



**Legal Services Corporation
Office of Program Performance**

Report from the
Program Quality Visit
to
Acadiana Legal Services Corporation

Recipient No. 619051

December 1 - 5, 2008

LSC Review Team

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INTRODUCTION

During the week of December 1 – 5, 2008, the Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted an on-site program quality visit to the Acadiana Legal Services Corporation (ALSC). The purpose of the visit was to assess the quality of ALSC's legal work and its management, administrative, and legal work systems. The LSC team consisted of two LSC program counsel and a consultant.

Through its Program Quality Visits, OPP seeks to ensure that LSC grantees are providing the highest quality legal services to eligible clients. In performing its evaluation of the grantee's delivery system, OPP relies on the LSC Act and regulations, LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The team considered ALSC's narrative submitted in the last competition cycle, grant renewal narratives, case and other services reports, and other reports or documents submitted by ALSC to LSC over the past year. As a part of the assessment of program quality, the OPP team reviewed numerous documents submitted by ALSC in advance of the visit, including a survey of staff and writing samples submitted by advocates. OPP's assessment considered: ALSC's service delivery model, needs assessment and priorities, internal and external program evaluations, accessibility to clients and low-income populations, office and staffing structure, intake system, outreach to low income populations, engagement with low income populations, language access, legal work management and supervision systems, quality and quantity of legal work, experience and reputation, staff training, private attorney involvement, use of technology, program management, board governance, leadership, resource development, strategic planning, and coordination within the Louisiana statewide delivery system.

During the course of the on-site visit, the team interviewed the program's executive director, central office administrative and management staff, the program's legal and non-legal staff, and client and attorney board members. The team visited all three of the program's offices—Lafayette, Alexandria, and Lake Charles. At the conclusion of the on-site visit, the team conducted an exit conference with the executive director, central office administrative and management staff, managing attorneys and specialty unit heads, and a client board member to share some of the team's preliminary observations regarding the program's strengths, challenges, and opportunities for improvement.

Following the on-site visit, the team conducted telephone interviews of judges and representatives from social services and community organizations with whom the ALSC staff frequently interact.

OVERVIEW OF PROGRAM AND SERVICE AREA

Founded in 1977, ALSC is a private nonprofit corporation organized to provide free civil legal assistance to low-income and disadvantaged persons. It is headquartered in the city of Lafayette, Louisiana, and began serving clients in 1979, serving a six parish area. The original service area was expanded to eight parishes in 1981. In 1992, the service area was expanded to 11 parishes as a result of a merger with the then LSC grantee Central Louisiana Legal Services, Inc. And then in 2001, ALSC was the successful applicant for the current 16 parish service area

following LSC's reconfiguration of service areas in Louisiana.¹ Since its founding, ACLS has received LSC funding continuously.

The service area contains 14,064 square miles of south central and southwestern Louisiana, also known as the Acadiana or French Louisiana region.² The eastern Acadiana region was among those affected by Hurricane Katrina on August 29, 2005 (although not as severely as areas from Greater New Orleans eastward). The western Acadiana region and east Texas were most affected by Hurricane Rita on September 24, 2005, Hurricane Gustav on September 1, 2008, and Hurricane Ike on September 13, 2008.

According to the 2000 Census, the service area contains a total population of 1,070,641 and a poverty population of 217,781 persons (20.3% of the area's total population), which is consistent with the state's poverty ratio, but far greater than the concentration of persons living below the poverty line in the nation as a whole (12.7%). At the time of the 2000 census, Louisiana ranked number one for the number of persons living below the poverty line.

In terms of race and ethnicity, the service area's poverty population is composed of almost equal components of black and white residents, but of few other ethnicities. According to the 2000 census, blacks are 49.8% of the area's poverty population; whites are 46.6%; Hispanics are 2.0%; Native Americans are 0.6%; Asians are 1.1%; and other groups are also 0.5%. Black residents comprise a majority of the poor in eight of the service area's 16 parishes and white residents comprise a majority in the remaining eight parishes. After English, the most prevalent languages spoken in the service area are French (including Cajun and French Creole) 12.1%, Spanish (including Spanish Creole) 1.6%, Vietnamese 0.4%, German 0.2%, and Arabic 0.1%.

While ALSC does not have a written vision statement, the program's written statement of mission is to provide quality legal services to the low-income population throughout the service area.

SUMMARY

ALSC is led by an effective executive director and program administrator with strong management capabilities. The board and staff understand and share the mission of the program. The board expressed the greatest confidence in the executive director and the program's management and administrative staff. The board of directors provides appropriate oversight and is actively engaged in significant policy decisions. However, the board needs to provide more assistance in the areas of resource development, private attorney involvement, and strategic planning.

¹ The service area is designated LA-10 and includes the following parishes: Acadia, Allen, Avoyelles, Beauregard, Calcasieu, Cameron, Evangeline, Iberia, Jefferson Davis, Lafayette, Rapides, St. Landry, St. Martin, St. Mary Vermillion, and Vernon.

² Of the 64 parishes that comprise Louisiana, 22 (or about one-third of the total) make up the Acadiana region.

The locations of program offices are appropriate. The lack of sufficient financial resources and a small advocate staff are major challenges to carrying out the program's mission. The current design and implementation of the program's telephone advice and branch office intake systems are significant program challenges that hinder client access and the overall effectiveness of the program's delivery strategies.

The program has policies, procedures, and systems in place to ensure that ALSC's representation is carried out with effectiveness and high quality. The program has a diverse staff of mixed experience. ALSC provides reasonable training to staff appropriate to their functions and responsibilities. Except for the level of extended service cases, the program's CSRs are reasonable. A significant majority of the program's closed cases are in the family law area, followed by income maintenance, consumer, and housing.

ALSC's private attorney involvement (PAI) efforts are reasonable. The program's PAI requirement is mainly satisfied through subgrant agreements with two independent pro bono programs, an in-house pro bono program with a major bar association, and a small number of PAI contract (Judicare) attorneys. PAI is not 100% of any single staff's responsibility; it is diffused between the executive director, specialty unit senior attorneys, and branch office paralegal coordinators.

Within the constraints of the program's current financial and staffing resources, the delivery structure is reasonably coherent. ALSC is an active and respected leader in the state justice community.

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.*

Criterion 1. Periodic comprehensive assessment and ongoing consideration of legal needs.

Finding 1: ALSC is aware of the service area's critical legal needs and has established legal priorities that are sufficiently broad to address the needs.

ALSC's last needs assessment, completed in 2007, primarily relied on written survey responses from present and former clients, private attorneys, judges, social services agencies, and community organizations. The survey form asks respondents to rank 17 problem areas in terms of how important it is for the program to handle cases in the area, how frequently the respondent has encountered problems in the area, and the severity of problems encountered.

The recent needs assessment, like others in the past, confirmed that the service area continues to have a high incidence of medical disability, a severely poor educational infrastructure, increased incidences of poverty following Hurricanes Katrina and Rita and other storms, a failing economy, and a senior population that is disproportionately larger than that of

other areas in the state. Based on these conditions, social security disability work and disaster legal services are high priorities.

Recommendations:

I.1.1.³ In its next needs assessment, LSC recommends that ALSC expand its data collection process beyond written surveys to include some focus groups and other face-to-face discussions with potential clients, community organization and social service agency representatives, program board members, program staff, judges, private attorneys engaged in delivering services to persons of modest means and low-income, and public defender representatives.

Criteria 2 and 3. Setting goals and objectives, developing strategies, and allocating resources; and implementation.

Finding 2: ALSC has adopted legal priorities that are sufficiently broad to address the most pressing legal needs of the low-income population in the service area.

Following the needs assessment, the ALSC board adopted the following priority areas: preservation and maintenance of the family; preservation of the home; maintenance of economic stability; preservation of individual rights; maintenance of safety and health; provision for devolution of property; and enhancement of community development. The adopted priorities are reviewed by the board of directors annually. Through communication and liaison with community organizations, social service agencies, state and local government agencies, the judiciary, bar associations, and state justice partners, ALSC obtains feedback on its delivery strategy and information on new and emerging needs of the low income population.

To implement the adopted priorities, ALSC has established a list of cases it intends to address and the goals and objectives it will strive to achieve by addressing the legal problems identified.⁴ Even the most pressing legal needs of the service area and demands for ALSC's services far outstrip the program's resources and capacity to meet these needs. ALSC has organized its advocate staff into specialized units. To further implement the program's priorities, each of the three core specialty units--administrative law, family law, and litigation (general practice)--have established written case acceptance guidelines. Interviews with staff confirmed an overall awareness of the program's priorities and case acceptance guidelines.

Demands for civil legal assistance are most acute in the Lafayette office. This circumstance led in part to the establishment of the Helpline in that office as a resource that provides advice and legal information in most cases in addition to some brief service. As we discuss under Performance Area Two below, demands for assistance from the Helpline far outstrip the resources ALSC can legitimately allocate to that unit. The program is commended,

³ Recommendations are numbered as follows: The Roman numeral references the Performance Area followed by the finding number and lastly by the recommendation number that pertains to the finding.

⁴ For example, under the "preservation of the home" priority, ALSC handles cases involving disaster recovery and related grant applications, home repair, eviction defense, probate successions, warranty enforcement, boundary actions, foreclosure defense, and bankruptcy.

however, for confronting this monumental challenge of meeting the demand for its legal services.

Recommendations:

I.2.1 ALSC should undertake a program-wide strategic planning process to streamline its case acceptance guidelines and identify core case acceptance guidelines that will ensure that a basic range of case types are handled by all offices. The case acceptance criteria should identify those cases appropriate for referral to PAI, those appropriate for advice only, and those appropriate for legal information only. Further, the streamlined case acceptance criteria should be publicized to the client communities, community organizations, social service agencies, and other partners to help direct the intake process.

I.2.2. Each of the three core specialty units should adopt one or two strategic goals for the coming year based on identified needs in the service area and develop a plan to accomplish the adopted goals.

Criterion 4. Evaluation and adjustment

Finding 3: While ALSC engages in communication and liaison with a variety of stakeholders and partners regarding its services and operations, the program does not formally evaluate the effectiveness of its delivery strategies and work on a continuing basis.

The team considered the extent to which ALSC examines the outcome and results of the program's work on behalf of the client population and makes appropriate adjustments in its goals, objectives, strategies, and legal assistance activities. While ALSC seeks, among other things, to have a beneficial effect on systemic legal problems, promote and maintain economic stability, and promote economic development and opportunities on behalf of low-income families and individuals, the program does not use explicit, concrete, and measurable outcomes that would enable it to objectively compare the results actually achieved in its work with the outcomes originally intended.

However, we note that ALSC has made adjustments in its legal work in response to new needs that followed Hurricane Katrina and Rita and other storms. Also, the program continues to respond to the high rate of medical disability in the state and service area, and to the insensitive and dysfunctional management of public and subsidized housing in the service area.

The work of the program's administrative law unit is focused overwhelmingly on Social Security and SSI disability cases. Within the last two years, there has been a significant decline in the number of Medicare, Medicaid, and food stamps cases closed by the program.⁵ TANEF

⁵ The draft report stated that "Medicare, Medicaid, food stamps, TANEF, and nursing home issues are rarely seen and advocates do not know why this is the case." In its comments to the draft report, Acadiana expressed disagreement with our finding as it pertained to Medicare, Medicaid and food stamp cases. We amend the report to reflect a significant decline in the number of cases closed in these three categories. Further, we note here that, in its comments, Acadiana states that "from January 2006-September 2007, the [Administrative Law Unit] had 189 Medicaid cases, 15 Medicare cases, and 109 Food Stamp cases. *For the period October 2007-December 2008, which includes the Helpline advocacy, there were 95 Medicaid cases, 9 Medicare cases, and 31 food stamp cases.*"

and nursing home issues are rarely seen, and advocates do not know why this is the case. While the Disability Law Center is a superb complement to the administrative law unit, its principal focus is Social Security and SSI disability cases at the Federal Court level. As a result, systemic disability issues in areas such as education, housing, and vocational rehabilitation go unaddressed. The family law unit needs to be more thoughtful about the uncontested cases that are accepted and assigned to staff advocates, such as the Section 1702(E) uncontested divorce cases that are done on affidavit without a court appearance. The litigation unit could limit staff responsibility for the transactional work (wills, powers of attorney, advance medical directives) accepted and assigned to staff advocates as this work seems to be a natural fit for pro bono counsel.

The disaster legal services project is just getting under way and is an initiative that demonstrates the program's ability to address new and emerging client needs. This project too could benefit from a strategic focus on achieving lasting results in a select number of issue areas rather than a wide array of issues.

Recommendation:

I-3.1: ALSC should develop a policy and procedure for formal evaluation of the effectiveness of the program's operations, delivery strategies and work, and require that appropriate adjustments be made where indicated by such evaluations. In developing a self-evaluation policy and procedure, ALSC should consult Standard 2.11 of the *ABA Standards for the Provision of Civil Legal Aid*. While the *ABA Standards* are aspirational, they do provide guidance that is useful for developing an organizational self-evaluation policy.

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

Criteria 1 and 3. Dignity and sensitivity and access and utilization by the low-income population.

Finding 4: ALSC is striving to implement a Helpline intake system that will affirm and reinforce the dignity of clients and be sensitive to their individual circumstances.

(Emphasis added). By this account, Acadiana experienced a 49.7% decline in Medicaid cases, a 40% decline in Medicare cases, and a 71.6% decline in food stamp cases. In terms of actual closed cases, however, Acadiana's Medicaid CSRs show that the program closed 114 cases in 2006, 95 cases in 2007 (a 16.7% decline from 2006), and 57 cases in 2008 (a 40% decline from 2007). The CSR reports to LSC show that none of the Medicaid cases involved extended service work in 2006, 2007 or 2008. Acadiana's Medicare CSRs show that the program closed 11 cases in 2006, four cases in 2007 (a 63.6% decline from 2006), and five cases in 2008 (a 25% increase over 2007). Only two of the Medicare cases closed during the 2006-2008 period involved extended service work. Finally, Acadiana food stamps CSRs show that the program closed 71 cases in 2006, 43 cases in 2007 (a 39.4% decline from 2006), and 19 cases in 2008 (a 55.8% decline from 2007). Only one of the food stamp cases closed during the 2006-2008 period involved extended service work. We cite the foregoing closure statistics to reiterate that constant evaluation and adjustment of delivery strategies should be employed.

The program's intake system is based on initial telephone access followed by a telephone call-back interview. In the Lafayette office, the telephone intake is called the Helpline.⁶ The overwhelming majority of applicants must first telephone one of the program's three offices to gain a place on a call back list in order to initiate the intake process. In all three offices the initial calls are taken by the receptionist, who enters the applicant's name, address, telephone number, and emergency status onto a call-back list in the case management system. Criminal cases, and other legal problems or requests for a type of legal assistance that is prohibited by the LSC Act and regulations are screened out at this stage.⁷ The call back list is then used by intake paralegals or intake assistants to telephone applicants to conduct a conflict check, eligibility screening, and, for those found eligible, gather the facts about the substantive issues about which help is sought. The intake paralegals and assistants do not provide advice; they are only fact gatherers. Applicants indicating that they have an emergency⁸ are given call back preference. After the facts are gathered for eligible applicants, the intake file is presented to attorneys for a case acceptance decision, legal advice, and, in some instances, referral to one of the specialty units. The attorneys also sign the letters to those applicants found ineligible or whose cases are declined for other reasons.

ALSC has written intake policies and procedures that provide intake workers with instructions on the case management system (Kemps Prime), client financial eligibility guidelines, priorities, case limitations, emergencies, LSC restrictions, standard questions for the most frequently encountered substantive law areas, standard form letters and other documents, and a referral directory.⁹ Intake workers are trained on the program's case management system.

Lafayette Office

In October 2007, ALSC converted its traditional telephone intake¹⁰ in the Lafayette office into the current Helpline. This conversion has been a significant challenge. The Helpline is staffed by a managing attorney, two staff attorneys, and three paralegals. At the time of the on-site visit, the Helpline was on its third managing attorney and she was scheduled to leave the program on the last day of the visit.¹¹

⁶ Helpline is another name for "hotline" and is defined as a service designed to provide legal advice and information by telephone at the time the client contacts the legal aid program, or soon thereafter. Helplines provide answers to clients' legal questions, analysis of their legal problems, and advice on solving those problems. Helplines may also perform brief services such as making phone calls or writing letters or preparing documents on behalf of clients.

⁷ It is not clear how comprehensively unacceptable or prohibited cases are screened out.

⁸ Program-wide, emergencies include applicants who have received a lawsuit or any similar court papers, notice of a court date, an eviction notice, a utility shut-off notice, need to file an appeal, or present a case involving domestic violence.

⁹ The frequently encountered substantive law questions, form letters and other documents, and the agency referral directory are in the case management system.

¹⁰ The previous telephone intake system in the Lafayette office was referred to as the Telephone Assistance Program (or TAP).

The Helpline's intake hours have fluctuated since the beginning. At the time of the on-site visit, the Helpline manager was still trying to figure out what hours would work best. Previously, intake days and hours had been open for as many as three days a week, four hours each day. At the time of the visit, the Helpline's intake was Mondays and Tuesdays from 8:30 a.m. to 9:30 a.m. After 9:30 a.m. on those two days, intake is closed--i.e., non-emergency applicants are told to call back on the next upcoming intake day between 8:30 a.m. and 9:30 a.m. Applicants facing an emergency are called back. While the Helpline's goal is to make call backs on the day of first contact (which is only two days a week), calls to non-emergency applicants can take up to one week.

The receptionist and other staff taking the Helpline calls between 8:30 a.m. and 9:30 a.m. are unable to talk to every applicant within the established intake period. Nevertheless, the intake period is closed and the pending callers are told to call again on the next intake day. Unlike the practice in the Alexandria and Lake Charles offices, no accommodation is made for applicants who unsuccessfully attempt to access the Helpline on subsequent intake days.

Program policy requires that walk-in applicants, emergencies as well as non-emergencies, be seen immediately by one of the Helpline staff.

The stated mission of the Helpline is to provide information, brief advice by letter, and pro se forms. The case management system contains form advice letters that the attorneys can modify to address various scenarios. As a matter of course, the advice letters inform the client that their case is being closed at that time. A client grievance (appeal) notice and instructions are included. It appears that in many instances, a case is accepted and advice is provided without an attorney ever speaking to the client.

Even though Helpline cases are closed as a matter of course following the brief advice by letter, some closed case files are referred to the substantive specialty units for more extensive services. If a specialty unit decides to take the referred case, it will contact the client and reopen the advice case file. Meanwhile, clients are under the impression that their case has been closed after provision of limited services.

The Helpline is physically located in an upstairs area of the Lafayette office that is physically separate from the rest of the Lafayette staff. Helpline staff reported feeling isolated physically and mentally from the rest of program. The staff also reported that the Helpline is insufficiently staffed, that they experience undue pressure to limit conversations with callers, and that there are frequent backlogs. The Helpline was established to enhance client access in the Lafayette region, reduce the intake workload of legal secretaries and paralegals, and facilitate more extended services work by the program's attorneys. Some staff expressed concern that the Helpline may have promised more than it can deliver and in doing so, that it has created backlogs that risk tarnishing ALSC's reputation for client service.

¹¹ Following the on-site visit, the program selected one of the two Helpline staff attorneys to serve as acting manager. The staff attorney selected has two and one-half years of experience in the legal profession and five months experience with ALSC.

Alexandria Office

The Alexandria intake function is staffed by a full time intake assistant (supervised by the managing attorney), assisted by a legal secretary/receptionist. The senior paralegal provides backup support. Unlike the Lafayette office's Helpline, intake in Alexandria is organized around ALSC's three program-wide specialty units--administrative law, family law, and litigation (a general practice unit that handles cases outside of the public benefits and family law categories). For the administrative law unit (public benefits cases), intake is open Mondays through Fridays, from 8:30 a.m. to 5:00 p.m. For family law cases, intake is open on Tuesdays only, from 8:30 a.m. to 9:00 a.m. And for the litigation unit, intake is open on Wednesdays only, from 8:30 a.m. to 9:00 a.m., except for elder law applicants. For seniors,¹² and applicants facing emergencies, intake is available Mondays through Fridays, between the hours of 8:30 a.m. and 5:00 p.m. The senior paralegal does all of the elder law intake.

The Alexandria approach to intake requires applicants to call the office during the stipulated intake time for a chance to be placed on the call back list. For the family law and litigation units, the number of intake calls accepted during this period is further limited by parish. At the time of the visit, the number of family law and litigation unit call back slots reserved for the office's three parishes were five for Rapides, one for Vernon, and one for Avoyelles. However, if it is determined that a family law or litigation unit applicant called intake within the half-hour period but did not make the cut, the intake assistant records the applicant's name, parish, nature of case onto a "missed list." The applicant is told to call back the following week during the intake period. After three times on the missed list, an applicant is placed on the call-back list and screened.

While the ALSC policy is that only walk-ins with emergencies are seen, from time to time non-emergency walk-ins are seen rather than told to call during regular telephone intake periods.

The office strives to complete call backs on the day of the initial intake call. If applicants are reached, the intake assistant performs a conflict check, eligibility screening, and gathers the facts about the applicant's problems. The intake data is entered directly into the case management system. The family law unit has a questionnaire that is completed. For the case acceptance decision, completed family law intakes are given to office's family law unit attorney and litigation unit intakes are given to the office's managing attorney. The attorneys decide which cases are referred to the pro bono program. Applicants that are determined to be ineligible receive a rejection letter from the office's managing attorney within two days of the intake screening. The Alexandria intake approach and schedule has been widely publicized in the office's region of the service area.

¹² The Alexandria office defines an elder law applicant as persons who are age 60 or over and live in one of seven Louisiana parishes--Avoyelles, Catahoula, Concordia, Grant, LaSalle, Rapides, Vernon, or Winn. Only three of these seven parishes are within the ALSC service area--Avoyelles, Rapides, and Vernon. The other four are in the area served by LSC grantee Legal Services of North Louisiana. ALSC's 2008 funding sources include six area agencies on aging.

Lake Charles Office

In Lake Charles, the intake function is staffed by a receptionist/intake assistant with four months experience with the program. She is assisted by the administrative law unit paralegal, who has five years experience, and a legal secretary, who has seven months experience with the program. The intake assistant is supervised by the office managing attorney. Telephone is the predominant method by which residents of the immediate Lake Charles area access ALSC's services. The intake assistant and/or the paralegal first make a list of applicants for call back. A return call is made to a select number of applicants, a conflict check is performed and, if no conflict, they are screened for eligibility, an intake application is completed directly in the case management system, and substantive issue questionnaires are completed. The completed intake and substantive issue data are presented to the specialty law unit attorneys for case acceptance decisions. ALSC strives to send rejection letters within two days of the completed intake. Lake Charles reported that its rejection letters are usually sent the same day as the completed intake.

Like the Alexandria office, Lake Charles' telephone intake is organized around ALSC's three program-wide specialty units--administrative law, family law, and litigation (general practice). At the time of the on-site visit, intake for the administrative law unit was conducted Mondays through Fridays between 8:30 a.m. and 5:00 p.m. For the family law unit, intake was scheduled for Tuesdays from 8:30 a.m. until the number of applicants on the call back list reaches 15. This limit is usually reached by 9:30 a.m. As in the Alexandria office, the remaining applicants who called during the open intake period¹³ are placed on a "missed list" and will receive a call-back at least after the third time they fall onto the list. Thus, under this system, a select number of applicants receive a call back after a three week wait.

At the time of the on-site visit, Lake Charles' intake for the litigation unit had been suspended because the unit did not have a licensed attorney in the office. Prior to suspension, the litigation unit intake had been scheduled for Wednesdays between 8:30 a.m. and 5:00 p.m., with the stipulation that only 10 applicants with non-emergency cases could be processed. The number of emergency applications varies from week to week. Unlike in the Alexandria office, Lake Charles does not have a separate intake process for senior citizen applicants.

In addition to the telephone intake conducted in Lake Charles proper, the office conducts outreach intake to three parishes. Outreach intake is conducted in Allen Parish on the first Thursday of each month where an average of eight applications is taken. On the second Thursday of the month, intake is done in Jefferson Davis Parish where an average of seven applications is taken. And on the third Thursday of the month, intake is done in Beauregard Parish where an average of eight applications is taken.

Emergency walk-ins are seen throughout the week. Walk-ins who do not present emergencies are given a flyer setting out the intake schedule and told to call back during the regular intake hours. Social service agencies, community organizations, the judiciary, and the private bar are all familiar with the Lake Charles office and its general approach to intake.

¹³ From 8:30 a.m. until the time the call back list reaches 15 constitutes the open intake period. Of course, the actual cut-off time can vary from week to week.

Program staff expressed the view that, overall, the client community knows about legal services and the services offered.

Recommendations:

II.4.1. ALSC needs to provide the Helpline adequate staffing, space, and equipment, including noise canceling headsets. It is suggested that the program consider relocating the Helpline to the space currently set aside for an underused law library in the Lafayette office.

II.4.2. ALSC needs to re-evaluate all case acceptance guidelines with the goal of spending less time on cases that will not be accepted, and increasing access by eliminating extremely restricted intake hours and intake cut offs.

II.4.3. ALSC should change the current telephone call back approach to a more strategic one where applicants are required to provide an appointed time they will be available for the conflict check, eligibility screening, and substantive issues fact gathering.

II.4.4. ALSC should make a timely decision on whether to provide extended assistance before closing the Helpline advice cases or sending a closing letter. Clients should be informed of the extended assistance decision in a timely manner.

II.4.5. To augment its small Helpline attorney staff, ALSC should vigorously pursue getting pro bono attorneys--especially retired attorneys and corporate counsel-- to assist with the Helpline's counsel and advice cases, and to help identify cases that are eligible for extended representation and for referral to the program's three core specialty units. It is suggested that the program enlist the assistance of the state bar, the judiciary, as well as invite the American Bar Association's Pro Bono Center to help assess the feasibility of expanded pro bono.

II.4.6. ALSC should end the current client appeal approach used in Helpline closing letters. Instead, ALSC should provide a copy of the program's grievance policy along with a form for submitting a grievance, and information about how to obtain assistance with the grievance form if needed.

II.4.7. ALSC should establish a program-wide work group to analyze intake as it is done now and how it could be improved. This should include strategizing about ways to streamline the process from the initial call to the decision regarding extended representation, as well as the minimum staffing necessary to process intake efficiently.

II.4.8. Before extending the Helpline to the entire service area, ALSC should consult with state justice partners on avoiding duplications or establishing unnecessary barriers to future statewide coordination and collaboration with the statewide hotline under development and known as the Louisiana Civil Justice Center.

Finding 5: ALSC has a written policy on serving limited English proficient populations that conforms to the guidance of LSC Program Letter 04-2.

ALSC has a written policy on serving limited English proficient populations. After English, the most prevalent languages spoken in the service area are as follows: French (including Cajun and French Creole) 12.1%, Spanish (including Spanish Creole) 1.6%, Vietnamese 0.4%, German 0.2%, and Arabic 0.1%. Program staff's language capability includes three attorneys, two paralegals, and a secretary who speak French. One attorney (the disaster legal services project) speaks Spanish. And one attorney speaks an Asian Indian language. Except for the most recent manager of the Helpline, none of the bilingual staff has direct intake responsibilities. The program relies on the Catholic Diocese for Spanish interpreters when needed. Staff reported that Spanish is the rapidly emerging language in the service area. For Cajun and French Creole, program staff are available. We were told that the French speaking population speaks sufficient English to eliminate the need for interpreters. The team heard no reports of the program's inability to assist applicants or clients because of language barriers.

Recommendation:

II.5.1. ALSC should continue to monitor the growth of the limited English proficient Spanish population and, as resources permit, strive to hire at least one bilingual intake worker.

Finding 6: The locations of the program's offices are reasonably calculated to achieve broad access and utilization by low-income individuals and families.

ALSC currently operates three basic field branch offices located in the cities of Lafayette, Alexandria, and Lake Charles. The Lafayette office also houses the central administrative staff and all of the managing or senior staff attorneys who lead the three program-wide specialty units. The Alexandria and Lake Charles offices are each led by a managing attorney and staffed by one or more staff attorneys, paralegals, and legal secretaries. ALSC's Disability Law Center, a Social Security/SSI disability federal court litigation project, is also located in the city of Lake Charles, but is housed separately from the branch office.

The three branch offices are located in population centers and are reasonably accessible to the low-income population throughout the 16-parish service area. In 2004, funding reductions following implementation of the 2000 census necessitated closure of three branch offices. The program conducts outreach intake in some of the parishes that experienced office closures.

In terms of their physical structure, the program's offices are accessible to the physically handicapped. All three branch offices were clean and professional in appearance. To take advantage of special capital development funding from the Louisiana Bar Foundation, ALSC is planning to purchase an office building at a new location in Alexandria.

Criterion 2. Engagement with the low-income population.

Finding 7: ALSC is reasonably engaged with the client population throughout the service area and strives to incorporate their perspectives in the program's work.

ALSC is known in communities throughout the service area. Community organizations and groups, social service agency personnel, domestic violence shelters, and state and local government view the program as an important and critical resource for low-income persons. The program's advocates are respected and have good reputations with the bar and bench.

The ALSC service area is prone to hurricanes. In the aftermath of Hurricanes Katrina and Rita in 2005, as well as subsequent hurricanes like Gustav and Ike in 2008, ALSC reinvigorated its collaboration and engagement with community organizations and social service agencies throughout the service area--including the American Red Cross, the Advocacy Center, the Justice and Peace Outreach Center (Diocese of Lafayette), Louis A. Martinet Society, Louisiana Rehabilitation Services, Area Agencies on Aging, Community Action Agencies, and Central Louisiana Homelessness Coalition.

ALSC staff makes community legal education presentations to address housing issues in collaboration with such partners as the Acadiana Outreach Center, the Lafayette consolidated government, the office of the attorney general, and the other LSC grantees in the state. They collaborate with various domestic violence agencies, task forces, and related groups to help ensure the safety of domestic violence victims. Program staff participate in meetings, trainings, and ongoing discussions amongst the network members to improve services and coordination.

ALSC staff serves on the board of organizations like Avec Les Enfants (facilitating safe court-ordered child visitation), the Russ Howard Foundation (HIV AIDS), Faith House (one of the largest DV shelters in the service area), the Rapides Parish Domestic Violence and Sexual Assault Task Force, and the Operational Excellence Committee of the United Way of Acadiana.

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

Criterion 1, 3 and 4. Legal Representation, other program services, and other program activities on behalf of the client population.

Finding 8: ALSC has written legal work management and supervision guidelines to ensure effective, efficient and high-quality legal assistance.

ALSC's legal work is organized by specialty units—administrative law, family law, litigation (general practice), the Disability Law Center, and the Helpline. Except for the Disability Law Center, which is headed by a paralegal, each specialty unit is headed by a managing or senior staff attorney. The administrative law, family law, and litigation units

operate program-wide. The Disability Law Center provides on a statewide basis¹⁴ federal district court and federal appellate litigation expertise regarding Social Security/SSI disability.

Oversight of legal work is the primary responsibility of unit managers. The executive director has oversight responsibility for the work of unit managers. ALSC does not have an advocacy or litigation director to provide backup and support across all substantive areas and in complex cases.

ALSC has appropriate written policies and procedures for legal work management and supervision. The policies and procedures in place are in fact followed. Managers and supervisors conduct regular formal and informal case reviews. The specialty units meet at least monthly and unit managers are accessible and communicate with their supervisees regularly. While the managers of the administrative law, family law, and litigation units are all housed in the Lafayette office, they travel to the other two branch offices to meet with their supervisees for case file reviews, co-counseling, or other support and backup. Unit members in the Alexandria and Lake Charles offices participate in unit meetings via telephone conference and travel to the Lafayette office at least quarterly. Pleadings and other written work by new advocates are reviewed by the managers or another experienced advocate. Managers use the case management system and email to facilitate remote supervision and advocates maintain their case notes in the case management system.

In the Lafayette office, the unit managers make case assignments directly to the advocates in that office. In Alexandria and Lake Charles, experienced unit advocates keep the cases generated by their office's intake. The average caseload is 35 for experienced advocates. At the time of LSC's visit, the program's new attorneys had not yet developed their own caseloads. New advocates shadow the experienced advocates in their office and they are accompanied to their first hearings and court appearances.

The executive director is the direct supervisor for the specialty unit managers and coordinates the program's legal work. In the case of the Disability Law Center, the executive director signs all pleadings and other court papers as lead counsel. The unit managers submit quarterly litigation reports to the executive director. Yearly evaluations are performed for all program staff. Unit managers evaluate their supervisees and the executive director evaluates all unit managers. The evaluation instrument, however, is woefully outdated. It does not address substantive components of the employee's work, and may include questions that implicate the Americans with Disabilities Act and other fair employment laws.

Advocates are afforded reasonable trainings, have access to automated legal research and a variety of practice manuals and other research materials, and up-to-date technology, including

¹⁴ ALSC formed the Disability Law Center in 2002 as an effort to provide a specialized expertise to eligible clients of all legal aid providers in Louisiana in exchange for a financial contribution. Initially, one LSC grantee joined in the project. Other LSC and non-LSC providers have declined to participate in the project. Taking the funding challenges being experienced by all civil legal aid organizations in the state, it remains to be seen whether they will seek to take advantage of the expertise offered by the ALSC's Disability Law Center.

desktop computers. Advocates participate in statewide task forces and bar association sections; some are leaders of taskforces and bar association sections.

Recommendation:

III.8.1. ALSC should develop a new performance evaluation instrument for all staff that, among other things, takes into account the principal duties in the employee's written job description and is cognizant of the requirements of the Americans with Disabilities Act and other fair employment laws. It is suggested that the program consult the online library of Management Information Exchange.

Finding 9: The overall quantity of legal assistance provided by ALSC is reasonable, but the amount of extended service representation is a significant potential weakness that should be addressed.

The quantity of legal work performed by ALSC is reasonably related to the program's staffing and financial resources. In 2007, ALSC closed 4,162 cases, which amounts to 192 cases per 10,000 poverty population, 76% of the national median¹⁵ of 253 cases per 10,000 poverty population.¹⁶

Of the 4,162 cases closed in 2007, 646 were for extended service. This is 15.5% of the program's total, 30 cases per 10,000 poverty population, which is only 53.6% of the national median of 56 extended service cases per 10,000 poverty population. This low proportion of extended representation cases poses a significant potential weakness. LSC recognizes that there are a number of factors that may explain the low extended service cases in calendar year 2007. We specifically note that non-LSC funding constituted a significantly lower percentage of ALSC's annual budget--24.5% in 2007 compared to a national average of 43%. ALSC's low level of non-LSC funding has been a historic trend and is projected to continue in the future—e.g., the program's non-LSC funding was 23.2% in 2006, 29% in 2008, and is projected to be only 22.6% in 2009. Also, ALSC has experienced recurring turnover in its attorney staff over the last three years. Finally, we acknowledge the fact that ALSC has closely monitored the

¹⁵ Each year LSC computes the national median and national averages for several aspects of CSR data comparison. While both the national median and the national average are computed, LSC program performance staff follow the generally accepted view of statisticians that "medians" are better indicators than "averages" in contexts like CSR data comparison.

¹⁶ The number of closed cases per 10,000 poverty population is one measure of program performance traditionally used by LSC to evaluate productivity on a program-wide basis. Comparing a program's case closing statistics to the national median may or may not lead to specific conclusions. A program's case closing statistics can reflect a number of factors, including the inexperience of staff, demographics, the geography of a service area, the program's legal priorities, the program's policy on the levels of services provided, and the focus of program resources on work that is not captured in the CSRs, among others. However, as part of a program's periodic evaluation of its performance, LSC encourages programs to compare their case closing statistics in a variety of categories to the national median, looking for any revelation that may raise a flag that should be examined further.

volume and types of cases handled over the last three years and sought to enhance the number of extended service cases by establishing the Helpline in its Lafayette office.¹⁷

Recommendations:

III.9.1. ALSC should continue to closely monitor the volume of extended service cases undertaken and closed by its advocate staff. It is suggested that this be done on a quarterly basis in conjunction with the quarterly litigation reports that the executive director currently receives from each specialty unit.

III.9.2 To help address the declining number of extended service cases, ALSC should ensure that input from the specialty units is an integral part of the efforts to refine implementation of the Helpline so that all staff are completely in step with the types and timing of cases to be referred for extended assistance.

III.9.3. ALSC should continually explore ways to address the other factors that impact the quantity of extended service work, such as, but not limited to recurring turnover among attorney staff, insufficient financial resources to provide reasonably competitive salaries and other benefits, and the absence of pro se assistance efforts like uncontested divorce legal clinics.

Finding 10. The quality of the legal work by ALSC's paralegals and small staff of attorneys is sufficient.

ALSC's experienced attorneys and paralegals are competent and knowledgeable of the areas in which they handle cases. Among the program's 17 attorneys and 14 paralegals, there are many experienced advocates¹⁸ that command the respect of judges, administrative agencies, community organizations, and state justice community partners. They are viewed as committed, caring professionals who value their work and clients. Interviews with program staff, judges, and representatives of community organizations and social service agencies confirmed that the program engages in thoughtful, high quality legal work. There was high praise for the program's

¹⁷ ALSC's final 2008 CSRs will be reported to LSC by March 31, 2009, and LSC will formally compare them to those of all other grantees. Following the on-site visit, however, ALSC provided a preliminary report of its 2008 CSRs, which indicates that the program closed a total of 4,158 cases in 2008 compared to 4,162 in 2007. Of the 4,158 cases for 2008, 88.9% involved limited service compared to 84.5% in 2007; 11.1% involved extended service compared to 15.5% in 2007. In the four core poverty law areas, family law comprises 59.6% of the closed cases for 2008 compared to 51.3% in 2007; income maintenance comprised 9.9% compared to 12.1% in 2007; consumer comprised 9.2% compared to 11.5% in 2007; and housing comprised 6.3% compared to 8.4% in 2007. As the foregoing data show, the decline in the percentage of extended service cases and the increase in the percentage of family law cases are significant changes from calendar year 2007. We specially note that since ALSC's 2008 CSRs are from a preliminary report, the data will be used only for the LSC Office of Program Performance's internal purposes and are not intended for further publication beyond this report.

¹⁸ Of the program's 17 attorneys (excluding the executive director), four have been with ALSC less than one year. Three more have been with the program more than one year but less than two years. The remaining 10 attorneys have an average of 11.7 years of legal experience with the program. Overall, the program's attorneys have an average of 11.9 years of experience in the legal profession. All of the program's paralegals have significant experience, a range of five to 29 years with the program and in the paralegal profession.

work in the areas of Social Security and SSI from the administrative hearing level to federal district court appeals. Also, we heard high praise for the expertise exhibited by the program in the areas of public and subsidized housing, disaster recovery on behalf of Hurricanes Katrina and Rita victims, and the program's domestic violence work. The program has a culture among its advocates that they are to think creatively about their cases.

In preparation for the visit, advocates were asked to produce writing samples that represented some of their best work within the last 12 months. Ten of the 24 writing samples pertained to social security--two federal court appeals, four appeals to the Appeals Council, and three post-ALJ hearing letter briefs. These cases all involved complex factual and legal issues. They displayed solidly developed legal writing and research skills in all but two instances, where the letter briefs were merely sufficient.

There were two state district court briefs. One of the briefs, in opposition to a motion to terminate a usufruct (a housing case), was excellently written and argued. Three writings were training materials on domestic violence, paternity, and the state's residential landlord-tenant law that was well presented. Another sample was a well-written office memorandum on the state's Uniform Child Custody Jurisdiction and Enforcement Act. One unlicensed staff attorney produced a writing sample from law school; the paper was well-written and researched.

Despite our instruction that "form pleadings should not be included," four advocates produced form or routine pleadings--three in the family law area and one housing. The team concluded that to the extent some samples were not advocacy writings and others were merely sufficient or non-compliant, this was due in part to the fact that memorandum and brief writing is rarely required in the trial courts of Louisiana. Also, turnover among staff accounts for some of the samples as newer staff have not yet developed full caseloads that provide opportunities to write briefs or extensive memorandums.

Recommendations:

III.10.1. ALSC should recognize that having some inexperienced advocates provides an opportunity for developing protocols for the professional development of new staff. It is recommended that the program consider setting goals for handling certain types of cases – arguing a motion, representing clients at a hearing, handling a contested matter, drafting a trial memorandum or a brief, etc. ALSC should consult the LSC online resource information library to review the Minimum Attorney Skills Development Standards and the First Year Attorney Training Protocol that are used by the Georgia Legal Services Program. These can be accessed at http://www.lri.lsc.gov/management/standards_detail_T91_R5.asp.

III.10.2. Even though trial courts do not require briefs and memorandums as a regular practice, ALSC should take affirmative steps to engage advocates across specialty units in discussions about creative brief and memorandum writing. This would enhance its advocacy efforts and promote advocates' professional development. It is suggested that in select cases, specialty units require advocates to prepare a written trial memorandum outlining their client's and the adverse party's case. All of the advocates interviewed during the visit exhibited dedication to the service of low-income clients and, we believe, share the values of the legal profession that advocates

should be willing to attain whatever degree of proficiency is needed to give their clients the highest quality of representation possible.

Finding 11. ALSC supplements its representation of individual clients with community outreach and preventive legal education activities, and other activities that may have a beneficial effect on systemic legal problems and economic opportunities of the low-income population.

The main focus of the program's work is directed at individual representation in the core poverty law areas, outreach in select parishes, and preventive legal education activities with a number of well-established community organizations and social service agencies. A paralegal in the administrative law unit conducts a monthly radio program on Social Security disability. The litigation unit has engaged in a wide range of community education activities regarding public and subsidized housing. The senior attorney heading the litigation unit has spent a substantial amount of time coordinating training and educational presentations to community groups, public housing authorities, and other units of local government. The administrative law unit has conducted public benefits sessions designed to shore up the safety net and protect the rights of the poor in the area of public benefits, including social security disability and SSI. And the disaster legal services project plans to conduct outreach and community education activities directed at victims of recent Hurricanes Gustav and Ike in the southwest region of the service area.

In addition to community legal education, ALSC offers assistance for self-help activities and pro se appearances for uncontested divorces. Also, the statewide website, which is supported by the program in partnership with other legal aid providers, offers materials regarding family and children, consumer issues, housing, employment, government benefits, disability, seniors, health, taxes, wills and life planning, civil rights, schools, the legal system, and disaster relief and hurricanes.

Criterion 2. Private Attorney Involvement.

Finding 12: The private attorney involvement programs need to be significantly enhanced to supplement the amount and effectiveness of ALSC's representation and other services.

ALSC implements its PAI obligation by providing financial support, conducting intake and merit evaluation, and referring cases to three independent pro bono programs and a few contract attorneys in the service area. The three pro bono entities are the Lafayette Volunteer Lawyers through the Lafayette Parish Bar Foundation (in the city of Lafayette), Central Louisiana Pro Bono Project (in the city of Alexandria), and the Southwest Louisiana Bar Association's Pro Bono Project (in the city of Lake Charles). There are subgrant agreements with the Lafayette Volunteer Lawyers and the Central Louisiana Pro Bono Project. The private contract attorneys work under the disaster legal services project with Louisiana State Road Home Project for the benefit of homeowners whose property was damaged by Hurricanes Katrina and Rita.

The program's PAI efforts are overseen by the executive director with the assistance of the record specialist in the Lafayette office, a senior paralegal in the Alexandria office, and a senior paralegal/PAI coordinator in the Lake Charles office. The senior attorneys who lead the

family law and litigation units select the cases from regular intake for PAI referrals and route them to the record specialist and/or two senior paralegals. Status letters in all pending cases are sent at least quarterly. Getting the pro bono attorneys to close cases in timely manner has been a challenge, but the program has embarked on a renewed effort with the two subgrantees and expects significant improvement.

In 2007, ALSC closed 252 PAI cases out of a total of 4,162 closed cases. PAI was 6.1% of closed cases that year. Sixty percent (60%) of the cases were family law. The program's preliminary CSR report for 2008 indicates that 344 PAI cases were closed in 2008. This represents 8.3% of all cases closed in 2008, which is 2.2 percentage points above that of 2007. 51.7 percent of the cases were in the family law area compared to 60% in 2007, a decrease of 8.3 percentage points.

The ALSC board has adopted the LSC suggested PAI resolution and is exploring ways to enhance the involvement of the private bar in serving clients. One revelation from the on-site visit is that the most pressing need for greater private attorney involvement is with the Helpline advice and counsel service. As we have already suggested under Performance Areas Two, this is critical to the viability of the Helpline in light of the program's available staffing resources.

Recommendation:

III.12.1. It is recommended that ALSC enlist the assistance of the bar associations in the Lafayette region, the judiciary, as well as the American Bar Association's Pro Bono Center, to embark upon a vigorous effort to recruit pro bono and other private attorneys to assist the Helpline in counsel and advice cases, and in identifying cases that are eligible for extended representation and for referral to the program's three core specialty units.

PERFORMANCE AREA FOUR. *Effectiveness of Governance, Leadership and Administration.*

Criteria 1, 2, and 6. Board Governance; leadership; and internal communication.

Finding 13: The ALSC board of directors provides appropriate oversight and shares the mission of the program.

ALSC is governed by a 24-member board composed of 15 attorneys, eight client members and one other community member. The members are diverse in terms of race and gender. The board meets at least four times each year. A core group of the members is very active. The minutes reflect appropriate oversight and engagement. The board needs to become more involved in resource development and strategic planning for the program's future. It appears that appropriate financial information is provided to the board and to the management team. The executive director, other administrative staff, and the leaders of the specialty units make regular reports to the board.

The executive director is evaluated annually. Board members interviewed expressed great confidence in the executive director and the rest of the management team. The board chair

regularly attends the NLADA annual conference to stay informed about developments in the legal services sector of the nonprofit community. Upon his return, he shares what he has learned with the executive director and other board members. The board chair expressed a great tolerance for change and is very forward looking in his view of the program's future.

There are serious concerns throughout the program about salaries. Overall they are very low, they have been stagnant over time (not even cost of living increases), and within the same classification, there are significant disparities. Low attorney salaries have led to significant turnover; they start at \$32,000. ALSC has received an IOLTA grant for \$111,000 to supplement the salaries of both its attorney and non-attorney staff. Under the salary supplement scale, the salary of attorneys earning less than \$38,000 will be raised by \$5,000. This will increase the salary of the program's first year attorneys to \$37,000. The salary supplement for experienced attorneys earning \$38,001 and more will be as follows:

<u>Salary Range</u>	<u>Supplement</u>
\$38,001 - \$44,000	\$4,000
\$44,001 - \$50,000	\$3,000
\$50,001 - \$55,000	\$2,000
> \$55,001	\$1,000

The salary supplement grant stipulates that full-time, non-contract and non-attorney staff are eligible to receive a supplement of \$1,500. The ALSC board is actively engaged on the salary issues.

The board has adopted the LSC board-suggest PAI enhancement resolution and has committed itself to working actively to enhance pro bono in the service area.

Recommendations:

IV.13.1. The ALSC board should take all necessary steps to go beyond the IOLTA salary enhancement grant and address low salaries overall, as well as the pay disparities that exist with job classifications that are unjustified.

IV.13.2. ALSC needs to undertake a formal strategic planning process that results in a written plan, setting forth the future direction of the program in the changing civil legal aid environment at the national, state, and local levels.¹⁹

¹⁹ It is critical that the board and staff be involved in the planning effort. Input from other stakeholders and the client community should be sought although their on-going involvement in the planning process may not be warranted or necessary. Because of the time commitment involved, some programs have found that it may be preferable to involve a committee of board members (which should definitely include client members) in the actual planning process with the final plan going to the full board for approval. In any case, the final plan should be a document that the ALSC board and staff take ownership of and are prepared to implement. Information on strategic planning may be found on the LSC online library web site located at www.lri.lsc.gov. In addition, other information on strategic planning can be found at www.managementhelp.org, a site associated with the Management Assistance Program for Non-Profits, www.mapfornonprofits.org.

IV.13.3. To follow up on the LSC-suggested PAI enhancement resolution, the ALSC board should establish a board pro bono committee to help enlist the assistance of the bar associations in the Lafayette region, the state bar, the judiciary, and the American Bar Association in recruiting pro bono and other private attorneys to assist the Helpline in counsel and advice cases, and in identifying cases that are eligible for extended representation and for referral to the program's three core specialty units.

Finding 14. ALSC has effective leadership in its executive directors, other administrative staff, and managing and senior attorneys.

ALSC is still led by its founding executive director of thirty years. The ACLS staff are overwhelmingly of the opinion that the executive director is an effective leader. There is a great deal of loyalty and respect for the executive director, both inside and outside the program as confirmed by board members, judges, and representatives of community organizations and agencies. The executive director and program staff play a significant role in the Louisiana state justice community. There is a high level of ALSC staff involvement in the bar, including leadership positions.

The executive director holds monthly management meetings attended by managing and senior attorneys, and certain central administrative office staff (the executive assistant to the executive director, human resources manager, the information technology manager, and the program administrator). In addition, there are program-wide staff meetings every quarter in Lafayette. Staff throughout the program cited this as a wonderful opportunity for them to get together with their colleagues from the other offices and for specialty unit members to meet in person. These meetings almost always feature a brief training and lunch.

The lines of authority and communication in the program are clear. Staff in branch offices feel that they are part of a single program. This is significant since ALSC, in its current form, is the result of a 1992 merger with the former LSC grantee, Central Louisiana Legal Services. Also, the service area grew from the six original parishes to the current 16, the latest being the 2001 reconfigured service areas.

The executive director moves quickly to address changes or new problems in the service area. With the most recent hurricanes, ALSC was proactive in assessing a need in the community and applying to LSC for funding to address that need.

Recommendations:

IV.14.1. The executive director, working with the board, should vigorously explore ways to leverage the IOLTA salary enhancement grant to give the maximum raises possible. In addition, the executor director needs to assess the existing salary structure to identify the disparities between staff similarly situated and to develop a plan for correcting those disparities. It is suggested that the program consider retaining an outside consultant to assist with this process.

IV.14.2. The executive director should strive to ensure that each year the annual budget contains some cost of living increase for staff as a baseline.

Criteria 3, 4 and 5. Overall management and administration, financial administration, and human resources administration.

Finding 15: ALSC is a well managed program.

The program's financial and human resources staff are very experienced. The program administrator spends 50 to 60 percent of his time on fiscal matters. Critical financial systems seem to be based on appropriate internal controls. The on-site visit did not reveal any direct concerns regarding the program's financial and human resources policies, procedures, and practices, except for the staff evaluation instrument discussed under Performance Area Three above. Program management appears to run smoothly and the staff dedicated to the program's financial and human resources administration are sufficient, capable, and effective.

Criterion 7. General resource development and maintenance.

Finding 16: While ALSC has had some resource development successes, much needs to be done given the extraordinary needs of the low-income population throughout the service area.

For 2009, it is projected that LSC funding will constitute 77.4% of ALSC's annual budget of \$2,752,575.²⁰ In 2008, LSC funding constituted 71% of the program's annual budget, 75.5% in 2007, and 76.8% in 2006.

ALSC's non-LSC funding for 2008 was \$805,377. This revenue came from 21 sources of funding in addition to LSC, including carryover, interest, and a business loss settlement.²¹ IOLTA was by far the largest source of the program's non-LSC funding, \$299,161 or 37.2%. This was followed by \$139,000 in state appropriations, which comprised 17.3% of non-LSC funding. The Louisiana Road Home contract for \$69,000 comprised 8.6%; five Area Agency on Aging contracts, totaling \$64,176, comprised 8.0%; Lafayette Parish court fees, United Way of Acadiana, and cy pres awards, all totaling \$20,000 each, comprised 7.5%; and five other small grants and donations, totaling \$21,095, comprised 2.6%.²²

ALSC does not produce an annual report.

²⁰ This amount includes the LSC disaster grant for \$80,894, awarded for a term beginning on November 1, 2008 through October 31, 2009. No adjustments have been made for November and December 2008.

²¹ Interest was \$8,300; carryover, \$109,901; and business loss settlement, \$12,000.

²² American Bar Association, \$9,675; Episcopal Church of the Ascension, \$500; Lafayette Parish Bar fundraising, \$1,000; and other donations, \$8,420.

Recommendations:

IV.16.1. ALSC urgently needs to redouble its efforts to increase the amount of non-LSC funding that supports its annual budget.

IV.16.2. ALSC urgently needs to begin producing a report to be used to educate the public and potential funders as well as to recognize contributors, especially private attorneys.

Criteria 8 and 9. Coherent and comprehensive delivery structure, and participation in an integrated legal services delivery system.

Finding 17: ALSC actively participates in the state justice community and its executive director is considered a major leader in the efforts to achieve equal access to justice.

ALSC has made a conscientious effort to maintain a coherent and comprehensive delivery structure. In 2001, the service area increased from 11 parishes to 16 following LSC's reconfiguration of the service areas in the state. ALSC successfully competed for the enlarged service area and expanded the number of branch offices from two to six.²³ The program went on to establish working relationships with significant partners in the new portions of the enlarged service area, including the judiciary and the Southwestern Louisiana (Lake Charles) Bar Association. Even while facing budget cutbacks, ALSC has maintained a very visible profile in the new region, conducting community education sessions and outreach intake one day a month in three of the four new parishes. In addition, ALSC is very responsive to the needs of the new region when it suffers damage as a result of hurricanes. The program's executive director has developed an affinity for constant change and experimentation.

In collaboration with Southeast Louisiana Legal Services, the Louisiana Office of Community Development, Capital Area Legal Services Corporation, the Pro Bono Project and the Louisiana Civil Justice Center, Acadiana has been assisting clients who are applicants for Road Home benefits. The Road Home program, a project of the State of Louisiana, utilizing funding from the U.S. Department of Housing and Urban Development, provides benefits to victims of hurricanes Katrina and Rita regarding uninsured or underinsured losses to real property. ALSC provides legal assistance to eligible clients seeking these benefits in title clearance issues. In the wake of the most recent hurricanes, Gustav and Ike, ALSC successfully applied to LSC for an \$80,894 disaster response grant that will fund disaster legal services work in the newer region of the service area.

ALSC's executive director has served as co-chair of the Louisiana State Bar Association's Access to Justice Committee. He is currently co-chair of the Access to Justice Committee's resource development subcommittee and is for over 15 years. In addition, the executive director is a member of the Louisiana State Bar House of Delegates and served as president of the Lafayette Parish Bar Association.

²³ Three of the new offices were closed in 2004 due to funding cuts resulting from implementation of the 2000 census for LSC funding.

APPENDIX

LAW OFFICES OF
ACADIANA LEGAL SERVICE CORPORATION LEGAL SERVICES CORP
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April 2, 2009



Ms. Janet LaBella, Director
Office of Program Performance
Legal Services Corporation
3333 K Street, N.W., 3rd Floor
Washington, DC 20007-3522

**RE: Acadiana Legal Services Program Quality Visit
Recipient No. 619051**

Dear Ms. LaBella:

Acadiana Legal Service Corporation (ALSC) appreciates the dedicated work of the members of the Office of Program Performance (OPP) on-site team and the report which was generated. We have begun implementing the recommendations and look forward to beneficial results. The following is a list of comments regarding the Legal Services Corporation's (LSC) draft report from the visit conducted on December 1-5, 2008.

Introduction Page 4 (third paragraph): ALSC has only one Executive Director.

Performance Area One

Page 8 – Recommendation 1.2.2: The Family Law Unit (FLU) has already adopted an ongoing strategic goal which is to serve more victims of domestic violence and streamline accessibility and delivery of services. This goal is being advanced by:

- a. a referral protocol from domestic violence programs that bypasses the normal intake process in expediting intake;
- b. all applications are reviewed and treated with urgency and care;
- c. victim's financial eligibility ceiling is raised to 200% if there has been statutorily defined abuse;

The Lake Charles office is also following FLU's ongoing strategic goal of serving more victims of domestic violence throughout the five parishes served by the office, including involving the assistance of pro bono attorney volunteers to achieve this goal. Further, the Lake Charles branch office has adopted the strategic goal of serving elderly clients by collaborating with the council on aging agencies in Allen and Beauregard parishes, as well as other social service organizations whose primary focus is the elderly citizens of the area.

In 2008, 26% of all Case Service Report (CSR) FLU clients had a component of domestic violence. ALSC shall re-visit the protocol with the goal of enhancing it in addition to ensuring that the intake process checks the domestic violence box in Prime.

Page 8 – Finding 3 (last paragraph):

While the draft report is generally favorable, ALSC disagrees with the statement that the Administrative Law Unit (ALU) rarely sees Medicare, Medicaid and food stamp issues. To respond to this matter, we consulted the CSR, which shows that from January 2006-September 2007, ALU had 189 Medicaid cases, 15 Medicare cases, and 109 Food Stamp cases. For the period October 2007-December 2008, which includes the Helpline advocacy, there were 95 Medicaid cases, 9 Medicare cases, and 31 food stamp cases.

Additionally, FLU currently has four (4) new attorneys and it takes a new attorney at least a year to be comfortable with going to court and understanding the basic divorce pleadings and procedural nuances of family law. Several courts are now requiring hearings in §1702(e) uncontested divorce cases when there are issues concerning minor children. This requirement stems from the court's independent responsibility of deciding what is in the best interests of the minor children despite the uncontested nature of the matter. Most of the divorce cases accepted involve parties being separated at least one year. These uncontested cases serve as the *training ground* for new attorneys before moving on to more vexing litigation. The high attrition rate of FLU attorneys does not help in getting to an ideal "case load" – one that has at least 50% of complex and litigious cases. This has been and will continue to be an ongoing challenge for FLU.

Performance Area Two

Page 9 – Finding 4, Footnote 7: Emergencies also include cases involving domestic violence.

Page 10 – Finding 4 (first fragmented paragraph): At the time this report was written, the intake file was presented to a *staff attorney* after the facts were gathered for eligible applicants. That staff attorney, after a review of the facts presented, would offer appropriate legal advice and close the case. In some instances, the staff attorney would recommend possible referral of the closed case to a substantive delivery unit for consideration of extended representation. The Helpline Managing Attorney would submit the applications to the substantive delivery unit after review and approval (protocol for transmission of cases has been changed since delivery of the report). The Managing Attorney of the Helpline signs letters of rejection to all ineligible applicants.

Page 10 – Finding 4 (third full paragraph): The Helpline has recently implemented a schedule of Monday through Thursday from 8:30 a.m. to 5:00 p.m. There remains a limitation on the number of family law applications accepted on a daily basis. A limitation of

some sort on intake procedures appears to be inevitable in order to keep the callback list manageable.

Page 11 – Finding 4 (first paragraph): The present procedure (and the procedure in effect at the time of the review) dictates that a Helpline intake staff member interviews any walk-in client. This is extremely disruptive to the operation of the unit. A change in this procedure to allow for determination of those situations involving an emergency is currently under consideration. It is hoped that the Helpline will be able to take the name and number of those non-emergency applicants and place them on the callback list for that day.

Page 11 – Finding 4 (second paragraph): Quite often the Helpline staff attorney will present the legal information in a letter to the applicant. We simply do not have the required staff to have lengthy phone calls to every applicant and to follow up those phone calls with letters confirming advice given. Unfortunately, time restraints do not permit this level of service at this time.

Page 11 – Finding 4 (third paragraph): The protocol has subsequently been changed.

Page 13 – Recommendation II.4.2: To achieve the goal of increasing access for clients, the Lake Charles branch office seeks to achieve this goal by expanding its outreach activities to include community seminars throughout the service area.

Page 13 – Recommendation II.4.4: The protocol has subsequently been changed.

Page 23 – Finding 14 (last paragraph): The following staff members, while part of the Executive/Administrative Services Unit, do not attend monthly management meetings: the records specialist, the accountant, and the administrative assistant.

Page 25 – Recommendation IV.16.1: ALSC has a vigorous approach to securing non-LSC funding. Other than the Legal Services Corporation, ALSC maintains relationships with 17 other revenue sources. It is significant to note that ALSC played a leadership role in efforts to secure funding several years ago from a General Appropriation from the State of Louisiana. Finally, it is not insignificant to note that Louisiana's largest funder of access to justice initiatives, the Louisiana Bar Foundation IOLTA Program, funds ALSC at its highest level of funding distribution with the sole exception of Southeast Louisiana Legal Services.

While ALSC's Management and Board is dedicated to the expansion of non-LSC funding through identification and pursuit of revenue from additional sources, as referenced in the report, Louisiana is a very poor state and does not have the number and variety of funders which are available in more prosperous areas of the country.

Ms. Janet LaBella
Page 4
April 2, 2009

Should you have any questions regarding this matter, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Oelkers", written in a cursive style.

Joseph R. Oelkers, III
Executive Director

cd

cc: Mr. Willie Abrams