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**Committing to a broad range of strategies to serve clients
and making certain that they work**

Neighborhood Legal Services (NLS) of Lawrence and Lynn, Massachusetts, is a program that aggressively uses a rich array of delivery strategies to serve its clients. It is driven by a deeply held commitment to having its work make a difference for its clients, collectively and individually. Its work runs the gamut of more traditional ways to serve clients, from individual service work to creative approaches to impact advocacy. It has a rich docket of systemic work along with a large caseload of individual service cases.

NLS's commitment to making a difference for clients also makes it willing to experiment with new and out of the ordinary service delivery techniques. The program works closely with several partner groups to organize clients, so that they have a more active voice in decision-making that affects them²⁰. Most staff are expected to spend about 25% of their time working with community organizations and many are on community boards, often in significant leadership roles. Much of the work undertaken with community groups involves cutting edge issues often with very creative results.

At the same time, the program experiments with high volume techniques to serve large numbers of clients quickly and efficiently. It uses self-help clinics and a client focused website. It was one of the pioneers in use of the web to inform the public and clients about its services.

NLS has a history of self reflection to answer the question whether its strategies are making the difference intended for its clients. Its concern for the answer to that basic question has led it to adopt a variety of ways to evaluate its efforts. It uses focus groups, follow-up review of court files of *pro se* litigants, client satisfaction surveys, case benchmarks and interviews of partner agencies, as well as the more traditional processes of case review and performance evaluation.

Ross Dolloff, the program's Executive Director, notes that NLS did not arrive at its current level of self evaluation because of a "real deliberate strategy." "We just started doing it," he says. "We are a relatively small program, so we have learned and thought together about what to do and how to do it. Plus, we have people who have been here a long time,²¹ who have a very serious sense of purpose about their work, and so they want it to make a difference. So, they would naturally think about looking at the results. ... This program's values are all about 'What are we doing and how well are we doing it?'"

²⁰ NLS gave up its LSC funding in the 1996 restructuring of the delivery system in Massachusetts and so has fewer constraints on activities associated with organizing.

²¹ The program's staff has an average of 12 years experience.

Court follow-up for *pro se* litigants

NLS has a very specific objective for its projects aimed at serving large numbers of clients without full representation. They apply a standard of using the least costly strategy to serve clients so long as it effectively meets clients' needs. "Our theory," explains Ross, "is to give the least costly service that will achieve 90% of what we could accomplish if we were in court with them. If we feel like we are getting significantly less than what we would be able to achieve by being with them, then we will change what we do."

The statement is not just rhetorical. The example that Ross gives was a "traditional eviction defense clinic" in which participants were helped to fill out paperwork, given advice and then sent to court to represent themselves. A program owned evaluation of the project led to a dramatic revision in how the program serves its housing clients.

The program wanted to find out if its *pro se* litigants were succeeding. To do that, program attorneys went to court and reviewed court files for every client they had helped and others. The review allowed the program to compare the results actually achieved by the *pro se* litigants with what, in the view of the program's attorneys, they should have obtained. The comparison was made easier because the program assigned expectations to each case handled through the clinic, based on the historic results achieved in full representation cases. Thus, after the clinic, they had a reasonably good sense of what should have happened for each client.

What they found in the reviews was disturbing. "In no case," reports Ross, "did people get what they should have. In fact, we found that they often got worse results than they would have if they hadn't shown up at all." That surprising result was because the unrepresented litigants would often sign an agreement that was worse than what the court could have granted if the eviction defendant had defaulted.

They also discovered another pattern that represented a problem for *pro se* litigants. In nearly all cases, eviction litigants were being sent to mediation. They invariably fared badly in mediation and obtained worse results than in cases decided by the judge.

As a result of the inquiry, the program completely revamped its approach to eviction defense work and began to station lawyers in court to assist people in mediation who had come to court unrepresented. The lawyers would assist the litigants without any prior preparation, but their involvement usually tipped the balance to much more favorable outcomes.²²

Without the inquiry and specific evaluation technique—following up with a review of the court files, NLS would not have known that its *pro se* strategy was not working and that clients were being ill-served by it. Management wanted to know, however, if the objectives for clients of its low-cost approach were being met. The cost to the program to do the inquiry was not high.

²² Because of the limits on the number of attorneys available to participate in the project and the court's reluctance to slow down its own process to accommodate the effort, the program has since determined that it could still not create the high volume service it envisioned and so went back to traditional direct representation. If the number of its housing lawyers increases, however, it may revive the courtroom project.

Ross reports that the amount of time that it takes to do the court reviews is small—it takes one day for an attorney to do the review.

NLS has applied its process of doing court file reviews in another interesting way. It is the same tool, but it is used to accomplish a different evaluation objective. In this case, the program occasionally runs random searches on *all pro se* litigants regardless of whether the program has represented them. The purpose described by Ross is to examine what the court is doing with housing cases and to see how it is applying the law and addressing matters before it.

NLS uses its informal interactions with the court in a way that really amounts to an informal program owned evaluation technique. Its senior managers occasionally have informal follow-up conversations with court personnel to explore the effectiveness of the program's *pro se* efforts. NLS has coded its pleadings so that the courts know which clients are from the program. The program uses its friendly working relationship with the court to seek feedback about how its clients are doing. If, for example, a large number of clients begin to encounter the same problem with presenting their case or their pleadings, the court alerts the program, so that it can adjust its approach in the clinic to address the problem.

Based on their experience with self help clinics that they have tried and their conviction that they can determine if the clinics are really assisting clients, NLS has recently decided to undertake a self help divorce clinic and are also looking at the same for unemployment hearings.²³ An experiment with unemployment clinics involving the same kind of comprehensive file reviews and clinic based case assessments is now underway.

With each, Ross reiterates the underlying objective. “We take each thing that we do, analyze it and try to identify the least costly approach that will be fully or nearly fully effective at getting the client the relief they deserve. *But we try to measure what has happened.* Did the person get something close to the result they would have gotten with us if we gave them full representation?” Ross reports that it has not been hard to get people “on board” with doing the follow-up evaluations, because the staff has a healthy skepticism about many of the new techniques the program has experimented with and, therefore, want to know if they are working.

Use of focus groups to inform the program’s choices and to provide feedback on its operation

NLS has made extensive use of focus groups to get feedback from the client community regarding its work, how it operates and what it should be focusing on. The process involves periodically contacting by letter the last 100 people who came to the program, including both those provided full representation and those offered only limited services. The persons contacted

²³ Based on their experience, the program has adopted standards for when they will attempt *pro se* clinics. Among the factors they consider are the typical clients’ language ability and education, whether the client is seeking affirmative relief they are motivated to secure or are placed in a defensive posture, whether the matter involves multiple claims and issues or a single simple factual or legal dispute, whether the adjudicatory process involves mediation or other high pressure docket control measures that pressure litigants to settle or give up, and the likelihood of representation of the adverse party.

are invited to come to meet with the program's staff and leadership. People are told that the first 10 who respond will be invited to a dinner and discussion about the program. Participants are paid \$25.00. The invitation letter is friendly, appropriately inviting and states simply and directly what the program hopes for from the focus group.

“You were recently a client of Neighborhood Legal Services, Inc. We hope that we were helpful to you. Now we need to ask you to help us make our services better. There is no better way for us to improve than to talk to you directly. Every few months, we invite a group of our former clients to come together and talk to us about our services. We want to know what you think are the most important things for us to be doing. We want to know what you liked or didn't like about your experience with us. We want your suggestions about how we can make our services work better for you and our other clients. So this is our request. We'd like you to join us for a meeting. We know you are busy and your time is valuable.....so we will pay you for it.”

Ross believes that it is essential to the process that the invitees include people who were rejected for full service as well as those who were served. “Some people joined us,” he notes, “whom we ‘blew off,’ frankly, but their involvement is important to the integrity and validity of the process.”

All focus groups are run according to a protocol to make certain that they cover the same ground and that the same questions are asked in each. After participants have eaten, the process is explained, with careful attention to issues of confidentiality and the like. Sessions are recorded, though participants are assured that the tape will not be shared and are asked if they object. Participants then discuss 13 questions that range from what kinds of problems the program should handle and how much of its time should be spent on issues of broad impact in the client community to what their experiences were during intake. They are asked about the quality of the service they received and if they were treated courteously.

NLS has found the process to be a low cost, easily administered way to interact actively with the community regarding the program and its work. Ross says that he has been very surprised by what focus groups have taught him and the program. He notes that some of the stereotypical assumptions about clients turned out not to be true. For example, he had always assumed that clients want to be told in person if they cannot be served. The response in the focus groups, however, “to a person,” has been that participants would prefer to have a recorded message that tells them about the program and details the kind of work it does so they can decide on their own if they want to pursue service.

Insights, such as this one, gained in the focus groups are helpful to the program allowing it to adjust its internal operations to be more responsive to clients. The program continues to experiment with different approaches to intake and as it considers major changes has a built-in mechanism to ask for reactions to various approaches as they are being contemplated and to test their effectiveness if they are implemented.

Use of benchmarks leads to better results

One of Neighborhood Legal Services' more compelling self evaluation stories involves its use of substantive benchmarks in its cases, coupled with case review and their ongoing commitment to self improvement. In some areas of NLS' work, cases are assigned expected outcomes at their outset. The experience that Ross described also involves the program's eviction defense work. "One of the other things we try to do here," he notes, "is to do a serious case review [when cases are closed]." In those reviews, the program found that eviction defense clients generally stayed only 3 months in their housing after the program finished the case.

That led to a discussion of the objectives for the work. "We sat down and said, 'What is it that we are trying to do here? ...get past due rent abated? ...keep people in apartments?' We knew it wasn't about rent abatements, because most of the clients were judgment proof and most landlords never pursued collection." The discussion led to a conclusion that the objective for the work was to keep people in their apartments long enough to address the need for alternative housing to foster housing stability and prevent homelessness. Measured against those objectives, getting an average of just 3 months stay was not an adequate result. Ross notes that "court process is so slow that a client would be able to stay at least a month with *no* representation."

So, the program decided that what it wanted to accomplish in its eviction defense work was to get the cases "thrown out of court." "We set as a standard that we wanted 80% of the clients we served to get 4 months or more to move or have the case dismissed." Of these, NLS wanted at least three quarters to have the case dismissed with no need to move whatsoever. The four month benchmark was picked because it would afford the client time to find another place with the help of community housing search partners.

Ross reports that "we found that we could meet the entire standard easily and the 4 month benchmark—in nearly every case, immediately, without breaking a sweat." What the process showed was that it is easy to set very low expectations for cases. And that setting higher ones increased what the program was able to do for its clients.

Regarding the setting of expectations, Ross notes, "Clients have none, so it's easy to lower yours." Merely setting a higher case benchmark, however, based on a thoughtful analysis led to an increase in the outcomes obtained for clients. That fact, Ross recalls, "was a real breakthrough experience" for one very committed lawyer. He was really changed by the process of analyzing the program's objectives for its legal work, setting benchmarks that reflected those objectives and then discovering how easily the benchmarks were accomplished.

Client satisfaction surveys can be useful, but they do not answer questions about quality

Like many programs, Neighborhood Legal Services conducts client satisfaction surveys of its clients. Ross finds they have limited use with regard to the quality and effectiveness of the program's work, but that they can provide useful data to management, with regard to how clients are treated. In that vein, they can be useful as a management tool. He notes, for instance, that

the surveys occasionally identify members of the staff who “need to be talked to about how they treat clients.” He also finds them useful to share with staff to convey a sense of the gratitude clients feel, but rarely express directly to their advocates. NLS has also occasionally, with client’s permission, used items reported in returned surveys in marketing for the program.

Ross thinks that client satisfaction surveys are of limited use in measuring quality or effectiveness of legal work. “I don’t think that client satisfaction is worth anything as a measure of the value of our services,” he argues. “People always say they’re happy, even when they are getting kicked in the ass in the court room. Low income consumers, used to the treatment they get from the bureaucracies they deal with daily, are just grateful for any level of compassion or concern. So, as a measure of the work that we do, it’s useless.”

Conclusion

Neighborhood Legal Services of Lynn and Lawrence stands out as a program that is deeply committed to being substantively and strategically effective. Its commitment to that core value has led to a concomitant value of asking in a disciplined way, “have our strategies been successful, and if not, what do we need to do to make them succeed?” That, at bottom, is what program owned evaluation is about.