

**Eric Avildsen**  
**Executive Director**  
**Vermont Legal Aid**

**Vermont Draws the Map  
For Statewide, Comprehensive,  
Integrated Legal Services Delivery**

Eric Avildsen is a program director who cut his teeth in legal services as a VISTA lawyer in the activist 1970s and never lost his passion for “righting the wrongs” that brought him into legal services in the first place. Today he serves in a different role, as executive director, chief problem solver and project developer for Vermont Legal Aid, which he has quietly transformed from a traditional LSC program into a benchmark model of a “statewide, comprehensive, integrated delivery system” with one of the highest per-capita funding levels in the nation.

His interest in innovation, in “finding out how things work, then fixing them or making them better,” has led him to program-owned evaluation as a vehicle for improving quality and efficiency. He has experimented with a wide range of evaluation tools and has found several with promise. One, “reverse focus groups,” is a true innovation.

**Reinventing legal services delivery in Vermont.**

Eric began his legal services career as a Vista lawyer in central Massachusetts. He had entered law school in the early 1970s planning to be an environmental lawyer, but when the Vista opportunity came up, he took it. He rose to managing attorney in the mid 1980s, then moved to Vermont Legal Aid as executive director in 1989.

Although he loved being an advocate and says now that being a managing attorney is “a better job” than being an executive director, his results as an ED have been extraordinary. In twelve years, he has transformed Vermont Legal Aid from a fairly traditional LSC program into a \$4.2 million statewide delivery system that is widely recognized as a national model of “comprehensive” and “integrated.” In 1995, VLA was one of the first programs in the country to spin off its LSC funding to form a subsidiary, a phone intake and advice system known as “LawLine.” That program focuses on *pro se* litigants and serves as “a counsel and advice contractor to VLA.” That enables VLA to concentrate on direct representation.

Eric’s leadership style is quietly entrepreneurial. He spends his time working with the legislature, forming teams to develop new projects, writing proposals and developing his staff to share the work of making VLA a major presence when things are happening that will benefit low income people in the state.

“I’m more of a hands-on problem solver than an inspirational leader. I roll my sleeves up, get a group of people together and say, ‘How are we going to figure this out?’ It’s nuts-and-bolts management. I’m interested in how things work and why.”

He involves his staff in everything. Of his 35 lawyers, he estimates that a third have been involved in the work of developing project ideas into funded initiatives at some point. He backs his project directors up by seeing that the administrative work gets done in the background so they can focus on service delivery and being out in the community.

New projects and funding have been all about being in the right place, about spotting opportunities for new services and new projects and asking, “Can we do this work without diluting the mission of the program?” It has been about VLA advocates’ working on committees, developing relationships, being there when needs and solutions are being discussed, then turning ideas into funding proposals. It has been about having a reputation for doing good work and running things well. “The state comes to our program and says, ‘This agency over here is screwing this up. Would you be interested in taking it over?’”

“It’s a matter of not just meeting people in federal court. You go out there and get in conversations on committees and boards. Everybody wants to see collaboration. When you go to write a grant application, you say, ‘Here’s who is in the collaboration.’ It improves your hit rate. All of us are doing the committee work. A bunch of our people get known. They get involved in drafting a bill. They get us in the door. Then the project director and I collaborate in writing the grant. The keys are being known for doing high quality work, running things in a competent way, being reasonable.”

It works. By 2000, with a steady influx of special project funding and legislative support, funding for legal aid in Vermont had risen to \$54.61 per poor person<sup>7</sup>, the highest in the country and twice the national median.

### **A model of integrated delivery**

“I look at the way we work with the LawLine and through our specialized projects as the biggest thing we do well. We operate as a seamless integrated system. We do all the intake and send the clients we can’t handle to the Law Line. We work closely with them; we don’t fight over clients or funding. To the maximum extent possible, Tom Garrett [Executive Director of LawLine] and I manage this as a single delivery system.

“We are organized around our client groups, rather than the more traditional geographic organizational structure using branch offices. For example, though we have only one senior citizens lawyer in each office, they function as a single unit statewide and work most closely with the other seniors lawyers rather than their colleagues down the hall. While there are some downsides to this approach, the payoff in integrating our statewide advocacy and systemic work is worth it. We have six specialized projects. Our overall task force system lets us spot trends

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<sup>7</sup> This figure includes funding for services to clients who do not meet the LSC eligibility guidelines.

and connections between the problems of the disabled, the elderly, and the general low-income populations and respond accordingly. These clients' legal problems often blur the lines between these groups. There are many of these connections, yet most programs don't see them, because they are organized differently, around geographical offices.

"We have a good reputation in the state. We have lots of 'coin' to spend -- good relations with the bar and the judiciary, much more so than legal services did when I was in Massachusetts. Part of this is because we are a small state and people stay here. We have lots of staff with 15 or 20 years in the program. And lots of people go from here to other agencies, state government or the judiciary, so we have links all over. We have credibility; we are not seen as overly political, so people give us a hearing on the issues."

### **An experimenter with evaluation**

Eric has tried several evaluation approaches over the years in search of tools that could give him a better handle on the results being delivered by his program. He feels that some have proven useful while others have been disappointing. He is always looking for new approaches and is excited about the growing interest in "program-owned evaluation" in legal services. Meanwhile, his experimentation has taken him well up the learning curve and offers some useful insights for people just getting started in applying these tools in their work.

Tools that Eric has used with success include court case file reviews, case outcome measures and something he calls "reverse focus groups." He is currently using two additional tools he feels hold great promise -- client follow-up surveys and stakeholder interviews -- in evaluations of two special projects.

**1. Court case file reviews.** "In Massachusetts, we ran a *pro se* eviction defense clinic. After a few years, we went down to the court and reviewed files to find out what was happening to the clients. We found that people, despite having gone through our clinic, were still getting screwed in the court process."

That simple evaluation led to an innovation that improved results for clients. "After we found that people weren't getting what they needed, we still did the clinic, but we also showed up at the court house. We would go into court with people at the hearing. We called it the 'Eviction Public Defender' model." Without the data showing the eviction clinic by itself wasn't working, the improvement might never have been made.

The delivery model that evolved from that effort was so successful that after Eric came to Vermont he worked with his staff on getting a grant to demonstrate an equivalent "defender-type" project in family court. He is also applying the evaluation tool that led to the model. "Court case file reviews provide a useful tool. Our Law Line is currently using it to look at results in eviction cases in Vermont's largest city to see if we can adapt a similar approach there."

## **2. Case outcome measures.**

Eric explains that each project in his program collects outcome data showing what happened in the case. “We can statistically pull the information out by project when we need it. Instead of only saying ‘We closed X eviction cases by court decision,’ we can say, ‘We achieved these X things for Y people.’

“In each of our projects, we get people together periodically and say, ‘What are we doing? And what should we be doing? Even the task of developing the outcome codes among staff and their project director is in itself a useful exercise.

“We also collect data on whether a case had a ‘sympathetic client’ (a good story for PR or grant purposes) and whether it might be a systemic case. This helps us to build a case for what we do, and to respond to challenges like, ‘You aren’t doing X’.”

## **3. “Reverse focus groups”**

Eric’s dissatisfaction with one evaluation tool led to the development of another: He calls it the “reverse focus group.”

“We tried focus groups twice. On one occasion, we did four focus groups with low income, client-eligible people. We wanted their input about questions like, how local the service needed to be, whether we should have six offices in this small state, should we do legislative work versus counsel and advice, versus traditional eviction defense work.” Eric did not feel they were effective. “It was hard to get people there. It seemed like we had to work hard to get people to participate in the discussion. I wasn’t wowed by them. Maybe there are questions for which a focus group might really offer some insights, but I haven’t found them.”

On another occasion though, he turned the model around, and hit upon an innovation. The idea was, instead of having one person asking questions of many, have several people “interviewing” one person having a unique perspective on a situation.

“We interviewed funding source representatives and judges in a format where a committee of our board and staff people asked questions of one person. It was a ‘reverse focus group.’ This was very useful. It was a discussion, with questions coming from several different perspectives. The responses were thoughtful. This was the person’s world, their program. It was stimulating. It focused our thinking about how VLA should change or about new types of services we should offer.”

A reverse focus group is like a hearing, but not formal. It provides an opportunity for several people from the program to gather information from a person having rich insights that are relevant to the program’s mission and impact.

#### **4. Client follow-up interviews**

Vermont Legal Aid has used client follow-up interviews twice in the past six or seven years. Eric feels the results have been worthwhile. “We hire a college student, someone who’s smart enough to be able to understand what we do, who can fill out a form accurately and who can call people up to find out what happened in the case. This produces something good enough to give us helpful information to use internally, without having to invest a lot of time, energy and expense.”

Eric is getting ready to use this tool in two evaluations currently underway. “In one, we are doing a study of our Health Care Ombudsman Hotline. We are taking a ten percent sample of the cases, half from the people who got just quick advice hotline service and half from those who received complex representation. In the quick advice cases we are focusing on whether they understood the advice, whether they followed through on the advice and what happened. In the extended service cases, we’ll look at the case files and then ask the clients about their satisfaction with the outcome and with our representation.

“The other project is an evaluation of the VAWA ‘public defender in court’ project. We put a lawyer in the courthouse, kind of like a public defender, who will go to court with a woman who has an abuse order and is having a hearing to decide whether the order will be continued.

#### **5. Project stakeholder interviews**

This is another tool VLA is using in the evaluation of the VAWA ‘public defender in court’ project. “We are doing individual interviews with anyone who’s a player -- shelter workers, opposing lawyers, all the judges and clerks who sat in the courtroom over the few years we’ve had the project. I think the evaluation will say, ‘This project is great!’ However, having an evaluation report which “proves” that success, opens up a wide range of possible opportunities to expand, replicate or adapt the project. Don’t undervalue the benefit of having a written report with graphs and statistics, even though it merely confirms what everyone already ‘knows’.”

#### **The growing importance of evaluation**

Eric Avildsen’s principal interest in evaluation is in improving service to clients and in strengthening his ability to demonstrate quality. He feels this is more important now than it has been in the past. “I haven’t had anyone challenge us yet on quality, but *I* could challenge it. Several of our largest funders don’t monitor us very effectively. IOLTA is too small in this state, so we don’t have a Lonnie Powers [the state funder in Massachusetts] coming in here and doing serious evaluations. Thus there is not a lot of outside pressure on quality - *yet*.”

He also feels that productivity is something that will be important to demonstrate. “Efficiency is harder to demonstrate than quality. We had a session on this at a regional program directors meeting and agreed, ‘You know it when you see it but you can’t prove it.’ People in legal services get upset when you talk about being productive. We simply don’t have the tools that people agree on. People get defensive and resistant. On the other hand, almost everyone agrees that high quality is important.”

Eric gives an example illustrating how having evaluation data can help when funding is called into question. A few years ago the Protection and Advocacy agency that traditionally had subcontracted most of its developmental disability funding to VLA hired a new executive director, a former legal aid lawyer, who decided to take the subcontract back in-house. He called for an evaluation.

“Because we had a good intake system, a good case management system, client satisfaction surveys, quarterly narrative reporting and decent supervision, we were able to beat this challenge back,” Eric says. “After a fight lasting several months, we were able to show that VLA’s legal work was not only high quality, but VLA was very efficient and had satisfied clients. As a result the P&A board decided to continue the subcontract. We had a client satisfaction system and outcome measures in place, so we could stop the witch-hunt.

“I would say about half of VLA’s projects are in a position to do this successfully. The other half I’m working on.”

### **Benefits of evaluation**

**Performance improvement.** Eric’s experiments with evaluation thus far have been mostly directed inward, at getting information for assessing the program’s approach, rather than projecting a more powerful story to funders. They reflect his drive to “find out how things work” and to make improvements that will make them work better.

A powerful example of using evaluation results to improve performance was when Eric and his colleagues found their Massachusetts eviction defense clinic was not working and put an innovation, the ‘public defender’ model, in place to fix it. Scores of programs around the country continue to run *pro se* clinics to this day without knowing whether or not the bulk of their clients are successful in the courtroom. VLA is expanding the use of evaluation tools including court case file reviews, stakeholder interviews and client follow-up interviews in pursuit of additional insights that will help improve results for clients.

**Marketing.** To date, VLA’s considerable marketing success has stemmed from its entrepreneurial ability, not evaluation or data. New projects and funding have been all about being in the right place, about spotting opportunities for new services and translating those into fundable projects.

Eric aspires to move toward a more strategic approach, like the one Mary Asbury has in Cincinnati, with goals, work plans and outcome measures. He is interested in becoming better able to demonstrate quality and productivity. “You need a conceptual vision — and information filtering up and down the program, staff thinking strategically. They should be feeding information to me so I can pro-actively go out and prepare grant applications and reports. Then you’re way ahead of the game with quarterly reports and narrative reports. Conceptually, it’s a very good approach to take.”

Eric uses evaluation results only marginally for marketing, but he’d like to do more. He feels that having better data on quality and productivity would “absolutely” help him to go out and grow

the program. “Outcome measurement has become pretty standard in grant applications. I’ve produced ‘quasi’ data to put in my applications and reports. My use of outcome statistics to date has been poor, but they are a helpful guide to stories I can use in narrative reports. In grant applications, I can pull out cases that accomplished “X” and talk about them.”

Eric is well positioned and ready to apply evaluation tools more intentionally and effectively, within a more explicit strategic framework. Considering his track record in “making things work better,” VLA will bear watching as a place where program-owned evaluation will get a good workout in the future.