

October 10, 2013

2013 OCT 16 AM 9: 22

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

LEGAL SERVICES CORP
RECEIVED

RE: Legal Services Alabama's Response to LSC OPP Draft Program
Quality Visit of April 29 – May 3, 2013
Program Number: 601037

Dear Ms. LaBella:

I have received and reviewed the LSC OPP Draft Program Quality Visit Report of September 12, 2013 for the LSC OPP PQV of April 29 through May 3, 2013.

I want to thank you and the members of your team for a professional and insightful visit. I heard many positive comments from our staff of your team's courteousness and interest in the work of Legal Services Alabama. Legal Services Alabama appreciated the organization and communication of your team leader Tillie Lacayo.

I also want to thank you for issuing a draft report which supports what Legal Services Alabama already knows: we have dedicated staff; we value the dignity of clients, are respectful of clients' circumstances and we endeavor to serve clients in a linguistically and culturally competent manner; and we are actively engaged in the state justice community. We intend to use your suggestions as a means to help us become an even better program.

With this letter, I will identify some minor factual errors and provide some substantive comments regarding some of the recommendations that LSA hopes LSC OPP will consider when writing and publishing the final report. The comments will follow in the order as presented in the draft report. I hope that they are helpful to you.

There is a typographical error on page 3, second paragraph. The word "deceased" should be changed to read "decreased." Additionally on page 3 in paragraph three the following sentence should be changed from: "The person who was the director of resource development at the time of the visit (and who in the past has served as Call Center director) has resumed those responsibilities." to "The person who was the director of resource development at the time of the visit and who in the past served as Call Center director has returned to directing the Call Center."

PERFORMANCE AREA ONE. Effectiveness in identifying the most pressing civil legal needs of low-income people in the service area and targeting resources to address those needs.

Finding 1. LSA conducted a comprehensive assessment of the legal needs of low-income Alabamians that was completed in 2012 and resulted in the adoption of the program's current priorities.

No comment, except LSA agrees with the finding.

Finding 2. LSA has responded to several new and emerging legal needs and has addressed such needs when they became apparent.

No comment, except LSA agrees with the finding.

Finding 3. LSA evaluates the program and advocates' productivity and performance on an ongoing basis.

No comment, except LSA agrees with the finding.

Finding 4. The program has undertaken facilitated strategic planning and expects to have its strategic plan in place by the end of the year.

No comment, except LSA agrees with the finding.

Recommendation I.4.4.1. The program should consult with external stakeholders as part of the strategic planning process, especially with regard to the work of the Services and Delivery Workgroup.

Since the LSC OPP visit, our strategic planning team has consulted with external stakeholders as part of our strategic planning process Services and Delivery group and obtained good suggestions. The following stakeholders participated: Alabama Disability Advocacy Program, Southern Poverty Law Center, Alabama State Bar VLP, Birmingham VLP, Madison County VLP, South Alabama VLP, Alabama Coalition Against Domestic Violence, Alabama Coalition Against Hunger, Alabama Council on Human Relations, Alabama Rural Coalition for the Homeless, Alabama-West Florida Conference of the United Methodist Church, Arise, Autauga County Veterans Service Office, Catholic Social Services, Elderly Ombudsman – Alabama Department of Senior Services, Greater Birmingham Ministries, Hispanic Interest Coalition of Alabama (HICA), Mid-Alabama Coalition for the Homeless, YWCA in Birmingham, Autauga

Page 3
October 10, 2013
Ms. Janet LaBella

County Circuit Court, Macon County Circuit Court, Madison County Circuit Court, and Mobile County Circuit Court.

Recommendation I.4.4.2. The program is strongly encouraged to include in the strategic planning process the development of targeted goals and outcome measures and the allocation of resources that will allow its advocates to identify, investigate, and pursue significant issues that may require more attention.

The Director for Advocacy has scheduled meetings with each LSA office in October and has already visited with several of the offices. At these meetings, the Director for Advocacy has talked and will continue to talk with the staff about the need to meet with local partners to help identify community problems to address in 2014 through strategic advocacy. At the next meeting of the Managing Attorneys, probably in early January, we will discuss these will problems and select issues to address either statewide or locally and, for each of the issues, will establish goals and outcome measures. LSA then plans to bring in an outside speaker to discuss important steps for effective strategic advocacy.

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

Finding 5. LSA advocates are respectful of and sensitive to their clients' individual circumstances.

No comment, except LSA agrees with the finding.

Finding 6. LSA's program services, communications and activities appears to be conducted in a culturally and linguistically competent fashion.

No comment, except LSA agrees with the finding.

Recommendation II.1.6.1. When funding permits, LSA should expand its capacity to serve the growing Spanish-speaking population. This could be accomplished by strengthening community contacts with organizations that serve the LEP population, by recruiting Spanish-speaking volunteers and student interns, and by recruiting for new hires with a view to expanding in-house bilingual capacity in Spanish.

LSA has always been concerned about developing and strengthening community contacts with organizations that serve LEP populations.



Finding 7. LSA provides extensive outreach to its client community.

No comment, except LSA agrees with the finding.

Recommendation II.2.7.1. LSA should consider additional methods through which it might inform potential clients of the availability of its services.

LSA continues to find methods to inform potential clients of the availability of our services. We use Twitter and Facebook, on-line intake, and the internet.

Finding 8. The program serves clients through nine offices located throughout the service area.

No comment, except LSA agrees with the finding.

Recommendation II.3.8.1. The program should investigate immediately and address the conditions of the Anniston office that could negatively impact the health of its employees or persons seeking services from the program.

The Managing Attorney for the Anniston office has investigated the conditions of the Anniston office. An employee of the Anniston office, without prior notification of the LSA Executive Director, provided written notification to the Landlord about maintenance issues with the facility such as possible mold and mildew issues. The office has prepared a punch list and the Executive Director is planning to visit the office to ascertain the extent of work needed. LSA has learned that an employee with health issues informed LSA that the health issues were not attributable to the conditions of the Anniston office.

Recommendation II.3.8.2. In the event that future office closings seem likely, the program should develop a plan in advance to ensure that client-eligible persons in the affected area(s) will continue to have access and the same level of service as those persons in the rest of the service area.

The Legal Services Alabama Board of Directors and Executive staff are working together to ensure that service is provided as equitably as possible based upon available resources. We organize our delivery of services to strive to provide the best possible service across the state as well as strive to provide the same level of service.

Finding 9. Persons seeking legal assistance from LSA are able to access intake through various portals, including the program's Call Center. The Call Center currently handles less than half of the program's overall intake and may not be operating as efficiently as it could. The cases closed by the Call Center decreased from 2011 to 2012.

No comment, except LSA agrees with the finding.

Recommendation II.3.9.1. LSA should convene a working group or task force within the program including membership from the direct service offices to develop ways to streamline and to improve LSA's intake system and achieve better coordination between the Call Center and field offices. Some activities of the working group or task force could include the following:

- **Examining the difference in intake procedures among offices in order to determine the intake procedures that are more efficient for clients, for the office and for the program as a whole. LSC's Intake Focus group is an available resource to the program and can suggest ways the Call Center may achieve greater efficiencies;**
- **Improving coordination between the Call Center and the field offices to minimize the risk of multiple screenings or duplication of advice and counsel services;**
- **Establishing a protocol for regular communication and feedback exchange between field offices and the Call Center;**
- **Developing ways to make accessing program services through the Call Center easier and more productive by providing additional information and/or choices for callers, including telephone system feature that estimates the time remaining before the caller may speak to a screener or that offers a call-back option; and**
- **Examining and improving on-line intake so that it operates more efficiently.**

We appreciate and will consider the recommendation of LSC.

Prior to the LSC OPP visit, LSA had been discussing a change of personnel in the Call Center. Since the LSC OPP visit, the Call Center director was replaced with an employee who had several years of experience in leading the Call Center. She has taken the following steps since assuming the Call Center position in June:

During the first week, she interviewed all staff to determine what their duties were, schedules, what they thought was working, what they thought could be improved and asked if they needed something to do their job better. As a result of those meetings she discovered there were problems with lunch schedules, case assignment rotations for call center attorneys, phone problems, LegalServer problems, confusion on what types of cases should go to local offices, some staff did not have any specific duties assigned to them, confusion on referring cases to the volunteer lawyer programs, staff needed equipment, incoming message needed revising, questions regarding funding, non-uniformity in beginning a case, discovered that a prefix was being added in the name and therefore conflict checks were not working properly. Additionally, staff did not know how their work performance measured to other call center staff similarly situated. As a result of the individual staff meetings and further observation, the following was implemented:

- Monthly report sent to staff showing progress – intake receives how many calls they have answered and how many cases they created – attorneys receive reports on cases closed and open volunteer lawyer cases
- Changed message – it is shorter and also lets applicants know that we need to get income information from them
- Created a phone problem record sheet to monitor specific phone problems
- Added several checklists to LegalServer
- Deleted the prefix out of many files and sent directions not to enter prefixes in name
- Clear direction on direct referrals to local office and call center cases
- Online intake revised, completed and integrated with LegalServer
- Phone problems addressed and mostly fixed
- Lunch schedules were changed to accommodate intake screener's preference
- One employee was terminated
- Ordered desk, light, and headsets for staff who needed them
- One employee was reassigned to intake duties
- Volunteer Lawyer Program referral procedures were developed and sent to call center staff
- Call center staff 'in person' meeting Executive Director – explaining vision for the future, Director for Advocacy – discussing strategic advocacy and training in Unemployment Compensation and Social Security Disability
- Monitor referrals daily and provide staff with feedback on mistakes and good performance
- Biweekly run error reports and provide staff feedback on areas that need improvement and watch for error patterns

- Available throughout the day on instant messaging, phone and in person for problems and questions
- Daily monitor call queue and online applications
- Provided the CSR handbook to staff and an explanation of the significance in LSC eligibility

Further, LSA has convened two Management Meetings since the LSC OPP visit (June and August) which established a dialogue and protocol for case referrals from the Call Center to the Local Offices and which reduces the risk of multiple screenings.

Recommendation II.3.9.12. When resources permit and when the Call Center is operating at a more efficient level, the program should consider expanding the role of the Call Center over time so that more people are encouraged to use it as the primary intake portal.

Our Strategic Plan provides for the Call Center to be the preferred and encouraged method of intake. Our goal is to have 80% of intakes performed by the Call Center to ensure uniformity.

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

Finding 10. LSA has advocates with a wide range of experience in handling the core legal issues that confront low-income persons within the service area.

No comment, except LSA agrees with the finding.

Finding 11. The program utilizes legal work management systems sufficient to ensure that legal assistance is carried out effectively.

No comment, except LSA agrees with the finding.

Recommendation III.1.11.1. The program should adjust the director for advocacy's responsibilities to afford him more time to oversee and coordinate the legal work of the program and to strategize with the managing attorneys to address the advocacy needs of the organization.

The Director for Advocacy and the Executive Director have begun a process of moving more of the responsibility for compliance on the Managing Attorneys. For each of the areas where potential problems arise, the Director for

Advocacy has created reports in LegalServer that the Managing Attorneys and individual advocates can run to find electronic case files where data errors need to be resolved. He has provided some training on running these reports and will begin regular webinars on the reports to make sure that everyone understands how to run them and fix errors. Starting with the next meeting, probably in early January, each Managing Attorney meeting will include a session on strategizing to address advocacy needs. Each time the Director for Advocacy visits a local office, a main portion of the visit will be devoted to discussions about that office's strategic advocacy. Between meetings and visits, the Director for Advocacy will be talking with Managing Attorneys and other advocates about strategic advocacy initiatives.

Recommendation III.1.11.2. Attorneys should be encouraged to place copies of briefs, memoranda and similar materials on the program Portal to make them available to advocates throughout the program.

Since the LSC OPP visit, our brief bank on the portal has seen an increase in population. LSA has applied for a LSA TIG grant to facilitate use of and further develop our brief bank.

Finding 12. LSA provides sufficient training opportunities and support for staff to ensure they provide competent representation and stay abreast of changes in the law in their practice areas. Some newer advocates in the program could benefit from more structured guidance.

No comment, except LSA agrees with the finding.

Recommendation III.1.12.1 LSA should create written protocols and benchmarks for the professional development of its newer attorneys. The program should develop uniform standards specifying necessary steps in the development of new attorneys, such as observations and critiques, graduated caseload limits, and standards on the nature of and frequency of periodic case reviews. Managing attorneys should ensure that the protocols are adhered to.

Since the LSC OPP visit, LSA has written a formalized training policy with benchmarks.

Recommendation III.1.12.2. The procedure to request training should be updated in light of the administrative restructuring that has eliminated the director of training position.

LSA revised and updated the training approval form in June 2013 to reflect the elimination of the Director of Training and to show the new approval process.

Finding 13. LSA's attorneys have the capacity to produce high quality legal work.

No comment, except LSA agrees with the finding.

Finding 14. Most of the program's case work, while solid, is focused on individual representation and is fairly routine. The program handles few cases or matters whose outcome may affect more than the individual client.

No comment, except LSA agrees with the finding.

Recommendation III.1.14.1. In addition to individual case representation, the program should look at ways to emphasize advocacy that can achieve lasting results for the client community. LSA should build upon the skills and experience of the more senior attorneys throughout the program to develop such work and support efforts of staff to engage in such work.

As part of LSA's Strategic Planning process LSA is placing priority on cases that have a significant impact on our client community. As discussed above, the Director for Advocacy and the Managing Attorneys will be meeting to discuss the need for and to plan for an increase in strategic advocacy. The Director of Advocacy will work with LSA's more experienced lawyers and paralegals to increase their involvement in advocacy with lasting results for the client community and to make sure that their expertise and their work product is available to help newer advocates move more quickly and confidently into such broad-based advocacy.

Finding 15. The program's total number of cases closed decreased slightly during 2012 after a significant increase the previous year, but still exceeds the number for previous years. Its extended cases closed per 10,000 exceed the national media.

We were pleased to learn the program's extended closed cases per 10,000 (61) poor persons exceeded the national median of 57. We also were pleased that the contested closed cases per 10,000 (29) was comparable to and just above the national median (28). LSA concurs with the finding.

Finding 16. The statewide pro bono effort in Alabama is in need of improved coordination and communication.

No comment, except LSA agrees with the finding.

Recommendation III.2.16.1. LSA should hold periodic, regularly scheduled meetings with the VLP directors to enhance collaboration and communication. These meetings should include LSA staff that will work to develop strategies to address specific issues, such as ways to encourage acceptance of some harder-to-place cases or cases with upcoming deadlines that are shorter than 30 days.

LSA appreciates your recommendation. LSA's PAI Coordinator has been meeting with individual VLP directors, their staff and their Board members. The Executive Director and PAI Coordinator have also met with the Directors as a group. At the last meeting, we asked them to include us in all their future meetings. We plan to develop a schedule for quarterly meetings.

Recommendation III.2.16.2. LSA should seek the substantive input of VLP staff and board chairs when formulating its PAI plan and before approval of a draft plan.

LSA appreciates your recommendation. Before beginning drafts of the 2014 and future PAI plans, LSA will request suggestions from the VLP Directors. During development of the plan, LSA will ensure input of VLP staff and board chairs.

Recommendation III.2.16.3. LSA should ensure that development of PAI plans and strengthening relationships with pro bono partners are included in the program's strategic plan for the future and that pro bono advocacy goals are, likewise, incorporated into the planning process. We are committed to strengthening our relationship with our pro bono partners.

LSA is committed to strengthening its relationship with other pro bono partners and have included steps toward this in our strategic plan. As we continue our strategic planning discussions, we are including pro bono advocacy goals as part of the picture for what LSA looks to accomplish.

Recommendation III.2.16.4. LSA and its pro bono partners in Alabama should seize the opportunity provided by National Pro Bono Week to strengthen their relationships. LSA might consider approaching its VLP and state partners about setting up a task force with multi-stakeholder



representation to focus on increasing pro bono representation in the areas of most critical need for the client population.

The PAI Coordinator and VLP Directors serve together each year on the State Bar's Celebration Pro Bono Committee and play major roles in development and implementation of the plans. The plans include clinics in some of the areas of most critical need. LSA appreciates your suggestion about a multi-stakeholder effort to increase pro bono representation in the areas of most critical need and will work with the LSA Board PAI Committee, VLP Directors and other partners to try to bring this about.

Recommendation III.2.16.5. LSA should consider shifting the majority of pro bono coordination, for all but the statewide VLP, from the state to the local level and should encourage its managing attorneys to devote time to strengthening the office relationships with the VLPs.

LSA will continue to use Managing Attorneys as the best link to local bar associations and expand this model to establish more clinics with the bar associations and to strengthen ties with the VLPs.

Recommendation III.2.16.6. The Private Attorney Involvement/Pro Bono Committee of the LSA Board of Directors and the board as a whole should take a more active role in strengthening the relationships between LSA and its sub-grantees. The committee might serve as a source of ideas to help strengthen collaborative partnerships between LSA and the VLPs in the area of pro bono service delivery. The committee should also consider serving as a liaison between LSA's PAI program and the statewide and regional VLPs.

The LSA Board PAI committee will become more active in working with LSA's entire private bar involvement program, including the VLPs.

Recommendation III.2.16.7. LSA should consider encouraging its pro bono partners, when resources permit, to join the program in convening a statewide facilitated pro bono summit involving key stakeholders and leaders in Alabama.

LSA appreciates this suggestion and will encourage our pro bono partners to work to develop such a pro bono summit.

Finding 17. We concur with your finding that LSA engages in numerous other services and activities that provide both education on and access to the justice system for the low income population throughout its service area.

No comment, except LSA agrees with the finding.

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

Finding 18. We agree that the LSA Board of Directors is supportive of the program and actively engaged in program oversight and governance.

No comment, except LSA agrees with the finding.

Recommendation IV.1.18.1. LSA should work to increase financial expertise on the board through recruitment of fiscal professionals to serve on or advise the board and its finance committee.

The LSA Board has set as a priority to bring in someone with financial expertise or a managing partner of a private law firm to serve on or advise the board and our finance committee.

Finding 19. We agree the LSA executive director became the program's leader and most visible public face at a difficult time for the program and that he has since provided steady firm leadership.

No comment, except LSA agrees with the finding.

Finding 20. We agree that we an effective management structure as well as processes and systems to ensure compliance with funder requirements.

No comment, except LSA agrees with the finding.

Recommendation IV.3.20.1. The program should use the strategic planning process to continue looking at administrative roles and consider whether further adjustments or changes in job responsibilities might be appropriate. We concur with this recommendation and are including the review of administrative roles in our Strategic Plan which will be presented at our December board meeting.

LSA is using the Strategic Planning process to look at administrative roles and will consider in December whether adjustments or changes in job responsibilities might be appropriate.

Recommendation IV.3.20.2. The program should consider the use of succession planning beyond the executive director position to other senior management positions.



LSA, as part of the Strategic Planning process, is considering the use of succession planning beyond the executive director position.

Recommendation IV.3.20.3. The program should consider having the managing attorneys meet with the executive team regularly to discuss policy and organization issues. Managing Attorneys should also have the opportunity to meet on their own to discuss management issues and to encourage coordination on delivery systems.

Since the LSC OPP visit, the managing attorneys have met twice with members of the executive team and we plan to hold quarterly meetings.

Recommendation IV.3.20.4. The program should consider rotating the lead attorney position to provide the opportunity for other attorneys to develop their leadership skills.

LSA will consider rotating the lead attorney position(s) as appropriate.

Finding 21. We agree that LSA has a talented IT staff and a good technology plan.

There is a correction to the second sentence. It should read "The IT manager has been with LSA for eight years ..." instead of "over a decade." There are no other comments except that LSA concurs with the finding.

Finding 22. The program has had significant successes in reaching the client population and providing legal assistance in the aftermath of both natural and man-made disasters.

No comment, except LSA agrees with the finding.

Recommendation IV.3.22.1. LSA's disaster plan should be updated and in the process, the program should consider providing additional detail.

LSA will review and revise the LSA Disaster Policy by December 31, 2013. LSA has updated the disaster emergency notification rosters for the offices and will do so as employees are hired and terminated. LSA will review the LSC LRI for best practices for consideration and inclusion in the LSA Disaster Policy. The LSA Controller ensures the following with regard to backups: LSA's payroll

records are retained in a secured ADP's database; the Payroll Summary and other reports are saved and stored locally on the LSA network; the LSA accounting records are locally backed up at least twice a day; and records are backed up and stored at a remote location nightly.

Finding 23. LSA has detailed written fiscal policies and procedures geared to comply with applicable LSC requirement that appear to be followed. The program appears to engage in appropriate budget planning and oversight.

No comment, except LSA agrees with the finding.

Recommendation IV.4.23.1. The program should consider multi-year budgeting to allow LSA to plan beyond a single grant year, to monitor and achieve goals that extend beyond one year, and to ensure adequate resources are available to achieve the goals of the program's strategic plan.

LSA has begun multi-year budgeting following the LSC OPP visit and with the hiring of a new controller.

Finding 24. The program has sufficient, capable, trained staff assigned to human resources administration.

No comment, except LSA agrees with the finding.

Recommendation IV.5.24.1. The executive director should conduct written performance evaluations for the members of the executive team.

LSA will consider the recommendation of LSC.

Finding 25. Communication throughout the program occurs through various means, including email, instant messaging, a program newsletter, and in-person meetings. However, communications from central administration to branch office staff may be having an unintended effect on morale.

Recommendation IV.6.25.1. Given the conditions under which LSA staff is currently working which include funding uncertainties, modest pay, increased turnover, high caseloads, and increased pressure to produce, communication from the central office may be contributing to staff stress. The executive office should examine its manner in light of this.

Page 15
October 10, 2013
Ms. Janet LaBella

LSA agrees with the observation that communication and decision making are top down from the central office and some decisions are made with little or no opportunity for staff input of the decision. We do attempt to obtain feedback of management and staff and we have a committee for important decisions such as healthcare to take into account concerns of employees. The LSA Benefits committee is comprised of representatives from all offices and all employee classes. Important decisions impacting benefits involves feedback from our staff and we use Survey Monkey as a resource to collect staff input. We use Survey Monkey to conduct climate assessments regarding organizational operations, leadership and management, employee development, and to gather feedback on employees' perceptions of their worth and contributions to the firm.

Finding 26. LSA has had some recent fundraising successes, but has seen program resources diminish and has experienced a significant reduction in funding during 2013.

There is an error on page 32. The sentence that reads "Another significant recent success is the award by the Attorney General's Office of \$1.2 to LSA ..." should be changed to read "Another significant recent success is the award by the Attorney General's Office of \$1.2 *million* to LSA ..." No other comments except that LSA agrees with the finding.

Recommendation IV.7.26.1. The program should use the strategic planning process as an opportunity to provide additional focus and direction to the area of resource development. We agree with the recommendation and will produce a written plan as part of our strategic planning process.

LSA will use the Strategic Planning process to produce a written plan to provide focus and direction for fund development.

Recommendation IV. 7.26.2. LSA should provide its new resource development director with the tools necessary to become successful in this position and in her fundraising work on behalf of LSA. At a minimum, this should include sending her to necessary trainings and fundraising conferences. When resources allow it, the program should consider supplementing the expertise of the resource development director with a fundraising consultant.

LSA agrees that it should provide the new resource development director with tools to ensure her success in this position. LSA sent the Resource Development Director to the MIE Fundraising Conference in July 2013. The program will investigate further needed training for the Resource Development as



Page 16
October 10, 2013
Ms. Janet LaBella

part of her professional development. The program will consider your suggestion of supplementing the resource development department if and when funds become available.

There are corrections needed to footnote number 44. The figure for IOLTA funding from the Alabama Bar Foundation of \$308,000 in 2010 is incorrect. The correct award amount for 2010 was \$318,000. The figure for IOLTA funding from the Alabama Bar Foundation of \$50,000 in 2013 is incorrect. The correct award amount for 2013 was \$62,000.

Finding 27. LSA is an active participant in state and regional legal assistance delivery efforts to achieve equal justice and to meet the civil legal needs for low-income persons in Alabama.

No comments, except LSA agrees with the finding.

Thank you for the LSC OPP Program Quality Visit. Should you have any questions, please call me at (334) 223-5120.

Sincerely,



James H. Fry

JF/eh

lsc opp oct 10 2013

