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October 7, 2013

Angela Thornton, Program Counsel  
LSC Office of Program Performance  
3333 K Street, NW 3<sup>rd</sup> Floor  
Washington, DC 20007-3522

Dear Ms. Thornton:

Thank you for giving Southwest Virginia Legal Aid Society (SVLAS) the opportunity to respond to OPP’s Draft Report arising out of its Program Quality Visit to our program the week of June 10<sup>th</sup>.

On behalf of our staff and our Board we want to thank you for the manner in which the team conducted its visit. The Report includes many statements of praise for the quality, dedication and passion of our staff; the thoroughness of our management; our culture of open and honest communication; our engagement in the communities we serve; our high level of services to the low-income people of our region; and the Board’s commitment to our mission.

We appreciate the team’s praise for the many things that they, and we, believe we do very well. It is also the case that the team’s openness and non-confrontational approach while on site make it much easier to digest their constructive criticism and suggestions in those areas where they found that we fall short of the aspirations of the Performance Criteria.

The Draft Report contains twenty-three findings and twenty-three recommendations (we leave for another day our analysis as to whether or not this is a mere coincidence or whether, as my wife contends, there is no such thing as coincidence). For the most part we have no significant disagreement with the team’s findings. Where we do have concern with findings of the team, those findings are, in effect, also embodied in the team’s recommendations. Accordingly, in this response we are not going to directly address the team’s findings, but will address each of their recommendations. Anticipating that brevity will be appreciated, you will find a cursory response when that is suffices. Some responses, responses, however, will touch upon philosophical differences that have divided the legal services community since its inception.

## **SVLAS Response to PQV Team Recommendations**

*(Recommendations copied directly from the Draft Report, but numbered sequentially)*

**(1) 1.2.3.1.\* SVLAS should schedule a timeframe for development of a more current strategic plan, particularly in light of the impact of the census adjustment phased in beginning in 2013.**

We agree. Our last strategic plan was adopted in late 2007 with the expectation that it would guide us for up to five years. It made no sense to us, however, to engage in strategic planning during 2012 as we focused on program retrenchment and a reduction in force, and as we looked forward to the Census adjustments that were anticipated for 2013. We began our new strategic planning effort in August of this year and anticipate adoption of a new plan by early spring of 2014.

**(2) 1.4.2.1.\* The program should continue to scrutinize the portion of its resources being devoted to family law and seek better ways of allocating its resources to make certain that all substantive areas of the law affecting the client population are addressed.**

It is with this recommendation that our staff, and our Board of Directors, have their greatest disagreement with the Report. We strongly disagree with this recommendation. We feel that the recommendation invades the Board's right to determine program priorities; we feel that it fails to take into account how our Hotline case numbers and nearly "automated" divorce practice skew the CSR resource allocation analysis; we feel it reflects an age-old bias in the legal services community against "service" work and against the importance of family law representation in particular; and perhaps most importantly, we feel it instructs us to turn our backs on the services most frequently requested by clients themselves.

We are very much aware that the portion of our work devoted to family law matters is significant, and not at all surprised to learn that the resources we devote to this area are well above the national mean. SVLAS management regularly reviews CSR reports, and the Board of Directors reviews them annually. It is no mistake that this allocation of resources has been permitted to continue for many years. Our view is that our allocation of resources is well thought out, makes good use of technology, and is responsive to client and community needs.....and perhaps is worthy of emulation by other programs in the nation.

It will serve no purpose here for me to attempt a scholarly article on our position, but let me address our broad areas of disagreement.

**Numbers Hide some of the Truth.** We realize that a typical annual CSR for our program reflects that 60% or more of our cases are family law cases. In 2012, for instance, almost

63% of our total closed cases were family law cases. Of these, however, 63% (again that pesky issue of coincidence...) were “advice only” cases. For years and years LSC has encouraged programs to make good use of technology. SVLAS has, we are proud to say, devoted extraordinary resources to expanding and improving client access. The staffing and technology that we have devoted to our Centralized Intake Unit have resulted in easy access to Hotline services by telephone and by on-line application. The result of this easy client-friendly access is that 2/3 of the calls to our Intake Unit.....to our Hotline.....are by people inquiring about family law matters, and 2/3 of these people receive advice-only services from our Intake Unit without siphoning resources from our Field Offices.

The family law cases that are not resolved as “advice only” cases can, by and large, be divided into two categories; no-fault divorces cases and domestic violence cases. We generate very high family law “uncontested court decision” numbers because of our sophisticated divorce practice in this area. Among our attorneys are some who are active participants in Virginia’s statewide family law task forces. At the urging of the statewide task force on pro se divorce representation, the Virginia Poverty Law Center has successfully advocated for amendments to Virginia’s divorce procedures. The end result is that for the vast majority of people seeking a no-fault divorce the process is very simple and is accomplished through simple document assembly without the necessity of client or SVLAS staff appearances in court. These cases are handled by SVLAS legal assistants under the supervision of a few of our attorneys.....very little attorney time is required. Legal assistant time devoted to this project is carefully managed, and SVLAS has put in place various restrictions to ensure that case numbers do not exceed our resources (for instance, clients represented in no-fault divorces cases must be at or below 100% of poverty).

Another way that numbers cloud the truth is that one might conclude, and the Report evidences this, that a high number of family law cases necessarily means that we are not devoting sufficient resources to consumer and housing law work. This is not the case. SVLAS currently has nine FTE Field Office attorneys. Of these, four specialize in consumer and housing work (one in Castlewood, one in Christiansburg, and two in Marion) and two are program generalists. While three of our attorneys are devoted exclusively to family law (with assistance from the generalist attorneys), it is also well worth noting that SVLAS has received over \$2.5 million in grants over the past twelve years to fund our work in domestic violence. LSC might want less family law, but the Department of Justice and the Virginia Department of Criminal Justice Services want more!

### **Community Needs.**

The team’s Report praises the manner and thoroughness of our last comprehensive client needs assessment. Our client needs assessments always rank the provision of legal services to victims of domestic violence among the greatest needs in the communities that we serve. We consider these cases to be among the most important that we handle. With only a few exceptions, other than the “quick and easy” divorces described above.....all of the extended service family law cases handled by SVLAS staff are cases for victims of domestic violence.

*There is nothing in my thirty-four years of legal aid practice that quite compares with the atmosphere in the office when you get the news that your client and her child.....the ones you went to court with two hours ago....have been ambushed and killed by their abuser.*

We are proud of the comprehensive work that we provide for victims of domestic violence and we commend to every legal aid in the nation that this work is of paramount importance.

It is our other family law work.....the divorce work.....that really skews our family law extended service numbers. Advice and representation in divorce cases, however, is the most frequently requested service that we receive. It is the service most frequently requested by low-income people in our region. It is also the service that generates the most communication from court clerks and from judges.

We “get it” that not many low-income people can be expected to call us and specifically request representation in a Fair Debt Collection Practices Act case or a case to invoke their rights under Virginia’s tenant’s assertion statute. We get that. But at the same time, we also get it that part of what it means to respond to low-income people with respect is to pay attention to what *they* indicate is important to them.....to provide the services that they in overwhelming numbers request.

In real life....in my life, probably in yours.....when I think of the legal problems that have sent my friends, family and acquaintances to lawyers for help, for the most part it has been for minor traffic matters, transactional matters (such as wills, etc.), real estate purchases, and family law matters. We understand that low-income people have some needs that are different than the legal needs of middle class people, but they also have many of the same needs! Elsewhere in the Report we are encouraged to expand our priorities for PAI cases to include wills and powers of attorney so as to accommodate more private attorneys and to reduce the number of PAI family law cases. Last year SVLAS had 218 requests for assistance with wills and powers of attorney. We had 2,857 requests for assistance with custody and divorce. Even LSC’s own Documentation of the Justice Gap report reflects that clients with family law cases are among the most under served by legal aid in the nation. Low income people have an overwhelming need to access family law services and it is not a weakness on our part that we have crafted multiple ways, some quick and easy and others involved and time consuming, in an attempt to respond to the need.

**Bias.** Those of us who have been around the legal aid block a few times (I was first hired by legal aid in 1975) know that there is a simmering tension that is constant, the tension of “service” work versus “impact” work. These terms no longer find favor in the legal aid community and have gone out of fashion, but by whatever name we call the issue, or however it is phrased (see Recommendation No. 6 encouraging SVLAS to seek cases with broader effect) the tension between service work and impact work is a specter that is constantly with us. As an attorney myself who is more comfortable with a client who is crying than with a ten-page contract filled with boilerplate text, it didn’t take me long to notice that the types of cases that are described as having beneficial impact for the wider community are usually consumer law and housing law cases. The type of case most

usually associated with “service work”.....cases with low importance to the broader community.....are family law cases. This astonishes me.....truly....and it astonishes our Board. If the family is the nation’s most fundamental societal institution, the one with the greatest influence on our day-to-day lives and on the well-being of our children.....how can it be that we in legal services view work in the arena of family law has having no impact beyond the interests of individuals?

More than once while the team was on site reference was made in a positive manner to the value of handling Fair Debt Collection Practices Act cases. We at SVLAS understand that collection calls made to a client’s home can be very stressful.....and we appreciate, and utilize, the law that can put an end to these calls. But we do not feel that the value to the community in ending the calls to one family’s home.....or even to two or three or four homes.....is necessarily greater than the value to the community in helping to insure that a child can be reared in the most suitable home, or that a woman can have some confidence that her protection is better assured by having a protective order committed to the national data base, or even in insuring that a person can be made to feel that they’ve obtained the opportunity to make a fresh personal start.

We know of legal aid programs that handle very little family law. We know of a program that we hold in high regard that handles no domestic violence cases. It is not our place to suggest that they have made an error in judgment. It is our place, however, to commend to OPP that after taking into account the needs of our low-income community, and after soliciting input from the bar, the judiciary, and our partner agencies that we’ve made a responsible and responsive decision about our program priorities and allocation of resources.

**Future Action:** The Report reflects the team’s concern that our focus on family law will result in our neglecting consumer and housing law. We do not lightly dismiss the team’s concerns that these are areas of importance.....we do not dismiss the concerns at all. We agree that these are legal areas of importance and, as previously stated, have devoted four of our nine Field Office attorneys to these areas of practice. We would also make note of two other factors regarding what appears to be a lack of appropriate focus on consumer and housing law cases.

First, with regards to consumer law, while this was not true ten years ago, there are now private law firms in our region that litigate many consumer law cases on a fee generating basis (this includes Fair Debt Collection Practices Act cases).

Secondly, with regards to housing law cases, Virginia has two sets of landlord and tenant laws. Tenants have many rights and remedies under our Virginia Residential Landlord and Tenant Act. This Act, however, provides that it applies to only certain classes of landlords with the result that it does not control the vast majority of the landlord and tenant cases in rural areas such as ours. The other set of laws that do apply to our rural landlord and tenant cases provide very few remedies for tenants and almost no “tenant friendly” recourse in disputes involving conditions, retaliatory action, or security deposits. It is already a priority of SVLAs to accept every meritorious eviction case, but they are few and far between.

None of this is intended to suggest, however, that we have nothing to learn from the team's Report. Indeed, we agree with the team's observation that there is truth in the observation that "what you are known for already doing is what comes in the door". I suspect that our staff and the team would also agree that, given that no legal aid can handle every meritorious case that comes its way, it is important that we have the skills to identify the most important cases. Accordingly, we assure OPP that SVLAS will undertake the following measures:

First, in our 2007 Strategic Plan we identified the need for better outreach as one of our goals. While our new strategic planning effort is just underway, it is abundantly clear to us that continued work and creative attention is necessary in the area of outreach. It is vitally important that all of our constituents know that we are here and that they know the many areas of law in which we are eager to provide high quality services.....in other words, we need to do better outreach and to make it clear to our wider public that there are many ways that we can assist low-income people other than by providing family law representation.

Secondly, staff will only offer to provide these non-family law services if they have the skills to spot the need for the services. We will continue to provide ongoing substantive training opportunities for our staff, particularly our Intake Unit Staff. In addition, believing the adage that "that which cannot be envisioned cannot be achieved" I am already poised to recommend to the Board that SVLAS adopt a policy that attorneys are required to attend a national level training event at least once every three years. National level trainings offer greater promise than do local CLE's in opening the eyes of our attorneys to creative advocacy that can benefit both individual clients and the broader community alike.

**(3) II.3.7.1 SVLAS should consider opportunities at local Housing Authority events, public libraries, churches and YMCAs which are good venues for meeting with low income individuals and families.**

We agree that a renewed creative focus on outreach is important. Outreach in a rural areas comprised of lots of small towns separated from each other by mountains has its special challenges. It is also a challenge to improve outreach when our staff has been decimated by layoffs. The issue of outreach will be a primary focus in our strategic planning effort. Some thought is already being given to restructuring our program so as to include an Outreach Unit.

**(4) II.3.7.2 The program should consider giving leadership roles to staff who volunteer to serve in the outreach effort. A cross section of the program, especially the paralegals, could be designated to focus on developing a workable outreach plan.**

Program leadership needs to be nurtured and encouraged at all levels. In the past year the executive director and managing attorneys have engaged in discussions concerning the nurturing of the program's future leadership. I am also keenly aware that there are non-

attorneys, particularly in the Intake Unit, who have an interest in contributing towards our outreach efforts. Toward this end.....and in large measure prompted by discussions with the PQV team while they were on site, one of the Intake Unit paralegals has been invited to co-chair the Strategic Planning subcommittee on outreach. It is also the case, however, that LSC's recommendation suggests that we *especially* include paralegals in an effort to develop a workable outreach plan. While this suggestion sounds promising and cost-effective on its face, it is well to keep in mind that all but one of SVLAS's paralegals work in the Intake Unit. Care must be taken to insure that the Intake Unit's functioning is not impaired by reassignment of its personnel resources, however well-intended.

**(5) II.3.6.1 The intake staff should continue to learn more about the capabilities of the telephone management software and incorporate it into their regular discussions to further enhance their use of the system.**

Intake Unit training is regular and ongoing. We agree with the recommendation.

**(6) III.2.10.1\*SVLAS staff should be trained, encouraged, and given the opportunity to pursue cases that could have broader effect; including in the area of consumer rights and other substantive areas that affect a significant number of low income clients.**

The PQV Report indicates that one of our attorneys told the team that they don't have time to undertake legal work of broad impact because of being busy with day-to-day work. I must confess that when I read this in the Report it made my blood pressure rise at least just a bit. While my first inclination was to track down that attorney to ask what on earth they were thinking, I realize that their statement reflects management's failure (...my failure) to adequately communicate to the staff our goal of undertaking advocacy intended to address community problems.

One of our goals stated in our 2007 Strategic Plan was to INCREASE our work of broader impact.....and we meant it!! We agree that all staff should be encouraged to investigate and, where the merits permit, pursue work that impacts the larger community with a concomitant planned reduction in their "normal" case load. We commit ourselves to clear and consistent communication to our staff on this issue. We also commit ourselves to more effective training for staff and, as previously stated, intend to require attorneys to attend national level training events in hopes that this will broaden our collective perspective.

**(7) III.2.10.2 SVLAS is encouraged to develop a role or a position for a director of litigation or advocacy to better manage and orchestrate overall advocacy and develop a more systemic approach to advocacy.**

We understand the concept of having a director of litigation and will consider this as we undertake strategic planning. Admittedly, at first glance its benefits seem offset in large measure by the creation of unnecessary hierarchy and costs.

**(8) III.1.11.1 SVLAS should consider requiring that all advocates make more consistent use of the case management system for entry of case notes and use of the CMS tickler system.**

Recommendation No. 9 requires us to review our policies concerning case management. We will consider the use of the case management system's utility for entry of case notes and tickler system as part of that review. I note, however, that staff and the PQV team had animated discussions regarding the entry of case notes into the case management system. My view is that as long as paper case files are utilized there are both efficiencies and inefficiencies in utilizing the case management system for the entry of case notes. I am not inclined to force one or the other upon staff.

**(9) III.1.11.2\* SVLAS should review its written policies to determine if a more unified approach to legal work management and oversight can be achieved throughout the field offices.**

When SVLAS reconfigured in 2001 we did so "under the gun". The Report makes reference to that point in our history. I do not believe that there has been a more contentious reconfiguration in the nation. As we undertook the transformation of turning multiple program cultures into just one, we quite purposefully decided to let our different offices operate with many different minor procedures and methods of oversight in areas that did not undermine the integrity of the program's legal work, fiscal responsibility, or internal controls. The team's suggestion regarding a review of our policies and practices is well taken. Reconfiguration was, in most respects, accomplished long ago (a few "unexploded bombs" surface from time to time". Especially now that we've undertaken a reduction in force and are embarking on a new strategic planning effort, the time is ripe for staff openness to moving those three "pre-reconfiguration cultures" further down the road towards alignment as one. We commit ourselves to this review. This will, and must, include a review of what needs to be modified; what needs to be discarded; and what needs to be created anew. We should undertake this effort with improved quality and efficiency as our twin goals. The effort must be undertaken with the pledge that change cannot be viewed as the enemy, but anything resembling "form over substance" must.

**(10) III.1.12.1\* SVLAS should establish standards for claiming attorneys' fees and provide training in the substantive areas and procedures that may result in the award of attorneys' fees for the program.**

We agree with this recommendation.

**(11) III.1.13.1 The program should consider establishing internal substantive practice groups or task forces in areas such as bankruptcy/consumer rights.**

We will consider this as part of our strategic planning. There is good that can come from more interaction among attorneys who are handling similar types of case loads. Care will need to be taken to insure that the interaction is meaningful.

**(12) III.2.14.1 The program should consider expanding its priorities and its pro bono opportunities to allow volunteer attorneys to accept cases involving wills, powers of attorney for seniors and other areas of need for low income families.**

We admit that we find some sense of irony when one part of the PQV Report pushes us to focus more of our work in arenas of broad community impact, and this part of the Report pushes us to utilize our resources to increase the provision of heretofore non-priority services through PAI attorneys.

Having made this point, however, let us also state that we already know that our strategic planning will involve consideration of a move away from Judicare to a pure pro bono PAI model, possibly with the addition to our staff of a program-wide Pro Bono Coordinator. Broadening the opportunities for private attorneys to contribute (e.g. establishing mechanisms for them to do Senior Will Days, or POA's....whatever) could have positive results for the program and we are open to the possibility.....perhaps the dream.....that new PAI friends who undertake "quick and easy" work for us today may assist in more important and pressing ways in the future.

**(13) III.2.14.2 The program should explore the option of creating a pro bono fund raising event to both acknowledge pro bono service and to encourage more pro bono participation and to garner additional funds for the program.**

We agree. It's the size of the service area that is the complication here, not the concept of recognizing the PAI attorneys. The team visited all three of our offices. A PAI recognition event to honor the attorneys in the New River Valley region of our Christiansburg office would not draw attendance from those as far away as our Marion office, much less those of the far southwestern coalfields. An event in Marion would not draw attorneys from either the New River Valley or the coalfields....and so on. So, we do not know how we'll eventually implement this suggestion, but we do think it is well intended.

**(14) III.2.14.3\* The program should consider expanding its opportunities for private attorneys to contribute to its work by participating in community legal education, advice, and pro se clinics.**

As stated in our response to No. 12 above, we are committed to a review, and possible revision, of our entire PAI program. Especially if we move towards a true pro bono PAI program and are successful in reinvigorating our program outreach, there will be opportunities to include PAI attorneys in the manner anticipated in this recommendation. Incorporating PAI attorneys into events.....particularly things akin to “Senior Days” in which we do wills and powers of attorney in conjunction with our partner Area Agencies on Aging...will offer the promise of better outreach as well as the creation of building better relationships with attorneys in the community.

**(15) IV.1.17.1\* The board should conduct regular and consistent evaluations of the executive director with the full input of staff, the bench, the bar and the legal community (partners, agencies).**

We agree. Perhaps the Board will change its policy so that there are two kinds of executive director evaluations. One kind of evaluation would be comprehensive, including input from the wider community, but would be done only every second or third year. The other type, done in the “off years” would be evaluations that are done annually in house with input from Board and staff.

**(16) IV.1.16.1\* The board should move forward in developing a more current strategic plan that is reflective of the challenges now facing the program and incorporates an expanded role for the board with respect to resource development, community outreach and pro bono activities.**

In large measure we agree. The Board is fully supportive of the strategic planning that is already underway. As part of our planning process we will examination of the role of the Board, as well as its size and relationship to the community (i.e. should we have a smaller Board but also have three or four “advisory panels”?). Examination of the Board’s role is important and necessary, but complicated. Our vast service area with no “critical mass” of clients, private attorneys, or Board members in any one “central” community, complicates the creation of a Board that might be meaningfully engaged in a “boots on the ground” fashion in some of the areas suggested in the recommendation. We also question whether the recommendation goes further than called for in the actual

Performance Criteria. Regardless, the Board honestly views our present circumstances as calling for creative examination and planning.

**(17) IV.1.16.2\* The board should consider a more formal board orientation process and ongoing board development to insure that board members are current with respect to their board responsibilities and make the best use of their abilities in support of the programs' efforts.**

We agree.

**(18) IV.3.22.1 SVLAS should consider holding a plenary session at its next program-wide meeting to encourage staff to make full use of program technology, using specific examples from the program's day-to-day activities.**

We think that we already do a lot to encourage staff to utilize existing program technology, but we agree to continue. We regularly pepper our staff with suggestions concerning the use of technology and we provide easy and ready access to training on technology tools.

**(19) IV.3.22.2 SVLAS's technology committee should be collecting and sharing with staff examples and tips regarding the new software and telephone system.**

We already do this, but agree to continue.

**(20) IV.7.22.1 The program should consider innovative ways to work with the surrounding colleges, law schools and universities to utilize law students and members of the bar for purposes of assisting with educational clinics, fund raising, graphic design and social media.**

We do not disagree. There is only one law school within our service area, the Appalachian School of Law in Grundy, Virginia. Just this summer we had multiple meetings with the Dean of the law school and their family law professors and clinic instructor. These meetings have resulted in a new referral project for no-fault divorces (once again family law rears its ugly head.....but this is what the law school was willing to accept). Further incorporation of college students and members of the bar for educational clinics and other activities will be examined as we consider ways to address our outreach challenges.

**(21) IV.7.22.2 The program should seek grant funding specifically targeting board development and a resource development specialist.**

This sounds promising.

**(22) IV.7.22.3\* SVLAS should make it a high priority to replace the development specialist or to contract for such services.**

We agree that these functions should be incorporated into our staffing pattern, but we intend to consider this in the context of strategic planning. Our staff and Board know that PAI, outreach, and development of resources are all challenges demanding careful attention and creative thinking. As part of our strategic planning process we will examine each of these areas and the staffing (either new staff or reassigned staff) needed to implement the program's vision. We will also consider whether any of these functions can be incorporated into our current staffing structure (e.g. can outreach be combined with our "intake" function?) or combined to form a new unit with multiple functions. So, we agree that we need a development specialist, but wish to address the "how" of this in the context of re-examination of our overall structure.

**(23) IV.7.22.4 SVLAS should consider expanding its use of the annual report and other social media outlets to promote fundraising locally and beyond the program's service area.**

We agree.

### **Draft Report Errata**

We commend the team for the accuracy of the facts described in the Draft Report. There are just a few errors that we wish to bring to your attention:

1. Page 4, Overview: Our service area is comprised of 17 counties and 4 cities, not 16 counties.
2. Page 5, Overview: After implementation of the new Census numbers, CR, sequestration and rescission, our 2013 LSC funding is \$727,461.
3. Page 11, Finding 6: Our Intake Unit hours of operation are from 9:00 AM until 4:00 PM, Monday through Friday.
4. Page 22, Finding 16: The secretary/treasurer of the Board is a client Board member, and has been for many years. Our former secretary/treasurer.....the one in office at the time of our 2011 application for funding.....had served on the Board since 1978. Our current client Board member who fills that office has served on the Board only since 2008. We have no Board members who were appointed in 1970.
5. Page 24, Finding 19: The bookkeeper joined our program in 1983, but never served in any position with SVLAS other than as bookkeeper.

## Conclusion

We have found the PQV process, from preparation of the team's document request to the visit and Report, to be a very valuable undertaking. The team was very well prepared, fair, open, approachable, warm, and positive. Some of their observations led to SVLAS staff discussions and implementation of change even before receipt of the Draft Report.

The LSC Performance Criteria, on the other hand, constitute a document that is difficult to approach. While the introduction to the current Performance Criteria document makes clear that it is to be read and interpreted in the context of reduced program funding, when we actually get into the body of the document we feel a bit whiplashed.

The Performance Criteria set laudable aspirational goals and benchmarks. In many respects they set forth wonderfully useful "check lists" against which any grantee can evaluate the thoroughness of their day-to-day activities. But the Performance Criteria also establish goals that are so far beyond the scope of real life possibility that it is depressing to read them if the words are to be taken in their customary meaning. By next year we expect to realize that our annual LSC funding has fallen from roughly \$945,000 in 2010 to under \$700,000. Remember that old LSC goal of having one legal aid attorney for every 5,000 low-income people? We now have one attorney for every 11,811 low-income people. Even the improved use of technology, better outreach, and the promise of expanded PAI into areas such as wills and POA's do not make standards such as "full range of services" seem even remotely achievable.

We recognize that it is LSC's job to assure and improve the quality of grantee performance, and we appreciate that the Performance Criteria constitute a useful tool in that effort. But for us, if you will permit a medical metaphor, at least on a day-to-day basis the Criteria seem better suited as a statement of aspiration for an urban teaching hospital rather than for an isolated Appalachian emergency room.

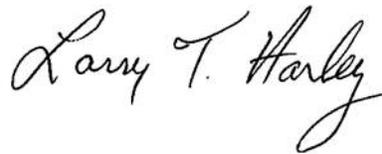
Much of our discussion with the PQV team members, and many of the findings and recommendations of the team, reflect that our program has gone through significant change. The dramatic reductions in funding and staffing of the past three years do, indeed, call for renewed planning, both strategic and tactical. While we have strenuous disagreement with the recommendation concerning our level of family law work, for the most part the team's other recommendations are well taken, fairly made, and certainly worthy of our pursuit. We are grateful to have had the opportunity to reap the benefits of the experience and observations of the team members. We respect the team members, each of them, and they are welcome back here any time.

Let me assure you that our strategic planning effort just under way is not just for show. We are not engaging in this process merely in order to satisfy LSC or LSCV. We KNOW that circumstances call for an honest and in-depth evaluation of our structure and service delivery plan.....an evaluation that we will conduct because WE need it. Further, we also recognize that John Tull would commend to us that we should be open to transformational changes, not just a "tweaking" here or there. (See Tull's article, *Planning Strategically When Times Turn Bad: Old Lessons and New Insights*, Management Information

Exchange Journal, Spring 2009). Your PQV Report points us in helpful directions in many of the areas we must and will examine and for that we are grateful.

Finally, on a personal note let me add, I have worked for legal aid for over thirty years. While I understand that you have your regulatory role to fulfill, I count those of you at LSC as colleagues whom I respect and from whom I still have much to learn. I welcome and have benefited greatly from your insight and from your occasional “push back”. Our program has reaped these benefits as well. There is never any doubt in my mind.....or our minds....that you “get it”.....there really should be just one kind of justice for all Americans.

Respectfully submitted, and with best regards,

A handwritten signature in black ink that reads "Larry T. Harley". The signature is written in a cursive, flowing style with a prominent loop at the end of the last name.

Larry T. Harley  
Executive Director