



LEGAL SERVICES CORPORATION

Office of Program Performance

DRAFT PROGRAM QUALITY REPORT

FOR

North Mississippi Rural Legal Services

Recipient Number: 625040

January 23 - 27, 2012

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**North Mississippi Rural Legal Services
Program Quality Report**

Table of Contents

INTRODUCTION3
Program Overview3
Summary of Findings4

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 needs5

PERFORMANCE AREA TWO: Effectiveness in engaging and serving the low-income population throughout the service area8

Criterion 1. Dignity and sensitivity including intake procedures..... 8
Criterion 2 and 3. Engagement with and access and utilization by the low-income Population11

PERFORMANCE AREA THREE: Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area 12
Criterion 1. Legal representation 12
Criterion 2. Private attorney involvement17
Criterion 3 and 4. Other program services and activities on behalf of the eligible client population 18

PERFORMANCE AREA FOUR: Effectiveness of governance, leadership and administration 19

Criterion 1. Board governance 19
Criterion 2. Leadership 21
Criterion 3, 4, 5, and 6. Overall management and administration, including internal communication, financial, and human resource administration..... 21
Criterion 7. General resource development and maintenance 24
Criterion 8. Coherent and comprehensive delivery structure 26

Criterion 9. Participation in an integrated legal services delivery system26

INTRODUCTION

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit to North Mississippi Rural Legal Services (NMRLS) from January 23 – January 27, 2012. The team members on the visit were OPP program counsel Willie Abrams (team leader), Mytrang Nguyen, Nancy Glickman and Angela Thornton.

Program quality visits are designed to ensure that LSC grantees provide the highest quality legal services to eligible clients. In conducting its assessment, the team carefully reviewed the documents LSC has received from the program, including its LSC grant application for 2010 funding, its renewal applications for 2011 and 2012, case service reports (CSRs) and other service reports (OSRs) from 2010 - 2011, numerous documents the program submitted in advance of the visit, survey responses of NMRLS staff who participated in an anonymous Internet survey conducted by LSC, and prior LSC visit reports.

The team visited the program's main office in Oxford, Mississippi and its branch offices in Greenville and Clarksdale. It also met with staff of the West Point office while in Tupelo. In addition to speaking with NMRLS staff members, the team met or had telephone conversations with most of the NMRLS board members, as well as state and local community justice partners with the program.

In performing its evaluation of a grantee's delivery system, OPP relies on the LSC Act and regulations, LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. This report is organized according to the four Performance Areas of the LSC Performance Criteria that cover the following: (1) identification of the most pressing legal needs and targeting resources to address those needs; (2) engagement with the low-income community and access of the community to legal services; (3) legal representation; and (4) effectiveness of governance, leadership, and administration.

PROGRAM OVERVIEW

North Mississippi Rural Legal Services provides free civil legal assistance to low-income and disadvantaged residents in northern Mississippi. The program is the successor organization to Lafayette County Legal Services, founded in 1966 by a group of law professors at the University of Mississippi¹

The service area is primarily rural and includes 39 of the state's 82 counties, covering 20,435 square miles. The 2010 American Community Survey data reflect that NMRLS' service area has 251,263 people living in poverty.² The U.S. Census Bureau's 2010 Small Area Income

¹ An excellent history of NMRLS's formative years can be found in *Rationing Justice: Poverty Lawyers and Poor People in the Deep South* by Kris Shepard (Baton Rouge: Louisiana State University Press, 2007), pp. 31-33.

² 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.

and Poverty Estimates Program reported that seven of the 30 poorest counties in the United States are within NMRLS' service area including the poorest in the South. The local population's unemployment rate is routinely above the national average.

NMRLS provides a full range of services to its eligible population by means of a delivery system consisting of limited and full representation. NMRLS currently maintains offices in the cities of Oxford, West Point, Clarksdale, and Greenville.³ The administrative offices, as well as the intake Call Center, Low Income Taxpayer Clinic and Elder Law Project are also housed in Oxford. At the time of the LSC visit, NMRLS had a total staff of 28 employees, including 12 attorneys, 1 paralegal, and 15 other staff.

NMRLS' total budget in 2011 was approximately \$2.875 million, including a grant of \$2,214,904 from LSC. Non-LSC funding totaled \$660,156, or 23% of the program's total revenue which is considerably lower than the national average of 56%. As a consequence of recent budget cuts that took effect this year, the program's 2012 LSC grant was reduced to \$1,890,204. 2012 non-LSC funding is projected to be around the same if not slightly less than 2011. The program continues to face funding uncertainties and has not developed a comprehensive resource development plan.

SUMMARY OF FINDINGS

NMRLS has been forced to deal with significant cuts in funding over the past few years. With no long term comprehensive strategic plan to guide them, the program has been consumed with the difficult task of budget reduction and resultant program adjustment. This scenario permeated all areas of our inquiry.

NMRLS completed its most recent comprehensive needs assessment in 2011. While the program's priorities are sufficiently broad to reflect the legal needs of its clients, there is no comprehensive plan to effectively address those needs. The program does not set explicit goals or objectives nor develop strategies to implement its priorities. There is no mechanism to internally evaluate the overall effectiveness of the program's delivery system.

Client intake is primarily conducted by a coordinated Call Center. The Call Center is charged with screening applicants and providing limited service. Call volume has been a challenge. Cases that require extended service are referred to the appropriate branch office. The branch offices process walk-in clients who have emergencies or have traveled a long distance to the office. The managing attorney in each office, often the only attorney, decides the extent of further representation and whether the case should be referred to one of the program's Private Attorney Involvement (PAI) components. Program policies provide little guidance as to what cases should involve extended representation as well as what matters should be referred through PAI. There appears to be only limited client outreach or program involvement in the local community.

The program's budget cuts have resulted in a significant reduction in advocacy staff. Three of the four branch offices currently have only one attorney. The main office has two general

³ A long standing office in Tupelo was closed in December, 2011 due to budget cuts.

attorneys as well as two special project attorneys. Program attorneys reflect a good mix of experienced, mid-level and new attorneys. The program's productivity is below the national median and average of number of cases closed per 10,000 poor persons as well as the percentage of extended representation. The majority of legal work is in the family law area. The service delivery model is primarily in the form of individual representation and the program provides only minimal other services or activities.

The majority of the advocacy staff is supervised by the litigation director. Hands on supervision is somewhat limited due to the office staffing configuration. Case reviews are conducted twice a year and each advocate has a yearly evaluation. Considering its budget constraints, the program provides adequate support resources in the areas of training, research capabilities, and technology. There is no mechanism for advocates to routinely discuss their cases with colleagues to share ideas and develop strategies.

The program's PAI effort consists of both a reduced fee and a pro bono component. The program's PAI coordinator oversees the reduced fee program. The program subgrants with the Mississippi Volunteer Lawyer Project to provide pro bono assistance. Oversight within NMRLS is conducted by the litigation director. There are no written uniform directives to guide program referrals to either component as a means to meet client need or make the best use of staff or private bar resources.

While the NMRLS board of directors is engaged in the budget reduction process, the lack of an overriding plan impedes their effectiveness. The board's structure could be improved and it is currently considering bylaw changes. The board has not had ample training to assist in effectively executing its key responsibilities. Neither the board nor the program has been sufficiently engaged in resource development.

Lack of program planning has led to piecemeal budgetary decisions without thoughtful consideration of the consequences on service delivery. Allocation of resources to program administration also needs to be reassessed. The program's leadership's duty to foster and maintain a shared sense of program vision has been supplanted by economic concerns. However, it appears that the board and program leadership now recognize that the program's mission can best be fulfilled by the development and adherence to a comprehensive plan.

NMRLS is an integral part of the state justice community.

FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

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

FINDING 1: NMRLS's most recent comprehensive assessment of the most pressing legal needs of the poor in its service area was completed in 2011.

In 2010, NMRLS in conjunction with the Mississippi Center for Legal Services, the LSC grantee for the southern half of Mississippi, commissioned Jackson State University to complete a comprehensive statewide needs assessment. The last such assessment was conducted in 2001. Following consultation with LSC staff, a planned 2006 assessment was put on hold due to the devastating effects of Hurricane's Katrina and Rita and the programs were encouraged to join other providers in the region to address the immediate needs of victims and evacuees.

The current assessment, commenced in 2010 and completed in 2011, consisted of dissemination of three separate questionnaires. The first was aimed at the program's clients, the second was aimed at other stakeholders, and the third was focused on the Spanish speaking population throughout the state. The first two surveys were in English and the third one was a Spanish translation of the original. The surveys were mailed with close to an overall 8% return. For purposes of analysis, the state was divided into four regions, North, South, East and West, with the entire Spanish speaking community of the state treated as a fifth region. No other mode of data collection or analysis was used⁴ Overall the surveys reflected that the three greatest needs were in the areas of equal employment opportunity, family law, and health care. (The south region had housing related issues in their top three and the Hispanic group had individual rights.) Additionally, both the clients and stakeholders felt the two most important areas for the program to focus on were in-person contact and community education.

In 2010 the Mississippi Access to Justice Commission issued its "Report of Public Hearings on the Unmet Legal Needs of Low-Income Mississippians". The executive director of NMRLS is an ex officio member of the Commission. The report was the compilation of information garnered from five public hearings throughout the state between April 2008 and February 2010. Two of the hearings were held in the NMRLS service area; Greenwood and Oxford. Each hearing had a listening panel composed of local leaders in the legislature, bar, and judiciary, as well as members of the business, not for profit and faith communities. The listening panels heard from witness panels consisting of local service providers, clients, clergy, and judges. The NMRLS executive director testified at the Greenwood hearing and the litigation director and Elder Law Project director testified in Oxford. The report of the hearings included a finding that Mississippians are in need of legal services in a broad range of matters that include domestic violence, divorce and child custody, disability, food stamps, housing, Medicaid, foreclosure prevention, contractor fraud, and landlord and tenant. It also found that legal services are not visible in communities; both among social service providers and poor people who need assistance. The report's recommendations included the need for additional pro bono work, increased funding, expanded access, and heightened awareness of the availability of legal services.

Finding 2: The program's priorities are sufficiently broad to reflect the legal needs of the clients in its service area.

⁴ In its report of its 2007 joint program quality and CSR/CMS visit issued in 2008 (2008 joint visit report), LSC recommended that any future needs assessment by NMRLS include data collection beyond surveys.

After completion of the needs assessment, in December of 2011, the program management recommended and the NMRLS board of directors adopted the same program priorities it had been utilizing for at least the past five years: populations with special vulnerabilities (i.e. elderly, handicapped, cultural-language or education barriers); support for families; maintaining economic stability; preserving the home; and safety, stability, and health. The five general categories encompass the issues highlighted in both the program's needs assessment and that of the Mississippi Access to Justice Commission.

Finding 3: The program does not set explicit goals or objectives nor develop strategies to achieve the assessed client need.

Rather than set specific goals or objectives to meet the assessed needs, NMRLS' priority process resulted in a laundry list of case types under each general priority area without any clear prioritization.⁵ There are no objectives beyond acceptance of the cases themselves and, even then, there are no measurable outcomes to assess effectiveness. Moreover, there is no mechanism within the program to discuss strategies beyond, or even within, the individual case types as to how to best meet the need in a more systemic way. There is also no consideration of alternative modes of addressing client needs beyond individual case representation. Perhaps most importantly, the Access to Justice Commission's finding of lack of program visibility as a means to address client needs remained wholly unaddressed.

Finding 4: NMRLS does not have a strategic plan to provide a clear sense of purpose or a program-wide roadmap to preserve the core work that addresses client's most critical legal needs.

The assessment of client needs requires a clearly articulated short and longer term plan to align resources and staffing to address those needs in a proactive manner. The development of such a plan has not been part of the NMRLS needs assessment and priority setting process. LSC first recommended that NMRLS consider adopting a process to determine how best to address the program's priorities in its 2008 joint visit report. With continued funding uncertainties, such a plan can also provide a sense of common purpose for the organization's staff and leadership on developing new resources and, if additional difficult decisions have to be made, guide further reductions of staff, offices or services.

Finding 5: NMRLS does not have a policy or procedure for evaluating the effectiveness of their delivery system.

Evaluation of the program's delivery strategies is hindered by the fact that the program's work is not guided by explicit goals, objectives, and measurable outcomes.⁶ Without such a process, the program cannot make meaningful adjustments to its service delivery as circumstances warrant.

⁵ See Performance Area 3, Finding 14 for a more thorough discussion of lack of guidance in case acceptance decisions.

⁶ This was recommended by LSC in its 2008 joint visit report.

*Recommendation I.3.4.1*⁷ NMRLS should engage in a strategic planning process that will identify core services and addresses, among other things, the needs identified in the comprehensive needs assessment. The strategic plan should include measurable goals and objectives, the allocation of resources to meet those goals and objectives, and contingencies for any loss of funding. Throughout this report, recommendations will highlight specific areas to be included in the plan.*

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

Criterion 1. Dignity and sensitivity including intake procedures.

Finding 6: The program strives to affirm client dignity.

The offices visited were handicap accessible and had acceptable waiting areas for clients. Legal education brochures, many in both English and Spanish, were available. Receptionist offices were separated from the waiting areas so as to provide confidentiality for walk-in intakes.

The program's Limited English Proficiency Policy calls for the hiring of bilingual staff where possible, contracting with both paid and volunteer interpreters as needed and the use of telephonic interpreting services when no other alternative is available. Although NMRLS currently has no bilingual staff, budget constraints have necessarily limited new hires. The Call Center staff has the use of volunteer interpreters which are easily accessible. Considering the limited non English speaking population within the service area, the program's policy is adequate.

The program utilizes client satisfaction surveys with its PAI program. Management engaged a consultant to assist in expanding the survey process to cover the full range of program services but to date no such procedure has been implemented.

Finding 7: Intake is primarily conducted by the program's Call Center which provides an effective method for applicants to be advised and referred. Staffing restrictions have weakened its effectiveness.

Although initially envisioned as part of a statewide seamless system and started with screeners and attorneys in each office, the Call Center has evolved into a separate NMRLS

⁷ Recommendations in this report will have a Roman Numeral to identify the Performance Area, followed by three numbers identifying, respectively, the Criterion addressed by the recommendation, the number of the finding and a number designating whether it is the first, second, third, etc., recommendation under that finding. For example, III.2.14.3 designates Performance Area III, Criterion 2, finding 14, and third recommendation under finding 14. There are two levels of recommendations in this report: Tier One and Tier Two. Recommendations that are indicated with an asterisk are Tier One recommendations and are seen as having a greater impact on program quality and/or program performance. In its next Application or Renewal, the program will be asked to report on its implementation of Tier One recommendations.

unit. The Call Center is currently composed of two screeners, one housed in the Greenville office and the other in Clarksdale, and two attorneys housed in Oxford.⁸ The unit head who supervises the Center is also located in Oxford. Although the Call Center has had to operate without the benefit of any support staff, staffing arrangements are currently being adjusted to allow for their part time use of an Oxford based secretary.

Applicants access the Call Center by calling a toll free number between 9:30 a.m. and 3:30 p.m. Monday through Thursday. Applicants are initially screened for basic eligibility and information gathered is contemporaneously entered into the case management system. The screeners reject clearly ineligible cases such as those prohibited by regulations. Financially ineligible applicants are referred to the unit manager to review for a waiver. The screeners reported that only three to five applicants are ripe for outright rejection each day. All eligible callers are placed in a queue to speak to one of the Call Center attorneys. To avoid prolonged back-up in the queue for advice from one of the attorneys, only one screener staffs the phone at a time by alternating coverage of morning and afternoon shifts. The screeners reported that they receive anywhere from 20 to 40 requests per day and the average screening takes 15 minutes. Anyone who is in the queue to be screened at 3:30 will be screened that day. The screeners reported that they often find themselves processing calls until 5:00 p.m. While the screeners stated that applicants could wait up to one half hour to be screened, it would appear that some calling later in the day could be waiting far longer. Both staff and board members reported that they have received complaints as to Call Center wait times.

The call center attorneys estimated that they each handle anywhere from 75 to 120 calls per week. They use scripts to provide advice and have attended various substantive law trainings. Advice letters are sent to those clients that could not subsequently be reached by phone for any additional or follow-up advice. If it appears that the case requires more than advice or limited service, the case is sent to the local branch office by either instant message for an emergency or a calendar tickle to call back the next day. Neither the case priorities and limitations policy nor the intake manual provide specific guidance as to which cases should be referred for extended representation. Additionally, although the Call Center has been on what it terms emergency intake for over a year, it was unclear exactly which cases constitute an emergency for referral. Of note, despite emergency intake status, non-emergency “simple cases” are also currently referred to the branch office for in-house representation. Such simple cases include name changes and irreconcilable difference divorces.⁹ Call Center staff opined that approximately 30 cases per week are forwarded to branch offices. In 2011 the Call Center closed 2364 cases; roughly 53 % of all cases closed by the program.

The Call Center supervisor reviews all advice given and potential eligibility waivers on a daily basis. Although the Call Center software has the capacity to track queue depth, call wait times, and dropped calls, the unit manager reported that due to time constraints she does not run the available reports to check the efficiency of the intake system. There also does not appear to be a formal mechanism to review the types of cases coming in to assess possible

⁸ The unit used to have three screeners and three attorneys but the number was reduced to the current level due to budget cut adjustments.

⁹ According to Call Center staff, these are in addition to private attorney involvement referrals which raises staff resource allocation issues found in Finding 15 infra.

trends or emerging needs. Additionally, the entire Call Center staff does not regularly meet to discuss both case trends and center improvement. Of particular note, some two years ago the statewide litigation director submitted a proposed detailed diagnostic intake questionnaire to the management of both LSC programs for their consideration in addressing enhanced intake issue spotting. It appears that no action has been taken on the proposal.

A number of staff and board members expressed concern that the Call Center concept, as opposed to a branch office intake system based on a walk-in model, evidenced a lack of client focus on the part of the program. Like most legal services programs across the country, NMRLS has sought to use technology to make its intake process more efficient. As centralized or coordinated telephone hotlines are a means to provide advice to an increased number of clients at the point of intake and thereby reserve advocates for extended local representation, they can work to provide both limited and extended legal services more efficiently. Articulated support for the telephone intake model by NMRLS leadership and demonstration of its efficiencies would produce more acceptance of this model by the staff and board.

Finding 8: Walk-in intake varies among the branch offices.

Most applicants who come to a branch office to apply for services are told they must contact the Call Center. The offices we visited did not appear to have a phone available for applicants to make the call while in the office. However, if the case is an emergency, or the applicant has traveled a long distance, the office support staff will assess eligibility and refer the matter directly to the managing attorney. There is no specific protocol as to what intakes will be done on site and it appears that it is left up to the receptionist's discretion. The Greenville office routinely does onsite intake for victims of domestic violence referred by the local court under their local domestic violence grant.

Recommendation II.1.6.1 NMRLS should complete the process of expanding its client satisfaction surveys to include all categories of cases.

Recommendation II.1.7.1 The Call Center manager should periodically review Call Center data in order to identify issues in Call Center effectiveness as well as any emerging trends reflected in requests for assistance. The Call Center staff should periodically meet to discuss the findings and take appropriate action.*

Recommendation II.1.7.2 The program should review its intake practices with a view to making them more efficient. Specifically, the program should endeavor to have the screeners determine financial and case type eligibility of a greater proportion of applicants so that fewer cases are sent to the manager for eligibility determination.*

Recommendation II.1.7.3 In the recommended strategic plan, the program should endeavor to assure that the Call Center staff is not further reduced and, if funds allow, increase its capacity.

Recommendation II.1.8.1 NMRLS should establish protocols clarifying when intake should be conducted for walk in applicants at the branch offices; taking into consideration factors such as case type, approaching deadlines, length of distance traveled, age, presence of disability and lack of telephone access.*

Recommendation II.1.8.2 NMRLS should offer to make a telephone available for those walk-in applicants who are told to contact the Call Center.

Criterion 2&3. Engagement with and access and utilization by the low-income population.

Finding 9: Branch Office staff appear to have limited involvement with low income groups or agencies that serve such groups.

When LSC asked for a list of significant community organizations with whom NMRLS's staff routinely interacts, the program submitted a list containing only the six area agencies on aging in their service area. Through interviews we also became aware of staff involvement with Our House, a local domestic violence agency. However, as with the aging groups, that partnership is also driven by a joint grant. There was little evidence of program engagement beyond grant sources. Team research reflected that there is a strong Community Action Agency Network as well as a number of housing and other domestic violence organizations working within the program's service area.

Finding 10: NMRLS staff does not appear to engage in significant community outreach unless it is grant required.

One of the major findings of the Access to Justice Commission report was that legal services programs lacked visibility within low income communities. Their recommendations included heightened awareness of the availability of such services. This sentiment was echoed by NMRLS staff and board members alike throughout the visit interviews. Of note, NMRLS's own priority document states (although in parenthesis) that outreach may be required to meet the needs of vulnerable populations with cultural and educational barriers. Despite this recognition of the critical nature of outreach when serving a rural population which places a premium on relationships, tight-knit communities, and in-person contact, the program's outreach appeared limited at best.

In preparation for the quality visit, LSC requested a list of program outreach efforts over the course of the prior year. The program responded with a list of presentations under their elderly and low income taxpayer grants. Similarly, when branch office attorneys were asked about their individual outreach efforts, they primarily revolved around accompanying the elderly project attorney to one of her outreach events. The Clarksdale office also has a table at a yearly local county event and the West Point Office plans to meet with community organizations in their newly expanded service area. Although the NMRLS's services to the senior population are commendable, and the team heard some instances of staff involved in

ad hoc requests for outreach, it behooves the program covering some 39 rural counties with only four offices to do both general and targeted outreach.

Recommendation II.2.9.1* The program should expand its outreach activities to make the program and its services more visible in the community. This commitment to increased outreach should be reflected in the program's recommended strategic plan.

Recommendation II.3.10.1 In any revised job descriptions (see recommendation IV.3.27.1) the program should include involvement in the local community as an integral part of advocate positions.

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

Criterion 1. Legal representation.

Finding 11: Due to various budget cuts over the years, NMRLS has significantly limited its advocacy staff.

At its height, NMRLS had an advocacy staff of 70; 32 lawyers, 34 paralegals/community workers, and 4 legal assistants serving clients from 12 offices. At the time of the visit, the program was down to four branch offices with 11 lawyers (not counting the executive director) and 1 paralegal. Of the 11 attorneys, two are primarily in supervisory roles with limited case loads, two staff the Call Center, and two head special projects, leaving only five attorneys to engage in extended representation for the general client population throughout the 39 county service area.¹⁰ The one remaining paralegal was slated to be laid off at the end of the month.

The four branch offices are located in Oxford, Clarksdale, West Point and Greenville. The Greenville and Clarksdale offices each have one attorney and one full time support staff person with a second full time support staff person operating as a screener for the Call Center. With the recent closing of the Tupelo office, the West Point and Oxford offices are slated to have a staff attorney, in addition to the managing attorney, to assist in covering the Tupelo counties added to their service areas. A call center attorney was transferred for the Oxford position and there is an unfilled vacancy in West Point. The Low Income Taxpayer Clinic and the Elder Law Project, each staffed with one attorney and supported by special grants, are also located in the Oxford office. The two Call Center attorneys and the unit's managing attorney are housed in Oxford as well. The recently closed Administrative Law Unit was also housed in Oxford and the part time contract attorney unit head has remained to assist in closing pending cases.¹¹

¹⁰ There is currently a vacancy in the West Point office which, when filled, will increase the general attorney staff to six. There is also a temporary part-time contract attorney who is assisting in the closure of the Administrative Law Unit. Her contract will cease when the cases are resolved or otherwise referred.

¹¹ For a more detailed discussion of the closure of the Administrative Law Unit see Finding 28 infra.

The Oxford office also houses three separate law school clinics in conjunction with the University of Mississippi Law School; Elderly, Tax, and Street Law. The managers of the Elder Law Project, LITC, and Oxford branch office respectively serve as adjunct professors and supervise the students. The school in turn provides some monetary support to the program. The students engage in various case related matters, and although it is unclear the degree to which they can manage a higher and more regular volume of clients, they are potentially a valuable resource in service delivery in areas such as intake, outreach, and case assistance. At the time of the visit, this was being considered as part of NMRLS' effort to work with the University of Mississippi Law School's new pro bono program.

Finding 12: The current advocacy staff is both diverse and a good mix of experienced and less experienced attorneys.

The attorney staff is currently comprised of five African American women, two white women, and four white males. None speak a language other than English. The average experience level is 15.45 years; the vast majority of which has been in legal services. Four attorneys have over 25 years' experience, two have 10 to 16 years, one has six years, and four have less than five years' experience. The most experienced attorneys are all housed in Oxford and, with the exception of the managing attorney in Clarksdale, all of the least experienced attorneys are also in Oxford. This should assist in providing valuable mentoring opportunities.

Finding 13: Legal representation is effectuated by means of both limited and extended representation. Both the total cases closed per 10,000 poor persons and the amount of extended representation are below the national median.

In 2010 the program closed 3801 cases or 175 cases per 10,000 poor persons within their service area. Approximately 80.5% of the cases were closed with limited service and 19.5% had extended service. The national median for 2010 of all LSC grantees was 284 cases closed per 10,000 poor persons with a 21.9% median extended service rate. In 2011 the program increased the total number of closed cases by 652 to 4453, thereby expanding the number of cases closed per 10,000 poor persons to 205. Of the additional 652 cases closed in 2011, only 110 involved extended representation. Thus, more clients were assisted by NMRLS in 2011 but proportionally in a less extensive manner. Moreover, as Social Security and SSI hearing decisions accounted for 23% of the programs total closed extended service cases for 2011 and the program has chosen to cease doing such cases, extended service has the potential for a significant decrease.

Finding 14: Program policies provide little guidance in making case acceptance decisions.

Although the program's case priorities and limitations policy purports to provide a road map for case acceptance decisions, the document falls short in providing clear direction. For example, under the general priority of support for family, 27 different types of cases are mentioned; some have limiting acceptance factors yet none are wholly excluded. Despite stating that all case acceptance decisions are contingent on the availability of staff and resources to handle the matter, the case types are not clearly tiered or prioritized in the event

resources are scarce and choices must be made. Some cases are prefaced by the words “may take” and others “will take”, but many have neither designation. Moreover, despite also acting as the program’s emergency policy, there is no definition or other guidance as to what constitutes an emergency. Finally, to add to the ambiguity, as “populations with special vulnerabilities” is a priority in and of itself, the question arises as to whether all cases for those applicants would trump the others?¹²

There also appears to be a lack of guidance as to the level of service to be given in a case. One of the purposes of the Call Center is to provide the limited service and then pass on to the branch office those matters that would require extended service. However, a review of the 2011 branch office case service reports indicates that anywhere from 61% to 88% of a branch office’s closed cases were closed by means of limited representation. There could be a number of factors for this anomaly and it behooves the program to carefully examine the cause. This is especially true in light of the fact that extended service decisions are left to the individual managing attorney’s discretion with little review.

Finding 15: The breadth of legal work is unevenly distributed among the program’s substantive priority areas.

Like most LSC funded legal services programs, NMRLS’ core legal work is in the four traditional poverty law areas of consumer, income maintenance, housing, and family law. In 2011, the distribution of closed cases for NMRLS was 49.5% family law, 13.7% income maintenance, 13.4% consumer law, and 7.3% housing law. When compared to the national distribution percentages, NMRLS cases were 15% higher in family law, 1.6% higher in consumer law, 1% higher in income maintenance, and a stunning 19% lower in housing law. In 2011, although overall NMRLS closed 652 more cases than in 2010, more than 400 of those additional cases were in the family law arena. The report of LSC’s joint visit issued in 2008 noted its concern with the rising volume of family law cases in light of the other critical legal needs within the service area. The percentage of family law cases did lower somewhat in 2008 and 2009, but it has again been on the rise for the past two years in a row. As potential clients’ knowledge of the types of cases an LSC program can assist with is often a reflection of what they see the program currently handling, new intakes become something of a self-fulfilling prophesy. The program is well advised to do targeted outreach to educate the client community of the types of cases, in addition to family cases, that NMRLS will handle. This will go a long way to ensuring that the most critical needs in all subject areas are being addressed.

Finding 16: The advocates’ ongoing caseloads ranged in size and complexity yet still mirrored a limited mix of program priorities. The program does not appear to engender a culture of aggressive advocacy.

As part of LSC’s document request, open case lists for each case handler as of November 1, 2011 were submitted. The ongoing case handlers (i.e. non Call Center attorneys) had varying

¹²The 2008 joint visit report noted that interviews with staff and board members revealed that the guidance provided in the same document was confusing. With the exception of limiting SS/SSI case, no changes have been made since the 2008 report.

numbers with the only common thread being a majority of family law matters. Two managing attorneys had caseloads in the 30s while the other two had 64 and 105 respectively. Often experienced staff had fewer open cases than inexperienced staff but not necessarily more complex cases. One of the more experienced attorneys had a majority of cases involving little more than formulaic document preparation. Interviews and CSR data reflected that the majority of the court work was in the family law arena with little in the way of court representation in housing and consumer cases. Also, of concern, in-house case service reports for 2011 reflect over 65% of the staff's closed court decisions were in uncontested matters.

The program has had a number of recent impactful cases in the public benefits arena including a Federal Court action seeking reasonable accommodations under the American's with Disabilities Act. They are also currently involved in pursuing due process rights for SNAPs benefit recipients through the judicial review process. Of note, the program successfully represented some 30 former employees of local factories who were faced with overpayments of their unemployment benefits when the temporary employment agency which placed them objected to their receipt of any benefits. However, it was reported that staff who handled the cases were told by program management not to do additional outreach concerning the cases as they feared program resources would be overtaxed.

Lack of aggressive advocacy was also noted in the threshold of low income issues; that of court access. When questioned as to limited service statistics, management responded that clients were often unable to provide filing fees and some judges were reticent to grant in forma pauperis status. Rather than pursue the issue head on, the cases were apparently simply closed.

Finding 17: Due to the current staffing patterns, hands on supervision of all advocacy staff is somewhat limited.

The litigation director, based in Oxford, supervises all the managing attorneys and unit heads as well as the PAI coordinator and two administrative assistants in the central office. Managing attorneys or unit heads, in turn, supervise their office/unit staff. However, with three of the four branch offices being staffed by stand-alone managing attorneys, their supervision is necessarily from a distance. The litigation director is routinely available by phone and/or e-mail, periodically checks the status of cases through the case management system, and performs twice yearly case reviews. Staff performance evaluations were recently conducted. However, there is no routine review of case acceptance decisions or case closures and review of written work is generally self-directed. As the Oxford managing attorney was just assigned a staff attorney to supervise and the West Point staff attorney position remains vacant, it is unclear what supervisory mechanisms will be used for those staff attorneys. In the Legal Work Standards, submitted for team review in response to LSC's request for legal work management and supervision policies and procedures, the only reference to supervision is to cooperate in the supervisory systems established by the program. Unfortunately, as apparent from the face of the document, the Legal Work Standards appears to have originated from another program that in fact had such policies; no additional policies were submitted by NMRLS pursuant to our request.

Finding 18: The writing samples submitted reflected acceptable work, but were not always of the caliber expected for the attorney’s level of experience.

The submitted writing samples consisted of one federal court Medicaid complaint and accompanying brief, three appeals to Circuit Court of administrative decisions in unemployment related matters, four memoranda in family law cases, a letter to a Bankruptcy Court judge, an advice letter to a client, and two samples written prior to employment with NMRLS. A number of the samples lacked appropriate organizational structure and others did not contain persuasive writing, raising a question with the team whether legal writing is sufficiently viewed as an advocacy tool. Most writing samples could have benefited from a secondary review.

Finding 19: There is no mechanism for advocates to routinely discuss their cases with colleagues to share ideas, identify trends, and/or develop strategies to attack systemic issues.

Although the managing attorneys, who make up the majority of the advocacy staff are part of bi-weekly management conference calls, the calls primarily deal with program procedural issues as opposed to substantive casework. Program wide meetings also appear to be more procedural than substantive. Subsequent to the 2007 joint visit, there was an attempt to set up statewide task forces in conjunction with the Mississippi Center for Legal Services, but little has resulted from the effort. The task forces do not routinely meet and some newer staff did not even know of their existence. Additionally, little use was made of the Statewide Litigation Director in terms of spotting issues and/or dealing with trends. The two programs meet bi-annually and his attempts at such meetings to get staff from either program involved in broader issues have been largely unsuccessful.¹³

Finding 20: Considering its budget constraints, the program provides adequate supportive resources for its staff in the areas of training, research capabilities, and technology.

The program makes training available to all staff and advocates routinely attend appropriate events on the local, regional, and state level. Although budgetary issues have necessarily limited attendance at national events, the program remains committed to supporting the bi-annual statewide Mississippi training event. All staff have access to both Lexis and the Mississippi Court research databases. While there are some pleadings available on line, the program does not maintain and/or update a formal pleading bank.

NMRLS utilizes Kemps Prime as its case management software and all staff have been trained on its use. The Call Center uses a 23 channel PRI at the host site in Batesville, Mississippi and lines are utilized at each office location. The program does have a web site, but it is not routinely updated. Our team had to point out that the closed Tupelo Office was still listed as open on the web site. The program is exploring other technological products to enhance productivity such as meetings applications, document assembly, and transmittal of

¹³ Not long after our visit the statewide litigation director resigned. At LSC’s suggestion in light of the budget concerns of both programs, it is doubtful that the position will be filled.

electronic files among and between offices and programs. Unfortunately, financial constraints have put these advancements on hold.

Recommendation III.1.11.1* In its strategic plan, the number one priority should be service to clients and the advocacy staff should not be reduced further.

Recommendation III.1.14.1* In its strategic plan, the program should prioritize the cases it will take and develop clear case acceptance policies to include what is appropriate for advice, branch office extended representation referral, and what constitutes an emergency.

Recommendation III.1.17.1* Supervision of advocates should include spot checking of accepted cases to confirm adherence to case acceptance policies, periodic review of caseloads to assure a broad range of case types, spot checking of closed cases to assure aggressive advocacy, and periodic review of written products.

Recommendation III.1.19.1 The program should consider a mechanism whereby program advocates can share their knowledge and strategies in an effort to enhance, among other things, collaboration, issue spotting, and developing strategies to deal with systemic issues.

Criterion 2. Private Attorney Involvement

Finding 21: The program's Private Attorney Involvement (PAI)¹⁴ Plan is composed of both a paid and a pro bono component.

NMRLS allocates approximately 66% of the program's PAI budget to the compensated component and related program expenses. Approximately 24% of the PAI budget funds the program's subgrant to the Mississippi Volunteer Lawyers Program (MVLP), the statewide pro bono program.¹⁵ The remainder of the program's PAI budget, approximately 10% is dedicated to indirect costs for all aspects of PAI as determined by closed case percentages. The program's PAI plan is overseen by the PAI coordinator, who is housed in the Oxford office and has over 25 years of experience with the program. She is supervised by the litigation director.

Approximately 27 attorneys participated in providing low-cost services to NMRLS in 2011. Participating attorneys are compensated at the rate of \$50.00 an hour, plus expenses. After receiving three compensated cases, the private attorneys agree to accept one pro bono case through MVLP. There are approximately 250 local attorneys who have participated in the pro bono panel and cases are referred to MVLP for processing. In 2010, 209 cases were closed by the reduced fee panel and 268 cases by the pro bono panel. The number of closed PAI cases per 10,000 poor people was slightly below the national median for that year; however, the number of closed extended PAI cases was slightly above. In 2011, both the number of

¹⁴ The program colloquially uses PAI to mean its reduced fee panel but for the purposes of this report PAI refers to both the reduced fee and pro bono initiatives. Where necessary, the two will be distinguished.

¹⁵ MVLP is a joint venture of the Mississippi Bar Association, NMRLS, and the Mississippi Center for Legal Services.

closed reduced fee and pro bono cases were lower than 2010 with 192 closed reduced fee and 248 pro bono; an overall decrease of 8%.

Finding 22: There are no written uniform directives as to the referral of PAI cases as a means to meet client need or make the best use of staff or private attorney resources.

All extended representation cases, be they in-house or potentially PAI referable are sent by the Call Center to the branch office managing attorneys for review. Neither the program case priority document nor the PAI procedures manual provides any specific guidance to the managing attorneys as to which cases *should* be referred to either component of the PAI program. Although MVLP does have its own case priorities and limitations which lists 12 different routine family law matters that they will take, case service reports reflect that many such cases are handled in-house. The PAI Schedule of Standard Payable Hours for Routine Cases, like NMRLS' case priorities policy discussed earlier, also does not provide guidance as to what *should* be referred as it lists almost every kind of case except some public benefits. As a result of the discretionary nature of the referrals, PAI case service reports from the branch offices show little uniformity in terms of numbers and case types. For example, in 2011, 78 referrals from the Greenville area were closed in some 14 different case types. Clarksdale closed 22 cases representing six different kinds of cases.¹⁶ While the disparity could be based on the preferences of local private attorneys in the differing service areas, interviews reflected more of a subjective decision on the part of the managing attorney. The basis for referral decisions included wanting to keep local cases and only referring cases from outlying counties; not knowing how to do a particular kind of case; or retaining certain cases in house solely because it could be disposed of quicker for the client than if a referral was made. It is of concern that clearly referable cases are being handled by program attorneys when an alternative resource is available. For example, the field offices closed over 100 uncontested family and juvenile matters in 2011 that might have been ripe for a pro bono referral.

Recommendation III.2.21.1 The program should continue to work with The Mississippi Access to Justice Commission, MVLP and the University of Mississippi School of Law on the myriad of ways to increase and diversify pro bono participation throughout its service area.

Recommendation III.2.22.1* The program should clearly delineate what cases should be referred through both the reduced fee and the pro bono components of its PAI plan. And, if sufficient supportive services allow, the Call Center should make appropriate referrals directly to the PAI coordinator or MVLP.

Criterion 3 &4. Other program services and activities on behalf of the low income population.

Finding 23: While NMRLS offers community education in grant supported endeavors, the program does not offer other services beyond individual case representation.

¹⁶ The reports do not designate which cases were reduced fee and which were pro bono.

With some notable grant specified exceptions, advocates do not generally appear to engage in significant other services for clients beyond individual case work. When asked to submit a list of community education outreach, community education, and pro se activities within the last 12 months, the team received a list of presentations by the Elderly Law Project and one presentation by the Low Income Taxpayer Unit. When branch office staff was questioned about their participation in any similar efforts, their limited examples involved accompanying the specialty unit when they were in their area. There appears to be little effort to educate other demographic groups on the myriad of legal problems that face them, let alone the availability of legal services to assist them.

Similarly, the program does not provide services or activities regarding self-help, pro se assistance, alternative dispute resolution, and facilitating the use computers and the Internet for legal education or pro se assistance by low income families and individuals. This lack of alternative services and activities was previously noted in the 2008 LSC joint visit report with a recommendation that any such work should be in collaboration with state partners. The recent Access to Justice Commission report also recommended the need for such alternative modes and there appears to be a movement within the state justice system to assist in implementation.

Recommendation III.3.23.1* In its strategic plan, the program should consider the benefits and feasibility of providing alternative methods of service delivery, including varied community education and pro se assistance in collaboration with state, regional, and local partners.

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

Criterion 1. Board governance.

Finding 24: While the NMRLS board comports with the structure mandated by the LSC regulations, it is not organized to assure maximum effectiveness.

The NMRLS board of directors is comprised of 25 members; 15 attorney positions and 10 client positions, establishing a 60-40 ratio of attorney and client members. The board's bylaws do not specify that there be a board member with any fiscal expertise. Currently, 17 of the program's 39 counties are represented on the board. The attorney board members are appointed by the statewide Mississippi and Magnolia Bar Associations. Eligible client members are appointed by one of five local advisory committees. A number of members of the board have served for more than 10 years and less than half the board are actively involved in board activities. Although the bylaws stipulate that the two board officers (the chair and vice-chair) should be elected annually, members report that no election of chair and vice-chair has occurred over the last 7 years. In February of 2010, after an LSC Program Engagement Visit to address, among other things, board governance, the board created a Bylaws Committee charged with developing and recommending proposals to strengthen the board including a procedure to remove board members and designate the 10th

non attorney board member position. The Board has yet to formally act on any proposals from the committee. This is despite the fact that bylaws can easily be amended by a two-thirds vote of members at any regularly scheduled board meeting.

Finding 25: Although the board has been engaged in issues affecting the program’s budget, staffing, and services, it cannot be said that the board effectively carries out its governing responsibilities.

In each of the last three years, the board has been faced with the difficult task of addressing a significant loss in funding. Due to the lack of a strategic plan, this has been predominately accomplished in a crisis mode with the goal being to reach a specific monetary figure to solve the instant emergency. Board minutes reflect that although individual board members have raised pertinent questions as to client access, financial planning, adjustment of priorities, and service delivery, no thoughtful discussion of these threshold principles ever occurred. Rather than focusing on their collective mission, tensions often arose across geographical and board classification boundaries. The end result has been short term fixes lacking full board support with no cohesive, clear, sustainable strategy for the organization¹⁷

This diminished effectiveness may be attributable to both the stressful decisions facing the organization and the need for board training which can help clarify and define board member’s roles. In its 2008 joint visit report, LSC recommended that NMRLS provide its board members appropriate training regarding resource development, organizational capacity building, and strategic planning, so that board members can fulfill their responsibility in these areas. The need for such training was reiterated in LSC’s follow-up letter to its 2010 Program Engagement Visit. While training tailored for board members was offered at the statewide legal aid conference in 2010, subsequent board minutes reflect that targeted training is still a need. Such training should encompass not only the role of a board in such key areas as strategic planning, fiscal oversight, and resource development, but also specific guidance in understanding the program’s operations. Board minutes and multiple interviews reflect that attorney and client board members alike do not have a comprehensive understanding of the program’s financial position or service delivery procedures.

Recommendation IV.1.24.1* The Board should adopt the pending bylaw changes to enhance its effectiveness; removal of board officers and members for cause, and conflicts of interest policy.

Recommendation IV.1.24.2: As part of the program’s strategic planning, the board should undertake a thorough review of the bylaws and make all changes needed to improve the performance of the board, including but not limited to the size of the board, term limits for board officers and members, whether board meetings can be held by telephone and related video conferencing, processes for faster and more efficient decision making, improved operation of standing committees, standards of conduct and code of ethics for members, addition of a board position for a member with fiscal expertise, and members’ role and duty to assist with fund raising and resource development.

¹⁷ A more thorough discussion concerning the Board’s role in resource development can be found below under Criterion 7.

Recommendation IV.1.24.3 The Board should hold election of officers annually as prescribed by the current bylaws.

Recommendation IV.1.25.1 NMRLS should provide its board members appropriate training regarding resource development, core financial skills, organizational capacity building, and strategic planning. The program should also educate the board on the program's budgetary process and service delivery methods including the interpretation of financial reports and Case Service Reports. The program may want to consider having members of the staff give presentations at board meetings as to their activities.*

Criterion 2. Leadership

Finding 26. While maintenance of a shared sense of mission has been supplanted by economic concerns, the executive director appears to now recognize that strategic planning for the fulfillment of that mission is the key to the revitalization of the program.

The executive director has dedicated his legal career to assisting the poor. He has spent over 30 years working in legal services programs with the last 12 serving as the executive director of NMRLS. When recently honored as one of Mississippi's 2011 Leadership in Law award winners, he was described as the "face of legal services provided for the poor".¹⁸

As executive director, he is charged with assuring fulfillment of NMRLS's admirable mission: *Through constant training, self-analysis and community involvement, provide to poor people, the highest quality of legal and technical assistance, which improves the daily quality of life, while contributing to the attainment of social, economic, and political equality.* Successive years of budget cuts have threatened to weaken the capacity of the program to succeed in this pursuit. Much of the program's recent energy has been focused on economic survival as opposed to achieving excellence. Decisions have been made without the benefit of a long term strategy or a shared sense of vision and tensions have run high. This scenario has taken its toll on the board, management, and staff alike; morale is low. The executive director appears cognizant of these issues and ready to pursue solutions.

Recommendation IV.27.2.1 The executive director should educate himself on the strategic planning process as well as leading and implementing organizational change. Once armed with the knowledge and skills necessary to effectuate strategic planning and its implementation, he should lead the program through the process.*

Criterion 3, 4, 5, & 6. Overall management and administration including internal communication, financial administration¹⁹, and human resources administration.

¹⁸ Gillette, Becky (2011). Leadership in Law 211. Mississippi Business Journal, 2100 Leadership in Law Special Publication, p.11.

¹⁹ This visit was conducted by the Office of Program Performance (OPP) for the purposes set forth in the Introduction. OPP findings and recommendations under this criterion are limited to staffing, organization, and general functions. Assessment of fiscal operations is conducted by other offices at LSC.

Finding 27: The program's allocation of resources and delineation of responsibilities for management and administration are not clearly organized to maximize the organization's resources and effectiveness.

The core management team consists of the executive director, director of litigation, fiscal manager, and the operations manager/network administrator. The executive director and litigation director have each been with the program over twenty-five years and in their current positions 12 and 13 years respectively. The operations manager has been with the program over 30 years and in his current position eight.²⁰ The fiscal manager, while only with the program two years, has over 30 years of experience in the profession. The management team, all housed in the Oxford Administrative Office, meets weekly and the executive director, director of litigation, and fiscal manager present quarterly reports to the board on their corresponding areas of responsibility. The management team is supported by four administrative personnel; a special projects accountant, an accounting clerk, an administrative assistant, and an administrative secretary. The program should reassess the utilization of these positions in light of the reduced staff.

On a number of occasions, the program has outsourced various functions that possibly could have been carried out within the program. Examples include effectuating the needs assessment, developing client satisfaction instruments, managing the administrative law unit, and closing cases of a departing staff member. Such decisions not only have a budgetary impact on the program but also overlook the potential for staff development.

Mid-level management currently consists of seven²¹ managing attorneys/unit heads. With the exception of the Call Center unit manager, most middle managers oversee at most one person. The middle managers routinely meet with the core management team via biweekly conference calls. It appeared to the team that these were informational in nature and not strategic. Program wide communications are effectuated through periodic emails. The program also holds yearly staff-wide meetings. Staff periodically attends board meetings and there is staff representation on the board budget reduction committee. Some staff expressed concern that they did not hear of pending issues until decisions had already been made.

The human resources functions are vested in the executive director who is assisted by an administrative staff person. It is thus unclear how all the HR functions are distributed within the program. Staff have a sound benefits package including program paid family health care coverage. Sharing the cost of such coverage has been raised periodically as a cost saving measure but it has remained intact. The program has a variety of job descriptions, some over 20 years old, and others more recently updated but they appear to still be in draft form. Although dormant for some time, the staff evaluation process has recommenced and most staff have been recently evaluated. With the program focusing its energy on budgetary issues, it has yet to draft either a leadership succession plan or a disaster preparedness plan.

²⁰ Differing job titles have been listed for this manager in program documents and board minutes including Network Tech, Purchasing Clerk, Operations Manager, and Network Administrator.

²¹ This includes the Administrative Law Unit contract attorney.

The fiscal manager, who has been with the program two years, appears to have committed to upgrading the program's fiscal systems. The program has upgraded its accounting software from Fundware to Sage Accounting and can now create enhanced reports. The fiscal manager reported that for the first time the program has specific budgets for each grant and the program offices are divided into separate cost centers. She would like to be able to present financial information to the board of directors in a more visual format. She also seeks to create efficiency by using more technology such as Internet banking. The fiscal manager has been working on a revised accounting manual, but it was still in draft form at the time of the visit.

Finding 28: With no overall strategic plan for guidance, management decisions are often made piecemeal to address singular issues without thoughtful consideration of the resulting ripple effects on the program and, ultimately, service delivery to clients.

Over the past few years, NMRLS has had to continually adjust to address a lack of resources. Although each immediate crisis was averted, due to the lack of attentive planning, potential consequences affecting future budgetary and service delivery issues often remained unaddressed. The rapid rise and fall of the Administrative Law Unit is emblematic of this theme.

Facing a major budget crisis in late 2009, the program adopted a staff proposal of voluntary layoffs with a commensurate severance package. Thirteen staff, including three of the five branch office paralegals, opted for the severance package and layoff. Program management decided to consolidate the work by creating an Administrative Law Unit housed in Oxford and staffed by the remaining Oxford paralegal and the Tupelo paralegal traveling to the Oxford office two days a week. While accepting various administrative or public benefit cases, the vast majority of the unit's work consisted of Social Security and SSI cases. Rather than assign supervision to attorneys within the Oxford office, the program paid a local private attorney, a former NMRLS staff attorney, to work 10 hours a week to manage the unit. Two years later, faced with additional funding cuts, program management decided to close the unit in its entirety, largely on the basis and assumption that the private bar would successfully cover the need for Social Security and SSI representation, by seeking fees through lump sum awards. It is unclear whether there was any consideration of how, if at all, the program's PAI components could be made use of as an alternative solution. Of more concern, there appeared to be no deliberation as to the fate of SS/SSI cases where there is no availability of attorney's fees, such as cessations or overpayments; cases that squarely fall within NMRLS priorities of vulnerable populations and support for the family.

As the unit ceased taking cases just prior to our visit, the team inquired about continuing representation in such priority matters and received contradictory responses. (A subsequent review of the 2012 priority statement states that no Social Security or SSI cases of any type will be taken for extended representation.) Conflicting responses were also given as to if, when, and how, the remaining cases were going to be referred to the branch offices to process. Although the issue of training other staff to handle such cases had not been addressed by management, one branch attorney took it upon herself to seek disability law training. Instructions on handling other types of administrative cases have also not been

addressed. In closing the unit, one paralegal was laid off December 15, 2011 and the other's layoff was extended until the end of January 2012. The paid attorney's hours were increased to close out the remaining cases. It was also later decided to shift the duties of the West Point fiscal secretary with prior NMRLS paralegal experience to assist in handling the remaining cases. At present, the Call Center is not referring any Social Security or SSI cases to branch offices for extended representation. The program's web site continues to state that the program handles SSI and Social Security cases. It is our current understanding that the issue may be revisited.

Recommendation IV.3.7.1* In drafting its strategic plan, NMRLS should consider the most effective ways to administer the program and allocate resources and responsibilities accordingly. Once completed, the program should consider revising its job descriptions to correspond to the plan.

Recommendation IV.3.27.2 The program should consider drafting a leadership succession plan and a disaster preparedness plan.

Recommendation IV.3.28.1* The program's strategic plan should carefully consider the ramifications of each step of the plan as it relates to future budget constraints, staffing, training, and most importantly client services.

Recommendation IV.4.27.3 The program should continue to upgrade and enhance its fiscal systems.

Criterion 7. General resource development and maintenance

Finding 29. NMRLS is not sufficiently engaged in resource development and tends to rely upon a limited number of strategies in expanding its funding base.

Like many LSC-funded legal services programs throughout the country, NMRLS has recently experienced a continual and significant decline in its major funding sources; LSC and IOLTA. Without the benefit of a strategic plan or other program specific resource development scheme, the program has tended to rely primarily on the activities of the statewide resource development coordinator as well as the hope that there will be an eventual upswing in basic funding.

The statewide resource development coordinator is a position shared by both NMRLS and the Mississippi Center for Legal Services (MCLS). As with other shared positions with MCLS, both cost and services are divided 60%-40% with MCLS receiving the greater share as it has the larger poverty population. The coordinator is housed in the central office of MCLS located in Jackson, also the home of the state capitol. She has been in her position for close to 10 years and works with government entities, corporations, and various statewide agencies that can partner in resource development. Both her location and apportioned responsibilities result in reduced targeted services for NMRLS. With the legislature also located in Jackson, the coordinator spends a considerable amount of effort on legislative

initiatives and has been quite successful in the past. Currently she is seeking an increase in the civil filing fee. Additionally, she is working with MCLS' newly formed fundraising advisory board on a significant campaign. She hopes to eventually include NMRLS in such endeavors in the future.

Historically, the NMRLS board has not included resource development as one of its fundamental functions. It has not engaged in statewide or local fundraising initiatives for the program. LSC noted the absence of this core role and its 2008 joint visit report recommended board training on the issue in order to better fulfill such a crucial board responsibility. In its 2010 Program Engagement Visit, prompted in part by budgetary issues, LSC reiterated the need for the board to become actively engaged in fund raising activities. Paraphrasing LSC's letter of March 12, 2010, a board cannot fulfill its responsibility of ensuring that a program succeed in its mission without seeing that the program has the resources to carry out the mission. LSC recommended that a board resource development committee be established to draft an action plan on each source of revenue it decided to pursue; with the work of the committee being appropriately shared by board, management, and staff. It appears that again no action was taken on the recommendation. In April of 2011, when faced with another round of budget cuts, a budget reduction committee was established and in December 2011 a fundraising committee was created by the board in response to a board member's suggestion that the program mount a letter fund raising campaign to private attorneys. The letter campaign appears to be the only item on the committee's agenda.²²

Recommendation IV.7.29.1* NMRLS should approach resource development as a critical component of the program's strategic planning, establish a board resource development committee, and develop an action plan for each source of revenue the program decides to pursue. In doing this, it is critical that there be a proper division of labor between the board and the executive director and other staff. The committee should consider various collaborations with its state justice partners (discussed in Criterion 9 below) as well as the judiciary, academic institutions and law schools, foundations, corporations, organized bar associations, and members of the private bar to increase the overall resources devoted to civil legal aid in the state.

Recommendation IV.7.29.2 In addition to a board resource development committee, NMRLS should consider establishing a resource development advisory committee consisting of major donors who agree to help raise money from their peers throughout the service area and state.

Recommendation IV.7.29.3 Before embarking upon resource development in earnest, NMRLS should ensure that staff and board members have access to appropriate knowledge and training, including but not limited to the resources provided by Management Information Exchange (MIE) (www.m-i-e.org) and Management Assistance Program for Nonprofits (www.managementhelp.org).

²² Although a start, the ultimate value of such an endeavor is somewhat questionable as MVLP had just commenced a similar bar letter campaign.

Criterion 8. Coherent and comprehensive delivery structure.

(This section is covered throughout this report.)

Criterion 9. Participation in an integrated legal services delivery system

Finding 30: NMRLS is an integral part of the state justice community.

The statewide justice community is comprised of a number of organizations all striving to meet the civil legal needs of low income Mississippians. The community includes, among others, the two LSC grantees, North Mississippi Rural Legal Services and the Mississippi Center for Legal Services, the Mississippi Volunteer Lawyer Program, the Mississippi Center for Justice, and the Mississippi Access to Justice Commission. Both individually and collectively, their strength lies in their collaboration on their common mission.

As discussed in Performance Area One above, the Mississippi Access to Justice Commission published a vital report on the unmet legal needs in Mississippi. The Executive Directors of all of the other stakeholders were intricately involved in the process. It is now up to them collectively to implement the Commissions well-articulated recommendations as each has an important role to play.

NMRLS divides LSC coverage of the state of Mississippi with its southern sister, Mississippi Center for Legal Services. The two programs share three statewide positions and hold biannual trainings together. Although yet to be fully active, the combined program statewide substantive task forces hold the promise of enhancing advocacy efforts for both programs.

Both LSC programs have a subgrant with The Mississippi Volunteer Lawyer Program for the coordination of pro bono services throughout their service areas. The executive directors are also members of the MVLP board of directors. This provides a unique opportunity to coordinate service delivery with the private bar.

The Mississippi Center for Justice (MCJ), a nonprofit, public interest law firm committed to advancing racial and economic justice in Mississippi is a potentially valuable partner for NMRLS. MCJ recently opened an office in the delta region of NMRLS's service area which can serve as a source for meaningful collaboration including training and co-counseling.

Recommendation IV.9.30.1 NMRLS should build upon its role in the state justice community and any strategic plan adopted by the board should include consideration of enhanced collaboration with state partners.