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John C. Eidleman, Senior Program Counsel
Legal Services Corporation
3333 K Street, NW, 3rd Floor
Washington, DC 20007-3522

**Re: Response to Draft Program Quality Visit Report
Essex-Newark Legal Services Project, Inc.
Recipient #331060**

Dear Mr. Eidleman:

First and foremost we thank you and the other members of the PQV team for sharing so generously of your experience and your expertise during the visit. The thoughtful approach and kind understanding of the challenges our program has faced the last several years and the team's recognition of what we have accomplished made the week of the visit a pleasant and affirming one.

The draft report contains many observations and recommendations that will help us improve our capacity. We are appreciative of the effort and commitment to provide our program with a fair and useful assessment.

In the spirit of partnership we accept your invitation to comment and offer corrections where we deem appropriate. Our comments below address what we believe are inaccuracies in the draft report or conclusions for which no support is offered or which appear premised on value judgments with which we disagree. Recommended actions that go to policy changes will be studied by a committee which Board President Philip Elberg has established for that purpose. Comment on those will therefore not be the subject of this deadline sensitive staff response.

Overview of Program and Service Area (Pages 1 and 2)

If the factual observations in this section are meant to lend support to the report's findings and recommendations, the overview should identify what socio-economic characteristics of the service area the team relied upon for its assessment of the program's policies, priorities, intake procedures, delivery strategies and overall performance.

In that regard, the overview in the draft fails to mention the two most compelling conditions present within the service area and which independently and in tandem severely impact the program's operations. The first is that Essex County is home to almost a third of New Jersey's public assistance recipients and second, that there are over 40,000 eviction actions filed annually resulting in the displacement of tens of thousands of persons. These two factors, with their collateral impacts, have dominated the Essex County Human Services landscape for decades but with an ever growing severity as welfare grant amounts have not increased in over 25 years while the average rent has more than tripled. The response effort to the suffering and deprivation of basic needs which these factors produce consumes the attention of the helping community and exhausts its limited resources.

That these two factors go unmentioned in the draft leaves open to question whether the team fully grasped the connection between the work ENLS does with so much of its limited resources and the enormous and urgent demand for services that emanates from this crisis situation. To fail to appreciate the connection between the two would also mean missing the context for the community support the program enjoys including that of local funders.

Other facts not present in the draft but which we believe would add to an informed analysis of the depth of and face of poverty and legal needs of our service area is that the bulk of the client eligible community are people of color who reside in four largely segregated inner cities, all communities with very high crime rates, double digit unemployment, poor performing schools, large re-entry populations, rundown overpriced housing and a host of other challenges. The largest is Newark which ranks as America's third deadliest city and first on a list of municipalities across the country with the highest percentage of households on welfare.

Finally, on page 1, addressing demographic composition, the draft report fails to register the presence of Hispanics or Latinos within the service area. According to 2010 census figures, the number of Essex County residents who identified themselves as of Hispanic or Latino origin totaled 159,117 or 20.3 percent of the total population of the county.

Other Comments on the Overview Section

On page 2 appears a case of poor wording in the statement that cost cutting measures have taken a toll on services to clients. Yet, we know that the team fully appreciates that the reductions in services to clients derive not from the staff having voluntarily taken salary and benefit reductions but rather from the serious decline in funding that the program has experienced. The final report should make clear that the program's cost cutting measures were aimed at permitting the program to remain open and serving clients the full year.

On Page 3 appears the statement that the program has not engaged in a comprehensive strategic planning process to adopt strategies for its delivery approaches and advocacy. The truth to this is that we have addressed each and every diminution in funding and hence reduction in service delivery capacity with resource allocation adjustments and strategy. We haven't seen a need to focus staff time and energy on convening such an event particularly as we have been dealing with a four (4) day workweek. The Executive Director's written reports to the board and staff and minutes of board meetings attest to the ongoing strategy development discussions and

adjustments that have taken place following each diminution in funding including most recently sequestration and equalization of LSC dollars.

Finding 1: ENLS conducts periodic assessments of legal needs and uses the results in conjunction with its priority setting.

As to recommendation 1.1.1.1, ENLS will conduct a comprehensive needs assessment once resources improve.

Finding 2: ENLS has not engaged in a formal program-wide strategic planning process.

As to recommendation 1.2.1. ENLS will engage in a program wide strategic planning process once resources improve.

As to recommendation 1.2.2 The present imbalance between attorney staff and support staff is the product of the financial difficulties the program experienced over the last six years which rendered it unable to replace attorneys who left. With the availability next spring, of additional funding from the State, ENLS will only be adding attorney staff.

Finding 3: ENLS does not regularly evaluate its delivery system to find better ways to serve clients. (Page 7)

Contrary to finding 3, ENLS has set goals for each program priority that include desired outcomes and its legal work in pursuit of those goals is very effective. As reported on page 3 of the draft report, the program and its work are well respected by the Judiciary, the private bar and social service community throughout the service area. This judgment as to how well we serve our clients has not been achieved through happenstance or in a vacuum.

Finding 4: ENLS' intake system is inefficient and it creates unnecessary delays for persons seeking services.

The ENLS which the PQV team visited this past September was a program valiantly trying to maintain a level of service far beyond what its resources should have allowed. Given insufficient funding, the program was operating on a four-day workweek yet carrying on a regular schedule of new matter intake and fighting to maintain a critical mass presence in the courts. As the draft report observes, attorney caseload numbers were very high and even higher if adjusted to the reality of a four-day workweek. The reason for this is that given the dire consequences our clients face if unrepresented, the imperative for our program the last several years even as we were losing case handling staff has been to squeeze in as many clients as possible. This approach while bringing assistance to many who otherwise would have gone unserved, has been difficult on staff and clients alike.

In 2015, by virtue of new funding, the program will add attorney staff. This promises to give ENLS the flexibility necessary to at a minimum maintain the current level of service while at the same time reducing client wait time for walk-ins and expanding telephone and online

intake. The goal will be to provide the applicant to the maximum extent possible the choice of accessing services without the need to undertake a trip to the office.

We say this knowing from past experience, that telephone intake is often neither efficient nor effective in addressing the tenancy or public assistance emergencies that we handle and which as emergent matters can require immediate document review, negotiations with third parties and same day visits to the courthouse, welfare offices or other safety net assistance providers. We also know that it does little to alleviate the gross insufficiency of program resources versus a demand for services that is immediate, compelling and overwhelming. Still, we will not rest or expand intake numbers until we are satisfied that we have in place a system that puts the means of access in our clients' hands to the fullest extent possible. As for the draft report's recommendation that we look at what other programs are doing, the draft offers no guidance as to where we might find a comparable situation.

Recommendation 11.1.4.4

The team's suggestion that the program increase the use of secretaries to assist in the eligibility screening intake process is one which will be implemented to facilitate the expansion of telephone and online intake. We will also be expanding the role of secretaries in the fact gathering process thus reducing attorney time on that phase of case handling. Expediting the fact gathering process will also afford the program's case handlers the means to identify and fast track those cases that require less than extensive service.

Finding 8: Overall the program performs high quality legal work.

Beginning at the bottom of page 12 and continuing at the top of page 13 appears the statement to the effect that because our focus is generally on individual client service the work is routine "... and, for the most part, not on big picture problem-solving." We are handicapped in responding to this highly negative statement in that not a hint of this judgment was raised during the visit and the draft report, as pointed out earlier in our comments, utterly fails to identify the Essex County big picture as perceived by the team. If indeed, in its assessment process, including interviews with outside parties, the team identified big picture and systemic issues we are failing to address, these should be disclosed in the final report and guidance offered as to how we might adjust our sights. We certainly do not wish to continue buried in the routine while missing, to our client community's detriment, the big show.

As to caseload size, only one ENLS attorney has less than eight years of experience. With that lone exception, ENLS' attorneys have demonstrated their ability to responsibly manage their caseloads and to know when the demands of the cases they are carrying require a period away from new intake.

That managing attorneys carry high caseloads speaks to their ability to both manage a caseload and provide supervision to the also highly experienced staff attorneys in their units. Obviously once we are again able to hire, the adjustments we spoke about earlier aimed at making access more client friendly will be reflected in the work plans of all attorneys and

managing attorneys in particular, to ensure their ability to oversee the intake process and provide inexperienced attorneys constant and ongoing supervision.

As noted in the report, the deputy director's departure has required that the executive director take on more responsibility for the legal work of the program. In 2015, the program will be hiring a deputy director who will be expected to assist the managing attorneys in the supervision and direction of the legal work.

As to recommendation 111.1.8.4 ENLS believes it is imperative that each of its attorneys and staff have at least a working knowledge of all substantive areas. Staff is therefore encouraged to take all training that is relevant to ENLS priorities and not simply that which applies to their substantive law unit. Further, the rigorous Continuing Legal Education (CLE) requirements imposed on New Jersey attorneys has also led to significant cross discipline exposure.

Interaction between Units

The high quality of ENLS' work derives in part from the constant interaction between advocates in the different units on cases where a combination of approaches are required. Bankruptcy and tenancy regularly collaborate on forestalling eviction through the filling of chapter 13. Family and housing also collaborate where a victim of domestic violence is facing eviction based on the abuser's actions. Elder law advocates work with all of the units that are relevant to the cases they are handling and thus benefit from the expertise of substantive law specialists and vice-versa. The greatest amount of cross area work takes place among advocates in the housing and income maintenance unit given the nexus (laid out earlier in our comments) between so many evictions and the inadequacy or denial of welfare benefits. Thus when we represent clients in "non-payment of rent" cases, who are eligible for rental assistance from welfare, a companion entitlements file is opened and handled by a specialist in that area. It is a strength of our office that we have a highly experienced attorney corps that relies upon each other for substantive expertise. We see no basis for the silos comment in the draft other than that we don't regularly turn off the phones and close the doors for formal inter-unit meetings.

Finding 10: There is a lack of uniform legal work management and supervision policies.

Recommendation 111.1.10.1 and Recommendation 111.1.10.2 As set forth earlier in these comments there is currently only one attorney on staff with less than eight years of experience. There are also four attorneys with over 35 years of experience. As noted in the report, page 14, supervisors and staff expressed the belief that the daily interaction was sufficient supervision.

As expressed on page 14 of the draft report, at the time of the PQV visit some staff had concerns about supervision. Those concerns were largely due to the freshness of the deputy director's departure and the fact that during that period of transition, the Executive Director's time was largely being taken up responding to the extensive pre-visit document request. We are satisfied that those staff concerns have now been resolved for the short term.

Going forward, the availability of additional funding will soon see the hiring of a deputy director as well as several other attorneys. At that time, the program will issue revised legal work management and supervision policies tailored to the specific strengths and needs of the new staff composition.

Finding 11

Life's uncertainties aside, this section should begin with a positive outlook instead of a negative one. The presumption should be that as new hires in the past received new lawyer training future hires will in all likelihood be afforded such training.

As to Recommendation 111.1.1.1.1: Once the pending technology upgrades have been completed, ENLS will conduct an extensive assessment of training needs necessary for all staff to make maximum use of the new technology. We will also carefully assess the training needs of all new hires and prepare individual development plans calculated to meet their specific needs.

As a further note on technology and telephones, these are matters which we are constantly working on with LSNJ but are limited in our scope and control as they form part of the statewide approach.

Finding 12: Private Attorney Involvement

Prior to receiving the draft report, it was our understanding that the PQV assessment process was limited to a review of Essex-Newark Legal Services' policies, priorities, intake procedures, delivery strategies, and overall performance. While such a process can be wide in scope, we did not know until we reviewed the draft, that the PQV team had also conducted a similar assessment of the Volunteer Lawyers for Justice program (VLJ). We say this because from the narrative provided on pages 15 and 16 that is what appears to have occurred. We ask therefore, as we did with respect to Finding 8, that the final report disclose in detail the basis for the teams' conclusions regarding the work and efficacy of the VLJ program. We are particularly interested in hearing specifics as to how that statewide program is addressing the most critical needs present in our service area. It is our view that for the integrity of the process and validity of the judgments being made, there be full disclosure of the basis for the PQV teams' comparative analysis.

Other PAI Concerns

When attorneys sign up on the www.probononj.org website, they have to specify which county or counties they want to do their pro bono work. When the county a program serves is checked, an email is sent to that program's Pro Bono Coordinator with the volunteer's contact information. Thus contrary to the statement in the draft, the site does not serve to reduce participation at local programs.

There were five attorneys volunteering in-house at ENLS at the time of the PQV visit. Two were with the family law unit supervised by Managing Attorney Diane Moxley; another

volunteer was being supervised by Expungement Unit Attorney Elizabeth Duelly, and the remaining two were in the housing unit and supervised by unit attorneys and the Executive Director.

We share the concern that is expressed by many field programs that general follow-up in the absence of questions or problems of more than twice a year can be counterproductive and burdensome to volunteer attorneys.

We ask that the final report include the PAI cost-benefit figures that appear in our year end audit reports.

We recognize that there is much area for improvement on PAI. As we emerge from the crisis situation of the last several years and retool our work plan, we will create room for each of our managing and staff attorneys to have a formal hand in advancing the pro-bono effort. We look to have a more focused engagement with a much larger number of law students and attorney volunteers to assist us in expanding services to clients.

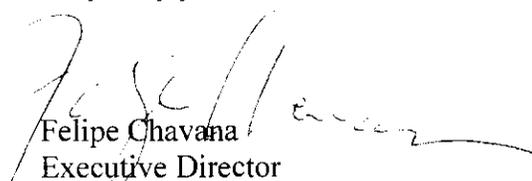
Concluding Thoughts

One rather unique and very important feature of our program but which goes unmentioned in the draft report is our basic needs service to the homeless. These consist of safety net case management and referrals to emergency shelters, food pantries, clothing banks and other basic human needs providers. The team should also know that during the winter months our main waiting room serves as a safe place of refuge from the cold for many who have nowhere else to go.

Thank you again for what was a pleasant and affirming visit. As you can see from our comments, your team left us with insights and recommendations that we will use to improve our program. We are also grateful for the opportunity to comment on the draft and it is our hope that the concerns expressed in this letter will prove helpful. We look forward to the final report.

Please feel free to address me with any questions.

Very truly yours,


Felipe Chavana
Executive Director