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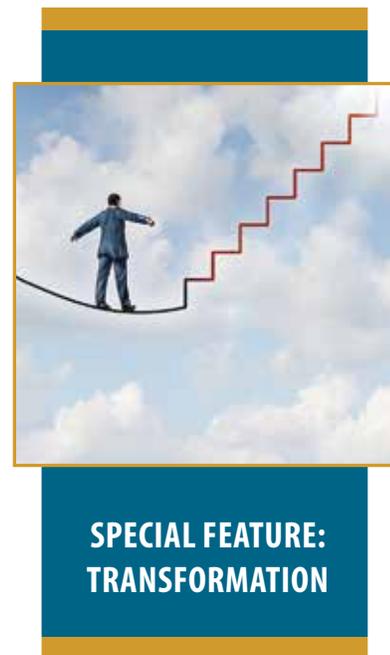
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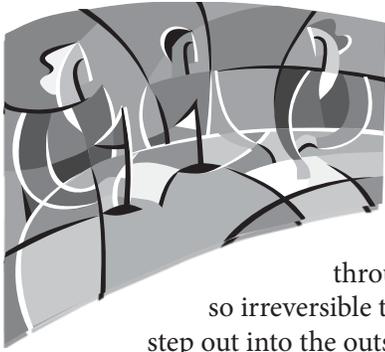
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**SPECIAL FEATURE:  
TRANSFORMATION**



## FROM THE *JOURNAL* COMMITTEE

### Transformation

“While we are cooped up indoors, the world is going through transformations so irreversible that when we finally step out into the outside world it may be unrecognizable.” This statement was part of the MIE *Journal* Committee message from the Summer 2020 issue. At that point, we were only a few months into the global pandemic and already it was clear that our lives would be changed forever. We are now more than one year into this crisis and things are slowly starting to return to a new normal. The special feature in this issue “Transformation” includes a variety of articles that touch on the trauma we have experienced as a country and how best to manage staff, serve our clients and take care of ourselves in the midst of fear, anxiety, illness, technology challenges and the ever-present issue for our clients — poverty.

While many employers were forced to lay off staff during the pandemic, civil legal aid organizations across the country increased their staff. The demand for civil aid lawyers increased significantly. Unemployment rates were up and there were challenges collecting unemployment benefits, with the loss of jobs came an unprecedented eviction crisis as the eviction moratoriums began to expire in certain states and sadly, there was an increase in the reports of domestic violence.

Civil legal aid organizations around the country were forced to pivot and transform to a mostly remote, mostly virtual version of our former selves. We quickly learned that working from home could be more demanding and stressful than being in the office. Our clients were also facing new and different challenges than they were pre-pandemic. In order to properly represent them, we also had to take care of ourselves and provide encouragement to our staff to do the same. In addition to our work, the daily dose of pandemic related news coupled with social unrest could easily weigh heavy on the heart and mind of even the most resilient of individuals.

The articles in the Special Feature show that in the past year we have discovered new and innovative ways to connect and communicate with clients, learned through trial and error what works and what

doesn't and have discovered (or re-discovered) the importance of self-care. As managers, we have had to extend grace and patience to staff, understanding the collective trauma as well as individual challenges that have resulted from the new normal of isolation, limited social interaction and the clashing of work and family life.

As states and courthouses slowly start to re-open, we are all wondering what this transformed world will look like. How far into the future, will we still be wearing masks? Will vaccinations be required in order for staff to return to the office? Will we return to shaking hands as a normal course of business? What will courtrooms and trials look like post-pandemic? Will courts continue to offer remote appearances as an option for clients who lack transportation to get to court?

The answers to all of these questions are either unknown or subject to change. One thing that I do know is that regardless of what the representation looks like, whether virtual or in-person, masked or bare faced, separated by plexiglass or sitting side-by-side, civil legal aid attorneys will continue to zealously represent and advocate for the underprivileged and disadvantaged members of society. With all the lessons learned in the past year, I am confident that we will all emerge stronger and smarter on the other side of this.



Alicia F. Williams  
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**MISSION:** MIE's mission is to promote excellence in management to ensure high quality advocacy on behalf of

low-income people. MIE advances best practices and innovation in leadership, management, supervision and fundraising by supporting a full and free exchange of ideas and providing training, consulting and a flagship journal for the legal aid community.



# STATEWIDE POVERTY HEALTH LAW PROGRAMS: NECESSARY TO A STATE'S LEGAL AID DELIVERY SYSTEM

By Miriam Harmatz, Advocacy Director, and Katy DeBriere, Legal Director<sup>1</sup>  
Florida Health Justice Project

## Introduction

In the most recent Legal Services Corporation (LSC) survey measuring the unmet civil legal needs of low-income Americans, the top ranked civil legal problem was health.<sup>2</sup>



Miriam Harmatz (L); Katy DeBriere (R).

Notwithstanding that fact, in a number of states, few legal resources are available to residents who face systemic barriers to needed medical care. From the perspective of two poverty health lawyers in one such state, this article discusses why that “disconnect” exists and how a statewide health law program can mitigate the delivery system's challenges and help enforce the healthcare rights of low-income clients.

## Why the Disconnect?

### 1. Health Law Is Complicated

It has been thirty years since the Supreme Court described Medicaid laws and regulations as a “morass of unparalleled complexity” that is “almost unintelligible to the uninitiated,” and Medicaid's complexity has only grown in the intervening years. *Schweiker v. Gray Panthers*, 453 U.S. 34, 43, 101 S.Ct. 2633, 69 L.Ed.2d 460 (1981)(citations omitted). More colorful descriptions have likened Medicaid law to a “Serbonian bog” and an “aggravated assault on the English language.” *Feld v. Berger*, 424 F. Supp. 1356, 1357 (S.D.N.Y. 1976); *Friedman v. Berger*, 408 F.Supp. 1225, 1225-26 (S.D.N.Y. 1976).

Obtaining Medicaid coverage is often only the first step to getting health care, particularly for those with

complex medical needs. Most state Medicaid programs now provide services to eligible clients through managed care companies, and Medicaid managed care contractors' cost control processes and provider network deficiencies can create insurmountable obstacles to accessing medically necessary services.

Additionally, in the twelve states that have not yet expanded Medicaid under the Affordable Care Act (ACA), the vast majority of adults who are eligible for legal services are in the “coverage gap” and must rely on local safety net providers for their care. A patchwork of federal, state and local authority provides some “legal handles” for addressing local safety net barriers and billing issues. However, identifying and applying applicable authority in order to secure access for individual clients and address systemic local barriers can be complicated, and safety net advocacy is an underutilized tool.

### 2. Most Legal Aid Programs Lack Experienced Poverty Health Lawyers

With notable exceptions,<sup>3</sup> most legal services organizations do not have staff dedicated to securing their clients' health care rights through either Medicaid federal court actions, state court appeals, Medicaid hearings at the state administrative level,<sup>4</sup> ACA marketplace appeals,<sup>5</sup> or local indigent care system advocacy. This staffing issue is understandable as it is challenging for legal services programs to develop the in-house expertise needed for complex advocacy given the funding landscape.<sup>6</sup>

### 3. Local Programs Generally Do Not Address Statewide Systemic Medicaid Issues

As Medicaid is a statewide program, addressing a barrier for an individual client may require a systemwide corrective action. However, even among those programs that do engage in Medicaid litigation, (again with notable exceptions),<sup>7</sup> most local

© STATEWIDE POVERTY HEALTH LAW PROGRAMS  
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programs, in contrast to statewide programs, do not approach individual cases through a lens of identifying and addressing underlying systemic statewide issues. And while LSC regulations do not prevent federally funded programs from addressing systemic Medicaid issues through injunctive and declaratory relief, most programs do not undertake necessary systemic challenges without significant support, including co-counseling, from state or national health law experts.<sup>8</sup>

Additionally, certain systemwide Medicaid issues which require enforcement action do not present through an individual client seeking assistance from a local program. In those instances, the advocacy needed to address the problem generally more clearly falls within the scope of a statewide program's mission as opposed to a local program's mission. *See, e.g. Wright v. AHCA*, (discussed below), challenging the state Medicaid Agency's refusal to publish final hearing orders.

#### 4. Clients Don't Know They Have Rights and/or Don't Seek Legal Assistance

Completing the "disconnect" is the fact that most low-income clients who are either uninsured or who rely on Medicaid do not know that they have health law rights. If someone is served with an eviction notice, or denied eligibility for Social Security benefits, or their unemployment application is delayed, many know to seek assistance at their local legal aid program. By contrast, most people on Medicaid whose medically necessary services are denied, terminated or reduced, or who are uninsured and receive a bill from a local nonprofit hospital, often do not know that they may have enforceable legal rights.

Even when clients do pursue a Medicaid appeal, many do not request assistance at their local legal aid program. This includes some of the most vulnerable clients: children with complex medical conditions, pregnant women, and seniors with severe cognitive and physical disabilities. When their Medicaid-covered services are denied, terminated, or reduced (and after first exhausting their managed care plan's appeal process), individuals are entitled to an administrative hearing before the state Medicaid agency. The issues at stake are profoundly important, e.g., whether a child or senior can receive the home health services needed to remain out of an institution, or whether someone with a life threatening illness can get coverage of an expensive prescription drug. However, at least in Florida (and

with a few notable program exceptions), few seek and/or are provided representation by a legal aid lawyer.<sup>9</sup>

Additionally, the most vulnerable individuals in need of advocacy assistance, like those in nursing homes or at risk of institutionalization, are even less likely to access legal aid.

In sum, limited funding for health law advocacy in legal services, combined with clients' limited understanding of their health law rights creates a false narrative. The lack of "demand" by clients for health related legal services perpetuates the lack of lawyers "supplied" to provide these services. In reality, demand far outstrips supply. As noted, health law remains the number one unmet civil legal aid need.

#### How to Address the Disconnect?

As described above, the underlying reasons for not meeting the health needs of low-income Americans cannot simply be addressed by local legal services programs. Rather, it is also essential to include a program with in-house expertise in health law advocacy in state delivery systems.

For the last 50 years, poverty health lawyers across the country and millions of low-income Americans have benefited from services provided by the National Health Law Program (NHeLP).<sup>10</sup> The residents of California have been particularly fortunate to have their own statewide NHeLP office.<sup>11</sup> Additionally, after 1996, a number of essential statewide poverty health law programs were founded.<sup>12</sup>

The remainder of this article will discuss how a relatively new statewide program, Florida Health Justice Project (FHJP), is helping to address unmet civil health law needs.<sup>13</sup>

#### 1. Identifying and Addressing Systemic Barriers and Protecting Due Process

There will never be enough lawyers in a state's delivery system to represent every client with a meritorious health law case. And, because many individual cases are representative of systemwide issues in the state's Medicaid program, FHJP's approach, like all statewide programs, is to identify and address systemic issues. As a result of longstanding networks and ongoing referrals from providers, legal aid lawyers, medical legal partnerships and members of the private bar, FHJP is well positioned to identify and address systemic issues that violate the health law rights of vulnerable Floridians. For example, FHJP joined forces with a local legal aid program, a national program and the state's disability rights program in addressing the state's improper

termination of Medicaid for a class of beneficiaries.<sup>14</sup>

Much of FHJP's systemic Medicaid work is guided and supported by a Health Law Partnership (HLP) with NHeLP. As part of the HLP, enforcement strategies are developed to address identified systemic issues if administrative advocacy fails to achieve needed corrective actions. For example, the HLP recently filed litigation challenging the state Medicaid agency's refusal to publish final orders after administrative advocacy failed.<sup>15</sup>

## 2. Helping to Ensure Access to Justice

Among those individuals seeking judicial review of an adverse Medicaid hearing order are parents of minor children and parents/adult children of adults. Under state and federal law, these individuals are "real parties in interest," and thus have standing in their own right to appeal adverse Medicaid fair hearing decisions. Through work with the Florida Bar Elder Law Section's Medicaid Committee, FHJP became aware that the state Medicaid agency had requested that the Bar issue an affirmative opinion that "*parents/relatives of Medicaid beneficiaries assisting in the appeal of an adverse Medicaid fair hearing decision constitutes the unlicensed practice of law (UPL)*." Given the fact that so few legal services attorneys provide assistance in appeals and the enormous significance of the issues at stake, FHJP provided exhaustive template comments and organized state and national legal aid leaders in urging the Bar to answer the question in the negative. As the UPL issue remains unsettled, there is a need for continued advocacy to ensure that those wishing to appeal an adverse Medicaid fair hearing decision can do so. These tasks are uniquely suited to a statewide health practice.

## 3. Expanding the Capacity of Legal Aid Lawyers to Identify and Protect Clients' Health Care Rights by Providing Needed Tools and Trainings

In order to support legal services attorneys who are helping clients obtain Medicaid coverage and services, FHJP provides technical assistance, tools and trainings, e.g., the *Advocate's Guide to the Florida Medicaid Program*, the *Advocate's Guide to the Florida Long-Term Care Program*, and the Florida Elder Justice Conference. See, e.g., <https://www.floridahealthjustice.org/guide-to-long-term-care-medicaid-waiver.html>; <https://www.floridahealthjustice.org/florida-elder-justice-conference.html>.

## 4. Providing Consumer Tools and Outreach Materials

As noted above, most clients do not know they

have health care rights. Thus, there is a tremendous need for creation and dissemination of *Know Your Rights* materials, including consumer friendly videos that explain critical and complex programs and issues, see e.g., video for low-income individuals requiring a nursing home level of care and needing home and community based services in order to avoid institutionalization, <https://www.floridahealthjustice.org/medicaid-hcbs.html>, and video explaining the coverage gap, <https://www.youtube.com/watch?v=ZxskwK36e40&t=7s>.

## 5. Providing Tools for Advocates and Consumers in Response to the Pandemic

As a statewide health law program, FHJP can also address the need for health law advocacy related to COVID, including training, outreach, analysis of policy options and creation of tools for advocates and consumers. See, <https://www.floridahealthjustice.org/covid-19.html>

## Funding Approaches

It goes without saying that nothing can be accomplished without funding to staff and support the types of activities described above. In addition to foundation funding, statewide health law programs have generally been supported through two sources: grants from the state's Interest on Lawyers' Trust Accounts (IOLTA) programs and contracts from local programs to provide technical assistance and support.<sup>16</sup> With regard to IOLTA, a critical funding source, state legal aid leaders and management should be aware of a current challenge to Florida's program which is referred to as Interest on Trust Accounts (IOTA). This challenge, if successful, would exclude the types of activities described above (e.g., outreach, education, training, and systemic enforcement strategies) from eligibility for Florida's IOTA funding.<sup>17</sup>

## Conclusion

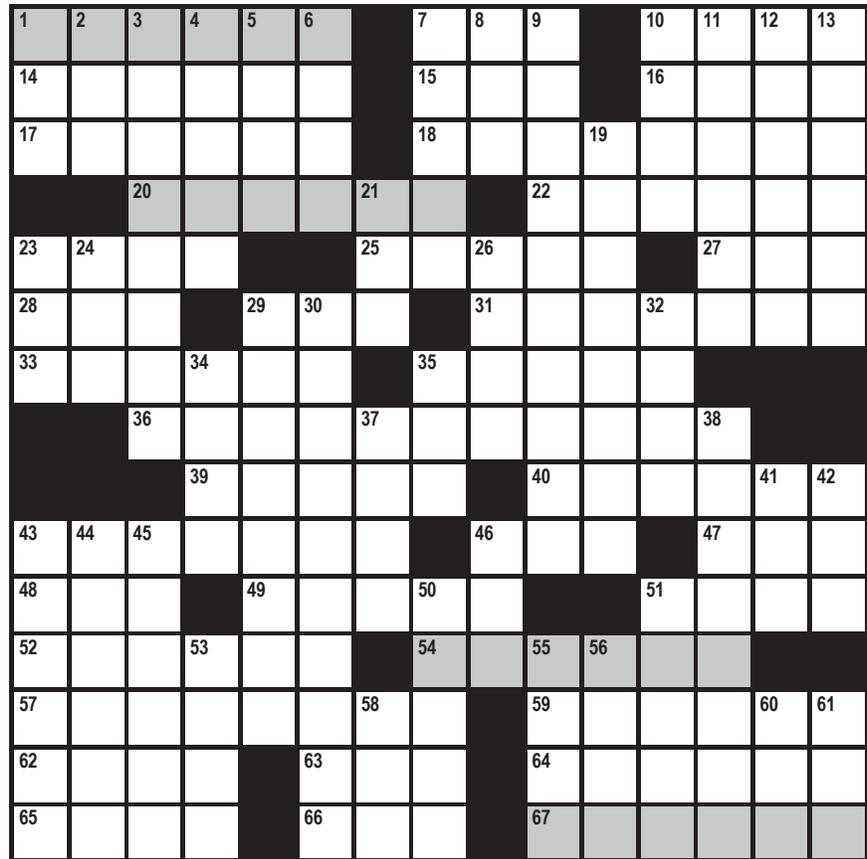
In sum, addressing the unmet civil legal health needs of low-income Americans requires funding and support for state health law experts who can develop and share tools, provide technical assistance, identify and address systemic issues, and collaborate effectively with local legal aid programs.

1 Miriam Harmatz served as Florida Health Justice Project (FHJP)'s first executive director for three years. She currently serves as Advocacy Director. Prior to FHJP,

# What Doesn't Kill You... — A Puzzle

## ACROSS

- 1 Broke  
 7 Successors to LPs (abbr.)  
 10 Sail's place  
 14 Medical affliction associated with many wheezing attacks  
 15 Dadaist Jean  
 16 German border river that sounds smelly  
 17 Zhivago portrayer  
 18 Fatal discharge from a sci-fi weapon (EARTH DAY anagram)  
 20 Rammed into with the head or horns  
 22 Violin bow applications  
 23 Big last name in Kentucky bourbon since 1795  
 25 MLBer in Citifield, briefly (2 wds.) (incl. abbrs.)  
 27 Don't just sit there  
 28 Tell (on)  
 29 \_\_\_-tac-toe  
 31 Siri speaks on them  
 33 Melodic passage  
 35 Highland hillsides  
 36 Like legal aid orgs. who make the transition from 1-Across to 67-Across depicted by the shaded word ladder  
 39 Lawyer's written argument  
 40 Shocking, in a way  
 43 A vessel might do this before sinking  
 46 Longtime Apple platform  
 47 Hydromassage facility  
 48 Gardner of "The Barefoot Contessa"  
 49 Spanish squats?  
 51 Some RCA products (abbr.)  
 52 Decline to exchange any cards at draw poker, say (2 wds.)  
 54 Edible fat produced by churning milk or cream  
 57 A barnacle or a flea. e.g. (IT'S A PEAR anagram)  
 59 More \_\_\_ (approximately) (2 wds.)  
 62 English prep school  
 63 Morsel a horse'll eat  
 64 Slithery bottom feeder (2 wds.)  
 65 It may be due on a duplex  
 66 Turndowns  
 67 Comparatively superior



## DOWN

- 1 Humanities degs. (abbr.)  
 2 The central structure of a gusher?  
 3 "I'll take a \_\_\_ (give something a try) (3 wds.)  
 4 Rhythmic humming sound  
 5 Give off, as light  
 6 Bonkers  
 7 Golfer's gofer  
 8 Rap's Dr. \_\_\_  
 9 Items purchased at wrecking yards, perhaps (2 wds.) (PAPER STARS anagram)  
 10 \_\_\_ scale (hardness measure)  
 11 Rocky's love in "Rocky"  
 12 Event conducted by a medium  
 13 Hush-hush hookups  
 19 All out (3 wds.)  
 21 Business letter abbr.  
 23 Sports \_\_\_  
 24 Something found near a temple?  
 26 Surrealist Joan  
 29 Queens' Russian counterparts  
 30 Electro-chemical process that results in the removal of electrons  
 32 Sugar suffixes  
 34 Planets and such  
 35 Lifelong bud in textese  
 37 Gardener's spring purchase  
 38 Circumspect  
 41 "Fresh Air" ailer  
 42 Word that can go before "bag" or "bubble"  
 43 "Friendly" comics ghost  
 44 Do the Wright thing  
 45 Customer  
 46 The Buckeyes, briefly (abbr.)  
 50 Drives the getaway car, say  
 51 Elevated open grassland in S. Africa (LED TV anagram)  
 53 Huff and puff like a dog  
 55 "Lara Croft: \_\_\_ Raider" (2001 Angelina Jolie film)  
 56 Opposite of perjured  
 58 Chinese "way"  
 60 "What'd I tell ya?"  
 61 Camera type, briefly

*Thanks to Pat McIntyre, whose puzzles also appear in the New York Times, for this crossword. The solution appears on MIE's website, [www.mielegalaid.org](http://www.mielegalaid.org), in the Library with this issue of the Journal.*



## MISSED OPPORTUNITY: FOUNDATIONS AND SUPPORT FOR CIVIL LEGAL AID

By Lonnie A. Powers and Stephen P. Johnson<sup>1</sup>

Readers of the *MIE Journal* understand that civil legal aid protects society's most vulnerable members and America's core value of fairness. Because there is



Lonnie A. Powers (L); Stephen P. Johnson (R)

no right to civil legal assistance in most cases, thousands of low-income adults and children are daily denied assistance in obtaining housing, food, health care, and representation in employment, domestic relations, immigration, and other critical matters. Chronic and acute funding shortages for civil legal aid result in an estimated 80% of the eligible civil legal problems presented to legal aid programs — as many as 1.2 million issues annually — going unaddressed.

Helping low-income people resolve their legal issues is smart, results-oriented philanthropy. But private social capital has historically comprised but a small fraction of legal aid budgets. Legal aid organizations do not always fully understand donor priorities and strategies. And funders focused on meeting the needs of children, women, workers, and immigrants, among others, too seldom recognize the potential impact of strategically funding legal aid. While lawyers, law firms and bar foundations have supported civil legal aid for many years, support from foundations and other funders has, with some notable exceptions, been extremely limited.

Over the past year, we have been conducting research to inform the conversation between philanthropy and civil legal aid. Our aim has been to increase the flow of social capital — another name for “charitable dollars” — to legal services. As we better understand the disconnect between civil legal aid and

thoughtful funders, we can create tools to bridge the divide. The goal is to foster mutual understanding and create tools to connect these logical allies in addressing some of society's greatest challenges. We focused on three questions:

■ **The Landscape** — What is the extent of philanthropic investment in civil legal aid today? Why isn't it greater? What are the prospects for raising more social capital for legal services?

■ **Civil Legal Aid** — What tools do legal aid organizations currently have available for approaching foundations, corporations, and individuals in seeking charitable grants and gifts? What resources would they like to have in their toolboxes?

■ **Donors** — What do social investors know about civil legal aid? What do they wish to know? Is there an interest in enhancing strategic outcomes through partnerships with legal services organizations? How can philanthropists better integrate legal aid into their social change strategies?

We have sought to answer these questions by consulting with civil legal aid organizations, foundation leaders and philanthropy experts, and culling the existing research, as well as by conducting interviews and surveys, and presenting the findings at both philanthropy and legal aid convenings. While the responses we received did not provide complete answers to the questions, they do shed some useful light on the issues.

Based on the responses to surveys of civil legal aid programs and foundations, as well as follow-up interviews, we outline below some of our key findings, and present some suggestions about how legal aid programs can be more successful in obtaining foundation funding.

### The View from Legal Aid Programs

We shared the link to an online survey broadly with civil legal aid programs across the country and 105 programs responded.

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The respondents varied widely in size:

- 45% had annual budgets of \$5 million or less
- 29% had budgets of \$5-\$10 million
- 26% had budgets if \$10 million+

And in the amounts received from foundations:

- 49% derived less than 10% of their budgets from foundations
- 43% received 10 to 50%
- Only 7% received 50-75%

Respondents reported having received support from several types of foundations:

- 40% from national foundations
- 89% from local and regional foundations
- 85% from community foundations
- 48% from “commercial” donor advised funds (e.g., Fidelity)
- 67% from corporations or corporate foundations

Programs reported that the following approaches and messages were effective in obtaining foundation funding:

- Align the request with the foundation’s mission; don’t waste your time or theirs on off-mission requests.
- Respect the foundation’s mission, target their priority focus areas.
- Emphasize outcomes, not processes.
- Attempt to determine the foundation’s appetite for (a) systemic change, or (b) individual representation.
- Follow the funder’s priorities. With rare exceptions, be wary of attempting to move a funder to an issue in which they have not previously expressed an interest.
- A stretch-strategy for organizations with plentiful grant writing resources and a high tolerance for potential rejection: suggest funding for an issue that might be on the foundation’s radar, even if they have not yet funded in that area.

Ineffective approaches included:

- General fundraising appeals
- Statistics-heavy asks
- “Legal services for the poor”
- “Systems change” proposals to funders interested in individual outcomes

- “Individual representation” proposals to funders interested in systems change
- Emphasizing support for underpaid lawyers

Survey respondents reported numerous hurdles to obtaining foundation funding:

- The return on investment: Time invested in seeking grants versus the return, especially for one-time grants.
- Building relationships is time and labor-intensive, which adds to a negative return on investment for one-off grants.
- Grants may require long, highly-specific applications.
- Very few foundations will be prepared to commit to multi-year unrestricted grants.
- Many foundation missions are quite specific and may not be congruent — at least on first impression — with what legal aid programs do.
- Programs often report there are too few foundations in their geographic catchment areas.

These responses provide several important lessons for legal aid organizations. The first is the necessity of investing in relationships. Those relationships must be developed and carefully stewarded over time with, for example: major regional foundations; independent and family foundations; holders of donor advised funds; wealth advisors. Programs must understand foundation and donor priorities and be able to explain clearly and convincingly how their program can be helpful in advancing donor agendas.

**A few suggestions:** Always emphasize how legal aid improves outcomes for organizations and constituencies that funders are already supporting. For example, your program’s work on domestic violence improves the outcomes for the clients of the battered women’s shelter that the foundation has long supported. Building meaningful relationships with such organizations and persuading them to endorse your services is very important. Pitch the bigger idea. Focus specifically on the problems you will address, the outcomes that will result, and less on the mechanics of your work. And finally, ensure that the foundation staff, who typically are not lawyers, get the point of your application.

With those lessons in mind, what would help programs obtain foundation support?

- Respondents wanted:
- Forums and other methods of educating funders on legal aid’s important roles

- Information on how to build relationships with foundations
- More staff training on foundation-focused fund raising
- Greater foundation openness to meeting with programs in their areas of interest and or geography
- Better websites for programs
- Dedicated grant writing staff

### Foundations' Views on Civil Legal Aid

Sixty-seven foundations responded to a foundation-specific survey. Response rates to individual questions varied significantly, making it difficult to form strong conclusions across the full range of questions. By way of example, the majority of questions were answered by between 35 and 43 foundations, but only 11 and 12, respectively, responded to the questions of how they would like to receive additional information about civil legal aid, and the specific questions to which they would like answers. A total of 38 foundations had received grant requests from civil legal aid programs, with 17 reporting that they had acted favorably on the requests. Only three foundations answered a question about the reasons why they had declined to fund the proposal.

The respondents identified themselves as:

- Family foundations (56%)
- Independent non-family foundations (24%)
- Community foundations (17%)
- Corporate foundations (2%)

The foundations varied widely by endowment size:

- 30% had endowments smaller than \$5,000,000
- 3% had endowments ranging between \$5-\$10,000,000
- 30% had endowments between \$10-25,000,000
- 38% had endowments over \$25,000,000

It is essential to understand foundations' geographic focus and constraints:

- 51% focused at least some of their giving locally
- 40% focused some of their giving on statewide organizations and issues

The priority issues for foundation survey respondents largely paralleled national foundation giving trends:

- Families, children, and education are at the top of the list with 49 to 60% of the respondents citing

these as "high" priorities.

- Health, housing, and domestic violence occupy a second tier (30 to 39% of respondents).
- Immigration is a high priority for 29% of respondents.
- Veterans, seniors, the disabled, and workers were high priorities for only 20-24% of survey respondents.
- Lagging well behind is consumer protection, which was highly important to only 13% of respondents.

These responses indicate that all the foundations surveyed are focused on at least one issue that is at the core of civil legal aid work. Despite this fact, almost half (47%) reported that they had never been approached by a civil legal aid organization for funding. Another 11% said they did not know if a civil legal aid organization had sought support from them. Among the 38 foundation respondents (42%) that had been asked for support from a civil legal aid program, 14 (37%) had acted favorably on the request.

This raises the fundamental question: Why do foundations chose not to fund grant requests from civil legal aid programs?

- A clear majority (67%) said the request had not been consistent with their foundation's mission.
- Another 33% said the request was aligned with their mission but was not consistent with their current funding priorities.
- Yet an additional third said the requests did not meet their funding guidelines, e.g., geographic limitations, grant amount sought, and other requirements.

The good news is that foundations do respond well to some messages about the core work of civil legal aid programs. In order of the extent to which they appeal to respondents, the following messages resonate:

- Access to justice for all is important (86%)
- Legal aid helps society's most vulnerable (80%)
- Protecting legal rights is important (79%)
- Legal aid combats the causes of poverty (71%)

Other messages resonate less well with funders, however. In order of level of resonance:

- Civil legal aid benefits entire communities (51%)
- Legal aid is underfunded by government (49%)
- Poverty rates are increasing at the same time funding is decreasing (46%)
- Legal aid opens the door to services (37%)
- Civil legal aid saves government money (37%)

© MISSED OPPORTUNITY  
Continued from page 9

Even after being told that the following misconceptions about civil legal aid were false, foundations found some of them *plausible*:

- The law guarantees the poor a lawyer in serious civil matters (54%)
- No amount of private funding will meaningfully offset diminished public support (49%)
- Supporting civil legal aid will mark the foundation as liberals in our conservative community (37%)
- Improving the justice system is government's responsibility alone (26%)

Perhaps surprisingly, there was not a lot of interest in learning more about civil legal aid; only one in three respondents were interested in learning how civil legal aid can "advance your mission." Among the preferred forums and media for learning more about civil legal aid:

- Forums hosted by civil legal aid organizations (73%)
- Forums hosted by regional associations of grant makers (73%)
- Stories in the popular press (73%)
- Forums hosted by the local community foundation (64%)
- Stories in the philanthropy press (55%)
- A primer on civil legal aid (45%)

Funders continue to have questions about civil legal aid. Among those heard in the course of the research were:

- Why have the large national funders left this arena?
- How can legal aid complement other strategies that we fund to address essential needs that impact health in our communities?
- I would just like to learn more, as civil legal aid seems vital in the fight for a just society.
- Is it funded federally or by states?
- How has the pandemic affected civil legal aid supply and demand?

### Conclusion

The questions asked by the foundations evidence a real interest in and openness to funding civil legal aid. Especially as the COVID-19 pandemic has and continues to expose the extreme inequality in our country, the essential role of civil legal aid becomes ever clearer.

Our research to date has only scratched the surface. More research and more conversations between civil legal aid organizations and foundations are needed. While foundations have much to learn about civil legal aid's essential role in providing justice for all, more funders are recognizing the potential power of partnership with civil legal aid and the outsized return on investment such partnerships can generate. The recent emergence of legal aid funders' networks around the country is but one indicator of foundations' growing interest in knowing more, giving better. *Carpe diem!* Invite a foundation to lunch, virtually, or face-to-face once the pandemic is past.

*Continued on page 52*



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## HOW FEEDBACK AND COLLABORATION DRIVE INNOVATION

By Russ Bloomquist, Program Manager & Senior Full Stack Developer<sup>1</sup>  
Maryland Legal Aid

### Introduction

The absence of equal access to justice for many Americans, especially those who are low-income, is what motivates me in my job as the Program Manager



& Senior Full Stack Developer at Maryland Legal Aid (MLA). Although my role does not include working directly with clients, I understand that my ability to support MLA advocates and pro bono attorneys in their client interactions by

developing and introducing new technology and novel applications ultimately benefits those in need of critical legal assistance.

During my eight years at MLA, I have had the opportunity and support from MLA leadership and staff to develop many different types of applications for data management and collection, document generation, obtaining digital signatures, reporting, and translatable texting services. These applications help legal staff efficiently perform tasks that support MLA's delivery of direct civil legal services and criminal record expungements. Although my technological acumen was critical in the creation of these tools, full credit does not belong to me. Collaboration is key in the development of useful programs and applications, and the feedback received from program users—legal staff and pro bono attorneys—determines an application's full performance, features and capabilities. As a programmer for a large statewide legal services organization, the code I write essentially addresses problems and provides solutions that focus on achieving access to justice for vulnerable and marginalized populations.

At MLA, typically, the application development process begins with users (legal staff/pro bono attorneys) providing feedback, whether it is:

- Sharing with me problems or asking me questions that arise during or after client interactions

(e.g., not having a printable copy of cases filed for expungement for clients so they can monitor cases as they are expunged from their record);

- When trying to meet reporting requirements (e.g., indicating which cases are handled by pro bono attorneys or reporting how far clients travel to MLA offices or clinics); or
- While repeatedly performing the same task (e.g., uploading/ syncing information to the case management system).

The context of the problem or question is an important factor to consider when evaluating requests to develop a new application, and the context of a user's problem or question helps identify and frame possible solutions.

The approach may vary depending on the complexity of the problem. As such, a good rule of thumb is for teams to create and follow a flow chart. If you can draw the idea for a new process in a flow chart, then chances are a programmatic solution can be engineered. Having a flow chart or diagram helps collaborators visualize the path and scope of the programmatic solution and ensures that everyone is on the same page in terms of expectations and outputs of a new application. Visualizing the process is especially helpful for users who may be unfamiliar with technical jargon used when describing a process in verbal or written form. After feedback is received, and once the collaborative application development process begins, innovation occurs at the point where the problem/question, context of the problem/question, and the approach for solving the problem meet.

### Background

In 2016, before data scraping (the process of importing information from a website into a spreadsheet or local file saved on your computer) became popular, I created ExpungeItMD, a web-based application with data scraping and document generation

© HOW FEEDBACK AND COLLABORATION DRIVE INNOVATION  
Continued from page 11

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tools, to support MLA's then-emerging Community Lawyering Initiative (CLI). CLI began in 2015 as MLA's "Lawyer in the Library" program, and has since broadened into a statewide initiative where MLA attorneys, pro bono attorneys, law students and volunteers are placed directly in underserved communities to provide direct civil legal assistance, including criminal record expungements. CLI hosts legal clinics in untraditional and sometimes unconventional locations, including libraries, schools, places of worship and other communal spaces. Working closely with CLI advocates was paramount in the development of a tool that would meet the needs of CLI's mobile advocacy. This is an example of how "context" plays a huge role during application development.

Collaboration occurred at CLI legal clinics when legal staff would use ExpungeItMD to assist clients. After gathering feedback from users about their experience while using the application at clinics, I was able to customize the application's functionality to fit the dynamic environment of the mobile clinic settings. This included ensuring that the application generated a checklist of cases for each client to monitor when their cases were expunged, automatically flagging when cases were managed by pro bono attorneys, geocoding client data to determine how far clients had traveled to MLA offices or clinics to receive legal assistance, and automating the process for uploading/syncing case information from ExpungeItMD to MLA's case management database and more. CLI advocates shared that ExpungeItMD was a "game changer" because it enabled them to work more efficiently and serve more clients in a shorter amount of time, which also decreased client wait time at the clinics.

Since ExpungeItMD launched in 2016, the application has automatically generated more than 130,000 documents that would have otherwise needed to be manually created. However, the process for collecting client case data still required substantial manual data entry. First, users had to search cases on a public case search website where they would search by a client's name and then scour through hundreds of search results. Second, users had to manually copy and paste each of the client's case numbers into ExpungeItMD. ExpungeItMD would then "scrape" the individual case data that is used to generate all documents required to file a criminal record expungement with the Maryland courts. Although the application received positive

feedback, there was, and continues to be, room for improvement.

### A Case Study for Continuous Application Development and Improvement

Since its inception, ExpungeItMD had undergone several updates that mostly centered on managing the client data that had been collected or "scraped" from public case search websites.

**Problem/Challenge:** Any active cases on a person's criminal record prohibit that individual from entering into expungement proceedings. The public case search website from which ExpungeItMD "scrapes" client data to generate documents to file expungement petitions can be difficult to use, has limited search functionality, and provides an overwhelming number of results that are poorly organized. As a result of these deficiencies, active cases are easy to overlook, which will subsequently result in a denial of all expungement petitions that an advocate files on a client's behalf.

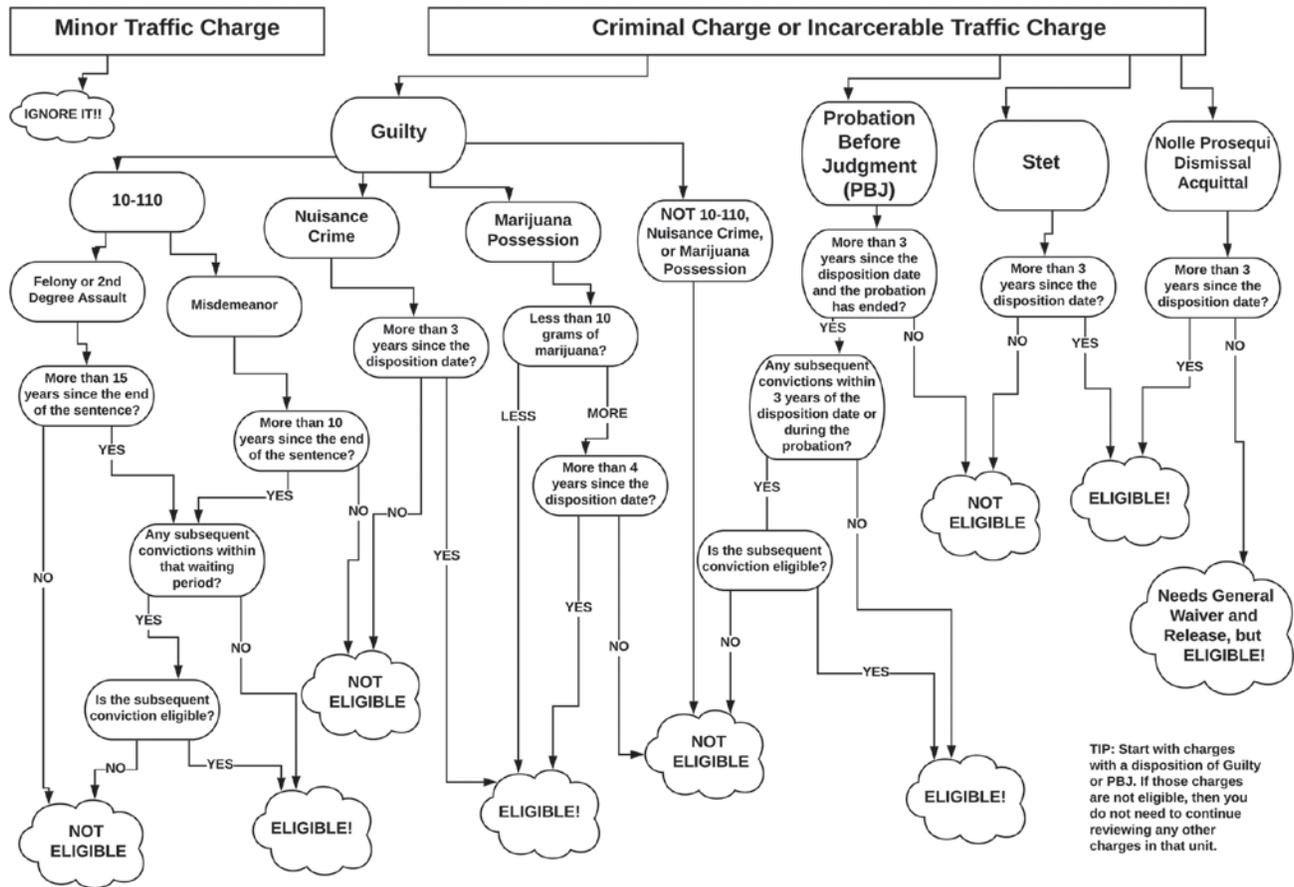
For this reason, MLA's Pro Bono Program coordinator expressed the need for users—MLA legal staff and pro bono attorneys—to be able to check for all of a client's active cases when assisting them with expungement of their criminal record.

**Solution and Approach:** With a detailed flow chart of MLA's expungement process, a few MLA subject matter experts, and a problem to solve, a project plan was established. The plan included checking the public case search website for a given client's active cases, programmatically, using code I wrote to automate the process for searching for cases. Soon after starting the process, our team realized that in order to solve the active case problem, it was necessary to look at a client's active *and* inactive cases.

Since the ExpungeItMD application already included data scraping capabilities, I realized I could expand this functionality to collect all of the complicated data from the public case search results. Then, after collecting all of the complicated data, I was able to program that data to automatically upload and display in ExpungeItMD in a format that was clearer and more consistent with how MLA assists clients with criminal record expungements.

On average, a client seeking help with expunging their criminal record has five expungable cases, but the public case search website includes other types of cases in all search results such as family law, liens, torts, minor traffic violations, and so forth. The breadth of legal issues that appear in the search results makes navigating the cases on the public website extremely cumbersome. With feedback from legal staff, I re-programmed ExpungeItMD to classify each case type in order to limit the search results to

INSTRUCTIONS: For each charge in a unit, use this chart to determine the eligibility for expungement. If any one charge is not eligible, **NO** charges in the unit are eligible. If all the charges are eligible, prepare the petition for expungement.



TIP: Start with charges with a disposition of Guilty or PBJ. If those charges are not eligible, then you do not need to continue reviewing any other charges in that unit.

*This example represents Maryland state law. State laws may vary.*

criminal and incarcerable traffic charges only and to remove all irrelevant data from the search results.

**Benefits and Results:** After updating the ExpungeItMD application to include the active case checker feature, as well as the ability to search cases using only a client’s name and birthday, users can now import, in bulk, a client’s entire case record, active and inactive, automatically. These updates to ExpungeItMD improve the user experience by making the client data easier to review for active cases. For clients, the updates to the application mean that they will know for certain whether or not expungement of their criminal records is possible, and if not, exactly what open cases still exist on their records.

**Conclusion**

Feedback and collaboration are key components of the application development cycle and are integral to the incremental and perpetual improvement of applications. By emphasizing and embracing evaluation

of applications and collaboration between programmers and users, even well-established processes can be improved using innovative methods. Key takeaways include:

- All staff can contribute to the improvement of established processes or applications;
- Process improvements can include small changes that enhance the overall usefulness and performance of a process or application;
- Collaboration can help encourage colleagues to take ownership of processes, reinforce teamwork, and improve service delivery.

1 Russ Bloomquist is a Program Manager & Senior Full Stack Developer at Maryland Legal Aid (MLA), where he develops web-based applications that center on automation, reporting, and knowledge management to help MLA legal advocates be more efficient and effective with delivery of services to clients. Russ may be reached at [rbloomquist@mlab.org](mailto:rbloomquist@mlab.org).



## BENDING THE ARC TOWARD JUSTICE

By Col Owens  
Cincinnati Books Publishing 2020

Reviewed by Richard A. Cullison  
Executive Director Emeritus  
Legal Aid of the Bluegrass

Col (pronounced “Call”) Owens, a lawyer for 30 years with the Legal Aid Society of Greater Cincinnati (LASGC) and its affiliate, the Legal Aid Society of Southwest Ohio (LASSO), has written an autobiography.



Richard A. Cullison

Were it only a story of his life’s work providing civil legal services to low-income people, protecting their rights in the courts, and advancing their interests in the Ohio legislature, it would have been a good book. But Col goes beyond that to discuss the public service work he performed in Kentucky during his Ohio legal career,

his spiritual life, his family, and several personal adventures. These extra stories are beyond what I expected, and they make this book a great read.

For example, when Col was a student at Harvard, he toured Asia with Harvard’s glee club. During the summer before Col’s graduation, he hitchhiked some 16,000 miles from the east coast to Alaska and back through California. While in Alaska, he worked on small boats catching and processing salmon. Upon his graduation, Col entered Harvard’s Divinity School. Eventually he became an assistant minister of Madison Avenue Christian Church in Covington, Kentucky, near his home town. A few years later, Col enrolled in the Boston University Law School.

Col’s first legal aid job was with the Office of Kentucky Legal Services Programs (OKLSP), a legal aid state support program that coordinated activities for the seven civil legal aid societies in Kentucky. Among other duties, Col analyzed poverty issues and lobbied Kentucky’s legislature on issues affecting the low-income community. Col soon became the Executive Director of OKLSP. His passion was for lobbying.

He put together a coalition that successfully lobbied Kentucky’s legislature to pass general assistance funding for low-income Kentucky families, an unlikely achievement.

He also successfully lobbied against requiring Kentuckians receiving money under the Aid to Families with Dependent Children Program to work for a portion of their grant. Col had mixed emotions about this. He realized, sooner than some in the legal aid community, that employment was the ticket out of poverty for many poor people. He did not like the punitive nature of “workfare,” but he envisioned programs that might remove barriers keeping them from working. He was much happier many years later at LASSO where he pioneered programs to remove barriers that impede poor people’s ability to work.

Col was an independent thinker in the legal aid community. In his early years at LASGC, he was assigned to its housing unit to defend evictions. He began counseling his clients, initially to the chagrin of his supervisor, to give up on certain technical defenses and negotiate a time they would vacate their apartment. This strategy, in many instances, preserved a relationship with the landlord that would make it more likely the client could secure housing in the future.

After Col left OKLSP, he was in private practice for a few years and ran unsuccessfully for the city commission in Covington, Kentucky. In 1985, he joined the staff at LASGC. Shortly after he began his new job, Col was able to take a month off to visit El Salvador and Nicaragua with a peace study group. Both countries were dangerous places.

When it was time to leave Nicaragua, due to a conflict involving these two countries, the group’s flight kept being cancelled. Col figured the group’s best bet was to travel by car through Nicaragua to Honduras and fly home from there. They were counselled against this because they would be travelling through country

controlled by the Contras of Iran/Contra infamy. Just as in the movie *ARGO*, it all worked out.

Interestingly, Col's wife, a nurse, had a similar experience a few months earlier while she and a group of her colleagues were in Uganda vaccinating children. There was a coup, and foreigners were not safe. Her situation was even more harrowing than Col's in Nicaragua, but she and her colleagues eventually got out.

During most of Col's career at LASSO, he was a policy analyst and lobbyist. He served as chair of the board of directors of Ohio's largest charitable funder of healthcare initiatives. His accomplishments were many. He served on Governor Strickland's healthcare reform team. He successfully lobbied for Medicaid expansion in Ohio, a state with a Republican governor and legislature. He successfully represented the plaintiffs in a race discrimination case against a VA hospital in Cincinnati.

He taught Poverty Law at the University of Cincinnati and at Northern Kentucky University.

Because Col worked in Ohio but lived some three miles away in Kentucky, he was free to pursue public interest activities there in his "spare time" that would not have been appropriate in Ohio. He was on the Board of Directors of the Covington Housing Authority for many years. He served as an elected (non-partisan) member of the Covington, Kentucky Board of Education for 16 years.

I have known Col for nearly 45 years, because my entire career was in the legal aid community in northern Kentucky. I thought I knew him fairly well. But what I knew about Col was just the tip of the iceberg. I found the new information to be most inspiring. Anyone interested in social justice will enjoy reading this story of one man's life-long struggle to achieve it.

### Why I Wrote this Book, by Col Owens, author, *Bending the Arc Toward Justice*

People write memoirs for a variety of reasons. First, without question, is the desire to have their stories known. In other words, the human ego. Second, if they write it, they get to put their spin on things, to "get things right" as they see them.

There may also be some specific trigger, as in my case. Another class at Harvard, the Class of 1967, had undertaken a project where class members wrote essays on what they did about Vietnam, and how it affected their lives, both at the time and now. Many class members participated. Only class members could read the essays. As a member of the Class of 1969, I could not read them. I found the project tantalizing, a spur to write my own story. Vietnam dominated my life from 1967 to 1974, from when I first started thinking seriously about the war, to when I finished my alternative civilian service as a conscientious objector and could get on with my life at law school.

But a third reason for writing the book is perhaps the most important. Both my 36-year legal services career and many of my volunteer activities



have been devoted to pursuing justice, especially justice for the poor. These have included serving on the housing authority and school boards as well as numerous other boards and committees, teaching poverty law at area law schools, chairing the county Democratic Party and running for office, and more. Adopting Martin Luther King's maxim, that "the arc of the moral universe is long, but it bends toward justice," I titled this

memoir to reflect my lifelong commitment to helping bend that arc.

I hope this story will encourage greater commitment to working for justice among readers, especially younger readers, those at the front end of their lives and careers. I hope it will inform and inspire, about the many opportunities to work for justice, in career choices and in volunteer activities. If it does so, I will feel satisfied, that it was well worth doing.

*Bending the Arc Toward Justice* is available for purchase on my website, [colowensbooks.com](http://colowensbooks.com), and on Amazon.



## PROFILE OF A RECENTLY APPOINTED EXECUTIVE DIRECTOR IN THE LEGAL AID COMMUNITY: AUDRA WILSON<sup>1</sup>

Audra Wilson has been a champion for racial justice for over 20 years. Amongst other positions, she has previously served as the Deputy Chief of Staff for United States Congresswoman Robin Kelley, the Director of Diversity Education and Outreach at the Northwestern Pritzker School of Law, and as the Executive Director of the League of Women Voters of Illinois. On June 1, 2020, Audra was named the President and CEO of the Shriver Center on Poverty Law, and she took a few moments out of her intense schedule to complete an interview for the *MIE Journal* with *MIE Journal* Committee member Amy Petkovsek.<sup>2</sup>



*Audra Wilson*

quality education, and a healthy environment become limited as well. The Fair Housing Act remains one of the most important civil rights laws for promoting integration and freedom of choice in housing transactions. The Act was passed with broad bipartisan support in 1968 one week after the assassination of Dr. Martin Luther King. As originally enacted, the Fair Housing Act prohibited discrimination on the basis of race, color, national origin, sex, and religion. Congress also obligated the U.S. Department of Housing and Urban Development (HUD) to ensure that federal housing money is spent in ways that affirmatively further fair housing. Unfortunately, a recent Administration through HUD has consistently been eliminating, delaying, or revising its fair housing regulations in ways that are at odds with the intent of the Fair Housing Act, and in conflict with longstanding federal housing policy. With more than 4 million instances of housing discrimination occurring each year, this must be a top priority for the Biden Administration.

Another big concern right now is that we're heading for a huge housing crisis that's characterized by possibly even higher eviction rates than we saw during the Great Recession. While both the local and federal governments have enacted various moratoriums on evictions related to COVID-19, back-owed mortgage payments and rent will still come due once those measures are lifted, potentially leading to mass evictions at the tail end of the pandemic.

**AMY: Moving forward into 2021, what guidance can you offer public interest managers as they attempt to address racial inequities in their own organizations and advocacy work?**



*Amy Petkovsek*

**AMY PETKOVSEK: How has the national attention drawn to decades long issues of racial injustice affected the work of the Shriver Center this year?**

**AUDRA WILSON:** The national attention has simply amplified the work that has always been at our core. Racial

and economic justice are inextricably linked, as it is our country's history of racial subjugation and *de jure* discrimination that has prevented people of color from accessing many of the essentials of economic success, including employment and home ownership.

**AMY: How can advocates utilize the advocacy opportunities surrounding the current eviction crisis to draw attention to the systemic issues that create inequities in housing opportunities?**

**AUDRA:** When families are denied equal access to safe, quality housing, opportunities for good jobs,

It is imperative that managers provide ample and continued opportunities for their team members to express their personal thoughts and feelings about issues of race. Many of our colleagues and team members have been impacted directly by the

COVID pandemic, as well this prolonged period of racial reckoning. As such, now is also a time for organizational introspection, when we begin to scrutinize whether our respective organizations truly embody the values they espouse.

**AMY: Can you comment on the role of training and continued legal education for advocates of all experience levels when pursuing legal services with a racial justice lens?**

**AUDRA:** In a nutshell, training is even more important during this time of racial unrest. The better trained advocates are on understanding the nuances of working with BIPOC communities, the better they can serve their clients. As such, training and CLEs must be carefully calibrated to incorporate anti-racist principles.

**AMY: What are the best practices for a community lawyering team to utilize when interacting with a racially diverse community during this pandemic?**

**AUDRA:** When seeking to interact more directly with racially diverse communities, a community lawyering team must recognize that many of these communities may already have institutions that work on their behalf, including religious institutions and community centers and other social organizations. In those instances, they should seek to work collaboratively to formulate those strategies that will supplement or enhance the advocacy of these existing groups.

**AMY: Any other thoughts you have on the Shriver Center's role in affecting the laws and policies behind poverty and racial injustice?**

**AUDRA:** Shriver will continue to work in both a leadership and a collaborative capacity as we seek to address the most pressing issues facing our communities, especially light of the direct impact of the pandemic on our most vulnerable communities.

1 Audra Wilson has been a champion for racial and economic justice for more than 20 years as a public interest lawyer and teacher, policy shaper, community mobilizer, and experienced executive manager. Throughout her career, Audra has focused on the voices and experiences of communities of color and communities most impacted by injustice. She began her legal career as a Welfare Advocacy Staff Attorney with the Shriver Center on Poverty Law, where she focused on welfare reform implementation and food security issues

in Illinois. She was then tapped by then-state-Senator Barack Obama to serve as the Deputy Press and Policy Director on his U.S. Senate campaign. After the U.S. Senate race, she returned to her public interest roots, serving as Director of Diversity Education and Outreach and Adjunct Professor at Northwestern Pritzker School of Law for 7 years. At Northwestern, she co-founded the first formal consortium of law school diversity professionals in Chicago, seen as a national model. During this time, Audra also served as a policy advisor to leading candidates for U.S. Senate, Illinois State Treasurer, and Lieutenant Governor.

In 2013, Audra accepted a position as Deputy Chief of Staff for United States Congresswoman Robin Kelly in the Second Congressional District of Illinois, where she oversaw all district operations and served as a surrogate for the Congresswoman while she was serving in D.C. Among her other responsibilities, she served as lead Illinois coordinator of the Congressional Caucus on Black Women and Girls. As Executive Director of the League of Women Voters of Illinois, she led critical change to expand the mission of a 100-year old civic engagement organization with nearly 4,000 members and over 40 chapters statewide. Audra advanced the League's advocacy on issues of race equity and voting rights and built organizational capacity for fundraising and communications.

Audra holds a Bachelor's degree in International Relations and Spanish from Bucknell University, and a J.D. from Valparaiso University School of Law. Audra may be reached at [audrawilson@povertylaw.org](mailto:audrawilson@povertylaw.org).

2 Amy Petkovsek, Esq., is the Director of Advocacy for Training and Pro Bono at Maryland Legal Aid. Amy oversees the growth and development of the Community Lawyering Initiative, Lawyer in the Library and Lawyer in the Schools programs across Maryland. Prior to serving in this position, she represented children for seven years in Legal Aid's child advocacy practice. She also served as an appellate law clerk for the Honorable Sally D. Adkins. Amy serves on the boards of the University of Maryland Francis King Carey School of Law Alumni, the Maryland State Bar Association Legal Services section, and the Carroll County 4-H/FFA Fair. She is also the volunteer camp director of Carroll County 4-H Residential Camping Program. She is a past recipient of the Maryland Legal Services Corporation's Rising Star Award, The Daily Record's "20 in their Twenties" and Leadership in the Law awards, the Maryland Legal Aid Diane Kinslow Memorial Award, Maryland 4-H Alumni Award, Carroll County 4-H Fair Hall of Fame, the American Camp Association President's Award, and a Fellow in the Maryland Bar Foundation. Amy may be reached at [apetkovsek@mdlav.org](mailto:apetkovsek@mdlav.org).

**SPECIAL FEATURE: TRANSFORMATION**



# “We’re Not Alright”: Creating Organizational Support for Pandemic-Related Impacts to Employee Well-Being

*By Aimee Patras, MSW, Emily Hickman, MSW, and Elizabeth McLaren, MSW, Indiana Legal Services<sup>1</sup>*

## What is Employee Well-Being and Why Does it Matter?

In the last year, the need for employee wellness initiatives became unequivocally clear.



*Aimee Patras (top L); Emily Hickman (top R); Elizabeth McLaren (bot L).*

Traditionally, employee wellness programs have been implemented to increase workplace productivity by providing resources and tools to support and encourage employee health. These programs are popular across sectors, and interest in this field continues to grow. Before the pandemic, wellness programs were also particularly useful to those in helping professions—such as legal aid employees—who are exposed

to vicarious trauma and subsequently develop secondary traumatic stress. Employee Assistance Programs through insurance providers are one common wellness initiative that support employee well-being.

However, the outbreak of coronavirus disease in 2019 (COVID-19) and the onset of the pandemic created an immediate and critical need for a strong and robust organizational response to support employee well-being beyond productivity outcomes or third-party services.

The pandemic’s effect on overall well-being surpasses any challenge an office or organization has faced in recent decades. In addition to the immediate threat to life posed by COVID-19, the collective trauma of the pandemic also poses serious threats to individual and group health. Collective trauma describes the psychological impact of major events, and symptoms can include feelings of stress, anxiety, fear, depression, isolation, ambivalence, powerlessness, or hopelessness. Adults in the United States reported increased levels of symptoms of a trauma- and stressor-related disorder, symptoms of anxiety and depression, substance use, and suicidal ideation during the pandemic.<sup>2</sup> Although legal aid employees have limited risk of contracting COVID-19 through work-related activities, they were personally exposed to the pandemic’s collective trauma and have been exposed to an increased amount of vicarious trauma through client-related services. Frequency and severity of client challenges has increased in the last year, and this increase is well-documented through the rising prevalence of loss of employment, housing insecurity, domestic violence

incidents, and other hardships.

Employee wellness initiatives are vital to preventing and addressing vicarious trauma, secondary traumatic stress, compassion fatigue, and burnout. In the first few weeks of the stay-at-home order, the severity and duration of the pandemic was largely unknown. Indiana Legal Services' (ILS) initial response to the pandemic focused on providing tools and resources for effective work-from-home procedures. However, as the severity and duration of the pandemic became more evident, the effort expanded to include a response to employee well-being. This resulted in new efforts to support employees' physical, emotional, mental, financial, spiritual, professional, social, and environmental well-being. Positive feedback from staff on early wellness initiatives also influenced the decision to build upon these independent events and develop a sustainable response and culture of wellness at ILS that will remain after the pandemic ends. ILS staff contributing to the wellness response met frequently to develop appropriate interventions for employee well-being. This work of the last year can be described in three different stages.

### **Stage One: Early Signs of Pandemic-Related Stress and Initial Organizational Response**

The immediate organizational response focused on the transition to remote work to continue standard operations while abiding by Indiana's stay-at-home order. ILS created a COVID-19 Taskforce including key staff members from across the state to develop technological and work-from-home accommodations. The first few weeks in the pandemic presented a "big pause"—pause in court functions, pause in government office operations, and pause to any sense of normalcy. This pause required a short-term, high demand response to fulfill work obligations, which was ultimately unsustainable for staff. Working from home challenged traditional workplace habits and required staff to develop new routines, processes, and modes of collaboration with colleagues. During the first few months working remotely, organization-wide weekly meetings provided training, updates, IT assistance, HR wellness tips, and an open forum for questions and staff connection. Work groups and other staff meetings shifted to virtual platforms to mitigate the difficulty of no longer being able to meet in-person or easily communicate in the office. In addition to serving clients on their respective specialized law projects, ILS's social work advocates also provided additional training and support to meet various client social service needs and to address non-legal barriers. After several

weeks adjusting to a new workplace environment, staff continued to operate without familiar modes of working. High levels of uncertainty both in and out of the workplace added to already rising stress levels. Early signs of pandemic-related stress included feelings of fear, isolation, anxiety, disconnection, ambivalence, and much more.

Discouragement and lack of motivation among staff became a prevalent theme in meetings and work groups and among management. The impact of the pandemic and increased workplace demands to employee well-being could not be left unaddressed. ILS responded to the employees' pandemic-related stress and collective trauma responses through a unique, collaborative effort between administrators and social work advocates.

Social work's code of ethics, mission to enhance human well-being, evidence-based practices, and crisis response skills provide a strong foundation for implementing employee well-being initiatives. The first presentation developed by ILS's social work advocates acknowledged the critical reality of the pandemic and provided tools to begin addressing symptoms of collective trauma and pandemic-related stress. For this presentation, social work advocates utilized knowledge of trauma-informed care, neurobiology of trauma, and general clinical skills. The presentation was staff's first opportunity to be validated in exploring and naming their feelings and to release themselves from self-imposed guilt over changes in workplace performance. After this presentation, social work advocates noticed a shift in the number of staff members reaching out for guidance and support with clients as well as personal and workplace stress.

To continue building a holistic response for employee well-being, the COVID-19 Taskforce provided social work advocates a presence at the weekly organization wide meetings. With this platform, social work advocates presented on emergency need resources for clients ranging from housing to mental health services to COVID-19 and continued to address employee well-being needs. To better service applicants in their first contact with ILS, social work advocates created a training for intake and support staff. This training gave staff members tools for working with clients in crisis and additional support for understanding vicarious trauma and the signs of secondary traumatic stress. By mid-summer 2020, the repeated exposure to vicarious trauma resulted in compassion fatigue and burnout among staff at all levels. To address these long-term symptoms, the wellness response

# MARCH

“Fight for the things that you care about, but do it in a way that will lead others to join you.”

-JUSTICE RUTH BADER GINSBURG

	MONDAY	TUESDAY	WED	THURSDAY	FRIDAY
<p><b>Meditation Monday</b> Join us for a brief, guided meditation practice on Teams to begin your week.</p> <p><b>Wellness Wednesday</b> Check the Wellness channel on Teams for a weekly wellness tip.</p> <p><b>Gentle Yoga</b> An ILS staff member and trained yoga instructor will lead an all levels yoga class on Zoom.</p> <p><b>Trivia Tuesday</b> Nick Parker will host a special Trivia Tuesday event for ILS staff on Zoom.</p> <p><b>Wellness 101</b> A brief information session to learn more about the wellness initiatives at ILS.</p> <p><b>Other Observances</b> Women’s History Month National Nutrition Month Social Work Month Sleep Awareness Week (3/14-3/20) National Employee Appreciation Day (3/5) International Woman’s Day (3/8) First Day of Spring (3/20)</p>	<p><b>1</b> Meditation Monday 9:30AM (EST)</p>	<p><b>2</b> Trivia Tuesday hosted by Nick Parker 4PM (EST)</p>	<p><b>3</b> Wellness Wednesday</p>	<p><b>4</b></p>	<p><b>5</b></p>
	<p><b>8</b> Meditation Monday 9:30AM (EST)</p>	<p><b>9</b></p>	<p><b>10</b> Wellness Wednesday</p>	<p><b>11</b> Gentle 30min Yoga 2PM (EST)</p>	<p><b>12</b></p>
	<p><b>15</b> RBG’s Birthday (Office closed)</p>	<p><b>16</b></p>	<p><b>17</b> Wellness Wednesday</p>	<p><b>18</b> Gentle 30min Yoga 4PM (EST)</p>	<p><b>19</b></p>
	<p><b>22</b> Meditation Monday 9:30AM (EST)</p>	<p><b>23</b> Wellness 101 Information Session 3PM (EST)</p>	<p><b>24</b> Wellness Wednesday</p>	<p><b>25</b> Gentle 30min Yoga 12PM (EST)</p>	<p><b>26</b></p>
	<p><b>29</b> Meditation Monday 9:30AM (EST)</p>	<p><b>30</b></p>	<p><b>31</b> Wellness Wednesday</p>		



An example of an ILS monthly Wellness Calendar.

adapted to provide additional, more in-depth training and application.

**Stage Two: Ensuring Staff Have Tools for Well-Being for the Duration of the Pandemic**

What was initially perceived to be a short-term adaptation to the pandemic evolved into a chronically stressful work environment. Staff initially utilized their “surge capacity” to manage acute stressors. Surge capacity describes the limited supply of additional energy to address extraordinary circumstances. This short-term survival skill of drawing upon mental and physical adaptive systems to manage stressful situations is eventually depleted and cannot be restored without a change in circumstance or intervention.<sup>3</sup> Depleted surge capacities made it more difficult for staff to reach standard levels of efficiency at case work and other professional activities. This deficit developed

into feelings of exasperation, confusion, and isolation. Furthermore, the lack of resolution to the pandemic only exacerbated already present feelings of grief and loss. The impact of this “ambiguous loss” included feelings of uncertainty, inability to define the loss, and difficulty processing grief. Without the ability to change the overarching circumstances of the pandemic, the social work advocates and organization administrators focused on interventions that provide staff additional tools. To reenergize and move through their grief, staff was invited to a half-day Resilience Workshop planned by social work advocates and members of administrative staff.

The planning process for the Resilience Workshop started with a staff survey to assess general levels of stress and burnout, interest in various wellness topics, and potential areas of organizational development. Influenced by staff input, the workshop covered trauma

exposure signs and symptoms and coping strategies and tools for building resilience. The workshop was designed to be an interactive space for engaging with self-care practices. A handbook was developed as a companion guide with assessment tools, a plethora of wellness activities, and actionable steps towards well-being. The social work advocates developed and facilitated the workshop to address holistic well-being. Staff completed individual self-care plans and engaged in wellness offerings, such as yoga, small group processing, and reflection time. Post-workshop survey results indicated staff's acknowledgment, appreciation, and desire for continued well-being programming. The final meeting of the Resilience Workshop's planning team subsequently became the first meeting of the organization's formal Wellness Committee.

### **Stage Three: Long-Term Wellness Response and Development of Wellness Culture**

Creating the Wellness Committee was the first act towards a sustainable approach to employee well-being at ILS. The Wellness Committee is open to all staff members and includes attorneys, paralegals, administrators, and social work advocates. The mission of the committee is "to foster a culture of wellness and care at ILS through awareness, resources, and activities," and the vision is "that all ILS employees would feel equipped to engage in activities that promote their well-being, and receive the institutional support needed to meet their wellness goals." The Wellness Committee meets once per month to develop a wellness calendar and determine the upcoming wellness events. Each calendar includes a new social event, such as an ILS-themed trivia hour, and an educational event, such as a retirement planning presentation. Permanent events include a weekly guided meditation, biweekly yoga classes, and a weekly wellness tip posted to Microsoft Teams. The Wellness Committee meeting is also an opportunity to address emerging concerns from staff through organizational policy changes or other wellness initiatives.

Some developments from the first Wellness Committee meetings include adding four organizational holidays to the 2021 calendar year to facilitate taking time off, developing the "Wellness Event Participation" time code so employees can count wellness events in weekly timekeeping, and the creation of a channel on Microsoft Teams to make wellness resources and information accessible to all employees. To increase utilization of employee benefit offerings, the HR Manager implemented additional presentations

on various benefits and engaged with staff personally to overcome access barriers. These initiatives were possible through the popularity among staff and endorsement of top administrators.

The Wellness Committee is also an important marker of the developing wellness culture at ILS. Staff at every level have commented on the increased frequency and comfort discussing wellness and self-care openly with colleagues, asking for and receiving support when needed, and awareness and utilization of resources available to employees. In the hiring process, applicants are invited to share their self-care regimens, and they are introduced to the work of the Wellness Committee in the organization. Supervisors also discuss self-care habits and well-being during annual performance reviews. Importantly, the wellness culture at ILS results in staff holding space for each other to discuss impacts of stress and trauma and get the resources they need. Creating a culture of care and well-being not only supports employees in addressing symptoms of secondary traumatic stress, compassion fatigue, and burnout, but also prevents them from occurring.

### **What Was Learned and What Is Next**

These stages demonstrate the importance of an adaptive response that requires continuous reflection, assessment, and creativity to provide necessary interventions for well-being. The adaptive response to challenges encountered throughout the pandemic built individual and organizational resilience with positive impacts to client services. ILS also created a virtual community among colleagues that connected eight regional offices and staff members across the state. Especially true during the pandemic, it was important for staff to know they are not alone. Best practices and strategies adopted throughout the past year will inform new initiatives. Future directions of the Wellness Committee will address post-pandemic emerging challenges. This process includes adapting the virtual programming to a shift back to an in-person work environment and considering continuous wellness needs. Although new wellness initiatives were made necessary by the pandemic, the longevity of this work is not predicated on an ongoing crisis. Rather, the proven benefits of the wellness culture and initiatives will continue to develop into additional preventive care and foster an environment where all staff have the support to sustain their work. Proactive investment in employee well-being protects employee health, prevents burnout, and improves client service delivery.

*Continued on page 31*



# Pandemic-Era Legal Aid Communications: What's Working in Pennsylvania

By Brianna Bosak, Communications Officer, Pennsylvania Legal Aid Network, Inc.; Erin Davison, Community Engagement Associate, Philadelphia Legal Assistance; and Marion Hoffman Fraley, Communications Director, Legal Aid of Southeastern Pennsylvania<sup>1</sup>

The pandemic has brought communication into sharper focus this last year, when the majority of businesses started operating remotely due to government

work of communications and legal staff. Advancements in technology, infrastructure and staff capabilities will ultimately change how legal aid is communicated in the future, increasing our potential to build stronger systems of support that ultimately result in meaningful social change.



Brianna Bosak (L); Erin Davison (C); Marion Hoffman Fraley (R)

mandates. This is true for civil legal aid providers in Pennsylvania, where walk-in appointments and face-to-face meetings have shifted online. The transition has forced legal aid organizations to rethink how they reach clients, and they are turning to communications staff for support.

Legal aid organizations in Pennsylvania are reaching clients in a variety of ways but one commonality among the communications professionals working at the organizations of the Pennsylvania Legal Aid Network (PLAN) is an increased workload. Prior to the pandemic, communicating with clients fell largely to attorneys and was often face-to-face, either through one-on-one contact or via public community education presentations. Now, communications staff are producing client education materials to distribute online, hosting community education sessions on digital platforms, and in some cases, engaging with clients directly on social media. But new resources, tools and means of collaboration — along with an increased buy-in from other staff to partner with communications professionals — have emerged as a silver lining as our programs see a stronger intersection between the

## Statewide Collaboration

PLAN is a statewide consortium of legal aid member programs that provide civil legal assistance to low-income individuals and families in every county of Pennsylvania. PLAN, Inc. is the nonprofit corporate entity that provides funding, leadership and support to the nine regional and six specialty legal aid programs that comprise the network. Collectively, as of June 30, 2020, our network had 600 full-time equivalent staff members, including 300 attorneys and 122 paralegals. This last year our programs handled approximately 73,000 civil legal cases.

During much of the pandemic, communications staff from PLAN programs have met monthly via Zoom. All fifteen programs handle communications within their own staffing framework; the online meetings are coordinated by the Communications Officer of PLAN, Inc. and include communications directors, development directors with communications responsibilities, and executive directors. These monthly calls have become an important way of coordinating efforts among our network as a whole, exchanging ideas and information, and providing peer-to-peer support. The collaboration even resulted in the first-ever “background briefing” in January 2021, bringing together reporters from around the state to hear attorneys and advocates describe how factors like healthcare coverage, housing, and job and income security can impact their clients’ abilities to handle hardships like

## COVID-19.

But this network-wide collaboration did not happen overnight; it was built over years, as program directors increasingly recognized the importance of communications and invested in building up capacity at their programs. Christine Kirby of Neighborhood Legal Services, who previously oversaw communications and development for PLAN, Inc., created an initial statewide communications plan, which called for expanded coordination among the civil legal aid programs of the PLAN network, an increase in media coverage, and more training for legal aid advocates on Legal Services Corporation-compliant communication. At the PLAN Leadership Summit in May 2018, executive directors, communications, development, and other support staff from across our network gathered in State College. Martha Bergmark, Executive Director of Voices for Civil Justice, shared the work of their organization to increase the national visibility of civil legal aid through media coverage. Martha pointed to research showing that the general public tends to be largely unaware of legal aid, but is more likely to support the concept after learning more about it.

## Pandemic-Era Communications at Philadelphia Legal Assistance

Philadelphia Legal Assistance (PLA) is a 501(c)(3) nonprofit organization that provides free, civil legal assistance to low-income individuals and families in Philadelphia county. It is dedicated to increasing access to justice by helping people who cannot afford legal counsel navigate the legal system and understand and safeguard their rights. PLA has seven units whose work primarily falls into three practice areas: family law, consumer housing, and unemployment compensation or public benefits.

Before the pandemic, many of the units would lead in-person community education sessions or clinics at local community centers, resource or access sites, and health clinics. However, social distancing did not prevent PLA's programs from maintaining, and in some cases deepening, social connections and community trust at this time of uncertainty. Virtual formats, while imperfect, have significantly extended the reach of PLA programs. This was critical during the early months of COVID-19, when misinformation about public benefits and other assistance programs was plaguing the internet. By increasing our social media presence and investing in communications staff, PLA quickly became a trusted source for timely, accurate information.

As a result, its online engagement has skyrocketed.

Pre-COVID-19, a town hall on unemployment compensation would typically have ten in-person attendees, but now we have thousands of people tuning in on Facebook Live. During one town hall that we held last September, we had 400 live viewers and received 18,600 views in the following weeks.

There are many benefits of using Facebook Live or Zoom for community education, including:

- access to online audiences through a platform they already use every day;
- easy-to-use features for audience engagement, like real-time commenting that allow hosts and viewers to interact and share resources;
- greater opportunity for collaboration and cross-promotion with community partners since virtual events can be shared and streamed across multiple Facebook pages; and,
- potential to serve as an ongoing resource for educational or marketing efforts, because the broadcast lives on your Facebook page like any other video.

At PLA, our greatest use of Facebook Live during COVID-19 has been to provide our clients with updates about unemployment compensation and other information from the Internal Revenue Service, especially stimulus checks. The success of the livestreams inspired our organization to begin a monthly town hall called "Community Conversations," where clients and other Facebook followers can listen to our staff and community partners discuss important civil legal issues.

Town halls are promoted a few weeks in advance. During the events, educational materials like explainer videos, fact sheets, web-based resources and other information are shared in the comment section. All of the materials, including those used to promote these events, are made in Adobe or Canva by communications staff. During the pandemic, the need for legal aid communication staff to create educational materials, develop strategic messaging, and share events and information with community allies is becoming an increasingly important responsibility.

It is a logical extension of communications staff members' roles to assist with partnership building; investing in partnerships can go a long way in building momentum for online events. At PLA, communications staff members have helped facilitate partnerships by leveraging:

- **Press kits.** When writing an email introduction or reaching out about a possible collaboration, it can be helpful to send along some materials

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that explain the “who, what, why” of a project or program. PLA has been experimenting with “press kits.” Traditionally distributed to the media, these pre-packaged sets of promotional materials can also be geared toward potential partners, funders or policy-makers. Our housing unit, for example, has been attaching the press kits to meeting requests and other email correspondences with state legislators. These contacts with legislators are focused on client outreach and information sharing, not lobbying efforts. This outreach has resulted in successful meetings that have had two major returns on investment: increased engagement or referrals from constituent services staff and requests for our advocates to appear as experts on town halls or panels.

- **Guest spots at others’ town halls.**
- **Social media toolkits.** Social media advocacy campaigns are on the rise as a way to raise awareness about specific issues or opportunities. As such, more organizations are designing “social media toolkits” with pre-drafted social media captions, email templates, and graphics for individuals and organizations to share with their networks. At PLA, social media toolkits have helped community members, like-minded organizations, and elected officials share critical updates about unemployment compensation, rental and mortgage assistance, and other assistance programs with ease.

Press kits, guest spots at town halls, and social media toolkits all have one significant outcome: name recognition and buy-in. The more our organization has reached out to engage partners and proved to be a trusted source of information and support for their constituent communities, the more our community partners are approaching us about coordinated outreach.

For example, between July and November, staff in PLA’s Housing Unit worked with 22 different community partners to get the word out about rental and mortgage assistance. This effort included two rounds of town halls (in English and Spanish); a bilingual poster and social media graphic campaign; and weeks of tabling at restaurants, community meetings, and food distribution sites that primarily serve the Latinx community. Other units have also done community outreach — either through a social media campaign or

via livestream where a live-translator is present. This outreach, which happened on a quarterly basis before COVID, is now happening almost weekly, and we are seeing an immediate return on investment.

### **Pandemic-Era Communications at Legal Aid of Southeastern Pennsylvania**

Legal Aid of Southeastern Pennsylvania (LASP) serves the four counties bordering Philadelphia: Bucks, Chester, Delaware, and Montgomery. Covering 2,059 square miles, the counties include urban centers such as Norristown, Pottstown, Bristol, Coatesville and Chester city, which have significant poverty rates and high eviction rates, in contrast with the relative wealth of the counties overall.

Accordingly, affordable housing poses a huge challenge for many low-income families in LASP’s service area. Before and during the pandemic, LASP’s Regional Housing Unit and Community Engagement Unit have worked with community partners and legislators on information sharing and town halls.

Pre-pandemic, LASP attorneys built partnerships with trusted community organizations to provide free legal outreach in local communities. In one pre-pandemic model, Chester County Staff Attorney Deborah Steeves traveled to community partners to hold in-person, community education workshops that usually garnered 5 to 25 attendees. During COVID, these workshops, as well as the majority of outreach efforts, have moved online.

Legal Clinics via Zoom, especially criminal expungement clinics, have proved successful at LASP during COVID. Attendees join a main meeting room in Zoom, where they are welcomed by Erica Briant, Supervising Attorney for the Community Engagement Unit, and local legislators and other hosts. Attendees watch a pre-recorded video of Erica explaining Pennsylvania’s expungement and Clean Slate laws, and while the video is playing, prospective clients are invited to individual breakout rooms to meet one-on-one with an attorney or legal advocate. Each attendee can choose whether or not they wish to meet in a breakout room. Prior to COVID, intake forms would be completed at the clinic, but the unit developed online intake forms which are completed before the virtual event.

In addition to prospective client education, LASP attorneys hold training events for staff at partner organizations to share information about changes to the law and how legal aid services can help their clients. Of course, these events have also gone virtual as a result of the pandemic. LASP’s new Veterans Advocacy Project

launched weekly “Lunch with a Lawyer” Zoom meetings, where veteran attorneys join staff from Veterans Multi-Service Center, and sometimes invite other LASP attorneys to share expertise in specialty practice areas, such as landlord-tenant law. In another example, housing attorneys met virtually with staff from ACLAMO Family Centers. ACLAMO is one of six nonprofits in Your Way Home’s Emergency Rent and Utility Coalition, distributing funds in Montgomery County with the goal of preventing eviction and homelessness.

At LASP, communications staff members have helped facilitate virtual legal clinics and maintain ongoing partnerships by leveraging:

- **Canva for Nonprofits.** The audience and demand for legal aid educational materials have increased during the pandemic, and many legal aid organizations in Pennsylvania have expanded their social media presence during COVID-19. Many have added Instagram, for example. What were once paper flyers are now also transformed into social media posts. To this end, many have utilized Canva for Nonprofits. This free tool allows up to ten contributors per organization. It provides templates, royalty-free photos, and graphic design elements to create social media posts. At LASP, most attorneys provide communications staff with a Word document to transform into a flyer or social media graphic. A few with interest, however, have become content creators themselves! One staff attorney created a short video with Canva. Others developed flyers. Canva for Nonprofits makes this achievable and increases communications capacity. One challenge continues to be finding plain language to explain complex, nuanced legal information in a way that clients can understand.
- **“Neighbor” Contributor to Patch.com.** At LASP, events are posted on the website events page and on social media, including Facebook, Twitter, Instagram, and sometimes LinkedIn and Google Business pages for our eight locations. When events receive low initial signups, attorneys reach out to the communications staff to request additional help with promotion. The most effective approach, consistently increasing signups, has proven to be a paid promotion on Patch.com, a free online community news service. The Communications Director joined Patch as a “neighbor” contributor, which allows her to post news and events. In LASP’s four-county service area, there are many Patch sites. Advertising fees are currently free for one Patch community and \$1

per day per additional Patch community. One-day Patch ads have consistently increased signups and attendance. For a February 2021 event with two legislators, LASP had 24 signups two days before the Saturday event. A one-day ad to 20 Patch sites increased signups to 109. Three additional LASP attorneys joined two scheduled attorneys to meet the demand, meeting one-on-one with about 50 clients.

### What about Clients Who Aren’t Online?

In-person, face-to-face engagement is ideal for many of PLA and LASP’s clients, especially populations who are harder to reach, are not technologically literate, or do not have reliable access to the internet. When stay-at-home orders forced most of the state online, it fell on legal advocates, communications, and outreach staff members to find creative ways to get information and educational materials in front of clients.

To reach clients who are not online, LASP partners are vital. For example, as part of a collaboration with the Montgomery County Public Defenders’ Office, Independence Fellow Lily Austin developed a flyer in Canva which the Defenders’ Office printed and distributed, in paper form, to Magisterial District Justices throughout the county. The flyer supplemented LASP’s website article, e-newsletter, and social media posts. Lily provides a weekly outreach for clients of the Defenders’ Office to meet one-on-one, virtually, to address civil legal problems.

At PLA, canvassing and word of mouth campaigns have been extremely helpful. When rental and mortgage assistance became available, PLA consulted state and city databases to determine which neighborhoods were at greatest risk of eviction or foreclosure and/or had the least reliable internet access. Then they recruited volunteers to canvass and distribute flyers in business districts, supermarkets, and health centers in those neighborhoods. Block captains, community organizers, faith leaders, and medical staff are also useful ways of tapping into a community. A potential client might be more likely to call a legal aid hotline if their block captain provides them with the number. Similarly, an individual struggling with a family safety issue might reach out for help if prompted by their physician or faith leader.

PLA has also called upon Philadelphia’s network of emergency food providers to give out flyers through their weekly distribution. Public radio has also been helpful for reaching clients. We ran two weeks of paid advertisements about mortgage assistance during the



## Connecting with the Community during COVID-19

*By Christine Miller, Esq., Director of Community Initiatives and Outreach<sup>1</sup>  
Legal Aid Center of Southern Nevada*

COVID-19 was a game changer. The global health crisis not only changed how we interact with each



other, but it transformed how we deliver legal services to Southern Nevadans in need. Legal Aid Center of Southern Nevada (Legal Aid Center) pivoted quickly to address the unprecedented requests for assistance after our city, state, nation, and economy shut

down and came to a screeching halt.

### Pre-Pandemic

I have no doubt if you are reading this article, you understand the importance of providing free civil legal aid to low income families and individuals who cannot afford to hire an attorney. Addressing their legal problems — whether domestic violence, housing, public benefits, or consumer protection issues — positively impacts not only the overall well-being and health of the individuals and families, but our communities as well.

This means we must constantly evolve to meet the needs of our community, especially during adverse times. The arrival of the coronavirus was no exception. Legal Aid Center has an excellent track record of pivoting to meet the challenges our community faced. We established a Foreclosure Unit during the Great Recession because Nevada was ranked at the top of the list of states with the highest number of underwater and delinquent mortgages. Another example is our Guardianship Advocacy Program which we initiated after widespread abuses began to emerge involving unscrupulous guardians who were stealing from the very people they should have been protecting. We are adept at identifying needs and establishing new programs utilizing best practices. This model has been successful for us and addressing the impacts of COVID-19 was no different.

Now well into its sixth decade of operations, Legal Aid Center was ready to expand its digital presence to reach more people. Prior to the pandemic, we had one person in charge of our social media accounts and outreach materials. We had a decent social media following but our messages were not always strategic or pre-planned. Our graphics and memes were basic and not customized with our branding. We concentrated mostly on Facebook and Twitter with LinkedIn being more of an afterthought. Our YouTube channel was rarely updated with new video content despite there being plenty of educational legal material to share with the public.

### Pandemic Strikes — March 2020

When COVID-19 shut everything down, we had to think fast. We knew the virus was not going to stop the need for legal assistance. In fact, we saw the opposite, the need for legal assistance skyrocketed! We quickly transformed the delivery of our services to remote delivery utilizing email, telephone hotlines, online chat, and virtual trainings. Because we modified how we delivered our services, including our Community Legal Education Class Program which we offer in partnership with the William S. Boyd School of Law, and our recurring Ask-A-Lawyer sessions which match pro bono attorneys with pro se litigants who need their legal questions answered quickly, we had to get the word out to our community. We fielded calls about how our statewide moratorium impacted commercial and residential evictions and foreclosures. We received requests from survivors of domestic violence for help applying for temporary protection orders (TPOs), and those in need of help with unemployment benefits — an area we immediately jumped into due to the sheer volume of requests we received. In April 2020, we served nearly 11,000 people through phone calls and emails. In May, that number jumped to more than 12,600. By June of 2020, the number jumped again to more than 15,500.

We watched as our courts closed to the public

and businesses shut down. Individuals and families with legal issues needed answers quickly. How do they access the courts? How do victims of domestic violence get protection orders? What do consumers do when they can no longer pay their rent and credit cards? Although the courts closed to the public during the pandemic, our staff did not stop working. We had to ensure the public was aware that the Family Law Self Help Center and Civil Law Self Help Center (both Centers are managed by Legal Aid Center) were available to help the public, although not in person. These self-help centers are essentially legal emergency rooms providing access to court forms, information, and processes to the public, all critical information for someone fighting an eviction or needing to file for child custody.

Since the Family Law Self Help Center was closed to the public, staff at the Center took to emails and phones to assist victims of domestic violence complete the TPO applications. Staff helped by walking a person through the application so they could complete it. If the individual was unable to fill in the application, our staff member completed the application for them after taking down all pertinent information. Then we had the victim review the application before filing. In many cases, our staff emailed the application to the court clerk for filing if the applicant was unable to file themselves. This was very time intensive, but it was the only way we could assist individuals who were stranded at home, often in the same location as the abuser. From the start of the pandemic through the end of last year, our staff at the Family Law Self Help Center remotely assisted with the completion and filing of 854 TPO applications.

We needed a way to share information and updates about how people could access local courts; updates about our State Emergency Directives and CARES Act; as well as sharing updates about the CDC eviction moratorium. Changes in immigration policies also needed to be shared with the public who, for the most part, isolated themselves inside their homes while connecting with news online.

Our management team agreed we needed to hire someone with experience in digital media and design. Creating this position was something we were already thinking about, but the pandemic made it clear we needed to do it quickly. We needed to do something quickly so we could efficiently and more effectively communicate with the public — to keep them informed of their rights and aware of available resources.

### The Pandemic Leads to a New Position

We created a new position — *Digital Media and Design Coordinator*. This position is responsible for our social media accounts, video production, creation of flyers and various collateral of that nature, and our websites (of which we have five — our main website, one for each of the Self Help Centers, a pro bono website, and the Vegas Strong Resiliency Center which we manage and is related to the October 1, 2017, mass shooting in Las Vegas). We filled the position by the end of June 2020, and we have noticed an amplification of messaging about legal services and updates. All of which is vital information for our community when there are so many who have been devastated physically, mentally, and financially because of the pandemic.

### Messaging Tools We Used to Get the Word Out

One of the first resources we made available to the community is a Legal & Financial Toolkit in English and Spanish. The Toolkit covers a wide variety of subjects from what to do if you are laid off from work or have reduced hours, what to do if you cannot pay your bills, the CARES Housing Assistance Program, Food Assistance, Economic Impact Payments and the list goes on. We shared this with everyone we could think of — from community partners and nonprofits to our congressional delegations. We are fortunate to have very good relationships with our congressional delegates and a direct line to provide them with feedback about the issues we are facing and how we are tackling those issues. In turn, they contact us for legal updates so they can better assist their constituents with referrals if needed.

### Social Media

With the help of our newly hired Digital Media and Design Coordinator, we ramped up our social media content as well. We have experienced an increase over the past 6 months.

We even added an Instagram account in September

FACEBOOK FOLLOWERS			
July 2020	February 2021	Net Gain	Percent Gain
3,310	4,261	951	28.73%
TWITTER FOLLOWERS			
July 2020	February 2021	Net Gain	Percent Gain
1,230	1,433	203	16.50%
LINKEDIN FOLLOWERS			
July 2020	February 2021	Net Gain	Percent Gain
703	852	149	21.19%

© CONNECTING WITH THE COMMUNITY DURING COVID-19  
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2020. To help organize and strategically plan our messaging, we decided to utilize a social media management tool which is very helpful for scheduling posts, drafting, and editing, and monitoring comments.

#### *Flyers and FAQs*

In addition to social media messaging to share important legal information about how the public can access the courts and protect their rights, we developed various flyers and graphics for our website and social media platforms. We continue to experiment with styles to see what resonates most with our followers. We created an Instructional Guide for Tenants which explains how to invoke protections under the CDC Moratorium with samples of a declaration and a proof of service. We also created a FAQ sheet for Tenant about the Nevada Eviction Moratorium. All these resources were used to create memes for social media and were shared with community stakeholders.

#### *Videos*

During the pandemic, we focused on the popularity of videos, so we supplemented our YouTube Channel with 15 new videos since last year. We added recordings of community eviction trainings we held and excerpts from our virtual Know Your Rights Town Halls series. We included a video explainer about a new initiative we rolled out in June 2020 in partnership with Clark County called the Small Business Legal Advice Project. This program pairs eligible small business owners with pro bono attorneys for free consultations on topics such as emergency directives, commercial evictions, employment issues, and COVID-19 liability.

#### *Virtual Community Trainings*

During the spring of 2020, we held four virtual Know Your Rights Town Hall meetings discussing employment issues, consumer issues, eviction and small business issues impacting Southern Nevadans.

We also co-hosted a virtual training on foreclosure and foreclosure scams for housing advocates with the Nevada State Treasurer, the Chief Deputy Attorney General within the Criminal Prosecutions Division of Nevada's Attorney General's Office, the President of the Home Means Nevada program, and legal aid attorneys.

In October and December of 2020, we held two different virtual trainings on the eviction moratoriums for community partners. One was on the CDC moratorium and the other was about our state's eviction

moratorium. We had nearly 300 participants attended these trainings.

#### *Improved Website Features*

The Family Law and Civil Law Self Help Centers did not have a way for the public to contact them prior to the pandemic. Services were provided in person only. When COVID-19 closed the courts, both Centers set up email addresses for the public's use, but this method of communication was time consuming and required a lot of back and forth. We added a chat feature to the websites which allows our agent to monitor inquiries and develop template responses to quickly assist the website user. Assisting individuals through Chat also opens the option of assisting more than one person at a time which was nearly impossible in the past.

#### **Lessons Learned**

We have learned a few things over the past several months as we transformed the method of delivery of legal services utilizing these various techniques and tools. First, with social media, we have found the most polished looking posts are not always the ones that engage the public the most. Our most popular and most shared post on Facebook is a FAQ flyer about evictions. We realize we need to monitor what is resonating with viewers and provide a variety of options.

Establish and maintain good relationships and stay in communication with your legislators, county commissioners, and federal delegates about what you are seeing on the ground. They want to be kept informed of changes to any of your services, especially if it increases access to the court system and legal services.

Finally, partner with your local law school. Legal Aid Center established a relationship with William S. Boyd School of Law when it was founded in Las Vegas more than 20 years ago. The law school is committed to community service and public interest work which makes it very easy to work together to help the community. Trained law students can help complete legal forms, or under the supervision of an attorney, students can provide legal information through clinics and classes to the public.

No matter what comes our way, we will continue to adapt and meet the needs of the community while maintaining effective communication along the way.

- 1 Christine Miller is Director of Community Initiatives and Outreach at Legal Aid Center of Southern Nevada. Christine started at Legal Aid Center in 2003 as a staff attorney representing victims of domestic violence in family law matters. She spent many years in the Consumer Rights



## Advocacy in the Age of COVID

*By Michael Forton, Director of Advocacy, and Farah Majid, Managing Attorney, Legal Services Alabama<sup>1</sup>*

At Legal Services Alabama (LSA), we have always believed that the two defining characteristics of a successful legal aid attorney are optimism and tenacity.



*Michael Forton (L); Farah Majid (R).*

We need optimism that the future will be better (and specifically the lives of our clients) to keep us motivated and we need tenacity to keep fighting when things get hard and that future seems a long way off. In 2020, we added a third virtue to that formula — flexibility.

The pandemic came to Alabama like a speeding truck. In January, we heard and saw it spreading abroad, but it was hard to tell exactly how fast it was moving. By March, like the rest of country, it became very clear it was going to hit us. On March 13, 2020, Alabama's governor declared a State of Emergency, and LSA decided to close its offices to the public. Although attorneys were considered "essential workers," LSA did its best to comply with the spirit of the order and limit in-office work to only what was absolutely necessary.

In the past year, LSA has continued to adapt to meet our clients' needs. Some of our staff work fully remotely; some come into the office (although socially distanced); and many do some combination of the two. Luckily, we quickly realized that flexibility would get us through this time and ended up having one of the most difficult but successful years in LSA's history.

### Technology

The first key to LSA's work during the pandemic was changes to our technology. Although almost no one could have predicted the pandemic, LSA's response

to other disasters and client service helped us be flexible in how we provided service.

In response to Hurricane Katrina, LSA created a statewide Call Center in 2007, primarily to decentralize intake if an office was closed due to a natural disaster or power outage. We placed staff in geographically diverse areas and gave them the capacity to work from home. This allowed us to keep the doors open and continue opening intakes for clients even if a disaster struck. We added online intake several years later and were finally fully available to our clients 24/7.

Additionally, Alabama has a large rural population (41 percent) and a lot of rural areas (96 percent of the land). That meant that to serve our clients we often have to travel far from an office. During major disasters, we also needed the ability to work in the field. LSA thus replaced traditional desktops with laptops for every employee, giving them the ability to work anywhere they can find a WIFI signal.

LSA also implemented a VoIP (Voice Over Internet Protocol) system which allowed staff to make and receive calls from their computer and personal cell phones, while using their office number. With this combination of mobile intake, mobile work stations, and mobile communications, LSA was well-positioned to continue work seamlessly when our clients needed it most.

### Call Center Plus

As calls to our Call Center began to increase and with a lot of staff working from home, it was clear that work would need to change at LSA. The first big issue was that many of our staff were dealing with childcare issues as schools and daycares closed. At the same time, thousands of new people were becoming eligible for our services and contacting us for help, especially asking for assistance with food stamps, unemployment and (later on) stimulus checks.

By March 20th, we were training staff for an initiative we called Call Center Plus (or CC+). The

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premise of CC+ was simple. For those staff who wanted to volunteer, we would create a direct pipeline from the Call Center. The Call Center would pass along callers to available local staff to complete intakes, and those cases were then placed in a pool where attorneys could pick them. Two-thirds of the staff volunteered to join. This allowed us to meet the 160% increase in requests for services we saw in those first three months. It also helped fill the gap left by coworkers who were taking care of family members or dealing with other issues.

Ultimately, CC+ wrapped up operations in mid-July as intake and court proceedings began to normalize. CC+ was able to help around 450 people with eviction issues and another 440 with food stamp and unemployment questions. CC+ was able to help about 1,000 clients in addition to the normal cases opened by Call Center.

### COVID Webinar Series and Training

LSA began presenting monthly online CLEs to the private bar in 2019 to increase LSA's visibility with the private bar and train them in matters where pro bono service was needed. By spring of 2020, we were averaging a little more than one hundred attendees per session.

On March 20, 2020, LSA discontinued its normal webinars and began a series of weekly webinars dealing with issues created by the pandemic. The first one, a general overview of COVID issues, drew almost two hundred attorneys. These early trainings were more like newscasts with new information being released right before and sometimes during the training. It was important, however, for LSA to maintain a link with the private bar regarding issues facing our clients and getting out information about how to help them. The eight trainings included unemployment, domestic violence, education, food insecurity, and several other topics. In total, LSA logged over 1,700 people attending the trainings and gave out 1,500 hours of CLE.

LSA also pivoted to entirely virtual training for all of our internal trainings. Beginning in mid-March 2020 and continuing to the present day, all LSA trainings have been held virtually. We have also taken advantage of being able to bring in out-of-state speakers. This included our annual statewide conference, which was held in October and included speakers from

Washington D.C., Alaska and New Orleans. The statewide conference also, for the first time, included trainings on both wellness and mental health.

### Education Website

Although schools were initially only closed for a few weeks, it quickly became apparent that Alabama schools would not reopen for the 2019-2020 school year. This left many parents wondering where to find information about reopening, feeding children who qualified for free meals, or addressing their children's special education needs.

As a result, LSA quickly created a website in partnership with the Southern Poverty Law Center and the Alabama Disabilities Advocacy Program (within just a few days). BackToSchoolBama.org was a centralized hub for information about schools opening and closing as well as information on how to access school services when school was not physically in session.

### Remote Student Legal Corps

As the summer drew closer and it was clear that LSA would not primarily be physically in our offices, we had to change plans we had previously made regarding summer law clerks. For many years, each of our offices has recruited a number of law students to provide volunteer services in the office. In exchange, the student gets to shadow LSA attorneys, participate in staff meetings and trainings, and generally experience what it is like to be a legal aid attorney.

With between ten to twenty students already promised a summer position with LSA, but no physical office to place them in, LSA arranged for the law students to work as a single remote "class." The law students attended trainings with a variety of LSA staff and were trained on all of LSA's core areas. The students also worked individually and in groups on a number of projects. LSA students handled over 100 legal matters for our clients. They conducted legal research, prepared pleadings, and helped prepare cases for trial.

In addition, LSA was able to create an entirely virtual Uncontested Divorce Clinic. Based on our past needs assessments, divorces without domestic violence were a huge unmet civil legal need in Alabama. With the help of the students, we completed and sent out 38 divorce form packets across Alabama. We filed and obtained final orders in 15 cases (with the rest being sent as pro se forms, ready to file by the clients). The clerks, clients and supervising attorneys all worked fully remotely.

## Work at LSA

By June 2020, Alabama had begun to slowly reopen operations. All travel restrictions were lifted but masks were mandated and pandemic precautions were broadly encouraged. The court system went to a combination of virtual and in-person hearings that would continue for the foreseeable future. Although jury trials have been almost non-existent, almost all of the other functions of legal life have returned to normal.

To meet our clients' needs, LSA has had to change how we do a lot of things, like getting signatures virtually, attending court from home, and handling IT issues for our clients. We have had to become more strategic about making sure we continue to work together and remain available to our clients. In spite of that, LSA did manage to help people with 12,000 cases in 2020, which is our highest number of cases in over five years.

Life since mid-July 2020 has been a series of quarantine after quarantine, school openings and closings, and prognosticating about eviction moratoriums and unemployment extensions. As of today, LSA's offices continue to remain closed to the public for walk-ins. To protect both clients and staff, clients are offered online or phone intakes and only meet with lawyers when it is necessary. Although we have had several employees contract COVID in the line of duty, we have largely been shielded from any particularly tragic outcomes. Like everyone else in America, we are waiting for the vaccine, waiting for the end of this horrible disease, and waiting to be fully open and accessible to our clients again.

Practicing poverty law in the Deep South is not easy during the best of times. In addition to the prejudices that permeate American society, we face opposition to elementary legal concepts like "consumer protections" or "tenant's rights." In some ways, though, I think it may have prepared LSA better than others for this pandemic. Here in Alabama our optimism is challenged on a regular basis and advocates develop tenacity fairly quickly if they are going to succeed. Although I am not sure we knew it, we have always had to be flexible to deal with the various issues we face.

Going into 2021, our main takeaway from this time at LSA is pride. We are proud of our staff, we are proud of how our clients have worked with us, and we are proud of what we have accomplished almost a year into this pandemic. At some point, we and everyone else will look back at this time and reflect on how we contributed (or didn't) to making the world a better place during a very difficult chapter of history. Although our efforts have been far from perfect, we did not give up, we did not give in to despair, and we

continuously found ways to advocate and serve our clients when they needed us most.

- 1 Michael Forton has worked at Legal Services Alabama (LSA) since 2007 and has served as Director of Advocacy since 2016. Forton has represented clients in a wide range of cases including: housing, consumer, domestic and appellate issues in both state and federal courts. Prior to joining LSA, Forton served as a Staff Attorney with Florida Rural Legal Services and clerked with the Alabama Disabilities Advocacy Program (ADAP). Forton received a B.A., with honors, from Michigan State University, and a J.D. from The University of Alabama School of Law. Michael may be reached at [mforton@alsp.org](mailto:mforton@alsp.org).

Farah Majid began working with Legal Services Alabama in August 2012. She graduated from the University of Alabama School of Law in 2011. She is currently the Managing Attorney of the Birmingham Office. She has also worked as a Staff Attorney in the Huntsville and Mobile offices. Farah's specialty practice areas include: consumer, housing, family law, public benefits, and bankruptcy cases. She has also worked as the Consumer Lead Attorney (2015-2018) and the Rural Economic Improvement Project Coordinating Attorney (2019-June 2020). Farah may be reached at [fmajid@alsp.org](mailto:fmajid@alsp.org).

## ☉ "WE'RE NOT ALRIGHT" *Continued from page 21*

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## Remote Justice for Survivors: A Domestic Violence Hotline and a Remote Hearing Studio

*By Julianna Lee, Supervising Attorney of the Supporting Families Workgroup<sup>1</sup>  
Legal Aid Foundation of Los Angeles*

The pandemic sparked an access to justice crisis for survivors of domestic violence. In Los Angeles, the courts responded by remaining open for domestic violence protection orders, discouraging physical visits to courts, and debuting rules and technologies supporting remote access. But as is so often the case for low-income self-represented litigants, the whole proved to be less than the sum of the parts.



Lacks of information, wealth, and technology left those most in need least able to secure help. To bridge these gaps, the Legal Aid Foundation of Los Angeles (LAFLA) launched a domestic violence hotline and partnered with other domestic violence advocates to open a remote hearing studio. To transform the temporary crisis into a long-term opportunity, LAFLA structured both efforts to address acute needs that would persist long after the public-health crisis passed.

The coronavirus managed the remarkable trick of taking domestic violence survivors' impossible dilemmas and making them worse. For survivors, the home is double edged, a source of health and safety (shelter, food, and some stability for children) and but also the locus of abuse and resultant damage and injury to physical and emotional/mental health. The coronavirus heightened risks on all sides. The costs of giving up stability skyrocketed as outside opportunities for work, healthcare, housing, normalcy, and other essentials dwindled. Safer-at-home orders brought close and stressful quarters with abusers — a recipe for elevated abuse. Pathways out simultaneously narrowed. Physical and social isolation disrupted survivors' access to information, resources, and social networks. Where services remained, access brought risks of infection.

In response, the courts issued emergency rules to facilitate safety and access, implemented remote filing and hearing options, and developed a new remote appearance platform, LA Court Connect. These rules and technological innovations have helped attorneys and resourced litigants, but have done much less for low-income self-represented survivors on the wrong side of the digital divide. For them, pressing a case can mean ignoring public health advisories and the court's own notices by repeatedly going to court in-person, often via public transportation and with kids in tow.

Because the courts failed to step in for low-income domestic violence survivors, the advocacy community stepped up. At LAFLA, we realized that low-income survivors went to court for multiple purposes. They first came to gather information, file domestic violence restraining order (DVRO) applications, and seek help from legal clinics or self-help centers. Subsequently, they returned for their DVRO hearings. Gaining our clients safe access to justice required replicating both processes remotely.

Almost immediately after our offices shifted to remote services, LAFLA created a new domestic violence hotline to replicate the assistance we provided at our three court-based domestic violence clinics ("dv clinics"). Before the courthouses closed for most services, we posted signs at our dv clinics and shared our dv hotline information with the court's self-help center and partner organizations. LAFLA installed large banners outside all our offices informing the community that we were open for business via our hotline number.

The dv hotline met an urgent need. As we quickly witnessed, isolation and confinement with abusers bred heightened harm and reduced opportunities to seek help. We spoke to survivors who were still living with their abusers and whose calls would get abruptly

disconnected. Some survivors without access to a phone as part of the abusive dynamic had to borrow one and could only talk during limited windows of time. We assisted a survivor who is illiterate, a survivor who is deaf and can only read lips in Spanish. Many of our survivor clients suffered extended abuse while waiting months to take legal action because they believed that the court was completely closed due to the pandemic and stay-at-home orders.

We structured our hotline to meet survivors where they were. We safety-planned with each client at the outset of every call. We became adept at translating the courts' shifting and highly technical pandemic rules into plain language and clear bottom lines that survivors could understand and navigate. To get DVRO applications filed for survivors through our hotline, we quickly learned how to share and review documents with clients by phone, to be creative in obtaining electronic signatures, to walk clients through email accounts, and to aggressively follow-up with the court for filing confirmations and fee waiver approvals.

Next, we turned to creating a pilot remote hearing studio to give domestic violence survivors lacking reliable technology or internet connections a safe, supportive, private and reliable space in which to appear remotely for restraining order hearings. The studio is located within a Family Justice Center (FJC) that includes a printer to provide copies of court documents, and restraining orders in particular, to survivors immediately following hearings. It is a collaborative effort between LAFLA, the LA City Attorney's office, the LA City Mayor's office and the Los Angeles County Bar Association's Domestic Violence Project. One aim is to promote public health and help survivors navigate the pandemic through an alternative to in-person court appearances. Instead of waiting for extended periods inside a courthouse, survivors have a dedicated personal space that reduces exposure for themselves, their children, court staff, and the public.

Another aim is to provide permanent access to remote hearings, which the court will continue to allow after the pandemic ends. The approach has multiple benefits. It permits survivors to litigate without facing their abusers in person. Doing so spares survivors exacerbation of their already overwhelming feelings of anxiety, fear and trauma. Court security can offer some sense of protection from physical violence, but they are often unaware of glaring and threatening motions and looks from the abusive party, whispers in passing, and other subtle but terrifying cues. Worse, such incidents and the anticipation of them can discourage survivors

from pursuing their cases.

A studio situated in a Family Justice Center also offers a trauma-informed environment with advocates who are present to provide technical and emotional support. One recent survivor who used the studio told us that she felt supported and respected by all the FJC staff and appreciated having an advocate stay with her so that she didn't have to be alone during an understandably stressful hearing. For other survivors, less travel, less time off work, and easier childcare will be major advantages. Through our FJC partners, we are also able to offer transportation vouchers and other supportive services to survivors who use the studio. The infrastructure of the pilot studio points to one way in which legal services can mitigate the failures that are too commonly unaccounted for by the courts.

The creation of a remote hearing studio is a relatively modest endeavor. It does not require extensive investment in costly technology. The essentials are a computer with a camera and mic, a reliable wifi connection, and a private space. Places with advocates already on hand (e.g., resource center or shelter for survivors) are ideal. (The Superior Court of the District of Columbia took an alternative approach. Emphasizing access to justice in a broader array of cases but with less survivor-centered support, it created community kiosks for use as remote studios by any litigants.)

A silver lining of the pandemic is that the dire needs it has sparked have also created opportunities to implement sustainable improvements. The dv hotline has brought clients to LAFLA who might have had trouble reaching us in our offices and courthouse clinics, even in the absence of the pandemic. We are in the process of determining what LAFLA can take from these pandemic-era gains to better serve our entire potential client community over the long term. The remote hearing studio pilot is a good proof of concept but still an evolving project. As remote technologies improve and we become more acclimated to using them, we are hopeful that similar studios will be more robust, widely available options for survivors. In the meantime, our hotline and the remote hearing studio are already meaningfully expanding access to justice for survivors.

- 1 Julianna Lee is a Supervising Attorney of the Supporting Families Workgroup at the Legal Aid Foundation of Los Angeles (LAFLA). She manages two court-based domestic violence clinics and leads LAFLA's family law and domestic violence practice. Julianna has taught in the area of domestic violence at American University Washington College of Law and has been a legal services attorney



## Pandemic Reflections

By Rowena Jones, Managing Attorney<sup>1</sup>  
Southeast Louisiana Legal Services

The pandemic did not make me a better manager. The pandemic did not make me, or the lawyers I supervise, really any better at what we did already.



However, it did make me and those lawyers I supervise much busier (my group works on employment and benefits' issues, so our client demand skyrocketed). We also became more efficient with our time, and changed some previously-unexamined service delivery

practices. For example, we forego delay for forms not strictly necessary for the expected level of service but which we might have waited for pre-pandemic, and vastly increased our use of e-mail to communicate with agency staff willing to engage that way to resolve problems. These changed practices within my group helped us deal with the increased volume of unemployment benefits cases, and should continue in future.

Most of my group's lawyers are happier due to working remotely. A quote from one of the lawyers I supervise reflects my feelings:

*"I have no desire to return to an office full time. I have a HUGE office at my house, a printer, a mailbox, everything I need to be productive and it has been so wonderful. I would like to remain remote, 100%, if possible."*

On the program-wide level, the pandemic revealed that we could be more flexible in how we treat staff. For example, pre-pandemic we had a few hours' time limit per pay period on working remotely; it seems clear now that most staff can be trusted to report their work truthfully, and that discovery of performance problems is not any harder in remote settings than in physical office settings. Secondly, the shift to remote work led to more laptop purchases, along with other services and training to preserve flexibility in client service-delivery — a much-needed trait given our location in an area known for disruptive hurricanes. Finally, working remotely may be helping us realize that a "paperless" office may actually be more possible than we thought.

Right now, our firm is surveying staff attitudes about remote work and returning to work in the office. Hopefully, it will make certain changes permanent, in order to maintain much-needed, and appreciated, flexibility and staff satisfaction in what is still a relatively low-paid sector of the legal profession.

Thanks for reading these thoughts.

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Project representing clients in foreclosure matters, assisting victims of consumer fraud, and representing adults under guardianship. In September 2017, Christine became Director of Community Initiatives and Outreach which involves creating new programs, interfacing with community partners, managing social

media, and working on grant related projects. Christine attended the University of California, Irvine, where she earned a B.A. degree in Social Ecology. She received her J.D. degree from Western State University College of Law in California. Christine may be reached at [CMiller@lacsu.org](mailto:CMiller@lacsu.org).



# Adapting to the Challenge of the Pandemic and Building Community

By Kate Marr, Executive Director<sup>1</sup>  
Community Legal Aid SoCal (CLA SoCal)

The pandemic brought challenges for our organization but also showed us how adaptable and resilient we are and how we can, in union, adjust to the given



conditions and continue our mission and work for the communities we serve. It also helped us to realize a new level of collegiality and camaraderie, despite our physical remoteness from each other.

Immediately after the stay-at-home orders were

issued and without missing a beat, we jumped to implement the best ways to serve our clients from the virtual office space. Fortunately, prior to the pandemic, we had already planned the use of Microsoft Teams and Zoom to support our staff, which is spread across two counties — in four offices and a courthouse self-help center. The coming of the pandemic accelerated the execution of the plans. The IT crew were the heroes of the effort, ensuring technology and the necessary training was quickly in place for our staff.

## Adapting to the Changes

Once the technological infrastructure was settled, the staff began to adapt. They did so with a remarkable understanding and trust that we would create the most effective ways and methods to serve our clients, under the circumstances.

The intake and assessment team, on the frontline, successfully transitioned to working from home, fielding the incoming calls to the hotline as if they were on site in the office. All appointments with clients were scheduled for telephone and so we began and have been operating, in compliance with the recommended best practices and yet fully able to meet the needs of our clients.

In short order, we adapted further when staff began to engage in webinars, offering guidance to the community about the eviction moratorium and housing law. All these efforts have continued and expanded in the virtual environment. For example, the workshops and clinics normally held at the Orange County courthouse are now conducted online.

## Creating an Online Work Community

Besides creating a well-connected and efficient virtual office space for the staff, we also recognized that there were other aspects of working together that needed to be addressed. We made a conscious effort to come up with ways to create an online work community that would evoke the spirit of hanging out in the break room and at our traditional lunch potlucks around birthdays and holidays, activities we knew our staff would miss.

Again, some of the infrastructure we needed to do this was already in place. We had just completed a strategic planning process and out of that came a committee formed to actively support staff morale and provide activities and opportunities for intraoffice engagement. In response to the pandemic, the committee came up with ideas about how to maintain a sense of social connectedness.

## Supporting Employee Morale

Engagement was cultivated through using our program's internal social media channel Yammer. Ideas included Spirit Week during which each day staff could participate and share photos related to the theme of the day and comment on each other's posts. We sponsored a haiku writing contest about working from home (read the winning haiku at the end of this piece) and also participated in shared projects through Yammer, like assembling jigsaw puzzles. I started a Spotify playlist

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named *Quarantunes* to which staff could add their favorites, providing a venue for a shared music experience while working at home.

In January 2020, prior to transitioning to remote work, we started a staff book club. It has become yet another way staff engages together, meeting at lunch to discuss the reading selection. To date, the readers have finished seven books and are on to the eighth.

To keep with tradition, we hosted a virtual summer staff social to replace our staff picnic in the park, a Halloween party (a favorite activity of staff) and at the end of year, a virtual December holiday party. At the Halloween party we included an online mystery game with groups of staff working together to solve a “mystery at the art museum.” For the December holiday party, we created our version of Family Feud, which turned out to be another hit, and asked staff to work on a collaborative art project. We also solicited favorite recipes from staff to create a cookbook. The cookbook was printed and sent to each staff member as a holiday gift.

Staff members who bonded while resident and working in each of our offices have continued to cultivate their relationships with each other. Having been accustomed to eating lunch together, they have continued the practice using our aforementioned tech resources to create a virtual “lunchroom.”

We have also hired a yoga instructor who teaches weekly via Zoom. Staff can take the class live during their lunch hour or via tape at a time more convenient to them.

### Regular Communication

Additionally, from the onset of the remote work we have had regular all-staff Zoom meetings. I hosted a weekly meeting, and the director of legal services hosted a separate meeting for all the advocacy staff. In the summer we began alternating the meetings so that I meet with staff twice a month on Wednesday to discuss general administrative and operational issues and the director of legal services meets with them the other two Wednesdays.

Besides discussing the business at hand at each of the meetings, we ask staff to engage and chat/comment on a non-work-related topic or prompt. For example, before St. Valentine’s Day I asked them to share their favorite childhood Valentine card message. We have

found this stimulates chatter between staff and adds a light, collegial spirit to the meetings.

The all-staff meetings have also been a time when staff could commiserate with their colleagues about the issues that came up after the deaths of George Floyd and Breonna Taylor and the subsequent peaceful protests that occurred throughout the summer. We recognized that these events would have an impact on the staff and worked with them to ensure they felt supported and heard.

### Shared Values

As I previously noted, we had just completed a strategic planning process right before the pandemic started. Out of strategic planning, we created organizational values. These values and our mission tie us together, bond us to one another. We have used our values as a way to foster staff engagement and support of each other.

During the all-staff meetings we invite them to give a “shout out” and offer kudos to a fellow staff member who exemplified one or more of the values. It is always a popular part of the meeting agenda.

We also focused on each value as part of the activities related to the staff summer social. We asked staff to nominate a colleague for recognition for a certain value, to submit a photo or image that represented a value or write/share a poem or quote about a value.

At the December holiday party, the art project we worked on was to create our personal visual interpretation of one of the values. Each staff member received a tile and Crayola markers to use for the project and were encouraged to use other media of their choice, like collage, to express the value. These pieces will be put together to make a staff mural, which will be on exhibit in our main office.

### Staff Newsletter

We already had a monthly staff newsletter in place before the pandemic, and it has been another great way to foster connection. The newsletter features stories about our advocacy as told by staff, staff profiles, a message from me and one from our associate director of human resources, and a column devoted to staff pets/animal companions. Other columns include news about the staff book club, tech tips from our IT manager, and any other staff-related activities. This publication allows us to stay connected as we mix work-related news and updates with the more personal stories from and about staff.

## Integrating New Staff

Needless to say, starting a job in a mostly telework environment during a pandemic can be challenging for our new employees. We have given a lot of thought about how to integrate our new employees into the stream so that they feel supported and connected to their colleagues, the work, the mission, and the organization as a whole. This project held special importance for our human resources team as they joined the program early in the pandemic and have not even met most of the staff in person.

The hiring process, onboarding, and training look much different in a virtual office environment. New hire orientations are longer than they used to be. The associate director of human resources takes more time to help the new employee understand our program's operations and where to access appropriate tools, technology, and organization-wide resources to help them settle in, begin their work, and have a successful and positive teleworking experience.

We encourage their supervisors to have frequent one-on-one meetings or casual check-ins with their new staff to ensure they have everything they need to be successful at their work. When engaging in the one-on-one check-in, supervisors are sensitive to not overwhelm the new employee, understanding they are engaging in a two-way conversation to respectfully gauge the employee's experiences and address their questions and needs.

When a new staff member joins our team, we introduce them to their colleagues with an email to all staff and at the all-staff Zoom meetings, sharing a picture of them for a personal touch. Also, each employee is provided with a "Connect with Your Colleagues" list with ways to meet and bond with their new colleagues, including our internal social media (the aforementioned Yammer), our staff book club, and via all staff virtual meetings, etc.

Though the remote office environment presents challenges for a new employee with building personal relationships with colleagues and feeling connected to our organizational values and culture, we have adapted

to the circumstances and created an effective infrastructure to support them. The associate director of human resources, their supervisor, the colleagues in their department, and eventually all staff, are there all along the way to help the new staff integrate into all aspects of what it means to work at our program CLA SoCal.

### Winner of Staff Haiku Contest

Working from Home, by Michael Waldren,  
Staff Attorney

*My pants optional  
Kids in backgrounds, zoom zoom zoom  
Now is tomorrow*

- 1 Kate Marr is the Executive Director at Community Legal Aid SoCal (CLA SoCal), a non-profit agency with a staff of over 100 serving Orange and Los Angeles Counties. CLA SoCal works to fight injustice by providing compassionate, high-quality, direct legal services and through systemic advocacy that creates positive change in communities. Kate has devoted her entire 20-year career working in legal services, first as a staff attorney working primarily with survivors of domestic violence, sexual assault, and human trafficking. Immediately prior to joining CLA SoCal, Kate was a managing attorney at Legal Aid Foundation of Los Angeles (LAFLA) where she supervised the organization's family law and immigration work and the Greater Long Beach Medical-Legal Partnership, a project she developed and founded in 2011 to improve health outcomes for survivors of domestic violence and other trauma. Kate is the chair of the Los Angeles County Bar Association's Access to Justice Committee and the Vice-Chair of the Board of the Legal Aid Association of California. She received her JD from the University of Colorado School of Law and her undergraduate degree from Bryn Mawr College. Kate may be reached at [kmarr@clsocal.org](mailto:kmarr@clsocal.org).

The pandemic brought challenges for our organization but also showed us how adaptable and resilient we are and how we can, in union, adjust to the given conditions and continue our mission and work for the communities we serve.



## Pro Bono Lessons Learned and Transformation in the Time of COVID-19

*By Kesha James, Deputy Director for Advocacy & Pro Bono Director, Legal Aid of Southeastern Pennsylvania, and Jayme Cassidy, Chief Diversity Officer & Pro Bono Advocacy Director, Legal Services of Greater Miami, Inc.<sup>1</sup>*

### Lessons Learned — Volunteer Recruitment

Even during a “normal” year, volunteer recruitment can be one of the most challenging aspects of operating a pro bono program. A large part of engaging new



*Kesha James (L); Jayme Cassidy (R).*

volunteers hinges on making connections, forging relationships, and often convincing lawyers who take pride in being experts in their field to learn a new area of the law and donate their most precious resource, their time. Traditionally, this is done by socializing in person at places like bar events or running into colleagues in court. Therefore, the collective pause on normal social interaction in 2020 weighed heavily on pro bono recruitment. However, recruiting is still possible in the time of COVID-19 and innovative approaches can yield success if you keep a few things in mind.

Volunteers are motivated by a sense of community need and urgency, so pro bono programs must tap into this and refer cases to recruits as soon as possible. It is very important to closely time volunteer training with the assignment of cases. Ideally, cases should be ready to distribute at the end of the training. Taking advantage of the urgency of the moment is crucial in recruiting: opportunities are missed when legal services programs do not respond and put volunteers to work right away.

A sense of community can be created in a variety of

ways. Legal Aid of Southeastern Pennsylvania (LASP) has had success using a model where attorneys at the same firm are recruited and trained together, allowing cases to be referred to the firm in batches. For example, a few months ago, when a partner at a large local firm reached out to LASP to inquire about taking a few expungement cases, instead of just sending her a pre-recorded training video and sample filing materials, LASP offered to do a live virtual training for all of the attorneys and paralegals at her firm and provide CLE credit. The firm decided to sponsor the training instead and provide free CLE credit to any attorney, even those outside the firm, who wanted to participate. Since so much of successful pro bono recruitment is about building relationships and making volunteers feel comfortable, programs must find a way to create that camaraderie virtually and expand on existing pro bono connections.

During COVID, we learned that attorneys are not the only legal professionals who should be targeted for recruitment. Paralegals and law students are often just as eager and have more time to help. They may even be better suited to assist clients in certain practice areas. LASP routinely recruits paralegals to help with criminal records expungement cases and our mobile home tax reassessment project since these areas are document-intensive. In states that allow law student special attorney license certification, law students can provide direct client representation in court under the direct supervision of a licensed attorney. Students are often great with technology, which makes them very skilled at working remotely and helping with virtual clinics. The downside is that students can sometimes be less dedicated and invested, and therefore require more direction and management. You should ensure that your pro bono program has the infrastructure to provide adequate supervision and consider having

student volunteers sign a commitment contract that specifically outlines the expectations of their engagement with your program.

Finally, programs must be open to new recruitment strategies. Email blasts and Constant Contact messages often go directly to spam and are ignored. COVID has taught us that most potential volunteers respond to a personal touch and are more willing to volunteer if they feel a personal relationship with the potential client or with the person making the call. It takes considerable time to develop and nurture these relationships.

### **Lessons Learned — Providing Volunteer Support and Training in a Remote Environment**

The pandemic exposed all types of vulnerabilities within our organizations, with our clients, and with our pro bono volunteers. At Legal Services of Greater Miami (Legal Services), we found that packaging a pro bono case and equipping the pro bono volunteers with the tools and skills to empower them to meet the practice challenges of COVID meant reinforcing the basics of successful volunteer engagement.

Pro bono attorneys were very eager and available to handle cases early in the pandemic when their work slowed. Many of these were new volunteers. Attorneys had high expectations for the types of clients and cases that would be referred. This required that our staff “work up” cases in great detail before referral to ensure the client and the client’s legal need were both appropriate and ready to refer to a private attorney. Basic principles and procedures became more important during COVID-19.

The client’s legal problem must fall within the referring nonprofit’s expertise. Volunteers accepting extended representation cases, especially if outside their primary area of expertise or comfort, require a high level of mentoring and ongoing support throughout the engagement. The referring program should develop procedures to provide this support, especially during COVID restrictions. Staff attorneys must have the expertise to provide additional support including answering questions, providing “outside the box” forms and practice aids, and even mentoring at court appearances. A pro bono program needs to develop the capacity to efficiently use volunteers while keeping up with the in-house caseload.

Cases must have clear merit. As legal service attorneys, there are many reasons that we may take a case despite the evident outcome. We may accept cases where the outcome is uncertain so we may explore options with the client, investigate systemic issues, and

just be helpful. Private attorneys, especially volunteers, do not always take this approach to case acceptance. If a case does not have clear defenses or a definite positive legal outcome, many pro bono attorneys do not want to take the case.

Clients should be engageable. Pro bono volunteers were concerned about health, job stability, homeschooling, and living and working outside “normal conditions.” Many pro bono attorneys, like the majority of us, were stressed to the max. *Adding fuel to the fire* is a phrase that comes to mind when you add a client suffering similar COVID circumstances or worse, but also has additional factors that may make engagement challenging such as mental health concerns, anger issues, or communication challenges that the pro bono attorney is not trained or equipped to deal with.

Productive communication is essential for any successful relationship. COVID taught us that we had to rethink and retrain how to stay in touch. It is critical during a crisis. The referring nonprofit law firm must establish mechanisms to keep everyone connected. Keep steady communication with both clients and volunteers.

When referring the case and making the match if the engagement is a one-time clinic engagement (e.g., advice/brief service), the initial email between Legal Services and the client advises that they will hear from the lawyer and if there is no communication within two days, to let us know so we can follow up. If the engagement is for extended representation, we send an email to both the client and the volunteer to connect them and provide both parties’ contact information. We ask that they advise us when the contact occurs. If there is no follow-up within a week, we contact the client and the attorney and ask that they get in touch with each other and let us know the status.

Bi-weekly “check-ins” with pro bono volunteers became essential as different phases of “shutdowns” and “stay at home orders” rolled out. The rate of pro bono attorney “ghosting” correlated to the lack of friendly check-ins early in the pro bono placement.

Assist volunteers and clients with ways to communicate effectively and maintain contact with each other. As the matchmaker, the nonprofit law firm should provide as many resources as possible for the actual delivery of legal services. Advise the pro bono volunteer that they should set up a communication plan with the client that meets the client’s particular circumstances. Understanding that stability is dubious during a crisis, recommend that volunteers be open to providing clients with options for communicating including texting and WhatsApp. If the client is living in a shelter or transitioning due to

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job loss or eviction, Zoom or Teams meetings may not be the best. This is especially important during the pandemic when clients may find it difficult to keep in communication with volunteer lawyers.

Receiving training and gaining access to forms and templates was an initial concern voiced by pro bono volunteers during the beginning of the pandemic. At the start of COVID, the best situation was when a law firm agreed to participate in a pro bono project as a firm teambuilder. We were able to train on a platform like Teams or Zoom. However, this meant that we followed up each training session with an individual email to each attorney containing the case assignment, all the templates and forms, the training link instructions for documenting case notes, and instructions on engaging the client. Sometimes the attachments caused the emails to go into spam or sometimes all the information in one email overwhelmed the pro bono attorney especially if the case was a new subject matter. As the pandemic progressed, human nature's basic response to crisis became a desire for leadership and a need to connect to oneself and the community. The volunteers altered their requirements. Pro bono attorneys began expressing a desire for mentorship in addition to training and support.

Staff became overwhelmed with volunteers' increasing demands for more nurturing and mentorship. We needed a platform to store all the training materials, forms, templates, and a commonly asked questions resource page. We needed a Learning Management System. Each pro bono clinic became a "course" allowing Legal Services staff to maintain all the information for a particular pro bono project in one place. Registered volunteers can easily access the Learning Management System. "How To" and "What If" segments can be pre-recorded and uploaded to the Learning Management System. Training can be live or prerecorded allowing individuals to go back and review. Training may also be watched as a firm team supporting the goals of camaraderie and support. Following training, the bulk delivery of cases can be done on the spot. This reduces "lost or spammed" emails and frees up time to mentor. Learning Management Systems are proving to be an effective method for supporting volunteers and creating a sense of community.

Attorneys love the CLE reward. Require that the volunteer provide the legal service and only then provide

the reward. Do not give CLE credit for merely attending pro bono training. CLE should be delivered when the attorney has accepted and ideally completed a case.

### Lessons Learned — Maintaining Volunteers

Once the hard work of recruiting and training is done, programs must quickly shift gears and begin to plan ways to maintain those volunteers, a task that can be just as daunting. Volunteers often tap out after a year or so and it becomes difficult to refer cases. The pandemic has amplified this problem, making it challenging to synchronize client need with volunteer interest, especially with unpredictable court closings, eviction moratoria, and suspension of writs of possession.

At the start of COVID, about fifty percent of Legal Services Miami's regular volunteers dropped out and stopped taking referrals of any type of case, COVID and non-COVID alike. Volunteers provided several reasons for their inability to commit. Perhaps they were tired and stressed about personal obligations like homeschooling kids and caring for parents from a distance, or maybe they were dealing with an increase in their workloads as COVID evolved, and some were concerned about going to court in-person to represent clients in practice areas like domestic violence cases where some courts never closed. Volunteers became more selective in the types of cases they would take, and some volunteers would say they were considering referrals but would either never get back to us or would take too long to make a decision.

Programs must push past these obstacles because we cannot "cry wolf" claiming that there is a huge demand if we cannot produce a timely flow of cases. We learned that communication is key. Listen to what volunteers need and be flexible and willing to adjust your existing model to fit their needs within parameters that meet client needs. Most importantly, stay in touch with volunteers and keep pro bono work on their radar. Training is a great way to do this. In the same way that training helps recruit volunteers, they are also a great way to maintain pro bono engagement. Offering free CLE credit for pro bono training: (1) incentivizes attorneys to learn more areas of poverty law; (2) refreshes the volunteers' knowledge in a particular subject area, giving them the confidence to accept referrals; (3) reinvigorates enthusiasm in a particular area that may have fizzled for the volunteer after a year or two; and (4) reconnects volunteers who may not have taken a referral in a while with your program and staff.

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## Surviving COVID-19: How to Keep Going Even If You Cannot Get Out of Bed

By Kathleen M. Flaherty, Executive Director<sup>1</sup>  
Connecticut Legal Rights Project, Inc.

I wanted to be an epidemiologist when I was a kid. I was a biochemistry major in college, and thought I would be an immunologist working in a lab. I ended up



going to law school, and interned at Connecticut Legal Rights Project (CLRP) after my second 1L year. Yes, you read that correctly, my second 1L year. I was committed to a psychiatric hospital my first 1L year, then had to go on a forced medical leave.

After decades of working as a staff attorney at several legal aid programs in Connecticut, I re-joined CLRP as Associate Executive Director in 2014 and was hired as Executive Director when my predecessor and mentor, Jan Van Tassel, retired.

I provide the science background to explain why we were paying attention to COVID-19 early. Our clients are people who are eligible for mental health services from the State of Connecticut Department of Mental Health and Addictions Services (DMHAS), including people who are patients at the state-operated inpatient psychiatric facilities. We read the news reports in late February 2020 of patients who died on a psychiatric unit in South Korea.<sup>2</sup> We recognized the impact that this virus could have on our clients.

Our top priority during the public health emergency was the protection of the health and safety of our staff, and the clients we serve. Our office was closed to the public, and we pivoted to remote work. DMHAS announced the first positive tests of staff and patients the last week of March 2020.

In mid-April, we wrote a letter to the Governor and the Attorney General asking for DMHAS to take action to protect the health of people in its care by releasing people from dangerous congregated settings.<sup>3</sup> We never received a response to that letter. On April 30, 2020, the same day the first (of what would eventually be five)

patient death was announced, we filed suit against the state in federal court.<sup>4</sup> The Bazelon Center for Mental Health Law and the Center for Public Representation joined CLRP as co-counsel, and an amended complaint was filed a week later on May 7, 2021.<sup>5</sup> The case was dismissed in January of 2021, with staff and patients getting vaccinated and enhanced infection prevention and control measures in place.<sup>6</sup>

The dedicated staff of Connecticut Legal Rights Project put a lot of effort into this case, as well as all the other cases they were working on during the pandemic, and every day I am grateful to be able to lead this team. They do their work because they are dedicated to the organizational mission and care about their obligation to zealously advocate in accordance with our clients' expressed preferences, to protect their civil rights.

They did all of this work while their Executive Director was reduced to part-time work as result of dealing with the effects of long-haul COVID. I woke up with a fever on March 12, 2020, and did not go into the office. Ordinarily, like every busy Executive Director, I would have gone into the office even though I felt a bit under the weather, because there was work to do and that's where I did it. Had I done that, I probably might have taken as much as half of our staff out with me. But because I was a nerdy former scientist, I took this virus seriously very early and made it clear to staff that anyone who did not feel well (or had a possible remote exposure) was not permitted to come to the office. Who knew that I would be the one who would have to follow that rule myself?

I have written about my experience dealing with COVID elsewhere,<sup>7</sup> but this is what I learned that is relevant to being an executive director:

1. Trust your people, which means trusting yourself. If you have made good hires, you do not need to micromanage your staff.
2. Everyone deserves paid sick leave.

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3. Everyone deserves short and long-term disability benefits.
4. We need to give people grace. We do not know what battles they may be fighting, or how the coronavirus may be impacting their family. The only way we will continue to make it through this is to do what we need to do to get through it.

We are a small program, and we do not have a union. I have no doubt that the challenges we face at CLRP are different than the challenges that bigger programs with collective bargaining agreements face. What we all share is a dedication to serving people living in poverty. Our clients not only live in poverty, they face the challenge of living with a mental health condition. One frustration we experienced is how little attention was paid to people who were in congregate settings that were not nursing homes or assisted living facilities. Our clients did not get access to vaccines until sometime in February of this year, even though they started vaccinating nursing home residents in mid-December 2020. COVID-19 tore its way through one of the geriatric units at Connecticut Valley Hospital in January 2021; virtually an entire unit ended up in COVID isolation or at the local general hospital. Fortunately, as a result in improvements in treatment, no one else died.

I am not sure we will ever know the full impact of COVID on the lives of our clients, and how many people with mental health conditions lost their lives to this virus. Recent research has shown that schizophrenia is second only to age as risk factor for death from COVID-19,<sup>8</sup> yet there has been no apparent move on the part of anyone in the state to prioritize our clients for vaccine access. Connecticut switched to a purely age-based distribution system, and is currently facing two complaints filed with Health and Human Services Office of Civil Rights.

I am still limited to part-time work and am out on partial long-term disability. I have been able to do this with the support of an absolutely fantastic Board of Directors. I am able to do what needs to be done for the sake of the organization, and have figured out how to do that efficiently. I look forward to the day when I can return to work full time, but if I am not able to do that, we may have to make further adjustments. I think that has been the biggest lesson of COVID-19 for me personally: I have learned how to say no, and that

the word “no” is a complete sentence. I have guarded my yeses more carefully than I have in the past. I do not always turn on my camera for Zoom calls, and sometimes I participate by phone so it is not even an option. Sometimes I just send an email instead.

- 1 Kathy Flaherty is the Executive Director of Connecticut Legal Rights Project, Inc. (CLRP), a statewide nonprofit agency that provides legal services to low income individuals with mental health conditions, who reside in hospitals or the community, on matters related to their treatment, recovery, and civil rights. Kathy combines her personal experience as a recipient of mental health services and her legal background to speak to issues affecting those living with mental health conditions. She is on Twitter @ConnConnection. She has written op-eds and guest blog posts on a variety of topics, including politics, law, mental health, adoptee rights, and soccer. Kathy may be reached at [kflaherty@clrp.org](mailto:kflaherty@clrp.org).
- 2 [https://www.washingtonpost.com/world/asia\\_pacific/how-a-south-korean-psychiatric-ward-became-a-medical-disaster-when-coronavirus-hit/2020/02/29/fe8f6e40-5897-11ea-8efd-0f904bdd8057\\_story.html](https://www.washingtonpost.com/world/asia_pacific/how-a-south-korean-psychiatric-ward-became-a-medical-disaster-when-coronavirus-hit/2020/02/29/fe8f6e40-5897-11ea-8efd-0f904bdd8057_story.html)
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- 8 <https://nyulangone.org/news/schizophrenia-second-only-age-greatest-risk-factor-covid-19-death#:~:text=People%20with%20schizophrenia%2C%20a%20mental,illness%2C%20a%20new%20study%20shows>



## “If Not Now, When?”

By Tanya Pietrkowski, Director of Development<sup>1</sup>  
CARPLS

I recently heard a friend make this quote in the news about an ambitious endeavor. And, I thought — I remember this quote as a kid from Rabbi Hillel, an ancient Talmudic scholar:

*“If I am not for myself, who will be for me? And being only for myself, what am I? And if not now, when?”*

Or you might attribute a version of this quote to the late Congressman John Lewis:

*“If not us, then who? If not now, then when?”*

The quote implies the Golden Rule that is a part of every culture in creating a sense of humanity and empathy for others. In my mind, it’s one of the highest attributes of the ideal of service in the legal community.



Service connects all of us to each other, especially in this dynamic time where we have lost too many and confronted overwhelming

challenges. One of the silver linings is to bear witness to the many people working together in the legal community and beyond to reach the greatest amount of people possible. They have done this by working to overcome racial and socio-economic barriers and to increase access to viable legal options. Often, we don’t hear about all that is accomplished, but every small act of service that can impact one person and their family is extremely meaningful.

Of course, I wouldn’t be a CARPLS ambassador if I didn’t talk about the pride I see in our work. We do help thousands of families each year individually over the hotlines and advice desks, and we also contribute to making systemic changes that include connecting people to our legal partners around the state more easily when special legal assistance is required. We are legal

connectors, and that has such an important value when people are facing eviction, unemployment, and the stress of day-to-day living when you don’t know where to turn.

When the courts closed in person last year, CARPLS attorneys were able to troubleshoot how self-representing litigants would be adversely affected without legal recourse. Their advisement helped prevent some greater financial harms, while the courts navigated the “new normal” of pandemic operations.

The pandemic pushed the Lawyers Trust Fund of Illinois to expand its online legal resources to increase accessibility across the state based on the successful pilot of Rentervention developed with the Lawyers Committee for Better Housing. CARPLS then worked with the Lawyers Trust Fund and our partners to develop Benny, the Unemployment Bot.

After Benny, the project expanded to a group of legal bots that cover general legal issues, wills and guardianships, housing law, business, money and debt. The bots interact with users on a wide range of legal issues from car repossession to late house payments. And, most importantly the bots lead users to other resources—breaking down geographic legal deserts across more rural and economically depressed communities around the state. These bots are under the program umbrella called COVID H.E.L.P. Illinois (Housing & Economic Loss Prevention) at [covidhelpillinois.org](https://covidhelpillinois.org). It was recently nominated for ABA’s Lewis M. Brown Award for Legal Access.

CARPLS is also a major partner in the Cook County Legal Aid for Housing & Debt Program, a project to help people facing evictions, foreclosures, debt and tax deed issues through means other than court. We take the calls for the program and get people to the right legal partners.

Without legal representation, it is often a total losing battle in court, at a time when we also anticipate the courts being overrun with eviction and foreclosure cases.

And, while we are self-reflecting for a moment, the State of Illinois has tried to respond to the needs of our residents with the cannabis expungement program, no

© “IF NOT NOW, WHEN?”  
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cash bail and additional legislation to begin to right the wrongs in racial inequities. When looking at the challenges in other states, I think it is worth noting that Illinois is really working towards redefining equity, and the legal aid community is a part of the rebuilding process.

As if we weren't doing enough, CARPLS is also a partner on the New Leaf Illinois program. When someone registers online at [NewLeafIllinois.org](http://NewLeafIllinois.org) for an expungement review, CARPLS attorneys are at the front door of the program to assess and identify the legal assistance needed.

Often, the expungement process shows other issues to be addressed as well. CARPLS attorneys take a careful, holistic look, offering as much legal help as possible.

It is the stick-to-it-ness of the legal community that I admire so much. We have learned valuable lessons on resources needed in a crisis and humbleness to understand that the legal system has to change for equality and access to happen.

There is also a marketing and branding challenge. All the legal aid acronyms and (in Chicago, at least) the

variety of organizations is very hard for people in and out of the legal community to distinguish. I worry that if people lack an understanding of the everyday legal problems people face—in addition to criminal legal issues—they are missing the great value of service that we bring and the human impact of those services. I work to share the CARPLS story in so many ways, and I try to show why one phone call that changes someone's life is the ultimate good.

Getting back to the quote, “If not now, when?”

I am very proud of CARPLS and our community's response to save lives and make law fair. It is the things that we are doing now, that will make a better future for our community no matter what we face. Rabbi Hillel and Congressman Lewis had the right ideas in thinking about their roles in changing the world. Reflection also needs to be an important part of our service delivery. Thank you.

- 1 Tanya Pietrkowski has been a fundraiser for over 25 years, with 15 years focused on the legal community. Tanya has worked for CARPLS as the Director of Development for over ten years. Tanya may be reached at [tpietrkowski@carpls.org](mailto:tpietrkowski@carpls.org).

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# Securing and Transforming Social Safety Net Access during a Pandemic

Thoughts from Juliana Repp and Alex Doolittle  
Compiled by Merf Ehman, Executive Director, Columbia Legal Services<sup>1</sup>

## A Brief Overview and Short History

The United States created several safety net programs during the Great Depression through the Social Security Act of 1935.<sup>2</sup> The programs were based upon principles of social insurance to provide for

Although federal disability benefits are more progressively distributed, overall “... Social Security redistributes [funds] from Hispanics, blacks, and other people of color to whites.”<sup>6</sup> Legal aid advocates on the ground see these repercussions play out every day.



Merf Ehman (L); Juliana Repp (C) Alex Doolittle (R).

## Pandemic Perspective from Advocates on the Ground

Legal aid programs providing assistance to access benefits report being inundated with calls — at the Unemployment Law Project<sup>7</sup> in Washington the number of calls they received increased by almost 500%. When people call they are incredibly stressed. Without these benefits many families do not know where their next meal will come from or how they will pay

people who were aged, sick, or lost their jobs. Some people received necessary immediate financial assistance from these programs. Today, these programs continue to provide the necessary funds to buy food and pay rent. And for the first time these benefits have paid more to some workers, as many as 68%, that were higher than their wages.<sup>3</sup> They were able to pay their bills, pay off old debts, and some were able to save money. But this only happens for those that are able to make it through the bureaucratic morass of applying for benefits and actually being found eligible. And these programs were not created equally.

their bills. Juliana Repp, the Managing Attorney for the Unemployment Law Project, Spokane, WA, says that she sees this suffering everyday: “some claimants have become homeless while waiting for the Employment Security Department (ESD) to resolve issues with regard to their claims,” and for these clients “legal aid has become a lifeline.” This anxiety and fear can increase mental health issues and suicidal ideation, she

## Racism at the Root

Racism pervaded and the Act left out as many as 65% of African American workers by excluding agricultural and domestic workers.<sup>4</sup> These racial inequities persist. Unemployment benefits were more likely to go to whites during the COVID pandemic. A study found that “Black unemployed workers were about half as likely to receive such benefits.”<sup>5</sup>

## Racial Inequities in Receipt of Unemployment



Source: Nyanya Browne and William Spriggs, Howard University, analysis of COVID Impact Survey, conducted by NORC at the University of Chicago for the Data Foundation, April 20 to June 8, 2020.

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says. “We’ve had a couple of calls where claimants have expressed suicidal thoughts. All of these issues related to job loss and poverty are intertwined and exacerbate one another.” For her “it’s been obscene what many claimants endured to collect unemployment benefits they were entitled to receive. It’s not over either.” She explains that “this need is exactly what kept her coming into the office every week during the entirety of the pandemic as an essential worker.”

Legal aid advocates struggled to provide access to their clients trying to access benefits while the legal aid office transferred to working from home. Alex Doolittle, Executive Director of the Benefits Law Center in King County WA,<sup>8</sup> tells the story of how difficult it was to communicate with clients when her office closed after the state lockdown was put in place. “For clients without phones or addresses who needed to access us in person it was particularly difficult.” For example, clients would come to the office and use the key pad to contact their attorney there like they always had, but now it would ring to Doolittle’s cell phone. She would have to tell the clients that no attorneys were there and then she would try to find out from them which attorney represented them. Then the phone keypad system would cut them off after 30 seconds, so they have to redial the suite number. While this was happening, they would be standing on the sidewalk talking to a wall — engaging 30 seconds at a time. Doolittle expressed concern that “if the police see someone who was homeless talking to a wall it would cause them to get picked up by police. It’s heartbreaking; we have to open.”

### Access Denied

There have been tremendous problems with accessing the purported safety net of unemployment. These systems are not simple. Repp explains that “the process is often complicated and claimants struggle to get through it.” To make matters even worse “the unemployment system is overwhelmed and has not had the staff or resources even a year into the pandemic to handle the number of claims.” Just one small error in filling out an application can result in months of delay “just to be denied and then have to go back through an appeal process and hearing. It’s tough,” laments Repp when thinking about all the folks she has represented who have experienced months and months of delays in getting any benefits at all.

For people trying to obtain social security benefits

the process is also difficult. “Having counsel makes a big difference” says Doolittle. She describes the byzantine process to get benefits that is still based on paper documents that requires faxing as the primary method for her organization to engage with the Social Security system.

Both systems create barriers for clients who do not have a mailing address. Doolittle and Repp see this problem all the time. Many folks who are homeless do not have an address where they can receive mail. Repp points out that Black, Indigenous, and People of Color “are more likely to not have a permanent mailing address.” Therefore they do not always timely receive ESD requests for more information or notices of hearing. If they do not respond to the requests for information from the ESD, benefit payments are stopped and an overpayment is assessed. This can be also an issue in the Social Security context — particularly for folks who are unrepresented.

Lack of internet access is a tremendous barrier to obtaining benefits. Before the pandemic, claimants without internet access could file for Social Security at their local office. These offices are all closed now. Doolittle is concerned that there is very little if any access to paper applications for people without computer or internet access. Repp points out that her clients “may not have smartphones or laptops to file their weekly unemployment benefits report.” During the pandemic this issue is exacerbated because clients may not have access to computer use at all due to library closures. Lack of internet service or broadband in some more remote areas of Washington is problematic. Repp was concerned that folks who do have cell phones use up all their minutes waiting on hold just to get through to ESD — sometimes just to ask a simple question. Repp describes a farmworker who called her who “could barely speak due heavy coughing. He got diagnosed with COVID-19 but was released from the hospital because he had no health insurance.” To Repp he still seemed very ill. He found it difficult to file for unemployment because he could not find access to a computer or internet in his remote rural area.

### Taking Steps to Transform Access

The Unemployment Law Project is partnering with another legal aid organization, the Northwest Justice Project’s Native American Unit, to get the word out about their respective services in culturally relevant ways. Reservations themselves are trying to increase broadband to address the problem. The Benefits Law Center is partnering with human services

organizations, like shelters, that are open so that if their clients show up there they can use the shelter's phone or fax machine.

Doolittle thinks about how attorneys in her office can show up for people who are not connected to community and to other human services organization. One way they have done it in the past is their "Justice Bus" which is a mobile law office. She thinks that "the Justice Bus is our first step back to in person services." The windows of the bus go down to let in air and it is just two people in the bus — attorney and client — with plenty of space for two people to maintain six feet of distance. The bus goes to tiny house villages, library parking lots, and church parking lots. The bus provides a meeting space for clients of those community partners that do not have safe indoor space to deliver legal aid, but might have a space or street parking for the bus. "With the bus we can bring their own space," says Doolittle. She makes clear that they do not just show up in the bus anywhere they want — "we do not just drive up to encampments as that is just like driving up to someone's home uninvited." However, there are some grocery store parking lots where we can connect with folks who otherwise would not be able to access legal help. Doolittle is excited to "get justice rolling again."

There has been an unlikely alliance between ESD and ULP to have thoughtful discussions even though they are plaintiffs in a systemic case in front of the Washington Supreme Court against ESD. The two sides are aligning to find common ground to improve the unemployment claims process and appeal hearing process to make it more efficient for claimants.

### Endemic Racism Remains

"We see systemic racism and inequity play out in our individual cases for our BIPOC population clients especially. For instance, BIPOC populations such as Native Americans are more likely to have underlying health conditions, such as type 2 diabetes and that condition increases risk of severe complications from COVID-19," states Repp. This often impacts lower-paid essential workers who have worksite safety concerns. These workers must often weigh staying at a job where they may risk their health versus providing an income for their families. This is also an issue for access. Repp points out that she knows that "there are nearly 16,000 Native Americans living within Spokane and we aren't getting a lot of calls come in from Native Americans, despite our outreach efforts." Her experiences are confirmed by studies that show that people of color are less likely to access these benefits. For example, in

one study there was data that showed that during this pandemic only 13% of Black people who were unemployed were getting benefits.<sup>9</sup>

Of tremendous concern for Repp is that "undocumented workers are not currently eligible for unemployment benefits because they are not legally able to work in the United States." ULP has given some advice to undocumented workers but they do not represent them. "We know that out of fear of being deported or retaliation, some workers may use false social security numbers and their employers pay unemployment taxes based on their labor under those social security numbers," Repp explains. Some states, like Washington and California, are creating funds to provide benefits for undocumented workers during the pandemic.<sup>10</sup>

### Simple Transformations for Big Changes

If she could change ESD today, Repp would make these changes:

- Modernize the technology.
- Use chat technology with 24/7 access for claimants
- Translate applications to include other commonly spoken languages. (Currently, Spanish is the only language other than English on the ESD webpage.)

Some of this change may happen if a state bill that would make specific needed changes to the ESD process including simplification, training, and additional staff passes.<sup>11</sup>

For Doolittle, she would create a clearly defined electronic pathway to appeal denials and to contest overpayments because once you get to hearing level they are all paper cases still. One simple success they had was just getting drop boxes outside each field office so that claimants could submit evidence to support their claim without having to fax it. She would also like to see Social Security raise the resource limit so folks can collect more than \$2000 in savings to do things like buy a car, or pay first and last month's rent. The limit has not been raised since 1989.

### Lessons from a Pandemic

Both Doolittle and Repp say they have learned to remain tenacious and resilient. Repp has found that the "Counselor of Law" term should always be construed broadly to include listening and counseling some callers who are on their last strand of hope. "As a Native American attorney, I get it. I know what it's like to fight for a voice, whether it's as an individual or as a member of larger movement such as at Standing Rock. I understand what it's like to feel powerless at times."

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For Doolittle, she was reminded of “how important it is to have community.” She saw “the rebirth of community connection — that no one agency, no one attorney, no one person can make movement alone. It really is better and easier and more effective when it is collaborative and community based.” She hopes that this rebirth sticks across the nation.

Each hopes that we all will continue to provide a true safety net for everyone who needs it when they need it — this would truly be transformational.

1 Juliana Repp is the Managing Attorney for the Unemployment Law Project, Spokane office, where she has been employed since January 2019. Juliana has a long history of representing marginalized and under-represented populations, including individual Native American tribal members and tribes. She was awarded the 2020 Spokane Human Rights Champion Award by the Spokane County Human Rights Task Force and the City of Spokane Human Rights Commission. She was previously awarded the Spokane YWCA Women of Achievement, Carl Maxey Racial & Social Justice Award in 2017. Juliana may be reached at [jrepp@ulproject.org](mailto:jrepp@ulproject.org).

Alex Dolittle became Executive Director of the Benefits Law Center (BLC) in King County, WA, in July 2009 after representing hundreds of people in Social Security matters as directing attorney at BLC. Alex graduated from Pacific Lutheran University with a B.A. in Women’s Studies and Anthropology, and from the University of North Dakota School of Law. As a law student, Alex was the Student Director of the UND Law Clinical Education Program. Alex utilizes her law degree as a tool to give a voice to individuals and entities that traditionally have not had a voice in the law. Alex may be reached at [alex@benefitslawcenter.org](mailto:alex@benefitslawcenter.org).

As executive director of Columbia Legal Services, Merf Ehman helps move forward the organization-wide effort to prioritize advocacy that supports community-led social justice movements that transform racialized systems and eradicate racism. Merf may be reached at [Merf.Ehman@columbialegal.org](mailto:Merf.Ehman@columbialegal.org).

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## Mission Possible: Practical Strategies for Changing Organizational Culture

By Jan Allen May<sup>1</sup>

The recent deaths of George Floyd and Breonna Taylor and multiple others at the hands of police officers has yielded a justified outrage throughout the



nation. Demands to “fire the police officer(s)” “prosecute the officer(s)” and “fire the police chief” have echoed throughout the country. However justified such actions might be, I think that, unfortunately, such actions alone will

hardly solve the problem. In my view, there have been enough of these incidents for even the casual observer to conclude that these are not “one-off” occurrences or the result of “one bad apple.”

Rather, the problem, as I see it, is one involving a toxic organizational culture within many police departments which tolerates, and perhaps even promotes, this type of police misbehavior. Until and unless the entire organizational culture is fundamentally changed, I fear that horrendous incidents like we have seen of late will continue to occur. I do not, however, consider myself at all an expert on police departments, but I do know a few things about legal aid culture and how one goes about changing it.

The need to “change organizational culture” is one that not just some police chiefs around the country need to address. It is a topic that a leader<sup>2</sup> of any organization needs to be focusing upon for much of their work. It is a topic that we spend considerable time emphasizing in MIE’s New Executive Director Training. As stated by John Arango, longtime legal services consultant, “A leader shapes his or her organizational culture.” Fortunately, most of the time, the culture in need of change is probably not as toxic as these specific police department situations. But commonly a legal services leader needs to direct the organization to focus or re-focus their organization on larger, more systemic

work. Or perhaps the leader realizes that the program needs to seriously step up its game in terms of both the quality of the work products and the quantity of the work performed. Or maybe the program has a lot of long-term employees who are simply coasting along—employees who need to be challenged, re-directed, or otherwise motivated. But just saying so will not get the job done. In fact, it will require significant effort using a variety of tools and a multi-faceted approach over a sustained time period to fundamentally change the culture of the program. It is not something that can be accomplished in a day, a week, a month or a year. Experts seem to indicate that five years is typical.

Seminal work in this area has been done by John Kotter, notably in a famous article in the *Harvard Business Review* (March/April, 1995) entitled *Leading Change: Why Transformation Efforts Fail*. Many of you no doubt have read that article since it has often been used in legal services trainings on management. To refresh your recollection, Kotter posits that there are eight steps to an effective transformation: (1) establishing a sense of urgency, (2) forming a powerful coalition, (3) creating a vision, (4) communicating the vision, (5) empowering others to act on that vision, (6) planning for and creating short-term wins, (7) consolidating improvements and producing still more change, and (8) institutionalizing new approaches.

In MIE trainings, we often discuss the “formal culture” of the program (the vision, the mission statement, the explicit statement of values (if the program has one), the personnel handbook, etc.) and the “informal culture.” The informal culture is what the staff generally perceives as going on, the “values, visions, aspirations, attitudes, relationships of the people in the program,” in the words of John Arango. In a highly functioning organization, the formal culture and the informal culture are the same or similar. Indeed, one of the reasons for having a vision,

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mission statement, strategic plan, organizational objectives, group work plans and individual performance objectives is to ensure that everyone on the staff knows and understands “the business we are in” (in the words of Peter Drucker). But some organizations do not have those elements in place, or have them but they are not kept current or not implemented well or adhered to at all. The informal culture is what really controls the organization, for better or for worse. Assuming your “formal culture” has been established and is in keeping with how best it might serve the community, your job as a leader is to align the two as best as you and your team can.

Alright, so now you know what a daunting task the leader(s) of the organization face. You have heard all the theories but, if you are like me, you get restless with so much theorizing. What does it mean, you ask, on a day-to-day practical level? Let me try to address that.

### Initial Assessment

First of all, it behooves a leader to take stock of what they have in the organization. Does the “formal” culture of the organization pass muster? If it does not, then the process of revising the organizational mission, goals, etc., must be undertaken. I think in most cases, such a grand overhaul is not warranted. A much more common and troubling situation exists where the formal culture and the informal culture are far apart. Your job here is to ascertain, through careful listening and collecting information from a variety of sources inside and outside the organization (staff, volunteers, clients, board members, other organizations, funders and perhaps others), how closely the formal and informal cultures of your program align. If the informal culture is a toxic one such as apparently is the case with some police departments, then this task should command your immediate and sustained attention. A problematic culture in a legal services program might be one that is not centered on client needs, puts little value on effective high quality advocacy, fails to use resources in a cost-effective manner, or rewards mediocrity over excellence.

### Recruitment and the Hiring Process

For the organization to live up to its mission, it is imperative that the staff of the organization embrace that mission. Therefore, as a leader of a program, it is incumbent on you to ensure that your recruitment

efforts are infused explicitly with the mission of the organization. Include what the organization is all about in your recruitment vehicles. Emphasize the mission of the organization in your screening and interview processes. Observe carefully how candidates react to the organization’s mission. Does the applicant’s prior experiences reflect the values of your organization either through volunteer or paid employment? If the applicant’s resume runs far afield of legal services, at the very least probe exactly why they are interested in the position. In your reference checking, be sure to inquire about the candidate’s commitment to the sorts of values your organization holds.

### Staff Orientation

Of course there are those people who are professional interviewees and could possibly hoodwink you. But, assuming you have brought on board individuals who share your organization’s values, the process of acculturation of the candidate to your organization does not stop there. Instead, it is only the beginning. Be sure to spend some time early in the hiree’s tenure to talk about the organization, its mission, values, goals and objectives. Be sure to clarify where you see this individual fitting into the mission of the organization. And I emphasize “early” because others on your staff (and perhaps those who do not share the organization’s mission) will get to the employee fairly quickly upon their being hired. You should strive to be first in explaining what the organization is all about.

### The Role of the Senior Staff

The senior staff are among the most important people in any organization. They carry out the mission of the organization in conjunction with those employees who work in their unit or department. A very common ailment of a dysfunctional organization is one where the executive director and the senior staff are not on the same page with regard to the direction of the organization. Thus, ensure that you have buy-in from your senior staff on the overarching goals of the program or, at the very least, a “powerful guiding coalition” (in Kotter’s words) composed at least in part of members of your senior staff. I am not suggesting that you need a group of “yes men” or “yes women” because a degree of creative tension is healthy and important in an organization. If the overall mission of the organization is to alleviate poverty or provide access to justice, there are myriad ways that that might and can be achieved. Some might be expert at litigation, some at community work, others at serving a particular

clientele. All these approaches are valuable and a healthy organization should be able to absorb these various approaches and work through tensions that might arise from different perspectives, always with an eye toward the overall mission.

But fundamental differences concerning what the organization is about cannot be tolerated lest the organization and its staff flitter into many different directions with little coordination or synergy. Should that scenario sound familiar, it is important to address such situations with senior staff members (or others) and reach some meeting of the minds, ideally short of disciplinary action or dismissal.

### **The Elevator Speech**

While the notion of an “elevator speech” may sound trite, it can be extraordinarily helpful to ensure that all staff are equipped with a simple but compelling tag line about your organization. Maybe as simple as “we work with low income people to ensure that they have adequate income, quality health care and safe and habitable housing.” Perhaps you can come up with a catchier phrase, but this sort of unifying statement is helpful in reminding staff about the organization’s purpose and also conveying to those unfamiliar with your organization what it is that you do.

I am writing this during the pandemic and realize that most are working from home. But even in a virtual environment (and maybe especially) the leader(s) of the organization cannot repeat often enough the organization’s mission. Consider also (when you are back in your physical offices) posters that state succinctly what your organization is about. If your organization is fortunate enough to have a budget for tchotchkes, tote bags or tee shirts with your logo and tag line tend to be popular, visible and effective in reminding people of your organizational aims. We once bought polo shirts with the organizational name and logo for the entire staff and while I initially cringed at the price tag, the camaraderie, unity and pride it evoked from staff was priceless.

### **The Role of Performance Reviews**

While one might question the efficacy of formal performance reviews, I think the notion of providing employees with timely, accurate, descriptive feedback is essential in any organization. In my view, performance expectations, perhaps in the form of yearly individual performance objectives with measurable results, should flow naturally from your mission, vision, values, annual goals and unit objectives. Remember that one of the

most common (and justifiable) employee complaints is: “I did not know what was expected of me.” If the mission, values, goals and objectives of the organization are clear and distilled into individual performance criteria, you have removed much of the ambiguity that might have existed about your expectations of employees. And you have further ingrained the cultural values of the organization in each staff member.

### **Your Actions Matter: Walking the Talk and the Bully Pulpit**

As a leader of your organization, your actions count. Staff will look to you for guidance and examine what you do perhaps more closely than you realize or might like. This presents great opportunities for you so long as you walk the talk; that is, your actions and words about your organization are consistent. If, for example, you are trying to instill a stronger work ethic in your staff but leave work early every day, or conversely, if you want people to stop working day and night, consider controlling your workaholic tendencies. In both cases, you are setting a bad example if your actions do not closely align with your words.

And as for words, do not fail to use the bully pulpit at every opportunity. All-staff meetings offer great opportunities for you to address your staff with updates, but such updates should emphasize the mission and the organization’s progress toward that mission. You might, for instance, briefly review the year-to-date major accomplishments of each unit of your program as measured against the established annual objectives for each unit. Be sure to publicly acknowledge those units that have done particularly well, perhaps enlivened with an anecdote or two.

### **The Board**

Of course an important segment of your “powerful guiding coalition” for organizational change is your board. Ideally your entire board is “on board” (sorry, couldn’t resist) with the overall goals of the organization and can be helpful facilitators of the process. Likewise, a clearly laid out annual work plan in summary form can be distributed to the board at the beginning of the year and can become a helpful template for your periodic reports to the board concerning progress toward the stated goals.

### **End-of-year Results and Celebrations**

Likewise, the end of the year provides a great time to assemble all the data from the year’s work and provide the results, perhaps in summary format, to

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the entire staff and board. In so doing, you are conveying the clear message: This is what we set out to do in accordance with our mission and objectives; this is what we did, what we accomplished and where we fell short. I also recommend having an end of the year celebration of your accomplishments. Not only is this in accord with Kotter's step #6 "Plan for, and Create, Short Term Wins," but also it sends the message loud and clear about what your organization values.

If you took anthropology courses in college, you no doubt remember that an anthropologist, in studying a foreign culture, looks carefully at what rituals exist in the culture because such rituals give the anthropologist guidance as to what life events are important to that culture. In that same vein, I have often asked programs what events they "celebrate" in their organizational culture. Often the answer is "birthdays" and "baby showers." Please do not misunderstand me: I am certainly not against such celebrations. But, a program could, in addition, have celebrations around big litigation wins, legislative victories, major positive media recognition, a staff member or group of staff winning an award for their work and multiple other milestones exemplifying the organization's mission. If an anthropologist ever visited and studied your organization, wouldn't you want that anthropologist to conclude: "That organization values extraordinary work and achievement on behalf of low income people in the society because the organization's rituals center around celebrating such outcomes?" The anthropologist would make that astute observation and your staff would too.

### Conclusion

Changing an organizational culture is hard work over a long period of time. These are some of the concrete steps you can take in this journey. No doubt there will be mistakes and many bumps in the road. But with your eyes clear as to your overall goals and the people and activities in the organization aligned with such goals, you have an excellent chance of succeeding. And the client community and the community as a whole will be a lot better off because of it.

- 1 Jan Allen May is a member of the MIE Board of Directors, member of the MIE *Journal* Committee, and retired Executive Director of AARP Legal Counsel for the Elderly. Jan may be reached at [mayjandenise@verizon.net](mailto:mayjandenise@verizon.net).

- 2 I purposefully have used the term "leader" or "leaders" in this article although I realize that in many, if not most cases, the "leader" is the executive director. I am fully aware that in a few programs, the dysfunction of the organization stems from the executive directors themselves. In those instances, firing the "police chief," or executive director, as the case may be, is both a logical and necessary first step in this process of organizational cultural change. Also to achieve these fundamental changes in an organization requires the commitment of many people performing a variety of leadership tasks.

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- 1 Steve Johnson's career has spanned both the law and philanthropy. As a lawyer he worked as a law clerk in the federal courts, in commercial litigation, as counsel to the U.S. Senate, and in governmental relations with the Boston Bar Association. He spent a decade leading and working with state court reform commissions around the country. For the last 20 years Steve has worked with foundations and philanthropists, seeking to maximize their impact, much of it with The Philanthropic Initiative, Inc. (TPI). The intersection of philanthropy and justice remains an abiding interest. Steve may be reached at [steve@mcneilcove.com](mailto:steve@mcneilcove.com).

Lonnie Powers served as Executive Director of the Massachusetts Legal Assistance Corporation from its founding in 1983 through August 2018. He has 50 years of policy, legal, and organizational development experience at the state and national levels, having devoted the majority of his career to establishing, building, sustaining, and revitalizing legal aid organizations. Lonnie may be reached at [lpowers@lonniepowersconsulting.com](mailto:lpowers@lonniepowersconsulting.com).

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she worked as a legal services attorney for 35 years. This work included ten years as a Staff Attorney and Public Benefits Unit Co-Director at Legal Services of Greater Miami, Inc. and more than 20 years as a Senior Health Law Attorney at Florida Legal Services. She also worked for two rural legal services programs, Micronesian Legal Services and Appalachian Research and Defense Fund of Kentucky, Inc., where she handled high caseloads of individual direct service cases. As someone who has worked in both local and statewide programs, and as both a generalist and a specialist, Miriam is keenly aware of the need to support a delivery system that not only provides a large volume of direct representation, but also effectively shares expertise and institutional knowledge, and identifies and addresses systemic issues in complex areas of poverty law, including healthcare. Miriam may be reached at [harmatz@floridahealthjustice.org](mailto:harmatz@floridahealthjustice.org).

Katy DeBriere is the Legal Director for the Florida Health Justice Project. Prior to her role at FHJP, Katy managed the Northeast Florida Medical Legal Partnership at Jacksonville Area Legal Aid, Inc. (JALA) where she secured external funding from the partner healthcare system for the first time in the project's 12 year history. Her time at JALA cemented a belief that health law plays a key role in the success of medical-legal partnerships: gains made for legal services' clients best demonstrate the direct return on investment to potential healthcare funders and, more importantly, the model uncovers systemic issues that may otherwise go unidentified. Katy began her career in 2008 as an Equal Justice Works fellow with a statewide program, Florida Institutional Legal Services, where she represented individuals with developmental disabilities involved in the criminal justice system, dedicating a significant portion of her time to advocating on behalf of Medicaid Home and Community Based Service waiver enrollment and services. Katy may be reached at [debriere@floridahealthjustice.org](mailto:debriere@floridahealthjustice.org).

Authors' note: while a number of the observations in this article apply nationally, the discussion is framed through the authors' extensive experience working within Florida's legal services' delivery system.

- 2 Legal Services Corporation, *The Justice Gap - Measuring the Unmet Civil Legal Needs of Low-income Americans*, June 2017: <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf> at 23.
- 3 Notable exceptions include: Legal Services of Eastern Missouri, Legal Aid of Arkansas, Legal Services of New

- Jersey, Southeastern Michigan Legal Services, Georgia Legal Services Program, Indiana Legal Services and Southeast Louisiana Legal Services.
- 4 E.g., in Florida, between April 2019 and 2020, the Medicaid agency issued over 3000 final fair hearing orders. The vast majority of beneficiaries in Medicaid fair hearings represented themselves; less than 1% were represented by a legal aid attorney as most Florida legal services programs do not represent clients in Medicaid appeals.
- 5 One Florida program, Coast to Coast Legal Aid of South Florida, Inc., has a staff member who handles complex ACA marketplace cases and appeals.
- 6 The public health crisis caused by COVID-19 and the renewed attention to health care inequality based on race could provide programs an opportunity to seek local funding for needed health rights' work. Statewide health law programs can be a valuable partner for legal aid programs in pursuing local foundation funding.
- 7 See, *supra* note 3.
- 8 See, e.g., *Hiltibran v. Levy*, 793 F. Supp. 2d 1108 (W.D. Mo. 2011)(Legal Services of Eastern Missouri and National Health Law Program (NHeLP)); *Rose v. Azar*, No. 1:19-cv-02848 (D.D.C.) (Indiana Legal Services and NHeLP); *Gresham v. Azar*, 950 F.3d 93 (D.C. Cir. 2020) (Legal Aid of Arkansas and NHeLP); *Crabtree v Goetz*, 2008 WL 5330506 (M.D. Tenn. 2008) (Legal Services of Middle Tennessee and NHeLP); *Smith v. Benson*, 703 F.Supp.2d 1262 (S.D. Fla. 2010) (Florida Legal Services and Legal Services of Greater Miami); *K.G. ex rel. Garrido v. Dudek*, 839 F. Supp.2d 1254 (S.D. Fla. 2011) (Florida Legal Services and Legal Services of Greater Miami).
- 9 See, *supra* note 4.
- 10 The National Health Law Program (NHeLP) is a 50-year-old legal organization that engages in litigation, administrative and legislative advocacy, and training and analysis at the federal and state levels. NHeLP partners with and provides guidance on Medicaid and other health care issues affecting low-income people to legal services, disability rights, and other public interest lawyers around the country. NHeLP has been counsel or advisor on most of the significant Medicaid cases brought in the U.S.
- 11 NHeLP's California office engages in litigation and administrative advocacy focusing on health issues that affect low-income people in California. It is part of the Health Consumer Alliance and provides assistance and training to local programs in the state. It has played an essential role in the state's efforts to expand and secure access to care.

12 Some examples of statewide programs include: Tennessee Justice Center, Northwest Health Law Advocates, Massachusetts Law Reform Institute, Legal Council for Health Justice, Pennsylvania Health Law Project, and Health Law Advocates.

A similarly effective model was also established that supported in-house health law experts in unrestricted programs, e.g., Charlotte Center for Legal Advocacy, New Haven Legal Assistance, South Carolina Appleseed Legal Justice Center, Virginia Poverty Law Center, Shriver Center on Poverty Law, Oregon Law Center, and a number of state protection and advocacy systems, such as Alaska, have assumed the role of a statewide health law program. Health law experts at these programs have been providing essential advocacy and services that have vastly improved their state's capacity in addressing and securing health care rights for clients.

- 13 Like other statewide health law programs, FHJP also leads and participates in coalition work focused on legislative and administrative advocacy, as well as story sharing, see [www.floridahealthstories.org](http://www.floridahealthstories.org).
- 14 In *Harrell, et al. vs. Poppell, et al.*, FHJP filed a class action lawsuit on behalf of beneficiaries who were either adopted or have a disability and who were improperly terminated from Medicaid without the state having first examined their continued eligibility under all Medicaid categories (referred to as Medicaid's "ex parte review" requirement). A settlement was reached in February 2020, and in February 2021, FHJP confirmed that the state undertook all promised corrective action, reinstating over 32,000 Floridians to Medicaid, a crucial benefit for vulnerable individuals — especially during the ongoing pandemic. The agreement includes extensive staff training, redrafting of agency policies and notices, and investment in technology to automate eligibility reviews. See, [https://www.floridahealthjustice.org/uploads/1/1/5/5/115598329/dkt\\_23-1\\_\\_harrell\\_settlement\\_agreement.pdf](https://www.floridahealthjustice.org/uploads/1/1/5/5/115598329/dkt_23-1__harrell_settlement_agreement.pdf).
- 15 This lawsuit, if successful, will provide access to precedent, thus improving the advocacy community's capacity for effective assistance. Currently, without the ability to review "precedent," the attorneys who provide Medicaid appeal assistance cannot fully understand the factual basis and policy reasons for agency and managed care plan actions. See, <https://wusf.org/advocates-sue-ahca-over-medicare-records/>
- 16 For example, in Washington State, Northwest Health Law Advocates contracts with the statewide legal services provider, Northwest Justice Project, to provide state support and permissible advocacy on low-income health care cases and issues using state legal services funds.

17 The Florida Supreme Court convened a Taskforce on the Distribution of IOTA Funds which proposed a new rule that would eliminate the availability of IOTA funds to support the types of activities outlined in this article. See, Case No.: SC20-1543, *In Re Amendments to Rule Regulating the Florida Bar 5-1.1(g)* at <http://onlinedocketssc.flcourts.org/DocketResults/CaseByYear?CaseNumber=1543&CaseYear=2020>. There has been considerable opposition to the proposed rule, including from the Pro Bono Legal Services' Committee of the Florida Bar, 34 Florida Bar Past Board Presidents, and the National Legal Aid & Defender Association. FHJP's comments can be found at <https://www.floridahealthjustice.org/publications--media/fhjp-comment-letter-to-task-force-on-distribution-of-iota-funds>.

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pandemic on two local radio stations that are favored by our older clients.

### What's Next for Legal Aid Communications?

As legal aid organizations emerge from the pandemic, most advocates anticipate a hybrid approach: keeping some virtual enhancements developed during COVID-19, while returning to some in-person service delivery models. Increased collaboration between legal advocates and communications staff have strengthened the service delivery model of our individual organizations and as a network. But just as the pandemic has reinforced social and economic inequalities, it has also amplified existing disparities in digital literacy and accessibility.

Individuals and families without reliable access to the internet, or who are not fluent in English, receive less information about available assistance programs and other legal support. Pennsylvanians with sensory impairments also face digital communications barriers. For instance, people with visual impairments, who use screen readers like Job Access With Speech (JAWS), often scroll past social media graphics detailing critical services that lack alternative captions. Communications and outreach professionals in our network are working to bridge these digital divides. For example, many PLAN programs increasingly utilize alt-text in Twitter and LinkedIn posts and also link to websites that provide accessible content for screen readers. Our programs also collaborate with bilingual staff and translation services to ensure that communications are readily available in a client's preferred language.

Nevertheless, some clients' information needs still go

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## Effects of Community Geographical Diversity and the Volunteer Response

The COVID remote world expanded the pro bono service delivery options to clients in our rural communities. The Florida Keys is a rural area with a limited number of attorneys which is geographically challenging to serve. Legal Services had an easier time serving clients during COVID because more volunteers were available to serve clients using remote technology. Technology brought the services of pro bono attorneys to less densely populated outlying geographic areas where it is often difficult to get in-person volunteers due to the inconvenient location.

## Conclusion — Strategies Implemented during COVID that Are Best to Carry Over Post-Pandemic

Maintaining a strong pro bono community is a continuous relationship building process. We must reinvent the old and be open to new and innovative ways to recruit, train, and retain our volunteers. During COVID we learned that having pro bono opportunities ready to refer as soon as possible is vital to respond to the volunteer's sense of urgency and community. Be open to new recruitment strategies and engage paralegals and students. Fall back on basic pro bono principles and procedures. These are the foundation to successful case placement and quality legal service delivery. Facilitate steady communication with both clients and volunteers. Be open to using technology such as Learning Management Systems or similar

unmet. In order to mitigate barriers for our clients, it is critical that as legal aid professionals, we are intentional in planning for hybrid models of information delivery, especially for our outreach efforts. As a network, we are committed to finding solutions that fight the reciprocal impacts and inequalities of the pandemic in Pennsylvania.

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platforms. Virtual training and remote clinics have value for certain types of cases and will enhance legal service delivery in rural areas when there is a return to normalcy.

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