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CENTER FOR ARKANSAS LEGAL SERVICES

Equal Justice For All

March 27, 2015

Mr. Lewis Creekmore
Ms. Janet LaBella
Office of Program Performance
Legal Services Corporation
3333 K Street, NW, 3rd Floor
Washington, D.C. 2007-3558

Recipient Name: Center for Arkansas Legal Services
Recipient Number: 604061

Re: Response to LSC OPP Draft Report for Center for Arkansas Legal Services Program
Quality Visit conducted December 1-5, 2014

Dear Mr. Creekmore and Ms. LaBella:

Attached is the response of the Center for Arkansas Legal Services (CALs) to the OPP Draft Report for the Center for Arkansas Legal Services Program Quality Visit conducted December 1-5, 2014.

I want to thank Mr. Lewis Creekmore and his OPP team for the professional manner in which the Program Quality Visit was conducted.

If you need anything else, please contact me.

Yours truly,

Jean Turner Carter
Executive Director

jtc

Enclosures

Response to LSC OPP Draft Report for the Center for Arkansas Legal Services Program
Quality Visit conducted December 1-5, 2014

Recipient Name: Center for Arkansas Legal Services

Recipient No.: 604061

Prepared by Jean Turner Carter, Executive Director

By way of explanation of the program's comments: Incorrect information is marked as ~~strikeout~~, and suggested re-written corrected information is marked by **highlighted** language.

Response to Draft Report Inaccuracies:

1. Page 4, 3rd Paragraph, 2nd sentence should be corrected to read:
In 2002 CALS and Legal Aid of Arkansas (LAA) emerged from the consolidations of the ~~eight~~ **six** existing programs.
2. Page 5, 2nd Paragraph, 1st sentence should be corrected to read:
Jean Turner Carter has been the executive director of CALS since the **2002** merger, and an executive director of legal services programs for 28 years.
3. Page 5, 2nd Paragraph, 3rd sentence should be corrected to read:
The Board Chair is Causley Edwards, a ~~partner in~~ **former member** of the Rose Law Firm, **a former executive director of the Pulaski County Bar Association and a former administrative law judge with the Arkansas Department of Human Services.**

I would suggest that the sentence be re-written to simply state: The Board Chair is Causley Edwards, an attorney in private practice.
4. Page 7, 1st Paragraph, 6th sentence should be corrected to read:
Arkansas Community **Action** Agencies Association undertook the task of organizing and conducting four focus groups, one in each of the state's congressional districts.
5. Page 10, 1st full Paragraph, 2nd sentence should be corrected to read:
When potential clients connect with the statewide HelpLine number they ~~can self-select~~ **are automatically geo-routed based on area code and three number prefix** to CALS or LAA for screening.
6. Page 10, 1st full Paragraph, 7th and 8th sentences should be corrected to read:
~~The HelpLine queue can hold up to five calls. When the queue is full callers hear a busy signal.~~ **When the Helpline queue reaches six callers on hold, the caller hears a recording that explains the Helpline is experiencing a high volume of calls and notifies the caller to call back at a later time.**
7. Page 10, 2nd Paragraph, 2nd sentence should be corrected to read:
CALS HelpLine hours are daily 9:00 to 11:00 a.m. and 1:00 to 3:00 p.m. The ALSP website also lists ~~Tuesday evening hours for counties served by LAA, but not for CALS.~~

LAA Helpline hours, which is open Monday through Thursday 9:00 to 11:00 a.m. and Tuesday evening from 5:15 to 7:15 p.m.

8. Page 11, 2nd Paragraph, 3rd sentence should be corrected to read:
~~Potential inconsistency exists at this juncture in the intake process, in that there are no written guidelines for screening criteria or for emergency exceptions.~~

The written guidelines for screening are found in the CALS's Operations/Personnel Manual in the Helpline Intake Policies and Procedures, the CALS Policies and Procedures for Case Priorities and Case Acceptance and the CALS Financial Eligibility Policies. Additionally, frequent email reminders are sent by the Helpline managing attorney to the Reception Desk staff defining emergency cases:

Emergency Type Cases Defined:

- 1) Client has been served with a lawsuit or has a pending lawsuit with a hearing scheduled within the next 30 days.
- 2) Administrative law matters (SSD, SSI, Medicaid, etc...) where the client has a hearing scheduled within the next 30 days
- 3) Client has been served an eviction notice.

9. Page 12, 3rd Paragraph, 1st and 2nd sentences should be corrected to read:
~~The queue between eligibility screening and attorney consultation reportedly contains no announcements, music or other indication for callers that have been passed from initial screening that would allow the caller to know that they are still connected. Some callers may hang up thinking they have been disconnected.~~

While the client waits in queue, there are a series of pre-recorded messages that advises the client of the Center's services, community agencies and other programs designed to assist the Center's client population. The "on-hold advice" is an 8-minute in-house produced recording, which covers 6 legal topics for clients.

The program acknowledges that there have been times when the telephone system has gone down, such a power outage, when the "on-hold" recording has stopped functioning and must be re-started. Staff will be reminded to report any outage of the "on-hold" recording immediately to the IT manager.

10. Page 15, 4th Paragraph, 6th sentence should be corrected to read:
The University of Arkansas ~~at Little Rock Bowen~~ School of Law, independent of CALS, conceived and organized ~~plans to organize~~ a clinic in the Delta Region where its law students provide legal information.
11. Page 17, 2nd Paragraph, 1st sentence should be corrected to read:
In a very recent decision in January 2015, (following the time of OPP's visit) from the State District ~~Circuit~~ Court in Pulaski County advocates from CALS, with support from the ACLU and LAA, achieved a victory in a criminal eviction challenge.

12. Page 17, 4th Paragraph, 5th sentence should be corrected to read:

CALS does not have a litigation director, and has not had one since the last one resigned 15 years ago though they retain this job description in their ~~employment records~~. **Personnel Manual designated as a discontinued job position.**

13. Page 19, 3rd full Paragraph, 5th sentence should be corrected to read:

The executive assistant ~~helps with VOCALS placement from Little Rock~~. **coordinates the placement of VOCALS cases; enrolls new pro bono attorneys; tracks PAI cases status; and closes PAI cases with assistance from the part-time pro bono coordinator. The paralegal in the Hot Springs office and the senior secretary in the El Dorado office are responsible for the pro bono coordination duties in those branch offices.**

14. Page 20, 4th Paragraph, last sentence should be corrected to read:

Attorneys also have the ~~option~~ **opportunity** to ~~buy out of direct representation for a \$300~~ **make a \$400** contribution to VOCALS or VAP **as part of the annual private bar fundraising campaign.**

The program conducts an annual private bar fundraising campaign in addition to its recruitment of volunteer attorneys. While some Arkansas attorneys may have used the phrase “buy out” to the team, VOCALS has never presented its fundraising campaign as a way to “buy out” of pro bono service.

15. Page 21, 1st Paragraph, 1st sentence should be corrected to read:

Recently CALS has sought to diversify its pro bono offerings through clinics. It has organized and conducted at least ~~two~~ **six** clinics in 2013-14 at which VOCALS volunteer attorneys participated, both organized around veteran’s issues.

16. Page 21, 1st Paragraph, 2nd sentence should be corrected to read:

Additionally they organized two expungement clinics, in Little Rock and Pine Bluff, with volunteer attorneys from the Harold Flowers Law Society; **and two wills clinics with volunteer attorneys from the Pulaski County Bar Association and the UALR Bowen School of Law.**

17. Page 21, 2nd Paragraph, 1st sentence should be corrected to read:

New volunteers come into the PAI program by ~~two~~ **a number of routes**: through the ALSP website; ~~and~~ by booth at the annual State Bar Association meeting; **tables at local bar meetings and CLE events; direct recruitment by letter campaign; announcements at local bar meetings; direct recruitment for clinics and outreach events; and direct contact to non-participating attorneys.**

18. Page 21, 3rd Paragraph, should be corrected to read:

The PAI plan includes other details ~~that no longer pertain~~:

- CALS reports 1100 recruits who “perform pro bono representation for low-income clients each year, or make a substantial financial contribution” (CALS closed an average

of 334 PAI cases per year 2009 to 2013); (This is a correct statement in the PAI Plan. In 2014, there were 1,121 attorneys who volunteered to either perform pro bono representation or make a financial contribution.)

□ CALS has a pro bono coordinator in every office (This is a correct statement in the PAI Plan.) (# CALS has a full time coordinator in Pine Bluff, a part time coordinator in Little Rock; and a managing attorney in Fort Smith who handle referrals; a paralegal in the Hot Springs office who handles referrals; and a senior secretary in the El Dorado office who handles pro bono referrals.);

□ CALS actively attempts to have volunteers involved in intake (no volunteers work in the HelpLine Unit); (This is a correct statement in the PAI Plan. While there were not any volunteers working in the Helpline at the time of the PQV, we continue to recruit volunteers. The number of opportunities for involvement in intake is expected to increase as online intake and pro bono clinics increase.)

□ volunteer attorneys will provide advice to the isolated populations in the state (CALS closed 61 limited service PAI cases in 2013 and very few in isolated areas of the state). (This is a correct statement in the PAI Plan. In 2013, 30 of the 61 cases closed advice or brief service were in counties outside of Pulaski, Jefferson and Sebastian, the three counties with the most pro bono attorneys. In addition, the Entergy Legal Department assists in answering e-mails sent to the website. There were 951 self-help e-mail responses in 2014.)

19. Page 21, **Recommendation III.2.10.2** should be corrected to read:

CALS should explore ways in which it can partner with UA UALR Law School and/or community agencies to provide opportunities for volunteers to perform the kinds of services envisioned in the plan.

20. Page 23, 2nd Paragraph, 1st sentence should be corrected to read:

CALS will also be cooperating with UA UALR Law School in support of the efforts of the law school to conduct clinics in the Delta Region.

21. Page 25, 1st full Paragraph, 1st sentence should be corrected to read:

Jean Turner Carter has been the executive director of CALS since its inception 1997 and an executive director of an LSC program for 28 years.

22. Page 27, 5th Paragraph should be corrected to read:

OPP staff conducted a Technology Review of CALS in February 2014. Many of the findings held true through this visit. Many of the computers need to be updated. A slow computer could make the cursor and the browser used to access applications less responsive. The operating system and case management system (Kemps) appear appears to exceed the data capacity of many of the computers currently in use. Additionally, the program informs us that they experience an additional obstacle to clean data processing between offices. The case management system (Kemps), however, is accessed through a remote desktop service (Ventech). Any data capacity requirements of the CMS are the responsibility of the CMS server over which CALS has no control. Thus, the responsiveness of the CMS is not directly affected by the data capacity of the CALS hardware used to establish the connection. Still,

the CMS faces a separate obstacle. The program informs us that they experience an intermittent difficulty using web-based applications, including the CMS, throughout their offices. Internet service providers around Arkansas have varying levels of broadband capability, and until the ISPs can accommodate transmission of significant amounts of data CALS may continue to experience slowness of digital communication among their office servers.

23. Page 28, 1st Paragraph should be corrected to read:

The OPP Technology Review identified aging desktop computers as an area that CALS should move to its priority list. ~~Apparently all but top management have older computers with 2gb memories.~~ Currently 15% of employees' computers have at least 4 gb of memory. It seems that in order to process the CMS (Kemps), the Windows 7 OS and Internet/email, staff computers require 4gb of memory. The upgrade to Windows 7 ~~occurred~~ was completed in March 2014, bringing staff forward from ~~for all computers still using the~~ Windows XP. Additionally the CMS was recently upgraded ~~and the new version requires much more bandwidth and processing capability, as well as additional training.~~ in August 2014, and John Kemp conducted a two day, on-site training, which all program staff attended in Little Rock. The team heard a regular refrain that the computer network left many frustrated because of slowdowns, freezes, lack of familiarity, etc. Consistent appropriate level of broadband appears to be a service problem that affects technology among CALS users. Management reports that ~~they cannot get the level of bandwidth they need~~ needed to provide everyone with smooth flowing Internet ~~is not uniformly available in Arkansas.~~

24. Page 30, 2nd Paragraph, 1st sentence should be corrected to read:

VOCALS has in the past been the primary fundraising effort, focused almost exclusively on the large metropolitan legal community in Pulaski County, ~~and the collection of donations in lieu of pro bono representation as allowed by bar rules.~~

The program emphasizes that VOCALS has never presented its fundraising campaign as a way to “buy out” of pro bono service. The program acknowledges that the annual VOCALS private bar fundraising campaign received the highest amount of donations between 2001 and 2007, when a local federal court rule allowed attorneys to request leave to withdraw from federal court appointments if the attorney (1) actively participated in furnishing pro bono legal services by membership in a pro bono legal organization, or (2) had exercised the annual contribution option provided by organizations that provided pro bono legal services to the poor.

25. Page 30, 5th Paragraph, 1st sentence should be corrected to read:

During consolidation in the early 2000's, ~~eight~~ six Arkansas programs merged into two which then embarked on a collaborative model for service delivery in the state, though they served separate regions.

26. Page 31, 1st full Paragraph, 1st sentence should be corrected to read:

As mentioned earlier, the State ~~District~~ Circuit Court in Pulaski County held the Arkansas Criminal Eviction statute to be unconstitutional.

Response to Draft Report Findings/Recommendations:

1. Response to *Finding 3: CALS adopts a broad set of priorities annually, which it updates with input from management only.*

The priority setting process undertaken by CALS sought broader input beyond “from management only”. The entire staff was invited to participate in responding to the Legal Needs Assessment e-mail survey that was sent to the private bar, judges and community partners. The 2013 Legal Needs Study was e-mailed to all staff and posted on the statewide website. Staff were invited to attend several meetings at which the Clinton School of Public Service students presented the results of 2013 Legal Needs Study. After the completion of the Legal Needs Study, the executive director circulated the priorities from the prior year to the supervisory attorneys to share with their staff at the branch office or department level to solicit comments, input and suggestions to make revisions and updates to the priorities. There were several revisions circulated between offices until consensus was reached on recommendations to the board of directors. The CALS board of directors made additional revisions, and then adopted the priorities and case acceptance policies. While not every office, department or staff member actively participated in the process to the same extent, the process was meant to be inclusive and seek the input of all staff and board members, in addition to input from the broader client and access to justice community.