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June 16, 2014

Grayce Wiggins
Program Counsel
Office of Program Performance
Legal Services Corporation
3333 K Street, N.W.
Washington, D.C. 20007

RE: Response to PQV Draft Report 2014

Dear Grayce,

Thank you for the opportunity to respond to this report. Please see CLS' response below.

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. CLS recently conducted a legal needs assessment and is aware of the legal needs of the low-income population in its service area.

Recommendation 1.1.11: The program is encouraged to continue the process of identifying needs in its service areas using various methods.

Finding 2: CLS has set forth specific objectives, goals, and outcomes in key priority areas.

Program Response

CLS agrees with the findings 1 and 2, CLS accepts Recommendation 1.1.11

Finding 3: CLS has adopted a strategic plan for 2012-2016, however it is not effectively managing its implementation.

Recommendation 1.1.3.1: CLS should continue implementing the objectives under its strategic plan. Attention should be given to designating a point person(s) who is responsible for updating the status of all tasks and can assist committees in adhering to



Community Legal Services is committed to eliminating poverty-based inequities in the civil justice system
by providing high-quality legal advice, advocacy and assistance to low-income Arizonans.



firm internal deadlines. A current, updated version of the strategic plan should be located in a central location that is accessible to all program staff.

Program Response

CLS acknowledges that at the time of the visit CLS had not completed the work necessary to fully outline the objectives, tasks, deadlines, and milestones anticipated by the strategic planning process. CLS was also engaged in filling positions on the CLS board as well as making changes to its management structure. Now that the management structure has been adopted by CLS and board positions have been filled CLS can focus on continuing to implement the objectives under the strategic plan. CLS will maintain a current updated version of the plan and make it readily available to staff and board members.

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

Finding 4: CLS' branch offices are clean and professional; the staff treat clients with dignity and respect.

Program response

CLS agrees with the finding.

Finding 5: CLS' intake system is not coordinated program-wide and it lacks efficiency.

Recommendation II.1.5.1: CLS' intake system should be evaluated for improvement and restructuring including the over-reliance on paper applications. The evaluation of intake across all branch offices should result in the development and implementation of standard protocols. In light of the significant effort invested in strategic planning, CLS should develop an intake committee, representing staff at all levels, to strategically examine the intake system and to evaluate its effectiveness.

Recommendation II.1.5.2: CLS should examine the allocation of staff resources within its intake system to account for the various intake portals and aid in a more coordinated and efficient process.

Recommendation II.1.5.3: CLS should research intake models utilized by other legal services providers that address the telephone, walk-in, and online systems.

Recommendation II.1.5.4: CLS should evaluate how technology can be integrated into the intake process to improve client access, including the use of technology that will provide call flow reports; track the number of incoming, dropped and abandoned calls;

reduce wait times; and ensure that entries into the CMS are contemporaneous whenever possible.

Program response

CLS agrees that its intake system is not coordinated program-wide and in some cases lacks efficiency.

The planning process highlighted the increase in the number of financially eligible clients seeking legal services with access to cell-phones and computers and the need for CLS to evaluate how technology can be integrated into the intake process. CLS plans to conduct an analysis of the intake system and assess the staff resources necessary to improve client access to our various intake portals.

As recommended CLS has formed a program-wide committee to review and recommend restructuring of the intake system. In addition, CLS is working with the Arizona Bar Foundation and the PIKA Case Management System developers to rectify problems with the delay in information received by CLS through its Case Management System.

Finding 6: CLS does not provide a link to the online intake from its own homepage, and it is difficult to locate the link to the online intake on the statewide website.

Recommendation II.1.6.1: CLS should work with the Arizona Foundation and the other collaborating organizations to evaluate the effectiveness of the online intake portal. A link to the online intake portal should be included in a prominent location on the program's website, with instructions for visitors about how to access the link.

Program response

CLS accepts the finding. CLS accepts each of the recommendations and plans are underway to implement them. As noted during the visit, CLS' new website is currently under construction. The new website will be launched in July and it will provide a link to the online intake portal. CLS will also work with the Arizona Bar Foundation to further evaluate the online intake portal and its accessibility on the statewide website.

Finding 7: CLS should examine issues of safety and confidentiality in all its offices.

Recommendation II.1.7.1: CLS should consider adopting safety-training protocols and also evaluate potential safety and confidentiality concerns in each of its branch offices.

Program response

CLS has examined issues of safety and confidentiality in all its offices. Management staff in each office is charged with monitoring and evaluating safety and confidentiality concerns in each of its branch offices. Steps will be taken to address those concerns as they are identified. CLS accepts the recommendation and will consider adopting safety training protocols.

Finding 8: Many of the staff are involved with the low-income community and organizations in the service area.

Program response

CLS agrees with the finding.

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

Staffing and Expertise

Finding 9: CLS has a mix of new and experienced advocates as well as experienced practitioners new to legal services.

Recommendation III.1.9.1: CLS should develop orientation protocols for new staff positions that include an overview of legal services practice, program policies, substantive training, supervision training, training plans, and skill attainment goals.

Recommendation III.1.9.2: CLS should survey staff to get a better understanding of training needs.

Program response

Staffing and Expertise

As noted earlier in the report during 2011-2013 CLS experienced significant turnover among its advocacy staff. In 2011, in response to the economic crisis CLS announced a “reduction in force plan”, which would result in the loss of two (2) attorney positions and three (3) paralegal positions. In 2012, in addition to two staff attorneys who left to take other jobs, CLS lost three (3) managing attorneys, one to an untimely death, another to retirement, and the third left to pursue another job offer.

In 2013, CLS received funding from a statewide Attorney General Grant to hire seven (7) additional advocates (attorneys and paralegals) to staff the Foreclosure Project and an increase in funding from several other sources which resulted in CLS hiring and promoting experienced

staff to assume managerial responsibilities and recruiting new attorneys to fill open positions in each of our branch offices. CLS conducted a formal orientation for new hires in June, 2013.

In 2014 at the time of the program visit, CLS had not yet filled the staff attorney position for the Yuma office nor the two intake attorney positions. CLS has since filled the Yuma position and hired two staff attorneys for the intake unit. Again, CLS conducted a formal orientation for the new hires in May, 2014.

In March, 2014, the CLS Strategic Work and Advocacy Team (SWAT) launched a training program for attorneys that included:

- Litigation and Case handling – Two full days –
- Client Confidentiality
- Rules of Evidence
- Employment Law
- ABA Litigation Section sponsored Trial Practice – Two full days

Monthly brown bag “First Friday” trainings began in May, 2014 and will continue to be offered to all staff. The trainings are scheduled to cover topics that will address substantive areas and improve staff’s ability to work with clients more effectively, especially in the areas of cultural sensitivity, working with vulnerable populations and difficult people.

A formal orientation and training program was implemented for new managing attorneys in March, 2014. The training is held monthly to coincide with the monthly meeting of managers and includes topics of interest requested by the managing attorneys: LSC Regulations, Program Policies and Procedures, CLS Intake Process, Grants and Grant Reporting, CLS Forms, Closed Case Checklist, Case Review Checklist, PIKA Codes, Activity and Case Closure Codes. In addition, CLS, DNA, and Southern Arizona Legal Aid (SALA) have contracted with the Management Information Exchange (MIE) to conduct an Arizona based “Supervising Legal Work” Training Program in Phoenix, August 25-26, 2014. All of the CLS managing attorneys and many new managing attorneys from SALA and DNA plan to participate as well.

Quality and Quantity of Legal Work

Finding 10: The program’s total closed case statistics are substantially below the national median for LSC grantees.

Recommendation III.1.10.1: CLS should address covering the responsibilities that had been handled by the litigation director. This coverage by a responsible manager should include oversight and implementation of the recommendations contained under this performance criteria including, strategic initiatives, analysis of program productivity, orientation and training, coordination of legal work, enhancement of the quality and reach of the legal work, and uniform legal work management systems and protocols.

Program response

For 2012, the low numbers reflected in the closed case statistics are not a reflection of the quality and quantity of the legal services provided to the client community by staff and volunteers. While the significant turnover among our attorneys over the past two years does account for much of the low caseloads and case closures, numbers of closed cases do not tell the whole story of CLS' staff delivery of legal services to the low income population that we serve.

In addition to the individual representation of clients in cases, CLS' staff engages in strategic activities designed to increase access to the civil justice system to low income Arizonians that are not reflected in the case statistics reports. Those activities range from community education, pro se assistance, negotiations with state and local decision-makers to resolve problems in our communities, clinics, outreach, continuing legal education seminars and other training designed to educate and train volunteer lawyers and other advocates to resolve legal problems for clients.

CLS' new management structure includes a deputy director and a director of advocacy position. The director of advocacy will have primary responsibility for the oversight and implementation of the recommendations contained under this performance criteria.

Finding 11: The program has demonstrated the capacity to engage in complex litigation. Both case discussions in interviews as well as submitted writing samples reflect that some staff has engaged in more complex matters.

Recommendation III.1.11.1: As resources permit, CLS should identify training opportunities, for all advocates, which address legal advocacy skills training.

Program Response

CLS agrees with the finding. CLS accepts the recommendation and has already initiated a training program for advocates which include substantive areas and address legal advocacy skills training.

Finding 12: While the program generally addresses its key priorities, implementation is uneven throughout the service area as cases are not uniformly accepted and the priorities of offices dictate the type of service available.

Recommendation III.1.12.1: The program is urged to assess and evaluate individual and program-wide case delivery statistics.

Recommendation: III.1.12.2: CLS should implement appropriate policies and procedures to address any deficiencies or lack of uniformity in addressing core priorities throughout the service area.

Program Response

CLS acknowledges that the program addresses its key priorities and in light of the staffing pattern for each branch offices (two attorneys, two paralegals, and intake staff) the type of services that a client can receive may be varied. As part of the planning process all advocacy staff is assigned to strategic advocacy taskforces that are charged with establishing program-wide goals and objectives for each priority area which will assist in providing an equal level of service in all priority areas. The taskforces are scheduled to provide reports to the board in September, 2014.

Finding 13: There is a lack of uniform legal work management and supervision policies.

Recommendation III.1.13.1: The program is urged to develop uniform legal work management and supervision procedures to be implemented program-wide.

Program Response

CLS acknowledges that it needs to revise its advocacy policies and procedures to provide more specific protocols about closed case reviews, review of written work and standards for new advocates. The new management structure which includes a deputy director, director of advocacy and the SWAT will enable CLS to more effectively address this issue this year.

Migrant Farm Worker Unit (FWU)

Finding 14: The program engages in high-quality advocacy on behalf of migrant farmworkers.

Finding 15: CLS is an integral part of the network of agencies serving migrant farmworkers in Arizona and other states

Finding 16: The FWU has an impressive record of representation on behalf of clients which accounts for modest closed case numbers.

Program Response

CLS agrees with all the findings related to the Farmworker Unit and its impressive record of representation on behalf migrant farm worker clients.

Finding 17: The Volunteer Lawyers Program effectively integrates private attorneys and volunteers in the delivery of legal services; there is however a need to strengthen the pro

bono efforts in branch offices.

Recommendation III.2.17.1: CLS should encourage more pro bono participation in the branch offices and establish best practices that can be incorporated into the overall pro bono effort program-wide, especially in rural communities.

Program Response

CLS agrees with the finding that the VLP effectively integrates private attorneys and volunteers in the delivery of legal services. CLS accepts the recommendation to encourage more pro bono participation in the branch offices and establish best practices that can be incorporated into the overall pro bono effort program-wide especially in the rural communities.

Finding 18: CLS engages in a number of other services and activities.

Recommendation III.3.18.1: CLS should encourage all advocates to engage in collaborative efforts with local, regional, and state community partners.

Program Response

CLS agrees with the finding that it engages in a number of other services and activities. CLS accepts the recommendation to encourage all advocates to engage in collaborative efforts with community partners.

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

Finding 19: The CLS board of directors is composed of committed members who are vitally interested in the work of the program.

Program Response:

CLS agrees with the finding.

Finding 20: The orientation and training of board members is comprehensive; however, members could benefit from regularly scheduled refresher sessions.

Recommendation IV.1.20.1: CLS should develop a regular training schedule that addresses topics highlighted in the orientation training for board members.

Program Response:

CLS agrees with the finding and plans to provide training and refresher sessions to board members during its July board retreat.

CLS accepts the recommendation and the executive director will work with the new board leadership to develop and implement a regular training schedule that addresses topics that are highlighted in the orientation training for board members.

Finding 21: The board has not been actively involved in evaluating the program's performance.

Recommendation IV.1.21.1: The board should take a more active role in reviewing performance and productivity and develop outcome measures that are incorporated into overall program planning and resource allocation.

Program Response:

While CLS acknowledges that during the last two years the board has not actively engaged in evaluating the program's performance, in past years the board through its Client Services Committee has engaged in program performance evaluations along with staff members.

Finding 22: The executive director is well respected and highly regarded as an effective, inspirational, and thoughtful leader.

Program Response

CLS accepts the finding.

Finding 23: As of this visit, the position description for a deputy director had not been finalized nor had the program developed a formal succession plan for executive and management level positions.

Recommendation IV.2.23.1: The position description for the deputy director should be completed without further delay to ensure sufficient time for a thorough candidate search, selection, and orientation process; CLS should consider how the responsibilities of the deputy director could address the gap left by departure of the litigation director and the implementation of the recommendations contained in Performance Criteria Three, as stated above.

Recommendation IV.2.23.2: The executive director and the board of directors should work closely in creating a written succession plan for the executive director position and other key management positions. This should be coupled with enhanced leadership development of CLS staff.

Program Response

CLS agrees with and accepts the finding and the recommendation. During the development of the succession plan for the executive director the CLS board considered the role of the deputy

director and the executive director and approved the continued funding for a director of advocacy position that would assume many of the responsibilities previously filled by the litigation director. That position will be posted at the end of June, 2014.

Since the visit CLS has finalized the deputy director job description and the position has been posted statewide and nationally.

In addition, CLS' board leadership and the executive director developed and the board adopted a formal succession plan for the executive director position during its annual meeting in May.

Finding 24: CLS' leadership team consists of long-term, experienced professionals who have a commitment to the mission of the organization.

Technology

Finding 25: CLS has outdated and ineffective technology that impedes the program's productivity and efficiency.

Recommendation IV.3.25.1: As resources permit, CLS is encouraged to hire a consultant to conduct a comprehensive technology assessment of the program's infrastructure, hardware, and software. This assessment should provide recommendations for improvements to the case management, telephone, and computer/hardware systems.

Program Response

CLS agrees with the finding and is taking steps to invest in new updated technology to support the program's efforts to provide high quality legal services to its ever increasing client community.

Finding 26: CLS has recently hired a consultant to provide training to staff on the program's systems and software.

Recommendation IV.3.26.1: CLS is encouraged to continue providing training for all staff on its systems and programs to ensure that they are able to use the technology properly and effectively.

Program Response

CLS agrees and accepts the recommendation. CLS is involved in the selection of a consultant to conduct the technology assessment of the program's infrastructure, hardware, and software which will provide CLS with recommendations for improvements to the case management, telephone, and computer/hardware systems.

Disaster Planning

Finding 27: CLS's business continuity plan has not been regularly reviewed and is not assigned to any staff member for updating.

Recommendation IV.3.27.1: CLS should designate a staff member to regularly review and update the business continuity plan annually.

Program Response

CLS agrees with the finding and accepts the recommendation to designate a staff member to regularly review and update the business continuity plan annually.

Financial Administration and Human Resources

Finding 28: The CLS fiscal staff are well qualified, competent, and diligent in carrying out their responsibilities, but CLS must move forward, with all deliberate speed, in transitioning responsibilities given the impending retirement of the finance director.

Recommendation IV.4.28.1: The executive director should ensure that there is a clear and adequately detailed transition plan for the finance and information systems director position. It should also be determined what, if any, additional resources or technical support may be available to cover those functions, as this concern should be recognized as a top priority.

Recommendation IV.4.28.2: When reviewing the technology recommendations, CLS should address the inability of the Pika to interface with the accounting reporting systems.

Program Response

CLS agrees with the finding and is moving forward with all deliberate speed in transitioning responsibilities given the impending retirement of the finance director. The assistant finance director is being trained by the current director to assume the responsibilities of the finance director position upon his retirement. She has been trained and assumed responsibility for the preparation for the 2013 audit, she is now working on the development of financial projections for the board and management staff. Our goal is to hire a new grants administrator/assistant finance director in the fall to begin to be trained to support the new finance director.

Finding 29: CLS has a capable and knowledgeable human resources staff.

Program Response

CLS accepts the finding.

Finding 30: There is a high turnover rate among staff.

Recommendation IV.5.30.1: CLS should conduct an assessment to determine the cause for the high staff turnover rate and create a program-wide retention strategy.

Program response

CLS has assessed the cause for the high staff turnover rate during the past two years and has developed plans to review and make changes as needed and appropriate to our salary structure and opportunities for leadership and growth among our staff.

Finding 31: CLS lacks strong internal communication systems.

Recommendation IV.6.31.1: The program should consider reviving its intranet or adopt other internal communication systems that will provide staff and administration with the opportunity to share relevant and timely information about the overall work of the program.

Program Response

CLS accepts the recommendation and plans to revive its intranet and adopt other internal communication systems that will provide staff and administration with the opportunity to share relevant and timely information about the overall work of the program.

Finding 32: CLS' resource development activities are conducted in collaboration with statewide partner organizations; however, the program will need to develop a more aggressive approach to fundraising in order to accomplish the goals in the strategic plan.

Recommendation IV.7.32.1: The process necessary to achieve the goals stated in the fundraising component of the strategic plan must be supported by clear and deliberate strategies designed to engage new and appropriate funding sources. CLS should consider incorporating aggressive targets, timelines, and accountability.

Program Response

CLS accepts the finding related to the program's need to develop a more aggressive approach to fundraising in order to accomplish the goals in the strategic plan. The board resource development, committee chair, the resource development director, and the executive director have placed that high on the priority list for this board year.

Finding 33: The program is active and engaged in regional and statewide collaborations within the legal community in Arizona.

Program Response

CLS agrees with the finding that the program is active and engaged in regional and statewide collaborations in the legal community in Arizona.

Thank you.

Sincerely,


Lillian O. Johnson

LOJ/amt