

**Jan May
Director
Legal Counsel For The Elderly**

**Managing For Quality Assurance
and Productivity Improvement**

A tradition of aggressive evaluation in a laboratory setting.

I have been doing this for 25 years. I started as a staff attorney, became a managing attorney and, recently, became director.

This program began with two former employees of a Washington D.C. legal services program. AARP set up a pilot to see if volunteers trained as paralegals with a few attorneys could assist old people. It worked and there was interest in doing it nationally.

In 1977 Wayne Moore came on as Director. The program received an LSC Delivery System Study grant as a *pro bono* demonstration project. It was in the LSC program budget as a result. In the purge of 95-96 the funding was eliminated by LSC. Since then we have grown to \$3M/year with various funding sources: AARP, federal grants, state IOLTA, and private donations. Wayne Moore wanted to experiment. He has a “laboratory concept” for testing new service delivery systems and a policy of aggressive fundraising.

We are an affiliated entity with AARP, a membership organization with an ethic of volunteerism. We have a separate LSC type board. We serve D.C. and have one eye on the national audience. AARP as a national organization has been helpful in getting favorable publicity and national replication of elderly programs.

Today we have a director and a staff of 15 lawyers. Some are part-time. We serve those 60 years or older in D.C. We are a traditional staff program. The staff attorneys spend 75% of their time on individual service and 25% on systemic work. We have staff attorneys at four senior centers doing intake. There are self help offices at several churches and a social service agency. They make presentations to educate older persons on issues of concern. It’s like seven branches. Most of the activity is here. We help 6,000 clients per year.

We have *pro bono* projects, a hotline and a retired attorney project. The retired attorney project has been replicated nationally. We have a hotline with six part-time attorneys (1.5 FTE). It has recently been reorganized to break out a brief services unit. There is a volunteer lawyer program with 1.8 FTE staff that handles 500-600 cases a year. We have a long-term care ombudsman for nursing homes. There is a senior’s Medicare Patrol Project. It is volunteers trained in the basics of Medicare, trained to detect waste, fraud and abuse.

The evaluation system we use is set up to support four management activities: grant development, work planning and execution, quality assurance, and service delivery re-

engineering. It uses data on workload and results, and individual performance plans with goals and objectives. It is organized within an annual performance review process.

Grant development is an opportunity to develop evaluation tools

We do start a lot of new projects with grants. To justify a grant we usually have to promise to evaluate. So evaluation tools were developed. Grant funding is important to our program. Next year we will go after 6 new grants. For example, we want to fund family resident counsels to be advocates for people in nursing homes.

Funders call for evaluation. They require us to come up with goals as part of a grant proposal. But funders don't drive our agenda. It's more the staff being proactive in developing an innovative proposal. We have some approach to be tested so we create an evaluation as part of the grant proposal.

Performance review is part of the culture of AARP.

Three years ago I did training for legal services programs about performance appraisal. I was surprised to learn that there is a lack of personnel management in many legal services programs.

Our emphasis on performance appraisal came because we were more integrated into AARP than free standing. AARP has a professional performance appraisal system. So we had to have one. It has measurable outcomes. There is a method and formal process and an institutional requirement to complete one per year. It begins with performance plans.

Personal performance plans. As managing attorney I had staff set personal annual goals for each case types, systemic work, number of cases opened and closed, and the absence of complaints.

In the past the individual plans were compiled into an overall plan. We produce a packet describing overall goals for board approval. The goal statements were three pages long and set out measurable performance targets. For example:

- Complete 10% more cases for 10% more clients than were handled in 2001 (5155 cases for 3227 clients in 2001)
- Cases closed as a result of agency decision, court decision, ...Should total at least 350.
- Conduct client survey and 90% rate client services as excellent, very good, good, ...
- Percent of clients who withdraw should be less than 7% in-house, less than 12% for volunteer lawyers.

In the future we will take the 31 individual plans and produce six "project" work plans rather than one overall program work plan. This will focus management attention on project results. I want to give group and project performance more emphasis than individual performance.

Case review for quality assurance. Quality is determined by review of casework. I meet weekly with staff and go over problem cases. We create a non-threatening environment to bring up

problems and questions of strategy. We meet as staff to review cases. Staff bring cases to the table to discuss. I occasionally review open cases and I review all at closure.

Review is different for each type of project. I oversee the hotline attorney. The hotline advice is typed into a computer as it is given. The supervising attorney reviews a print out of all transcribed advice provided that day. He follows up with the attorney in a case review. There is an annual review looking at performance on the goals for the year.

With the Ombudsman project I met regularly with the staff. There is on-going review of open cases and I review closures. For *pro bono* cases and in-house volunteer calls the *pro bono* attorney and write up the case. Staff monitor the cards and if something is out of line we get involved. *Pro bono* brings out the best in volunteers. Volunteers stay for years. It's meaningful work. We have 50 volunteers internally. There are several hundred attorney volunteers. The projects have their own volunteers. It's hands on work where you see real results so they stay.

I can tell when someone is performing and not performing. I have sight control. I am here. I see and hear them. What is most exciting about this is that there is no boring day. I am a part time lawyer, teacher, trainer, social worker, writer. One has to be a jack-of-all-trades and a master of most. It's real and tangible work. We have a high quality product.

Case data. The computer program is hard wired into our practice. We record open cases, closed cases, subject, zip, outcomes, and benefits. We do it by project, by individual, by person, by time. I review the statistical information. The data can give signals. It is important information. The demands on our attorneys are high. They have to show results. For example, the number of cases closed and the dollar amount collected are important performance measures for us. There are clues when something is not right. If one attorney is collecting \$500,000 and another \$1.2M then the first one may not be doing something right. So I will go pay attention to the casework involved.

Client satisfaction. We did surveys of hotline clients and staff attorney clients in 2000 and 2002. We do it every few years. There is not much variation from year to year. For closed cases we send out a survey form. We use AARP's research department. We get good return rates. They contact people three times to get high returns. We tell them: it's coming, it's here, did you get it.

One question we ask is "what difference does the legal service make in your life?" About 53% say a lot, 9% some, 10% no answer. We are hearing that we are making a difference.

Evaluation should combine counting and stories.

We have an emphasis on evaluation in our program. To be useful you need several kinds of information. Evaluation is of course counting things. That counting value alone can be harmful. Capturing stories helps. Telling stories alone does not get it all. You need both.

I review closed *pro bono* cases and I am impressed at the breadth and depth of representation and how it changes people's lives. We are not good at showing the difference it makes. In VLP we

do a write up of the cases that are gripping and put it in the newsletter. Capturing these stories is important.

Redesigning the service delivery system for better performance needs evaluation to test assumptions.

We have restructured the hotline service by breaking out a Brief Service Unit. The hotline call volume was hard to keep up with. Hotline was getting complaints of backlog—“We can’t get through.” It slows the hotline down to do brief service. So it made sense to create a Brief Service Unit where the hotline now does advice cases only. We unbundled the service and now the hotline is freed up to handle more calls and the attorney is freed up for in depth work.

This all makes sense but it is an experiment. Will it work? You have to know what the assumptions and expectations are. Once they are clear then you need evaluation to test those assumptions and measure to see if expectations are met. The assumption of unbundling is that more work could be done by specializing in this way.

We can set expectations by looking at how we intend to change and improve operations. For example what kind of increase in productivity will this experiment yield? Here is one estimate. National data says the case load benchmark is 204 cases per staff advisor. Those cases break down to: 2/3 advice and brief service and 1/3 in-depth (67 are court type). With unbundling, for a brief service person you get rid of the 67 in-depth and add 134 brief service for 268 cases. Then set a goal. I would want to gain 10% more to 290. With 2.5 attorneys I can expect 738 brief service cases. Up front I can answer: is that outcome worth while? If it is I can see if we deliver that result.

Running this experiment is showing how to get better efficiency and productivity. I have no fixed view yet on what the answer is. Getting the evaluation will take 18 months and we are only 12 months into it. Parts of the redesign may be very useful and parts of it not useful.

There are other questions we have to ask. For example, does this create a good working situation for the professional? There is a very good paralegal in the project. Is this the best use of her, or is her brain being fried? This is my question as a manager. I have to find the best use of people.

We are comparing two strategies for delivering a service. For example, a public benefits matter gets called in and the client says, “I got overpaid.” In the past the unit fills out the form and sends it to Social Security and follows up. That’s one strategy where the attorney handles it all. It is time consuming. The second strategy has the attorney giving the form to the client and telling the client where to go with it. This approach requires client initiative at every stage. What is the best way? The second looks like it takes fewer resources. The old way may get marginally better results. Next year we will do a call back with clients in strategy #2 using volunteers. We will do a sub-evaluation of this brief service unit. If we find similar results as strategy #1 then this more *pro se* approach is saleable.

The most useful evaluation will measure performance on those goals you have agreed to with your manager or board.

I believe evaluation should be owned by the program, not imposed by a funder. It's owned when it's an evaluation of goals you have agreed to be responsible for. It's my report to the board. It should show the performance and goals improving from year to year.

Funder mandated evaluation is different. If the funder is telling me how to evaluate I resent it if it isn't measuring the performance I am after. Funders may see some other program doing an evaluation, they like it and it gets imposed on my work whether it fits or not. And it usually does not get at what I am trying to do. Evaluation to be worth the cost has to be program owned. Generating numbers alone for reporting purposes is meaningless.