



LEGAL SERVICES CORPORATION

Office of Program Performance

Final Report

for

Program Quality Visit

to

California Indian Legal Services, Inc.

Recipient No. 705158

February 23 - 27, 2015

OPP Visit Team:

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**California Indian Legal Services, Inc.
Program Quality Report**

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INTRODUCTION

The Legal Services Corporation (LSC) Office of Program Performance (OPP) conducted a Program Quality Visit (PQV) to California Indian Legal Services (CILS) in Escondido, California, from February 23 to February 27, 2015. OPP's team consisted of LSC program counsel Evora Thomas, team leader, and LSC temporary employee Timothy Watson.

Program Quality Visits are designed to evaluate whether LSC grantees are providing the highest quality legal services to eligible clients. In conducting the evaluation, OPP relies on the LSC Act and regulations, the LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The on-site evaluation was organized to follow the four Performance Areas of the LSC Performance Criteria, which cover needs assessment and priority setting; access to services and engagement with the low-income community; legal work management and the legal work produced; and program management including board governance, leadership, resource development, and coordination within the delivery system.

In conducting its assessment, the team reviewed the documents provided by the program to LSC, including recent applications for funding, technology and PAI plans, workforce analysis charts, and case service and other services reports. The team also reviewed materials requested in advance of the visit, including documents relating to board governance, intake, legal work and case management policies and systems, advocates' writing samples, and the results of an online staff survey.

On site, the team visited the program's three offices located in Eureka, Sacramento and Escondido, but was unable to visit the Bishop office as planned, due to adverse weather conditions. The team interviewed program leadership, management and administrative staff, advocacy staff, and support staff. The team also interviewed members of the board of directors, judges, other funders, community partner organizations, other state justice stakeholders, and bar representatives. Due to scheduling and time constraints, some of these interviews were conducted by telephone.

SERVICE AREA and PROGRAM OVERVIEW

California is the third largest state in the country, encompassing a vast and diverse geography of 158,706 square miles, including desert terrain, mountains, ocean coastlines and fertile valley regions. The state is home to densely populated, ethnically diverse metropolitan areas and to remote regions of sparse population, with limited access to technology and other modern infrastructure. There are 110 federally recognized tribes within California and numerous others that have yet to be recognized. Native Americans are located in urban centers, on federally recognized Indian lands and in small towns and communities throughout the rural parts of California. The U.S. Census Bureau estimates that in 2014 Native Americans represented 1.7% of the state's population of 37,659,181.¹ The Native American population in California living below the poverty level is estimated to be 64,735.²

¹ U.S. Census Bureau, *American Community Survey 5-year estimates, 2009-13*.

² U.S. Census Bureau, *2013 American Community Survey – 1 year Estimates, Table S1701*.

California Indian Legal Services was established in 1967 as a statewide legal services provider serving low-income Native Americans³ throughout the state. Two of its founders were attorneys who had formerly been associated with the Indian Services Division of California Rural Legal Assistance. Today, “(t)he mission of California Indian Legal Services (CILS) is to protect and advance Indian rights, foster Indian self-determination, and facilitate tribal nation-building.”

The LSC grants awarded to CILS support basic field legal services delivery in Alpine, Inyo and Mono counties that are handled by the Eastern Sierra Legal Assistance Project (ESLAP) housed in the Bishop office. The services for Native Americans living throughout California including those who live on its 102 Native American reservations are provided in all four offices of the program. For 2015, CILS was awarded a grant in the amount of \$910,144 including a basic field award of \$24,492 and a Native American award of \$885,652. This represented an increase of \$19,737 or 2% increase over the 2014 award of \$866,424 Native American and \$23,983 basic field funding.

SUMMARY of FINDINGS

True to its mission, California Indian Legal Services has a strong program-wide commitment to the delivery of Indian legal services. This conclusion was drawn from the comments of staff, board members and others representing the tribes, the courts, other organizations that fund CILS and agencies or groups that serve the same client constituencies. CILS, as an organization, has a very positive public image and leadership recognition.

CILS is responsive to the voice of the client communities it serves, devoting appropriate resources to conducting a comprehensive legal needs assessment; and, then, addressing those needs consistent with the program’s five year strategic plan. The advocates at CILS have a demonstrated high level of substantive legal expertise and experience. Despite some past difficulty with recruitment, CILS has always had an actively engaged board of trustees (directors). And, those charged with leadership and implementation of the program mission and goals, provide solid, conscientious organizational administration and management.

The visit also identified some challenges faced by CILS that hinder its ability to do even more. The vast expanse and rugged terrain in parts of the service area make it inherently difficult to provide direct legal assistance to all parts of the state equitably. Funding levels have adversely impacted the program in recent years, so that there have been periods of inadequate attorney staffing. The most pronounced impact was on the level of closed cases in the basic field-general component, housed in the Bishop office. Technology upgrades have been envisioned and integrated slowly due to funding constraints and limited infrastructure capacity. The case management and telephone systems are in most immediate need of upgrade. CILS also must adopt several policies or plans, including: limited English proficiency, leadership succession, and disaster recovery or continuity of operations.

³ The terms Native American and Indian are used interchangeably throughout this report.

FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

PERFORMANCE AREA ONE: Effectiveness in identifying the most pressing civil legal needs of low-income people in the service area and targeting resources to address those needs.

Needs Assessment and Priority Setting

Finding 1. CILS successfully completed a comprehensive statewide assessment of the legal needs of Native American individuals and tribes in California that was approved and released in 2013.

In 2012 CILS began a process to identify and assess the most compelling legal needs of Native Americans in California. Working through the Needs Assessment Committee comprised of key staff and board members, the program retained a consultant to assist in the design and development of the study that employed various data gathering methodologies and data sources. The information gathering process engaged individual Native Americans, tribal government representatives and tribal organizations (non-profits) in responding to a survey and in focus group discussions customized for each target group. The recipients of the surveys were asked to rate legal needs listed among six major areas of Indian law: 1) Indian trust lands; 2) tribal/BIA benefits; 3) Indian child welfare; 4) individual Indian rights; 5) Indian specific taxation issues; and, 6) tribal governance. Other empirical data was reviewed including case management system (CMS) data, census data, and data reported on various social services websites such as www.kidsdata.org and www.healthycity.org. CILS also reviewed the findings from the *Legal Needs and Services in Indian Country, NAILS' Update to Dahlstrom-Barnhouse's 1998 Study to the Legal Services Corporation* ("NAILS update") for additional insights. The study also looked at the strengths and weaknesses of CILS as expressed by the three target groups. Its community education activities were consistently identified as its greatest strength.

Once the survey and focus group results were compiled and analyzed by CILS' staff, a full report of the findings was presented to the board of trustees and adopted in March 2013. Although the emerging pattern of tribal disenrollment and related need for assistance with ancestry tracing was the highest need expressed by all three groups, other needs were ranked for each of the three groups separately. These include issues pertaining to Indian child welfare, individual Indian rights, Indian trust lands, tribal/BIA⁴ benefits and probates/wills. At the conclusion of the report, CILS noted the importance of preserving the perspectives of the three groups as it charts its next steps for strategically planning priorities, goals and outcomes. CILS stated that its efforts had "allowed us to see the cross sectioning of tribal government needs that directly responded to the needs of individual tribal members." This insight would significantly impact decisions about delivery strategies for the future.

⁴ Bureau of Indian Affairs

Finding 2: CILS engaged in a rigorous analysis of the information acquired by its legal needs assessment and adopted program priorities on December 6, 2014.

Shortly after the board of trustees adopted the *CILS Needs Assessment Report 2012-13*, the program conducted a two day board/staff retreat in June 2013 to discuss the results of the needs assessment and provide input on new program-wide priorities at which staff and board members engaged in a high level of discussion. For example, there was serious debate concerning whether the program would modify its policy against accepting Indian vs. Indian cases because it foreclosed the possibility of handling disenrollment cases.

Over the next year, CILS continued to refine its program-wide priorities and project-specific action items. Priorities developed for both the Native American and the Basic Field components were approved by the board of trustees at the meeting of the full board on December 6, 2014. CILS' priorities, as listed below, will be reviewed and adjusted annually by the board with staff input. Native American Delivery:

1. Preserve and enhance the Indian land base in California;
2. Protect tribal sovereign immunity from state infringement;
3. Protect and preserve tribal self-determination and control over tribal lands and reservation programs in California;
4. Develop and/or enhance tribal public safety through tribal courts, law enforcement and cooperation with local and state authorities;
5. Protect and secure federal and state benefits for tribes and California Indians;
6. Secure and protect the civil rights of Indians in California;
7. Protect Indian families and children under the Indian Child Welfare Act;
8. Assist with tribal economic development to enhance Indian community;
9. Protect and preserve of Indian cultural resources, sites and sacred objects;
10. Assist Indian allottees with protecting their land from trespassing, taxation, and the federal probating process;
11. Track statutory, administrative, and legislative actions impacting California Indian Country;
12. Provide community education and training to California Indian communities, tribal and Indian organizations on issues impacting California Indians;
13. Develop of additional self-help materials and other client information and education materials to empower tribal members; and,
14. Seek additional funding for CILS activities and to carry out contractual or grant obligations that are thereby incurred.

The Eastern Sierra Legal Assistance Project (ESLAP) basic field priorities are: 1) Landlord Tenant, Eviction Defense; 2) Public Benefits; 3) Consumer Protection; 4) Elder Law; 5) Employment Law; and, 6) Education.

The PQV team noted that the current list of priorities does not identify the specific types of legal problems that CILS will handle with its Native American grant or the anticipated level of assistance contemplated, even though it was apparent from interviews that staff has a concrete

idea of what types of cases are handled by each office. The ESLAP priorities are more specific even though no case acceptance policy was produced for that program.

Strategic Planning

Finding 3: To guide the direction of activities undertaken by the organization, CILS included its entire board and staff in the development of its strategic plan, and made appropriate adjustments to address emerging needs.

Following the adoption of the *CILS Needs Assessment Report 2012-13*, the program convened a strategic planning committee comprised of board and staff to formally develop a plan for addressing the issues identified in the study. The Strategic Planning Committee began to lay out the process during a two day retreat in June 2013, and continued to work throughout 2013 and conducted a second board and staff retreat in June 2014. After circulation of the draft strategic plan to all board and staff members and incorporating feedback, the final draft strategic plan was approved by the board of trustees at the September 2014 quarterly meeting. Many of the board and staff members interviewed by the PQV team expressed their appreciation for the opportunity to participate and for the level of engagement that was manifest during the discussions. One person remarked that “(i)t afforded everyone an open venue to offer their ideas and get to know each other. People felt valued and included.”

The *California Indian Legal Services Strategic Plan: 2014 - 2019* incorporates the strategies, action steps, timelines and persons responsible for implementation of nine goals related to four over-arching areas of focus. The goals approved by the board of trustees are to: 1) provide high quality work; 2) target services to address appropriate needs; 3) develop and strengthen expertise; 4) strengthen staff retention; 5) expand training; 6) strengthen the role of the board of trustees; 7) improve marketing, communications and public relations; 8) improve resource development; and, 9) develop an advisory board.

The final plan narrowed the nine goals into four areas: 1) responding to client needs with high quality, high impact services; 2) ensuring a supportive and challenging work environment; 3) maintaining a well-governed and well-administered organization; and 4) increasing financial security. The Strategic Planning Committee continues to be engaged in the implementation of the plan and is monitoring progress in meeting some of the initial deadlines. They are meeting bi-monthly by teleconference, and they may move towards monthly meetings in the near future. The committee had been convened shortly before the LSC visit. A comprehensive review of the entire plan will be conducted at the halfway point of the plan’s lifetime; appropriate adjustments will be taken where necessary.

Other than the strategic planning and implementation process and annual review of priorities, at present CILS’ evaluation process does not appear to include documenting and analyzing the outcome benefits of all their legal work as part of the case closing process. Rather, it is dependent upon the grant requirements of the funding source that supported the legal work.

Recommendation I.2.2.1.⁵ CILS should consider developing a case acceptance policy to identify more specifically the types of cases and accompanying levels of service that may be accepted throughout the program.

Recommendation I.3.3.1. CILS should continue to monitor its progress in meeting the goals of the strategic plan.

Recommendation I.4.3.2.* CILS should consider developing procedures to capture quantitative and qualitative outcome benefits of the work that it produces.

PERFORMANCE AREA TWO: Effectiveness in engaging in and serving the low-income population throughout the service area.

Dignity and Sensitivity, including intake

Finding 4. CILS operates a coordinated intake system that affords relatively comparable access throughout the program service area.

The intake system is administered by staff in each of the program's offices. The Director of Administration manages the intake system. Intake hours are not uniform throughout CILS. For example, in Bishop, intake is available from 9:00AM to 12:00 noon Monday through Wednesday; and in Eureka there are no designated intake days, rather, intake is an ongoing process. It does not appear that the program website and promotional literature contain information about intake availability. There are many similarities in the intake systems of all offices. Intake occurs primarily by telephone, although some applicants are referred by email. Toll free telephone numbers are available throughout the service area and the applicants are able to leave messages for callbacks that are added to a call log created with Microsoft Access if the call is not answered. Except for emergencies, walk-in applicants are only seen with a pre-scheduled appointment.

The telephone system lacks capacity for many of the advanced features currently available such as automated attendant, call answering at a different location, automatic call-backs, interactive voice response, and the ability to review wait times in queue or dropped calls. In Sacramento there is greater technology support for intake than in other offices due to installation of a new telephone system that offers VOIP connectivity that allows for seamless transfer between offices and allows phone messages to be viewed in emails. All intakes are managed using PIKA, a web-based case management system (CMS) available in all offices and remotely. Some staff expressed an interest in the program exploring the advantages of online intake systems.

⁵ Recommendations in this report will have a Roman Numeral to identify the Performance Area, followed by three numbers identifying, respectively, the Criterion addressed by the recommendation, the number of the finding and a number designating whether it is the first, second, third, etc., recommendation under that finding. For example, III.2.14.3 designates Performance Area III, Criterion 2, finding 14, and third recommendation under finding 14. There are two levels of recommendations in this report: Tier One and Tier Two. Recommendations that are indicated with an asterisk [*] are Tier One recommendations and are seen as having a greater impact on program quality and/or program performance. In its next Application or Renewal, the program will be asked to report on its implementation of Tier One recommendations.

The intake worker in each office is responsible for processing applications. The work is guided by a comprehensive intake manual of policies and procedures used in training of intake workers and as ongoing guidance in conducting the intake screening interview and closed case file audit processes. The eligibility of groups, corporations and tribes must be approved by the executive director. After a rough screening for case type and eligibility, intake personnel enter the applicant information into the CILS case management system. The visit team noted that intake workers routinely document the information from the client on a handwritten form before entering the information into the case management system.

After eligibility is determined, the case is referred to the assigned attorney or advocate for legal assistance such as advice and other legal actions listed in the Internal Services Priority Charts, an Appendix to the CILS Intake Manual. When more extended representation may be appropriate, the application is then considered at the weekly case acceptance meeting (CAM) conducted in each office, where case acceptance decisions are made concerning the amount of work that will be put into the matter and the advocate who will be assigned to work on the case. Led by the directing attorney in each office, these meetings are frequently attended by the Executive Director. It appears that the time between initial contact with the program and speaking to an intake worker, having a substantive interview or receiving legal assistance has decreased generally to within one day, since the submission of the program's 2013 application for funding from LSC.

Recommendation II.1.4.1. The program should consider adding online intake through its website as an additional portal for client access.

Recommendation II.1.4.2.* Staff should be trained to enter information from the intake applicant directly into the case management system concurrent with the interview process.

Engagement with and access by the low-income population

Finding 5. The program engages in considerable efforts to ensure access to CILS, especially in remote communities.

In light of the size of the program's service area noted above, CILS has aligned its services in four regions, placing an office in each. The regions and corresponding office sites are: Northern – Eureka; Central – Sacramento; Eastern Sierra - Bishop; and, Southern – Escondido. Program offices are strategically located in relatively close proximity to Native American tribes and communities throughout the state to maximize access to services. Staff members in these offices are appropriately diverse to reflect the composition of the client community and culturally competent to serve it accordingly. CILS is committed to assisting applicants and clients who have challenges with accessing its services. From time to time, staff conduct in-home intake for homebound applicants and may coordinate with tribal organizations and agencies to accommodate those with transportation difficulties.

CILS strives to ensure that the client community is aware of the availability of its services and has access to them. Awareness is achieved by staff developing productive relationships with key staff of tribal governments and organizations, including tribal courts. This creates a pipeline for referral of individuals, groups, organizations and other entities that may be eligible and in need

of legal assistance. In explaining their willingness to refer clients to the program, representatives interviewed by the PQV team expressed high regard for the cultural sensitivity demonstrated by CILS staff, along with their responsiveness and high quality handling of the legal work.

Program brochures and posters are regularly distributed at tribal or community gatherings and cultural events such as the Costa Mesa Pow-Wow. At some of these events, intake is available for eligible attendees to receive direct services. The CILS website, www.calindian.org, contains extensive materials about the organization, discussion of its legal work, links to partner organizations, and legal resources. The program has invested in making the website more robust and client friendly over the past two years. Most recently, through marketing strategies being developed by the program, CILS is increasing its social media presence, along with introducing a quarterly newsletter and continuing to publish annual reports.

Finding 6. CILS formerly provided limited guidance to staff on accommodating the access needs of those with limited English proficiency, but did not do so comprehensively.

Intake workers generally do not encounter significant language access issues. Non-English speaking applicants rarely contact CILS for assistance from the Native American component. Most tribal members speak English. From time to time elderly tribal members who are native-speakers will be accompanied by a family member to interpret for them. Census data reflects that non-English speaking individuals in the ESLAP service area (CA-1) constitute 14.9% in Inyo County, 22.4% in Mono County, and 9.9%.⁶ in Alpine County. Most non-English speakers who contact the program are Spanish speakers. To address this potential need for accommodation, a staff member in the CILS Sacramento office who speaks fluent Spanish is available to assist with interpreting for intake program-wide. In 2009, CILS distributed a one paragraph memo to staff directing staff to contact the Spanish-speaking staff if the applicant or client was a Spanish speaker or contact the relevant tribe of a native-speaking Native American to request assistance. This document does not reflect prior consideration of guidance provided in LSC Program Letter 04-2 and the accompanying memorandum, *Guidance to LSC Programs for Serving Client Eligible Individuals with Limited English Proficiency*.

Recommendation II.3.6.1. CILS should review its LEP policy taking into account suggestions outlined in the Guidance to LSC Programs for Serving Client Eligible Individuals with Limited English Proficiency.

PERFORMANCE AREA THREE: Effectiveness of legal representation and other program activities intended to benefit the low-income population.

Legal Representation

⁶ U.S. Census Bureau, American Communities Survey, 2009-2013.

Native American Component

Finding 7: CILS provides high quality, specialized legal services of significant favorable impact on issues of federal Indian law, and other legal problems affecting Native American tribes and individuals of Native American status in California.

Capacity

CILS has developed the necessary capacity to produce high quality legal work. By attracting an experienced staff of attorneys who have substantial familiarity with the unique practice of Indian law, CILS is able to provide expert legal assistance to Native American client communities within its service area. For example, in October 2014 in recognition of her expertise in federal Indian law, CILS' executive director was awarded the Outstanding Achievement in California Indian Law Award from the California Indian Law Association. Each of the eight CILS attorneys, including the executive director, has been with the program for at least five years, and with the exception of one who began as a paralegal, all had prior legal experience before joining the program. CILS attorneys are recognized by the tribes and courts throughout California for their expertise in issues concerning the Indian Child Welfare Act ("ICWA"), the American Indian Probate Reform Act ("AIPRA"), Public Law 83- 280 ("PL 280"),⁷ the Tribal Law and Order Act ("TLOA"), the Native American Graves Protection and Repatriation Act, ("NAGPRA"), tribal court development, tribal code development, Indian housing, Indian health services, the Violence Against Women Act ("VAWA") and a variety of other California and federal laws concerning estate planning, landlord/tenant and public benefits (SSI and Medi-Cal.) issues.

Advocates feel that they have all of the necessary tools for their work, including an appropriate law library in each office, and access to *WESTLAW* and other online legal resources such as the *National Indian Law Library* and the *Indian Law Reporter*. The attorneys have reasonably up-to-date computers, telephone systems and other technology. One advocate offered that it would be beneficial to have more remote capability to talk to clients in distant areas. Discovery tools, such as depositions, are rarely used in the kind of work that the program does on behalf of tribes. However, in a particularly complex case involving the client having access to a cemetery, the program used a skilled litigation firm to assist in the efforts to address the situation.

The executive director also functions as a litigation director and is intimately involved in the legal work of CILS overall, as well as that of the individual advocates. She has adopted a separate training budget for each office. Staff interviews with the PQV team revealed that training was generally viewed as good or acceptable. Much of it occurs through online opportunities, such as *Practicing Law Institute* webinars. Members of the staff who attend trainings in person, such as the one sponsored by the *Federal Indian Bar Conference*, are expected to share materials with the other staff when they return. Advocates indicated that they could not recall having been refused a training event that they needed to attend. Some felt that they would be able to go to better training events if the program had more financial resources. Overall, advocates feel that they are very well supported in their work.

⁷ Public Law 83- 280 (commonly referred to as Public Law 280 or PL 280) was a transfer of legal authority (jurisdiction) from the federal government to state governments which significantly changed the division of legal authority among tribal, federal, and state governments.

Management & Supervision

Primary responsibility for legal work management and supervision at the local office is assigned to the directing attorney under the supervision of the executive director. Along with the position of directing attorney to supervise the legal work, CILS also divides its advocates into four substantive law groups that focus on legal issues within their areas of specialization. The management of this work is directed by the four project coordinators, who are each assigned to one of the following projects: 1) ICWA Project; 2) Trust Asset Project; 3) Tribal Governance Project; and, 4) Fiscal Project.

Lines of authority and supervision are clear within each office. Provision has been made to address the potential for conflict regarding supervision in two situations. In Eureka, the directing attorney is the spouse of the staff attorney in that office. Supervision of the staff attorney therefore is the responsibility of the program's executive director. In the Escondido office which houses the leadership or "Principle Office Team" as well as the advocate staff, the executive director is the spouse of the senior staff attorney located there. The directing attorney is in the awkward position of being the supervisor of *his* supervisor's spouse. The parties do not report any difficulty arising from this arrangement. In fact, some other staff opined that in the workplace, "you would not recognize that the two are married." The board of trustees also is aware of these relationships and confident that the staff conducts itself in a professional and ethical manner.

CILS employs various strategies to ensure that its legal work is performed effectively and responsibly. Staff was able to consistently describe their legal work management practices, yet it appears that most are not fully memorialized through written policies and procedures. For example, advocates use joint calendaring systems for the purpose of making certain that deadlines and appearances are known, and all offices regularly review case list reports to determine the status of cases and whether or not some are ripe for closure. No formal guidance addressing these practices was provided to the PQV team. At the time of the visit, it appeared that advocates maintain an open caseload of approximately 20 cases, although some had fewer cases.

The program last revised the CILS Case Management Policy and Procedure Manual in February 2012. The document provides brief descriptions of the system for management and supervision of legal work. It also includes policies for group case acceptance, weekly case acceptance meetings (CAM) and monthly, firm-wide program advocacy meetings (PAM). These two meetings are among the primary means of determining case assignments, arriving at the levels of assistance to be provided and developing case strategy, along with providing advocates the opportunity to discuss emerging issues within the office, program and client community. The manual does not contain many guidelines routinely contained in the legal work manuals of other successful legal services providers, such as guidelines for case assignments, caseload levels, case planning, file maintenance, calendaring, open case file review, co-counseling, case transfers, training and professional development. It does not provide guidance on development and examination of the minimum skills to perform the duties of staff attorney, such as interviewing, discovery, trial preparation, courtroom presentation, negotiations, legal research, and legal writing such as drafting pleadings. A CILS manual might also include information about the various tribal court

admission requirements throughout the state and other important information about tribal court practice.

Program advocates routinely participate in weekly CAMs, described in Finding 4, above, and in statewide calls referred to as “the PAMs.” These meetings formerly occurred monthly, although the PQV team learned that currently they occur on more of an *ad hoc* basis and are now called Program Staff Meetings (PSM). As a result of advancements in their technology, CILS also has the capacity to conduct these meetings by videoconferencing. The agenda of the December 2014 PSM contained videoconference instructions and addressed specific topics, including the upcoming LSC PQV; office and case updates and other program wide matters, such as the intake manual; grant compliance & reporting; resource development; and new program projects. There are also regular phone calls held by the four ongoing major advocacy projects within CILS. These projects all have active listservs® that the advocacy staff relies upon.

Quality & Quantity of Legal Work

The first goal expressed in the CILS Strategic Plan 2014 -2019 is “Responding to Client Needs with High-Quality, High Impact Services.” The three subdivisions of this goal are: 1) provide high quality casework; 2) target services to address appropriate needs; and, 3) develop and strengthen expertise. Most of the legal work conducted at CILS is coordinated through the advocacy projects referenced above. Their work encompasses litigation, community education and other limited services on behalf of clients as suggested by the strategic plan. Some of the work performed by the CILS advocates is funded by contracts for services with various tribal authorities throughout California. This work may not be reportable as LSC cases or other services, but contributes significantly to the overall reputation, stature and quality of the program and impact of its efforts. The program reports that it closed 105 cases in 2013 and 207 cases in 2014 that are not reportable to LSC.

The legal work of the *ICWA Project* deals with issues peculiar to the Indian Child Welfare Act. Since 1998, the *ICWA Project* has been instrumental in the creation of the *California Judge's Benchguide to the Indian Child Welfare Act*, as well as the *ICWA Cases Post- 2012 Benchguide*, both of which are free and available on CILS' website. The *ICWA Project* is led by the directing attorney of the Eureka office. She routinely tracks ICWA appeals and works with the California Office of Administration for the Courts. At the time of the PQV, the project had worked on two *amicus* briefs in the California Supreme Court including *In re Abbigail A*, where the central issue was whether a court should apply the ICWA where biological parent and minor child are Native American but not enrolled in their tribe. The lower court held that ICWA does not apply until enrollment of the parent and child is completed.

The *Trust Asset Project* was started as an initiative to implement the provisions of the Indian Land Consolidation Act. It is currently led by the directing attorney in Sacramento. A wide variety of activities and issues are included: trust land issues, individual accounts, leasing, environmental problems, American Indian Probate Reform Act, wills, fractionalization, water rights, and the Native American Graves Protection and Repatriation Act. A critical part of the work is community education and the sharing of information between tribes.

The *Tribal Governance Project* is led by the executive director. A current initiative of this project, “Indian Law for Community Impact,” is funded through a California State Bar, Equal

Access Fund grant and has specific staff assigned with deliverables, goals and objectives. The main goals are tribal court development, development of tribal justice systems and tribal law enforcement. One area of focus is a consortium court of several tribes in close proximity to the Escondido. CILS now has a significant domestic violence grant from the Department of Justice and is working towards getting all tribes to adopt a single code. On some of these matters they work with the California Office of Administration of the Courts. The project also works with the National Center for the Enforcement of Tribal Court Orders. The program reports that there is a real problem with some tribes not having any law enforcement, so the local sheriff has to enforce the law.

The *Fiscal Project* is led by the directing attorney in the Escondido office. Their goal is to produce work that has significant impact and to educate the community. A significant issue for them concerns when and if state taxes apply in Indian land and over whom. There is an erroneous perception within the state that all the Native Americans are benefitting from gaming. As a result, CILS has recently begun to represent clients whose income was taxed inappropriately by the State of California's Franchise Tax Board. The project staff report that they have a 100% success rate on appeals to the tax board on state attempts to tax individuals on native land. The project team also works with the California Association of Tribal Governments, a smaller group of non-gaming tribes, providing them advice on this issue. Further, the project also prepares information for guidance to tax preparers and helps to draft ordinances and codes on tax issues for tribes

The program has a well-deserved reputation throughout the state judicial system for excellence in advocacy. Advocates are in court frequently and are well known to, and appreciated by the judges, both in tribal and state courts. Writing samples were high quality and reflected expertise in the area of Indian law. As mentioned above, the program participates in or files *amicus* briefs in the state's high courts and in federal courts on Indian law issues of major import. For example, three of CILS' attorneys filed a brief on behalf of 63 California Indian tribes as *amicus curiae* in support of two of the respondents in a pending case before the United States Supreme Court that garnered national attention, *Adoptive Couple v. Baby Girl(Veronica)*. The case dealt with whether or not an Indian parent can waive the tribe's right to notice of a dispositive action affecting the tribe's interest in the child. Although the decision modified some of the requirements of ICWA, CILS was able to communicate to its constituents that the effects on California tribes and individual Native Americans was negligible because of the strength of the California laws concerning Indian child placement and adoptions.

In another instance, CILS successfully litigated against the University of California in a case involving the Native American Grave Protection and Repatriation Act ("NAGPRA"),⁸ Pub. L. 101-601, 25 U.S.C. 3001 et seq., 104 Stat. 3048. In *White et. al. v. California Board of Regents et al. and the Kumeyaay Cultural Repatriation Committee ("KCRC")*, No. 12-17489, D.C. No. 3:12-cv-01978- RS, the 9th Circuit Court of Appeals upheld the right of the tribes and KCRC to require the human skeletons of two aboriginal natives referred to as the "LaJolla remains," that

⁸ NAGPRA provides a process for museums and Federal agencies to return certain Native American cultural items - human remains, funerary objects, sacred objects, or objects of cultural patrimony -- to lineal descendants, and culturally affiliated Indian tribes and Native Hawaiian organizations.

were found on the property of the university to be repatriated to one of the Kumeyaay tribes in accordance with the NAGPRA provisions.

In *Rincon Mushroom Corporation of America v. Bo Mazetti et als.*, CILS was able to get the 9th Circuit Court of Appeals to reverse its holding concerning the issue of a tribe's right to regulate non-Indians who threaten the tribal environment on the Rincon Band Reservation and to address the authority of the tribal court to hear the case in the first instance. Most recently, on Friday March 6, 2015, one week after the PQV, CILS filed a complaint on behalf of the Bishop Paiute Tribe in the California Eastern District Federal Court against Inyo County, its Sheriff and District Attorney. The complaint seeks a declaration that defendants' actions of arresting and criminally charging a tribal police officer for carrying out his official duties interferes with the tribe's sovereign, inherent authority to operate a police department and maintain peace and security on its reservation. The tribe also seeks to enjoin the defendants from taking such actions in the future.

In some cases, CILS has addressed local issues by joining with other legal services, civil rights and public interest organizations. For instance, by partnering with the *Native American Rights Fund (NARF)* and the *American Civil Liberties Union (ACLU)*, CILS challenged local school districts when wearing Native American regalia was prohibited by the school districts at student graduations. The partners' joint letter writing to various school districts was met with favorable results. CILS filed a complaint with the California Department of Education on behalf of parents and students from Pit River in a case against the Burney Junior and Senior High Schools alleging verbal harassment. In *Big Lagoon Rancheria v. State of California*, CILS represented the tribe that sued the state for failing to negotiate a gaming compact in "good faith."

CILS and one of its partners, *Strong Hearted Native Women's Coalition (SHNWC)*, were awarded funding through a \$500,000, three year grant for Legal Assistance for Victims (LAV) from the U. S. Department of Justice to provide holistic, comprehensive, culturally appropriate advocacy and legal assistance to victims of domestic violence, sexual assault, dating violence and stalking in San Diego County. The project will help victims with a safety plan, crisis intervention assistance, a danger assessment, or assistance in obtaining restraining orders. The goal and objective of the grant is to provide the victims with permanent protection and long term legal relief in the areas of divorce, child custody and visitation, division of community property and child and spousal support.

CILS advocacy work is usually on behalf of tribes. Of primary importance is the development of tribal judicial systems and codification of tribal law. In the case of *Los Coyotes Band of Cahuilla & Cupeno Indians vs. Salazar et. seq.*, the tribe successfully challenged the Department of Interior, Bureau of Indian Affairs' policy to deny California tribes law enforcement funding under a contract authorized by the Indian Self-Determination Education Assistance Act.

CILS undertakes litigation that has a meaningful benefit to significant segments of the client population; however, the closed case numbers submitted to LSC as part of its annual grant activity reporting do not reflect the breadth of this work. In 2012, CILS closed 490 cases, including 452 Native American (NCA-1) cases and in 2013, the numbers fell to 436 total cases, including 412 Native American (NCA-1) cases. In both years, the majority of the work was in Indian/Tribal Law. The data for 2014 shows a slight improvement; CILS closed 468 cases, including 416 Native American (NCA-1) cases, the majority of which, 307 cases, were

Indian/Tribal Law. One advocate described the role in working with the tribes as that of “a general counsel.” CILS reported that 367 closed cases (88.2%) received limited services, which is significantly higher than the national average of 70.2% and national median of 66.7%.

Recommendation III.1.7.1* *CILS should develop a comprehensive manual for legal work management and supervision that incorporates important aspects of file maintenance, time management, oversight and casework review, trial preparation and other skills requirements, including topics associated with practice in the tribal courts.*

Basic Field Component

Finding 8: The Eastern Sierra Legal Assistance Project (ESLAP) located in the Bishop Office, is strategic in the delivery of legal services with limited resources funded by grants from the LSC Basic Field-General and the Eastern Sierra Area Agency on Aging.

ESLAP operates from the Bishop office⁹ of CILS to provide civil legal service in three sparsely populated, remote and geographically challenging counties - Inyo, Mono and Alpine. The poverty population for the basic field service area is only 3,850¹⁰ persons spread throughout 13,979 square miles. These counties are situated within the Eastern Sierra Mountain range which has limited transportation access and challenging weather conditions. In 2015, the legal work of ESLAP is funded by the LSC Basic Field - General grant of \$24,492 and the Eastern Sierra Area Agency on Aging (ESAAA) grant award of \$27,996. The service area of the Bishop office includes five counties, three of which are funded by the LSC Basic Field-General grant and two of those are also funded by the ESAAA grant.¹¹

The Bishop office is staffed by one staff attorney and a part-time administrative assistant. The executive director acts as the directing attorney for the Bishop office, supervising the staff attorney remotely. The staff attorney has been with CILS since 2009, and had prior experience in Indian law before coming to CILS, but was not very familiar with issues associated with traditional poverty law or basic field cases. She has since acquired a solid reputation for sound legal work among judges within the state courts in her region.

Most case work is related to landlord/tenant issues other than evictions; public benefits cases, such as food stamps; consumer protection; debt collection; powers of attorney; and employment law. There are not many Medi-Cal cases. The ESAAA grant to provide legal services to seniors, covers powers of attorney; advanced healthcare directives; landlord/tenant; and basic estate planning questions.

In 2013, 24 LSC reportable cases were closed by ESLAP, including three extended and one contested case. In 2014, the number of closed cases rose to 52, including 16 consumer cases (30.8%), 17 housing cases (32.7%) and 8 public benefits cases (15.4%). Of these, 47 cases were closed with limited services (90.4%). These numbers demonstrate that actual cases closures were

⁹ CILS' Bishop office is responsible for a five-county service area supported by its LSC grant award (CNA-1).

¹⁰ U.S. Census Bureau, American Community Survey, 2009-11.

¹¹ Alpine County is not included in the ESAAA grant. The two additional counties served by the Bishop office are for Native American work.

at the rate of 143 cases per 10,000 poor persons, somewhat below the national median of 172 closed cases and national average of 161 closed cases per 10,000 poor persons. Extended and contested closed cases were below the national medians as well. It should be noted that cases handled pursuant to the ESAAA grant are not subject to the income eligibility qualifications for LSC cases.

Faced with the delivery challenges noted above, and in light of the limited funding for ESLAP and its current staffing level,¹² the program has transitioned its emphasis to fewer individual cases and increasing the number of outreach events to provide trainings on powers of attorney, healthcare directives, fraudulent scams, etc. at senior centers and tribal centers. This engagement has occurred entirely in Inyo and Mono Counties, and is discussed below in Finding 10. The greater focus on community outreach and education is consistent with the second subdivision of the strategic plan's first goal, referenced above in Finding 7.

Recommendation III.1.8.1 *As resources permit, CILS should consider ways to reach communities in Alpine County, perhaps through the use of videoconferencing to provide community legal education.*

Private Attorney Involvement

Finding 9. Historically, CILS has received a waiver of the requirements of 45 CFR 1614, regarding the involvement of private attorneys in the delivery of legal services to the client community.

Each year, CILS has petitioned the Legal Services Corporation and been granted a waiver of its obligation to expend funds in accordance with the provisions of 45 CFR 1614, pertaining to the involvement of private attorneys in the delivery of legal services. The small amount of the Basic Field – General grant and the remote location of the service area, justify the need for the waiver. The program reports that there are fewer than 20 private attorneys throughout the service area. For the period July 1, 2013 through June 30, 2014, a waiver was granted in March 2013. Since then, CILS modified its fiscal accounting period to a December 31st year end. A request for a waiver for the periods July 1, 2014 through December 31, 2014 and January 1, 2015 through December 31, 2015 were requested by CILS and approved by LSC in February 2015.

Other program services and activities on behalf of the low-income population

Finding 10. CILS is in the forefront of providing awareness, training and development for both Native and non-Native audiences on issues related to interpretation and proper application of Indian laws throughout California.

CILS learned through focus groups convened during its legal needs assessment process that its “community education presentation events” are ranked as the program’s greatest strength. These efforts were also mentioned by community partners as well as judges during PQV interviews.

¹² A paralegal who was very experienced in traditional poverty law issues was laid off by the program in 2012, leaving a significant void in experience.

Community partners were complimentary of the program's knowledge about Indian law as well as Indian culture. The executive director describes an important component of her vision to be community education. The goal is to reach both tribal and non-Native American communities to explain sovereign rights, ICWA, and other aspects of Indian legal rights. Consequently, teaching state court personnel and county leaders and officials about jurisdictional issues improves shared responsibilities such as tribal law enforcement. Program advocates regularly attend meetings of the various community partners and have even been invited to sit on the boards of some.

CILS is conscientious about recording the level of participation at its events. In 2014, the executive director provided education on PL 280, the TLOA, taxes, and ICWA to audiences throughout California, including the *Inter-Tribal Council of California*, the statewide ICWA Conference, the *Indian Law & Order Commission* at UCLA's Institute on Criminal Law in Indian Country, Cal-Western School of Law, the Rincon Reservation, the Bishop Reservation, the Los Coyotes Reservation and the *California Indian Lawyers Association (CILA)*. These presentations reached an audience of 350 participants.

Other staff provides community trainings regularly. The staff attorney in Bishop provides trainings on powers of attorney, healthcare directives, fraudulent scams, debt collection at senior centers, including the *Tecopa Senior Center* in Death Valley and others in Bishop, Lone Pine, and Walker; and the Winter Gathering 2014 held for the Toiyabe Elders Program at the tribe's health center in Bishop. She has been to Inyo and Mono Counties. These events reached 400 participants. Staff from the Fiscal Project in the Sacramento office offered presentations on tax issues in Indian Country when they found that the Franchise Tax Board was misinforming people on one particular issue. In 2014, the staff also offered trainings to tribal leaders and community on PL. 280 for Sherwood Valley Rancheria; ICWA dependency attorney training to *Legal Aid Society of Contra Costa County*, ICWA training to Tule River Indian Reservation and to juvenile dependency counselors; and, AIPRA probate training at Big Sandy Rancheria. These efforts reached approximately 91 participants. The Eureka office also provided community education for the *Cross Court Educational Exchange* in Karuk Tribal Offices and TCA training for the Hoopa Valley Tribe, reaching 62 participants.

In addition to its presentations of community education topics, CILS is developing self-help materials that will be available online. Its website already posts materials and resources that support the work of other Indian law attorneys, particularly regarding ICWA. Additional information concerning land buy-backs, taxes, foreclosures and the *Cobell* settlement are prominently posted. One community partner indicated that CILS should have more advocacy information on its website.

PERFORMANCE AREA FOUR: Effectiveness of governance, leadership and administration.

Board governance

Finding 11. The members of CILS' board of trustees are committed, informed and motivated to accomplish the mission of the program and they consistently exercise their fiduciary responsibility to the organization.

The board of trustees is CILS' governing body. Trustees are influential members of the legal community and of tribal communities throughout California. They are well versed regarding issues associated with Native American communities, tribal culture and Indian law; and, they are sufficiently trained to exercise fiduciary roles of governance and oversight. For example, in June 2012 they received board governance training from a local organization, *One Justice* and received additional training in 2014. The board chair has been on CILS' board of trustees since 2007; and, has held numerous leadership positions; she was the chairperson of the Lone Pine Paiute-Shoshone Reservation, interim executive director of the *National Congress of American Indians* in Washington, D.C. and executive director of the *California Urban Indian Health Council* in Sacramento, CA. Early in her career, she was recruited to the *Inter-Tribal Council of California* to establish an employment development consortium that included 42 reservations statewide. At least two of the current members are descendants of founding members of the organization.

CILS has afforded its board of trustees training about its fiduciary responsibilities. The strategic plan also identified a goal to strengthen the roles of the board of trustees. The board exercises its fiduciary responsibilities effectively. The full board meets quarterly, usually at the Escondido office with teleconference available for those unable to attend in person. In recent years, the board has held its June meeting at an offsite location to accommodate a joint meeting with the staff. Most recently, the board started using videoconferencing to improve access and participation. Meeting agendas contain appropriate subjects for presentation and discussion such as quarterly financial reports, operating budgets, board committee updates, audit reports and compliance reviews. The executive director submits a written, quarterly report of program activities that includes: administration, marketing, resource development, project updates, litigation and community involvement. The board of trustees also receives reports from other staff such as the controller and the development & marketing director. It does not appear that the board receives statistical data reporting on the outputs of program services, such as CSRs, or, on main benefits or other outcome measures. CILS' board of trustees is provided timely distribution of "the board packet" materials.

Minutes of the meetings and feedback from members interviewed by the PQV team reflect that the meetings provide an atmosphere for candid and engaged discussions. Client eligible members feel that meetings are inclusive and that their contributions to the discussions are respected and taken into consideration. Client eligible members are community representatives. They regularly report to their communities on the activities of CILS. The board acts to approve policies, plans and projects; and annually performs an executive director evaluation. Much of the work of the board is produced through an active committee structure that includes strategic planning, audit, finance, investment, personnel, and executive committees. Their activities are ratified by the full board. The executive committee meets as needed during the interim between quarterly meetings. There is regular direct communication between the executive director and board chair, who speak by telephone at least weekly.

Financial oversight of CILS by the board of trustees is coordinated between the controller, finance committee, audit committee and full board. Each plays a prescribed role in monitoring resource allocations, expenditures and revenue. The full board reviews quarterly financial statements, provides input in the budget development process, reviews the IRS Form 990 prior to submission, and receives the annual financial audit report. The financial oversight function is

more comprehensively performed by the finance committee, whose members have regular telephonic communication with the controller, in addition to two in-person meetings annually. Once a year a separate investment committee also meets with the investment manager/advisor who is with an outside private fiduciary in Orange County. The committee receives monthly flash reports or other reports on changes in the CILS investment account. The new finance committee chair is an attorney and a CPA with extensive experience in financial management, non-profit accounting and Indian law. He continues to infuse the same high level of financial expertise into the committee that his predecessor provided.

Finding 12. CILS has addressed past challenges to recruitment of new members to its governing.

CILS' bylaws established a 13 member board of trustees. In recent years, however, CILS has experienced difficulty in recruiting and retaining a full roster of members. In March 2014, the program reported five vacancies. The provisions governing board member composition set forth in LSC Regulation 45 CFR 1607 *et. seq.*, were not being met by the program. CILS had previously received a waiver of those provisions because it was among several Office of Economic Opportunity (OEO) funded legal services programs that existed prior to the establishment of LSC in 1974 and subsequent adoption of the regulation. In September 2014, to address the issue, the board adopted new bylaws reducing the number of positions from 13 to 11, thereby making the board membership more manageable and addressing non-compliance concerns. The current bylaws require appointment of four attorney members who are selected by the State Bar of California; and, seven trustees who are Indians indigenous to California. They must reflect regional affiliation from either northern California or southern California. Among these, three Indian trustees must be eligible to receive client services from CILS. At the time of the visit, the program was still recruiting for a member to fill a client position. It posts such vacancies on its website, in addition to direct contact with tribal authorities and organizations that staff works with routinely. One client eligible member currently serving on the board has been admitted to the practice of law in California. The program must consider and determine whether he can be re-appointed to the board at the conclusion of his term.

Recommendation IV.1.11.1. CILS should consider providing quarterly reports to the board of trustees on units of service provided, along with the report on significant legal work.

Recommendation IV.1.12.1. CILS should explore and implement measures to retain the participation of effective members who may become ineligible to serve as client members of the board.

Leadership

Finding 13. CILS has cultivated strong executive leadership from within the organization that engenders the values of the program and garners the respect and support of the board, staff and the justice community.

As described in Finding 7 above, the executive director is recognized for her solid legal work as an expert in federal Indian law within California. She has acquired high visibility for the program and herself throughout the state of California and nationally. Her career in legal services

delivery to Native American tribes and individuals has spanned 30 years, working with DNA-Peoples Legal Services in Arizona and with CILS. She displays dynamic, passionate leadership, with a commitment to excellence, accountability and hard work. One board member said that she “is the hardest working person on the staff, with a full caseload. She has stabilized the program; the staff and board respect her; and, she is available when they need to talk to her.” At the time she was selected as executive director after serving as interim executive director, the board shared their expectations with her regarding what they had hoped she would accomplish. The board conducts an annual performance review of the executive director.

CILS does not have a written leadership succession plan. The advancement of internal staff to higher positions within CILS is an indication that the program recognizes the importance of developing staff that are capable of assuming an interim role, in the event of an unforeseen occurrence. CILS has demonstrated that it is committed to investing in the training of its staff and governing body members, as well as permitting them to lead projects dictated by funding sources or other programming needs. However, there is not a clear, formal plan for preparing individuals to assume permanent leadership positions for the future.

Recommendation IV.2.13.1.* CILS should develop a written leadership succession plan for trustees and key staff leadership.

Overall management and administration

Finding 14. Management and administration of CILS is effectively accomplished by the Principal Office staff that interacts daily with one another.

CILS’ Principal Office (PO) staff includes the executive director, the director of administration, the controller and more recently, the new director of marketing & development. With the exception of the director of administration who is in Sacramento, the PO team is located in Escondido. They work cohesively, meeting together every Tuesday at 2:00 PM to coordinate the management and administrative oversight of the program. Coordination involves tracking progress on ongoing and special activities, such as preparation for the LSC program quality visit. Grant activity reporting to all funders, executive director approvals, audit and other financial considerations, board meeting preparation and coverage for PO absences from the office are typical agenda items. It does not appear that the location of the director of administration in another office has hindered communication among the PO staff.

The director of administration is responsible for a variety of functions. She has been with CILS since 1996. While she was previously trained as a paralegal, she has learned the skills for her current duties through on the job training and attending management sessions at workshops and conferences and taking online courses. Her division of work includes: Personnel/HR – 15%, grant reporting/grant compliance 60-70%, and, administrative – the remainder of the time. CILS has an elaborate case closing audit process to ensure the greatest compliance with funder requirements. The director of administration also has some support in Sacramento and in Escondido.

The director of administration is the compliance officer for CILS and is available to answer questions from staff involved in intake, closing cases and other regulatory requirements, such as

timekeeping. She is also responsible for coordinating board of trustee activities, including meeting logistics. She prepares board packets for distribution to the trustees at least two weeks prior to the quarterly meetings. From time to time she is asked to attend the bi-weekly meetings of the directing attorneys.

CILS has an extensive employee handbook that covers employment compensation, benefits, leave and other policies and procedures related to terms and conditions of work; and, an LSC Compliance Binder that contains the LSC Act, LSC Regulations, CILS' policies for implementation of the regulations and additional resources. LSC conducted a Compliance Review in March 2014, and found the program to evidence compliance in all aspects of its review that was tested¹³.

CILS does not have a disaster recovery or continuity of operations plan. The PQV team noted that the CILS Technology Plan Priorities 2014-14 includes a project, "Contingency Plan for CILS offices - Priority Level 2. To review [the contingency plan that addresses each office's emergency tech needs] and understand each branch office needs and back-up of equipment." This is the only evidence that the program has considered how it would handle unforeseen disasters.

Technology

Finding 15. CILS' assessment of its technology capacity has identified the need to upgrade some of its current resources and modify others.

Each year, CILS adopts a new technology plan. The CILS Technology Plan Priorities 2014-15 assigns three levels of priorities to the projects that it outlines in the plan. There are several Level 1 priorities, the most significant being the migration of CILS' in house Exchange server to hosted Office 365. In addition, the plan indicated that CILS will maintain and improve PIKA (CMS) usability, stability and support, while investigating SharePoint integration. Currently, the PIKA CMS is available in all offices. It is hosted by the CMS developer in Ohio. During the PQV interviews, there were several comments by staff concerning their displeasure with the current case management system. Similarly, some staff expressed concerns about the limitations of the telephone system, described more fully in Finding 4, above. In other respects, CILS uses technology to extend its presence statewide, primarily with the program website. It does not currently serve as an effective portal for intake and referral. CILS has begun to entertain discussion of online intake, but has not taken affirmative steps to develop the model due to the lack of upgraded technology to support the system.

Recommendation IV.3.14.1. CILS should adopt a disaster plan addressing the continuity of operations, preservation of data and safety of staff.

Recommendation IV.3.15.1.* CILS should engage in a detailed assessment of the structure and capability of the program's technologies, including the website and case management system, using as a framework the recently published *Legal Services Corporation Baselines: Technologies That Should Be in Place in a Legal Aid Office Today (Revised April 2015)*.

¹³ Due to its waiver of PAI expenditure requirements during the review period, CILS' compliance with 45 CFR 1614.3 was not tested.

Financial management.¹⁴

Finding 16. CILS has an experienced financial team that manages the program resources appropriately.

Financial management is the day-to-day responsibility of the controller, who has extensive experience in non-profit financial management along with executive leadership experience. He has one other staff person assigned to fiscal management, who is responsible for billing. Some responsibilities are delegated to other staff to foster segregation of duties and improve internal controls. The 2014 OCE Compliance Review found that CILS' accounting and reporting capabilities and its system of internal controls compare favorably to the elements outlined in Chapter 3 of the LSC Accounting Guide.

Comparative financial reports to the board are comprehensive and easily understandable. The controller meets with the finance committee approximately three weeks before the quarterly board meeting to review materials, and he is also available to respond to questions and suggestions during the full board meeting.

In order to align its financial accounting with that of another funder, the California State Bar, CILS obtained approval from LSC to change its fiscal year-end from June 30th to December 31st. To achieve this transition the program will conduct a six month audit for 2014. CILS has received unqualified audit reports, but has made no change in the audit firm selected to conduct the annual financial audit for an unknown number of years. CILS adopted a new accounting manual in 2009, availing itself of a prior review by staff in the LSC Office of Inspector General (OIG) and then updated it again following adoption of the LSC Accounting Guide, August 2010. Revisions are being made once again, following transition to the December 31st year-end. The process for budget adoption is systematic, including executive staff, the finance committee and full board, with input from the directing attorneys. They review five years of past data to look for patterns/trends and identify future plans –e.g. new hires, raises, etc. The proposed budget must be balanced when submitted to the finance committee for review. The controller annually shares IRS Form 990 with the board of trustees prior to filing it with IRS.

Recommendation IV.4.16.1 In the immediate future, CILS should consider soliciting bids for award of its annual financial audit contract.

Human resources administration

Finding 17. The responsibilities of managing the human resource needs of the program are effectively executed by the director of administration from her Sacramento office.

The director of administration of CILS handles all of the employee benefit programs. These include group and program insurance coverage; open enrollments; processing and orientation of new employees and separations from employment. She has been a member of the *Society for Human Resource Management (SHRM)* in the past and attended some of the conferences

¹⁴ This visit was conducted by the Office of Program Performance (OPP) for the purposes set forth in the Introduction. OPP findings and recommendations under this criterion are limited to staffing, organization, and general functions. Assessment of fiscal operations is conducted by other offices at LSC.

sponsored by the organization. The chair of the CILS board's personnel committee is an expert in human resources and is human resources director for his tribe. He is also available to her for consultation when needed.

Performance evaluations are performed at the end of the fiscal year (now December). The evaluation instrument includes a self-evaluation and supervisor evaluation, with review, discussion and modifications before being sent to the executive director. An additional comment form is available for supervisors to present to co-workers. The process was implemented in 2006 and revised in 2010. Every year employees receive a cost of living adjustment (COLA) and receive a bonus incentive for good performance. CILS had to abandon the "step" salary administration system because it became too expensive. Staff who ask for salary increases may receive an adjustment at the discretion of the supervisor and executive director. Overall, PQV interviews with staff reveal a high level of positive morale, attributable in part to the energy and commitment to mission modeled by the executive director. Many expressed satisfaction that the program is "back on track."

Internal Communications

Finding 18. CILS is successful in preserving the unity of the program through effective communication with all segments.

Interviews with program staff reflected that the staff is well informed about current program developments and that systems are established to ensure that the employees are included in major decisions. Communication is available via email, teleconference and videoconference. Staff input is sought in CAMs, PSTs and program-wide meetings, either in person or by videoconferencing. The program publishes an electronic newsletter that offers subscription to the general public. CILS' website is also the repository of news that pertains to activities involving staff and other partners involved in Indian legal services delivery. The website also provides the user with a variety of links to organizations, law libraries and other resources regarding Indian needs, tribal community development and legal services delivery. In recent years CILS has conducted program-wide joint retreats with the CILS staff and board of trustees.

Resource Development

Finding 19. The strategic planning recommendation for resource development has led to creation of a marketing and development position and creation of a board development committee that are implementing strategies to improve resource development.

In 2013, CILS reported total revenue from grant awards of \$1,377,417, including \$844,613¹⁵ in LSC funds and \$503,776 in non-LSC funds. For 2014, the total revenue from grant awards increased to \$1,392,383 even though revenue from non-LSC sources dropped to \$501,341. Non-LSC revenue is derived from a number of sources, including the State Bar of California which contributes IOLTA and Equal Access Fund (EAF) awards in the amounts of \$79,733 and \$90,027 respectively.¹⁶ The Native American Rights Fund subgrants its award from the

¹⁵ The actual amount of LSC revenue was \$873,641 representing \$29,028 in other LSC Grants.

¹⁶ The two awards for 2015 are in the amounts of \$89,578 (EAF) and \$69,521 (IOLTA). "Indian Law for Community Impact" is the project that is being funded by EAF for CILS; and IOLTA is for general operating costs.

Department of Justice, Bureau of Justice Assistance (BJA) to Indian legal services programs nationally, resulting in bi-annual grants to CILS and other programs.¹⁷ The funds are awarded annually in two categories: 1) civil work in tribal court development; and, 2) criminal cases. CILS receives both grants, totaling \$93,990 in 2014. The other significant grant is from the Eastern Sierra Area Agency on Aging (ESAAA), described in Finding 8, above. It totaled \$27,996 in 2014. CILS also received revenue from client services in the amount of \$500,047 in 2013 and \$554,049 in 2014. These funds were primarily derived from contracts with tribal governments. The \$500,000 over three years funding awarded to CILS through its partnership with *Strong Hearted Native Women's Coalition (SHNWC)* is described in Finding 7, above.

When the strategic plan, described in Finding 3, above, was introduced, one of the important concerns addressed was the ongoing need for robust resource development beyond grant awards. One of the enumerated goals, "Increasing Financial security and resources" is being addressed by the creation of a new position of director of marketing & development. The person that was hired to fill the position has extensive experience in marketing and non-profit management. She has identified strategies for her first year that include the following milestones: learning the organization; getting the CILS newsletters out; formulating databases; setting up social media; and, negotiating funding to modify the website to improve user capacities-e.g. forms. She obtained a Google grant for free advertising at \$10,000 per month indefinitely. She is currently monitoring the website and attending conferences, most recently the California Indian Gaming Conference. She introduced standards in the development of public relations materials, including use of the CILS logo. The director of marketing & development has also launched the new board of trustees' development committee, and is exploring ways to use trustees in resource development, particularly the client members.

CILS has also been conscientious in managing resources held in its investment account, referenced in Finding 11, above.

Participation in an Integrated legal services delivery system

Finding 20. CILS is the statewide provider of civil legal assistance to Native Americans in California and is considered a resource to the courts, tribes and individuals throughout the state.

CILS fills an important need within California. There are no other legal services providers with the level of expertise in Indian law or time to devote exclusively to the complex legal issues affecting the Native American population of the state. Over the years, the work done at CILS has evolved as conditions for Native Americans living in California have changed. When gaming was legalized in California, it caused a shift for CILS. Those tribes that had the resources to invest in gaming hired their own lawyers, leaving CILS to only work with the poorest of the tribes. CILS continues to identify where its resources should be deployed for the broadest impact. Its work has had a major effect on tribal land rights, taxes, Indian child custody, Indian probate, the tribal justice system and cultural preservation. For example, in 2014 CILS together with NARF and the ACLU of Northern California successfully advocated for eight Native American students to wear eagle feathers during their high school graduation ceremony.

¹⁷ Tribal Civil and Criminal Legal Assistance Grant Awards

In addition to litigation, CILS is a resource to the Native American and state justice community of California. Its website and legal publications, described above, are resources available throughout the state. CILS staff leads community legal education efforts with state and tribal authorities, groups and individuals; provides continuing legal education to the state and tribal court judges and other personnel, law schools and community colleges; participates in task force and committee work of state bar and law enforcement organizations; and, mediate jurisdictional disputes between local and tribal authorities. Some of its recent training work has been important regarding clarification and expansion of the authority of tribal chiefs of police, following adoption of the Tribal Law and Order Act.

CONCLUSION

Overall, CILS is making a significant difference for the Native American population of California. It is a program that has earned the recognition and respect of its fellow legal services providers, along with the Native American and state justice communities of California. It has investigated and assessed the most compelling needs of clients and adopted priorities and a strategic plan that is responsive to addressing those needs. The program recognizes that access challenges exist, yet explores measures to mitigate those challenges, including the planned introduction of new technologies to improve intake and community education. The allocation of its resources to representation of tribes, tribal groups and organizations, along with individual clients is a strategic means for CILS to maximize the impact of its work. CILS attracts advocates who are known experts in the field of Indian law, and invests in the professional development of its entire staff. The legal work produced by the program has broad impact for the Native American and state justice community within California. CILS is a resource on Indian law for the entire state. CILS benefits from strong leadership, including the membership of its board of trustees, some of whom have strong ties with the origins of the program. This is an organization that is forward thinking, committed to its mission and willing to stand against inequality and the injustices to which its client constituencies are exposed.