



Legal Services Corporation  
Office of Program Performance

## Final Report

From the

Program Quality Visit

to

**Legal Aid of North Carolina, Inc.**  
Recipient No. 634032

June 4 – 13, 2012

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## INTRODUCTION

### **Background**

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a Program Quality Visit (PQV) to Legal Aid of North Carolina, Inc. (LANC) from June 4 - 13, 2012. The PQV team members were LSC Program Counsel Tillie Lacayo (team leader), Angela Thornton, Nancy Glickman, and Willie Abrams; LSC Program Analyst Jane Ribadeneyra, and LSC Temporary Employees Joseph Dailing, Patrick McIntyre, Cynthia Schneider, and Carolyn Worrell.

Program Quality Visits are designed to provide LSC with a more complete view of a grantee's operations, so that it can evaluate whether the grantee is providing the highest quality legal services to eligible clients. The PQV to Legal Aid of North Carolina was conducted as a full review of LANC's Basic Field and Native American LSC grants and a limited review of its Migrant Farmworker grant.<sup>1</sup> In conducting its assessment of LANC, the team reviewed documents and information received from the program in the routine course of business including recent LSC grant applications, technology and PAI plans, workforce analysis charts, case service reports (CSRs), and other service reports (OSRs). The team also reviewed the materials submitted by LANC in advance of the visit concerning the program's priority setting, legal work, case management policies and systems, advocates' written work, board meeting records, and other administrative materials, as well as the results of a confidential online staff survey.

While on site, the team interviewed staff of all LANC offices and conducted on-site visits to the Ahsokie, Asheville, Charlotte, Durham, Fayetteville, Greensboro, Greenville, New Bern, Morganton, Pembroke, Pittsboro, Raleigh, Sylva, Wilmington, Wilson, and Winston-Salem direct services offices. Also visited were the program's administrative offices, the program's telephone intake center, and the headquarters of a videoconferencing project at North Carolina Central University Law School with which LANC is a partner. In addition, the team interviewed a number of LANC board members, members of the judiciary, North Carolina state justice partners and community services providers.

In performing its evaluations, OPP relies on the LSC Act and Regulations, the LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. This report is organized consistent with the four performance areas from the LSC Performance Criteria, which cover the following: 1) legal needs assessment and priority setting; 2) engagement with the low income community; 3) legal work representation and management, private attorney involvement, and other program services and activities; and 4) organizational leadership and management including board governance, program

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<sup>1</sup> LSC's Office of Program Performance conducted a full PQV to LANC's Farm Worker Unit in 2009. As such, the June 13, 2012 on-site review of the Farm Worker Unit (FWU) was limited in focus to an assessment of LANC's management, oversight, and supervision of the Migrant Grant.

administration, internal communication, resource development, and coordination within the statewide delivery system.

## **OVERVIEW OF PROGRAM AND SERVICE AREA**

Legal Aid of North Carolina is a statewide provider of civil legal services for all 100 counties of the state. The service area encompasses a mix of urban and rural areas. Until the economic slowdown the state was experiencing a rapid growth in its Hispanic population as well as increases in the population from Southeast Asia. The program also serves the migrant farmworker population of the state as well as the Native American population, comprised primarily of the Eastern Band of the Cherokee in the west and the Lumbee in the east. Western North Carolina, though not devoid of poor populations, is home to a wealthier, white population. Tobacco was historically farmed in eastern North Carolina, which is home to a larger African-American population and experiences more poverty and less development.

The program currently has offices in Ahsokie, Asheville, Charlotte, Concord, Durham, Fayetteville, Gastonia, Greensboro, Greenville, Morganton, New Bern, Pembroke, Pittsboro, Raleigh, Sylva, Wilmington, Wilson, and Winston-Salem. During 2011 and after more than \$2,000,000 in federal and state funding reductions the program was forced to close its offices in Boone, Henderson, Smithfield and Rocky Mount. The program also maintains satellite offices in Goldsboro and Hayesville.<sup>2</sup> Its office in Asheville was reduced in size and now provides services only through the program's Senior Law Project. During 2011, its total workforce was reduced from 273 to 249.

The U.S. Census American Community Survey<sup>3</sup> recorded a large jump in poverty in North Carolina, from 14.3% in 2007 to 17.5% in 2010. This put nearly 1.6 million North Carolinians living in poverty. Urban counties in the state such as Wake and Mecklenburg,<sup>4</sup> had some of the largest increases in poverty rates during the recession.

In addition to poverty disproportionately impacting some geographic regions, certain demographic groups were particularly hard hit during this three-year period. The poverty rate for children in North Carolina climbed from 19.5% in 2007 to 24.9%, which is significantly above the 2010 U.S. poverty rate for children of 21.2 %. While the poverty rate for those above 65 years old fell 1.1 percentage points since 2007, the state rate still remains higher than the U.S. rate for the same population. Also, the poverty rate for people with disabilities in the state increased from 22.4% in 2007 to 23.7 % in 2010.

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<sup>2</sup> Goldsboro is a satellite of the Wilson office and Hayesville is a satellite of the Sylva office.

<sup>3</sup> The American Community Survey (ACS) is a survey conducted by the U.S. Census Bureau. The ACS has replaced the U.S. Decennial Census as the principle mechanism for generating social, demographic, economic and related data about the U.S. population. The ACS conducts one-year, three-year, and five year surveys.

<sup>4</sup> Wake and Mecklenburg counties are home to the cities of Raleigh and Charlotte, respectively. Wake County's poverty rate increased 44.6% during the period from 2007 to 2010 and Mecklenburg's poverty rate increased 43% during the same period.

People of color in North Carolina were also more likely to experience poverty in 2010 (African-Americans 27.7%, and Latinos 33.9%). The recession hit men harder than women, although women continue to experience higher poverty than men in North Carolina (18.7% and 16.2% respectively).

The average unemployment rate in North Carolina more than doubled from 5.1% in July 2007 to 10.4% in July 2011. In part due to rising unemployment rates, median household income dropped to \$43,326 in 2010, from \$49,392 (2010 inflation-adjusted dollars) in 2007.

LANC reported to LSC that the program closed a total of 22,797 cases in 2011. Of those cases, 31.4% were in the area of family law, 22.2% were housing cases, 13.5% were income maintenance cases, and 12.5% were consumer cases. In 2011, 73.3% of the cases LANC closed were limited service cases and 26.7% were extended service cases.

In 2011, LANC received \$10,028,803 in total LSC funding (inclusive of basic field, migrant farmworker and Native American grants) and \$13,788,674 in non-LSC funding. LANC will receive \$7,847,752 in LSC basic field funding in 2012 and an additional \$504,832 to serve the migrant farmworker population of the state and \$205,551 to serve the Native American population of North Carolina for a total of \$8,558,135 in LSC funding.

LANC does not anticipate a deficit for 2012.

## **SUMMARY OF FINDINGS**

LANC is led by an experienced, hard-working and forward-thinking executive director who is respected by board members and staff at all levels of the organization. The LANC Board of Directors is comprised of twenty-seven members from around the state. The board as a whole is an engaged, active, and knowledgeable body. Board members actively participate on board committees. The board conducts effective program oversight, helps develop and augment LANC's resources, contributes to its PAI efforts, and promotes the program's good works. The board was involved in oversight of program decisions in 2011 relating to the closure of offices and reduction in workforce. Client board members are participatory and are members of clients' councils and local office advisory committees. The board last conducted a formal evaluation of the executive director over three years ago and recognizes the need for more frequent formal evaluations of the director. The program is also due for a comprehensive legal needs assessment, which it plans to commence in the fall of this year.

LANC has a multi-tiered management structure consisting of assistant directors, regional managers, managing attorneys and supervising attorneys. The program has many experienced managers on staff. The core management team is comprised of the executive director, an assistant director of advocacy and compliance, an assistant director based in the program's Charlotte office, and an assistant director of finance.

LANC tracks advocacy outcomes, both monetary and non-monetary, in a variety of areas. Outcomes data is used by LANC to assess the quality of the program's advocacy, project advocacy, and office advocacy. It is also used in presentations to state justice community partners and client groups to promote the program's successes.

The program has numerous intake portals through which persons may seek assistance, including a central intake unit/call center, a telephone helpline for seniors, walk-in and telephone intake at individual branch offices, online intake, direct referrals from organizations and agencies with which LANC collaboratively partners. The Centralized Intake Unit (CIU) is competently staffed and well-supervised by a highly experienced managing attorney. The CIU seems committed to providing high quality service to all callers. The call center seeks ways, on an ongoing basis, to improve its service delivery. While LANC has a written intake protocol, revised in 2012, that is applicable throughout the program, intake conducted at branch offices can vary with regard to hours, procedures, methods of assessment and disposition of cases, and utilization of the call center. LANC's protocol should be well-defined and consistently followed throughout the program such that it clarifies which cases are to be handled solely by the CIU and which are to be referred to branch offices. An increased demand for on-line intake and increased pro bono participation are stretching the CIU to capacity and the program should consider ways to enhance resources devoted to the Unit.

The program has a competent staff of advocates, with a good mix of new, mid-level and experienced attorneys. Several managers were former executive directors of pre-merger programs in North Carolina. LANC encourages a culture of strategic advocacy on behalf of its clients by identifying issues in individual cases that have the possibility of effecting a positive change in agency procedures or the conduct of adversarial parties. The program's decision to limit custody cases to those involving domestic violence, child endangerment or loss of housing has allowed advocates more time to focus on emerging areas, such as foreclosures, unemployment compensation, and barriers to employment.

LANC is a productive program that provides representation in a range of areas affecting low-income persons. Branch office adherence to statewide core priorities is not uniform or balanced in all LANC offices and there is an imbalance in case diversity in some program offices and variances among advocates in their caseloads.

While the program has written supervisory procedures and policies in place, they are not followed uniformly throughout LANC and levels of supervision vary among regions, offices, and individual supervisors. Performance evaluations have not been conducted for all staff on a regular basis.

The program also engages in significant advocacy on behalf of Native American tribes in the state. Considering its relatively modest size, the Native American grant has allowed the program to provide representation in a substantial number of cases.

LANC's Farm Worker Unit appears to be well-managed overall, with sufficient supervision systems in place to ensure quality legal work and compliance with the LSC Regulations and grant requirements.

LANC has a regional approach to PAI implementation, which is adapted to the resources available in the local service area and rooted in historical relationships established pre-merger. Its recently implemented **Call4All** program has been successful in stimulating greater pro bono participation and increased legal services to the client community.

LANC has made innovative use of technology. Additional program resources need to be directed toward the day-to-day technology used by staff to administer grants, manage and supervise program and legal work, communicate with each other and provide legal services to clients.

LANC is recognized as a leader and an active participant in the statewide legal services delivery system. LANC works with the non-LSC programs in the state to eliminate duplication of services, facilitate referrals, coordinate advocacy efforts, and develop and enhance resources to help meet the need for legal services for the poor.

LANC has been successful at both developing new sources of revenue and maintaining existing sources. Its resource development efforts are competently staffed and have produced some noteworthy successes.

Communication within the program is generally good. Though morale has suffered as a result of office closures and salaries that have remained flat, staff expressed a strong spirit of perseverance and a continued commitment to serving clients.

**Performance Area One. Effectiveness in identifying the most pressing civil legal needs of low-income people in the service area and targeting resources to address those needs.**

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

**Finding 1: The program's most recent needs assessment for the client community served by its basic field grant was conducted in 2008. Needs assessments for the two Native American populations it serves were conducted in 2006 and 2007.**

Legal Aid of North Carolina conducted its most recent assessment of the legal needs of the poor in the service area in late 2008 in conjunction with the North Carolina Equal Access to Justice Commission (EAJC). The process involved analysis of data from surveys of low-income persons and focus groups composed of clients and members of the judiciary. Also considered in the process were American Community Survey data, analyses of the North Carolina Justice Center's Budget and Tax Center data, studies and publications of the North Carolina Housing Coalition, and information from the Center for Responsible Lending and various organizations throughout the state that work with

the poor. Needs assessments for the Native American populations - served by advocates in the Sylva and Pembroke offices - were last conducted in 2006 and 2007, respectively. LANC anticipates beginning a new comprehensive needs assessment process in the fall of 2012. Work on a needs assessment for Native American populations served by LANC has already begun, through the distribution of questionnaires to tribes in the state.

Between formal needs assessments LANC remains aware of and responsive to emerging legal needs of the poor throughout its service area in a variety of ways. The annual work planning process conducted by each direct service office encompasses an assessment of outreach activities and requests for assistance over the previous year. Those offices that have local advisory councils<sup>5</sup> survey members of the councils during the development of their individual office work plans. The North Carolina Statewide Clients' Council, which meets monthly and before each meeting of the LANC Board of Directors, provides input on client needs through its liaisons who are members of the LANC Board of Directors, one of whom currently serves as board secretary. Community education presentations and close working relationships with organizations and agencies that work with the poor provide additional opportunities for LANC staff to obtain information on an ongoing basis concerning emerging legal needs.

#### **Recommendation:**

**I.1.1.1\*<sup>6</sup>: LANC should proceed with its plans to begin a new needs assessment process in the fall of 2012 and should ensure that the assessment also includes the needs of the Native American population in North Carolina.**

#### ***Criterion 2. Setting goals and objectives, developing strategies and allocating resources***

**Finding 2: LANC has established program priorities and objectives and appropriately targets resources to meet those objectives.**

LANC's Basic field grant priorities include the following areas: family, government benefits, housing, employment, education, consumer rights, community economic

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<sup>5</sup> LANC's local advisory councils may be comprised of attorneys, low-income community leaders, members of the local business community with a history of or interest in assisting the poor, and other community leaders, clergy, and staff of agencies or organizations that work with the low-income community. The councils help local offices identify legal issues in the low-income community and resources to help meet legal needs, recruit private attorneys to provide pro bono legal assistance and foster community support for the work of the local office and the program as a whole.

<sup>6</sup> Recommendations in this report will have a Roman Numeral to identify the Performance Area, followed by three numbers identifying, respectively, the criterion addressed by the recommendation, the number of the finding and a number designating whether it is the first, second, third, etc., recommendation under that finding. For example, III.2.14.3 designates Performance Area III, Criterion 2, Finding 14, third recommendation under finding 14. There are two levels of recommendations in this report: Tier One and Tier Two. Recommendations that are indicated with an asterisk (\*) are Tier One recommendations and are intended to have a direct and major impact on program quality and/or program performance. In your next grant renewal application or competitive grant application, your program will be required to report what it has done in response to Tier One Recommendations instead of submitting a full narrative.



development, civil rights, immigration, human trafficking, and children's advocacy. Priorities under the Native American grant include representation of client tribes in the federal recognition process, domestic violence, adoption, Indian housing, and tribal court system cases, and, to the extent that resources permit, other meritorious cases that could significantly impact the special needs of Native Americans.

The program has state and regional projects that address the legal needs of the client population including the following: the Advocates for Children's Services, the Battered Immigrants Project, the Domestic Violence Prevention Initiative, the Farm Worker Unit, the Mortgage Foreclosure Prevention Project, the Senior Law Project, the Tax Payer Assistance project, and the Medical-Legal Partnership for Children.

LANC's Board of Directors reviews the program's priorities annually and determines priorities for the coming year.

### *Criteria 3 and 4. Implementation, Evaluation and Adjustment of Priorities*

#### **Finding 3: LANC assesses outcomes achieved by its advocacy efforts on a regular basis.**

LANC tracks advocacy outcomes, both monetary and non-monetary, in a variety of areas including mortgage foreclosures, immigration, housing, family law/domestic violence, employment, education, community economic development, benefits, and consumer. Monetary benefits secured for clients include SSI benefits obtained, medical bills paid, SSI/SSA overpayments waived, unemployment insurance benefits obtained, rent abatements, debts discharged or reduced in bankruptcy, and loan modification savings. Non-monetary benefits might include preventing a nursing home discharge, securing a student's access to public education, protecting a public housing tenant's rights, or helping a nonprofit group obtain tax exempt status. Outcomes data is used by LANC to assess the quality of the program's advocacy and each office's advocacy. It is also used in presentations to members of the client community, the North Carolina Bar Foundation, the North Carolina Equal Access to Justice Commission and others to promote support for the program and publicize its successes.

#### **Finding 4: LANC management conducts periodic evaluation visits to individual offices to assess how well the offices are functioning and to suggest needed improvements.**

LANC's assistant director of advocacy and compliance and its assistant director/deputy director conduct "Roadshows" during which they visit a particular office for assessment purposes. Prior to the visit, the two assistant directors perform a "paper" review of the office and how well it functions, consisting of an electronic review of reports, case files and statistics. Significant attention is paid to whether the substantive nature of the cases being handled by the office comports with office and program priorities. A summary of

the paper review is then prepared and areas of concern are identified.<sup>7</sup> Visits are occasionally requested by the managing attorney of the office and on rare occasions, have been precipitated by a personnel issue that has come to light that may be affecting the productivity and functioning of the office. Typically three to four Roadshows are conducted per year. The Roadshows are used by LANC for both quality control and assessment purposes.

**Finding 5: LANC engages in yearly office and special project work planning. Strategic planning for the program as a whole was begun in 2010 but was discontinued. LANC will resume its strategic planning process this year.**

All LANC offices and special projects participate in annual work planning, though some 2012 plans had not been committed to writing at the time of the LSC visit. A number of factors are taken into account in the development of work plans for the coming year, including the previous year's intake and case closing data, intake protocols and related adjustments that may be necessary, the needs of the client community served by the individual office or project, opportunities for advocacy with a broader impact, private attorney involvement, and service to the more remote counties. Several LANC offices were unable to fully implement their work plans for 2011 due primarily to loss of staff and office closures that occurred during the year.

LANC does not currently have a strategic plan. A couple of years ago the program engaged in a strategic planning process that was discontinued for a variety of reasons. The process was renewed in 2011 but its progress was slowed due to the layoffs and office closures that year. At the time of the LSC visit, plans were underway to continue strategic planning, to be spearheaded by an experienced member and former chair of the program's board of directors. The process will be facilitated by a senior lecturing fellow at Duke University School of Law who is also a former legal services attorney.

**Recommendations:**

**I.4.5.1\*: LANC should follow through on its expressed intent to initiate strategic planning for the program.**

**I.4.5.2: LANC offices and projects should continue the practice of preparing annual work plans and should ensure that the plans are memorialized in writing. Also, the offices and projects should review the plans during the year to assess progress and make appropriate adjustments.**

**Performance Area Two. Effectiveness in engaging and serving the low-income population throughout the service area**

***Criterion 1. Dignity and sensitivity***

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<sup>7</sup> The visits are fairly structured in that an agenda is prepared and on occasion, office staff members are surveyed in advance.

**Finding 6: LANC has various intake portals, including a Centralized Intake Unit. The Centralized Intake Unit is competently staffed and well-supervised by a highly experienced managing attorney. However, it appears to be insufficiently resourced, given the caller wait times.**

The program has numerous intake portals through which persons in need of legal services may seek assistance, including a central intake unit/call center, a telephone helpline for seniors, walk-in and telephone intake at individual branch offices, online intake, direct referrals from organizations and agencies with which LANC collaboratively partners (such as domestic violence shelters and health care providers of Medical-Legal partnerships), and intake conducted at various outreach sites established by a number of field offices throughout the service area or at locations such as senior centers.

While LANC has a written intake protocol, revised April 2012, that is applicable throughout the program, intake conducted at branch offices can vary with regard to hours, procedures, methods of assessment and disposition of cases, and utilization of the call center. In practice LANC lacks a well-defined protocol that is consistently followed throughout the program that clarifies which cases are to be handled solely by the CIU and which are to be referred to branch offices.

The program launched on-line intake in early 2012. At the time of the visit the program was averaging around fifteen online intakes per day and had received as many as forty online applications in a day. The program uses A2J Author® for online intake and the data is imported into the case management system (CMS). CIU staff checks for conflicts and eligibility for services.

LANC conducts its telephone intake primarily through its Centralized Intake Unit. Since its inception in 2006 as a regional pilot project, the CIU has expanded to cover much of LANC's service area, however, there are still offices which do not utilize it for telephone intake.<sup>8</sup> The CIU, located in Raleigh but housed in a separate location from the administrative and Raleigh direct service offices, is open from 8:30 AM to 3:30 PM, Monday through Friday. Initially and until 2008, CIU intake from screening to advice was primarily conducted by attorneys. LANC reduced the size of the call center a couple of years ago after funding reductions, and at that time eliminated its evening hours.<sup>9</sup>

Intakes are now handled initially by the intake screeners. An intake support staff person reviews all intakes and sorts them to determine which are emergencies and should be handled by in-house CIU staff, which are likely to involve extended case work more appropriately handled by in-house advocates, and which are suitable for pro bono assistance through the **Call4All** program.<sup>10</sup> He is supervised by the managing attorney of

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<sup>8</sup> The CIU does not presently cover the program's Asheville, Charlotte, Gastonia, Hayesville, Morganton, Sylva, or Wilmington offices.

<sup>9</sup> The option of online intake, available to persons seeking legal assistance from LANC, provides an evening-hours option for those persons with access to the Internet.

<sup>10</sup> **Call4All** is a PAI initiative developed in partnership with the North Carolina Bar Association. **Call4All** provides members of the private bar the opportunity to help pre-screened LANC clients in specific areas of

the CIU, who reviews his work. The in-house intakes then go to CIU attorneys, some of whom work off-site, who provide advice and, on occasion, brief services. The CIU attorney determines whether a case will be handled by CIU staff or referred to a LANC local office for extended services. The cases are reviewed by the managing attorney before closure. Callers with upcoming deadlines or emergencies are transferred to the next available CIU attorney or are called back by a CIU attorney on the day of initial contact.<sup>11</sup>

The CIU has a dedicated and competent staff that seems committed to providing high quality service to all callers. The call center seeks ways, on an ongoing basis, to improve its service delivery. For example, it has piloted the use of remote access software to assist clients in completing simple online forms and is looking into ways to expand this effort. The CIU has streamlined the case assignment process for cases that are to be placed with private attorneys. At the time of the visit, one of the unit's intake specialists was compiling a chart of the most common errors found in case files with the end goal of helping intake staff become more aware of the errors and thereby reduce them.

The CIU has several Spanish-speakers on staff, including the managing attorney who is originally from Puerto Rico. The call center receives from 1,500 to 2,000 calls per month. The CIU averages about fifteen online intakes a day and some days the number exceeds forty.<sup>12</sup> The call center has written intake protocols, including an Intake Specialists' Training Guide.

The CIU has an excellent supervisory system, providing for regular review by the managing attorney of advice and counsel or brief services provided by LANC staff and PAI attorneys. Staff receive regular performance evaluations. The CIU's managing attorney has been with legal services since 1985. Prior to assuming her position with the call center she was the managing attorney of the program's Smithfield office.

The CIU's staff consists of three full-time paralegals, six intake specialists – two of whom coordinate the call center's pro bono participation – and over fifteen attorneys, nearly all of whom are part-time. The call center also makes use of volunteers from local law schools to contact online applicants for services and help fill-in gaps that exist in the applications submitted.

LANC has written "Uniform and Statewide Case Acceptance Criteria" for the field offices and CIU use. However, the criteria lack uniformity among offices as significant differences exist in what types of cases some of the local offices will accept.<sup>13</sup> This,

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law. Pro bono attorneys speak with clients during one-hour telephone periods from the attorney's office where they provide advice or brief services.

<sup>11</sup> Callers with non-emergencies who need only counsel and advice are informed that an attorney will contact them within five business days.

<sup>12</sup> A recent conversation with the managing attorney of the CIU indicates that the number of online intakes the program receives is increasing.

<sup>13</sup> For example, one office accepts very few consumer or housing cases for extended representation and a couple of offices appear to limit the unemployment compensation cases accepted to only a handful per year.

coupled with the number of offices, can create a challenge for CIU staff in determining which cases may be referred to which offices. However, there was some indication from on-site interviews that the program is moving in the direction of universal case acceptance criteria that are applicable to all offices.

The CIU's efforts have been encumbered since 2010 by a lack of sufficient resources – both human and technological – and the Unit faces a number of challenges:

- Staff was reduced in 2010 due to funding decreases at LANC;
- On the heels of a reduction in force in 2011 the CIU was given the additional task of administering the program's **Call 4All** Project. Because of their other responsibilities CIU attorneys are only able to make four to six callbacks a day and are currently stretched to capacity;
- The high volume of calls to the CIU has led to long wait times for callers. Also, phone system reports show that there are from 125 to 300 dropped calls a day. Some persons seeking assistance will contact the local office of LANC nearest them, which then contacts the CIU to request that the caller be contacted.
- The main server used to access Legal Files, the program's case management system ("CMS"), is extremely slow. Staff must often choose between using the slower server with updated software or the faster server with older software. The CMS has a cumbersome workflow that requires multiple clicks and lacks a process to enable auto-populating of fields based on selected criteria.
- The automated attendant instructions following the welcome message do not reflect some changes in the intake process that have taken place since the CIU was first launched over six years ago. For example, the recording indicates to callers that they are on hold for the next available attorney when, in fact, persons calling with non-emergencies do not speak with an attorney during the initial interview. In addition, the instructions do not inform callers of the availability of online intake as an alternative to a call-back or waiting in queue.<sup>14</sup>

## **Recommendations:**

**II.1.6.1: The program should consider ways to enhance the CIU's resources and capacity. This should include consideration of technological upgrades, increased staffing, and development of efficient branch office referral protocols. Resource enhancements should occur prior to any further expansion of the CIU's responsibilities or workload.**

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<sup>14</sup> At the time of the PQV the CIU had been awaiting approval for quite some time from the administrative office to pay the telephone system vendor to change the automated attendant programming.

**II.1.6.2:** The program should review the various branch office intake systems to develop case acceptance criteria and protocols for CIU referrals that are consistent throughout LANC, consistent with local grants and funder requirements.

**II.1.6.3\*:** If the program has not done so already, it should update its automated message to callers so that inaccuracies are removed and callers are advised of the availability of online intake.

**Finding 7:** LANC engages in affirmative language access advocacy on behalf of limited English proficient clients and is sensitive to language access issues. While the program has a written limited English proficiency (LEP) policy that provides for language access training for staff and yearly assessment of the language access needs of the LEP population, neither has occurred at LANC in recent years.

LANC has a written Language Access Policy and Protocol. New staff are provided a copy of the Policy and Protocol when they begin working at LANC. The policy has not been reviewed or updated in years. The Language Access Policy and Protocol provides for language access training for all staff that have regular contact with clients and for all newly hired staff. Despite this provision, it does not appear that training on the program's Policy and on providing assistance to persons of limited English proficiency has occurred in recent years. Some staff interviewed could not recall ever having received any training on working with LEP populations or on language access. The Language Access Policy and Protocol also provides that there will be a yearly assessment by LANC of the language access needs of the eligible client population. However, the yearly assessment referred to in the Policy and Protocol is not being conducted.

The program does not have a language access committee or coordinator. The assistant director of compliance and enforcement, by default, is the staff person to whom language access questions that may arise are directed.

LANC has many Spanish-speaking staff persons within the program as a whole, though some offices have no Spanish-speaking staff within the office. Staff interviewed in some offices expressed the need for Spanish-speakers and in a couple of cases for additional Spanish-speakers. In one office a bilingual staff person seems stretched thin with multiple interpretation responsibilities, despite the presence of other Spanish-speakers within the program who might provide assistance.

LANC has no formal protocol or process for assessing the Spanish-language proficiency of in-house staff that interpret or translate as part of their job. However, some units or projects at LANC gauge the Spanish-speaking ability of job applicants by interviewing them in Spanish.

LANC, as a program, engages in affirmative language access advocacy and is sensitive to language access issues. The program's Advocates for Children's Services filed a Title VI complaint with the Office of Civil Rights over the Wake County school system's failure to provide Spanish language notices to limited English proficient students and their

parents. LANC has also referred language access cases to the North Carolina Justice Center (the non-LSC program within the state) that concern the U.S. Justice Department finding that the courts in North Carolina are not in compliance with Title VI in the area of language access. The program currently has a custody case at the North Carolina Court of Appeals that raises a language access issue on behalf of a client.

**Finding 8: LANC’s expectations for attorney performance articulate the importance of sensitivity to clients.**

The program’s attorney performance expectations, described under Finding 13, below, cover – among other topics - the skills expected of an attorney when dealing with clients and state that a LANC attorney should “be sensitive to a client’s personal concerns and barriers which may affect their participation in the representation...[and] treat all clients with courtesy and respect.” Cultural barriers are also addressed in the performance expectations, including working to address barriers, such as “mistrust of bureaucracies, lack of knowledge of the legal system, cultural values, language, transportation, need for child care, and difficulty getting time off from work to see a lawyer” and making “special efforts to communicate meaningfully with clients whose circumstances, such as mental or physical disability, homelessness, migrating for employment, language, literacy, or lack of access to phone or other technology, make communication more difficult.”

**Recommendations:**

**II.1.7.1: LANC should provide training to staff on the program’s Language Access Policy and Protocol, on the use of telephone interpretation services, and on working with persons who are limited English proficient, including cultural competency training. This could be provided economically by LANC through its videoconferencing system and could include the participation of the program’s Farm Worker Unit staff, which is highly experienced at working with LEP populations.**

**II.1.7.2\*: LANC should assess the language access needs of the client population on a regular basis and should include as part of the process an assessment of the staffing needs of the various branch offices and their in-house language capacities. LANC should also assess the changing demographics in the service areas covered by its local offices to determine whether the limited English proficiency population is being adequately served by each office.**

**II.1.7.3\*: LANC should use available technology to “deploy” the program’s Spanish-speaking staff in some offices to interpret on an as-needed basis for staff in other offices that may be short-handed or have no in-house Spanish-speakers.**

**II.1.7.4: LANC should consider use of state and local bar alliances it has developed as a means of encouraging greater language access within the state court system.**

*Criterion 2. Engagement with the low-income population*

**Finding 9: Program offices and advocates are appropriately engaged with their client communities in a variety of ways.**

Through outreach, community education and work with various partner and client organizations, LANC staff are appropriately engaged with the communities they serve. For example, one advocate interviewed works with an ex-offender re-entry group. Another is on the community service committee of the Capitol City Lawyers Association. A third volunteers with Big Brother/Big Sisters. Yet another advocate is on an elder abuse task force. Staff participate in Hispanic and senior fairs, work with community action organizations, homeless shelters, faith-based organizations, children's rights organizations, emergency assistance providers, and domestic violence prevention organizations. LANC has bilingual staff that has made community education presentations in Spanish.

In addition, most LANC offices have local advisory councils with which staff are actively engaged. The advisory councils, discussed in an earlier section, are composed of private attorneys, clients and community group representatives that assist local offices by helping to identify current needs of the client population and available resources to meet them, and providing input into priorities-setting.

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

**Finding 10: LANC has maintained twenty service offices, thereby maximizing the client population's access to legal services. All program offices visited were professional in appearance and handicapped accessible.**

LANC has twenty offices located throughout the state. All program offices visited were professional in appearance and handicapped accessible. Each had community education materials prominently displayed in the waiting areas. Most are near their local courthouses. A couple of offices were difficult to locate due to poor signage.

**II.3.10.1: Wherever possible, LANC should provide signage on the exterior and interior of the buildings where its offices are located.**

**Performance Area Three. Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area.**

*Criterion 1. Legal representation*

**Finding 11: LANC has many experienced advocates on staff. The program's advocacy effectively seeks to benefit not only individual clients but to yield broad-based results that benefit the client community as a whole.**



The program has a dedicated and highly competent staff of advocates, with a good mix of new, mid-level and experienced attorneys. LANC counts among its staff several former executive directors of pre-merger programs. Over 25% of the program's attorneys have twenty years or more of experience in the profession.

LANC encourages a culture of strategic advocacy on behalf of its clients, seeking to obtain as much as is reasonably possible for the individual client and for other low-income individuals similarly situated. For example, the Advocates for Children's Services Project (ACS) filed a lawsuit against state education officials in the summer of 2012 for failing to provide special education services to a 13-year-old African-American child with disabilities who has been confined to a psychiatric residential treatment facility for several months. The Wake County Public School system had identified the child's disabilities and developed an Individualized Education Program (IEP) for him which had not been implemented in the facility. LANC recognized that the client's experience was similar to that of many other student-age children who are placed in private residential facilities with no follow-up by the school system.

The ACS also filed a complaint earlier in the year against the Wake County Public School System on behalf of six disabled, long-term suspended students. This is the third such complaint filed by ACS against the school on similar issues. The complaint alleges that the school system violated the Individuals with Disabilities Education Act, corresponding regulations, and state law by failing to provide disabled students with a free and appropriate public education in the least restrictive environment and to develop individualized education programs based upon diagnoses.

LANC's advocacy in the area of children's rights has yielded results on a broader level. An investigation by the Department of Public Instruction (DPI) in late 2009, prompted by an earlier ACS complaint on behalf of students with disabilities on long-term suspension, found that Wake County schools were not in compliance with state and Federal law in a number of areas and led DPI to order that corrective actions be taken. Following a second complaint the DPI issued a report that found that the school system had failed to implement adequate corrective actions.

Legal Aid of North Carolina's Mortgage Foreclosure Project (MFP) has a team of advocates who are located in LANC offices throughout the state and specialize in foreclosure defense and predatory lending law. LANC's statewide implementation of the MFP could serve as a best practices model for legal work management, support, and supervision. The MFP is operated in a way that allows its more experienced advocates to provide hands-on assistance to advocates throughout the program as they learn and become more proficient at handling foreclosures. The MFP holds a weekly conference call of its core team members (consisting of the more experienced foreclosure advocates) to discuss the new cases that have come in – including reviewing the documents – and decide whether to accept the cases for representation and if so, how best to proceed. This is followed by a weekly group conference call during which individual advocates who have foreclosure cases are allotted time slots to discuss their cases with MFP team members and receive guidance. The core MFP team members carry reduced caseloads, so

that they can be available to supervise, mentor, co-counsel with, and lend assistance to less experienced advocates.

LANC does not shy away from complex cases. Its Mortgage Foreclosure Project filed a case, currently on appeal by the defendants to the North Carolina Supreme Court, wherein program attorneys are urging the court to uphold trial and appellate court decisions that a promissory note in a foreclosure action was not properly endorsed.

The program's Fair Housing Project - established last year with a grant from the U.S. Department of Housing and Urban Development (HUD) - has filed a case in U.S. District Court on behalf of a transitional living facility challenging the state's decision to stop funding the facility as a violation of the Americans with Disabilities Act, the Rehabilitation Act, and the Fair Housing Act.

LANC's Community Economic Development Practice Group focuses on assisting new organizations in rural areas to develop their capacities and function better as nonprofit corporations. This may involve providing transactional legal assistance to the organization by developing articles of incorporation, by-laws and other governance documents; helping the organization become incorporated under state law; helping it obtain tax-exempt status; and preparing and/or reviewing contracts, including insurance policies, applications for permits, rental agreements, and real estate documents.

LANC has approximately forty advocates accredited by the Veterans Administration to represent veterans of the armed services. LANC is part of a recently convened working group of stakeholders that includes representatives of the National Legal Aid and Defender Association, the North Carolina Bar Association, law schools, the North Carolina Equal Access to Justice Commission, national veterans' organizations, the state IOLTA foundation, and others on a project to assist veterans. A primary purpose of the project is to create a portal for veterans to do "one-stop shopping" for their legal needs. The program has a project using law student volunteers from Duke University School of Law to handle administrative appeals under the supervision of a LANC attorney. LANC is also working with a pro bono attorney with a large firm to obtain certification for the attorney to practice before the Veteran's Administration.

LANC has Medical-Legal Partnerships that are established or in the secondary discussion stages with five of the largest hospital systems in the state: Duke, the University of North Carolina, Baptist, Moses-Cone, and Carolina Health Systems. A Medical-Legal Partnership at the Medical Center at East Carolina University is in its nascent phase. Medical-Legal Partnerships train medical staff to ask appropriate questions, assess whether there is a possible legal need, and make referrals to legal services providers as a charted aspect of treatment. National research has demonstrated that Medical-Legal Partnerships improve the health outcomes for patients. The partnerships are commendable examples of "preventive lawyering" by LANC.

The Medical-Legal Partnership for Children in Durham provides an opportunity for health care providers to refer patients for legal assessment in situations where a non-medical obstacle is impairing the overall health of a child. LANC's Durham office

partners with Duke University Law School's Children's Law Clinic, Duke Hospital's Primary Care for Children, and Lincoln Community Health Clinic to assist low-income and at-risk children in and around the Durham area. At Duke the program works primarily out of two public health clinics that serve economically disadvantaged, but diverse, neighborhoods. When the medical staff diagnoses asthma, for example, they have been trained to ask follow up questions as to whether there might be a cockroach infestation and whether a multi-family housing complex is involved. If the answer is affirmative, the staff then make a referral to LANC. The referrals have generated a large number of cases involving children living in multi-unit housing developments that have substandard and hazardous conditions. LANC has taken legal action against a number of landlords and management companies that has resulted in improved housing conditions, abated pest infestations and mold conditions, and favorable damage awards or settlements for tenants.

Other program advocacy efforts on behalf of individual clients have also improved the client's health and saved lives. An attorney in LANC's Pittsboro office represented a woman with cystic fibrosis and obtained Medicaid coverage of a kidney transplant for her. The program stated that it received "invaluable pro bono support" in the case from an attorney at a Raleigh law firm.

LANC advocates practice in multiple forums, including state and federal court, appellate court, tribal court, and administrative tribunals. The program enjoys a solid reputation among legal, judicial, and social service communities throughout the state. Judges interviewed gave the program high marks in service to clients and preparedness in court and described the advocacy of attorneys who had appeared before them as "quite good" and at "a consistently high level." Though some of the writing samples submitted in advance of the visit were exceptionally well prepared, others were more routine, and a few were poorly proofed and could have benefited from further review.

**Finding 12: LANC is a productive program that provides representation in a range of areas affecting low-income persons. Branch office adherence to statewide core priorities is not uniform or balanced in all LANC offices. There is an imbalance in case diversity in some program offices.**

Extended service cases constituted 26.1% of LANC's closed cases for 2011, above the national average of 22.7%. The number of LANC's closed extended service cases and closed contested extended service cases per 10,000 poor persons for 2011 was above the national median and the national average.<sup>15</sup> The program's closed cases per 10,000 poor persons was slightly below the national median and the national average for 2011.<sup>16</sup> This may be explained in large part by the higher proportions of extended and contested work

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<sup>15</sup> In 2011 LANC closed 65 extended cases per 10,000 poor persons (national median was 61 and national average was 57) and 44 contested cases per 10,000 poor (national median was 31 and national average was 32). The program has exceeded the national median and average of closed extended cases for the past three years and has exceeded the national median and average of contested cases for the past four years.

<sup>16</sup> In 2011 LANC closed 249 cases per 10,000 poor persons. The national median for 2011 was 263 and the national average 254.

and the complexity of much of LANC's advocacy. It should be noted that the total number of closed cases has risen every year since 2005, including during 2011, despite office closings and a decrease in advocates from the previous year.

The program's Case Service Reports reflect that it handles a diversity of legal issues common to the low-income population.<sup>17</sup> Notwithstanding the program's overall productivity and case diversification, there are imbalances in case diversity among LANC offices and substantial variances among advocates in their numbers of open cases, with some advocates having open caseloads in the teens. A quick turnover in cases was the most common reason given by advocates for low caseloads. Though some of the relatively low caseloads may be explained by such factors as attorney inexperience, rapid turnover, caseload complexity, or supervisory responsibilities of the advocate, some cannot.

The program has made a decision to limit custody cases to those involving domestic violence, child endangerment or loss of housing. This has allowed advocates more time to focus on emerging areas, such as foreclosures, unemployment compensation, and barriers to employment. However, branch office adherence to statewide core priorities is not uniform or balanced in all LANC offices. For example, in some offices acceptance of cases for extended representation appears to be driven more by staff expertise than by client need or program case acceptance guidelines.

**Finding 13: Supervision practices vary among offices despite standard program supervisory policies.**

While the program has written supervisory procedures and policies in place, they are not followed uniformly throughout LANC and levels of supervision vary among regions, offices, and individual supervisors. Though all supervisors review closed cases and periodically check case status via the Legal Files CMS, hands-on case reviews and formal performance evaluations are not conducted regularly for all staff. Ongoing supervision appears to be primarily self-directed or through more informal systems (i.e. "open door" and weekly case acceptance meetings).

The program has begun using an attorney evaluation form developed by an internal supervision systems committee in 2011. The evaluation process begins with a self-evaluation and includes peer evaluation/input, an individual development plan, professional development goals, and an evaluation conference to discuss the results. Some advocates had been evaluated fairly recently at the time of the LSC visit or were in the process of being evaluated. However, some staff, including advocates and management staff, had not been evaluated in years.

The program has developed excellent written attorney performance expectations, many of which were drawn from the Standards for the Provision of Civil Legal Aid prepared by the ABA Standing Committee on Legal Aid and Indigent Defendants. The Standards

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<sup>17</sup> During 2011 consumer cases accounted for roughly 12.7% of all cases closed, family for 31.1%, housing for 22.2%, and income maintenance for 13.7%.

cover client relations skills, advocacy strategy, advocacy skills, practice management, organizational life, and developing and maintaining professional competence. The program also has a written Case Closing Protocol.

LANC has a rich informal program culture in which advocates freely seek and exchange advice with their peers and supervisors. Advocates interviewed during the visit stated that they are encouraged to seek advice from peers, supervisors, in-house experts, and practice group and task-force chairs and readily do so. Staff are active participants on the practice group and task force listservs. The program practice groups, statewide task forces, and in-house wikis provide access to invaluable expertise and resources for staff.

**Finding 14: LANC provides sufficient training and support for staff to provide competent legal assistance to clients. Training is an area that has been impacted by the general trend of diminished resources for legal service programs.**

Outside training opportunities exist for LANC staff but the ability to participate is more limited than in years past. While some staff have been able to attend national conferences and trainings such as Management Information Exchange conferences, the Equal Justice Conference, National Institute of Trial Advocacy trainings, the TIG Conference, American Immigration Lawyers' Association trainings, and the National Consumer Law Center Conference, many have not. However, staff mentioned having attended in-person Fair Housing trainings in Raleigh, domestic violence conferences, bankruptcy trainings, foreclosure trainings, Food Stamps and Medicaid trainings, and various North Carolina Bar Association trainings. North Carolina state certified paralegals are required to obtain yearly training in order to maintain their eligibility for state certification and LANC paralegals interviewed reported attending such trainings.

Some staff persons interviewed voiced a reluctance, due to budgetary constraints, to even request additional local training. Much of the more recent training received by advocates has been provided through webinars or videoconferencing. LANC used to coordinate a statewide legal services conference every 1½ to 2 years, but this has not occurred in recent years due to funding decreases. Quarterly in-person task force meetings have been replaced by telephone and videoconference calls or by "lunch-and-learns". Opportunities for paralegals and support staff to attend trainings appear more limited.<sup>18</sup>

There was a desire by staff - expressed frequently during the on-site interviews - for periodic in-person contact with other advocates throughout the program and statewide to better share ideas, strategize, network, and/or obtain training. The task forces used to meet in-person during the year but at the time of the LSC visit, the in-person meetings had been eliminated by the program in order to economize.<sup>19</sup>

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<sup>18</sup> One paralegal interviewed had not attended any trainings over the past two years.

<sup>19</sup> The executive director asked the visit team to inquire of staff advocates interviewed if they would find occasional in-person task force meetings to be helpful. Most staff persons voiced strong support for in-person task force meetings. This sentiment was conveyed to the executive director during the exit conference at the conclusion of the visit. After the visit the program scheduled several in-person task-force meetings for November of 2012.

New attorneys receive orientation from administrative staff in Raleigh. A noteworthy aspect of attorney orientation training is that it also includes spending a week with the CIU in Raleigh. During their weekly stint in the CIU, advocates observe call center staff conduct intake and handle calls themselves from applicants for assistance. The attorneys also discuss the disposition of intakes with CIU staff and typically accept a couple of cases from the service area where they will be located.

The program uses Lexis and Casemaker for automated legal research and has practice manuals and publications available from national support centers such as the National Consumer Law Center, the National Housing Law Project and the Sargent Shriver National Center on Poverty Law.

**Finding 15: LANC engages in significant advocacy on behalf of Native American tribes in the state. Considering its relatively modest size, the Native American grant has allowed the program to provide representation in a substantial number of cases.**

The Native American grant supports the work of an attorney and a paralegal in the Sylva office, an attorney in the Hayesville office,<sup>20</sup> and an attorney and a paralegal in the Pembroke office.

The Pembroke office's Native American advocacy is focused on tribal recognition efforts on behalf of the Waccamaw-Siouan tribe and the Haliwa-Saponi tribe. Tribal recognition through the Federal Acknowledgement Process is lengthy, difficult, and labor-intensive and requires extensive and meticulous documentation.<sup>21</sup> The Pembroke office also provides assistance with housing issues. LANC's Sylva office assists members of the Cherokee tribe with a variety of issues – many of which are in Tribal Court - including adoptions, housing, foreclosures, wills, and disability. The Sylva office also provides pro se custody assistance in Tribal Court. The Sylva attorney who works on the Native American grant has, among other things, helped draft a chapter of the legal code for the Cherokees and also drafted the tribe's adoption code. He has also provided individual representation in tribal housing fund cases.

The number of closed cases under LANC Native American grant has risen steadily over the past five years, from 124 in 2007 to 250 in 2011. The program has exceeded the national median of total closed Native American cases for the past five years. Further, both the number and percentage of closed extended cases at LANC has exceeded the national median for the past five years.

### **Recommendations:**

**III.1.12.1\*: The program should ensure that all policies concerning implementation of program priorities, legal work management and supervision, performance**

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<sup>20</sup> The attorney is located in the Hayesville satellite office but is considered a member of the Sylva office staff.

<sup>21</sup> See 25 C.F.R. Part 83.

**evaluation, and professional development are uniformly and consistently followed throughout LANC.**

**III.1.14.1: Training should be available on a regular basis to all staff, including paralegals and support staff, and should take into account the individual staff person's professional development needs.**

**III.1.14.2: LANC should consider the possibility of seeking specific funding or sponsorship for a statewide legal services training conference. The conference would not only provide essential training for staff at all levels of the program, but would allow substantive task forces to meet in-person, would facilitate the sharing of best practices and approaches to advocacy, and would allow LANC staff to network and come together as one organization.**

*Criterion 2. Private attorney involvement*

**Finding 16: LANC has a regional approach to PAI implementation, which is adapted to the resources available in the local service area and rooted in historical relationships established pre-merger. Its recently implemented Call4All program has been successful in stimulating greater pro bono participation and increased legal services to the client community.**

LANC implements PAI in a way that is tailored and adapted to the resources available in each local office's service area. This approach has its roots in the individual offices' histories as part of pre-merger legal services programs with independent relationships established over a number of years with local bar associations, the judiciary, the courts, and area law schools. As such, program offices tend to have their own protocols and methods for recruitment of attorneys,<sup>22</sup> referral of cases,<sup>23</sup> and recognition of volunteers.<sup>24</sup> Many LANC offices have staff persons that are designated PAI coordinators by job title. Those that do not, have a PAI contact person who functions as the PAI coordinator – who is sometimes the managing attorney – and is listed on the pro bono section of the program's website as the PAI contact person. PAI coordinators and contact persons who are non-attorneys are supervised by office managing attorneys.

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<sup>22</sup> Recruitment methods include direct mailings, e-mail and telephone solicitations, in-person contact with attorneys at local bar meetings and elsewhere, recruitment of associates by firm attorneys who are already pro bono volunteers with LANC, publicizing pro bono in state and local bar news publications and in newspapers, use of the program website, and presentation of continuing legal education seminars for CLE credit.

<sup>23</sup> LANC offices employ various methods of referring cases to volunteers such as direct telephone calls or e-mail requests to attorneys who have indicated a willingness to accept a particular type of case, referral of cases to law school clinic supervisors in nearby schools, posting cases or projects on the program's pro bono website, and - for some of the larger law firms that have in-house pro-bono coordinators - referrals to the coordinators for assignment to an attorney in the firm.

<sup>24</sup> Several local offices work with their county bars and the judiciary to recognize outstanding volunteer service with annual recognition and awards ceremonies at local bar association meetings. The program also recognizes contributions of attorneys on the pro bono section of its website and recommends attorneys for the statewide public service/pro bono awards bestowed annually by the North Carolina Bar Association and for local bar association pro bono awards.

LANC has a comprehensive PAI plan that has been implemented by the program. LANC's recruitment and recognition efforts; backup and support for volunteer attorneys, computerized CMS and billing systems, procedures and PAI templates and forms; maintenance of good relations between program staff and PAI volunteers; and regular oversight of private attorney work are all noteworthy aspects of its PAI program. Participating private attorneys interviewed during the visit noted that the cases referred to them were "solid" and had been "professionally vetted and prepared."

LANC deserves plaudits for its commitment to using PAI attorneys to further significant program priorities in its **Call4All** Project.<sup>25</sup> LANC also offers extensive training opportunities for volunteer attorneys in those areas of law in which **Call4All** assistance is provided, so as to encourage participation in the program. Various substantive law webinars and CLEs are available to PAI attorneys, which also serve as recruitment and retention tools. In addition, those PAI attorneys who work with the CIU may be assigned a CIU staff attorney-mentor, as needed. The assigned mentor reviews the PAI case before closure to ensure that appropriate advice has been provided and drafts a closing letter to the client.

At the time of the LSC visit, **Call4All** had resulted in the recruitment of over 500 new pro bono attorney volunteers<sup>26</sup> and the closure of roughly 1,500 additional advice and brief service cases through the CIU.

The program offers numerous PAI opportunities including individual reduced-fee contracts in underserved areas, acceptance of individual cases for full-representation, participation in **Call4ALL**, conducting intake interviews in field offices, staffing community education clinics, and participation in Medical-Legal Partnerships.<sup>27</sup> Large law firms have also taken on specific pro bono projects. For example the firm of Womble Carlyle joined with LANC on a pro bono project to assess the legal needs of Hurricane Irene victims, some of whom are still struggling with insurance claims, construction scams, mortgage-related problems and relief issues.

The number of yearly PAI cases closed by LANC has risen for several years in a row,<sup>28</sup> a strong indicator of the results of LANC's PAI efforts. Though limited services provided by PAI attorneys since 2009 account for the greatest increase in PAI closed cases, the number of extended service cases also increased during the same three-year period.<sup>29</sup>

The assistant director/senior managing attorney of LANC's Charlotte office authored an article in an issue of *Clearinghouse Review* that provides some outcomes data and

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<sup>25</sup> **Call4All** is described in footnote 10, above.

<sup>26</sup> One LANC board member interviewed stated that among the first attorneys to sign-up for **Call4All** were senior partners in law firms, which inspired other attorneys in their firms to volunteer as well.

<sup>27</sup> A supervising attorney of one Medical-Legal Partnership noted that such projects have significant "pro bono appeal."

<sup>28</sup> LANC closed a total of 2,024 PAI cases in 2008, 2,199 in 2009, 2,437 in 2010 and 3,470 in 2011.

<sup>29</sup> The program closed 953 extended service PAI cases in 2009 (up from 902 the previous year), closed 996 in 2010 and 1,153 in 2011.



indicators of the success of PAI efforts.<sup>30</sup> The article footnotes results achieved during 2009 by Charlotte office pro bono attorneys. According to the article, attorneys volunteering their time that year generally succeeded in keeping tenants from being evicted, helped them obtain repairs in their dwellings, defeated landlords' monetary claims totaling \$58,646 and recovered damages against landlords totaling \$80,702.

Despite the noted strengths of the program's PAI, individual offices' PAI efforts and participation rates range from extremely limited to extensive. PAI coordinators in the various offices throughout the program do not meet regularly, nor does LANC have a PAI practice group that is currently active.<sup>31</sup>

**Finding 17: LANC has received pro bono assistance from members of the private bar and from tribal historians in the Native American cases it handles.**

Though there is no requirement that a designated portion of a program's Native American grant be directed to Private Attorney Involvement, the program has utilized the pro bono services of an attorney specializing in federal Indian law, an anthropologist who has served as a consultant for the Lumbee tribe in North Carolina and a genealogist/historian who has done extensive research on Native American tribes in North and South Carolina.

**Recommendation:**

**III.2.17.1: The program should consider mechanisms whereby the PAI coordinators can share best practices that work in the areas covered by their respective offices and thereby enhance and strengthen overall PAI participation in all parts of LANC's service area. To this end, the program should also consider re-instituting its PAI Practice Group, which could meet telephonically or through videoconferencing, and creating a PAI coordinator's listserv.**

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

**Finding 18: LANC provides numerous program services and engages in many activities that benefit the client community and help promote support for legal services for the poor.**

LANC engages in a myriad of other program services to benefit the client community. Staff have given community education presentations at domestic violence shelters, homeless shelters, job readiness centers, Area Agencies on Aging, churches, public housing developments, schools, senior centers, community action agencies, public libraries, law enforcement agencies, women's resource centers, family justice centers, and hospitals and before homeowners facing foreclosure, emergency assistance providers, health care providers, social workers, caregiver groups, single parents' groups,

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<sup>30</sup> See "Better Practices for Pro Bono Legal Services for Clients of Legal Services Organizations", in the July-August 2011 issue of *Clearinghouse Review*.

<sup>31</sup> LANC had a PAI practice group in the past but it was not active at the time of the LSC visit.

subsidized housing tenants and groups that work with limited English proficient populations.

LANC also distributes a variety of community education materials, some of which were produced in-house. Some of the topics covered in community education materials include the Central Intake Unit, fair housing, Medical-Legal Partnerships, child custody and support, bankruptcy, re-entry programs, long-term school suspensions, landlord-tenant law, and mortgage foreclosure prevention. Offices visited by the LSC team had brochures and other informational material available in waiting areas.

LANC engages in numerous activities that benefit the client community it serves. The program conducts many pro se and educational clinics for the client population, including clinics on the following topics: divorce and custody, consumer protection, expungements, education rights, exemptions, wills and advance directives, Medicaid disability, unemployment compensation, and tenants' rights & responsibilities. LANC also works collaboratively with other entities (for example, through Medical-Legal Partnerships established with health care providers, through programs with law schools and through the Safe on Seven<sup>32</sup> project at the Forsyth County Hall of Justice in Winston-Salem).

Other program activities or projects in which LANC staff has participated in conjunction with community partners, organizations and agencies include an annual father's day law fair (with the Oxford Housing Authority); a juvenile re-entry project (through the University of Virginia Law School Foundation); homeless fairs; senior fairs, a community law and business clinic (at Wake Forest University School of Law); prison ministries; a therapeutic riding center for children and adults with disabilities; and Veteran's Administration stand downs for homeless veterans.

**Performance Area Four: Effectiveness of governance, leadership and administration.**

***Criterion 1. Board Governance***

**Finding 19: LANC has an actively engaged board of directors that conducts effective program oversight, helps develop and augment LANC's resources, contributes to its PAI efforts, and promotes the program's good works.**

The LANC Board consists of twenty-seven members from around the state. It is geographically, ethnically and experientially diverse. Client board members are active, participatory, and respected members of their communities and the board. As mentioned in a previous section, two of the client board members are also members of the statewide Clients' Council.

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<sup>32</sup> Safe on Seven is the primary resource in Forsyth County for victims of domestic violence. The agency provides victims of domestic violence with access to many of the resources needed to ameliorate their situations. Agency services are provided by the Clerk of Court, Legal Aid, the Forsyth County Sheriff's Office, the Winston-Salem Police Department, the Department of Social Services, and the North Carolina Department of Community Corrections and Family Services.

LANC provides new board members with an extensive orientation by senior staff in the Administrative Office in Raleigh. A new member orientation book covers the history of Legal Aid of North Carolina; LANC's special projects, clinics and structure; the responsibilities of service as a board member for a non-profit organization; conflicts of interest; compliance with funder requirements; budget information; and other board fundamentals. LANC also sends board members to external training events, such as the NLADA Annual Conference and other relevant trainings. Some members who had been on the board for a few years expressed a desire for refresher training.

Much of the work of the LANC Board is initially undertaken in committees. LANC has a sophisticated committee structure, that includes an Executive Committee and the following standing committees: Audit,<sup>33</sup> Finance, Fundraising, Resource Development, Client Affairs, Local Advisory Committees, PAI, Operations, Personnel, and Board Development/Nominating. Finance Committee members receive monthly financial statements from LANC and meet monthly by phone between regular board meetings. Board members are generally well-informed on the issues facing the program, provide independent judgment as a body, and conduct appropriate oversight of the program and supervision of the executive director.

The Board meets quarterly. The location of board meetings rotates around the state and attendance is generally very good. Board materials are mailed to all members a couple of weeks before the scheduled meeting, providing them with ample time to familiarize themselves with the materials. The agenda for a typical board meeting includes the executive director's report, a legislative update and developments report, an IOLTA update, a statewide clients' council report, and board committee reports. Board meetings may also contain updates from staff on the advocacy of the program's special projects and the program's significant cases.

The board and the executive director appear to have an excellent working relationship. Board members interviewed spoke highly of the executive director. The executive director seemed appreciative of the strong support and involvement of the various members of his board. The executive director has not been formally evaluated by the board since 2009. Board members interviewed understood the importance of evaluating the executive director and were supportive of doing so on a more regular basis.

The LANC Board of Directors as a whole is an engaged, active, and knowledgeable body. Board members are hard-working and actively participate on board committees. They were involved in oversight of program decisions in 2011 relating to the closure of offices and reduction in workforce. The Board not only reviews the program's Case Service Reports but its outcomes measures as well. Members of the board show their support for LANC in various ways, including by contributing financially to the program

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<sup>33</sup> It was felt that the assessment and reporting-out of annual audit findings was of sufficient importance to merit the creation of an audit committee, separate from the program's finance committee. Though there is some overlap in membership, the audit committee includes two board members who are not on the finance committee.

and - for attorney board members - by participating in PAI efforts. One board member is assisting the program with the establishment of a Medical-Legal Partnership. Another participated in discussions with a major bank on a reduction in the fees the bank was charging for IOLTA accounts. Attorney board members have participated in the **Call4All** program, have accepted cases for pro bono representation, or have encouraged members of their firms to do so.

### **Recommendations:**

**IV.1.19.1\*:** The Board of Directors should conduct a formal performance evaluation of the Executive Director at least every two years and ideally, on an annual basis.

**IV.1.19.2:** LANC should consider providing refresher training for longstanding board members. Combining this with the board orientation training periodically given to incoming members would promote efficiency and allow the more seasoned board members to share their knowledge and experience with newer members.

### *Criterion 2. Leadership*

**Finding 20:** LANC has an experienced, committed, and energetic executive director who has encouraged and supported the development of new and innovative projects to leverage program resources, meet changing needs of the client community and the program, and improve the delivery system.

LANC has an experienced, committed, and hard-working executive director. Previously, he served as the legal director of the Fair Housing Project of the Lawyers' Committee for Better Housing in Chicago. In 1999, he became assistant director for advocacy and compliance at Legal Services of North Carolina, and became the executive director in 2001. He is respected by board members and staff at all levels of the organization. Most staff members interviewed viewed the executive director as approachable and as someone who would listen to their concerns.

The executive director has encouraged and supported the development of new and innovative projects to leverage program resources, address emerging needs of the client community and meet existing needs that are on the increase.

### *Criterion 3. Overall management and administration<sup>34</sup>*

**Finding 21:** LANC has a multi-tiered management structure consisting of assistant directors, regional managers, managing attorneys and supervising attorneys. The program has many experienced managers on staff. It has a succession plan for the executive director.

The management structure of LANC is multi-tiered, with assistant directors, regional managers, managing attorneys, and supervising attorneys. The structure appears to have

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<sup>34</sup> LANC's management of its migrant grant is discussed in Finding 28, below.

evolved as a result of the consolidation of several legal services programs, which included the retention of several former executive directors of legal aid programs in North Carolina.

The core management team is comprised of the executive director, an assistant director of advocacy and compliance, an assistant director based in the program's Charlotte office, and an assistant director of finance. The assistant director for advocacy and compliance assists the executive director with all aspects of management and administration of LANC; oversees program advocacy; ensures that staff is appropriately trained; provides general supervision in appellate cases; and ensures that program operations are in compliance with applicable laws, regulations and policies. The assistant director in LANC's Charlotte office performs some functions similar to the assistant director for advocacy and compliance but for the Charlotte and Gastonia offices. He also serves as the senior managing attorney for those offices and provides litigation support, mentoring, and co-counseling for advocates throughout the program. The program has five regional managers whose job responsibilities are fluid, and not always well-defined in practice. They each have managerial responsibilities for offices located in their respective regions and are all highly experienced attorneys and former executive directors of pre-merger programs. Each office has a managing attorney, sometimes located in another office. Some of the larger offices also have supervising attorneys as well.

The executive director has recruited and retained managers and supervisors throughout the program who are well-respected by their colleagues and serve as valuable resources for both experienced and newer advocates. Several managers have a wealth of experience gained as former executive directors of legal aid programs in North Carolina prior to their merger with LANC.

LANC has a succession plan for its executive director, though none at present for other upper-level administrative staff. Board members have discussed the need for succession planning for other high-level administrators with the executive director and in board personnel committee meetings. Succession planning for these experienced managers, who could conceivably retire within a few years of each other, is being contemplated by the program as the next step in succession planning.

LANC has a written Disaster/Emergency Preparedness and Recovery Plan adopted by the board of directors in 2011 that was reviewed by LSC staff and found to be lacking in several elements. The checklist used by LSC to evaluate the disaster plan has been shared with the program.

### **Recommendations:**

**IV.3.21.1\*:** The program should clarify the roles of the regional directors vis à vis the office managers and staff persons they supervise and specify the responsibilities of each. The program may wish to consider more structured advocacy development roles for those regional directors not currently serving in that capacity.

**IV.3.21.2\*:** The executive director should designate staff to revise and update the program's disaster plan and ensure that the revised plan is circulated to all staff. In revising its disaster plan the program may wish to refer to the ABA Lawyer's Guide to Disaster Planning, located at:

[http://www.americanbar.org/content/dam/aba/events/disaster/surviving\\_a\\_disaster\\_a\\_lawyers\\_guide\\_to\\_disaster\\_planning.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/events/disaster/surviving_a_disaster_a_lawyers_guide_to_disaster_planning.authcheckdam.pdf).

**Finding 22:** LANC has made innovative use of technology. Additional program resources need to be directed toward the day-to-day technology used by staff to administer grants, manage and supervise program and legal work, communicate with each other and provide legal services to clients.

The program's IT staff consists of the director of technology, a technology specialist (who is also the former director of a legal services program in North Carolina), and a technology support staff person. The IT director lives in Florida and works remotely from there. He is on-site at the program three or four times during the year and states that he is able to instruct technology staff at LANC and the program's IT contractors using remote access software. The director of technology approves all hardware and software purchases by the program. The technology specialist and support-staff person work out of LANC's Winston-Salem office. The technology specialist coordinates and provides much of the technology training for staff,<sup>35</sup> though designated computer responsible persons (CRPs) in each office are expected to provide initial training for new staff. The technology specialist also oversees the Legal Files case management system, the A2J online intake program, and the statewide website, with assistance from the support-staff person. Technology issues that require on-site attention in the eastern part of the program's service area are usually handled by an IT contractor and in the western part by either the technology specialist or an IT contractor located in western North Carolina. The program also has a director of public relations, who has technology-related responsibilities – including oversight and restructuring of the program's websites. He works out of LANC's Durham office.

All full-time staff at the program have desktop or laptop computers with Internet access and access to the program's case management system - both within their offices and remotely via the Internet. All staff have email accounts maintained on a central Microsoft Exchange server. LANC uses a client server version of Legal Files for case management and states that it was the first legal aid program in the country to do so. The program has an intranet, used to share staff news and executive director updates, communicate about legal issues affecting the client community, and post notices of upcoming trainings and webinars. Each program practice group or project has its own SharePoint wiki for sharing documents, information, and training materials. The program uses A2J Guided Interviews<sup>36</sup> for its online intake application, including use in LANC's **Call4All** pro bono project.

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<sup>35</sup> She has also developed technology FAQs for use by staff.

<sup>36</sup> Developed using A2J Author® software, A2J Guided Interviews provides a customer-friendly web-based interface used for document assembly. It was originally designed to help remove many of the barriers faced

LANC submitted a written Technology Plan for 2013 that describes hardware and software currently in place at the program, plans for upcoming improvements to technology and changes anticipated for 2013, and identifies the technology staff and computer responsible persons in the various field offices.

LANC has an Internet use policy and a Social Media Guidelines and posting policy. The program has budgeted \$578,180 to cover technology operating expenses in 2012.

The program uses technology in varied ways including for webinars, video conferencing, SharePoint sites, listservs, A2J interviews for online intake and custody forms, and GIS mapping to analyze the service area characteristics and services provided to clients. LANC recently completed a year-long Technology Initiative Grants (TIG) project to update the North Carolina statewide website, which resulted in the addition of a significant number of new resources and materials for low-income people, advocates and pro bono attorneys.

LANC is partnering with North Carolina Central University School of Law, which received a grant through the American Recovery and Reinvestment Act to deploy broadband videoconferencing technology to legal assistance facilities across the state, including LANC offices. The project at North Carolina Central is called the Technology Assisted Legal Instruction and Services (“TALIAS”) Project and is being utilized by LANC to provide training for staff advocates and PAI attorneys, and to offer legal clinics. Some “packet loss” occurs during TALIAS videoconferencing presentations. This happens when the audio and/or video information being sent over the IP network is not received properly on the other end, causing the video feeds in the LANC offices to show poor quality images or frozen images, or to experience a total loss of the connection.

Many program staff interviewed encounter problems with the program’s core technology in their daily work, including Legal Files freezing and programs running very slowly. The technology director feels that a Virtual Desktop Infrastructure (“VDI”) may address many of the aforementioned problems.<sup>37</sup>

Some of the centralized servers are over-capacity and some offices may have insufficient bandwidth. Problems with individual users cause slow-downs for all users. For example, if one computer encounters a problem that causes it to ‘hang’, this can result in the server slowing down or freezing for all the other users.

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by self-represented litigants by allowing them to easily complete documents for filing with the court. The guided interviews take the user through a step-by-step document assembly process and make preparation of electronic court documents and electronic filings more widely accessible to pro se litigants. A2J Guided Interviews are also used by some legal aid programs to allow applicants to apply for legal services online.

<sup>37</sup> VDI is a virtualization technology system that separates the computer desktop environment from the physical computer. The “virtualized” desktop is instead stored on a centralized or remote server rather than on the computer itself.

Work stations at LANC tend to be reimaged (with a fresh installation of Windows XP along with some memory upgrade) rather than replaced. This is true even for workstations that are eight to ten years old.

Communication among staff concerning technology issues – including between administrative IT staff and LANC staff that employ technology to serve the needs of the program and its clients – needs improvement.

**Recommendations:**

**IV.3.22.1: LANC should review the capacity of its servers and bandwidth to ensure that both are sufficient to handle the activity level of the users.**

**IV.3.22.2\*: LANC should prioritize implementation of the Virtual Desktop Infrastructure (VDI) environment, particularly for the CIU and other intake staff, to see if this resolves the performance issues with regard to Legal Files. LANC should conduct user surveys quarterly after the VDI implementation to track that the system is performing appropriately and that the VDI has resolved the slowness, freezing and crashing of the Legal Files program. LSC can provide the names of other programs funded by LSC that are already using VDI.**

**IV.3.22.3: LANC should create a helpdesk tickler system that can be monitored by multiple IT-responsible staff persons to encourage feedback on how technology is working throughout the program and to better manage and troubleshoot requests for assistance to solve technology issues. The program should also consider creating a technology SharePoint site which would include FAQs, technology tips and training materials.**

**IV.3.22.4\*: LANC should ensure appropriate budgeting for revolving desktop and laptop equipment replacement each year, so that the program will not be faced with replacing a large percentage of workstations unexpectedly in one year.**

**IV.3.22.5\*: LANC staff should follow-up with the TALIAS staff at NCCU to troubleshoot the packet loss issue to ensure reliably functioning video feeds on the system.**

**IV.3.22.6: LANC should form a program technology committee of computer responsible persons and other tech-savvy staff throughout the program to provide feedback on technology issues, plan for technology improvements, and help communicate technology changes to all program staff. Additional training for the CRPs in the various offices of LANC would be helpful as well.**

***Criterion 4. Financial Administration***<sup>38</sup>

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<sup>38</sup> This visit was conducted by the Office of Program Performance for the purposes set forth in the Introduction. OPP findings and recommendations under this criterion are limited to staffing, organization, and general functions. Assessment of fiscal operations is conducted by other offices at LSC.



**Finding 23: The program’s financial staff is experienced and appear to effectively utilize appropriate technologies and internal controls.**

LANC’s financial staff consists of the assistant director of finance and administration, the controller/finance director, a senior accountant, and an accounts payable coordinator. The assistant director of finance reports to and works closely with the executive director. The assistant director of finance has served in that capacity since 1999, prior to which he served as Deputy Director of administrative services for the North Carolina Administrative Offices of the Courts. For ten years before that he worked for the North Carolina State Auditor. He has degrees in accounting and administration.

The assistant director of finance and administration has numerous responsibilities. He staffs and works with the board’s finance and audit committees, bears ultimate responsibility for all financial and accounting activities, procedures, policies, systems and operations at LANC; supervises the controller/finance director and the human resources director; develops, manages and makes regular adjustments to the program’s budget; makes changes to the program’s accounting manual to ensure that it is up-to-date; and is responsible for property procurement and management at LANC.

The controller/finance director has a degree in accounting and has been with LANC for twelve years. She supervises both the senior accountant and the accounts payable clerk, and is responsible for all accounting operations at LANC and for ensuring that required grant reports to funders are properly prepared and timely submitted.

The assistant director of finance and the controller work closely together and have divided their responsibilities in a way that enables them to oversee and monitor an annual budget of over \$20,000,000 and revenue from nearly three dozen different funding sources.

Annual program audits have not identified significant problem areas or issues, nor have they resulted in exceptions or findings. When auditors have made suggestions for change, the changes have been promptly adopted, implemented and incorporated into the program’s written policies and procedures.

***Criterion 5. Human Resources Administration***

**Finding 24: LANC’s human resources office is capably staffed. LANC provides fringe benefits to staff and strives to create a balanced, family-friendly work environment. One aspect of human resources management that needs attention at LANC is performance evaluation. Formal, written performance evaluations of staff have not been conducted on a regular basis program-wide.**

LANC has an experienced and competent human resources director, who has been employed in her current position since 2004. For nine years prior to that she worked in the human resources department of a medical practice group with multiple offices.

She is in regular contact with senior staff and the executive director involving hiring, terminations of employment, and overall management of the program's fringe benefits. LANC as an organization is supportive of its staff. The human resources director and upper-level management of the program appear interested in making the organization a family-friendly place of employment. LANC allows employees who may perform their job duties in an off-site location to do so. The program also has a sabbatical program. Its three-to-six-month sabbaticals are for the purpose of providing staff an opportunity to engage in self-revitalization, renewal and growth. The sabbatical does not contain a professional development requirement nor does it mandate that it be connected to work-related responsibilities. A grant from the Z. Smith Reynolds Foundation was used to support a sabbatical taken last year by a long-time member of the staff.

The program's recognition of the importance of staff well-being and efforts to providing a work environment that is family-friendly have not gone unnoticed. LANC was the 2006 recipient of the Large Firm Balanced Life Workplace Award given by the North Carolina Association of Women Attorneys. In the words of the then-NCAWA president: "The policies that Legal Aid of North Carolina promotes and its commitment to a balanced life are a beacon for the profession."

LANC self-insures for health and short-term disability insurance. Short term disability is provided at 100% of the staff member's salary. The program pays the entire cost of its employees' single coverage and 50% of dependent coverage. The program has long-term disability for its employees through Met Life. The program also has a loan repayment assistance program. Though LANC has a pension plan, it has been unable to make contributions to the pension plan over the past two years because of funding losses. Staff has not had any pay increases since 2009.

One aspect of human resources management that needs attention is performance evaluation. Formal, written performance evaluations of staff have not been conducted on a regular basis program-wide. Team members interviewed staff in some offices who have been employed for three years or more and have never been evaluated. Other staff interviewed have had regular – if not annual – performance evaluations. A new performance evaluation instrument, which includes a self-evaluation component, peer review, assessment of professional development needs and supervisor evaluation by supervisees was developed by a program committee in 2011. LANC had begun utilizing the new instrument prior to the LSC visit. Though some evaluations had been conducted in the months preceding the visit, many staff persons at the program had still not been evaluated at the time of the visit.

**Recommendation:**

**IV.5.24.1\*: Performance evaluations should be conducted regularly, and preferably annually, for all staff. The program should complete the process of conducting evaluations of all staff – management and non-management. When conducting performance evaluations, LANC should take into consideration employees'**

**individual contributions to office work plans and special project work plans during the previous year.**

*Criterion 6. Internal Communication and Office Morale*

**Finding 25: Communication within LANC is generally good. Though morale has suffered as a result of office closures and salaries that have remained flat, staff expressed a strong spirit of perseverance.**

The executive director communicates with staff concerning major occurrences at the program through periodic intranet postings and emails. He shared a copy of his February 2012 update to staff with the LSC visit team. It discussed funding losses at LANC, the increased demand for legal services, the development of new program policies, the upcoming LSC visit, the loan repayment assistance program, and the **Call4All** project.

The LANC intranet is also used to post information about upcoming trainings and for sharing of information among the program's practice group and task force members. It also allows staff to provide anonymous feedback to the executive director concerning issues of concern for staff.

An area in which some staff expressed concern during the visit was a perceived lack of sufficient and timely information-sharing concerning the 2011 layoffs and office closures. Some staff members experienced the office closures and layoffs as "sudden", happening "on very short notice", or carried out "abruptly." The executive director expressed to the visit team during the exit conference that he was concerned, during the early period when staff reductions were being considered, that there could be a negative impact on program morale if staff learned of this prematurely.

The office closures, reduced funding, increase in demand for services due to the economic downturn, and flat salaries have made the past few years difficult for LANC staff.

Though all of the aforementioned have had a definite impact on morale program-wide, staff interviewed during the visit were, overall, surprisingly upbeat and positive about their work and about the program as a whole. Though the recession and its aftermath have taken their toll on LANC, the general spirit that prevails among staff at the program is one of optimism tempered with realism and of perseverance and continued dedication to their clients. LANC's consideration for staff well-being during the more economically solid times appears to have held the program in good stead during a difficult period. On-site interviews of staff indicate that program morale may be leveling off and - according to some staff - even improving.

**Recommendation:**

**IV.6.25.1: The program should be mindful of the need for ongoing communication, particularly when major changes are to be implemented, such as office closures and reductions in the workforce.**

*Criterion 7. General Resource Development and Maintenance*

**Finding 26: LANC has been successful at both developing new sources of revenue and maintaining existing sources. Its resource development efforts are competently staffed and have produced some noteworthy successes.**

Funding from the North Carolina Bar Association allowed LANC to hire a development director in 2009. She is an experienced, creative and knowledgeable fundraiser. She has extensive prior fundraising experience, including having previously worked in the area of domestic violence victims advocacy, where she developed and submitted grant proposals and monitored domestic violence programs at the state level. Her primary responsibilities at LANC include planning and coordinating a series of private bar campaigns throughout the service area. She is also responsible for the production of LANC's annual report – a polished and professionally prepared document that contains client stories, demographic information and statistics concerning the client population, a spotlight on LANC advocacy, an executive summary of the Access to Justice Campaign and its success, and an extensive donor and pro bono volunteer recognition section. She is supported by a part-time clerical assistant. The preparation and submission of grant applications is handled by various staff at LANC – including staff persons who manage the program's special projects.

The various private bar campaigns that are part of the program's Access to Justice Campaign typically raise about \$500,000 total for LANC each year. Staff and the board have developed a number of targeted campaigns such as the Large Firm Campaign,<sup>39</sup> an Associate's Campaign,<sup>40</sup> a Leadership Council Campaign in six communities in the state and a cooperative private bar campaign in the Charlotte area.

LANC has an endowment fund<sup>41</sup> created by the North Carolina Bar Association in 2007. The endowment was seeded with a \$100,000 gift from a North Carolina attorney and is approaching \$1 million in size. The endowment is administered by the North Carolina Community Foundation. The goal of the endowment is to help build long-term stability for civil legal aid services in North Carolina.

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<sup>39</sup> The Large Firm Campaign has four chairpersons and is being organized through the Chief Justice's Equal Access to Justice Commission. Twenty-five of the largest firms in North Carolina have signed on to the campaign.

<sup>40</sup> The Program's Associates' Campaign seeks not only to obtain contributions from newer attorneys but to build support and increased involvement by younger members of the private bar.

<sup>41</sup> The endowment is a permanent fund from which only the income is distributed to LANC. The fund is invested and continues to grow, such that the program derives a perpetual and ever-increasing amount of income from the fund.

LANC has also developed strong relationships with local foundations. Generous grants from the Z. Smith Reynolds Foundation helped develop LANC's Mortgage Foreclosure Project and continue to support its work. The Kate B. Reynolds Charitable Trust is helping support the program's Medical-Legal Partnership work at Baptist Hospital in Winston-Salem with a pilot project grant of \$330,000.

LANC has had Clifton W. Everett, Sr. Community Lawyer Fellowships since 1992. The fellowships are one-year staff attorney positions awarded based upon the recipient's legal abilities and demonstrated commitment to social justice. They support work on behalf of low-income persons in rural areas and are funded by the North Carolina IOLTA Board of Trustees.

LANC also has Martin Luther King, Jr. paid summer internships, awarded to law students to participate in the program's legal work over a ten-week period in the summer. A primary goal of the internships is to orient aspiring lawyers to a lifelong commitment of providing access to justice for all individuals regardless of their ability to pay. The summer internship program is funded in part by contributions from the North Carolina Bar Association and Lawyers Mutual Liability Insurance Company.<sup>42</sup>

LANC has been successful both at developing new sources of revenue and maintaining existing sources. As a result of LANC's resource development efforts, the program increased its overall funding in 2011, despite a decrease in its LSC grant of over \$430,000.<sup>43</sup> LANC's efforts to preserve home ownership for North Carolinians should yield significant funding for the program from the National Mortgage Foreclosure Settlement with the country's five largest mortgage loan servicers: Ally (formerly GMAC), Bank of America, Citi, JPMorgan Chase and Wells Fargo.<sup>44</sup>

*Criterion 8. Coherent and comprehensive delivery structure* [Addressed throughout the report and in the summary.]

*Criterion 9. Participation in an Integrated Legal Services Delivery System*

**Finding 27: LANC is recognized as a leader and an active participant in the statewide legal services delivery system.**

LANC works with the non-LSC programs in the state to eliminate duplication of services, facilitate referrals, coordinate advocacy efforts, and develop and enhance resources to help meet the need for legal services for the poor.

LANC is recognized as a leader and an active participant in the statewide legal services delivery system. LANC has been described by state justice community leadership as "an excellent collaborator with other entities in the state" and one that works well with the

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<sup>42</sup> LANC recognizes the individual legal work and victories of its summer interns on the program's website.

<sup>43</sup> LANC's overall funding rose to \$25,327,374 in 2011 from \$24,853,411 the previous year.

<sup>44</sup> As of this writing, the exact amount to be received by LANC is not yet known.

other legal services providers. Staff members serve on various state and local bar association committees and work with numerous community organizations. The executive director serves on the North Carolina Supreme Court's Access to Justice Commission.

The program is a founding member of North Carolina's Equal Justice Alliance, the collaborative planning and coordination council of civil legal assistance providers in the state. The Alliance is funded by an IOLTA grant and by contributions from member organizations.

The program has been a partner in effective fundraising endeavors with other organizations in North Carolina. For example, LANC's Charlotte office works closely with Legal Services of Southern Piedmont, the non-LSC provider in the area on a joint private bar campaign. A collaborative partnership involving LANC and the Guilford County Department of Public Health resulted in a three-year Kresge Foundation Grant of \$750,000 to the Greensboro Housing Coalition to identify housing problems through referrals from partner organizations such as LANC and identify available resources to address such health hazards as lead contamination, mold, and disease transmitting pests.

### **The Migrant Grant**

**Finding 28: LANC's Farm Worker Unit appears to be well-managed overall, with sufficient supervision systems in place to ensure quality legal work and compliance with the LSC Regulations, and grant requirements.**

LSC conducted a Program Quality Visit to LANC in February of 2009 to assess its migrant grant, which resulted in a full report issued on May 26, 2009. The focus of the June 2012 visit to the program's Farm Worker Unit was management of the Unit and oversight of the migrant grant. The program has compliance related Special Grant Conditions in place during all of 2012.<sup>45</sup>

The Farm Worker Unit (FWU) is staffed by a managing attorney,<sup>46</sup> three staff attorneys,<sup>47</sup> a community outreach coordinator, two paralegals, a Jesuit Volunteer law clerk, and one support staff person.

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<sup>45</sup> In 2011, the Office of Compliance and Enforcement questioned costs expended by LANC in the production of a community education pamphlet by its Farm Worker Unit that had been posted on the program's website and contained political content, in violation of the LSC Regulations. The questioned costs proceeding was ultimately settled by LANC, which agreed to reimburse LSC for the approximately \$8,148.00 involved in the production of the pamphlet. Special Grant Conditions were imposed upon LANC for the 2012 grant year, to ensure that nothing similar would occur at the program in the future. LSC is in receipt of the April 2012 and July 2012 Special Grant Conditions Reports, signed by LANC's executive director and board chair, certifying that "no grantee funds have been expended for any political actions during the prior quarter with the exception of other public funds or tribal funds [used] in accordance with the purpose for which they are provided."

<sup>46</sup> The FWU's managing attorney has thirty-eight years of experience in the profession.

<sup>47</sup> The most senior staff attorney has fifteen years of experience and the other two staff attorneys have four and three years of experience.

Visit team members interviewed the executive director, the managing attorney of the Farm Worker Unit, and attorneys, paralegals, the outreach coordinator and the support staff person in the Unit. The team also reviewed the Farm Worker Unit's community education materials, including those posted on the program's website.

The visit team found that the FWU has solid management and grant oversight practices in place. The Unit engages in yearly work planning with the North Carolina Justice Center, thereby ensuring coordination of the work of the two programs. LANC's associate director of advocacy and compliance facilitates the yearly work planning. The result is a comprehensive written work plan with specific projects for the year, assigned individual responsibilities, and target completion dates. The work plan is revisited periodically throughout the year, typically during the FWU's weekly staff meetings.

The FWU in general is closely supervised by the Unit's managing attorney, a highly experienced migrant attorney. Some FWU advocates are also supervised by and work closely with the most senior staff attorney. The Unit meets weekly to discuss new and ongoing cases, outreach plans, and upcoming activities for the season, and to review the annual workplan. Either two attorneys and a paralegal, or an attorney and a paralegal are assigned to all cases. Newer advocates are closely supervised, their written work is reviewed by a more experienced attorney, and they co-counsel with an experienced advocate on all court cases or cases before an administrative agency or tribunal.

The Unit participates in a training held each year for summer interns. The training also covers LSC policies and regulations. In addition, the FWU managing attorney provides orientation training for all new attorneys that covers the LSC Regulations, including the prohibition on political activity.

Either the FWU managing attorney or the Unit's senior attorney reviews all new outreach materials before they are disseminated to the public, distributed during outreach or placed on the program's website. This practice had been in place during previous years, including the year in which the outreach pamphlet at issue was released. However, the program is now much more sensitive to material that might be viewed as having "political content" and has added a layer of review of any such materials before they are published. In addition to the review conducted by the managing or senior attorney of the FWU, LANC's executive director (who is also fluent in Spanish) reviews all new FWU outreach materials before they are released, as does the assistant director of advocacy and compliance. As part of this review, the director periodically checks the FWU's section of the program's website. Though the executive director and the managing attorney of the FWU do not have regular monthly meetings, they do meet and communicate on a regular basis. A non-management FWU staff person interviewed stated that at the Unit's weekly meetings, staff discuss any new outreach or community education materials that might be viewed as having political content and any upcoming activities that could be interpreted as political in nature.