

You Get What You Measure: Using Metrics to Construct Effective “Score Cards” for Legal Aid Advocates and Offices

“You Get What You Measure.”

A few years ago at a “Leadership and Diversity Training” for Virginia project directors I was introduced for the first time to the business management maxim “You get what you measure.”¹ For those of you as unenlightened as I was at the time, here’s the gist of this insight. The metrics an organization collects send the strong message that those measures are what are truly important. In fact, the message could well be that these metrics are the only things that are important, to the exclusion of anything else. Employees take their cues about what is important in their job performance from the things that management chooses to measure – so “tell me how you will measure me, and I will tell you how I will behave.”

In the simplest generic example, if you measure only the number of hours worked by employees making widgets, you will get employees who simply put in their hours while they make widgets indifferently. If instead, you measure the number of widgets produced by each employee, you will consequently get many more widgets produced by each employee. Getting a little more sophisticated, if you measure only how many widgets are produced by each employee which pass a crash test, you will get more widgets produced that pass a crash test, as your employees learn to balance quality with output.

As I heard this maxim being explained at the training, it occurred to me that there were two important lessons to be considered about this insight. The first, more obvious lesson was that this was a potentially powerful tool for legal aid managers, assuming we figure how to apply it wisely. The second, less obvious lesson was the recognition that this principle was actually already at work in my legal aid program, and presumably all legal aid programs, whether we were consciously, deliberately attempting to apply it or not. If we are measuring any aspects of our program’s work, then this principle is in play. Since our advocates place importance on the things we measure, since they take their cues from what we are measuring, we have to be mindful that we are measuring the things that are paramount to our organization. Otherwise, we may be unwittingly reinforcing the wrong values in our organization. We had better be careful, and thoughtful, about what we are measuring, if only to avoid any unintended consequences of this maxim at work in our programs. This article describes my exploratory efforts in seeking to apply this maxim proactively in my small legal aid program.

¹ The training, held in March 2007, was sponsored by the Legal Services Corporation of Virginia (LSCV) and coordinated by Patricia Pap of MIE. I wish I could properly attribute the information about this maxim to the trainer or attendee who shared it. Unfortunately, my notes from the training simply state “You get what you measure!”

What are we measuring, and why?

Following that training, I began reflecting on what sort of data we were currently measuring at my program, and why. I also thought back to my earliest days as a legal aid attorney, and the subliminal messages I received from the metrics taken in my program back then. When I started out in 1981 as a new legal aid attorney, I fairly quickly ascertained that my program (a small rural program where I now serve as executive director) regularly measured three aspects of my work. It measured how many hours I worked each pay period, through the use of the ubiquitous time and attendance report. So I got the message that it was important for me to show up for work regularly. My program also measured how many cases my office closed each month, each quarter, and each year. Obviously, the number of cases my office closed was very important. Finally, my program measured how many open cases I carried on my pending case list. Frankly, I was never really quite sure as to the underlying reason for the importance of this, if it was in fact important. I received mixed messages. On one hand, I was told that there was an optimum number of cases an advocate should carry at any one time, and that this was why this metric was monitored. But I also perceived that there were bragging rights associated with the advocate with the massive case load. The more staggering the caseload, the more cred, or at least it seemed to me as a novice attorney.

But there was one other “metric” that I was exposed to in my first two years as a legal aid attorney. As a “Reggie,” funded by the national Reginald Heber Smith Community Lawyer Fellowship Program, I was required to file periodic reports with the national office administering this program. In those reports, I do not recall any numbers being tracked *per se*. Rather, they asked me to report on projects I was involved in, my accomplishments as I pursued goals, and any impact achieved for the client population I was serving. I clearly recall the tension I felt between my program’s outputs-based metrics, and the Reggie program’s outcomes-based focus.

Today, as an executive director, I recognized that we still use those three outputs-based metrics (that is, time sheets, caseloads, and case closures), among many others. Time sheets were still very relevant, and the message sent-- that showing up is important-- is valid enough today. We still monitor case loads, but I think the message now is more explicitly and clearly communicated that we believe manageable caseloads are necessary for quality legal work and that high case loads are signs of trouble. We still track cases closed, and with the help of computerized case management software, we can now easily generate reports by office, by advocate, by time period, *etc. ad nauseum*.

The longstanding emphasis on case closure statistics among legal aid programs undoubtedly can be traced back to the Legal Services Corporation’s (LSC) original Case Services Report (CSR) that was instituted in the very early 1980’s (if not earlier). Because LSC required its grantees to submit quarterly CSR reports, that familiar matrix showing the level of service² cross-tabbed with the type of legal problem, there was a major emphasis in all LSC-funded programs to establish paper systems to track and

² Actually, the original CSR tracked “Major Reason Case Closed” rather than pure level of service. This was revised in the 2008 CSR Handbook.

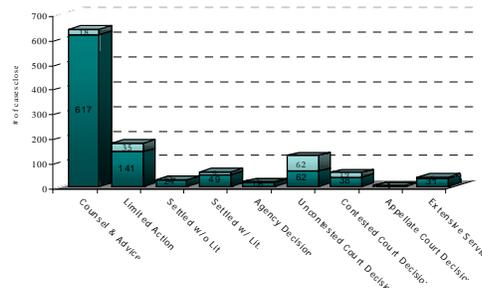
compile this case closure data, a very tedious task. When the first case management software programs for legal aid were developed in the 1980's, a key purpose was to automate the generation of those quarterly CSR reports. Because we all were required to keep and report this case closing data nationally, it was probably the key metric for legal aid programs through the 1980's.

When we began using case management software to generate CSR reports, we suddenly had the ability to generate these reports easily for each advocate, and to share this data with them. In my own program, using TurboCases and Quattro Pro, I began generating graphical reports for each of my advocates once or twice a year, to provide some feedback as to their numbers, their output, and how they compared with others. It was the only meaningful case related data we kept, and it made sense to share it with the staff. I did try to show the various levels of services clearly, consciously trying to make

the point that all cases were not equal: extended representation cases were more valuable to the program than the same number of "advice only" cases. Moreover, all court decisions are not the same. One class action during the early 1990's would "count" the same as a simple no fault divorce if you simply relied on this metric alone, so I tried to articulate that point as well as I disseminated this information.³ But even so, in retrospect I realize that I may have been unwittingly sending the message to our advocates that pure output was what was important to the program, that all the organization cared about was how many cases an advocate closed. While I may have attempted to assure our staff that high quality legal work, and getting good results for our clients was a higher value, I was probably undercutting and contradicting this message by collecting and sharing metrics that emphasized output (*i.e.*, the number of cases closed) exclusively.

LSC CSR Data

Cases Closed by Level of Service



Outcome Measurements

Success Rates in Extended Representation



Since the early 1990's my program, like programs across the country, began to measure other aspects of client services. For example, LSC has required its grantees to institute time keeping, and to measure and report "Other Services." In addition, on our own

³ With the CSR Handbook revisions of 2008, LSC divided court decisions into 3 categories: uncontested, contested, and appellate. This was a very helpful step in making the CSR reports more meaningful.

initiative, my program began tracking success rates for cases involving extended representation, asking when a case was closed, whether we had accomplished the client’s goal that we had agreed to pursue when we entered into our representation agreement. For each extended representation case, we know whether we achieved our client’s goal(s), partially achieved them, or failed to achieve them. I know that many other programs similarly track success rates.

Other funders, such as IOLTA and United Ways, began to focus on outcomes measurements and require their grantees to implement systems for capturing such metrics. In collaboration with other Virginia legal aid programs, we developed an outcomes coding system that incorporated some 240 common outcomes (for example, “quashed garnishment”), along with financial benefits measurements of amount avoided or recovered, whether lump sum or in monthly, ongoing benefits, as a result of our representation.

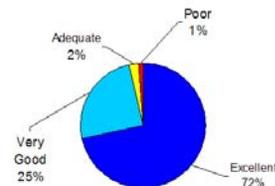
More Outcomes: Key Substantive and Financial Outcomes

Benefit Achieved	Number of Cases	Amount of Lump Sum Recovery	Amount of Monthly Recovery	Amount Avoided	Amount Avoided Monthly	Number of People Helped
Obtained federal bankruptcy protection	22	\$1,034.00	\$0.00	\$901,145.93	\$0.00	69
Stopped/reduced debt collection	32	\$16,023.65	\$48.00	\$43,338.40	\$197.00	52
Avorted repossession	5	\$0.00	\$0.00	\$976.00	\$0.00	4
Avoided/reduced/ended deficiency judgment	3	\$0.00	\$0.00	\$19,803.32	\$0.00	12
Avoided/ended garnishment/levy	28	\$24,981.07	\$0.00	\$13,325.36	\$0.00	76
Overcame unfair/illegal sales contracts	3	\$16,248.00	\$0.00	\$0.00	\$0.00	8
Enforced sales contracts/warranties	3	\$10,000.00	\$0.00	\$0.00	\$0.00	4
Obtained insurance benefits (not health/disability)	1	\$0.00	\$439.00	\$0.00	\$0.00	1
Overcame fraudulent sales practices	1	\$3,633.00	\$0.00	\$0.00	\$0.00	1

Most programs have now developed systems to survey client perceptions and satisfaction. In fact, client surveys are probably the best way to gauge the effectiveness of our legal assistance when it is limited to advice or limited service, as opposed to extended representation, since we have no other way to establish outcomes in these cases. My program was a relative late-comer to integrating client surveys into our metrics. In 2003 we implemented a comprehensive client survey system, with 3 different surveys: one for pro bono cases, another for advice only cases, and a third for staff extended representation cases. Each had a slightly different focus, but with a fair amount of overlap. Each month our case management software generates a report of

Client Satisfaction Surveys

How would rate the quality of legal assistance Blue Ridge Legal Services provided you?



mailing labels for the cases closed the previous month. Using those mailing labels, we send pre-folded and sealed surveys to all pro bono clients, all extended representation clients, and a random sampling of “advice only” clients whose cases were closed the previous month. Each survey mailing label includes the corresponding case number on it, so when the survey is returned using our return postage guaranteed postal permit, we can key the client’s responses into our case management software tied to the correct case number.

In this manner, for our “advice only” clients we can track whether they understood the advice provided; whether it answered their questions; and whether the advice they received was helpful in successfully resolving their legal problem. For our staff’s extended representation cases, we can track how the client felt about our intake system; how quickly they were able to talk to an advocate; whether they felt they were treated with dignity and respect; and how they rated the quality of the legal assistance provided. Because the client survey responses are recorded back into our case management software, we are able to generate unique client survey reports for funders, by jurisdiction, by office or advocate, etc.

Client Survey: Effectiveness of Advice

Was the legal advice you received helpful in successfully resolving your legal problem?



A third lesson: You get what you measure only to the extent you share this information with your advocates.

As I reflected on the ramifications of this maxim, and the fact that it was at work in my program whether or not I was consciously employing it, I had a third realization. While we had developed a fairly comprehensive set of metrics on outcomes, success rates, financial benefits, and client satisfaction with various aspects of our legal assistance, we had a major disconnect. This valuable information was not being regularly shared with the people to whom it probably mattered the most – our advocates and staff. I was still just sharing basic CSR data with them. No wonder I still occasionally ran into the perception that legal aid directors only cared about how many cases were closed by an advocate; that was precisely the unspoken message I was sending. I had just discovered an important corollary to this management maxim: you get what you measure, but only to the extent you share those metrics with your advocates and staff.

It wasn’t that we weren’t compiling and employing this great data we had on outcomes, success rates, and client satisfaction. To the contrary, we were regularly using this powerful data in our grant applications and reports to various funding sources, with excellent results. But while we might be supplying a particular United Way with a comprehensive set of metrics as to how well we were serving their particular geographical area, or a particular subset of the low-income population within their

particular geographical area (for example, older low-income residents in X County), complete with success rates, a list of outcomes achieved, a total of financial benefits gained or avoided, and client satisfaction data, we were not sharing this excellent feedback with individual advocates in any meaningful way. With this epiphany, I set out to devise such a tool.

Developing individualized “Accomplishment Reports” for offices and advocates.

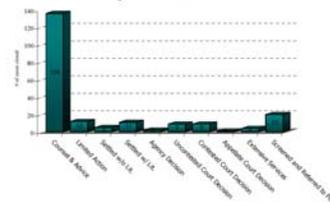
My goal was to develop a clean, 2-3 page report for each office and each advocate in our program, utilizing simple, clear graphics that would pull together all our pre-existing metrics into a comprehensive “score card” or “dashboard” depicting the outputs and outcomes accomplished during the previous year by that office or advocate. While I recognized that any single metric viewed in isolation cannot be a fair depiction of someone’s work, the compilation of all of these various metrics would more closely approximate a true, multi-dimensional portrayal of it.

I already had the queries and reports in our case management software to generate the data. It was just a matter of developing a template in Excel that would display these metrics in an accessible way. Ultimately, I arrived at this three page template. The first page has 3 sets of metrics. The first two are from the LSC CRS data. First, there is the number of cases closed by level of service, both in tabular and graphic form. Next, a pie chart showing the types of legal problems handled. This is just a useful way to show the general nature of that advocate’s work. The last metric on the first page is the advocate’s success rate. Of course, the success rate for an advocate who is handling nothing but uncontested no-fault divorces will be much higher than the success rate of an advocate who is handling nothing but predatory lending cases. On the other hand, if an advocate is almost uniformly unsuccessful, that’s worthwhile information to provide as feedback.

Advocate C's Case & Outcome Metrics, 2008

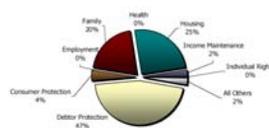
This advocate worked full-time for the entire year.

Cases Closed by Level of Service



Cases Closed* by Level of Service	
Counsel & Advice	139
Limited Action	12
Settled w/ L.R.	12
Settled w/ J.R.	11
Adversely Dismissed	8
Uncontested Court Decision	1
Contested Court Decision	1
Expedited Court Decision	1
Alternative Services	2
Referred since Referred to PSI	2
Total	202

Cases Closed by Substantive Legal Category



Cases Closed* by Substantive Legal Category	
Debtors Protection	87
Family	60
Housing	53
Income Maintenance	2
Employment	2
Individual Rights	0
Consumer Protection	8
All Others	2
Total	202

Success Rates in Extended Representation



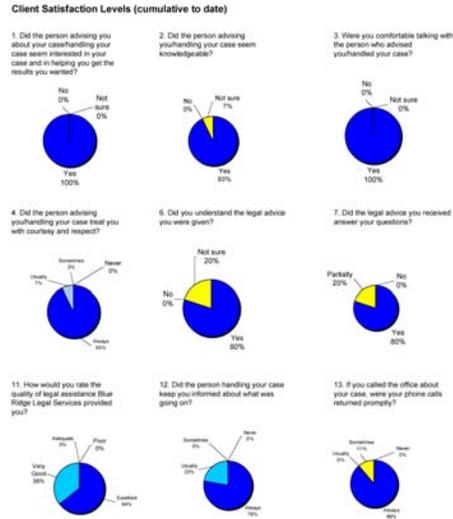
Success Rates in Extended Representation	
Cases	
Client's Goals Achieved	24 (73%)
Partially Achieved	5 (21%)
Not Achieved	2 (6%)
Total	31 (100%)

* Totals include cases that were screened and referred to PSI program during the year, and not necessarily closed.

The second page is a set of graphs setting forth the compiled client responses to nine questions included in our client surveys for cases handled by that office or advocate. I color-coded the responses so that blue indicated positive responses, yellow indicated mixed responses, and red indicated negative responses. In this way, you could quickly

glance at the page and identify areas that might be more problematic. The questions include such things as:

- “Did you understand the legal advice you were given?”
- “Were you treated with dignity and respect?”
- “Did the person handling your case keep you informed about what was going on?”
- “If you called the office about your case, were your phone calls returned promptly?”
- “How would you rate the quality of legal assistance Blue Ridge Legal Services provided you?”



On the third page, a tabular listing of all the outcomes achieved by that advocate or office was set out, including the financial benefits, if any, and the total number of people helped as a result of that advocacy. Any cases that involved only the provision of advice were combined into a single entry reflecting that X number of clients had been provided advice. Finally, a brief narrative summary was included on the last page. For example, one advocate’s summary read as follows:

‘Over the year, this advocate closed 198 cases with 204 outcomes, recovering \$16,956 in lump sum benefits and \$611 in monthly benefits for clients, while avoiding \$333,101 in liabilities for these clients, benefiting 479 people. This advocate achieved our clients’ goals in 83% of the cases in which we undertook representation, while partially achieving them in another 7%. 95% of this advocate’s clients rated our services as ‘very good’ or ‘excellent.’”

Result achieved	Number of Cases	Amount of Lump Sum Benefits	Amount of Monthly Benefits	Amount Avoided	Number of People Benefited
Obtained/reduced debt collection	7	\$8,445.61	0.00	7,797.57	0.00
Obtained representation	1	0.00	0.00	0.00	0.00
Obtained/reduced/deferred judgment	1	0.00	0.00	8,701.52	0.00
Obtained/reduced garnishment/levy	6	3,960.43	0.00	0.00	0.00
Obtained divorce/consentment	7	0.00	0.00	0.00	0.00
Obtained/avoided/repatriated/affidavit settlement	1	0.00	0.00	0.00	0.00
Obtained protection from domestic violence	1	0.00	0.00	0.00	0.00
Obtained other financial aid or medical aid	1	0.00	0.00	1,277.52	0.00
Prevented eviction from subsidized housing	1	0.00	754.00	0.00	0.00
Prevented eviction from private housing	2	2,600.00	0.00	0.00	0.00
Prevented/obtained orders for Magistrate JJ	4	0.00	0.00	2,872.88	0.00
Overcame denial of tenant's rights under lease	3	0.00	0.00	444.51	0.00
Prevented/obtained access to personal ID	1	0.00	0.00	0.00	0.00
Prevented/achieved/provided time to seek alternative housing	3	0.00	0.00	137.76	0.00
Obtained non-litigation advocacy - housing matter	3	0.00	0.00	600.00	0.00
Obtained other benefit - Family matter	1	0.00	0.00	0.00	0.00
Obtained non-litigation advocacy - Consumer matter	3	0.00	0.00	0.00	0.00
Obtained other benefit - Consumer matter	1	0.00	0.00	0.00	0.00
Obtained benefit - none of the above (Specify)	3	0.00	0.00	0.00	0.00
Unsuccessfully represented clients in consumer, family and income maintenance cases	3	0.00	0.00	0.00	0.00
Provided advice in consumer, family, juvenile, housing, crime, narcotics, and welfare/matters	136	0.00	0.00	653.00	0.00
TOTAL	191	\$16,201.38	\$754.00	\$22,771.39	\$0.00

Summary
 Over the year, this advocate closed 209 cases with 191 outcomes, recovering \$16,201 in lump sum benefits and \$754 in monthly benefits for clients, while avoiding \$22,771 in liabilities for these clients, benefiting 485 people.
 This advocate achieved our clients’ goals in 73% of the cases in which we undertook representation, while partially achieving them in another 21%.
 100% of this advocate’s clients rated our services as “very good” or “excellent.”

I prepared such a report for every advocate and each office in the program for the previous year. The advocate reports were provided anonymously. I provided each advocate with his or her own report, as well as a complete set of all

the program advocate reports, so each advocate could compare his/her accomplishments with the other advocates.

In my cover memo to my staff, I noted that as they peruse these reports, they would see lots of apples and oranges, that is to say, there are lots of variations among our advocates as to the type of work they do. So comparing one advocate against another with regard to any single metric may well be undertaking the classic fallacy of comparing an apple to an orange. Nevertheless, I continued, one can draw some general conclusions from these reports. First, we have a high rate of success in the cases we undertake for full representation, with relatively little variation among advocates. Another general conclusion we can draw from these reports is that our clients are generally very satisfied with our services, regardless of which advocate assisted them. Likewise, our clients report that our advice is helpful and responsive; and that we treat them with courtesy and respect, across the spectrum of advocates and offices. And my final general conclusion: that our combined efforts have made a big difference in the lives of thousands of our clients, as reflected in the numerous outcomes reported in these pages. So, in other words, I believe there are a lot more similarities across these reports, than differences -- and those similarities are very positive.

Having said that, I went on to point out that there was nevertheless some utility in each advocate (and office) trying to identify his or her relative weaknesses as they reviewed these reports, and determining whether he or she should make an effort to improve that particular metric. I ended with a caveat that there are lots of nuances and hidden factors underlying these numbers and percentages so that they would need to be careful in attempting to draw easy conclusions from these reports. The more you look at them, the more complicated they are. But the examination is still very worthwhile.

Are these reports worthwhile?

Having generated these reports and shared them with staff, was it worthwhile? First, by developing these metric reports, it came to light that there are some metrics for some advocates that do cause me a bit of concern. I plan to use these as part of their evaluations, and we can talk about areas of weakness. But for the most part, I think the benefit of these reports is that the advocates will self-assess their strengths and weaknesses, and work on improving their weaknesses.

I found that most of our advocates were utterly fascinated by this information. Those who had relatively weak client responses regarding the clarity of their advice must certainly be striving to make sure their clients understand the advice they are giving now. Those who might have been weak in returning client phone calls promptly are probably paying a little more attention to this. Someone who might have received less stellar marks than others in whether they treated their clients with dignity and respect undoubtedly are doing a little soul searching to make sure they do not come across that way to future clients. By measuring these aspects of client satisfaction, and sharing this data in a meaningful way with our advocates, we are sending a very clear message that these values are of critical importance to the organization. Likewise, the focus on achieving

positive outcomes, rather than merely considering the number of cases closed, is reinforcing the message to our advocates that our goal is to have a positive impact on our clients' lives. We want to focus our resources on those cases where we will make a difference to our clients.

I am sharing this work with others in the legal aid community in the hopes of sparking a dialogue on this subject. When I first began reflecting on this management maxim a couple years ago, I did not find any good resources on the topic in the legal services community. Yet I imagine there are many programs across the country that have developed more sophisticated ways of using metrics to send a nuanced message to their advocates and staff about what is valuable in their work. I'd love to learn about those. Can we incorporate an effective way to measure and communicate community lawyering activities and accomplishments? Is there an objective way to capture other matters and projects undertaken? Does any manner of metric-based feedback to our advocates send the right message? I would be very interested in learning what other metrics are being used in this fashion, and what other methods are being used to communicate them to staff, so that we can develop a richer, more fully encompassing means of measuring and communicating those facets of our work that we really want to encourage.

Copies of the Accomplishment Reports for BRLS offices and staff can be found in the MIE Library.