



Office of Program Performance

Program Quality Visit Report
for

LEGAL AID SOCIETY OF HAWAII

Recipient # 912000

Dates of Visit: September 14-18, 2009

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INTRODUCTION

Background on the visit.

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit to the Legal Aid Society of Hawaii (LASH) from September 14-18, 2009. The team included Stephanie Edelstein, program counsel and team leader; John Fidleman, senior program counsel; Janet LaBella, OPP director; and Tim Watson, program counsel.

OPP seeks to ensure that all recipients of LSC funds are providing high quality, efficient, and effective legal services to eligible clients. The purpose of program quality visits is to assess the overall quality of legal services provided to eligible clients, including a program's engagement with and service to the low-income community, the effectiveness of its legal representation and other program activities, and its leadership, management, and administration. In conducting this evaluation, OPP relied on the LSC Act and regulations, the LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The evaluation was organized to follow the four Performance Areas of the LSC Performance Criteria, which cover needs assessment and priority setting; engagement with the low-income community; legal work management and the legal work produced; and program management including board governance, leadership, strategic planning, resource development, and coordination within the delivery system.

Prior to the visit, the team reviewed LASH's 2010 funding application, its case service (CSR) and other service (OSR) reports, and other documents submitted to LSC during the past year. The team also reviewed documents submitted in advance of the visit, including board of directors' meeting minutes, program policies and procedures, casehandlers' writing samples, and responses to an on-line staff survey. On site, the team visited six program offices on four islands: Honolulu, Waianae, and Kaneohe (Windward) on Oahu; Hilo, on the Big Island of Hawaii; Maui; and Kauai. Staff in the Kona (Big Island), Molokai, and Lanai offices were interviewed by telephone. The team interviewed the executive director, director of training and special projects, comptroller, PAI coordinator, along with most managing and staff attorneys, paralegals, and administrative and support staff. The team also met in person or by phone with the program's board chair and several board members, members of the Hawaii Access to Justice Commission, judges, representatives of non-LSC funded legal services and pro bono entities, and other community organizations.

Program overview.

Founded in 1950, the Legal Aid Society of Hawaii is a nine-office program providing a full range of legal services across the six major islands in the state – Oahu, Hawaii, Maui, Kauai, Molokai and Lanai. It has approximately 100 full and part-time staff, and volunteers. With the exception of the urban Honolulu area, the service area

comprises mostly rural communities and small cities and towns separated not just by miles but also by ocean. Of the state's 1.2 million residents, 876,000 reside on Oahu; 148,700 live on the Big Island of Hawaii; 117,000 live on Maui; 58,300 live on Kauai; 7,400 live on Molokai; and 3,200 live on Lanai. In 2007, 8.5% of the state's population had an income below the federal poverty level. Studies indicate that the poverty level has increased and could reach 12% by 2010.

In 2009, LASH received \$1,483,801 in Basic Field and \$244,785 in Native American funding from the Legal Services Corporation. In 2008, a small migrant grant for the service area was folded into the Basic Field grant. LASH began receiving Native American funding in 2009 when the Native Hawaiian Legal Corporation chose to forego the grant. In addition to the legal services funded by LSC, the program receives almost 40 grants from a variety of federal, state and local funding sources designed to address the needs of specific client populations. They include Older American's Act legal assistance for seniors, children's Supplemental Security Income disability advocacy, legal services to homeless individuals and families, Low-Income Taxpayer Clinics, and others. Many of these funds come in the form of contracts on which the program bills for services rendered. In an effort to serve persons whose income is low, but not low enough to qualify for LSC-funded services, the Affordable Lawyers Program offers low-cost legal services in certain areas of law to persons with incomes between 125% and 250% of the federal poverty level.¹ LASH also collaborates with the Family Court of the First Circuit in Honolulu to provide counsel and assistance to family court litigants. It operates the Center for Equal Justice (CEJ), a drop-in center with locations in Honolulu and Kauai that offers counsel and advice, assistance in preparing forms and letters, and self-help information including written materials, clinics and audiotapes.

The main LASH office in Honolulu houses administrative staff, the CEJ, and several other projects. The island of Oahu is also served by offices in Waiānae and Kaneohe. Offices in Hilo and Kona serve the Big Island of Hawaii. The Maui office, located in Waihuku, serves the island of Maui and provides supervision and support to two small offices located on Lanai and Molokai. An office and a courthouse CEJ in Lihue serve the residents of Kauai. All offices provide general legal services. LASH also operates ISLANS (Information System for Legal Aid Network Statewide), a toll-free telephone hotline. The program has no separate unit serving the Native Hawaiian community.

In 2007, the Hawaii Access to Justice Hui, of which LASH is a founding member, released the report of its statewide civil legal needs assessment.² The needs assessment process utilized a range of methods and data sources, including surveys, focus groups and meetings. Needs identified in the report included family law (which in turn included

¹ LSC recipients may adopt policies allowing the use of LSC funds to serve certain persons whose incomes are between 125% and 200% of the federal poverty level. 45 C.F.R. § 1611.5.

² The Access to Justice Hui (group), created in 2006 to study the community's unmet legal needs, includes the Hawaii Judiciary, Hawaii State Bar Association, Legal Aid Society of Hawaii, Hawaii Justice Foundation, University of Hawaii William S. Richardson School of Law, Volunteer Legal Services Hawaii and several other nonprofits.

custody and domestic violence), consumer, government benefits, and housing. The report resulted in the development of a ten-step Community-Wide Action Plan. The first step in the plan was the creation of an Access to Justice Commission, which was accomplished in 2008. The LASH executive director is a member of the new Commission. Also in 2008, the Hawaii Supreme Court adopted an interest rate comparability rule intended to increase the pool of IOLTA funds in the state.

SUMMARY OF FINDINGS

LASH was a key participant in the 2007 statewide legal needs assessment, and has taken steps to implement applicable recommendations. The program annually reviews priorities, taking into account emerging needs and program resources, but has not recently engaged in program-wide strategic planning.

LASH staff are linguistically and culturally competent. They treat clients with respect and are engaged in the client community. The program has offices in larger population centers on each of the primary islands. Offices are within reasonable distance of the courts and accessible to public transportation, where it exists. However, the degree to which offices are accessible to persons with mobility impairments and conducive to professional legal activity is inconsistent.

LASH offers a range of opportunities for accessing its services, including a toll-free hotline, walk-in opportunities, self-help centers, a courthouse assistance project, and outreach sites. The intake system is well-designed and well-managed, and policies and procedures are comprehensive. Intake staff are well-trained and knowledgeable.

LASH has the capacity to perform effective legal work despite staffing, funding, and geographic challenges. Advocates possess the skills to address clients' legal problems. They are involved in a range of representation in a variety of forums, and they strive for results that are compatible with the client's goals. The 2009 award of LSC Native American (Native Hawaiian) funds provides additional opportunities for serving the low income Native Hawaiian community.

While of high quality, much of the extended case work appears to be grant driven and lacking a strategic focus. Program management has begun assessing the effectiveness of delivery strategies. Attorneys appear eager to enhance their skills and are looking for opportunities to engage in more complex and strategic work. LASH does not have a director of advocacy or litigation to coordinate advocacy program-wide.

LASH's systems for legal work management and supervision are not always followed. Many advocates reported caseloads significantly higher than the recommended guidelines, and others expressed concern about the need to cover for employees out on extended leave. The degree of supervision and case oversight varies, and there is no program-wide system of calendaring cases and other obligations. In general, advocates have the tools to accomplish the program's mission. New staff receive orientation,

attorneys have access to continuing legal education programs and on-line research, and all staff attend the program's annual retreat/training. Some staff lack needed computer capacities at their workstations, including sound and CD-ROM drives. The level of administrative support varies across the program.

The Partnership in Pro Bono project effectively integrates private attorneys into the program's services. It is staffed by a full-time paralegal supervised by the executive director. The coordinator recruits volunteers, refers and follows up on cases, and provides volunteers with ongoing support and recognition. PAI cases are limited to extended services. Challenges include finding volunteers on less populated islands, referring conflicts cases, and avoiding duplication of efforts with other programs.

LASH participates in a wide range of services and activities that benefit the client community. Staff conduct outreach and community education, serve on boards and committees, and participate in community meetings. The program operates pro se clinics and provides limited assistance in a variety of areas, and has increased outreach to the Native Hawaiian community.

The board of directors is involved in policy decisions and conducts effective oversight. New members receive orientation and training. The board meets six times a year with some members participating by telephone. Committees have work plans. Each committee includes at least one client member. In 2008, the board evaluated the former executive director, and in 2009 it hired the current executive director. The board is engaged in fundraising, particularly the program's Justice Campaign and the 60th anniversary celebration. Several members are active in the Access to Justice Commission. LASH has had difficulty recruiting and retaining client eligible board members. Two Native Hawaiian groups were recently asked to become appointing organizations.

LASH is well-managed and administered, and recent leadership transitions appear to have been smooth. The executive director has the respect of the board, staff, and justice community. At the time of the OPP visit, the program was interviewing deputy director candidates. That position was filled soon after the visit.

The program does not have a plan for providing client services in the event of an emergency affecting its client community.

The budgeting process appears to be satisfactory and the board is actively involved. Accounting personnel appear to have adequate training and experience. LASH maintains effective human resources administration and policies, although some policies, including those providing for mentoring of new attorneys and staff performance evaluations, do not appear to be followed consistently. There are systems for facilitating program-wide communication.

LASH has effective resource development with designated staff. It is engaged in a major fundraising initiative – the Justice Campaign, and has produced a promotional video. It produces an annual report and a newsletter. The recent loss of state funding has impacted staffing, salaries and benefits.

LASH maintains a coherent delivery structure that is a key component of the statewide legal services delivery system. Attorneys are active in their state or local bar associations, and several are active in the statewide Access to Justice Commission.

DISCUSSION OF FINDINGS

PERFORMANCE AREA ONE. *Effectiveness in identifying needs of low-income people in the service area and targeting resources to meet those needs.*

Finding 1: LASH was a key participant in a 2007 comprehensive statewide assessment of legal needs, and has taken steps to implement its recommendations as appropriate.

In November 2007, the Hawaii Access to Justice Hui, precursor to the new Access to Justice Commission, issued the *2007 Assessment of Civil Legal Needs and Barriers of Low and Moderate Income People of Hawaii*. The report was based on a comprehensive study that included a review of census and other demographic data plus previous studies such as a 1993 Assessment of Civil Legal Needs of Low and Moderate Income Hawaiians and statewide survey of civil legal needs and the 1994 ABA survey. It also included substantial input from low-income persons, community groups and agencies, the bar and courts, program staff, and board members through interviews, surveys, and focus groups. The most pressing unmet needs identified in the 2007 study were family law (including divorce, custody, and child support), housing, consumer, and domestic violence. The study identified housing/land rights, health, and government benefits as emerging issues. The study resulted in the development of a Community-Wide Action Plan that recommended steps to address gaps in the delivery system and the barriers to civil legal assistance faced by low-income Hawaii residents.

LASH was a founding member of the Access to Justice Hui and instrumental in the development and implementation of the legal needs study. The program is making an effort to implement the action steps, both as an individual program and as a key player in the justice community. When the first step – creation of an Access to Justice Commission – was achieved in 2008, the LASH executive director was named a member of the Commission. LASH has also taken steps to address other components of the plan, including developing a culture that values pro bono, maximizing the use of available resources, and enabling individuals to represent themselves effectively when necessary. Hawaii Supreme Court Rule 21 sets the next needs assessment five years from the first meeting of the Commission, which was in July 2008. LASH identifies emerging needs through the regular review of intake calls and participation in discussions with community organizations.

Finding 2: LASH annually sets goals and objectives and develops strategies to achieve them based on available resources, and regularly assesses its delivery strategies and work.

LASH annually reviews and adopts program priorities. In determining its 2009 priorities, LASH considered the findings of the 2007 legal needs study; the 2008 priorities and number of cases handled in priority areas; and potential funding changes, including the possible loss of state funding and the new LSC Native American grant. The process also took into consideration the availability of other service providers. This information was reported to the board, along with a recommendation on priorities. The priorities ultimately adopted by the board included a new category, *keeping children safe and secure*; and proactive language for existing categories, *i.e., protecting consumers; promoting safety, stability and health; assisting populations with special vulnerabilities; and encouraging economic development* (new language in italics).

Since the 2009 priorities were adopted, unemployment in the state has risen markedly, leading to an increase in requests for assistance with unemployment, foreclosure, and other housing issues. Homelessness and the risk of homelessness is also a growing issue, with an estimated 6,000 people homeless statewide (3,500 on Oahu alone), and 100,000 at risk of becoming homeless. LASH has responded to these emerging issues by successfully seeking additional funding to address legal issues around homelessness and housing; and adjusting case acceptance criteria to expand services in the areas of foreclosure, mortgage rescue scams, and unemployment.

LASH informally assesses the effectiveness of its delivery strategies by analyzing Case Service Reports, which include outcomes; by discussing case trends and developments at intake and substantive law unit meetings and at management meetings; and by reviewing the responses to quarterly client satisfaction questionnaires.

Program resources appear to be reasonably allocated to meet priorities. Staff are aware of priorities and adhere to them. Staff also appear to be sensitive to changes in client community demographics; several spoke of the need to be responsive to those changes.

Recommendation:

I.2.1³ LASH is encouraged to continue its efforts to address the issues that were identified during and since the last statewide needs assessment — foreclosure and other housing, and unemployment related problems — and to allocate program resources to those issues to the extent possible.

³ Recommendations in this report will have three numbers and will immediately follow findings. The Roman numeral references the Performance Area, the second number corresponds to the finding, and the third number is that of the recommendation.

Finding 3: LASH has not recently engaged in comprehensive strategic planning that would address whether its various grants are effectively serving the mission and goals of the program and the legal needs of the client community.

LSC grants comprise approximately 30% of LASH's funding. The balance of the program's financial support comes from almost 40 different sources, including a pay-for-performance contract for the Social Security Advocacy (GA-SSI) project and a per-case contract for guardian-ad-litem work. Staff in the GA-SSI project carry more than 100 open cases, and while their success rate is high, several project staff expressed difficulty in managing those caseloads.

A diverse funding base that increases the quality and quantity of services consistent with a program's mission is to be encouraged. However, LSC has observed that where funding for a particular project is dependent upon the number of cases handled, programs run the risk of having that funding drive services. Indeed, interviews during the visit suggested that many program attorneys would be interested in taking a more strategic approach to their work, particularly with regard to enhancing systemic advocacy and complex litigation. Yet, while the legal needs assessment and annual priority setting have resulted in statements of goals and objectives, there does not appear to have been a recent program-wide discussion of the benefits and drawbacks of the various grants. LASH has not engaged in strategic planning since 2006.

Recommendation:

I.3.1 LASH is urged to engage in a strategic planning process that develops short and long term goals for the program and its legal work, and that considers the benefits and drawbacks of the various grants and pay-for-performance contracts, including whether these grants are effectively serving the mission and goals of the program and the legal needs of the client community.

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

Criterion One: Dignity and sensitivity.

Finding 4: LASH staff are linguistically and culturally competent, and they treat clients with dignity and respect.

Hawaii is home to people of many cultures and languages. Interviews with staff, board members, community organizations, and judges confirmed that the program values the dignity of clients and has the capacity to deal with the challenges of a multicultural client community. While the primary language spoken by the client community is English, other languages include Tagalog, Japanese, Chinese dialects, Spanish and other Pacific languages. LASH has staff to assist those with limited English proficiency, including staff who speak Spanish, Tagalog, Palauan,

Japanese, Samoan and Chamorro fluently, as well as those who speak conversational Cantonese, French, Italian and Korean. When necessary, the program uses a tele-interpretor service to facilitate communications in languages other than those spoken by staff. The LASH LEP Plan is incorporated into the Case Management Handbook. In addition to being multilingual, the staff is diverse and reflective of the community cultures.

Criterion Two: Engagement with the low-income population.

Finding 5: LASH is engaged and visible in the client community despite the geographic challenges of its service area.

LASH is well-known to and respected by the leaders and staff of organizations providing services to the low-income community in Hawaii. Program involvement with those organizations includes attending meetings, conducting outreach and educational programs, and accepting referrals of eligible clients. The managing attorney of the Maui office participates in monthly meetings of the directors of non-profit community service agencies on the island; one area of discussion is emerging issues affecting the client community and how they can be addressed. Community organizations are provided with brochures about LASH and its services.

Program staff reach out to and engage directly with seniors, children and youth, domestic violence victims, tenants and low-income homeowners, homeless persons, and others. For example, staff of the homeless project on Oahu maintain a significant presence at shelters, on beaches, and in other venues. On Kauai, an Americorps member conducts intake at a homeless shelter twice a month, and other staff do outreach at a YWCA shelter for homeless victims of domestic violence. On Maui and the Big Island, Title III staff conduct outreach at senior centers and participate in senior interdisciplinary team meetings. In some offices, the lack of sufficient staff resources limits the level of outreach that the program is able to perform.

Criterion Three: Access and utilization by the low-income population.

Finding 6: LASH offers a range of opportunities for the low-income community to access and use program services.

The main LASH office in Honolulu houses substantive law units serving Honolulu, administrative staff, the Center for Equal Justice, and several other projects. The island of Oahu is also served by offices in Waianae and Kaneohe. Offices in Hilo and Kona serve the Big Island of Hawaii. The Maui office, located in Wailuku, serves the island of Maui and provides supervision and support to two small offices located on Lanai and Molokai. An office and a courthouse CEJ in Lihue serve the residents of Kauai. Each branch office except for Molokai and Lanai is led by a managing attorney and staffed by one or more staff attorneys, paralegals, and clerical staff. All offices provide a range of general legal services with some variation in case types depending on funding sources. Offices are located in the larger population centers on each of the six

primary islands in Hawaii. They are accessible to public transportation, where it exists. The main office in Honolulu and the near-by annex housing the GA-SSI unit are within walking distance of the courts and many agencies. At least one office on each island is located within five miles of the family court and accessible to other courthouses.

Finding 7: The degree to which individual offices are accessible to persons with mobility impairments and conducive to professional legal activity is inconsistent.

In general, LASH offices are bright, clean, and professional, but some are overcrowded and not always fully accessible to persons with mobility impairments. The two-story Honolulu office is designed on an open-space model that does not make effective use of space. Most staff, including attorneys and paralegals, work in adjoining cubicles that offer no privacy and minimal work space. The building also includes some large open areas, including an area where a large conference table is located and the first floor Center for Equal Justice. While the office includes interview rooms, they do not always meet the demand for such space and there are times when client interviews must be conducted in an open cubicle. The Honolulu office is not fully accessible to persons with mobility impairments and lacks an emergency exit from the second floor.

The Maui office, while cheerful and welcoming, is overcrowded and lacks an adequate reception area and office space for attorneys. It also makes less than effective use of space, particularly the former living room, which houses at least three staff including one attorney. It does have a separate conference room that can be used for client interviews. LSC did not visit the Kona office, but interviews indicate that it too is overcrowded and inadequate.

Recommendation:

II.7.1 LASH should assess the design and layout of offices with a view towards maximizing usable space and providing staff, particularly those who interact with clients, with more usable, private, and accessible workspace. In Honolulu, the assessment should consider the accessibility of the second floor for staff and others with mobility impairments, and should address the need for a second floor emergency exit.

Finding 8: The LASH intake system offers several options for access, including a toll-free hotline, walk-in opportunities, and outreach sites.

The LASH intake system is well-designed and well-managed, and the program's policies and procedures are comprehensive. The Case Management Handbook, Desk Manual, and other reference materials and resources for use by intake staff are excellent. Intake staff are well-trained and knowledgeable, and they treat applicants with respect and patience. Currently, however, the system is understaffed.

Intake is conducted primarily via a centralized toll-free telephone system based in Honolulu. The system is known formally as ISLANS - Information System for Legal Aid Network Statewide - and referred to as a hotline. Intake hours are 9:00-11:30 a.m. and

1:00-3:30 p.m. Monday through Friday. Calls to the hotline are toll-free or local throughout the service area. Callers on Hawaii, Kauai, and Maui call the hotline number; if they call their local office, the call is routed to the hotline. Those on Lanai and Molokai call or walk in to the offices on those islands, and the intake is handled on the spot. Walk-in intake is conducted in the Honolulu office on a first come-first served basis. In Honolulu, walk-in intake was available during regular intake hours until mid-2009, but because of budget constraints the hours have been limited to mornings only. Applicants who come in to branch offices seeking assistance may call the hotline from that office. Accommodations are made for those who have an emergency or lack a home phone, or those who have traveled a significant distance to the office. Staff also conduct home visits when necessary.

Calls to the hotline are answered by intake specialists located in the Honolulu office and at two remote sites – one on Oahu and another, staffed by a former LASH attorney licensed in Hawaii, in Washington state. When fully staffed, the intake unit includes one full-time managing attorney, one half-time staff attorney, six AmeriCorps members, and six part-time contract attorneys and paralegals. Ideally, each shift should be staffed by four to six advocates. During the past year, however, staffing has been reduced due to budget cuts, so attorneys and paralegals in the Honolulu office have been assisting with intake. Even with that assistance, at the time of the visit there was only one full-time intake attorney – the supervisor – and only 2-3 people were available for each shift. LASH is currently discussing with a local law firm the establishment of a partnership through which the firm would provide pro bono attorneys to assist with intake.

The telephone system queues calls and forwards them automatically to the next available intake worker in the order in which they were received. Wait time had been growing longer in the past year as need increased and staff levels dropped, with some callers reportedly on hold for as long as 20 minutes. To reduce the wait time, LASH recently implemented a system that allows callers who have been on hold for three minutes to leave a brief message and their telephone number; they receive automatic call-backs when the next staff person becomes available.

All LASH offices, out-stationed intake workers, and staff conducting outreach have the capacity to enter data contemporaneously into the LASH unified case management system (TIME). LASH does not utilize paper applications or web-based intake. Callers are screened for eligibility during the initial call and those who need it are provided a referral, or counsel and advice. Intake workers are trained in the substantive legal areas affecting clients; they also have at their disposal a desk manual with scripts covering an array of legal topics. LASH does not send confirming letters at this stage, but they do send out brochures that reinforce the advice provided.

The case management software includes eligibility criteria and help menus for workers. It provides intake workers with searchable data for referrals to outside resources and has the capacity to generate customized form letters. It can generate reports on length, origin and number of calls for use by supervisors or submission to

fundings. They also have access to each office and substantive law unit case acceptance criteria, which differ as a result of funding sources or staffing levels. When cases require extended service, they are transferred to the appropriate office or unit for review by the managing or supervising attorney. A decision on whether to accept the case is made, and the client notified, within ten days of the initial application. Despite the automation and efficiency of its telephone and case management systems, LASH produces hard copies of all docket sheets for review and transfer to branch offices (by fax) or other units in Honolulu.

Applicants for LASH services can also access the program at outreach sites including homeless and domestic violence shelters, the beaches where homeless people congregate, senior facilities, and through two other innovative options: the Center for Equal Justice (CEJ) self-help center and the Courthouse Assistance Project (CAP). The Honolulu CEJ, located on the first floor of the main LASH office and open Monday through Friday from 9:00 a.m. – 11:30 a.m., provides eligible clients limited legal assistance on family, housing, public benefits and consumer law issues. The CEJ is accessed via telephone intake or walk-in application. Those who are not eligible for LASH services may use the facility's computers, printers, library, and obtain self-help packets and brochures. CEJ also offers 24-hour recorded scripts on legal issues. The Kauai office of LASH houses a small CEJ unit. At the Honolulu CAP, a LASH staff attorney provides eligible family court users such services as: counsel and advice; assistance in the preparation of orders and forms; assistance calculating child support; and representation during negotiations. The CAP is open on Wednesdays and Thursdays, 8:30 a.m. – 12:00 p.m., and 1:00 p.m. – 4:30 p.m., and Fridays 8:00 a.m. – 12:00 p.m. A smaller project, open one day a week, is located in the Kauai courthouse.

LASH offers numerous brochures and resource information to the public through its website, www.legalaidhawaii.org.

Intake workers participate in a three-day substantive law training, and also receive training in basic interviewing skills, issue spotting, referrals, LSC regulations, and intake protocols. They spend time observing the intake process before they begin to take calls, and when they first begin to handle calls, they do so under the supervision of a trainer. A supervising attorney is always present in the intake room, and a managing or supervising attorney reviews the dockets on a daily basis.⁴

Recommendation:

II.8.1 LASH should review the current system of referring cases from the intake unit to other units or offices, taking into consideration options for streamlining this process and eliminating the transfer of paper copies of dockets.

⁴ The contract attorney who conducts intake from Washington state uses technology to access the LASH computer system and to print dockets and log sheets in Honolulu, where they are reviewed and either closed or referred in the same manner as other intakes. Her work schedule is designed to match the program's intake hours.

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

Criterion One: Legal representation.

Finding 9: LASH has the capacity to perform effective legal work despite staffing, funding, and geographic challenges.

At the time of the visit, the LASH casehandling staff included 32 attorneys plus the executive director, and 16 casehandling paralegals. The deputy director position was filled shortly after the OPP visit. It had been vacant since January 2009, when the previous executive director left the program and the current executive director began serving in an interim capacity. There is no director of litigation or advocacy.

The Honolulu office houses the intake unit along with substantive law units (family, guardian ad litem, public benefits, housing, and in a near-by annex, GA-SSI). Honolulu also houses a series of projects, some of which are funded in whole or part with non-LSC funds: Center for Equal Justice (CEJ); Affordable Lawyers Project (ALP); Fair Housing Project; Oahu Homeless Outreach Project; Legal Advocacy Outreach and Referral Services for Children and Families; and the Partnership in Pro Bono (PAI) Project. Staffing levels in individual offices or units vary according to the non-LSC grants received by the program for the area served by that office. Full-size branch offices include a managing attorney responsible for office oversight and substantive legal work; at least one FTE staff attorney, some of whom are funded with non-LSC grants; and a paralegal. The Maui office also includes a receptionist. Molokai and Lanai are each staffed by a paralegal supervised by the Maui managing attorney. Some offices include AmeriCorps members who perform intake (*e.g.*, Honolulu) or work on special projects (*e.g.*, Maui).

For many years, LASH experienced significant turnover among new lawyers, many of whom joined the program through AmeriCorps but left for other opportunities either in Hawaii or on the mainland soon after their commitment ended. To build a corps of experienced lawyers, in recent years LASH has recruited more experienced local attorneys from government and private practice. At least four managing or supervising attorneys are in this category. Currently, at least five attorneys have been practicing law for more than 15 years and several (including the executive director) have more than 10 years of experience. In addition, several paralegals have more than 15 years experience. Two attorneys teach courses at the University of Hawaii's Richardson School of Law.

The LASH unit and branch office structure appears to work satisfactorily. Staff attorneys in Honolulu specialize in the substantive areas of the particular grants under which they work; in the branch offices, there are more generalists. The paralegals on Molokai and Lanai have small caseloads involving benefits, collections, and drafting of documents such as powers of attorney or advance directives. The managers of the Honolulu specialty units serve as resources to other advocates in the program and convene program-wide telephonic meetings on substantive area issues. Specialty units in

the Honolulu office meet monthly or more frequently, to discuss cases. Most branch offices conduct weekly case review meetings, although in some smaller offices this may be a less formal process. The Maui managing attorney visits Lanai every two months and Molokai monthly to review cases and discuss any issues that may have arisen. She is in regular contact with the paralegals on those islands and reviews all communications with clients. Despite having caseloads of their own, most unit supervisors and managing attorneys have open door policies and are available to staff who need immediate assistance on specific cases. Attorneys in different substantive areas readily discuss matters across substantive lines and feel comfortable contacting staff in other offices.

In 2008, LASH closed 6,055 cases, a figure that was down somewhat from the 6,733 cases closed in 2007. Family law cases comprised 38.9% of all cases, followed by income maintenance at 25% and housing at 16.3%. Consumer cases totaled 6.9% of all cases closed. While the number of cases closed declined from 2007 to 2008, the proportions remained relatively stable. In 2008, LASH closed 423 cases per 10,000 poor people, which is significantly higher than the national median of 256. In addition, 22.3% of LASH's closed cases are in the extended service categories, compared to 21.8% of the national median. Comparing a program's case closing statistics to the national median may not always lead to specific conclusions, but it can be a tool for reflection. The data can be influenced by a number of factors including funding, management and programmatic transitions, staff experience levels, demographics and geography of service area, changes in priorities or level of services provided, work that is not captured by CSRs, expenditure of resources, or complex litigation. In this regard, the 2008 LASH data reflect a program that is providing a significant level of service despite the challenges of recruiting and retaining staff and the difficulty in serving clients across a large area. In comparison, it is likely that the 2009 data will reflect the current funding crisis and resulting cuts in services.

Moving beyond the case data, it is clear that LASH is currently involved in a range of representation in a variety of forums including state and federal courts and administrative hearings and appeals. The advocate writing samples reviewed by the team were well-drafted and contained concise statements of facts, cogent discussions of the law, and logical arguments supported by citations. Among the writing samples were detailed letters of advice to clients, custody petitions, guardian ad litem reports, hearing memoranda in disability appeals, and pleadings addressing such issues as quiet title, foreclosure, and other housing matters. Interviews with advocates confirm that LASH staff are knowledgeable about clients' legal problems and possess the requisite practice skills to address them. They strive for results that are compatible with the client's individual goals as well as program priorities. Judges interviewed by the OPP team were complimentary about the level of preparation, case presentation, analysis of issues and results obtained for clients. For the most part, these judges presided in family court.

Finding 10: The 2009 award of LSC Native American (Native Hawaiian) funds to LASH provides the program with additional resources and opportunities to serve this community.

Until 2009, when the Native American (Native Hawaiian) grant was awarded to LASH, the LSC grantee for the service area was the Native Hawaiian Legal Corporation (NHLC). The NHLC focus is on land rights and other traditional Native Hawaiian legal issues, and it will continue to address those issues without LSC funds.

When LASH began receiving the Native Hawaiian grant, it was already providing basic field services to significant numbers of Native Hawaiian or Part-Hawaiian persons. It has continued to do so, but has also amended its priorities to include traditional Native Hawaiian issues and increased outreach to the Native Hawaiian community. LASH's own closed case data indicate that for the first six months of 2009, 977 of 3406 clients were Native Hawaiian (124), Part-Hawaiian (806), or Native American (47).

NHLC and LASH are collaborating to minimize duplication of services. For this reason, LASH will focus less on land rights and other traditional Native Hawaiian issues and more on the legal issues more frequently addressed with basic field funds. Even so, with the resources provided by the LSC grant and with its expanded priorities, the program has the potential for increased representation of Native Hawaiians and involvement in the area of Native Hawaiian legal rights.

Recommendation:

III.10.1 LASH should continue to reach out to the eligible Native Hawaiian community and identify opportunities to address their legal needs.

Finding 11: Some LASH legal representation appears to be grant driven and lacking a strategic focus.

While of high quality, some LASH extended case work appears to be driven more by fee-for-service contracts, and less by a strategic approach that considers the relationship between individual cases and the broader issues and solutions affecting the client community. This is an issue in the guardian-ad-litem, child protective services, and GA-SSI projects. Some staff in those projects expressed concern over the size of their caseloads but noted that they did not feel that they could be more selective in what cases they accept, because the program is paid by the case. Also, in at least one office the majority of the family law cases involved pro se assistance for uncontested divorces; in another, the Title III work was almost exclusively powers of attorney and advance directives. These latter practices may not be specifically related to fee-for-service contracts, but they do indicate a need to consider a balance between these services and more complex advocacy.

Recently, program management has undertaken the challenge to be more strategic with regard to advocacy. Managers have begun assessing the effectiveness of delivery strategies by analyzing Case Service Reports, which include outcomes; by discussing case trends and developments at intake and substantive law unit meetings and at management meetings; and by reviewing the responses to quarterly client satisfaction questionnaires. The program recently decided to terminate one grant because it was

determined not to be a productive use of staff time or to support the program's goals and objectives. This more strategic approach is likely to be supported by staff, who were eager to enhance their skills and to engage in more complex and strategic work. The removal of the LSC restriction on seeking attorneys' fees presents a good opportunity not only to become involved in new areas of law, but also to generate resources for the program.

Recommendation:

III.11.1 LASH should be cognizant of having case acceptance decisions driven by funding sources, or of concentrating resources in routine legal areas (*i.e.*, uncontested divorces) that may impede the spotting of issues and or litigating in other areas. As part of its strategic planning, LASH should consider ways to involve advocates in more complex legal work on behalf of the client community.

Finding 12: LASH has systems for legal work management and supervision that are designed to assure high quality representation, but these systems are not always followed.

LASH has a comprehensive case management manual that addresses LSC requirements, intake procedures, case handling protocols, accessibility policies, and a range of other issues. The chapter on case management includes protocols for case acceptance, documentation and communication with clients, supervision and review, file management, caseload levels, appeals, and closing procedures. It includes guidelines for caseload size based on an advocate's level of experience, and provides for periodic "peer reviews" whereby a manager from one office would visit another office to conduct a random review of casehandling procedures. It establishes systems for file maintenance, case docketing, and calendaring. Extended cases must have opening memos that evaluate client options and contain statements of client objectives and legal strategies. Complex cases must have case plans. Clients must be kept informed about their cases; communication with the client must be noted in the file at least every 30 days.

While LASH has comprehensive written policies and procedures, they are not always followed. For example, many advocates reported caseloads significantly higher than the recommended guidelines, and others expressed concern about the need to cover for employees out on extended leave. The degree of supervision and case oversight by managers varies. In some units or branch offices, managers review cases monthly; in others, the reviews are informal and less frequent. There does not appear to be a program-wide system of calendaring cases and other obligations. Managers recently conducted a random review of cases to determine whether procedures in the case management manual were being followed and to assess the need for any modifications to those procedures, *e.g.*, whether there is a need to contact all clients every 30 days. This review did not address the calendaring issue.

By and large, LASH advocates have the tools they need to accomplish the program's mission. All new staff receive orientation, which includes information on the case management system and program policies. Attorneys have access to continuing legal education programs sponsored by the state bar, and all advocates attend the program's staff retreat/training, which was skipped this year due to funding cuts but will be held next year. Some managers have attended MIE trainings. Staff also participate in webinars and other on-line programs and some have attended conferences including a trial advocacy program and trainings on fair housing, family law and foreclosure. Staff who attend significant trainings are expected to report on the sessions they attended and to post materials on the shared drive. Staff express the need for more on-going training to sharpen their skills and keep them current on new developments. Staff have access to a litigation fund. LASH uses LexisNexis as its on-line legal research tool.⁵ Some staff take advantage of national listservs such as those operated by the National Housing Law Center, the National Health Law Program, and the National Consumer Law Center. They receive Clearinghouse Review and other materials from national resource centers. Unit managers distribute substantive law updates. In some offices, the Title IIB staff do not seem as well-connected; some were not aware of national listservs or other resources.

Recommendations:

III.12.1 LASH should ensure that legal work management and supervision policies, including case reviews, are applied consistently throughout the program.

III.12.2 If funding permits, LASH should continue its practice of holding all-staff meetings, annually if possible. Such meetings are important not only for imparting substantive skills, but for contributing to the spirit of collegiality and uniform purpose among staff from widely scattered offices.

III.12.3 LASH should develop and consistently implement policies concerning training attendance, and consider permitting more staff to attend conferences on the mainland, where they can network with and learn from other advocates. LASH should continue the practice of having staff who attend conferences share information and materials about emerging issues and strategies for addressing those issues. While cost can be an issue, a number of conference sponsors offer scholarships to first time attendees.

III.12.4 LASH should give serious consideration to creating a position of director of advocacy or director of litigation, supervised by the executive director. If the recently filled deputy director position does not include responsibility for program-wide coordination of advocacy and litigation, LASH should consider centralizing responsibility for program-wide coordination of advocacy and litigation in this position or in another senior level management position. Responsibilities could be tailored to meet the needs of the program, but as resources permit they could include:

⁵ At the time of the visit the program was considering switching to the Casemaker service, which is available without charge through the bar association but which some staff felt was less comprehensive. Since the visit, LASH has negotiated a rate with a local vendor that allows it to remain with LexisNexis.

- Establishing program-wide interest groups and e-mail listservs on needed topics not already addressed by existing listservs, and encouraging staff participation in state and national listservs.
- Approving appeals and litigation requests in light of program priorities and resources.
- Co-counseling with staff when appropriate.
- Establishing a mechanism to facilitate co-counseling and teamwork on individual cases and significant advocacy efforts, with an emphasis on inter-office collaborations.
- Reviewing CSR reports for each office, unit, and individual advocate to identify emerging legal issues and trends, to assess caseload diversity, and to ensure compliance with grant requirements.
- As part of program-wide strategic planning, developing advocacy strategies to address identified legal issues and trends.
- Coordinating with the pro bono coordinator when needed to fully involve private attorneys in the program's delivery system.

III.12.5 LASH should establish and require staff to contribute to and maintain a program-wide system, with back-ups, for calendaring cases and other professional obligations.

Finding 13: While staff, in general, have the resources they need to support their work, there are areas where technology could be improved.

With some exceptions, staff have technology sufficient to support their work, including computers, internet access, a shared drive for briefs and other pleadings, and email. Casehandlers can employ remote access for working away from the office. However, while it may be efficient and cost-effective, the "thin client" computer model used by many staff does not include speakers, which limits staff ability to access webinars and other online resources that require sound. Some staff have older computers which lack sufficient memory to support current programs. Others lack CD-ROM drives, a particular problem for GA-SSI advocates because the Social Security Administration (SSA) now provides representatives with claimant files in that format. On one occasion, a CD-ROM received from the Social Security Administration had to be sent from a branch office to Honolulu for conversion, because the CD-ROM drive in the branch office was broken. It is also unclear whether all offices have ready access to necessary printing and copying capacity.

The degree of administrative support for attorneys and other advocates varies across the program. Some offices have a receptionist or office clerk; in some offices a paralegal also serves as a receptionist; in others, there is no administrative support staff. Attorneys interviewed expressed concerns that too much of their time is spent on clerical duties such as copying, mailing, postage, typing envelopes, etc. Several staff members, especially those in branch offices, expressed the need for support staff to perform administrative tasks that would free up lawyers for legal work. In addition, some offices have difficulty acquiring office supplies. Staff in one office reported using proceeds collected by staff from recycling, to purchase office supplies; staff in another office stated

that they use their own funds to purchase drinking water for staff and clients. Some administrative staff expressed the need for more training.

Recommendations:

III.13.1 LASH is urged to evaluate the technology and supply needs of each office and to make an effort to meet those needs.

III.13.2 LASH is encouraged to use future increases in general funds to hire additional support staff. While there is a need for additional attorneys in the program, there is also a need for administrative staff to support efficient and effective legal work.

Criterion Two: Private attorney involvement (PAI).

Finding 14: LASH effectively integrates private attorneys into its legal representation and client services.

The LASH PAI project, known as the Partnership in Pro Bono project, is centralized in the Honolulu office and staffed by a full-time paralegal coordinator who at the time of the visit reported directly to the executive director.⁶ The coordinator is supported in her work by LASH management and staff, by the LASH board, and by a growing culture of pro bono in the state. The legal community in Hawaii is encouraged to perform pro bono service by the Access to Justice Commission, by Rule 6.1 (pro bono) of the Hawaii Rules of Professional Conduct, and by Supreme Court Rule 20 (emeritus attorney practice). In 2008, Supreme Court Rule 17(d) was amended to include mandatory reporting of pro bono. In 2007, the LASH board adopted a resolution modeled on that of the LSC board and resolved to collaborate with other providers in the state justice community to encourage pro bono representation. The 2009 LASH PAI plan submitted with the 2010 LSC grant application describes the project's goals and proposed activities intended to involve the private bar in the work of the program. The plan was developed in consideration of the 2007 needs assessment, as well as current needs and capacities, and outside resources. It was shared with the Access to Justice Commission and state and local bar associations.

In addition to the LASH Partnership in Pro Bono project, there is another statewide pro bono program – Volunteer Legal Services Hawaii (VLSH), previously known as Hawaii Lawyers Care. VLSH is supported in part by a Hawaii State Bar Association dues check-off. It uses volunteer lawyers, retired lawyers, and law students to conduct community legal clinics on tax, family law and other issues. The clinics are followed by individual sessions in which volunteer attorneys provide advice or brief services. VLSH charges a small fee for its clinics and services. As partners in the justice community, the two programs try not to replicate services or compete for funding.

⁶ There was discussion during the visit of shifting oversight of the Partnership in Pro Bono project to the new deputy director.

The PAI coordinator recruits private attorneys through a variety of methods. She places announcements in bar newsletters, operates a booth at the state bar annual convention, and invites private attorneys to free monthly trainings on substantive law issues presented by LASH staff and outside programs including the University of Hawaii Elder Law Program. Recognizing the value of personal contacts for involving the private bar in the work of a legal services program, she seeks out opportunities for creative relationship building. One such opportunity is a periodic *pau hana* – an informal after work gathering for young associates in local law firms to which staff are also invited. The legal community in Hawaii is concentrated in the Honolulu area, making it a challenge to obtain pro bono services on neighbor islands. Program staff report that there are just a handful of private attorneys on Maui and the Big Island of Hawaii, and none on Molokai and Lanai.

The LASH PAI model is one of volunteer attorneys providing representation on individual cases. While the program is contemplating a project that would bring volunteers into the program to assist with the intake hotline, at this time volunteers are not involved in other ways. There is no judiciary or contract panel. In 2008, the PAI panel included 204 attorneys. Sixty-one cases were referred to the panel and 39 were closed. Of those, 27 (69.2%) were in the family law area, 7 (17%) were miscellaneous, 2 (5%) were in juvenile law, and one (2.6%) was consumer. Thirty of the cases handled in 2008 were extended representation.

Cases are referred to the Partnership in Pro Bono project by unit supervisors or managing attorneys. When the coordinator receives a referral, she re-checks eligibility and contacts the client to explain that a volunteer attorney will be assisting. When they agree to take a case, volunteers are provided with a complete intake and introductory packet that includes any forms they will need.

The PAI plan calls for volunteer attorneys to take cases in the following areas: guardian ad litem in child protection or divorce cases, adoptions and guardianships involving children and or disabled adults, divorces or in post-decree modifications, wills and health care advance directives, consumer, Social Security disability, and predatory lending. The program only refers to PAI attorneys cases that staff would otherwise handle, so that the program can take the case back should the need arise. Volunteers can take cases alone, or they can co-counsel with program staff.

Volunteer attorneys are encouraged to attend LASH in-house trainings and pro se clinics to learn about specific areas of law, and to seek assistance with a particular issue from program staff. They are covered by LASH malpractice insurance, and they are reimbursed for expenses they may incur. The coordinator calls clients and volunteers monthly to find out the status of the matter and to be sure that no problems have arisen on either side. Unlike many other programs, LASH does not experience difficulty in obtaining responses from volunteers. Once a case is complete, the coordinator sends the volunteer attorney and the client a satisfaction survey. The volunteer attorney also receives a “thank-you” mug. Volunteers are also recognized through mention in the

LASH newsletter and the state bar journal. This year, LASH recognized all attorneys on its PAI panel by inviting them to a National Celebration of Pro Bono social gathering.

In addition to the ongoing challenge of maintaining an effective PAI program and working collaboratively with other providers, LASH has particular challenges in the rural areas, particularly on neighbor islands. During interviews with staff, judges, and community partners on the neighbor islands, two issues were raised: the need for volunteer attorneys to handle cases with which LASH has a conflict, and how to serve areas where there are few to no lawyers at all. Another challenge is to enhance the involvement of the private bar in the work of the program by expanding the kinds of services provided, while avoiding conflicts with other providers who may offer similar services.

The PAI coordinator has not yet had the opportunity to attend national conferences such as the Equal Justice Conference, but at the time of the visit was planning to participate in an October 2009 webinar for pro bono coordinators sponsored by the National Association of Pro Bono Professionals.

Recommendations:

III.14.1 LASH is encouraged to build upon its 2007 board resolution and 2009 PAI plan, and to consider ways to enhance the involvement of private attorneys, particularly those who have volunteered but have not yet been asked to assist. Issues to consider might include:

- Whether referring to PAI only those cases in which staff has expertise unduly restricts the kinds of cases referred.
- Whether focusing on extended services unduly limits opportunities for involvement by attorneys who might not wish to provide those services. One area in which there appears to be a need on some neighbor islands is the preparation of powers of attorney, advance directives, and other simple documents.
- Whether volunteers could assist with in-house services, such as assisting on intake, as is currently under consideration.
- Whether volunteer attorneys, or law students supervised by a law professor, could provide assistance at the Courthouse Assistance Projects.

The 2007 LSC Program Letter on Private Attorney Involvement can serve as a resource in this area. This recommendation is made with the understanding that LASH needs to be cognizant of its position in the statewide justice community envisioned by the Access to Justice Commission.

III.14.2 LASH should work with the bar to establish a “conflicts panel” of PAI attorneys to whom applicants can be referred as soon as the conflict is perceived. Panel members could participate on a volunteer or contract basis. LSC can provide information and referrals to grantee programs that use such panels.

III.14.3 LASH should consider how to facilitate the provision of services to clients on small neighbor islands or other remote areas by PAI attorneys, who live and work elsewhere, by providing reasonable compensation for travel expenses when volunteer attorneys travel to remote locations to serve clients.”

III.14.4 LASH should ensure that the PAI coordinator is sufficiently integrated and involved in the national pro bono community and attends national conferences to learn about effective models for engaging the private bar.

Criteria Three and Four: Other program services and activities on behalf of the eligible client population.

Finding 15: Consistent with its goals, objectives, and strategies, LASH participates in a wide range of services and activities that benefit the client population.

LASH’s staff conducts outreach and community education in priority areas, serves on boards and committees, and participates in community meetings such as tenant associations, senior interdisciplinary teams, domestic violence prevention organizations, the Hawaii Foster Youth Coalition, and others. With the receipt of LSC funds to serve Native Hawaiians, LASH’s staff is making a more concerted effort to reach out to organizations serving that community.

Recognizing that many low-income persons are able to assist themselves with the appropriate support, LASH operates pro se clinics on such topics as uncontested divorces, custody modifications, uncontested adoptions, and guardianships. Limited services are provided on such matters as preparing powers of attorney and advance directives for health care, drafting letters to creditors when an individual is judgment-proof, and completing applications for benefits. The non-LSC funded Center for Equal Justice offers one-on-one limited assistance in a variety of areas. The Courthouse Assistance Projects in Honolulu and Kauai provide immediate assistance to eligible litigants. The non-LSC funded Affordable Lawyers Project provides legal assistance to those whose incomes fall just above the LSC eligibility guidelines. As a result of funding cuts, the hours of operation of the CEJ and the CAP in Honolulu have been reduced.

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

Criterion One: Board governance.

Finding 16: The LASH board of directors is appropriately involved in major policy decisions of the program and asserts effective oversight.

The LASH board of directors is committed to the mission of the program and actively engaged in all major policy decisions. All new board members receive orientation to LASH and training on board responsibilities and the LSC Act and

regulations. The board meets regularly six times a year, with additional meetings as necessary to address issues that cannot wait until the next meeting. The size of the service area requires some members to participate by telephone. The board includes five committees: Executive, Access to Justice, Finance and Audit, Nominations and Corporate Governance, Personnel and Client Relations, and Strategic Planning and Priority Setting. Each committee has at least one client member. Each committee has a work plan.

Board minutes reviewed by the team and interviews with board members indicate that meetings are attended by the majority of attorney members and that these members appear to have thoroughly reviewed issues prior to making decisions. Executive director and staff reports contribute to the board's understanding of program issues. Board members are involved in major policy decisions, including the decision to reduce staff salaries in response to the loss of state funding. In 2008, the board conducted an evaluation of the former executive director that included input from staff, community organizations, and the bar. Earlier this year it searched for and hired a new executive director. The board is engaged in fundraising, particularly the program's Campaign for Justice, and is actively involved in preparations for the LASH 60th anniversary celebration, to which it has invited President Obama. Several members are active in the Access to Justice Commission.

Finding 17: LASH has had difficulty recruiting and retaining client eligible board members.

Board members and program management clearly understand the critical role of client eligible board members, yet they have had ongoing difficulty recruiting and retaining such persons. At the time of the visit, there were three client board members and four client member vacancies. The OPP visit team was unable to interview a client member while on site but has since done so. In an effort to expand Native Hawaiian representation on the board, two Native Hawaiian organizations were recently approached to determine their willingness to become appointing organizations.

Recommendation:

IV.17.1 LASH should continue to work diligently to fill vacant client board of director positions and should provide training and other support to client board members to improve retention and participation.

Criteria Two and Three: Overall management and administration; leadership.

Finding 18: LASH is well-managed and administered, and appears to have weathered well the recent leadership changes.

LASH has experienced significant changes in leadership over past five years, but the transitions appear to have been relatively smooth. At the time of the visit, the current executive director had been with the program for ten years. She served as interim executive director and deputy director prior to assuming her current position in May

2009. At the time of the OPP visit, the program was in the process of interviewing candidates for the deputy director position but had not determined the precise scope of the deputy director's responsibilities. The position was filled soon after the visit.

The executive director has the respect of the board, the staff, and the justice community. She appears to have a plan for the future which builds on work of her predecessors and moves the program forward. One of her goals is to improve attorney retention. Another is to ensure that activities performed under the various grants, including litigation and other substantive legal work, are conducted strategically and contribute to LASH's core mission. Key program staff, including the program manager, director of training and special projects, and comptroller, appear to share these goals.

LASH managers meet monthly, with branch office managing attorneys participating by telephone. In years past, the program has conducted a program-wide staff retreat that includes training, but that event was not held in 2009 due to cost concerns. Program managers held a retreat in October 2009.

The program does not yet have a plan for providing client services in the event of a disaster or emergency affecting its client community.

Recommendation:

IV.18.1 LASH should develop an emergency plan that ensures the preservation of files (computer and hard copy), equipment, and data bases; the continuation of communication among staff and management; the evacuation of personnel, including those personnel with mobility impairments; the relocation of offices or establishment of alternate sites; and the provision of client services.

Criterion Four: Financial administration.

The LASH budgeting process appears to be satisfactory and the board is actively involved in that process. Accounting personnel appear to be adequately trained and have the experience to handle the fiscal responsibilities of the program. The comptroller, an experienced certified public accountant, has responsibility for preparing and monitoring the overall program budget as well as budgets for individual grants. He reviews financial statements, bank reconciliations, and other documents related to the program's fiscal processes and health. He is assisted by an experienced bookkeeper and clerk.

Criterion Five: Human resources administration.

Finding 19: LASH maintains an effective human resources administration and policies, although the degree to which the policies are followed is not always clear.

At the time of the OPP visit, human resources responsibilities were shared by the director of training and special projects, the program manager, and the accounting staff. Responsibility for staff development rests in the director of training and special projects.

She coordinates orientation of new staff and all staff trainings, including attendance at outside trainings. She also coordinates the staff evaluation process. She has prepared an orientation checklist that includes information and resources on a wide range of office procedures and substantive issues. The program manager organizes the recruitment and interviewing process for new staff. The accounting department administers employee benefits and handles the administrative side of human resources. The executive director has reported to LSC that the deputy director hired since the OPP visit may provide overall coordination of human resources and other personnel issues. The program has a Human Resources Manual.

As noted above, LASH has experienced significant staff turnover, particularly among attorneys. It was reported that in recent years the program has lost 10-15 staff each year, mostly attorneys. Many left after two or three years, some to return to the mainland. To help address this issue, the program has begun recruiting local attorneys and has entered a new collaboration with the law school to create a two-year fellowship for its graduates. In addition, in January 2007 LASH increased starting salaries for attorneys. The case management manual describes a system for mentoring new attorneys, but it is unclear whether that system is in place.

To increase its pool of experienced attorneys, LASH is making an effort to hire those with experience in private practice or with the government. The program provides paid bar leave and offers a law school loan repayment program of \$150 per month. It offers a three-month unpaid sabbatical for staff after three years of employment, and this year began offering a three-month parental leave for new parents. Until recently, LASH also increased its 401(k) match according to the length of employment.

While generous and accommodating to the employee who is using it, the parental leave policy appears not to have always been accompanied by a plan for coverage of the cases and other work of the employee on leave. This places a burden on the employees remaining in the office.

The recent loss of \$800,000 in state funding caused the program to reduce staff salaries that exceeded \$30,000 by 4%, suspend employer contributions to 401(k) plans, and freeze salaries. No staff were laid off, but some had their hours reduced. Nonetheless, morale remains generally good.

The Human Resources Manual calls for staff evaluations to be conducted annually, to coincide with an employee's anniversary date. Evaluations include a self-evaluation, a supervisor evaluation, and for managers, an opportunity for staff input. Evaluations are also supposed to include a professional development component. Interviews indicated that evaluation protocols have not been followed consistently throughout the program. Some employees are evaluated annually; others report not being evaluated in recent years.

Recommendations:

IV.19.1 LASH is encouraged to consider consolidating responsibility for human resources issues in a single staff person.

IV.19.2 LASH should take steps to implement its mentoring system for new attorneys.

IV.19.3 LASH should ensure that all employees are evaluated in accordance with program policies, and that all evaluations include an assessment of training needs and professional development.

IV.19.4 LASH should implement a system to ensure coverage of cases and other responsibilities when employees are out of the office for long periods of time, such as for sabbaticals or parental leave.

Criterion Six: Internal communications.

Finding 20: LASH has systems and procedures for facilitating regular communication among staff, and between branch offices and program management.

It is not unusual for the staff of branch offices in large statewide legal services programs to feel isolated from other offices at times. In Hawaii, the offices are separated not just by miles and mountains, but also by ocean. Staff in some neighbor island offices express the need for additional support from management at times, but in general, communication program-wide and within individual offices appears to be generally good. Managing attorneys are considered by their staff to be approachable, and the general perception of staff is that their concerns will be heard and their achievements will be recognized. The executive director holds monthly meetings with managers, and substantive units meet regularly. These meetings are in person for staff in Honolulu and by phone for those in branch offices.

LASH publishes a quarterly newsletter that is circulated to the general public, board, funders, staff and other stakeholders. The executive director communicates with staff and board members through a bi-weekly e-mail. Both documents provide updates on issues important to the program and include recognition of staff accomplishments.

Recommendation:

IV.20.1 LASH management is encouraged to maintain regular, two-way communication with branch offices, particularly those on neighbor islands, in order to minimize any perception of isolation that may arise.

Criterion Seven: General resource development and maintenance.

Finding 21: LASH has effective systems for resource development and diversified funding sources.

LASH has a director of development and communications. The executive director and deputy director take primary responsibility for grant writing, except for those projects with designated project managers.

LSC grants comprise approximately 30% of the program's total funding. In addition to LSC funding, the program receives almost 40 grants from a variety of federal, state and local funding sources designed to address the needs of specific client populations. They include Title IIIB legal assistance for seniors, children's Supplemental Security Income disability advocacy, legal services to homeless individuals and families, Low-Income Taxpayer Clinics, and others. Larger funding sources include a \$300,000 state grant to represent TANF recipients, and stimulus funds for homeless advocacy (\$175,000). Many of the state funds come in the form of contracts on which the program bills for services rendered. In an effort to serve persons whose income is low, but not low enough to qualify for legal services, LASH also developed the Affordable Lawyers Program, which offers legal services for a small fee to persons with incomes between 125% and 250% of the federal poverty level.

The loss of the \$800,000 state appropriation has had an impact beyond just the services that would have been covered with those funds. Many of the non-LSC grants are paid on a billable hour or per-case basis. As a result, the program must cover the costs of much of its work before it is paid. In the past, state funds were used for this purpose. In addition, many other LASH grants are restricted to certain limited activities. Many, including AmeriCorps, VITA, and LITC, require the program to match the amount received. Most grants do not include administrative overhead, building or equipment costs or other indirect costs. The LSC grant is used to fill in gaps and covers most overhead and administrative costs. Until this year, LASH used its state appropriation as a match for other grants and to cover the costs of services before the program was paid by the funder. When the appropriation was eliminated this year, LASH began using donations, IOLTA funds, and some private grants as a match. The loss of the appropriation has led to serious cash flow concerns.

The LASH Justice Campaign, a major fundraising initiative, has a goal of one million dollars. Now in its third and final year, the campaign is likely to finish short of its goal, in large part due to the economy. The campaign will culminate in the 60th anniversary dinner. LASH has begun to build relations with law firms and other potential supporters through informal after-work events, a Facebook page, and the program's website. A new high quality promotional video is viewable online (at YouTube) by clicking on a link at the program website. The video showcases client stories and staff and volunteer contributions. LASH produces an annual report (although the program was unable to produce one last year) and a newsletter, both of which are disseminated electronically and are used for fundraising.

Recommendations:

IV.21.1 LASH should ensure that its various grants support its strategic plan and core mission.

IV.21.2 LASH is cautioned to be alert to the financial consequences of contracts or grants that do not include administrative overhead or other indirect costs, or those that are paid on a per-case basis.

Criteria Eight and Nine: Coherent and comprehensive delivery structure; participation in an integrated legal services delivery system.

Finding 22: LASH maintains and encourages a coherent delivery structure that is a key component of the statewide legal services delivery system.

The Legal Aid Society of Hawaii has served the low-income community across the state for almost 60 years. Its system for delivering services to the client community is cohesive, coherent, and strategic. The program provides a range of services including advice, brief services, and more extended services, in its priority area. The work of program attorneys and paralegals is enhanced by private attorney involvement. It has a physical presence on each of the six major islands in the state, and uses outreach and technology to enhance access to its services.

This past year, LASH began to receive funding from the Legal Services Corporation to serve Native Hawaiians. The program is in a unique position among LSC grantees in that there also exists in the service area a non-LSC program (Native Hawaiian Legal Corporation) whose mission is to address Native Hawaiian legal issues. While LASH has expanded its priorities to include such issues and has enhanced outreach to the Native Hawaiian community, the two programs are collaborating to minimize duplication of services. For this reason, LASH will focus less on land rights and other exclusively Native Hawaiian issues and more on the legal issues more frequently served with basic field funds.

In 2008, the state Supreme Court established an Access to Justice Commission whose goal is to increase access to justice in civil matters for low and moderate income residents of Hawaii. Most LASH attorneys are active in their state or local bar associations, and several are active in the Access to Justice Commission at the full commission level or on committees. The Access to Justice Commission also includes representation from other members of the Consortium of Legal Services Providers (Native Hawaiian Legal Corporation, Volunteer Legal Services of Hawaii, the Domestic Violence Action Center, Hawaii Disability Rights Center, Mediation Center of the Pacific, Richardson School of Law Elder Law Program, Lawyers for Equal Justice, and the Hawaii Immigrant Justice Center⁷).

⁷ Shortly after the OPP visit, the LASH executive director informed LSC that LASH and the Hawaii Immigrant Justice Center had begun conversations about a merger, as a result of which the Immigrant Justice Center would become a project of LASH. That merger has since been completed.

LASH is not unique in having the challenge of trying not to compete with other providers in the state for limited funding, and program leaders are working to minimize the perception of competition and to be collaborative. The Access to Justice Commission includes a Committee on Maximizing the Use of Available Resources, of which the LASH executive director is the chair. Two goals of this committee are to ensure that there is an efficient and effective referral system for persons seeking legal services, and that outreach efforts are coordinated.