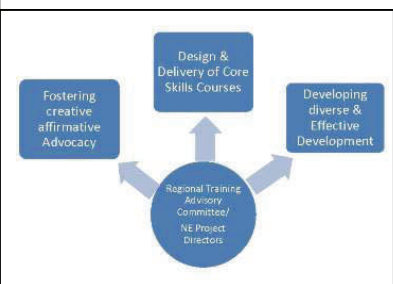


Introduction

This report provides an overview of 2011 Consortium programs and activities.

Our work this past year reflects our ongoing commitment to respond to our community’s emerging and unmet needs and to design new programs and resources that minimize or eliminate costs associated with in-person training. As we did in 2010, we focused very heavily this year on offering training through our web-based campus, including: the new multi-week “Supervision Skills for Hotline Providers”



and then a modified version of the course for non-hotline supervisors; Affirmative Litigation Training (ALT) which includes three weeks of web-based activities plus 3 days onsite; and a web-

based program on outcome measures and evaluation for limited representation providers.

To further support our capacity to offer web-based training, we undertook a complete redesign of our web-based campus and developed a host of new online learning tools to make it easier for course participants to access and navigate the course site.



In preparing for the fall Negotiations skills course (which we had to postpone due to under-enrollment), we did initial work in modifying that course to make it shorter and more focused on specific practice areas (e.g., negotiations skills for housing advocates or family advocates); with additional Consortium-member input, we hope to refine and pilot this new model in 2012.

We have one final course coming up in November — Designing and Delivering Great Training — and a diverse group of advocates from across NE scheduled to attend.

2011 Consortium Members & Commitments

Through our agreement with eighteen members of the New England Consortium, CLAE agreed to sponsor the following training programs in 2011:

- Essential Supervision Skills for Hotline Providers & Essential Supervision Skills for Legal Aid Providers
- Web-based programs on Innovations and Best Practices for providers of limited representation
- Affirmative Litigation Training
- Essential Skills for Paralegals and Legal Assistants
- Negotiations Skills Online
- Designing and Delivering Great Training
- E-newsletter on training topics

Consortium members:

CT: Connecticut Legal Services, New Haven Legal Assistance, Statewide Legal Services

MA: Greater Boston Legal Services, MA Justice Project; MA Legal Assistance Corporation, Medical Legal Partnership I Boston, MA Law Reform Institute, New Center for Legal Advocacy, Neighborhood Legal Services, MetroWest Legal Services, Volunteer Lawyers Project, Western MA Legal Services

ME: Pine Tree Legal Assistance

NH: Legal Advice and Referral Center; New Hampshire Legal Assistance

VT: Legal Services Law Line; Vermont Legal Aid

Essential Supervision Skills for Hotline Providers

In February, we piloted our new three-week course "Supervision Skills for Hotline Providers".

Through weekly modules, participants: review key roles that hotline supervisors perform as well as knowledge, skills and attitudes necessary to fulfill these; explore essential components of effective supervision and management systems and best practices related to each; examine the stages of the supervisory relationship with a particular focus on skills needed to establish the relationship and then assess and respond to individual supervisee's professional development needs; review basic feedback and communication skills and then practice providing constructive feedback to hypothetical supervisees.

Scene One

Scene 1 introduces supervisor, Sandy (S), and program director, Drew (D). It is a brief encounter, possibly conducted with the director standing in the doorway of the supervisor's office or with both standing in the kitchen area of the office.



Drew - Program Director Sandy - Supervisor

supervision and management systems and best practices related to each; examine the stages of the supervisory relationship with a particular focus on skills needed to establish the relationship and then assess and respond to individual supervisee's professional development needs; review basic feedback and communication skills and then practice providing constructive feedback to hypothetical supervisees.

establish the relationship and then assess and respond to individual supervisee's professional development needs; review basic feedback and communication skills and then practice providing constructive feedback to hypothetical supervisees.

As with other web-based courses, the Hotline Supervisors course includes a mix of presentation, discussion, and individual and small group activities.

The course design team included: Jan Chiaretto, SLS; Gordon Shaw, MJP; Tom Garrett, Lawline; Dan Biagiotti, LARC-Boston; Cheryl Nolan, LSC.

Participants and faculty joined us from: MA: MJP; LARC-GBLS; CT: SLS; VT: Lawline; and, NH: LARC .

Activity 3-2: "Constructive Feedback Demo #1"

| ACTIVITY | RESOURCES | DUE DATE |
|--|--------------------|-------------|
| <ul style="list-style-type: none"> Watch demo Record observations Post observations to wiki | Observer worksheet | _____, 2011 |

STEPS

- As you watch the video, record your observations on the Observer Worksheet.
- When you are done, post your comments to the Constructive Feedback Demo #1 Wiki.

CONSTRUCTIVE FEEDBACK DEMO #1 VIDEO







"The Live Link-Up provided interesting insights into how other programs work. The posted resources from other programs are helpful" "It was great to discuss issues ..with people outside my program. It offered me an opportunity to get some unbiased feedback and some great suggestions"

Negotiations Skills

As with our other web-based courses, this year we spent some time refining our existing Negotiations Skills course, modifying course resources to take full advantage of the new online course platform and newly developed web-based tools.

While disappointed that we had to cancel this course due to under-enrollment, we did develop a new course structure that we think will make the course more relevant and attractive to Consortium member staff.



Dealing with the Difficult Negotiator

| | |
|---|--|
|  | <i>When is your client going to get out of the apartment?</i> |
|  | <i>I was hoping we could talk a little bit. I need to get some information from you... Are you aware that my client does not have heat?</i> |
|  | <i>Damn! You people are all the same. You rent out to these deadbeat foreigners and you're screwing the hardworking people...</i> |
|  | <i>Mr. Paulson. I am an attorney. You are an attorney and I expect to be treated the same way. If we can focus on the issues of the case, we might be able to resolve this thing amicably. Agreed?</i> |

With help from our colleague David Cruickshank, our goal, subject to additional Consortium member input, is to modify the course so that it takes place within one week rather than two and uses new case scenarios, to be developed, focused on discrete practice areas, e.g., housing, family, employment, etc.

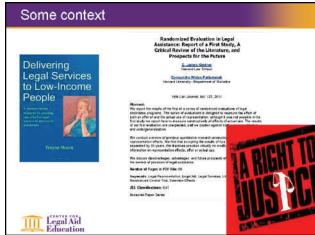
Module Activities

The table below contains a link to each activity for this module along with a brief description of the task to be completed. Click on "Activity 1-1", etc. to be taken to the activity.

| ACTIVITY | TASK |
|--------------|--|
| Activity 1-1 |  Conduct an initial negotiation |
| Activity 1-2 |  Participate in Week One Live Link-Up |
| Activity 1-3 |  Investigate how to improve or weaken a BATNA |
| Activity 1-4 |  Conduct a negotiation |
| Activity 1-5 |  Evaluate Week One |

Innovations & Best Practices: Outcomes & Evaluation

In May, we sponsored the first in a series of web-based programs on “Innovations & Best Practices” for providers of information, advice and brief services. This first program examined outcome measures & evaluation in the limited representation context.

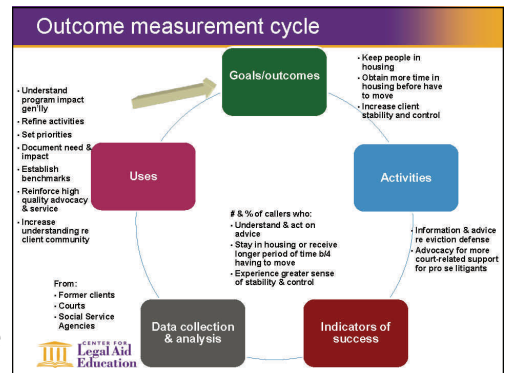


In advance, we surveyed registrants regarding specific issues to address. In response to questions about the recently published Greiner report on “randomized evaluation in legal services” and Wayne Moore’s book on “Delivering Legal Services to Low-Income People”, we began the session with a brief presentation about and discussion of these.

We then moved on to an introduction of outcome measures — what they are and why they are important — , the outcome measurement cycle and how to use these to evaluate program effectiveness generally and reinforce high quality service.

Tom Garrett of Legal Services Law Line led the presentation offering examples from the Vermont legal

aid community, specifically how VLA and Law Line have worked together to evaluate their joint efforts to provide the full range of legal services to low-income Vermonters.



Design team members included: Gordon Shaw, MJP; Dan Biagiotti, LARC; Tom Garrett, Lawline; and Tom Kelley, PTLA.

Participants joined us from CT: NHLA; SLS; MA: LARC/GBLS; MJP; MLRI; MLAC; NLS; NCLA; and SCCLS; ME: PTLA; NH: LARC; and VT: Lawline.

For more information about the session or to access the recorded session, see http://www.legalaideducation.org/learning_communities2/201/innovations-best-practices-in-providing-information-advice-brief-service.

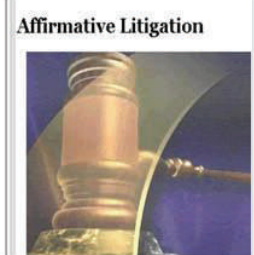
Essential skills for paralegals and legal assistants

Last offered in 2008, *Essential Skills for Paralegals and Legal Assistants (ESPLA)* provides a solid foundation for paralegals and other lay advocates who themselves represent or support others’ client representation. Since the 2008 delivery, we expanded the ESPLA course to include separate tracks for paralegals (e.g., with sessions on client interviewing and counseling, fact development and information management) and legal assistants (e.g., with sessions on written communication; working with clients over the phone) as well as sessions common to both audiences (e.g., time management, difficult conversations, etc.). In preparing for the 2011 delivery, we surveyed member regarding particular areas of interest; this was especially important since we had agreed to offer the program over two days rather than three. Priority topics included: Working with Clients who challenge us; Legal Ethics for paralegals & legal assistants; Difficult Conversations; Time Management; and Written communications. Unfortunately, members identified this program as a priority for 2011, in the end we did not receive adequate expression of interest to allow us to go forward with it as planned.



Promoting Broad-Based, Affirmative Advocacy Affirmative Litigation Training

This summer, we sponsored Affirmative Litigation Training for legal aid providers in New England. ALT provides a comprehensive introduction to the process of prosecuting a complex affirmative case in federal or state court; it is grounded in the legal aid community's long-standing role in preserving and expanding the rights of people who are poor through creative and aggressive advocacy in both state and federal courts.



In sponsoring Affirmative Litigation Training, our goals are twofold: first and foremost, to equip legal aid attorneys with the confidence and skills necessary to engage in broad-based and strategic advocacy; and second, to build an ongoing network of attorneys regionally (and nationally) able and willing to support each other in pursuing impact-oriented, affirmative advocacy on behalf of the individuals and communities they serve.

ALT Overview

ALT consists of three weeks of web-based activities followed by three to four days onsite and includes a mix of large and small group presentations, discussions and interactive exercises on the substantive law that characterizes affirmative litigation -- jurisdiction, causes of action and state action; standing and mootness; exhaustion, preclusion and sovereign immunity -- as well as practical exercises on pre-filing litigation considerations, preparation for and drafting a federal court complaint, emergency relief and motion practice.

The course is built around a carefully developed case scenario involving client, Rebecca Just, an African-American homeless woman and her child, who are placed in a shelter funded and supervised by the state public assistance agency. While there, Ms. Just discovers that she and other Black residents seem to be assigned more physically demanding and menial work jobs and are required to work more hours than White residents. She organizes a group of residents as Friends of the Homeless and they complain about this treatment to the Shelter's director. The next day, without any notice or opportunity to be heard, the members of the organization are summarily expelled from the Shelter, with the permission of welfare authorities.

From the beginning of the online portion, students begin to analyze the Rebecca Just case file, moving from a focus on short-term resolution of Ms. Just's individual problem (e.g., how to reinstate Ms. Just's shelter status) to a longer term view on behalf of the larger community of homeless people and shelter residents.

| Activities for Week 1: July 11 – July 15 | | | | | |
|--|-----------|---------------------------------------|---|--|----------------------------------|
| Activity | Timeframe | | | | |
| | MON, 7/11 | TUE, 7/12 | WED, 7/13 | THU, 7/14 | FRI, 7/15 |
| 1-1. Introduce yourself in the discussion forum. Reply to at least one post. | | Due: 8 p.m. | | | |
| 1-2. Read the Rebecca Just case file. List your top three considerations or questions if this case is handed to you. | | Post your introduction Due: 8 p.m. | | | Reply to one post Due: 8 p.m. |
| 1-3. Live Linkup #1: Discuss how affirmative litigation gets started: client goals, relief, and the story of the case. | | | Join Webinar 1:00 pm – 2:30 pm OR 3:00 p.m. – 4:30 p.m. EDT | | |
| 1-4. Watch Jurisdiction, Causes of Action and State Action | | | Due 8 p.m. | | |
| 1-5. Join the course discussion. Post your questions and comments and respond to others. | | | Post at least one initial question or comment | Respond to at least one participant's post | |
| 1-6. Review case file. Complete and upload Worksheet 1: Jurisdiction, Causes of Action and State Action | | | | Due: 8 p.m. | |

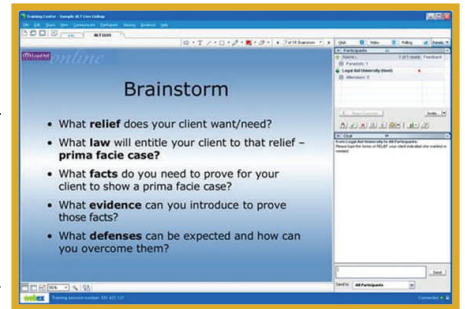
"Although it is stressful, I am using the part of my brain that I do not get to use in my practice. It is good CLAE & the Shiver Center offer these classes to public interest attorneys because where else would they get this type of training."

ALT Web-Based Activities & Resources

During the three weeks of web-based activities, attorneys participate in a series of carefully sequenced learning activities -- large group webinars (we call these "Live Link-Ups"), facilitated small group phone-based meetings, and online discussions through which they applied new litigation concepts and skills to the Rebecca Just case.

Each week, they also completed and received individualized feedback on a series of **Complaint Preparation worksheets**; at the end of Week 3, participants each drafted a federal court complaint; once onsite, they met with assigned faculty in one-one-one complaint review meetings.

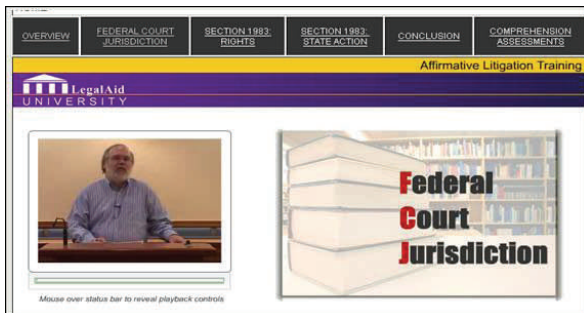
Also during the three weeks of web-based activities, participants reviewed a range of textual and video-based resources as they work their way through the various litigation topics.



Poll: Relief in the Just Case

Which of these possible defendants are potentially protected by sovereign immunity (choose all that apply):

- Marge Lowry
- The Flux Department of Transitional Assistance
- The Derby Shelter
- The Commissioner of the Dept. of Transitional Assistance in his official capacity



Resources also included **two multi-media presentations** that provide access to lectures — e.g., NE's Greg Bass on *Jurisdiction, Causes of Action and State Action* and Professor Lucy Williams on *Sovereign Immunity & the 11th Amendment* — that allow participants to review particularly dense concepts in a self-paced manner.

ALT Onsite Training

The onsite training began with an introductory panel in which faculty described the values that underlie affirmative litigation in a poverty-law context and provided examples from their practices on how to: build an affirmative practice; identify issues to litigate; situate affirmative litigation within a larger multi-tactic advocacy campaign.



Then, during the next three days, through a mix of large and small group sessions, participants received individualized feedback on their draft complaints; prepared for and argued a motion for a Temporary Restraining Order; further analyzed issues of standing and mootness and immunity in relation to the Rebecca Just case; drafted discovery requests; and, identified and developed elements

to include in a consent decree resolving the Just case.

"What I think is so amazing is how I learned a lot of this, in law school... But it was a totally different orientation. Jurisdiction and sovereign immunity were just sort of interesting academic issues. Law school prepared me to clerk, ALT has prepared me to advocate. Now it's, "OK, here's the complicated landscape, what can you do to get the most for your client?" That's very empowering.

Using technology to support training

Design challenge

- How maintain pedagogical approaches in web-based environment that:
 - Deepen knowledge?
 - Build skills?
 - Increase confidence and commitment?
 - Foster community?



This year, we completely revised the CLAE online course site to make it easier to access and navigate.

Among the many new features, we: created a series of narrated, video-based and written tutorials illustrating how to use the various online course tools such as discussion forums, wikis, file uploads, among others; developed narrated self-pace video overviews introducing the online course overall and weekly goals, learning activities and timelines; and revised the structure and format for presentation of learning activities and associated resources. The following comment was typical of those received through course evaluation: *“the technology was amazing... instructions were done in a way that addressed all my questions without having to ask and I'm technologically challenged! It was impressive.”*

Sharing training best-practices

In March, we published our first two posts to the new Consortium blog, **Consortium Conversations**, described as a “vehicle for engaging Consortium members in re-envisioning what our role can and should be in supporting staff members’ professional and leadership development as well as a forum for sharing information about training and learning resources to support in-house, statewide and regional training.”

We look forward to discussing members’ ideas about and interest in this resource as we begin planning for 2012 and beyond.



Faculty support and development

As always, Consortium programming would not be possible without the contributions of our member staff as both course designers and faculty.



We extend special thanks this year to **ALT faculty — Anne Louise Blanchard, CLS; Shelley White,**

NHLAA; Greg Bass, GHLA; Dick Bauer, GBLS; and Jim Breslauer, NLS — who played a major role in ALT course redesign including updating the model complaint and developing new supportive materials for use during both the web-based and in-person course components.

We also thank **Jacqui Bowman, GBLS and Karen Richards, VLA** who served as faculty in the second delivery of the web-based Supervisors course, this one open to all legal aid



supervisors.

Finally, we thank previously mentioned Innovations and Hotline Supervisors design team members and course faculty: **Jan Chiaretto, SLS; Gordon Shaw, MJP; Tom Garrett, Lawline; Dan Biagiotti, LARC-Boston; Tom Garrett, Lawline; and Tom Kelley, PTLA.**

We also thank **David Cruickshank and Practising Law Institute** who will once again lead the two-day “Designing and Delivering Great Training” mid-November. David’s role extends way beyond the annual training of-trainers. With support from PLI, David also spends four days per year as a instructional design consultant, helping us with both course evaluation and refinements as well as new course development.

