pro bono projects). These collaborative efforts are striving to enable busy attorneys to make a difference in their community by streamlining the administrative process so that the attorneys can use their valuable time actually handling cases. The pro bono projects prescreen cases for merit and financial eligibility, track and report pro bono hours, cover pre-approved court and litigation costs, furnish malpractice insurance

¹³ The CCLA PAI plan explains that “[Broward Lawyers Care] (BLC) is a division of [LASBC’s] Development Department, reporting to the director of development. BLC staff includes a pro bono coordinator/assistant director of development who supervises two pro bono assistants and coordinates recruitment, recognition and retention efforts throughout Broward County. Responsibilities of the staff include handling day to day referral of cases, maintaining client files, interacting with attorneys and case updates. Administrative support to the program is provided by the [LASBC] program administrator, executive director and director of advocacy.”

The CCLA PAI plan goes on to explain that “Collier Lawyers Care (CLC) [is] a cooperative effort between [LASBC d/b/a Legal Aid Service of Collier County] and the Collier County Bar Association, using volunteer private attorneys...[As such, CLC too is part of LASBC’s] Development Department, reporting to the director of development. CLC’s staff includes a pro bono coordinator, and an assistant pro bono coordinator...”

coverage, match attorney's areas of expertise with the legal needs of low-income clients, follow up on client appointments and case status, and offer free CLE education and mentors.

The CCLA executive director is responsible for monitoring the subgrant agreement with LASBC, providing appropriate oversight and ensuring compliance. It should be noted, however, that LASBC previously served as an LSC recipient for more than 25 years and is fully familiar with LSC regulations. A client satisfaction survey is used by the Collier County pro bono project but not Broward.

In 2010, there were 8,748 attorneys in the service area who were eligible to participate in CCLA's PAI efforts. Of this number, 1,405 (or 16.1 percent) agreed to participate. The pro bono projects actually referred 410 new LSC eligible cases in 2010 and pro bono lawyers closed 330 LSC eligible cases that year. This amounts to 15.2 percent of the 2,169 LSC eligible cases closed by CCLA that year. Of the 1,841 LSC eligible cases closed by CCLA during the period January 1, 2011 through July 31, 2011,¹⁴ the pro bono projects were responsible for 187 (10.2 percent).

In terms of core priorities, the goal is that the pro bono cases under the subgrant agreement be in the same priority areas as the legal assistance provided by CCLA and LASBC—"housing (foreclosure, predatory lending, tenant eviction, and condition cases), consumer, family law, senior, immigration on behalf of victims of domestic violence, health, public benefits and income maintenance (tax and employment)."¹⁵ In 2010, 154 (46.7 percent) of the 330 LSC eligible pro bono cases closed were in the family law area; 76 (23 percent) were housing; 24 (7.3 percent) were consumer; and 11 (3.3 percent) were income maintenance (public benefits). For the first seven months of 2011, 112 (60 percent) of the 187 LSC eligible pro bono cases closed were in the family law area; 32 (17.1 percent) were housing; 9 (5 percent) were consumer; and 4 (2.1 percent) were income maintenance (public benefits).

The Broward pro bono project operates a *Pro Bono Advice and Counsel Hotline*, which is still in the developing stage. Basically, the goal is that the project will identify cases for advice and counsel, conduct intake, then provide advice one to two days a month, depending on the number of pro bono attorneys or law firms that will agree to participate. An advice manual will be prepared. Participating pro bono attorneys will come to the LASBC office to give advice. In Broward only 10 percent of practitioners are located downtown; smaller intra-county bars have emerged over time and the county contains a high volume of solo practitioners. Many large firms have downsized. More solo practitioners have taken pro bono cases. Collier County has many small towns and there is a very small pool of practitioners to pull from for direct representation and approaches like legal clinics. Nevertheless, Collier has a pro bono foreclosure task force that is very active.

¹⁴ Since the program quality visit was conducted in October 2011, the team only examined case statistics for the first seven months of the year. The submission deadline for CCLA's actual case services reports to LSC is February 15, 2012.

¹⁵ In addition, there is a substantive specialty project for child dependency at LASBC.

In Broward County, LASBC plans to explore an emeritus pro bono program as part of strategic planning in the coming year. A founding board president of LASBC, who is also a statewide leader in the bar, is interested in working three mornings for the pro bono project.

Recommendation III.2.16.1. With LASBC and the pro bono projects, CCLA should explore meaningful ways to increase the number of recruited attorneys who actually accept at least one case during the calendar year.

Recommendation III.2.16.2.* While the Collier County pro bono project should continue using its current client satisfaction survey, CCLA should develop a client satisfaction survey instrument for Broward County PAI clients assisted by the LASBC pro bono project.

Recommendation III.2.16.3.* CCLA should develop a satisfaction survey instrument to obtain feedback from pro bono attorneys to, among other things, help increase recruitment and case placements.

Recommendation III.2.16.4.* With LASBC, CCLA should take the necessary steps to ensure that strategic planning for the pro bono programs not be undertaken in isolation or separate and apart from comprehensive strategic planning for CCLA as a whole.

Recommendation III.2.16.5.* With LASBC, CCLA should evaluate annually the development activities undertaken in connection with the program's PAI obligation to guard against mission drift.

Criteria 3 and 4. Other program services and activities.

Finding 17: CCLA engages in a myriad of other services for clients including community legal education, training of community partners, and involvement in various bar, social service, and community activities designed to assist the low income population.

All of the units engage in community legal education activities throughout the county including presentations at Senior Centers, Local Libraries, Shelters for Abused Women, and Nova Law School. The family law unit experimented with a Pro Se Clinic but later chose to reject it in favor of more individualized advice and counsel for pro se litigants.

The units routinely collaborate with agencies and community groups with a shared clientele. For example, Family Law Unit staff are members of the local domestic violence commission and on the board of Women in Distress. The Senior Unit is actively involved with the office of Aging and the Public Benefits Unit has commenced working with local veterans groups. Of particular note, the Public Benefits Unit has a unique relationship with the local social services agency wherein joint clients have a special number to call if there is an issue with their case.

Attorney staff are not only members of the Broward County Bar but also specialty bars such as the Broward Hispanic Bar and Young Lawyers Section.

PERFORMANCE AREA FOUR. *Effectiveness of Governance, Leadership and Administration.*

Criterion 1. Board Governance.

Finding 18: The CCLA board of directors, a one hundred percent overlapping body with LASBC, provides appropriate oversight and shares the mission of the program.

CCLA is governed by a 21-member board of directors composed of 13 attorneys, seven client members, and one other member, who must be a CPA designated by the Broward County or Collier County Chapter of the Florida Institute of Certified Public Accountants. The members are diverse in terms of race and gender. Members are limited to two successive three-year terms, but may be reappointed after being off the board for three years. It is common for members to serve two 3-year terms and for some members to return, as the bylaws permit, for additional terms following a 3-year hiatus.

The CCLA board of directors described above overlaps one hundred percent with the board of directors for LASBC. Neither CCLA nor LASBC is considered the parent or subsidiary of the other. The two organizations are and act like separate legal entities.¹⁶

A core group of the members is very active. The by-laws permit removal of members for good cause, including three unexcused absences from board meetings during a 12-month period. Board officers are elected to one year terms, which can be renewed. The board has a finance and audit committee, as well as executive, personnel, program integrity, eligibility (which includes client grievances), conflict of interest, and cy pres committees. A quorum of members has attended each scheduled board meeting within the last 24 months. There is a written policy that addresses conflicts of interest or potential conflicts of interest.

The board meets bimonthly. Most meetings are held in Broward County although one meeting is held each year in Collier County. Meetings are required to be held in person, except in cases of emergency or other compelling circumstances. An agenda and board packet are sent to members by both email and U.S. Mail one week before meetings. Committee meetings are scheduled, as necessary, and reports are made to the full board. Committee members may participate in meetings by telephone. The minutes reflect appropriate oversight and engagement.

The staff and board provide an orientation to new board members. Members are given copies of the LSC Act and regulations, and the LSC Performance Criteria. In 2009, some members participated in a “Boards in Action Leadership Academy” sponsored by the Community Foundation of Broward County and the Nonprofit Resource Center. Those who

¹⁶ All officers and board committee members are identical for the two organizations. This arrangement is permissible under the LSC regulations at 45 C.F.R. Part 1610. A Follow-Up to Program Integrity Review conducted by the LSC Office of Compliance and Enforcement found that in the case of CCLA and LASBC at present, the overlapping boards function as two separate boards, that separate meetings are held, and that the separate minutes reflect the real separation of the organizations.

attended found the experience very valuable. The participating members shared their experience and lessons learned with those who did not attend. Among other things, the members learned about board recruitment and fundraising and about effective CEO/Board Chair partnerships. Although not formally provided for in the bylaws, the board has a specific pattern and practice of having members ‘groomed’ for the chairpersonship by first having discharged the responsibilities of subordinate officer positions. For example, a member would first serve as secretary and as vice chairperson before assuming the position of board chair.

The members interviewed were familiar with LSC rules and requirements, including the integrity requirements and restrictions. They could discuss the program’s mission and accomplishments. Client-eligible board members are full participants and feel free to contribute during meetings. Most meetings are conducted on weekdays after normal business hours, and usually last no more than two hours.

CCLA does not have a leadership development or leadership succession plan, and the board has not considered such plans. However, when asked, members indicated that they are open to having the board establish a leadership development and succession plan. As to the major issues facing CCLA going forward, board members acknowledge the urgent needs for increased resource development to support the mission of the program and sustained public relations.

Monthly financial reports are provided to both the board treasurer and to the budget and audit committee. As part of its role of oversight, the board evaluates the executive director each year.

The executive director, the leaders of specialty law units, and other advocates make substantive presentations and reports to the board regarding the legal problems encountered by the low-income population, the program's delivery strategies, and the diversity of populations and communities in the service area.

Finding 19: If the CCLA and LASBC executive committees cannot resolve conflicts of interest claims between the two programs, mediation and binding arbitration will be relied on.

The CCLA conflict of interest policy¹⁷ states that “a conflict of interest occurs when an individual’s private interest or the interest of one organization interferes in any way with the interests of the other organization.” The policy adds that “A conflict of interest may also arise when a Director’s decision is influenced, or may be influenced, by a desire to avoid an adverse effect for the other organization.” Since each and every member of the CCLA board also serves on the board of LASBC, holds the exact same office on each board, and serves on the exact same

¹⁷ The policy is titled “Code of Business Conduct and Ethics for Directors” and stipulates that “Every Director must: (i) represent the interests of the organization; (ii) exhibit high standards of integrity, commitment and independence of thought and judgment; (iii) dedicate sufficient time, energy and attention to ensure the diligent performance of his or her duties; and (iv) comply with every provision of this Code.”

board committees, members may encounter conflicts in areas such as resource development. This kind of conflict is addressed by the commentary to the ABA Standards for the Provision of Civil Legal Aid¹⁸ as well as the CCLA conflicts policy itself.

The conflicts policy states that “When the actions or inactions of the Directors, in performance of their duties on behalf of one Corporation, conflict with the interests of the other Corporation, a conflict of interest arises. When that occurs or is anticipated, the Executive Committee of each Board shall meet together with the Executive Committee of each Board shall meet together with the executive directors of both Corporations to resolve the issues giving rise to the conflict of interest and to reach a solution that is acceptable to all. That resolution shall then be presented to both Boards for approval.” The policy goes on to say that “If the Executive Committee and the executive directors cannot agree on a resolution, the Executive Committee shall secure the services of a mediator, who will meet with the executive directors and the Executive Committee to mediate a resolution. Should there be an impasse at mediation, the parties shall proceed to binding arbitration. Each executive director shall select an arbitrator and the two arbitrators shall select a third arbitrator. The arbitration hearing shall include the Executive Committee and both executive directors. The arbitrators’ decision shall be rendered within 72 hours after the hearing, unless a different time is agreed to at the hearing, and shall be binding on both Corporations.”

Recommendation IV.1.18.1. The CCLA board should be integrally involved in any strategic planning undertaken by the program to evaluate the pro bono projects in the service area, to explore new approaches to resource development in the service area, and to enhance the public relations efforts on behalf of civil legal aid in the service area.

Criterion 2. Leadership.

Finding 20. CCLA has effective leadership in its executive director, administrative assistant, and specialty law unit leaders.

The program has effective leadership which works hard to establish and maintain a shared sense of vision and mission, and actively seeks to emphasize excellence, innovation, and achievement of goals, and objectives. CCLA’s executive director has successfully led the program from its inception in 2004 and over the subsequent seven years. She continues to build

¹⁸ “There may be situations where a governing body member is employed by, on the governing body of, or represents an organization that has a competing, adverse interest with that of the provider. These conflicts may arise, for instance, when the provider and another organization with which the governing body member is associated are competing for the same funding. Often these conflicts can be managed by disclosure and recusal from discussions and decisions that affect both entities. If the conflict is ongoing and involves access to information that may be confidential regarding such things as a long-term fundraising strategy or a confidential business plan, proper protection of the interests of the provider may call for the member to resign from the governing body.” *ABA Standards for the Provision of Civil Legal Aid (2006), Standard 1.2-4 (on Governing Body Members’ Conflicts of Interest)*(Standard 1.2-4 reads: “Governing body members must not knowingly attempt to influence any decisions in which they have a conflict with the provider or its clients.”).

on the “very good start” noted in previous site visits by staff of the LSC Office of Program Performance.¹⁹

The team heard numerous reports that program staff, starting with the executive director, are well and widely recognized as program leaders who are deeply committed to the program’s mission and who inspire a culture of energy, excellence and achievement. The levels of trust, confidence, personal integrity and loyalty appear to be very high throughout CCLA.

It appears that specialty unit leaders and staff are generally encouraged in their efforts to foster and support creativity and innovation. For example, the executive director and the supervising attorney of the Public Benefits Unit praised the initiative shown by newer attorneys in the unit who have initiated an internal E-files pilot project and who have actively identified and done independent preparation work for a variety of grant opportunities.

Staff, board members, and state justice partners interviewed are overwhelmingly of the opinion that the executive director is an effective leader. Staff view the program as a cohesive law firm. The team found this significant because CCLA was created in 2004 as the LSC provider for the service area as part of the reconfiguration of the service area. Staff at the time of its formation had all worked for LASBC, which continued to operate as a non-LSC provider in the service area and is the larger and better known provider.

The executive director holds monthly management meetings with the leaders of the specialty law units. General staff meetings are held from time to time for major policy or administrative discussions. The executive director moves quickly to address changes or new problems in the service area, and always strives to obtain meaningful input from staff. The team observed that the director is actively interested in and welcoming to innovative and creative staff suggested approaches to the program's work and operation, such as the program’s universal use of a holistic approach employing a “Legal Check-Up” system used at the intake stage and the Public Benefits Unit’s piloting of a paperless file system.

Criteria 3, 5 and 6. Overall management and administration; human resources administration; internal communication.

Finding 20: In addition to an overlapping board with LASBC, CCLA contracts with LASBC for certain administrative services.

CCLA contracts with LASBC for certain administrative services, including general office administration, accounting and bookkeeping; case management and file storage; courier services; development, public relations and grant writing; information technology; and reception. Under this administrative services contract, CCLA contributes a proportionate share of the cost for the following LASBC staff positions: Program administrator, assistant to program administrator, fiscal administrator, two fiscal assistants, director of development, grants specialist, secretary to director of development, courier, receptionist, file specialist, and IT director. In addition, CCLA

¹⁹ A post-reconfiguration visit in March 2006 and a program engagement visit in March 2009.

rents its office space from LASBC. The administrative services contract is approved by the CCLA program integrity committee and the full board.

The CCLA executive director and members of the board interviewed believe the administrative services contract with LASBC is cost effective and gives the program the benefit of staff experience and expertise not otherwise available. To be sure, CCLA has had some customer satisfaction issues with LASBC in the area of technology, as stated below.

Finding 21: Under the Administrative Service Contract, CCLA and LASBC are striving to improve overall technology for the program’s management and administrative systems, as well as the provision of legal representation and advocacy.

During the visit the team heard that CCLA has had a history of technology issues, including phone outages, crashed computers, and the need for updated peripherals such as scanners and printers. In addition, there was turnover in the technology provider contract. This history did not reflect well on inclusion of technology in the administrative service contract with LASBC. However, by the time of the on-site visit, LASBC had procured a new provider that appears to be performing in a more responsible manner.

A few of CCLA staff remain concerned about the fact that technology repairs and enhancement for CCLA still require the approval of LASBC. At the time of the visit, however, there were no evidence of significant delays in technology repairs and enhancements under the new technology provider.

Finding 22: CCLA is a well-managed and administered program, with good staff-management relations.

The on-site visit did not reveal any direct concerns regarding the overall management and human resources administration of the program, or related policies, procedures, and practices. The executive director and other program managers and administrative staff are capable and effective. The overall management and administration of the program appear to run smoothly. There is active oversight by the board of directors, especially where program integrity is implicated.

CCLA has timely and effective internal communication and relations with staff through the open door policy of the executive director, periodic staff meetings, and frequent emails. CCLA appears to be free of any serious morale or other internal personnel problems, which is a significant accomplishment considering the general state of the economy and the specific threats that loom with respect to private, foundation and governmental funding. The team concluded that this salutary situation was attributable, among other things, to the following factors:

- Program leaders seek actively to retain quality staff and to avoid undesirable turnover
- The program has developed and regularly utilizes clear, uniform and consistent personnel practices based on formal policies
- The staff – overall – is highly capable and mature, culturally competent and notably diverse

- The program periodically assesses salaries and employee benefits
- The program has and utilizes effective systems and procedures for assuring reasonably frequent communication among all staff
- The executive director has an open and direct communication style and actively solicits input, which is seriously considered
- The executive director conducts no fewer than five all-staff meetings per year and meets at least monthly with the management team

Criteria 4 and 7. Financial administration; general resource development and maintenance.

Finding 23: CCLA appears to have sound financial administration.²⁰

The on-site visit did not reveal any direct concerns regarding the program’s financial policies, procedures, and practices. The budget process includes active participation by the board. The program maintains a satisfactory cash flow and appears to be financially sound. CCLA has an administrative services contract with LASBC for assistance with the program’s financial administration. The fiscal and related administrative staff employed by LASBC to provide the services required by CCLA appear sufficient, capable, and effective.

CCLA’s adherence to financial policies, procedures and practices that comport with applicable AICPA requirements, as well as with the requirements imposed by federal, state and local government(s), and by the program’s funding sources, is readily apparent and permeates its operations. Based on interviews with board members and the team’s observations, the team concluded that budget planning and oversight are deeply ingrained, “second nature” habits of the program:

- The program’s board of directors includes a CPA with extensive knowledge of business valuation and forensic accounting who chairs the CCLA board’s Audit-Finance Committee.
- The program has detailed written policies and procedures describing all the requirements with which its operations must comply.
- The program has consistently earned “clean” internal audits.
- The program regularly issues financial statements.

²⁰ This visit was conducted by the Office of Program Performance (OPP) for the purposes set forth in the Introduction. OPP findings and recommendations under this criterion are limited to staffing, organization, and general functions. Assessment of fiscal operations is conducted by other offices at LSC.

- The materials for the program’s bimonthly board meetings routinely include appropriately detailed Treasurer & Operational Budget Reports based on board member-friendly reports.

Finding 24: Consistent with its mission, CCLA is striving to maintain and expand its base of funding.

LSC funding accounts for 75.6 percent of CCLA’s annual budget. Other funding sources include Title III-B funding (\$340,238), Florida Bar Foundation (\$202,280),²¹ LASBC (\$99,372),²² and Florida Coalition Against Domestic Violence (\$21,199). At present, CCLA does not have a resource development plan as the program has historically relied of LASBC's development efforts for additional funding via subgrants. Now, however, CCLA plans to explore a more proactive effort to expand its base of funding.

In 2008, CCLA produced a very abbreviated annual report that did not highlight its work or recognize major contributors. Historically, the program has received positive media coverage, both separately and in conjunction with LASBC and/or Florida Legal Services. The program recognizes the need for an overall media strategy tied to resource development. The program coordinates closely with social service organizations, foundations, organized bar associations, members of the private bar, and other institutions to maintain, improve and supplement its services to the client community. These partners have the capacity to provide significant support for the provision of legal assistance to eligible clients and are potentially critical allies in CCLA’s efforts to expand program funding.

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

Finding 25: CCLA actively participates in the Florida state justice community and its executive director is considered a leader in the efforts to achieve equal justice.

Since its founding in 2004, CCLA has been an active participant in the Florida state justice community, spearheaded by the Florida Bar Foundation. The program’s very creation was pursuant to the Florida state justice community’s reconfiguration plan. The CCLA executive director was intimately involved in the reconfiguration planning process, to refashion the state’s legal services delivery system and reallocate resources, enabling legal aid attorneys to continue doing important work for which federal funding was no longer available. Her obvious desire and demonstrated efforts to maintain a good working relationship with the key regional partner while at the same time speaking for the CCLA’s vital interests are clearly discernible and appreciated. This is recognized as a challenge that will require constant and careful attention.

²¹ Funding from the Bar Foundation consists of three grants: \$149,270 Attorney Salary Supplemental; \$37,100 IOLTA grant; and \$15,910 foreclosure grant.

²² Funding from Legal Aid Service of Broward County consists of two subgrants: \$44,502 Ryan White; and \$54,870 Attorney General Foreclosure.

The CCLA executive director is continuing to play a major role in the ongoing retrenchment discussions, serving as chair of the Florida Project Directors' Association's retrenchment subcommittee. She is greatly admired and highly respected by her colleagues and by funders throughout the state.