



Northwest Justice Project

March 4, 2014

Janet LaBella, Director
Office of Program Performance
3333 K Street, NW 3rd Floor
Washington, D.C. 20007-3522

**Re: Recipient No. 948010 - Draft Report Response
Program Quality Visit, November 12-20, 2013**

Dear Ms. Labella:

Thank you for forwarding the Draft Program Quality Visit Report. We were heartened to see that LSC found NJP provides “superior advocacy on behalf of Washington’s low income population”; “handles significant matters, and approaches litigation with an eye on emerging issues...[and] to solve problems for large numbers of clients; “integrates private attorneys into its work”; and, “has strong, effective, and committed leaders and an engaged board of directors.” In general, our review of the Draft Report suggests that the PQV team was thorough and the feedback was extremely positive. We take the recommendations seriously and will give both Tier One and Tier Two recommendations thorough consideration as we move forward on our strategic plan implementation and other major initiatives identified in the Report.

Our review of the Report did disclose some factual errors that we feel compelled to correct for the Final Report. In doing so, we identify only those items we deem material. We realize that some of the background information may have been taken from materials NJP provided LSC in the past.

We also have concerns about how a few of the recommendations are phrased and would hope that proposed language changes can be considered to address specific circumstances that may be unique to NJP. The factual issues and recommendations are addressed separately below in the order they appear in the Draft Report.

Factual Corrections:

1. Program Overview, p. 3, first ¶: LSC funding to NJP will not be further reduced in 2014. The 2014 grant (excluding TIGs) is actually higher. The amount is \$ 6,275,679.

2. Findings, Conclusions, and Recommendations (FCR), Finding No. 1, p. 4, last ¶: NJP does currently use client satisfaction surveys in its Seattle-based Medical Legal Partnership program, which are conducted by telephone. NJP further uses client surveys in our Area Agency on Aging contracts. The referenced sentence would be accurate if it read: “NJP does not currently use client satisfaction surveys uniformly throughout its service delivery system.”
3. FCR, Finding No. 1, p. 5 first ¶: The medical legal partnership is currently called the Washington Medical Legal Partnership. It partners with the two Seattle area hospitals identified, as well as SeaMar Health Clinics. NJP’s statewide veteran’s project is currently staffed by an Equal Justice Works Fellow, four EJW/AmeriCorps Fellows, and one SSVF attorney.
4. FCR, Finding No. 5, p. 8, third, fourth and fifth ¶¶: CLEAR is staffed by 25 attorneys (not 22); is open from 9:15 a.m. to 12:30 p.m. (not 12:15); and, call-backs occur throughout the day (delete “after intake has concluded”).
5. FCR, Finding No. 5, p 9, last ¶: Average wait for screener is 20 minutes (not 40-50); this may reflect the longest wait experienced for a screener.
6. FCR, Finding No. 5, p. 10, fourth ¶: While it is accurate that callers in the CLEAR queue are not able to hear music, they are provided information about the statewide website, online application process, and other messaging. The inability to hear music is due to the old phone system and, hopefully, will be remedied with a new phone system.
7. FCR, Finding No. 5, p. 10, last ¶: While it may be the case that some attorneys in field offices voiced concern about the nature of CLEAR referrals as weighted toward family law and “not compelling”, the sentence suggests that NJP’s staff is not sympathetic to family law client needs, which we do not believe to be the case especially given the level of extended family law representation in the field. Cases are not generally referred to a field office by CLEAR if the office had not indicated the case is within its own case selection priorities and that it was “open” for family law referrals. As written, the sentence does not accurately reflect NJP’s approach and is counter-productive to ongoing program coordination and collaboration to address client needs statewide. We ask you to consider rewording the sentence to read: “Because NJP’s family law caseload had previously been higher than the national average, as part of its Strategic Plan NJP undertook the goal to develop a statewide response to the demand for family law services. Field offices have endeavored to their reduce family law caseload in a variety of ways, including adhering to more rigorous case selection criteria, reducing the number of family law cases open at any given time, and working with their local volunteer lawyer programs to increase their capacity to accept family law cases. This effort has allowed NJP to obtain a more balanced caseload and incorporate new areas of practice under the auspices of its Strategic Advocacy Focus. One result of this may be more family law CLEAR

referrals being rejected by Field Offices. NJP should consider reviewing its overall caseload to ensure appropriate balance.”

8. FCR, Finding No. 7, 15, last ¶: There are regular training opportunities for non-advocacy staff. These include a monthly program called *Wednesday Wisdom*, which offers enhanced computer and other skills to all staff, a quarterly Legal Assistants meeting, which provides both an avenue of mutual support statewide, as well and peer roundtables on office systems, practices and other concerns within the ambit of Legal Assistant responsibilities, and participation in the annual all-NJP event at which information and inspiration is shared program-wide. NJP also offers all staff access to Employee Assistance Program (EAP) seminars that relate to work environment, communication and leadership issues. Non-attorneys are invited and welcome to request attendance at identified training events. Accounting and technology staff members regularly attend, and are often presenters at, state and national conferences. While we could always do better, as currently written the report is inaccurate. We ask that the sentence stating “[t]here do not appear to be many training opportunities for non-advocacy staff” be deleted.
9. FCR, No. 7, p. 18, first ¶ under NAU: The language that distinguishes between “status cases” and “normal priority cases in tribal and in state courts” could be misinterpreted to suggest that cases for Native Americans are not “normal.” We believe the intent of this sentence is to distinguish between Indian status cases and cases otherwise within basic field priorities for Native American clients in either state or tribal court. Assuming this intent, we suggest the sentence be changed to read: “In addition to unit staff, attorneys throughout the service area represent Native American clients in both status cases and in cases that are otherwise within basic field priorities in tribal and state courts.”
10. FCR, No. 7, p. 19, first ¶ also under NAU: The NAU intake attorney is referred to as the “CLEAR attorney.” The report accurately states that the unit consists of three attorneys. The attorney responsible for conducting most of the intake does perform a CLEAR-like function for the NAU, but she is not a CLEAR attorney and the dedicated line is not a CLEAR line. This could be corrected by removing the term “CLEAR” before the “dedicated line” and referring to the attorney as the “NAU Intake Attorney” throughout.
11. FCR, No. 8, p. 21, first ¶: The Report states that “NJP utilizes pro bono (including emeritus and otherwise inactive attorneys), in CLEAR,”. OPP probably intends this to read “and otherwise non-practicing attorneys”. As written it suggests that NJP uses non-licensed attorneys as volunteers. We do not. All of our volunteers are licensed to practice law and emeritus is one license status in Washington. None of our volunteer attorneys are in “inactive” status. We ask that this be changed to read as indicated above.

12. FCR, No. 11, p. 25, second ¶: NJP's Director of Administration (not the Director of Strategic Initiatives) is responsible for the SharePoint based internal information system (IKE).
13. FCR, No. 13, p. 26, last ¶: It is more accurate to say that NJP was a "catalyst for" the electronic transfer capability of Legal Server versus "early adopter".
14. FCR, No. 13, p. 27, ¶2: Add NJP's website manager to the "technology team."
15. FCR, No. 18, p.30, fifth ¶: Correct "non-comprised" to read "now comprises..."
16. FCR, No. 18, p. 30, sixth ¶: Again, correct the 2014 LSC grant award to show that is in fact an increase to \$6,275,679. The rest of the paragraph re loss of staff is accurate.

Proposed Recommendation Changes:

1. 1.1.1.1.: NJP includes client eligible persons in our periodic survey of client needs and an OCLA sponsored major survey of client needs will occur this year. NJP elicits input on client needs and legal priorities through client groups, social and human resource providers and partner legal aid organizations. Meeting with client groups to identify legal needs is a major initiative under our new Community Engagement policy. While surveying individual client eligible persons on legal needs annually may produce additional information, in depth engagement with client communities is likely to be more responsive and provide better information than untargeted survey instruments, which often go unanswered. We propose that this recommendation be changed to read: "NJP should ensure that its priority setting processes include significant input from client eligible persons and client communities."
2. II.1.5.1: The reference to the new Limited Practice Officers ruling should be to "Limited License Legal Technicians". The reference cite should be to APR 28, http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=APR&ruleid=gaapr28. "Limited Practice Officers" refers specifically to persons licensed solely to do real estate closings.
3. II.1.5.2: Shortly after the PQV, NJP obtained a quote to conduct a business process analysis of CLEAR and the statewide intake system per this recommendation and found that it would be prohibitively expensive. While we have no concerns about the recommendation itself, given that it is a Tier 1 recommendation, we ask that it be subject to financial feasibility, so as to read: "NJP should consider conducting a business process analysis of the CLEAR system and statewide intake process to the extent that doing so would be economically feasible and within program budget."
4. II.1.5.6: As we discussed at the Exit meeting, the recommendation to provide an intermediate stage of service after screening is inconsistent with both our overall service delivery goals and the integrated nature of the Washington state legal aid delivery system. It may not have been clear at the time of the visit, and the

information is not incorporated into the description of the intake system, but the delivery of an intermediate stage of service does currently occur outside NJP. If an intake call is not within the higher level of CLEAR service priorities, it is referred immediately from the Screener Unit to a volunteer lawyer program in the caller's community or other legal aid provider based on their stated priorities. For example, if a caller is in need of simple advice and/or very limited assistance on a lower level legal matter, and the matter is within a local area volunteer lawyer program, the caller will immediately be referred to that program and their case file electronically transferred for the limited service. Alternatively, callers are also immediately provided publications that relate to their problem if that is all that is required. Given that this recommendation does not take account of the full context in which the simpler legal needs are addressed in Washington, we ask that it be deleted.

5. III.1.7.4: Per the above discussion regarding Finding No. 7, we believe this recommendation did not fully account for the training opportunities for non-advocacy staff that currently exist. Also, new hires do receive substantial training, but we agree our "orientation" of new hires could be better. We ask that you consider revising this recommendation to read: "NJP should ensure that new hires are adequately and uniformly oriented."

6. IV.7.18.1: While NJP has no concerns about the recommendation that the Board develop and pursue a resource development plan (IV.1.10.2), we do have concerns about a recommendation that we retain the services of a development professional to work on development strategies. This is a resource issue and LSC funds are not available for this purpose. As we read OMB A-122, fundraising and investment management costs are un-allowable federal costs. Moreover, it requires that related overhead be apportioned. See OMB A-122, Section 17 re Fund raising and investment management costs:
 - a. Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions are unallowable.
 - b. Costs of investment counsel and staff and similar expenses incurred solely to enhance income from investments are unallowable.
 - c. Fund raising and investment activities shall be allocated an appropriate share of indirect costs under the conditions described in subparagraph B.3 of Attachment A.

We respectively ask that this recommendation either be deleted, or the language modified to read "As non-LSC resources permit, NJP should consider retaining the services of a development professional to work with the board and management to develop strategies for resource development compatible with the State Plan."

Again, we are gratified that the report recognizes the high quality of our services and the strength of our program management and governance. Our comments are intended to ensure as much accuracy as possible in order to reduce questions or avoid raising concerns as we

Janet LaBella

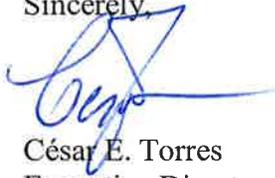
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share the report with staff and others outside NJP as appropriate. We hope that as we move forward with a new phone system, the deficiencies identified in our intake processes will be substantially mitigated and that NJP will continue to be a model and national leader in the development of legal aid intake and limited assistance systems. We also understand the value and importance of ensuring that our program continues to be a national model and will endeavor to strengthen our management, governance, emergency systems and financial stability as appropriate.

We look forward to receiving the Final Report. If you have any question, please feel free to contact me.

Sincerely,



César E. Torres
Executive Director

c: Monica Langfeldt, Board President
Deborah Perluss, General Counsel