

Session 2:

Supervision & Management Systems

Learning Objectives:

At the end of this session, you will be able to:

- Identify essential components of effective management and supervision systems
- Identify which of the above elements are and are not present within your legal aid program

The importance of supervision and management is acknowledged within several of the ABA's recently promulgated *Standards of Practice for Providers of Civil Legal Assistance*. **Standard 6.2 on Assignment and Management of Cases and Caseloads** notes that "the provider should assign cases and other legal work to those individuals who are best able to handle them The provider should manage open caseloads and other legal work assigned to individual staff practitioners to assure that both the provider and the practitioner meet their ethical responsibilities to clients." **Standard 6.3 on Responsibility for the Conduct of Representation** notes that "a provider is responsible for the conduct of representation undertaken by its practitioners and should supervise the work to assure that each client is competently represented." **Standard 6.4 on Review of Representation** outlines providers' responsibilities to "assure that clients receive high quality assistance and to identify training and support needs for staff."

Individuals may well provide meaningful support to those they supervise and manage in the absence of explicit supervision and management systems. However, their efforts will be greatly enhanced when such support is offered within the context of program-wide systems that reflect and support organizational values and mission and provide clarity and guidance on the mutual roles and responsibilities of managers and supervisors and how their work fits into overall organizational policies and procedures.

We have organized selected organizational systems into the following categories:

- 1) Performance management & quality control systems** ensure that employees focus their work efforts in ways that contribute to achieving the organization's mission. Overall performance management consists of three phases: (a) setting and communicating expectations for employee performance, (b) maintaining a dialogue between supervisor and employee to keep performance on track, and (c) measuring actual performance relative to performance expectations. As such, the following system components must be in place:
 - a) **Job Descriptions:** A well written job description not only ensures that the organization will hire the right individual, but it also provides employees with a sense of where they stand within the organization. Job descriptions should flow directly from program mission and include all activities necessary to achieve the identified goals and objectives associated with the position.
 - b) **Accountability relationships** refer to the reporting relationships between individuals within an organization. Ideally, job descriptions should indicate to whom an individual in a particular position report. Aside from the hierarchical relationships between one position and another, programs should also articulate what the expectations are among peers – e.g., within units, work-groups, etc.

- c) **Performance standards** are a vehicle for communicating best practices. Effective performance standards serve as an objective basis for communicating about performance; enable the employee to differentiate between acceptable and unacceptable performance and inform new employees of expectations about job performance.
- i) **General Performance Standards:** The ABA's Standards of Practice for Providers of Civil Legal Assistance articulate expectations related to every aspect of legal services work, from governing boards, delivery structures and internal systems and procedures, to client relations and advocacy practice.
 - ii) **Program and/or unit-specific performance standards:** These standards outline program-specific performance standards generally as well as specific standards related to individual practice areas. These also include developmental standards outlining expectations for staff performance over a certain period of time, e.g., for attorneys up to 6 months; at the end of one year, two years, etc. Developmental standards are a particularly useful vehicle for identifying individual supervisee's professional development goals.
- d) **Supervision Policy:** The organization's supervision policy communicates the purpose and scope of the supervisory relationship as well as the values underlying and expectations related to it. The policy should outline the methods by which supervision is carried out, including, among other things: overall goals of the supervision system; how supervisors are assigned; factors that go into determining the frequency of meetings and supervisory approaches used (e.g., based on supervisee experience and expertise, nature and complexity of work, supervisee's ability to carry out work independently, etc.); and, expectations of supervisors and supervisees with regard to such things as regular review of open cases, review of intake, opening memo or other memo communicating case analysis and strategy on an ongoing basis, observation of skill performance and written work product (intake, client interview, motion, discovery, trial, memo), and review of cases prior to closing.
- e) **Work plans** are documents that summarize what an individual plans to accomplish over a defined period of time and include the following components: work areas based on the individual's specific practice areas, roles and experience levels; goals and objectives to be accomplished within a specified period of time; and time allocations identifying percentages of time to be devoted to each.
- f) **Professional development plans** are a vehicle used within the supervisory relationship through which the supervisee identifies professional development goals and action plans for achieving these. Through regular supervisory meetings and other activities, the

supervisor supports the supervisee in achieving these goals and monitors his or her progress in doing so.

- g) **Performance reviews** provide an objective, consistent, and uniform way to gauge and improve each employee's on-the-job performance, develop employee's potential for career development and provide opportunities for employees to discuss job problems and professional development goals with their supervisors.

2) **Additional Policies related to Quality:** These policies outline how work is assigned and carried out within the organization.

- a) **Work Assignment:** These policies outline how work is assigned and managed within the organization as well as within individual units and teams. Such policies ensure appropriate levels of accountability and that organizational expectations and best practices are carried out. They also ensure that individual staff members act within the organizational mission and deliver services to standards identified by the organization. Within the scope of these policies, supervisors are responsible for assigning work to individuals and/or monitoring work assigned by others.

b) **Miscellaneous policies and practice related to:**

- i) Case acceptance
- ii) Caseload/workload expectation
- iii) Case and file management
- iv) Filing and document retention
- v) Case closing

Essential Systems Program Assessment

Instructions: Referring to supervision and management system elements described above, identify which elements are in place within your legal services organization.

System	Components	Organization has?	Something I can do?	Skills I need
Performance Management	Job descriptions			
	Accountability relationships			
	General job-related performance standards			
	Developmental job-related standards			
	Supervision policy			
	Performance review policy			
	Professional development plan			
	Annual goals and action plan			
Other	Professional responsibility and risk management: ethical issues, outside responsibility to organization or the profession			
	Work assignments			
	Case acceptance			
	Caseload/workload expectations			
	Case and file management			
	Document retention			
	Case closing			

Sample New Attorney Developmental Goals

DURING THE FIRST SIX MONTHS

- Become court certified for state and superior courts
- Know and comply with LSC regulations, program policy and eligibility guidelines
- Know and comply with Program Minimum Legal Work Standards and local office rules on case handling
- Able to interview clients to obtain necessary information in order to make a recommendation as to eligibility, priorities and merit
- Able to draft letters to clients, attorneys and adverse parties which are understandable to the reader
- Able to develop independently a case plan on routine cases, assess and independently decide what elements are necessary to prove case, how to prove and proceed to prove elements for trial
- Able to prepare for and handle an administrative hearing
- Able to analyze issues, research law and facts, assemble and develop supportive evidence, anticipate weakness, prepare witnesses, prepare cross examination
- Able to perform thorough legal research, including using computer assisted research if appropriate
- Able to write a substantive legal memorandum of ten or more pages which demonstrates ability to write, use correct citation, and analyze facts and law.

BY THE END OF THE SECOND SIX MONTHS

- Able to handle an informal conference for a public housing or subsidized housing tenant
- Able to put on evidence at a bench hearing
- Able to defend or prosecute cases in magistrate court
- Able to write persuasive letter briefs and/or briefs for administrative proceeding

- Have a working knowledge of poverty law practiced in the Program
- Have a working knowledge of Uniform Superior Court Rules and state-based evidence
- Able to draft complaint, answer for state courts
- Able to draft discovery for state court cases
- Able to handle a contested motion hearing
- Able to handle a second level administrative appeal including writing an argument
- Able to write a persuasive legal brief or memorandum of ten or more pages which demonstrates ability to write, use correct citation, and analyze facts and law.
- Able to negotiate settlements favorable to client after analyzing case's factual legal strengths and weaknesses
- Able to accurately and comprehensively identify issues and applicable law

BY THE END OF THE SECOND YEAR

- Master use of State-based Rules of Evidence
- Develop a working knowledge of the communities in which attorney works: structure, demographics, and client needs
- Talk to client groups on at least one substantive legal issue and respond to questions
- Write on a fifth grade level an article or brochure on at least one substantive legal issue geared to clients
- Participate in a program-wide task force and contribute a project that requires legal and factual research to develop strategy for administrative or a inactive advocacy
- Co-counsel an application for discretionary appeal or direct appeal to one of the state's appellate courts
- Able to handle as lead counsel a hearing with factual disputes (not just contested legal issues) in civil, state superior, or federal court (not magistrate)

Sample Developmental Goals

- Draft a complaint for federal court, including all documents required by local rules, affidavit to proceed in forma pauperis and application to proceed
- Be familiar with Federal Rules of Civil Procedure and Evidence and local rules for all districts in practice area
- Accurately identify strengths and weakness of alternative approaches
- Be proficient in knowledge of poverty law practiced in office

BY THE END OF THE THIRD YEAR

- Handle as lead counsel an application for discretionary appeal or direct appeal to one of the state appellate courts
- Co-counsel, or participate on a litigation team, on a case in federal court
- Able to draft discovery for a federal case

Sample Developmental Goals Client Interviewing

- 1) If the advocate anticipates providing more than brief service, the advocate should schedule a personal interview with the client. During the initial interview, the advocate shall:
 - a) Conduct an organized interview that is prefaced by an articulation of the purpose of the interview and an agenda for the interview and that ends with a summary of the advocate's and client's responsibilities in the matter, a time frame for necessary actions and arrangements for any necessary follow-up appointments.
 - b) Develop an atmosphere of trust with the client by treating the client with dignity and respect and, by listening effectively to the client's full range of needs, goals and emotional distress, both legal and non-legal before seeking details.
 - c) Once the story is told, courteously but firmly focus and direct the interview in order to get all relevant information and to confirm the accuracy of the information by sensitively challenging areas which may be untrue or seem improbable or unprovable.
 - d) Identify the client's principle problems and establish which of them have potential legal solutions.
 - e) Discuss with the client their goals for the case and provide the client with a realistic range of options and possible outcomes which may be broader or narrower than the initial objectives stated by the client. The advocate should help the client to analyze the advantages, disadvantages and risks of alternative strategies and should encourage the client to fight for their legal rights. An advocate should not dissuade a client from seeking a remedy to which the client is entitled.
 - f) Obtain a retainer and citizenship statement. Provide the client a copy of the retainer agreement. Retainer should reflect that NLS' commitment is only to represent the client at the current stage and that, in the event the client does not prevail at the current stage a new decision will be made about further representations.

Source: Neighborhood Legal Services, Lynn, MA

STANDARD 7.1 ON ESTABLISHING AN EFFECTIVE RELATIONSHIP AND A CLEAR UNDERSTANDING WITH THE CLIENT

STANDARD

The practitioner should establish an effective, professional relationship and a clear understanding about the representation with each client.

COMMENTARY

General considerations

When a client is accepted for representation by a legal aid provider, the individual has an attorney-client relationship with both the provider and the practitioner and both practitioner and provider have concomitant duties to meet the professional responsibilities associated with the representation.¹

For practitioners to meet their responsibilities, it is particularly important to establish a relationship of mutual trust and candor with each client and to be certain that both the practitioner and the client clearly understand and agree upon the scope and conduct of the representation and the expectations of the practitioner and the client.²

Establishing an effective, professional relationship

Respect and diligence on behalf of clients. There are many factors that may impede a practitioner's ability to establish an effective, professional relationship with a low income client.

The practitioner needs to be sensitive to the personal concerns that clients may bring and that may affect their participation in the representation.

Some low income persons mistrust or fear lawyers and see them as part of an unfamiliar legal system or may see them as part of social services bureaucracy from which they are already

¹ See ABA Standards for the Provision of Civil Legal Aid (2006): Standard 4.2 (on Establishing a Clear Understanding); Standard 4.3 (on Protecting Client Confidences). Some institutional responsibilities will be particularly the responsibility of the provider. See e.g., ABA Standards for the Provision of Civil Legal Aid (2006): Standard 6.3 (on Responsibility for the Conduct of Representation); Standard 6.4 (on Review of Representation).

The provider also has a responsibility to take steps to overcome impediments to establishing an effective attorney-client relationship with low income persons seeking and using its services. See e.g., ABA Standards for the Provision of Civil Legal Aid (2006): Standard 2.4 (on Cultural Competence); Standard 2.5 (on Staff Diversity); Standard 4.5 (on Access to Services); Standard 4.6 (on Communication in the Primary Languages of Persons Served); Standard 4.7 (on Client Complaint Procedure); Standard 6.1 (on Characteristics of Staff).

² See ABA Standards for the Provision of Civil Legal Aid (2006), Standard 7.2 (on Client Participation in the Conduct of Representation).

alienated. Others may be intimidated by the "professionals" from whom they seek help. Most clients bring significant personal anxiety about the legal problem that caused them to seek assistance. Some may misunderstand what constitutes a legal problem or what remedies are available through the legal system and may harbor doubts about the representation they receive.

To help overcome any such anxieties, it is important that the practitioner treat all clients with courtesy and respect. The initial interview of the client by the practitioner should be conducted in a manner that helps allay unreasonable fears on the part of the client, while eliciting facts relevant to the legal problem.³

To establish a professional relationship grounded in trust and confidence, the practitioner should keep the client informed about the status of the representation and respond promptly to requests for information.⁴ The practitioner should tend to the client's legal problem promptly and with diligence.⁵

Culturally competent representation. The practitioner should also be aware of cultural differences that can affect relationships with low income persons from the diverse communities served by the provider. Some clients have deeply ingrained values that may diverge widely from the values inherent in the adversarial legal process.

To be effective, practitioners often need to bridge different value systems and to understand and empathize with their clients, while translating clients' values into the language of the legal process. Practitioners serving culturally diverse communities should receive training in cultural competence.⁶

Establishing a clear understanding

The responsibilities of the provider to establish a clear understanding with a client are treated at length in Standard 4.2 on Establishing a Clear Understanding and the considerations set forth there apply to the practitioner. The practitioner should communicate directly with the client regarding appropriate mutual expectations in the representation. If the representation is limited and will involve only one or two contacts between the client and the practitioner, the primary concern will be that the limitations of the representation are clearly understood by the client.⁷

³ See ABA Standards for the Provision of Civil Legal Aid (2006), Standard 7.4 (on Initial Exploration of the Client's Legal Problem).

⁴ Model Rules of Prof'l Conduct R. 1.4(a)(3) and (4) (2003). See ABA Standards for the Provision of Civil Legal Aid (2006), Standard 7.2 (on Client Participation in the Conduct of Representation).

⁵ Model Rules of Prof'l Conduct R. 1.3 (2003) reads: "A lawyer shall act with reasonable diligence and promptness in representing a client." The comment to the Model Rules of Prof'l Conduct R. 1.3 (2003) notes: "Perhaps no professional shortcoming is more widely resented than procrastination."

⁶ See ABA Standards for the Provision of Civil Legal Aid (2006), Standard 2.4 (on Cultural Competence).

⁷ See ABA Standards for the Provision of Civil Legal Aid (2006): Standard 3.4 (on Limited Representation); Standard 7.14 (on Practitioner's Responsibilities in Limited Representation).

Particularly in representation that will involve ongoing representation of the client, both the client and practitioner should understand the client's right to be kept informed of the progress of the case and to participate in key decisions regarding its conduct.⁸ The client should be encouraged to initiate contacts with the practitioner and should know how to do so. The practitioner should make sure that the client recognizes the importance of keeping the practitioner informed of changes in circumstances that might affect the case and advising the practitioner and provider of changes in contact information. The practitioner should also advise clients of their responsibility to assist in preparing the case by locating witnesses, documents, or physical evidence; cooperating with discovery requests; and keeping records.

⁸ See ABA Standards for the Provision of Civil Legal Aid (2006), Standard 7.2 (on Client Participation in the Conduct of Representation).

A. Introduction

Supervision of all program staff is essential to the delivery of high quality legal services to clients, and to the development of skilled, professional staff. To ensure that proper supervision occurs, a deliberate allocation of time and responsibility should be made for this purpose. What is expected of both the supervisor and those who are supervised should be made explicit. Compatibility between supervisor and supervisee is an important aspect of a successful working relationship. Where such relationships are incompatible to either party, the matter should be brought to the attention of the Executive Director.

The goals of supervision of an attorney are (1) for the attorney to provide high quality legal advocacy to the client community by becoming a skilled advocate, and (2) to foster the professional growth of the attorney. Under the guidance of the supervisor, the attorney will develop the planning, organization, analysis, strategy and advocacy skills required to achieve these goals.

The purpose of the *Supervision Guidelines* is to identify standards and expectations for supervision of attorneys in various positions and with various levels of experience. The categories used in this statement may not fit every attorney, nor be appropriate for every attorney who fits, technically, within a category. Consequently, some deviation from these guidelines may be appropriate, and should be considered in conjunction with the policies on case assignment and the evaluation system.

B. Supervisors

Responsibility for direct supervision of individual attorneys may be delegated to attorneys with two or more years of experience. Supervisors should be successful attorneys with the demonstrated ability to identify legal issues and with the substantive knowledge and procedural skills to plan and implement effective strategies. Supervisors should possess the ability to give constructive criticism and feedback.

No attorney should directly supervise more than two case handlers with less than one year of experience unless the supervisor has a reduced caseload. Annual evaluations are appropriate times to determine whether the *Supervision Guidelines* are being followed and to make any necessary changes. However, informal efforts should also be made throughout the year to assess adherence to the *Supervision Guidelines*.

The supervisor will not always be present or available, and sometimes emergencies arise in their absence or unavailability. Therefore, every supervisor must have a designated back up to assist with emergencies during the supervisor's absence or unavailability. This back-up system will assure that the attorney will know who to turn to with emergency matters when the supervisor is not available.

C. New Attorneys – Thirty Day Training and Orientation Period

This section applies to attorneys with less than two years of experience as a Legal Services lawyer. It is understood that new attorneys who have been hired after serving an internship within the same unit to which they are assigned or who have prior experience working as an attorney in a non-Legal Services environment may not require the intensive training outlined below.

The first thirty days of employment for all new attorneys is a training and orientation period during which time the new attorney is responsible for learning LSGMI policies and procedures, substantive law, and client representation skills. The supervisor is responsible for notifying the new attorney about appropriate training opportunities. Assignment of cases should be strictly limited during the thirty day training period.

1. Program Policies and Procedures

During the training and orientation period the new attorney is responsible for becoming familiar with LSGMI policies and procedures. The new attorney shall be provided with a copy of the LSGMI Program Manual and Collective Bargaining Agreement. Upon receipt of the LSGMI Program Manual, the attorney must review the document, and sign an acknowledgment that he/she has read the Manual and agrees to abide by its terms. A copy of the acknowledgment will be placed in the attorney's personnel file.

It is expected that the new attorney will also learn LSGMI policies and procedures during the formal New Attorney Training and Orientation Program, while conducting supervised client interviews and by participation in Unit meetings. It is especially important that the new attorney learn program priorities, client eligibility standards, time record maintenance, LSC requirements, intake procedure, case handling procedures, ethical responsibilities and client sensitivity during the training and orientation period.

2. Substantive Law

During the training and orientation period the new attorney is responsible for becoming familiar with the basic law and procedures addressed by the Unit, and poverty law in general. The supervisor is responsible for directing the new case handler to appropriate introductory legal materials. Examples of introductory legal materials include statutes, regulations, rules of procedure, *Clearinghouse Review* articles, back-up center materials and materials developed by Unit staff. These materials will be reviewed during a formal in-house new attorney training program.

3. Client Representation Skills

a. Client Counseling

During the training and orientation period the new attorney should observe at least five client interviews conducted by other staff members. The purpose of observing client interviews is to develop client counseling techniques, and to learn substantive law, and program intake policies and procedures. The observations should be followed by an informal discussion of the legal issues and other matters raised in the interviews.

Also, during the training and orientation period, the new attorney should conduct at least three initial client interviews under the observation of a supervisor. The supervisor should then informally critique the interview with emphasis on fact gathering techniques, spotting of legal issues, applicable program policies, ethical considerations, demeanor and sensitivity to client. The supervisor should stress areas requiring improvement and suggest ways to improve as well as areas where the new attorney performed well. After the observation period is satisfactorily concluded the new attorney may conduct client interviews alone.

b. Advocacy Skills

During the training and orientation period the new attorney must observe at least one hearing in the forum most applicable to the Unit. The new attorney should also observe depositions, negotiations, mediation, meetings with opposing counsel, community meetings and client training as often as practicable during the training and orientation period. The supervisor should schedule such observations and provide the new attorney with a schedule. Such observations may be scheduled outside of the Unit.

D. New Attorneys – The First Year

During the first year of employment the new attorney shall (i) become knowledgeable about the law and procedures addressed by the Unit; (ii) develop the skills necessary to competently represent clients; (iii) become knowledgeable about the client community and begin to develop formal relationships with client and community organizations; and (iv) become knowledgeable about program policies and procedures. During the first year the supervisor shall closely monitor the new attorney's progress in these areas and provide opportunities and support for the development of these skills.

1. Monitor Case Assignment and Work Load

The supervisor shall be responsible for closely monitoring the first year attorney's case assignments. Case assignment shall be made with the following factors in mind: (i) experience of the case handler; (ii) complexity of the case; (iii) other responsibilities; (iv) support and supervision available to the case handler; and (v) the needs of the client community. During the first year, cases shall be assigned to provide the new attorney with an opportunity to expand professional skills, and provide high quality representation. As the new attorney continues to acquire client representation skills and knowledge of the substantive law, the cases assigned should reflect this progress.

The new attorney shall prepare and maintain a case status report of all active cases which is updated weekly. The Supervisor shall review the case status report each week. The new attorney should submit the case status report to the supervisor, and the Senior Attorney in charge of the unit if the Senior Attorney is not the direct supervisor, so the supervisor and the Senior Attorney are aware of the status of all cases assigned to the new attorney.

A recommended method of promoting development of new attorneys is through co-counseling assignments with supervisors and peers. Co-counseling involves the ongoing active participation of both attorneys to develop a case plan and timetable, strategies, research, drafting of pleadings, client contact, negotiations and shared court room experience as appropriate.

2. Case Review

The supervisor and new attorney must meet regularly to review and discuss the new attorney's cases. The new attorney must review the cases prior to the meeting and be prepared to identify the legal problem, and to also discuss the client's goals, facts, strategy, procedural issues, research done, progress made, and recommended course of action. This information should also be recorded in the case status report and placed in the client file. The new attorney should submit the case status report to the supervisor at the time of the meeting.

A supervisor must play an active role in the new attorney's cases. The supervisor must be prepared to help the new attorney develop the skills to define the legal problem, and to develop strategies and a course of action in every case for which the new attorney is responsible. The supervisor should be familiar with the case file, and be able to exercise independent judgment in evaluating each case. Merely listening to reports on cases is not a sufficient basis for competent supervision of a beginning attorney. The supervisor must review the actual case files under review. The supervisor's input should be recorded on a Supervisor Case Review Notes form (Exhibit 1), and placed in the client file. The supervisor may want to keep a copy of the Supervisor Case Review Notes in a separate file for future reference.

During the first three months of employment, the supervisor and new attorney must meet at least every two weeks to formally discuss all cases assigned to the attorney. At the end of the three month period, the supervisor and new attorney should discuss whether it is appropriate to meet on a more or less frequent basis, but at least one time per month, and make a recommendation to the Executive Director or the Senior Attorney if he/she is not the direct supervisor. This conversation should occur in the context of the three month evaluation.

Close supervision as described above typically should continue at least through the first six months of employment. During the six month evaluation, the supervisor and the attorney should discuss the level and type of supervision that will be appropriate during the next six months.

3. Supervision of Courtroom and Administrative Advocacy

The new attorney should observe at least one administrative or judicial hearing, trial, or motion before appearing alone. The supervisor should schedule this observation, and provide the schedule to the attorney and the Senior Attorney if not the supervisor. After the observation, the attorney and the attorney providing representation should discuss what was observed. The new attorney should also discuss the observation with the supervisor with the goal of developing advocacy skills.

The supervisor must attend at least the first hearing that the new attorney conducts alone. The supervisor must critique the new attorney's performance at the conclusion of the hearing.

During the first year, the new attorney should participate as co-counsel in at least two administrative proceedings or courtroom proceedings with the supervisor or another experienced case handler. The supervisor must critique the new attorney performance.

The new attorney shall review his/her case preparation with the supervisor at least two days prior to the new attorney conducting an administrative hearing or courtroom proceeding alone. Any written materials to be submitted shall be provided by the new attorney to the supervisor at least five days prior to the deadline for submission.⁹ The supervisor should schedule a moot court for the new attorney. .

E. New Attorneys with Prior Legal Services Experience

This section applies to attorneys who are new to LSGMI, but who have two or more years experience working as an attorney in another Legal Services program.

The first thirty days of employment for all attorneys is a training and orientation period during which time the attorney is responsible for learning LSGMI policies and procedures, substantive law and client representation skills. The supervisor shall notify the attorney about appropriate training opportunities. There should be close supervision as described in Section C above. After one month, the supervisor and attorney shall make a recommendation to the Executive Director, or the Senior Attorney if he/she is not the direct supervisor, regarding the level and type of continued supervision that is appropriate. It is understood that attorneys hired with experience will have a variety of skill levels and may not require the entire training outlined in this section.

The experienced attorney and supervisor must follow the procedures established for new case handlers in Section C.1.

2. Substantive Law

The experienced attorney and supervisor must follow the procedures established in Section C.2.

3. Client Representation Skills

a. Client Counseling

The experienced attorney must observe several client interviews conducted by other attorneys. Thereafter, the experienced attorney must conduct at least three initial client interviews under the observation of a supervisor who must assess and critique the interviews. If the supervisor determines that the interviews were satisfactory, the experienced attorney may independently interview clients.

b. Advocacy Skills

If the attorney has not had courtroom or administrative hearing experience, there must be courtroom or administrative hearing supervision as described in Section D.3. If the attorney has

⁹ Some deviations from these guidelines may be necessary due to court imposed deadlines.

had courtroom or administrative hearing experience, the supervisor must review the attorney's preparation and must observe the attorney's first motion hearing and first administrative hearing or trial. The supervisor must also review any written materials to be submitted. The supervisor must schedule a moot court as may be appropriate to the case.

F. Attorneys with More than One Year Experience with LSGMI

LSGMI is responsible for the representation provided by its attorneys. Therefore, LSGMI supervises all attorneys regardless of years of experience. Experienced attorneys will be provided with supervision necessary to ensure that they effectively use their skills and expertise to assist clients, and continue to develop their legal skills and knowledge to enable them to engage in complex legal, policy and community work expected of experienced attorneys.

Each experienced attorney will be assigned a specific supervisor. However, because an experienced attorney may have multiple and varied assignments (e.g. individual case load, mentoring of junior staff, project coordination, community work, etc.) oversight may be provided by individuals other than the immediate supervisor.

The specific strategies used to supervise experienced attorneys are dependent on the individual attorney's assignments, professional goals, strengths, and challenges. However, at a minimum, the following strategies must be utilized in the supervision of all experienced attorneys.

1. Monitor Case Assignment and Work Load

The Unit Senior Attorney assigns cases to the attorney. The Senior Attorney should consult with the supervisor on a regular basis to ensure that the attorney has a case load that will allow for both high quality service to clients and continued professional development.

Factors to consider in assigning cases include: (i) the availability of time for the attorney to provide competent representation; (ii) the attorney's level of experience, training and expertise; (iii) the status and complexity of the attorney's pending cases; (iv) non-representational legal work and other responsibilities of the attorney; (v) support available to the attorney; (6) other relevant factors such as office location, travel time, congested court dockets, etc.

2. Case Review

a. Monthly Case Status Report

The attorney must maintain a current case status report and provide it to the supervisor each month. The supervisor must review the case status report each month. After reviewing the case status report, the supervisor should meet with the attorney as may be appropriate to discuss concerns about the quality of legal services provided in a case, case strategies, upcoming hearings or negotiations, or other issues related to the quality of legal services provided and the attorney's professional development.

b. Open Case File Review

The supervisor must periodically review the attorney's case files. It is recommended that for attorneys with between one to three years experience a representative sample of open files be reviewed every four months. It is recommended that for attorneys with more than three years of experience that a representative sample of his or her files be reviewed every six months. The supervisor should pick the files to be reviewed. However, the attorney may request that files of his or her choosing also be reviewed in addition to those selected by the supervisor. The supervisor must complete a Supervisor Case Review Note for each file reviewed, and place it in the client file. It is recommended that the supervisor retain a copy for future reference. Open case file review should include:

1. An in-depth review of complex legal matters to assure that the attorney has identified all major issues and considered appropriate remedies. Strategies should be re-evaluated to take account of new developments that may arise in the case.
2. Routine cases should be assessed to ensure that representation is provided in a competent and timely fashion with adequate client contact. Unacceptable patterns of practice should be identified and corrected.

c. Closed Case File Review

The supervisor must review all case files prior to the case being closed in the case management data base. The supervisor must assess whether the goals of representation have been achieved, and if not, why; whether there was a final communication with the client; and whether the LSGMI case closing protocol has been followed.

3. Other Supervision Strategies

- a. Daily interaction between the attorney and the supervisor concerning pending cases and other legal work.
- b. Assignment to work as lead counsel on a case with junior staff that the attorney will mentor.
- c. Assignment to work on a complex case with the supervisor.
- d. Prior to filing an appeal, federal lawsuit or complex or potentially controversial litigation the attorney must present the proposed litigation to the Litigation Review Committee,
- e. Prior review and approval by the supervisor of all appellate briefs and complex/non-routine legal memos of law filed with the court.
- f. Moot court prior to all appellate arguments and complex motion hearings.
- g. Presentation at an office or Unit meeting to discuss the status of a case or other legal work.
- h. Attendance by the supervisor at proceedings, such as hearings or trials, meetings, or other settings where the supervisor has an opportunity to observe and provide feedback on the attorney's performance.

SUPERVISOR'S CASE REVIEW NOTES

CLIENT'S NAME: _____ STAFF: _____

FILE NUMBER: _____

PROBLEM CODE/LEGAL PROBLEM: _____

INTAKE DATE: _____

CASE STATUS: _____

NEXT STEPS: _____

DEADLINE: _____

COMMENTS: _____

SUPERVISOR: _____ DATE: _____

What is a work plan? A work plan is a document that summarizes what an individual plans to accomplish over a defined period of time and includes at least four components:

- **Work areas:** Vary by individual based on specific practice areas, roles and experience levels.
- **Goals and objectives:** Identifies goals to be accomplished within an individual's work.
- **Time-allocations:** Provides estimates for the amount of time to be allocated to specific work areas and goals, e.g., 60% for direct-service; 20% for systemic work; 10% for supervising others; 10% for other priorities.
- **Time-periods:** Cover a specified time period. It is common to create workplans that last for months or a year.

How are workplans different from professional development plans?

- **Workplans** outline an individual's goals and objectives within various practice areas and functions. Ideally, these reflect overall organizational and/or unit priorities as well as one's own professional aspirations.
- **Professional development plans** outline individual development goals necessary to carry out workplan and other goals. For example, if one of the goals within a workplan is to pursue a legislative advocacy campaign, there may be specific professional development goals related to policy and media advocacy as well as public speaking and legislative analysis.