

March 13, 2014

Ms. Nancy J. Glickman
Program Counsel
Office of Program Performance
Legal Services Corporation
3333 K Street N.W., 3rd Floor
Washington, D.C. 20007

*Re: Program Quality Visit to Central California Legal Services, Inc.
Program Number 805060
Reply to Draft Report*

Dear Ms. Glickman:

Central California Legal Services, Inc. (CCLS) hereby replies to the above referenced draft report. Our staff and board members appreciated the opportunity to meet with the members of the PQV team.

Introduction

The Draft Report on Central California Legal Services has been distributed to board and staff. We are pleased with the many positive findings and are committed to working on the recommendations.

Throughout the report there are a number of items which we believe are not fully accurate representation of the facts. These misunderstandings have led to some conclusions which we do not fully agree with. It is not our intent in this response to respond to the report line by line or paragraph by paragraph. Instead, we first reply to the Findings and then to the top tier Recommendations. We make reference to some of the statements we believe to be not fully accurate in order to give context to our replies. In this manner we believe we can best address how CCLS strives to meet LSC Performance Criteria.

Finding 1. CCLS last completed a comprehensive needs assessment in 2010.

We agree with this finding and plan on conducting a full needs assessment within the next two years.¹

Finding 2. CCLS has identified major emerging needs that affect its entire service area and has taken steps to address such needs.

We agree with this finding.

Finding 3. CCLS does not have a comprehensive strategic plan that addresses the needs of the organization, methods to meet those needs, and measurable goals and objectives.

We agree with this finding which we identified prior to the PQV as needing to be addressed.

Finding 4. CCLS is exploring the possibility of restructuring its intake process to provide a system that is both more accessible and efficient. The team agrees there is a need for change.

We agree with this finding.

The PQV description of current intake procedure may be unintentionally misleading. The draft report states: “It was reported that if a substantive team does not have a member in the office, that case type is often rejected.” It is not clear to us from this statement which office did not take a type of case due to there not being a team member in that office but we believe this may be out of context. The concept of the substantive law teams is that the advocate need not necessarily be housed in the office in the closest proximity to the client. It is our practice to have attorneys and paralegals represent clients in their substantive law practice areas. It does not matter which office the client called into or walked into initially.

The statement “It was reported that if a substantive team does not have a member in the office, that case type is often rejected,” may be technically correct but possibly misleading.

In the Merced office we have not had any attorney or paralegal assigned to family law issues for many years. Our family law assistance is limited to cases that involve domestic violence. There was no one assigned to family law (DV) in the Merced office even before we implemented the substantive law team concept. It was determined that the Merced office did not need family law advocates. This decision was made because of the presence of other agencies in the area which effectively provided DV services (including restraining orders) in the three counties then served by the Merced office. Those organizations or successor organizations are still in existence today.

Therefore, if someone comes into the Merced office in need of DV assistance we do not open a case but refer the applicant to the organization best fit to provide the DV services.

¹ The statements throughout this response which indicated that we agree with the finding indicate that we agree with the one sentence summary finding. Such statements should not be interpreted to mean that we agree with each and every conclusion contained in the section where that finding is discussed.

If we discover that there is a broader practice of rejecting cases merely because there is not a substantive team member in the office to handle such cases, we will correct.

Finding 5. While CCLS is generally engaged with, and has a demonstrated commitment to providing access for, its client community, rural outreach appears to be a challenge.

We identified this as a challenge for us to the PQV team and prior to the visit had begun taking steps to address this. We believe that the report understates the extent of the past, current and planned rural outreach.

Finding 6. CCLS has a highly dedicated staff, consisting of a mix of experienced and new advocates that work within substantive law teams spread across the program's offices.

We agree with and appreciate this finding.

Finding 7. CCLS does not have protocols for the supervision of its advocacy staff.

We agree that existing protocols should be put into writing but disagree that we have no protocols.

Finding 8. CCLS annually closes a lower number of individual cases as compared to other LSC grantees.

We agree with the fact closed case numbers for the time period reviewed may be lower than other LSC grantees. However, ongoing discussion in the legal services community, including at the LSC Board level, acknowledges that case closing numbers are not a particularly useful metric for determining the efficacy of programs.

For example, a number of years ago CCLS was involved in working with community based organizations to help bring economic development to an economically depressed area of Fresno. The efforts spread out over several years but resulted in hundreds of new jobs being created. Those jobs remain in the area to this day. There was no litigation involved and thus no "case." However, the numbers of individuals who benefitted and the long term impact on the community are arguably much greater than if time had been devoted to individual cases. However, under the "cases closed" metric, there is no recognition of the work or measure of effectiveness.

Finding 9. CCLS has demonstrated that it has the capacity to provide quality legal services to its client community.

We agree with and appreciate this finding.

We strongly disagree that the use of a litigation assessment plan is a barrier to litigation. We believe it to be a useful planning tool. This is particularly true for newer attorneys.

A second retainer agreement is not required of clients “in which CCLS is or will be representing the client as an attorney of record in a litigated case.” We believe there is a misunderstanding here. We do have separate types of retainers depending upon whether or not litigation will be involved.

To our knowledge, our family law advocates are not or were not under the impression that a litigation assessment plans needed to be completed in cases of emergency restraining orders.

Finding 10. Without a unified legal work management manual, utilization of systems and support vary among advocates.

We agree with this finding.

Finding 11. Although CCLS provides a variety of training opportunities for its staff, the program’s training policies and procedures, as they relate to new employees, are not routinely followed.

We generally agree with this finding. We believe that the extent and efficacy of past and ongoing training opportunities for staff are understated but recognize the need for improvement.

Finding 12. Despite various efforts, private attorney involvement (PAI) remains a challenge for CCLS, especially outside of Fresno County.

We generally agree with this finding. We believe the report understates the efforts carried out by CCLS to promote PAI. We also believe the report fails to fully appreciate the very real barriers in engaging private attorneys in our service area. We are committed to exploring new ways to expand PAI.

Finding 13. CLCS provides a variety of other services for, and on behalf of, the client community.

We agree with this finding.

Finding 14. CCLS has a diverse and engaged board that continually seeks to improve its effectiveness.

We agree with this finding.

Finding 15. The program has a longstanding director who is very dedicated to the program’s mission.

We agree with this finding.

Finding 16. CCLS has an experienced management team that is highly committed to the success of the organization.

We agree with this finding.

Finding 17. CCLS has sufficient, highly experienced financial and human resources staff.

We agree with this finding.

Finding 18. CCLS has an adequate technology infrastructure to support its work and an outside consultant to provide upkeep and support.

We agree with this finding.

Finding 19. Despite various forms of program interaction, concerns were expressed about the need for expanded internal communication.

We agree with this finding.

Finding 20. CCLS has an experienced director of development who operates without the benefit of a current resource development plan.

We agree with this finding.

Finding 21. CCLS is involved with its local and state partners in the delivery of legal assistance to California's low-income population.

We agree with this finding.

Recommendation I.2.3.1* CCLS should engage in a comprehensive strategic planning process addressing goals as to service delivery and the resource development activities necessary to achieve them. Board and staff at all levels should be involved in the process and the plan should contain timetables and measurable goals.³ Throughout this report, recommendations will highlight specific areas to be included in the plan.

Prior to the visit we had identified the need for a strategic plan as one of the challenges we were facing. In 2012, we began holding board training/retreat sessions with OneJustice. As an initial result, the board meeting agendas now identify agenda items as falling in the areas of “fiduciary”, “strategic” and “generative.” Board and staff members have engaged in developing a strategic development plan. At a February 22, 2014 training/retreat, OneJustice staff gave an overview of their approach on how to carry out an overarching strategic planning process leading to a strategic plan. The Board requested that OneJustice provide a proposal to guide us through the process.

Recommendation II.1.4.1* Intake staff throughout the program should hold periodic meetings to discuss emerging trends, share insights and/or best practices, and receive training as needed.

Following the PQV visit the intake staff met and developed a document for identifying emerging trends. The document is a shared Google Doc accessible by all intake workers and team leaders. Discussion of the trends identified document is now a regular Team Leader meeting agenda item.

Recommendation II.1.4.2* In revising its intake procedures, any new system should provide the following: one central call-in number that can be staffed in all three offices; the giving of advice at the first point of contact for simple routine matters that will not be referred for extended representation; clearly defined protocols as to what will be advised out and what will be retained for consideration for extended representation; supervisory review of advice given and case acceptance decisions made; and an evaluative scheme to review and adjust the system as needed.

All of the actions, which the report recommends here, are items which we indicated to the team were already under consideration or implementation by us before the PQV visit. We will continue to consider all these items as we fully develop and implement our new intake system.

Recommendation II.2.5.2* CCLS should identify portions of their service area that are underserved and develop targeted outreach to inform potential clients of the availability of its services.

At the opening meeting of the PQV Jeffrey Clason, Deputy Director, Legal, discussed how a data review which we conducted identified underserved communities in our service area. He explained that the identification of underserved communities was a major reason for our exploring the development of a new intake system.

The development of the new intake system will take some time. However, we are not waiting to implement that to connect to underserved areas. Prior to the visit we had implemented and will continue to carry out, targeted outreach. For example: we have held legal clinics in conjunction with the Merced County Public Defender in outlying communities of the county; the vast majority of the 50 outreach events which we are conducting in an eighteen month period as part of the foreclosure grant work are in rural communities in four counties; Justice Bus tours with OneJustice have been and will continue to be in outlying rural communities as well. As we informed the team members, CCLS specifically raised money to be able to conduct our workers' rights clinics in areas other than Fresno. While outreach events may focus on certain issues, we inform participants about our full range of services.

Recommendation III.1.7.1* *CCLS should immediately develop and implement protocols for supervision of advocacy staff to include, at a minimum, comprehensive case reviews, review of case acceptance decisions, review of written work, and substantive review of case closures, as well as case strategy discussions and accompanying new advocates to any court/hearing proceedings they may have.*

The development of written protocol is in progress.

Recommendation III.1.8.1* As part of its strategic planning process, CCLS should develop a means for its advocates to engage in more extended direct representation in all its priority areas. Consideration should be given to the following: how best to use the skills and expertise of staff, including whether attorneys should be doing work that could be done by skilled paralegals; whether advocacy staff are handling a reasonable amount of casework; and to determine an appropriate balance between community education and advocacy.

CCLS agrees that it is important that we continually search for ways to improve our services to the client community. We discussed with PQV Team members that one of the planned outcomes of the redesign of our intake system is the identification of ways to best utilize the skills and expertise of all of the staff.

We are concerned that one who reads the PQV report, and who is not familiar with the broad range of work done by CCLS paralegals, could well get the impression that CCLS does not strategically utilize paralegals. CCLS has a very strong record of utilizing skilled paralegals, with proper supervision, to do work that would otherwise be done by attorneys including but not limited to: SSI; public benefits work; U-Visas; T-Visas; naturalization; domestic violence restraining order applications; elder abuse restraining order applications; conservatorships; housing; labor commission claims and hearings; unemployment insurance appeals and hearings; public utility commission claims and improper denial of medical insurance benefits.

Recommendation III.2.12.1* CCLS should continue its efforts to expand and enhance its PAI program, especially outside of Fresno County. Such efforts should include the following: developing more local contacts for recruitment and assignment in the outer counties (including getting newly admitted attorney lists for each county); expanding clinics in and beyond Fresno County and consideration of creating advice orientated clinics limited to client eligible participants; offering free continuing legal education classes/credits in exchange for case assignments; having private attorneys take shifts providing advice in any newly designed intake system; utilizing the private bar in any orientation, training, or mentoring program for new attorneys; and engaging contract attorneys in rural areas.

CCLS consistently seeks ways to expand and enhance our PAI efforts as evidenced by the Central Valley Pro-Bono Challenge. For years we have been doing a number of the suggested actions including: expanding clinics beyond Fresno County; offering free legal education classes/credits in exchange for case assignments; utilizing the private bar in training and mentoring new attorneys.

Subsequent to the PQV visit we rehired Paul C. Mullen who previously served as the Supervising Attorney the CCLS Voluntary Legal Services Program. Mr. Mullen is well aware of the challenges in building the pro bono culture in our service area and looks forward to strengthening our PAI efforts. During his previous work with VLSP Mr. Mullen was involved in both statewide and national pro bono networks, including membership in the National Association of Pro Bono Professionals.

Recommendation IV.1.14.1* The board should be actively involved in the development and implementation of a strategic planning process as recommended under Finding 3 of this report.

We agree. Please see response to ***Recommendation I.2.3.1***

Recommendation IV.1.14.4* The board should rotate the program's auditors as well as increase contact between the board treasurer and the director of finance.

We agree. The rotation of the program's auditor will occur in time for the audit of our 2014 fiscal year. The director of finance and board treasurer will meet on a regular basis.

Recommendation IV.4.18.4* CCLS's web site should have a prominent link to CLH.

We agree that we should have a prominent link to LawHelp California on our web page. This has been done.

Recommendation IV.2.15.1* The executive director should delegate many of his current executive director tasks to his senior management team, reserving general oversight to assure that they are being carried out in furtherance of his vision. This will ideally allow him the time to be the face of the program in the legal and social service communities, and to work with the board and other constituencies on the design and implementation of a strategic plan, as recommended above.

We agree. This has begun with the filling of the vacant Deputy Director, Administration position.

Recommendation IV.7.20.1* As part of the strategic planning process, CCLS should develop a vision for future program delivery, growth, and expansion. That vision should then be incorporated into a resource development plan to focus on development activities that move the program toward its strategic goals.

We Agree. We intend to address all of these items in our strategic plan process. Please feel free to contact me if you have any further questions.

Sincerely,

Chris A. Schneider
Executive Director

Cc: Board and staff members