



Central Office

631 Howard St., #300
San Francisco, CA 94105
Telephone 415.777.2752
Fax 415.543.2752
www.crla.org

José R. Padilla
Executive Director

Ralph Santiago Abascal
General Counsel
(1934-1997)

William G. Hoerger
Ilene Jacobs
Michael Meuter
Cynthia Rice
*Directors of Litigation, Advocacy,
and Training*

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April 14, 2011

Cynthia Schneider, Deputy Director
Office of Program Performance
Legal Services Corporation
3333 K Street, NW 3rd Floor
Washington, D.C. 20007-3522

**Re: CRLA Program Quality Visit, November 1-5, 2010, Program No.
805260**

Dear Ms. Schneider:

I begin by thanking LSC for gathering such a knowledgeable review team, capable of conducting a thorough and fair review of our work and for providing us with numerous recommendations which we find to be instructive, constructive and intended to improve services to our rural poverty communities. At the same time we thank team members for conducting the review in a courteous, professional and objective manner. As I informed the on-site team, given CRLA's recent history in being subjected to a number of politically-motivated Federal reviews (some of very long duration), we looked forward to receiving a constructive and critical review of our work. We were not disappointed.

Finally, we thank team leader Chuck Greenfield for being conscientious of our service needs throughout the visit while having to conduct what otherwise must have been a daunting review of a state-wide operation for a state as large as California.

As instructed, we will address the eleven (11) Tier 1 recommendations in the upcoming grant renewal application. As suggested, we will take advantage of the current Strategic Planning process to address a number of the concerns noted in the report (eg. dissimilar client intake and service access and access to disabled applicants). But in reviewing the whole of the report, there was only one factual change and one matter of case closure data which we decided required limited comment. First, Finding 29 should reflect that CRLA's current management structure includes the controller, charged with fiscal oversight.

Court Case Closures.

The second matter involves data on closed cases resolved by court decision. At the same time that the team applauded the fact that both the Basic and Migrant units are involved with significant litigation and direct representation, it also noted that CRLA case data reports "limited number of court case closures in basic field offices" compared to national legal aid data. Although we intend to review this as an issue of individual Basic office productivity, we need to point out some basic distinctions between CRLA rural program delivery and general legal aid practice, as we understand it. Although we believe a number of factors drive this data disparity, they do not suggest a lack of quality advocacy as pointed out by the LSC team. Having examined LSC data over a recent 3-year period (2008-2010), we offer the following perspective.

First, we note that we undertook our own review of these data during the summer of 2010 (prior to OPP's quality review) and had observed the same disparity. We have continued to look at this, and currently perceive that many factors drive this. One factor is a program's choice of substantive areas in which a legal aid will practice. Two areas where CRLA practice differs from other legal aid programs are family law and consumer/finance law. These are areas where Board policy and priority-setting have limited the services we provide. The data is illustrative. Whereas these two substantive areas account for 7.8% of CRLA cases, they account for 47.1% of cases reported by legal aid programs. Furthermore, these are the two areas where other legal aid programs report the larger number of court cases. Overall, national data indicates that of all court cases closed by legal aid programs, 78% are in these two areas. At the same time, family law practice accounts for most of these cases. Over the past three years, family law cases (which typically involve a high proportion of court decisions, uncontested and contested) have constituted nearly 35% of all cases nationally and a rather stunning 67% of all court decisions obtained nationally by LSC-funded programs. Yet this problem area occupies only 2.5% of CRLA's case mix. Presumably, CRLA could, among other steps, restructure its service delivery in an effort to generate higher numbers but this appears to implicate serious questions about programs' considering and addressing local priorities and the ultimate implementation of LSC's Performance Criteria.

Another factor impacting the proportion of court decisions is the considerable variance in both judicial and administrative agency procedures among the respective States. Although CRLA handles roughly 15 times as many wage claims (Problem Code 22) as the national average, our proportion resolved through court decisions is only modestly higher than the national average due to a combination of unusually favorable alternative state administrative procedures as well as the high proportion of settlements reached in early stages of representation. We believe that the latter occurs in significant part, due to the reputation for aggressive, quality advocacy that CRLA has among the California employment bar. Indeed, one conclusion we reached from our internal review was that many of our offices were inappropriately reporting as "brief service" (CSR Closing Code B) cases that actually had been resolved through Negotiation (CSR Closing Codes F and G), thus, under-reporting the level of advocacy that had occurred. At least in some areas

of practice, a comparatively low rate of judicial "decisions" may be the result of recognized high-quality representation rather than indicative of low-quality advocacy.

Our remarks are not intended to suggest that we will neither give serious consideration to this aspect of the Report nor do other than carefully review all aspects of how we may more effectively represent our clients. We are mindful of the care and the expertise that the Team brought to this review. But we believe that the rate or level of court decisions in case resolution may reflect many factors that can vary among jurisdictions and among substantive practice areas, or may reflect the judgments or strategies of others including opponents as much as that of the legal-aid advocate.

As noted, we will be reviewing how we might improve court representation in the Basic unit, at the same ensuring that we do not compromise the priority decisions and Board service policies already in place. We look forward to having LSC assist us in the future, as we seek to improve service delivery through new technology and improved case delivery systems.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jose R. Padilla', with a long horizontal flourish extending to the right.

Jose R. Padilla
Executive Director
California Rural Legal Assistance