

**Colorado Legal Services
Response**

**Legal Services Corporation
Office of Program Performance
Draft
Program Quality Report
for
Colorado Legal Services**

Recipient No. 706060
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COMMENTS

PROGRAM OVERVIEW

The Program Overview begins by stating that “Colorado Legal Services was formed in 1999 as the result of the merger of the three Colorado LSC grantees.” Technically and legally, the three Colorado LSC grantees did not merge. The single statewide program, Colorado Legal Services, was created through a series of agreements by which Colorado Rural Legal Services and Pikes Peak Arkansas River Legal Aid transferred both their assets and their liabilities to the Legal Aid Society of Metropolitan Denver. There were agreements by which simultaneously to the transfer of assets and liabilities, the Legal Aid Society of Metropolitan Denver would amend its Articles of Incorporation and Bylaws to change its name to Colorado Legal Services and amend its purposes and Board structure to become a statewide provider of civil legal assistance for the poor. Therefore, while it may be easier, technically the reference should not be to a merger but to the consolidation of the three programs or similar wording. The word merger should either be changed throughout the Report, or it should be noted that the term is used to refer to the single statewide program and not the legal method by which it was created and implemented.

The overview states that “other urban areas include the cities of Boulder, Fort Collins, Grand Junction, Greeley and Pueblo, each of a population of roughly 100,000.” While this data, no doubt, came from CLS, Fort Collins has a population of almost 150,000 and Grand Junction has a population of only approximately 60,000 people.

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.

Finding 1. In 2011 CLS completed a deliberative comprehensive needs assessment process that should serve as a model for other programs.

No comment, except that CLS agrees with the finding.

Finding 2. CLS has systems and approaches in place that allow it to identify new and emerging legal needs and has a history of addressing such needs as they become apparent.

No comment, except that CLS agrees with the finding.

Finding 3. CLS does not currently have a formal process to evaluate its delivery but is considering various options.

Recommendation 1.3.4.1 *The program should continue its efforts to develop outcome measurements.*

CLS agrees that it should, and will, continue its efforts to develop outcome measurements. A program-wide committee to help develop outcome measurements has been formed, with representatives from virtually every local office and job category, including attorneys, paralegals and support staff, and will function much as did the program staff committee that developed and implemented CLS' comprehensive Legal Needs Assessment. It is hoped that the committee will thoughtfully and expeditiously propose outcome measurements for consideration and adoption by the entire program.

Finding 4. *While CLS's Strategic plan was adopted 12 years ago at the time of the statewide merger, its core principles, values and strategies still hold true today, and some of the original goals have yet to be fully realized.*

Recommendation 1.3.4.2 *The strategic plan should be updated as deemed necessary and the original access and technology goals should be implemented in accordance with the specific recommendations discussed in later sections of this report.*

CLS agrees that, while completed in 1999, its Strategic Plan is remarkably current. Nonetheless, it is agreed that the Strategic Plan should be updated as deemed necessary and that a number of its goals should be implemented. The Priorities and Long Range Planning Committee of the CLS Board of Directors will be tasked with reviewing the Strategic Plan and updating it as appropriate. It will then be reviewed by program staff and stakeholders and then considered by the full Board of Directors. It is hoped that this will be completed by the end of 2013 and that the access and technology goals will be implemented as recommended in the Report.

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

Finding 5. *CLS has struggled with implementing a statewide coordinated intake system for over a decade.*

No comment, except that CLS agrees with the finding.

Finding 6. *In the absence of a coordinated system, intake varies by office and each has its challenges.*

Recommendation II.1.5.1* *A statewide coordinated intake system should be implemented with all deliberate speed. The system, at a minimum, should provide assistance at the first point of contact and not require an applicant to physically go to an office to receive advice.*

Recommendation 11.1.6.1* Pending establishment of a statewide coordinated intake system, current office intake procedures should be adjusted to avoid multiple and/or required in person contacts as well as extended time between initial contact and receipt of assistance.

Recommendation 11.1.6.2* Applicant's intake eligibility information should be contemporaneously entered into the CMS and substantive questionnaires should be incorporated into the CMS in a manner that would allow for direct input into the system.

Recommendation 11.1.6.3* The program should make arrangements for the receptionist in all offices to conduct any intake functions in a private setting if there is any possibility of being overheard.

Footnote 2 details the large number of intake documents used by CLS' various offices and specialty units. It is accurate that CLS balances the desire for overall uniformity with a recognition and respect that local offices and units need to be particularly responsive to the legal needs of their local client communities, which vary greatly. So, too, the specifics of intake procedures need to be tailored to the delivery systems and needs of the local areas. Nonetheless, it is hoped that a statewide coordinated telephone intake system will retain the most important aspects of responsiveness to the local areas, while increasing the speed with which applicants receive an initial response to their request for service from the program.

Efforts continue to be underway to improve the Denver intake system while the statewide system is being further developed and then implemented. For example, volunteers in the Denver Intake Unit have begun to directly input client eligibility and information into the KEMPS Case Management System, and volunteers and staff no longer always use a paper recordation system that then requires that the handwritten data be entered by other staff into the case management system. Other efficiencies have and will also be implemented while the statewide system continues to be developed.

All interviews in outlying offices will be conducted privately and in ways that ensure that an applicant for services' privacy and confidentiality are protected.

Finding 7. CLS staff are engaged in their communities and the program strives to reach client populations that may face unique access barriers.

No comment, except that CLS agrees with the finding.

Finding 8. CLS' dedication to its LEP clients goes beyond access to their own services but to the greater judicial community as well.

No comment, except that CLS agrees with the finding.

PERFORMANCE AREA THREE. Effectiveness of legal representation and other program activities intended to benefit the low income population in its service area.

Finding 9. CLS has a dedicated and experienced advocacy staff with a high level of expertise.

No comment, except that CLS agrees with the finding and appreciates the recognition of its very experienced and expert staff.

Finding 10. Although the program appropriately targets resources to address client needs throughout its vast service area, recent staff departures coupled with funding cuts have resulted in possible substantive and geographic service gaps.

No comment, except that CLS agrees with the finding.

Finding 11. CLS provides high quality legal services to large numbers of Coloradans throughout its service area.

The foreclosure positions in Denver, Pueblo and Fort Collins/Greeley have been filled. The foreclosure attorney in Grand Junction has been hired and has begun mortgage foreclosure defense and legal assistance work. The foreclosure position in Colorado Springs, a shared position with Pueblo, will be filled in the immediate future.

The Report states that "...the majority of complex matters appear to be handled by the Denver based attorney staff and/or the larger field offices." CLS believes this is somewhat overstated in that complex appeals and other matters have been handled by staff in a number of offices. For example, the managing attorney for the La Junta office handles virtually all of the Social Security appeals in the Southern part of the state, but CLS agrees that more of the complex work should be handled outside of the Denver office with support and co-counseling assistance from Denver staff as necessary and appropriate.

Finding 12. While the program has well defined legal work management and supervision policies/protocols, they are not uniformly followed throughout the program.

The Report questions the program's use of an automated tickler system. While some offices and units do use an automated tickler system, it is correct that it is not uniform throughout the program. Such a system is being implemented.

The Report states that formal case reviews are rarely conducted and that case activity entries are not uniformly entered into the program's case management system. It is correct that case reviews are not uniformly conducted and that not all advocates put case activity entries and/or case status updates in the program's case management system. A number of units and offices do conduct case reviews and the program will reinforce the Caschandler Standards requirement that appropriate and timely case reviews be completed by supervising and managing attorneys. CLS will also ensure that case notes and entries are entered in its case management system.

Finding 13. CLS provides a variety of training opportunities and support mechanisms for its advocates. However, the provision of proactive support in all priority areas could be enhanced.

Recommendation 111.1.10.1 As soon as resources permit, or when other circumstances make it possible to do so, the program should restore an attorney to the Denver Housing and Family/Children's Units as well as to the Alamosa and Durango offices.

CLS will add attorney positions to the Family and Children's Unit and the Housing Unit in Denver, as well as add an attorney in Alamosa and a Managing Attorney in the Durango office as soon as resources make it likely, if not certain, that the program can maintain the positions into the future. CLS certainly agrees with this recommendation.

Recommendation 111.1.11.1 The program should enhance its overall advocacy profile for addressing complex issues throughout the service area by, among other things, more proactive efforts by Denver specialists to train, educate, and co-counsel with the field office attorneys, and reinvigorating the housing and family task forces.

No comment, except that CLS agrees with this recommendation.

Recommendation 111.1.12.1* The program should develop and enforce uniform legal work management and supervision procedures to include the following.

- ***Office wide tickling and calendaring;***
- ***Entering of case notes and designation of case status in the program's CMS;***
- ***A schedule for comprehensive in person and periodic online case reviews; and***
- ***Review of written work.***

CLS agrees with these recommendations and is in the process of implementing a program wide electronic tickling and calendaring system, will ensure that case notes are entered in the program's case management system, will implement a schedule for in-person and periodic on-line case reviews and will increase its review of written work, particularly of those paralegals in need of increased supervision, oversight and improvement of their written work.

Recommendation 111.1.12.2* The program should provide appropriate technology training to all staff to effectuate the above recommendation as well as otherwise enhance program delivery and efficiency.

CLS will provide appropriate training on the use of technology for all staff necessary to effectuate these recommendations and to enhance program service delivery and efficiency.

Finding 14. CLS has a multifaceted PAI program that has proven highly successful.

The Report states that the Colorado Springs, Denver, Durango and Grand Junction offices house an independent pro bono program. The Colorado Springs pro bono program is no longer located in the CLS office but has returned to the El Paso County Bar Association offices. This was necessary to accommodate the El Paso County Bar Association's pro bono program's intent to implement a modest means program and not be limited to serving those clients eligible for services from CLS. While there were other ways to accommodate the program, the Bar Association wished to avoid LSC restrictions and client eligibility issues and chose to relocate its pro bono program back in the Bar Association's physical space as it had been in the past.

Finding 15. CLS is committed to providing a full range of services to and for its client community.

No comment, except that CLS agrees with this finding.

Finding 16. Despite a relatively modest migrant grant, the CLS Migrant Unit provides a full range of quality assistance to Colorado's migrant farmworker population.

The Report references the Migrant Division's work on human trafficking. Since the PQV visit, CLS has received a grant from the US Department of Justice, Office for Victims of Crime, which together with its US Department of Health and Human Service, Office of Refugee Resettlement grant, will enhance and expand the program's activities and initiatives to combat and stem human trafficking.

Finding 17. The Migrant Unit has commendable legal work supervision policies in place.

Recommendation 11.1.16.1 The Migrant Unit should reconsider its practice of having outreach visits conducted by only one outreach worker.

CLS will reconsider its Migrant Division's practice of allowing outreach visits to be conducted by only one outreach worker, recognizing that this may restrict outreach activities and require an analysis and revisions to current migrant unit structure and practices.

Finding 18. The program's Native American grant addresses the unique needs of Colorado's Native American population.

No comment, except that CLS agrees with the finding.

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

Finding 19. CLS has a diverse board that appropriately reflects the program's statewide service area.

The draft Report accurately states that the CLS bylaws provide that fourteen of its attorney members be appointed by the Colorado Bar Association. By practice, the Colorado Bar Association has appointed fifteen attorney members to the board of directors (five appointments per year for staggered three-year terms) to ensure compliance with 45 CFR Part 1607 and that the program always has a majority of McCollum board members, even when an attorney resigns and there is a temporary attorney vacancy on the board. This has avoided problems in board composition over the past many years. Furthermore, CBA appointments are requested to be made, not just from specific geographic locations as required by the bylaws, but also to reflect age, gender and ethnic diversity. The board reflects well the statewide nature of the program and is also appropriately very diverse.

Finding 20. A significant percentage of board members have a high level of ongoing engagement and all appear deeply committed to the program and its mission.

Recommendation IV.1.20.1 CLS should develop and implement a regular, recurring process of orienting newly appointed board members. To the extent feasible, it would appear useful to have one or more interested client-eligible board members participating in this process.

CLS agrees with the finding and the recommendation. The CLS board and senior management will develop and implement a regular and recurring process of orienting new board members. It will work with the current board vice chair, who is a client eligible board member, to help develop the orientation process to ensure that it particularly meets the needs of newly appointed eligible client board members.

Finding 21. While the staff as a whole is one of the program's strengths, the team noted numerous indications that the single greatest strength of CLS may well be its longstanding director which, necessarily, comes with transitional challenges.

Recommendation IV.2.21.1* The executive director should continue moving forward with internal leadership transition steps that can be taken now to assure the maximum possible degree of continuity in the event of his departure. They include expanding his leadership development activities by identifying key program leaders with whom he might share and, where appropriate, delegate more of the roles he plays both within and outside of CLS.

While not specifically addressed in the recently adopted CLS succession plan, leadership development is of great importance to the current executive director and the senior management team. Every effort will be made to expand leadership development and the delegation of the roles of the executive director, both within and outside of the program, with particular attention to the development of personal relationships, among others, in the program, just as the Executive

roles of the executive director, both within and outside of the program, with particular attention to the development of personal relationships, among others, in the program, just as the Executive Director has built over the past many, many years. The extent to which those relationships can be established among a broader group of program leaders is an important and ongoing undertaking and responsibility.

Finding 22. CLS has a very experienced and capable management team.

No comment except that CLS agrees with the finding.

Finding 23. The program's accounting unit, charged with fiscal and human resource matters, while lean, appears to be effective.

No comment except that CLS agrees with the finding.

Finding 24. The program's staff evaluation policy is not adhered to throughout the program.

Recommendation IV.5.24.1 All staff should be evaluated in a timely manner pursuant to the program's evaluation process.

While most CLS staff, in fact, have been evaluated consistent with the program's policy, it is also true that the policy has not been adhered to uniformly throughout the program. The program has taken steps to help ensure that all staff will be evaluated in a timely manner pursuant to the program's quite elaborate and detailed evaluation process.

Finding 25. Recognizing the challenge of communications within a geographically expansive program, CLS uses a variety of methods to communicate information to and among staff. There, however, appears to be a need for additional efforts.

Recommendation IV.6.25.1 The program should consider methods to enhance internal communication including an internal web site or other source for the ongoing flow of information and, when resources allow, continue holding statewide meetings.

The program agrees that it should consider, and has begun to consider, methods to enhance internal communication, including holding statewide meetings and other methods to increase the flow of information within the program.

Finding 26. While CLS has been instrumental in utilizing technology to expand access to justice throughout Colorado, the program has yet to use its internal technology to its fullest potential.

CLS agrees with this finding that "...not all staff and/or units avail themselves of the program's technological resources, and there appears to be no requirement that they do so." While such a requirement may be difficult to enforce, the program will make efforts to ensure that its technology is uniformly used to enhance intake, case file maintenance, legal work management and supervision and to facilitate improved internal communications.

Finding 27. CLS engages in a multi-faceted and highly successful collaborative approach to resource development utilizing both external and internal sources.

No comment, except that CLS agrees with the finding.

Finding 28. CLS not only participates in an integrated delivery system but maintains a leadership role in its implementation.

No comment, except that CLS agrees with the finding.